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# **IDA19 MID-TERM REFUGEE POLICY REVIEW**

**Development Finance, Corporate IDA & IBRD (DFCII)**

**September 23, 2021**

## ACRONYMS AND ABBREVIATIONS

Fiscal Year (FY) = July 1 to June 30

All dollar amounts are US dollars

CMU	Country Management Unit	IDA19	Nineteenth Replenishment of IDA (July 1, 2020 – June 30, 2022)
CSO	Civil Society Organization		
CRRF	Comprehensive Refugee Response Framework	MTR	Mid-Term Review
		RPRF	Refugee Policy Review Framework
DCRM	Displacement Crisis Response Mechanism	RSD	Refugee Status Determination
GBV	Gender-Based Violence	RSW	Refugee Sub-Window
GCR	Global Compact on Refugees	UN	United Nations
IDA	International Development Association	UNHCR	United Nations High Commissioner for Refugees
IDA18	Eighteenth Replenishment of IDA (July 1, 2017 – June 30, 2020)	WBG	World Bank Group
		WHR	Window for Host Communities and Refugees

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## EXECUTIVE SUMMARY

i. **The Nineteenth Replenishment of the International Development Association (IDA19) significantly scaled up earlier efforts and policy engagement on development issues facing both refugees and refugee-hosting communities.**<sup>i</sup> Building on support of the IDA18 Refugee Sub-Window (RSW), the IDA19 Window for Host Communities and Refugees (WHR) focuses on the medium to long-term socioeconomic dimensions as part of the broader international effort underpinning the 2018 Global Compact on Refugees (GCR).

ii. **Pursuant to the IDA19 policy commitment,**<sup>ii</sup> **this paper aims to present a systematic review of refugee policy and institutional environments in fourteen countries eligible for the RSW/WHR.**<sup>iii</sup> Based on the Refugee Policy Review Framework (RPRF), the paper provides an overview of existing domestic policies and practices and developments/progress over time in the fourteen RSW/WHR eligible countries; and identifies further reform opportunities to inform WHR engagement. The paper looks at the countries' efforts and policies more broadly, regardless of whether these were supported by the WBG / RSW / WHR. References to WBG support are provided, where relevant without any assessment on the performance of such financial support. Moreover, the paper does not cover a wider spectrum of forced displacement issues beyond the scope and objectives of RPRF/RSW/WHR.

iii. **The RPRF, prepared by the World Bank in close collaboration with the United Nations High Commissioner for Refugees (UNHCR), provides the framework for analysis in the Country Summaries (see Annex 4).** The RPRF is articulated around four main policy dimensions, namely: Host Communities, Regulatory Environment and Governance, Economic Opportunities, and Access to National Public Services. It also includes two cross-cutting themes: Gender and Social Inclusion, which are key to socioeconomic development for refugees and host communities.

iv. **The paper presents a broad overview of information contained in the Country Summaries for eligible countries on an aggregate basis and analyzes refugee policy trends since the countries' initial RSW/WHR eligibility.** The Country Summaries for the fourteen countries eligible for RSW or WHR funding (the "eligible countries") are enclosed in Annex 2. These Country Summaries identify significant refugee policy developments that have taken place since the inception of IDA18 and initial eligibility for the RSW/WHR.

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<sup>i</sup> Executive Directors of the International Development Association, IDA19 Final Replenishment Report, *Additions to IDA Resources: Nineteenth Replenishment IDA19: Ten Years to 2030: Growth, People, Resilience* (2020) further referred to as "IDA Deputies report", par. 116.

<sup>ii</sup> IDA Deputies report, par. 117 (4).

<sup>iii</sup> The eligibility criteria are the same for both RSW and WHR: (a) the number of United Nations High Commissioner for Refugees (UNHCR)-registered refugees is at least 25,000 or 0.1 percent of the population; (b) the country adheres to an adequate framework for the protection of refugees; and (b) the government has in place a strategy or plan acceptable to IDA that describes the concrete steps, including possible policy reforms, toward long-term solutions that benefit host communities and refugees (see "IDA19: Ten Years to 2030: Growth, People, Resilience," Annex 4, para. 3).

v. **Over time, the analysis shows a significant impetus for reforms in the early phase of IDA18 that was re-oriented and slowed down during IDA19 and the COVID-19 pandemic.** Together, the fourteen eligible countries are hosting a very large proportion of the worldwide refugee population and continue to provide a substantial global public good, despite their own existing development challenges.<sup>iv</sup> A number of important refugee policy developments took place following IDA18 RSW eligibility across various countries, alongside numerous global efforts to strengthen the international refugee response framework and international responsibility-sharing. The subsequent re-orientation of priorities during IDA19 across several eligible countries and within the international community due to the COVID-19 pandemic slowed down this process and shifted focus toward a narrower set of actions aimed at including refugees and host communities in COVID-19 response efforts. The risk of reversal of development gains for refugees, their host communities, and more generally within the eligible countries could be significant as the pandemic and its impact are still unfolding.

vi. **As a whole, policy developments across the eligible countries during this period address the full range of RPRF policy dimensions and sub-dimensions, while developments in individual countries reflect their context-specific policy priorities.** While the refugee policy framework in each eligible country depends on a multitude of context-specific factors, the large majority of countries strived to strengthen their refugee policy environment. In particular, there were significant policy developments related to Regulatory Environment and Governance. This includes the ongoing review of regulations and laws affecting refugees and the adoption of refugee or asylum laws, which often represent far-reaching policy developments since they establish foundations for other policy actions. There was also significant progress related to identity documentation and civil registration as well as improving access to economic opportunities and National Public Services (although approaches to the latter were more varied, reflecting specific country circumstances and starting points).

vii. **At the same time, the degree of implementation of various refugee policies across the four policy dimensions varies across the eligible countries.** Implementation of policies is of critical importance, yet it has been constrained due to several factors. These include lack of budget, funding, or resources; lack of institutional capacity; lack of coordination between national and local levels; gaps in awareness of relevant policies by authorities and refugees; lack of access to asylum or justice systems; barriers resulting from administrative requirements; difficult or unstable security situations; and general lack of economic development, jobs, or infrastructure in the refugee-hosting areas. It should be noted that, in some cases, it is too soon to effectively analyze implementation of recently adopted domestic policies in eligible countries as relevant data are not yet available.

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<sup>iv</sup> As of June 30, 2020, the IDA18 RSW and IDA19 WHR eligible countries together host 6,539,181 refugees and asylum-seekers (see Country Summaries, Annex 2). This represents over one quarter of the global total of 24.8 million refugees and asylum-seekers worldwide. United Nations High Commissioner for Refugees (UNHCR), *Global Trends in Forced Displacement – 2020* (18 June 2021), available at <https://www.unhcr.org/en-us/statistics/unhcrstats/60b638e37/global-trends-forced-displacement-2020.html>. These figures include the 860,459 Rohingya in Bangladesh registered under the ongoing joint Government of Bangladesh and UNHCR registration exercise, whom the Government of Bangladesh refers to as “Forcibly Displaced Myanmar Nationals (FDMN)” and the United Nations (UN) system refers to as Rohingya refugees.

viii. **Sustainability of refugee management approaches and institutions also remains a challenge in several countries, as key aspects are fully or substantially funded or provided by UNHCR or other partners.** These initiatives are not yet effectively integrated into the government's planning, budgeting, and human resource systems. This affects the sustainability of such programs from a socioeconomic perspective, especially given the protracted nature of many refugee situations.

ix. **While future IDA support to refugee-hosting countries will be tailored to specific country contexts with no one-size-fits-all perspective, sustaining current efforts and support for reform opportunities related to access to basic services, labor markets, and social protection could have a significant socioeconomic development impact.** Key opportunities include supporting refugees' access to national education and health systems; supporting refugees' effective access to the formal labor market and strengthening the regulatory framework for refugees' access to productive assets; broadening the alignment of humanitarian assistance and social protection programs for both host communities and refugees; supporting efforts to enhance access to services and opportunities for women; prevent and address gender-based violence; strengthening the timely fiscal and budgetary transfers to refugee hosting areas to manage the impact of refugees; establishing and improving preparedness measures for potential refugee inflows; supporting efforts towards possible integration of Refugee Status Determination (RSD) and asylum systems within the national budget and institutional systems; improving the system of issuance of refugee identity documents by host governments; and helping countries strengthen data systems to improve the breadth and quality of available data relating to these policy areas for an evidence-based approach.<sup>v</sup> IDA will continue to align support to countries' efforts in these important areas of domestic policies and practices, in collaboration with other development partners.

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<sup>v</sup> The World Bank-UNHCR Joint Data Center on Forced Displacement could play an important role in this effort.

## I. INTRODUCTION

1. **The Nineteenth Replenishment of the International Development Association (IDA19) significantly scaled up earlier efforts and policy engagement on development issues facing both refugees and refugee-hosting communities.** Building on support provided through the IDA18 Refugee Sub-Window (RSW), the IDA19 Window for Host Communities and Refugees (WHR) focuses on the medium-term socioeconomic dimensions as part of the broader international effort underpinning the 2018 Global Compact on Refugees (GCR).<sup>1</sup> The WHR objectives are three-fold:<sup>2</sup> (a) mitigate the shocks caused by refugee inflows and create social and economic development opportunities for refugee and host communities; (b) facilitate sustainable solutions to protracted refugee situations, including through the sustainable socioeconomic inclusion of refugees in the host country and/or their return to the country of origin; and (c) strengthen country preparedness for increased or new refugee flows.

2. **This IDA19 MTR paper aims to share refugee policy developments in the fourteen RSW/WHR eligible countries.**<sup>3</sup> Pursuant to the IDA19 policy commitment to conduct a systematic review of refugee policy and institutional environments in eligible countries, this review aims to present existing domestic policies and practices and developments/progress over time in eligible countries, identify further reform opportunities, and inform/align future WHR engagement. The paper looks at the countries' efforts and policies more broadly, regardless of whether these were supported by the WBG / RSW / WHR. References to WBG support are provided, where relevant without any assessment on the performance of such financial support. Moreover, the paper does not cover a wider spectrum of forced displacement issues beyond the scope and objectives of RPRF/RSW/WHR. The paper has four sections: following the Introduction, Section II outlines the RPRF methodology and process; Section III provides an overview of policy progress/developments presented in the Country Summaries from an aggregate perspective; and Section IV sets out broad opportunities for future engagement.

## II. METHODOLOGY

3. **The Refugee Policy Review Framework (RPRF) was developed in close collaboration with UNHCR to anchor the analysis for the MTR.** This Framework benefitted from an inclusive and participatory consultation process and was made public in spring 2021. The RPRF is informed by the key principles of (a) no 'one-size-fits-all' approach, meaning that refugee-related policies are unique to each hosting country's situation and the RPRF therefore does not prescribe any

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<sup>1</sup> The eligibility criteria are the same for both RSW and WHR: (a) the number of United Nations High Commissioner for Refugees (UNHCR)-registered refugees is at least 25,000 or 0.1 percent of the population; (b) the country adheres to an adequate framework for the protection of refugees; and (b) the government has in place a strategy or plan acceptable to IDA that describes the concrete steps, including possible policy reforms, toward long-term solutions that benefit host communities and refugees (see "IDA19: Ten Years to 2030: Growth, People, Resilience," Annex 4, para. 3).

<sup>2</sup> World Bank Group, Additions to IDA Resources: Nineteenth Replenishment – Ten Years to 2030: Growth, People, Resilience, further referred to as "IDA Deputies report", Annex 4, para. 4.

<sup>3</sup> Bangladesh, Burkina Faso, Burundi, Cameroon, Chad, Democratic Republic of the Congo, Djibouti, Ethiopia, Mauritania, Niger, Pakistan, Republic of the Congo, Rwanda, Uganda. The process of establishing eligibility for WHR support is also under way for Kenya and Sudan.

universal or standardized set of policies for managing refugee situations; (b) not creating a ‘refugee index’ to benchmark countries; (c) consistency with the international normative framework, which is underpinned by key international agreements;<sup>4</sup> (d) selectivity to focus on priority policy areas which are most relevant to the WBG’s poverty reduction objectives for both host communities and refugees; (e) operational relevance to focus the WBG’s policy dialogue on policies that could improve socioeconomic opportunities for host communities and refugees; and (f) realism, in recognition that progress will often be incremental, reflecting the unique context and political economy within a given country. The RPRF is also informed by the development approach to forced displacement articulated by the WBG,<sup>5</sup> the institution’s development experience and inputs from the consultation process (see Annex 4, RPRF Technical Note).

4. **The RPRF is articulated around four main policy dimensions and two cross-cutting themes, which are key to the socioeconomic development of refugees and host communities.** Each policy dimension is further divided into sub-dimensions (Table 1). Under each policy sub-dimension and cross-cutting theme, the RPRF has articulated an overall ‘priority orientation’ which reflects the WBG’s approach and framework for analyzing policy developments over time. It also has defined guiding questions to analyze the existence and implementation of domestic policies and practices in each area against the corresponding priority orientation (see Annex 4). Though RPRF’s focus remains on the refugees and host countries, broader WBG efforts complement the RSW/WHR support in addressing the drivers of displacement, including transboundary and regional factors; and contribute to improving the conditions for sustainable return to the country of origin. For example, the Development Response to Displacement Impacts Project in the Horn of Africa<sup>6</sup> is an important regional project which responds directly to the refugee crisis in this region.

**Table 1. 1. RPRF Policy Dimensions and Sub-Dimensions**

Policy Dimensions and Sub-dimensions	
<b>1. Host Communities</b>	1.1 Support for communities in refugee hosting areas
	1.2 Social Cohesion
	1.3 Environmental Management
	1.4 Preparedness for refugee inflows
<b>2. Regulatory Environment and Governance</b>	2.1 Normative framework
	2.2 Security of legal status
	2.3 Institutional framework for refugee management and coordination
	2.4 Access to civil registration and documentation

<sup>4</sup> This includes the 1951 Convention Relating to the Status of Refugees, its 1967 Protocol, the 2018 Global Compact on Refugees, the 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa, and other related binding or non-binding international instruments. Although not all eligible countries have ratified or adopted each of these instruments, some of these countries provide protections to refugees by implementing their provisions, which make up the foundation of the international normative framework.

<sup>5</sup> *Forced Displacement and Development*, Development Committee, March 25, 2016 (DC 2016-0002), with further elaboration in the flagship report *FORCIBLY DISPLACED: Toward a Development Approach Supporting Refugees, the Internally Displaced, and Their Hosts*, World Bank Group, 2017.

<sup>6</sup> Development Response to Displacement Impacts Project in the Horn of Africa – P152822.

Table 1.1 *continued*

Policy Dimensions and Sub-dimensions	
	2.5 Justice and Security
<b>3. Economic Opportunities</b>	3.1 Freedom of movement
	3.2 Rights to work and rights at work
	3.3 Land, housing, and property rights
	3.4 Financial and administrative services
<b>4. Access to National Public Services</b>	4.1 Education
	4.2 Healthcare
	4.3 Social protection
	4.4 Protection for vulnerable groups
<b>5. Cross cutting themes</b>	5.1 Gender
	5.2 Social inclusion

5. **The Country Summaries produced by UNHCR under the RPRF establish a country's refugee policy baseline and identify refugee policy developments since the country's initial eligibility.** These Summaries were shared with the relevant host countries' governments for feedback and to resolve any possible inaccuracies before public disclosure. UNHCR collected and analyzed the data and information necessary for the country-level review of domestic refugee policies and practices in the eligible countries.<sup>7</sup> The process benefitted from UNHCR's expertise, extensive presence on the ground, and knowledge of refugee situations. Lessons learned through the implementation and completion of this review process will contribute to strengthening future collaboration with UNHCR. In line with the GCR's call for more equitable sharing of responsibility for hosting and supporting the world's refugees, the outcome of this review will be shared with other donors and partners supporting the eligible countries to strengthen the overall policy dialogue and coordination at the national and international level, including the alignment of development and humanitarian support.

6. **The individual Country Summaries were shared with the governments in eligible countries for comments and benefitted from their feedback.** The Governments of Bangladesh and Pakistan, which are not parties to the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol, have shared some observations and reservations in terms of RPRF's objectives, definitions and methodology that are perceived to be inconsistent with their domestic policies and practices. The World Bank is engaging both governments on the issues raised with the aim of

<sup>7</sup> The production of the initial summary for each country followed a twofold approach: (a) UNHCR conducted a desk review to identify key refugee policy developments that have occurred in each eligible country from the establishment of their initial IDA18 RSW eligibility (in most cases late 2017) up to the end of IDA18 (June 30, 2020). This process focused on developments from a *de jure* perspective to provide a retrospective overview of policy developments for each eligible country under IDA18 given that many data points relevant to the RPRF guiding questions were not available as far back as 2017; and (b) simultaneously, UNHCR applied the whole RPRF methodology for collecting information and data for the baseline as at the start of IDA19 (July 1, 2020). This focuses on the formal existence of domestic policies alongside observation and analysis of their implementation in practice. The process included UNHCR consultations with refugees in the data collection phase. The country summaries were shared with the concerned governments to provide them with the opportunity to identify issues or inaccuracies before finalization and public disclosure of these documents. The final country summaries in Annex 2 incorporate / reflect the comments and feedback provided by a number of governments.

clarifying and addressing these concerns and reaching a resolution consistent with the principles of the RPRF and the objectives of the WHR.

7. **The RPRF is simply a methodology for presenting existing domestic policies and practices for refugees and host communities in eligible countries, while recognizing their context-driven nature.** The RPRF is not intended to prescribe a universal or standardized set of policies for managing refugee situations in the eligible countries. It is used as a framework for analysis to gauge policy developments and progress over time, assess the efficiency of WBG's support to host countries and inform further engagement. The RPRF specifically recognizes that some countries provide protection to refugees even when they are not parties to the relevant binding international instruments.

8. **While implementing this methodology, the limited availability of comprehensive, reliable data related to some RPRF policy areas within and across eligible countries was identified as a significant challenge.** This resulted in difficulties in thoroughly understanding and analyzing the implementation and effects of certain policy changes. Improvement in the quality and availability of relevant data, including through building country systems and capacity, will be key to further strengthening IDA's evidence-based approach moving forward.

### III. ANALYSIS OF REFUGEE POLICY DEVELOPMENTS<sup>8</sup>

9. **Overall, the review makes clear that the eligible countries made meaningful policy efforts and provided a substantial global public good by hosting a large proportion of the worldwide refugee population.<sup>9</sup>** The eligible countries have made impressive efforts to address the needs of refugees and their host communities, including from a socio-economic perspective, despite their own existing development challenges. These include specific, concrete policy changes adopted at the domestic level, in addition to pledges made by governments at the multilateral level which point the way for future policy developments.

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<sup>8</sup> This section covers general trends observed through the baselines of the 14 countries as at the beginning of IDA19 and the policy developments in the countries since the inception of IDA18. Wherever relevant, the overview on policy developments contained in the Country Summaries is complemented in this report by recent developments that occurred during the first year of IDA 19, especially as they pertain to the COVID-19 response.

<sup>9</sup> As of June 30, 2020, the IDA18 RSW and IDA19 WHR eligible countries together host 6,539,181 refugees and asylum-seekers (see Country Summaries, Annex 2). This represents over one quarter of the global total of 24.8 million refugees and asylum-seekers worldwide. United Nations High Commissioner for Refugees (UNHCR), *Global Trends in Forced Displacement – 2020* (18 June 2021), available at <https://www.unhcr.org/en-us/statistics/unhcrstats/60b638e37/global-trends-forced-displacement-2020.html>. These figures include the 860,459 Rohingya in Bangladesh registered under the ongoing joint Government of Bangladesh and UNHCR registration exercise, whom the Government of Bangladesh refers to as 'Forcibly Displaced Myanmar Nationals (FDMN)' and the United Nations (UN) system refers to as Rohingya refugees. Between 2010 and 2020, the global number of refugees increased by 53.24 per cent, while UNHCR data show that the arrivals of new refugees and asylum-seekers in 2020 were sharply down in most regions compared to what would have been expected in non-COVID circumstances, mainly due to restrictions on human mobility. The statistical evidence shows that nearly three-quarters of people displaced across borders stay in neighboring countries. It is estimated that some 76 per cent of refugees were in a protracted situation at the end of 2020.

10. **The analysis shows a significant impetus for reforms in the early phase of IDA18 that was re-oriented and significantly slowed down by the COVID-19 pandemic.** A number of important refugee policy developments took place following IDA18 RSW eligibility across countries. Many such efforts had been initiated years earlier and gained momentum through numerous global initiatives to strengthen the international refugee response framework and international responsibility-sharing, including the adoption of the New York Declaration for Refugees and Migrants (2016), the Comprehensive Refugee Response Framework (2016), and the GCR (2018). These developments also correlated with the IDA18 RSW eligibility process and the corresponding policy discussions that took place between the WBG and a range of in-country stakeholders. The subsequent shift of priorities in eligible countries and the international community due to the COVID-19 pandemic slowed down this process. It also led to re-orientation towards a narrower set of actions aimed at including refugees and host communities in COVID-19 response efforts, including healthcare systems.

11. **As a whole, policy developments across the eligible countries during this period address the full range of RPRF policy dimensions and sub-dimensions.** In particular, there were significant policy developments related to Regulatory Environment and Governance. This includes ongoing administrative and legislative review processes of regulations and laws affecting refugees and the adoption of refugee or asylum laws, which often represent far-reaching policy developments because they establish foundations for other policy actions. There was also significant progress related to identity documentation and civil registration as well as to access to Economic Opportunities and National Public Services (although these were more varied reflecting specific country circumstances and starting points).

12. **The refugee policy framework in each eligible country depends on a multitude of context-specific factors, with some common features.** These context-specific factors include the duration of the refugee crisis, the broader regional situation, the security environment, the size of the hosting country, the number of refugees in the hosting country and the location of refugee settlements, the political economy, the ethnic or cultural connection between the refugees and citizens of the host country, and the level of socioeconomic development in the host country (particularly in refugee-hosting areas). However, some common trends and features can be drawn, as discussed below.

13. **The large majority of countries have adopted a rather ambitious refugee policy environment at the domestic level, though the degree of policy implementation, which is critical, varies across the four policy dimensions.** The socioeconomic aspects of forced displacement have been integrated to some degree in the policies of each country. While some eligible countries have stronger refugee policy foundations than others, all would benefit from further strengthening of both the refugee policy framework and its implementation in most policy areas. Implementation constraints in various countries include lack of budget or resources, or institutional capacity; lack of coordination between national and local levels; gaps in awareness of relevant policies, procedures, and responsibilities by local and national authorities and refugees themselves; lack of access to asylum or justice systems; barriers resulting from administrative requirements; and difficult or unstable security situations. In several countries, refugees are also unable to benefit from otherwise beneficial domestic policies because of general lack of economic development or employment opportunities in the host country or communities or lack of sufficient



infrastructure in refugee-hosting areas. As noted earlier, for some countries and policies, it is too early to assess implementation.

**14. The COVID-19 pandemic significantly affected the situation of refugees and implementation of refugee policies.** COVID-19 resulted in the temporary closure of borders or suspension of refugee admission in more than half of the eligible countries as well as restrictions on refugee freedom of movement and/or temporary closure of schools in several countries. However, all eligible countries included refugees in COVID-19 policies and response.<sup>10</sup>

**15. Sustainability of refugee management approaches and institutions remains a challenge in several eligible countries.** Key aspects of refugee management in eligible countries are often fully or substantially funded or provided by UNHCR and other partners. These initiatives are therefore not effectively or sustainably integrated into the government's planning, budgeting, and human resource systems, despite the protracted nature of many of the ongoing refugee situations.

**16. Aggregate analysis of the four RPRF policy dimensions presented below considers both the existence of policies and their implementation.** However, in some cases, it is too soon to effectively analyze implementation of recently adopted domestic policies in eligible countries, as relevant data are not yet available. More detailed information for each country can be found in the relevant Country Summaries (Annex 2, complemented by a table in Annex 1 summing up the key policy developments).

#### **A. Policy Dimension 1: Host Communities**

##### **i. Support for Communities in Refugee Hosting Areas**

**17. Four eligible countries<sup>11</sup> have policies for financial transfers specifically for refugee-hosting areas, though no new regulations on fiscal transfers were issued during the review period.** In most cases, such transfers occur within the budgetary allocation of resources to the sub-national level or through ad hoc support. There are also a few countries which provide specific support to host community members who are negatively affected by the situation resulting from the presence of refugees. One such example is the Refugee Affected and Hosting Areas program in Pakistan that has implemented projects in various sectors including health, education, and livelihoods benefiting both refugees and the host communities. In Uganda, a program financed by the RSW<sup>12</sup> supports the implementation of the fiscal transfer and decentralization and factors refugee populations into conditional grant allocation formulas in various sectors, including health and education, thus facilitating increases in financing and integrated service delivery for refugee-hosting districts. In some cases, such support to host community members occurs in relation to extension of social protection benefits (such as in Burundi, Ethiopia), strengthening of health

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<sup>10</sup> See UNHCR's COVID-19 Platform monitoring temporary measures and impact on refugee protection, for the latest information: [https://im.unhcr.org/covid19\\_platform/](https://im.unhcr.org/covid19_platform/).

<sup>11</sup> Democratic Republic of the Congo, Ethiopia, Republic of the Congo, and Uganda. Throughout this document, references to country examples are based on the best available data and are meant to be only illustrative, not exhaustive.

<sup>12</sup> P163515 - Uganda Support to Municipal Infrastructure Development Program (USMID) Additional Funding.

services (including in Djibouti, Pakistan), and issues related to energy (such as in Ethiopia, Pakistan, Rwanda), environment and natural resources (including in Pakistan, Rwanda, Uganda), and water and sanitation (such as in Burkina Faso, Uganda). Bangladesh is also providing special support to host communities related to environment, natural resources, water and sanitation, and safety nets. A special window of a Government's Employment Generation Program for the Poor, supported by the RSW,<sup>13</sup> aims at mitigating the effects of higher prices and lower wages resulting from the Rohingya inflow in Cox's Bazar. Cameroon enacted a law to empower local authorities, including in refugee hosting areas, to administer their own budgets and resources.

## **ii. Social Cohesion**

**18. All eligible countries have policies directly or indirectly aimed at identifying, preventing, and mitigating potential social tensions and risks of violence in refugee-hosting areas, including, for example, constitutional frameworks and penal codes.** In the vast majority of eligible countries, there is a relatively positive interaction between refugees and host communities. All fourteen countries have either the principle of non-discrimination or an explicit reference to non-discrimination between refugees and nationals enshrined in the constitution. New specific policies were introduced on identifying, preventing, and mitigating potential social tensions and risks of violence, including in refugee-hosting areas, in five countries (Burkina Faso, Chad, Democratic Republic of the Congo, Ethiopia, Uganda), and on non-discrimination, which also apply to refugees, in four countries (Chad, Djibouti, Mauritania, Rwanda).

## **iii. Environmental Management**

**19. All eligible countries have national environmental policies which are applicable throughout the territory, including in refugee-hosting areas.** Two countries<sup>14</sup> (Rwanda and Uganda) have specific plans or regulations for refugee-hosting areas or for refugee camps. Policy developments took place in four countries (Niger, Burkina Faso, Rwanda, Uganda), but such developments were specific to refugees and refugee hosting areas in just two cases (Rwanda, Uganda). For example, Rwanda issued a directive to end the use of newly chopped firewood in the refugee camps, signaling a shift to alternative clean cooking solutions, and Uganda adopted its Water and Environment Sector Refugee Response Plan in 2019.

## **iv. Preparedness for Refugee Inflows**

**20. There is an established national preparedness framework for new refugee inflows in only three countries.**<sup>15</sup> There are significant gaps in this important area. In the majority of eligible countries, preparedness measures are mainly ad hoc and supported by UNHCR or integrated within UNHCR contingency planning. Innovative developments took place in one country (Uganda). The GCR/Comprehensive Refugee Response Framework (CRRF) National Plan of Action (2018–2020) in Uganda constitutes the central part of the national preparedness framework to respond to increased or new refugee inflows. On this basis, refugee registration data and statistics were

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<sup>13</sup> Safety Nets Systems for the Poorest Project – P171086.

<sup>14</sup> Throughout this document, the countries' references and examples are based on the best available data and do not claim to be exhaustive.

<sup>15</sup> Burkina Faso, Rwanda, Uganda.

validated to improve the responses of both development and humanitarian actors, and a Displacement Crisis Response Mechanism (DCRM) (financed through the RSW Response to Displacement Impacts Project)<sup>16</sup> was established to support rapid scale-up of public service provision in locations affected by refugee-related shocks.

## **v. Opportunities for Policy Developments**

**21. Key overall opportunities for further policy developments and WBG engagement on this policy dimension relate mainly to** (a) strengthening the timely fiscal and budgetary transfers to refugee hosting areas to manage the impact of refugees, and: (b) supporting efforts for establishing and improving consistent, sustainable preparedness measures for potential new refugee inflows.

## **B. Policy Dimension 2: Regulatory Environment and Governance**

### **i. Normative Framework; Security of Legal Status**

**22. Eleven eligible countries<sup>17</sup> have dedicated refugee or asylum laws or a proposal of such a law pending before the executive or legislative branch.** While the policies are generally published, there remain gaps in awareness and knowledge by relevant authorities and law enforcement, particularly in remote areas, in nearly all eligible countries. Policy developments were marked by significant efforts to propose, draft, or adopt dedicated refugee or asylum laws in five countries (Chad, Djibouti, Ethiopia, Mauritania, Republic of the Congo). Two countries (Djibouti and Ethiopia) adopted such a law during IDA18 or shortly before, and one country adopted such a law (Chad) during IDA19. These often represented a significant development in the way refugee situations are managed; for example, the shift toward ‘out of camps’ approaches embodied in the new Refugees Proclamation in Ethiopia represented a substantial change in course. The government’s implementation of this shift is supported through an IDA18 RSW project<sup>18</sup> with the overarching aim to improve economic opportunities of refugees and host communities. In the Sahel, Niger has also made important strides in this area. The ‘out-of-camp’ policy promoted by the Government of Niger means that there are no refugee camps in the country except for the one in Sayam Forage.<sup>19</sup>

**23. Legal and institutional arrangements for refugee status determination (RSD), including in many cases prima facie recognition of refugee status for particular groups, exist in twelve countries.<sup>20</sup>** However, many of these systems face practical implementation challenges, with UNHCR providing capacity building support, partial or full financing, or in some cases carrying out RSD in lieu of the government. Concerning policy developments, some efforts were

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<sup>16</sup> P164101 - Development Response to Displacement Impacts Project in the Horn of Africa.

<sup>17</sup> Burkina Faso, Burundi, Cameroon, Chad, Democratic Republic of the Congo, Djibouti, Ethiopia, Mauritania, Niger, Rwanda, Uganda.

<sup>18</sup> P163829 - Ethiopia Economic Opportunities Program.

<sup>19</sup> The people in that camp live there for security reasons; however, they are free to move out of the camp and settle elsewhere.

<sup>20</sup> Burkina Faso, Burundi, Cameroon, Chad, Democratic Republic of the Congo, Djibouti, Ethiopia, Mauritania, Niger, Republic of the Congo, Rwanda, Uganda.

made to strengthen capacity and progressively shift operational responsibility for RSD or asylum systems onto the government and away from UNHCR. For example, in late 2019, Cameroon National Eligibility and Appeals Commission was sworn in, which followed the concluding of a data-sharing protocol with UNHCR. Implementation is ongoing. In Pakistan, the government has strengthened systems for processing residency permit (with support of an RSW project).<sup>21</sup> In all eligible countries, there is a commitment by law or in practice to the principle of non-refoulement.<sup>22</sup>

## **ii. Institutional Framework for Refugee Management and Coordination**

**24. All eligible countries have some form of institutional framework for refugee management.** At the same time, many face implementation challenges related to effective coordination, lack of specifically dedicated institutions, or gaps in communication and coordination between the establishment of policies and strategies and their operationalization. Six countries<sup>23</sup> have an official government consultation mechanism to obtain refugee input and feedback, and in some countries, government consultations with the refugee population are facilitated by UNHCR. This is critical to ensure accountability and hear the voices of refugees, with a view toward their engagement in the design and delivery of policies, programs, and operations.

**25. Policy developments strengthened government institutions and frameworks for refugee management and coordination in four countries.**<sup>24</sup> In Chad, a ministerial-level High Committee was established in 2019 to provide policy, strategic and technical guidance “for better protection and treatment of refugees and host communities as well as for the harmonious development of refugee reception areas” as well as a technical-level working group. In Ethiopia, the governmental body in charge of refugees was restructured in 2018 into an Agency under the Ministry of Peace, while the final regulations precisely determining its responsibilities and powers have still to be adopted.

## **iii. Access to Civil Registration and Documentation**

**26. All eligible countries provide refugees with identification cards, and most eligible countries provide some form of legal stay arrangements as refugees or asylum seekers.** However, in many instances, the issuance of refugee identification documents is partially or fully dependent on UNHCR’s technical and financial support, and not integrated in procedures or systems governing the provision of identity cards for nationals. This raises challenges for sustainability and socioeconomic development of these populations since refugees’ access to economic activities and financial services is often hampered by a lack of recognition of refugee identity documents. Civil registration is available for refugees in nearly all countries, although there are often challenges in outreach and existence of facilities in remote refugee-hosting areas.

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<sup>21</sup> P165542 - Strengthening Institutions for Refugee Administration Project (Pakistan).

<sup>22</sup> The principle of non-refoulement is a core principle of international human rights and refugee law that prohibits States from removing individuals in any manner whatsoever (whether directly or indirectly) to territories where they may be at risk of persecution, torture, or other forms of serious or irreparable harm.

<sup>23</sup> Burkina Faso, Democratic Republic of the Congo, Djibouti, Ethiopia, Pakistan, and Uganda.

<sup>24</sup> Burundi, Chad, Ethiopia, plus Bangladesh.

27. **New policies related to strengthening access to identity documentation have been promulgated in four countries.**<sup>25</sup> This includes the provision of biometric documentation in Niger and in Pakistan. Since 2018, Mauritania is beginning to issue national identity cards to refugees bearing their national identification number (and notably allowing them to open a bank account or register a business), even if the issuance of such cards has been slow and limited to the refugees in one refugee camp to date. There was also a particular emphasis on civil registration in several countries (as in Ethiopia, Niger), including birth registration (including in Burundi, Republic of the Congo, Rwanda). For example, Ethiopia's 2019 Refugees Proclamation allows refugees to legally register life events such as birth and marriage, and a National Action Plan was launched in Rwanda to ensure access to birth registration for all refugees born in the country.

#### **iv. Justice and Security**

28. **Law enforcement authorities generally ensure comparable levels of security for refugees and nationals, but some refugee-hosting areas are prone to high insecurity due to ongoing conflicts.** The official justice system serves nationals and refugees alike in all eligible countries, although there are often challenges related to low capacity, physical distance, and limited presence of judicial institutions in remote areas. No noticeable policy developments have been reported during the period under review.

29. **While prevention and deterrence of gender-based violence (GBV) is a major policy concern in all eligible countries, implementation of these policies faces many challenges.** This includes in some cases insufficient social support for GBV survivors and a lack of relevant services and appropriate mechanisms in the criminal justice system for refugees and host communities alike due to capacity constraints or sociocultural factors. These issues are often linked to the existing cultural and political situation in some eligible countries.

#### **v. Opportunities for Policy Developments**

30. **Key overall opportunities for further policy developments and WBG engagement on this policy dimension relate mainly to:** (a) supporting government efforts towards possible integration of RSD and asylum systems within national budgets and institutional systems to enable national ownership of these processes, (b) strengthening government ownership of and capacity for issuance of refugee identity documents and ensuring inclusion of refugees in national civil registration systems, with due regard to managing data privacy risks and (c) working with partners along the security-development nexus to support efforts to prevent and address GBV in refugee and host communities.

### **C. Policy Dimension 3: Economic Opportunities**

#### **i. Freedom of Movement**

31. **In most eligible countries, refugees experience difficulties with freedom of movement.** Freedom of movement is crucial to enable refugees' access to economic opportunities and contribute to the socioeconomic development of refugee-hosting communities. However, freedom

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<sup>25</sup> Mauritania, Niger, Pakistan, Republic of the Congo, plus Bangladesh.

of movement is restricted by permit requirements for refugees living in camps or sites in numerous eligible countries,<sup>26</sup> and by the prevailing security situation in some refugee-hosting areas. Freedom of movement is also often practically contingent on refugee identity documentation being recognized by law enforcement entities. Policy developments were mixed. For example, Chad's 2020 National Law on Asylum and Ethiopia's 2019 Directive both promoted refugees' freedom of movement. However, in other contexts, freedom of movement was restricted, particularly as an element of COVID-19 response measures. This included the temporary closing of borders in many countries<sup>27</sup> and increased difficulty for camp-based refugees to obtain exit permits in several countries.<sup>28</sup>

## **ii. Right to Work and Rights at Work**

**32. In the eligible countries, the large majority of refugees who are employed work in the informal labor market.** While refugees' right to access the formal labor market varies across eligible countries, refugees often lack the ability to utilize such a right due to few job opportunities and high unemployment rates in refugee-hosting areas. In seven countries,<sup>29</sup> refugees have access to the formal labor market in the same way as nationals; however, in several of these countries, access is in practice often limited due to the lack of recognition of identification documents or diplomas by authorities and employers, and a reluctance of employers to hire refugees. In other countries (as Burundi, Chad, Ethiopia, Uganda), access to the labor market is affected by regulatory requirements (such as work permit requirements, caps on the percentage of foreign workers). In several countries, refugees do not have access to the formal labor market or to employment in part or all of the public sector. In nearly all eligible countries, worker protection rights formally apply to refugees in the same way as nationals. Access to business opportunities is also mixed. In ten countries,<sup>30</sup> refugees are entitled to open and register a business in their own name. In practice, however, few refugees across the eligible countries seem to have the capacity or opportunity to utilize this right. An RSW supported project in Ethiopia is helping the government to simplify refugees' access to economic/business opportunities.<sup>31</sup>

**33. During the review period, there were significant policy developments related to economic opportunities.** Some countries (such as Ethiopia, Mauritania) made some progress in enabling refugees to legally access wage-earning employment and work permits, while others (including Democratic Republic of the Congo and Republic of the Congo) allowed refugees to access job-seeking programs. For example, Republic of the Congo's Employment Agency established in 2019 aimed at facilitating business creation formalities and allowing nationals and refugees to benefit from business opportunities in a legal and regulatory framework. Still other policy developments focused on certification of foreign education (such as in Cameroon, Djibouti, Pakistan) and access to technical and vocational training (including in Cameroon, Djibouti, Ethiopia, Pakistan).

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<sup>26</sup> Such as in Burkina Faso, Burundi, Cameroon, Chad, Democratic Republic of the Congo, Ethiopia, Rwanda.

<sup>27</sup> Such as in Cameroon, Chad, Niger, Pakistan, Rwanda, Uganda.

<sup>28</sup> Such as in Burundi, Chad, Ethiopia, Rwanda.

<sup>29</sup> Burkina Faso, Cameroon, Democratic Republic of the Congo, Djibouti, Mauritania, Niger, Rwanda.

<sup>30</sup> Burundi, Cameroon, Chad, Democratic Republic of the Congo, Djibouti, Ethiopia, Mauritania, Niger, Rwanda, Uganda.

<sup>31</sup> P163829 – Ethiopia Economic Opportunities Program.

### iii. Land, Housing, and Property Rights

34. **Access to land remained challenging for refugees across most countries.** In four countries,<sup>32</sup> refugees enjoy land and property rights in the same way as nationals. In several other countries,<sup>33</sup> they can purchase immovable property, but not land, which can be accessed by means other than purchase (such as lease). Policies allowing refugees access to social housing exist in two countries (Cameroon, Niger). During the review period, one country (Niger) granted a large number of refugees access to land and social housing, while another (Republic of the Congo) passed a law that prescribes restrictions on land access for foreigners, including refugees.

### iv. Financial and Administrative Services

35. **In nearly all countries,<sup>34</sup> refugees are entitled to access financial services in principle, but in practice it is often more difficult.** This includes the ability to open bank accounts and, in all but one country (Pakistan), to utilize mobile money services. However, in practice, many refugees face significant obstacles to utilizing these rights, including as a result of non-recognition of refugee identity documents by relevant parties or lack of credit history and assets. During the review period, three countries developed policies regarding refugees' access to financial services (Democratic Republic of the Congo, Ethiopia, Pakistan), including the ability to open bank accounts. For example, the Ethiopia 2019 Refugees Proclamation granted refugees with the right to open bank accounts and access financial services and mobile money in the same manner as the country's nationals with the refugee ID cards constituting proof of official identity; in practice, urban refugees could easily open bank accounts, while there were some challenges in more remote refugee-hosting areas. In the Democratic Republic of Congo, a 2018 regulation allows refugees to open bank accounts and access traditional financial services based on their refugee ID cards, while, in practice, refugee ID cards are also recognized as legal proof of identity for registering SIM cards and opening mobile money accounts; however, refugees living in rural areas are isolated from financial services and in practice only a few refugees access them.

### v. Opportunities for Policy Developments

36. **Key overall opportunities for further policy developments and WBG engagement on this policy dimension relate mainly to:** (a) supporting countries' efforts for refugees' effective access to the formal labor market, in particular by removing administrative and practical barriers, and; (b) strengthening the regulatory framework and reducing informal barriers for refugees' access to productive assets, such as finance, land and markets, and the ability to own and run a business.

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<sup>32</sup> Burkina Faso, Burundi, Cameroon, Niger.

<sup>33</sup> Such as Cameroon, Democratic Republic of Congo, Djibouti, Ethiopia, Mauritania, Republic of the Congo, Rwanda, Uganda.

<sup>34</sup> Burkina Faso, Burundi, Cameroon, Chad, Democratic Republic of the Congo, Djibouti, Ethiopia, Mauritania, Niger, Pakistan, Republic of the Congo, Rwanda, Uganda.

## **D. Policy Dimension 4: Access to National Public Services**

### **i. Education**

37. **Access to education has been a recurrent theme, and all eligible countries made efforts for enhancing refugees' access to education.** Countries like Chad, Ethiopia, and Rwanda enacted or strengthened the implementation of policies for inclusion of refugees into national education systems, including through support of RSW projects.<sup>35</sup> For example, Ethiopia's 2019 Refugees Proclamation allows refugees to access primary education and promotes the inclusion of refugees in national services like health and education (including with WHR support).<sup>36</sup> The government also began preparation of a multi-year education costing plan for refugees and host communities, which constitutes a significant step toward refugee inclusion in education sector planning.

38. **In most eligible countries, refugees can in principle be enrolled in national public schools, although effective implementation remains challenging.** For example, while refugee children living in urban settings in some eligible countries have enrolled in national schools, fewer refugee children in camp settings are able to do so due to access challenges and lack of absorption capacity. Other challenges include low enrollment—particularly for refugee girls—as well as remoteness of refugee camps or sites, lack of funding and resources, poor infrastructure, and limited access to schools for nationals and refugees alike. Countries taking actions to address some of these issues include Rwanda and Pakistan, which are constructing additional educational facilities or upgrading existing public education facilities (including with RSW/WHR support).<sup>37</sup> In several countries, there is a parallel educational system in refugee camps which is run either by the government or by humanitarian or other partners. In some cases, refugee camp schools are being progressively integrated into national systems (such as in Chad, where 108 camp-based refugee schools and 10 vocational training centers were elevated to the rank of official public schools in 2018).

### **ii. Healthcare**

39. **Overall, in all eligible countries, refugees have formal access to many aspects of national health services.** This usually includes health care at primary, secondary, and tertiary levels—including sexual and reproductive health services—on par with nationals in most contexts. However, in the majority of eligible countries, significant implementation challenges exist related to the poor quality of health care, insufficient prioritization of the specific needs of women and girls, constraints in capacity, funding, infrastructure and resources, and centralization of or significant distances to healthcare facilities. In several countries, parallel healthcare systems run

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<sup>35</sup> See, for example, P164130 - Socio-economic Inclusion of Refugees and Host Communities in Rwanda Project, an IPF which supports efforts to achieve integrated education.

<sup>36</sup> P168411 - Additional Financing to GEQIP-E for Refugees Integration, a WHR PforR project which will support the integration of refugee education within national education systems, beginning with the legal, policy, and institutional framework and building capacity across all levels to implement program activities.

<sup>37</sup> See, for example, P164748 - Chad - Refugees and Host Communities Support Project; P168779 - Niger Learning Improvement for Results in Education Project; P166309 - Khyber Pakhtunkhwa Human Capital Investment Project (Pakistan); P166308 - Balochistan Human Capital Investment Project (Pakistan); P164130 - Socio-economic Inclusion of Refugees and Host Communities in Rwanda Project; and P166570 - Uganda Secondary Education Expansion Project.



by humanitarian organizations in refugee camps continue to prevail, although efforts towards inclusion of refugees and refugee-hosting communities in the national system are advancing, notably with RSW and WHR financing, such as in Djibouti, Mauritania and Pakistan.<sup>38</sup> In Bangladesh, a RSW financed project<sup>39</sup> is providing access to health and GBV responses services at all tiers of health facilities for both the Rohingya and the hosting communities. Access to health insurance exists for urban refugees in two countries (Burkina Faso, Rwanda), but several countries are planning or in the process of introducing health insurance schemes which include refugees.

40. **There has been recent momentum to further facilitate the inclusion of refugees into national health systems in several countries.**<sup>40</sup> For example, Chad's 2018 action plan to implement the CRRF focused on inclusion of refugees into national education and health systems. Uganda's 2019–2024 Health Sector Integrated Refugee Response Plan was designed to facilitate the inclusion of refugees into the national health-care system; its implementation faced limitations in practice with about 72 per cent of the health facilities in refugee hosting districts having been accredited by the Ministry of Health, and constraints in national capacity and resources (inadequate health commodities, and insufficient budgets for operational and maintenance costs, including wages and medicines). Rwanda has also moved to include refugees into the national health insurance systems, by including urban refugees in the National Community-Based Health Insurance system.

41. **All eligible countries have integrated refugees in their COVID-19 response and vaccination programs to date.** Policy developments related to COVID-19 preparedness and response specifically included refugees and refugee-hosting areas in several countries (such as Cameroon, Pakistan, and Uganda). WBG financing supported these efforts. For example, in the Democratic Republic of Congo, IDA is supporting COVID-19 vaccine rollout among refugees and other displaced persons as part of the priority populations.<sup>41</sup> In Niger, the government is providing early case detection, essential health services and social support for refugees and displaced populations in fragile settings compounded by COVID-19 through an IDA supported project.<sup>42</sup> As per UNHCR reports, refugees in nearly all eligible countries<sup>43</sup> had started to receive COVID-19 vaccines as of July 2021.

### iii. Social Protection

42. **Refugees are to a certain degree included in social protection programs in several countries.**<sup>44</sup> However, there are implementation challenges related to the limited number of national programs, limited resources, and restrictions in insecure areas. The RSW and WHR have

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<sup>38</sup> P168250 - Improving Health Sector Performance Project Second Additional Financing (Djibouti); P170585 - Health System Support Additional Financing (Mauritania); P166309 - Khyber Pakhtunkhwa Human Capital Investment Project (Pakistan); and P166308 - Balochistan Human Capital Investment Project (Pakistan).

<sup>39</sup> Health and Gender Support for Cox Bazar District Project - P171648

<sup>40</sup> Including Burundi, Chad, Ethiopia, Pakistan, Uganda.

<sup>41</sup> P176215 - Additional Financing DRC COVID-19 Strategic Preparedness and Response Project.

<sup>42</sup> P176345 - Niger COVID-19 Emergency Response Project - Additional Financing.

<sup>43</sup> Cameroon, Chad, Djibouti, Democratic Republic of Congo, Ethiopia, Mauritania, Niger, Pakistan, Republic of Congo, Rwanda, and Uganda, plus Bangladesh.

<sup>44</sup> Burkina Faso, Cameroon, Chad, Democratic Republic of the Congo, Djibouti, Ethiopia, Niger, Republic of the Congo.

been supporting such efforts; for example, a project in Burkina Faso<sup>45</sup> is extending cash transfers and accompanying measures to refugee populations, and a project in Niger<sup>46</sup> has introduced new social protection measures in 15 locations affected by forced displacement.

**43. Recent policy developments in several countries suggest that stronger inclusion of refugees may be expected in the near term.**<sup>47</sup> For example, Burundi's 2020 Law on Social Protection Code provides for a pensions regime to cover old age and disability risks for all persons in Burundi, including refugees, but has still to be fully implemented. A WHR financed project to support the expansion of Social Safety Nets is currently being prepared in Burundi.<sup>48</sup> A 2020 Djiboutian decree provides for the inclusion of refugees in public social protection program on the same basis as nationals, including registration in the social registry so that they can access specific support for key vulnerable groups and public health insurance, although this inclusion is facing implementation challenges related to lack of funding and capacities. An RSW financed project in Mauritania<sup>49</sup> aims to enrol 14,000 refugee households in the national social registry, support cash transfers, and enable eligibility of refugees to the national shock-responsive mechanism. Further, the Republic of the Congo's 2017 National Policy on Social Action includes refugees as an integral part of the beneficiary population; although, in practice, social protection programs are currently covering only a limited portion of the population in need.

#### **iv. Protection of Vulnerable Groups**

**44. Policies for the care and protection of vulnerable groups exist in the large majority of countries, although such policies often face shortcomings for nationals and refugees alike.** Among refugees, most vulnerable groups include unaccompanied and separated refugee children, refugee victims of trafficking, survivors of GBV and refugees with special needs. Challenges in implementation include lack of resources, limited capacities, limited locations with available services, lack of effective prevention and remedial measures, and lack of awareness or effective access to the care and protection program systems. Few recent policy developments occurred in this area. The exception was Burundi, whose national Child Protection Policy (2020–2024) includes a focus on preventing and responding to violence, exploitation, discrimination, abuse, and neglect of children, including refugee children.

#### **v. Opportunities for Policy Developments**

**45. Key overall opportunities for further policy developments and WBG engagement on this policy dimension relate mainly to:** (a) continuing support for countries' efforts to include refugees in the national education system—including by supporting and strengthening integration of parallel education systems into the national educational framework—and increase the enrolment and retention rate of refugee children, particularly refugee girls; (b) strengthening the inclusion of refugees into the national health system—including by supporting and strengthening integration of parallel health systems into the national healthcare framework—particularly through enhanced

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<sup>45</sup> P169252 - Scale-Up and Responding to the needs of Refugees and Host Communities (Burkina Faso).

<sup>46</sup> P164563 - Niger Refugees and Host Communities Support Project (PARCA project).

<sup>47</sup> Burundi, Djibouti, Republic of the Congo

<sup>48</sup> P175327 - Scaling up Social Safety Nets in Burundi.

<sup>49</sup> P171125 - Social Safety Net System Project II.

financial support and insurance coverage; (c) broadening the alignment of humanitarian assistance and social protection programs for both host communities and refugees; and (d) supporting efforts to prevent and address GBV.

## **E. Cross-Cutting Themes: Gender and Social Inclusion**

46. **The analysis highlighted several challenges and gaps related to gender and social inclusion,<sup>50</sup> which could benefit from enhanced focus and targeted initiatives in various eligible countries.** Given that the review identified few policy developments specifically addressing these gender and inclusion gaps, there are several areas across a variety of eligible countries where a policy focus on gender and social inclusion considerations could be most consequential in terms of socioeconomic development for refugees and host communities. In relation to gender, these challenges include: (a) limited access to education of refugee girls, often due to low enrollment rates, early school dropout rates, and related sociocultural barriers;<sup>51</sup> (b) the specific difficulties refugee women face in accessing employment or financing opportunities;<sup>52</sup> and (c) gaps in preventing and addressing GBV, including but not restricted to improving access to justice, health services and services for survivors of GBV.<sup>53</sup> Similarly, for social inclusion, key challenges and gaps include: (a) unequal access to education leading to a lower rate of literacy and enrolment of refugee children;<sup>54</sup> (b) the often low percentage of births registered, particularly in rural areas, putting large numbers of refugee children at risk of statelessness;<sup>55</sup> and (c) the lack of access to social protection safety nets for refugees, including the most vulnerable.<sup>56</sup> IDA will look to support country efforts for addressing these challenges, in collaboration with other development partners.

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<sup>50</sup> Including age, race, ethnicity, religion, nationality, country of origin, statelessness, political opinions, indigenous status, disability, sexual orientation, membership in a particular social group or other characteristics

<sup>51</sup> Such as in Burundi, Burkina Faso, Cameroon, Chad, Ethiopia, Mauritania, Niger, Pakistan, Uganda.

<sup>52</sup> Such as in Cameroon, Ethiopia, Mauritania, Niger, Democratic Republic of the Congo, Uganda.

<sup>53</sup> Such as in Burundi, Burkina Faso, Cameroon, Chad, Democratic Republic of the Congo, Djibouti, Ethiopia, Mauritania, Pakistan.

<sup>54</sup> Such as in Chad, Mauritania, Niger, Pakistan.

<sup>55</sup> Such as in Cameroon, Chad, Democratic Republic of the Congo, Djibouti, Ethiopia, Pakistan, Uganda.

<sup>56</sup> Such as in Burundi, Cameroon, Chad, Pakistan.

## IV. CONCLUSION

47. **There have been significant refugee policy developments in all eligible countries since their initial RSW/WHR eligibility.** These include the adoption of refugee or asylum laws, the issuance of identity documents and civil registration as well as improving access to economic opportunities and national public services (education, health, and social protection). Governments in eligible countries included refugees and host communities in the COVID-19 response, even while governments' policy priorities were re-oriented due to the pandemic. As the pandemic continues through the IDA19 period, there are continued risks of reversal of development gains for affected populations more generally within the eligible countries.

48. **Many of these domestic policy developments have the potential to significantly improve the lives of refugees and their host communities.** However, fulfilling this potential depends on a number of factors, from effective implementation and enforcement of these policy developments, to having sufficient resources available to provide development opportunities in remote or stressed communities. It will be important to maintain focused attention, foster political will and broader international responsibility sharing, while developing targeted initiatives and innovations. This will foster achievement of pragmatic solutions as well as improved and sustained progress.

49. **At the same time, continuing challenges, gaps, and opportunities identified by the review could inform policy dialogue and future IDA engagement with eligible countries.** There are several key areas where sustained efforts could have significant socioeconomic development impact in line with IDA's mandate and the purposes of the WHR. Future IDA support to refugee-hosting countries will continue to be tailored to specific country contexts and will aim to leverage available opportunities and address remaining policy and implementation challenges. Cross-border and regional coordination and engagement can also be considered as appropriate.

50. **Using an evidence-based approach, IDA will continue to prioritize policy efforts for socio-economic development of refugees and host communities, including improving access to education, health, and social protection services as well as economic opportunities and productive assets.** Following are some key engagement opportunities for IDA to strengthen support, in collaboration with other partners. These are indicative and not an exhaustive list. Coordination with the IFC/MIGA will be explored, where relevant. Pursuing these opportunities will require concerted efforts for improving data availability and quality to underpin IDA's engagement. Broadly, IDA will support countries in their efforts to:

- a. Include refugees in the national education system and increase the enrolment and retention rate of refugee children, particularly refugee girls;
- b. Include refugees into the national health systems, particularly through enhanced financial support and insurance coverage;
- c. Enhance refugees' access to the formal labor market, in particular by removing administrative barriers; and develop the regulatory framework for refugees' access to productive assets, such as land and markets;

- d. Foster the timely fiscal and budgetary transfers to refugee hosting areas to manage the impact of refugees; enhance efforts towards possible integration of Refugee Status Determination (RSD) and asylum systems within the national budget and institutional systems; and improve issuance process of refugee identity documents by host governments;
- e. Enhance alignment of humanitarian assistance and social protection programs for both host communities and refugees;
- f. Prevent and address gender-based violence; and
- g. Establish and improve preparedness measures for potential new refugee inflows.

51. **IDA will continue to pursue opportunities for supporting socio-economic development of refugees and host communities through policy dialogue and operational engagement with the concerned governments.** Management will keep IDA Participants informed and provide updates as part of regular IDA reporting.

## Annex 1. Key Policy Progress Since IDA RSW/WHR Eligibility

Cameroon	
IDA RSW/WHR Eligibility: September 2017	
1. <b>Host Communities</b>	<ul style="list-style-type: none"> <li>▪ Law No 2019/024 was enacted to empower local authorities – including in refugee-hosting areas – to administer their own budgets and resources.</li> <li>▪ Communal Development Plans for municipalities hosting refugees were updated to reflect the presence and impact of refugees in host communities, in line with the government's 2018 National Participatory Development Programme.</li> </ul>
2. <b>Regulatory Environment and Governance</b>	<ul style="list-style-type: none"> <li>▪ A National Action Plan for Women, Peace and Security (2018–20) to protect women and girls (including refugees) before, during and after conflict and a National Strategy (2017–20) to prevent and respond to gender-based violence were adopted.</li> <li>▪ A data-sharing protocol was concluded, and the National Eligibility and Appeals Commission was sworn in, representing steps in the ongoing transfer of RSD and registration from UNHCR to the government.</li> <li>▪ A tripartite agreement with UNHCR and the Central African Republic for voluntary repatriation of refugees living in Cameroon was signed.</li> </ul>
3. <b>Economic Opportunities</b>	<ul style="list-style-type: none"> <li>▪ A law enabling the certification of education and skills of foreigners and giving refugees the same right as nationals to access vocational training was adopted.</li> </ul>
4. <b>Access to National Public Services</b>	<ul style="list-style-type: none"> <li>▪ Refugees were included in the COVID-19 preparedness and response plan, especially with respect to education and health. The government is now covering 30% of refugees' healthcare fees.</li> </ul>

<p style="text-align: center;"><b>Chad</b></p> <p style="text-align: center;">IDA RSW/WHR Eligibility: September 2017</p>	
<b>1. Host Communities</b>	<ul style="list-style-type: none"> <li>▪ A strategy was developed to transform refugee camps into villages and neighborhoods and to absorb three refugee camps into Chadian villages.</li> </ul>
<b>2. Regulatory Environment and Governance</b>	<ul style="list-style-type: none"> <li>▪ A Tripartite Agreement was signed with Sudan on adherence to the principles of voluntary repatriation of refugees.</li> <li>▪ The text of a National Law on Asylum (adopted in December 2020) was agreed in 2019 by the Council of Ministers which promotes <i>inter alia</i> access to justice.</li> <li>▪ A High Committee was established to provide policy, strategic and technical guidance “for better protection and treatment of refugees and host communities”.</li> </ul>
<b>3. Economic Opportunities</b>	<ul style="list-style-type: none"> <li>▪ The text of a National Law on Asylum (adopted in December 2020) was agreed in 2019 by the Council of Ministers which promotes <i>inter alia</i> freedom of movement, wage-earning employment, and favorable treatment for self-employment for refugees.</li> </ul>
<b>4. Access to National Public Services</b>	<ul style="list-style-type: none"> <li>▪ An action plan to implement the Comprehensive Refugee Response Framework (CRRF) was adopted, focusing on alternatives to camps and integration of refugees into national education and health systems.</li> <li>▪ Assignment of Chadian teachers to refugee camp schools was undertaken in the resumption of their management by the State.</li> <li>▪ Over a hundred camp-based refugee schools and ten vocational training centers were elevated to the rank of official public schools.</li> <li>▪ Agreements with twelve public and private Universities to include refugees were completed.</li> <li>▪ The text of a National Law on Asylum (adopted in December 2020) was agreed in 2019 by the Council of Ministers which promotes <i>inter alia</i> access to health care and education.</li> </ul>

<b>Djibouti</b> IDA RSW/WHR Eligibility: September 2017	
2. <b>Regulatory Environment and Governance</b>	<ul style="list-style-type: none"> <li>▪ A new Refugee Law was promulgated that reconfirms ministerial responsibilities for refugee affairs and day-to-day management.</li> <li>▪ The 2017–2022 Action Plan for the CRRF, the 2017 Decree on the Asylum Procedure, and the 2017 Decree on Refugee Fundamental Rights were adopted.</li> </ul>
3. <b>Economic Opportunities</b>	<ul style="list-style-type: none"> <li>▪ The new Refugee Law was promulgated that provides access to rights, including socioeconomic rights, for refugees and asylum-seekers.</li> <li>▪ A decree on access to certification of secondary education was drafted.</li> </ul>
4. <b>Access to National Public Services</b>	<ul style="list-style-type: none"> <li>▪ A decree for the establishment, organization and functioning of the Social Registry was drafted.</li> </ul>
<b>Ethiopia</b> IDA RSW/WHR Eligibility: September 2017	
1. <b>Host Communities</b>	<ul style="list-style-type: none"> <li>▪ The National Comprehensive Refugee Response Strategy was finalized (although it has so far not been adopted by the Council of Ministers).</li> </ul>
2. <b>Regulatory Environment and Governance</b>	<ul style="list-style-type: none"> <li>▪ Ethiopia's Roadmap for the CRRF was released.</li> <li>▪ The federal entity in charge of refugee affairs was restructured into an Agency under the newly created Ministry of Peace.</li> <li>▪ The Refugees Proclamation was adopted, allowing refugees <i>inter alia</i> to legally register life events such as birth and marriage.</li> <li>▪ A Directive to handle grievances from refugees was adopted.</li> <li>▪ A Proclamation on civil societies was adopted which enables local civil society to promote conflict resolution, justice, and law enforcement services.</li> </ul>



3. <b>Economic Opportunities</b>	<ul style="list-style-type: none"> <li>▪ The Refugees Proclamation was adopted, allowing refugees <i>inter alia</i> to obtain work permits and drivers' licenses and access national financial services, such as banking.</li> <li>▪ Directives on freedom of movement and refugees' right to work were adopted.</li> </ul>
4. <b>Access to National Public Services</b>	<ul style="list-style-type: none"> <li>▪ The Refugees Proclamation was adopted, allowing refugees <i>inter alia</i> to access primary education, and promoting inclusion of refugees in national services like health and education.</li> </ul>
<b>Mauritania</b> IDA RSW/WHR Eligibility: September 2017	
2. <b>Regulatory Environment and Governance</b>	<ul style="list-style-type: none"> <li>▪ A draft asylum law was prepared and has been pending approval by the council of ministers. The stated time frame for adoption by Parliament was 2020.</li> <li>▪ A Decree established the legal framework for the issuance of national ID cards for refugees in Mbera camp that are envisaged to replace UNHCR ID cards.</li> <li>▪ Registration by UNHCR of refugees living in urban areas and near camps was allowed.</li> </ul>
4. <b>Access to National Public Services</b>	<ul style="list-style-type: none"> <li>▪ Refugees were included in the COVID-19 preparedness and response plan, especially with respect to education and health.</li> <li>▪ A steering committee was established to oversee the transition of the humanitarian health system of Mbera refugee camp to the national health system.</li> </ul>
<b>Niger</b> IDA RSW/WHR Eligibility: September 2017	
1. <b>Host Communities</b>	<ul style="list-style-type: none"> <li>▪ An Economic and Social Development Plan (2017–2021) was developed to <i>inter alia</i> strengthen the resilience of refugees and host populations, build national capacity to deliver basic services in affected regions, and conduct reconstruction and recovery efforts.</li> </ul>
2. <b>Regulatory Environment and Governance</b>	<ul style="list-style-type: none"> <li>▪ An Economic and Social Development Plan (2017–2021) was developed to <i>inter alia</i> distribute biometric ID cards to refugees.</li> </ul>

	<ul style="list-style-type: none"> <li>▪ A registration campaign to collect bio-metric data and issue refugee ID cards for all refugees in Niger was conducted.</li> <li>▪ A National Action Plan against Statelessness and reform of Niger's civil registration laws were finalized, making it easier for refugees to register life events.</li> </ul>
<b>3. Economic Opportunities</b>	<ul style="list-style-type: none"> <li>▪ An MoU was signed which gave some 28,000 refugees access to land, social housing, and water.</li> </ul>
<p style="text-align: center;"><b>Pakistan</b></p> <p style="text-align: center;">IDA RSW/WHR Eligibility: September 2017</p>	
<b>1. Host Communities</b>	<ul style="list-style-type: none"> <li>▪ The Support Platform for the Solutions Strategy for Afghan Refugees (SSAR) — which aims to support host communities, empower refugees and returnees by building self-reliance, and allow for more strategic use of donor resources —was launched by the governments of Pakistan, Afghanistan, and Iran.</li> </ul>
<b>2. Regulatory Environment and Governance</b>	<ul style="list-style-type: none"> <li>▪ Adoption of a Repatriation and Management Policy for Afghan Refugees led to the registration and documentation of previously undocumented Afghans.</li> <li>▪ A Tripartite Agreement with Afghanistan and UNHCR to facilitate voluntary repatriation was extended.</li> <li>▪ New biometric documentation for registered Afghan refugees containing an extended validity date was planned (launched in 2021).</li> </ul>
<b>3. Economic Opportunities</b>	<ul style="list-style-type: none"> <li>▪ A notification under legally enforceable banking regulations improved Afghan refugees' access to financial services by permitting the opening of bank accounts.</li> </ul>
<b>4. Access to National Public Services</b>	<ul style="list-style-type: none"> <li>▪ Refugees' access to national health services, including access to health care on par with Pakistani nationals and inclusion in the national vaccination program, was established in the context of COVID-19 response.</li> </ul>

<b>Republic of Congo</b> IDA RSW/WHR Eligibility: September 2017	
<b>2. Regulatory Environment and Governance</b>	<ul style="list-style-type: none"> <li>▪ A law was passed that establishes the conditions of entry, stay, and exit of foreigners and includes specific provisions on refugee ID documentation.</li> <li>▪ The National Action Plan to Combat Statelessness was adopted, and a law was passed that abolished fees for birth registration and birth certificates.</li> <li>▪ A draft refugee law was adopted by the Council of Ministers and submitted to parliament.</li> <li>▪ The government presented “facilitating local integration of refugees in accordance with the law”, including the ability to obtain residence permits and reside legally on Congolese territory, as a best practice.</li> </ul>
<b>3. Economic Opportunities</b>	<ul style="list-style-type: none"> <li>▪ A law was passed that establishes the rules for occupying and acquiring land and prescribes restrictions on land access for foreigners, including refugees.</li> <li>▪ The Congolese Employment Agency was established, affording nationals and refugees access to business creation advice.</li> </ul>
<b>4. Access to National Public Services</b>	<ul style="list-style-type: none"> <li>▪ The 2017 National Policy on Social Action was adopted, which includes refugees as an integral part of the beneficiary population.</li> </ul>
<b>Uganda</b> IDA RSW/WHR Eligibility: September 2017	
<b>1. Host Communities</b>	<ul style="list-style-type: none"> <li>▪ The national CRRF Roadmap, which includes <i>inter alia</i> emergency preparedness and response, was adopted in 2018 and revised in 2019.</li> <li>▪ The Water and Environment Sector Refugee Response Plan was adopted.</li> <li>▪ The National Development Plan III (2020/21–2024/25) fully integrated refugees into national, sectoral and district planning and statistics.</li> </ul>
<b>3. Economic Opportunities</b>	<ul style="list-style-type: none"> <li>▪ The government signed the Kampala Declaration on Jobs, Livelihoods and Self-Reliance for Refugees, Returnees and Host Communities in the Inter-Governmental Authority on Development (IGAD) region.</li> </ul>

<b>4. Access to National Public Services</b>	<ul style="list-style-type: none"> <li>• The 2018–2021 National Education Response Plan for Refugees and Host Communities in Uganda was adopted.</li> <li>• The government signed the IGAD Djibouti Declaration on Education, which held the theme of “Regional Quality Education Standards and Inclusion into National Systems for refugee children in line with CRRF, SDG 4 and Agenda 2063 on Education.”</li> <li>• The 2019–2024 Health Sector Integrated Refugee Response Plan was adopted.</li> <li>• The 2020–2021 National COVID-19 Health Prevention and Response Plan integrated refugees in the national response.</li> </ul>
<p style="text-align: center;"><b>Bangladesh</b> IDA RSW/WHR Eligibility: June 2018</p>	
<b>1. Host Communities</b>	<ul style="list-style-type: none"> <li>• Targeted international support under the leadership of the government was extended to alleviate pressures on host communities. This support targeted local health facilities, employment and livelihoods opportunities, measures to mitigate environmental degradation and water scarcity, and measures to mitigate potential tensions between Rohingya and host communities.</li> </ul>
<b>2. Regulatory Environment and Governance</b>	<ul style="list-style-type: none"> <li>• Rohingya arriving after August 2017 are classified as “Forcibly Displaced Myanmar Nationals” and are governed by a policy framework that ensures access to basic humanitarian assistance and services and protection from refoulement.</li> <li>• Commitment to non-refoulement and the voluntary repatriation in safety and dignity was confirmed in its November 2017 bilateral agreement with Myanmar and its April 2018 Memorandum of Understanding with UNHCR.</li> <li>• Joint registration (by the government and UNHCR) was conducted.</li> </ul>
<b>4. Access to National Public Services</b>	<ul style="list-style-type: none"> <li>• Use of the Myanmar curriculum in the informal learning centers for Rohingya refugees and the introduction of skills development programs in the camps were approved.</li> <li>• Rohingya refugees were included in the government’s nationwide response to COVID-19, including the national prevention and response and national vaccine development plans.</li> </ul>

<b>Burkina Faso</b> IDA RSW/WHR Eligibility: June 2018	
<b>1. Host Communities</b>	<ul style="list-style-type: none"> <li>▪ The Sahel Emergency Programme was established to boost economic and social development in the Sahel region. It directly targets refugees and host communities and includes components on administrative and local governance and on strengthening access to social services (including drinking water and sanitation).</li> </ul>
<b>2. Regulatory Environment and Governance</b>	<ul style="list-style-type: none"> <li>▪ A “Justice and Human Rights” Sectoral Policy 2018–2027 that promotes the inclusion of refugees in national systems was adopted.</li> <li>▪ An Action Plan to implement recommendations of the Symposium on Asylum and Mixed Migration in West Africa was developed.</li> <li>▪ The government signed the Bamako Declaration for Protection and Solutions in the context of forced displacement in the Sahel.</li> <li>▪ Draft laws on civil status and nationality and the status of stateless persons and draft guidance on determining the status of stateless persons were finalized.</li> </ul>
<b>3. Economic Opportunities</b>	<ul style="list-style-type: none"> <li>▪ The Sahel Emergency Programme was established. It includes a sub-component on job creation and market infrastructure and equipment.</li> </ul>
<b>4. Access to National Public Services</b>	<ul style="list-style-type: none"> <li>▪ The Sahel Emergency Programme was established. It includes a component to strengthen access to social services (including education and health).</li> </ul>

<b>Burundi</b> IDA RSW/WHR Eligibility: November 2018	
<b>1. Host Communities</b>	<ul style="list-style-type: none"> <li>• The 2018 Burundi Refugee and Host Community Support Strategy (developed for IDA18 RSW eligibility) reflects the government's political will to <i>inter alia</i> improve the well-being of host communities.</li> </ul>
<b>2. Regulatory Environment and Governance</b>	<ul style="list-style-type: none"> <li>• A High-Level Inter-Ministerial Committee was established to endorse strategic approaches and priorities for development responses to forced displacement.</li> <li>• A five-year birth registration campaign which includes refugee children was launched.</li> </ul>
<b>3. Economic Opportunities</b>	<ul style="list-style-type: none"> <li>• The 2018 Burundi Refugee and Host Community Support Strategy reflects the government's political will to <i>inter alia</i> promote the progressive self-reliance and economic integration of refugees.</li> <li>•</li> </ul>
<b>4. Access to National Public Services</b>	<ul style="list-style-type: none"> <li>• The 2018 Burundi Refugee and Host Community Support Strategy reflects the government's political will to <i>inter alia</i> to further refugee inclusion in national services.</li> <li>• The national Child Protection Policy (2020–24) was articulated around five strategic orientations, including preventing and responding to violence, exploitation, discrimination, abuse, and neglect.</li> <li>• The Law on Social Protection Code was adopted which applies to all persons in Burundi and provides for a pensions regime to cover old age and disability risks.</li> </ul>
<b>Democratic Republic of Congo</b> IDA RSW/WHR Eligibility: November 2018	
<b>3. Economic Opportunities</b>	<ul style="list-style-type: none"> <li>• Administrative instruction confirming recognition of the refugee ID to access financial services and allowing refugees to open bank accounts was issued by the Central Bank.</li> <li>• A partnership between the Office of National Employment (ONEM) and UNHCR was signed enabling registration of job-seeking refugees in ONEM's employment-matching database in the same manner as nationals.</li> </ul>

<b>Rwanda</b> IDA RSW/WHR Eligibility: November 2018	
<b>1. Host Communities</b>	<ul style="list-style-type: none"> <li>▪ Rwanda became a CRRF rollout country, promoting an inclusive and enabling environment for refugees that also benefits host communities as well as emergency preparedness and response efforts.</li> <li>▪ An environmental plastic ban was introduced in line with government pledges on environmental protection in refugee-hosting areas and providing clean and renewable energy solutions to refugee and host community households.</li> <li>▪ Joint agricultural projects between refugee and host community households were initiated as part of livelihood creation efforts.</li> </ul>
<b>2. Regulatory Environment and Governance</b>	<ul style="list-style-type: none"> <li>▪ A National Statelessness Taskforce was created and the Ending Statelessness in 2024 National Action Plan was launched, which is meant to ensure access to birth registration for all refugees born in Rwanda.</li> <li>▪ About 75% of refugees were issued with refugee ID cards.</li> </ul>
<b>3. Economic Opportunities</b>	<ul style="list-style-type: none"> <li>▪ Joint agricultural projects between refugee and host community households were initiated as part of livelihood creation.</li> </ul>
<b>4. Access to National Public Services</b>	<ul style="list-style-type: none"> <li>▪ Refugee students were integrated into the national school system at the primary and secondary levels, and classrooms and related facilities were constructed for over 15,000 refugee students.</li> <li>▪ Urban refugees were included in the National Community-Based Health Insurance, and screening and treatment for Hepatitis B and C was progressively integrated into regular health activities for refugees.</li> </ul>

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## BANGLADESH

As of 30 June 2020, Bangladesh was among the top 10 refugee-hosting countries globally, providing protection and assistance to over 860,000 registered Rohingya refugees from Myanmar<sup>1</sup>. In August 2017, over 700,000 Rohingya arrived in Bangladesh within the span of a few months, joining an estimated 130,000 refugees from earlier waves of forced displacement from Myanmar that have occurred since the 1970s. The Government and people of Bangladesh have responded to the crisis with generosity, and the host communities were the first responders to the crisis, as they had been during earlier waves of displacement.

The 2017 inflow has placed great demographic and socioeconomic pressure on the host communities in Cox's Bazar, with a local population of 2.3 million that was already confronting its own development challenges, and which now hosts the vast majority of refugees in Bangladesh. As voluntary repatriation has not yet materialized due to the absence of conducive conditions in Myanmar, host community members continue to face challenges associated with the presence of large numbers of refugees.

### KEY POPULATION DATA

Current Rohingya refugee population figures are based on numbers registered under the ongoing joint Government of Bangladesh and UNHCR registration exercise established in 2018.

**860,459**  
Refugees

**IDA 18 RSW / IDA 19 WHR ELIGIBILITY:  
JUNE 2018**



Rohingya refugees in Bangladesh live in 34 camps in the Ukhiya and Teknaf sub-districts (Upazilas) of Cox's Bazar district, close to the border with Myanmar. The refugee population accounts for approximately one-third of the total population of Cox's Bazar and has nearly tripled the populations of the Ukhiya and Teknaf sub-districts. Interaction between host and refugee communities is limited due to the Government policy that Rohingya refugees should remain within the boundaries of the camps.

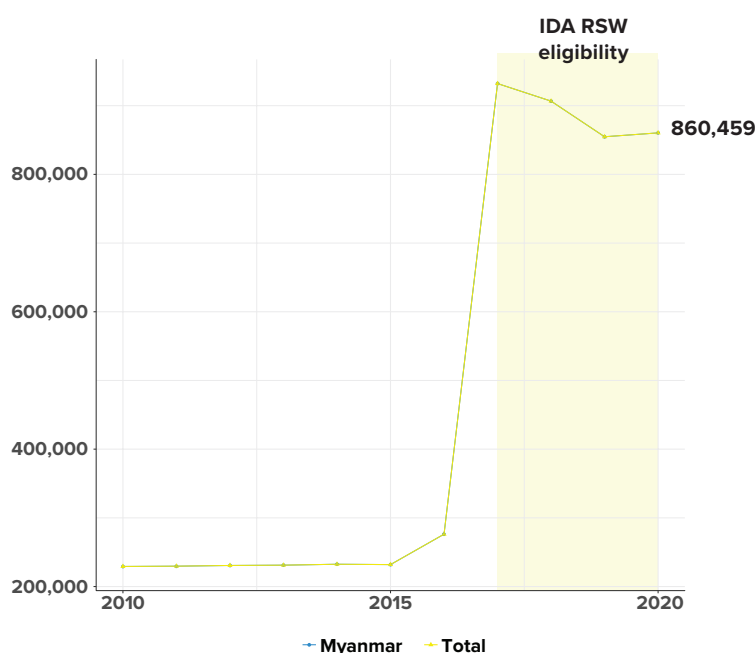


Figure 1: Number of refugees of the largest refugee population group

1. The Government of Bangladesh refers to the Rohingya as "Forcibly Displaced Myanmar Nationals (FDMN)." The United Nations system refers to this population as Rohingya refugees, in line with the applicable international framework. In this document, both terms are used, as appropriate, to refer to the same population.

## OVERVIEW OF REFUGEE POLICY ENVIRONMENT (JULY 2017–JUNE 2020)

The Government of Bangladesh has adapted its policies to respond to the large inflow of Rohingya from Myanmar following the events of August 2017. The Government's overarching policy has allowed nearly one million Rohingya refugees to have access to safety, documentation and shelter, and has enabled provision of critical protection and humanitarian services in the refugee camps. At the same time, the Government emphasizes that voluntary repatriation is the primary solution for the Rohingya refugees; their stay in Bangladesh is temporary; and the root causes of displacement should be addressed as a matter of priority. The Government's policies focus on supporting Rohingya with humanitarian assistance, while supporting host communities with development assistance to offset the impact of hosting a large presence of refugees in congested camps.

Key policy developments and initiatives from July 2017 to June 2020 include the following:

- Following the events of August 2017 in northern Rakhine in Myanmar, and the inflow of refugees into Cox's Bazar district, the Government of Bangladesh enabled a large-scale humanitarian response, with significant international support and personnel, and granted UNHCR and other partners full access to all Rohingya refugees.
- While previously-registered Rohingya refugees maintained their refugee designation, Rohingya arriving following the events of August 2017 are classified by the Government as "Forcibly Displaced Myanmar Nationals" (FDMN) and governed by a policy framework that ensures their access to basic humanitarian assistance and services and protection from refoulement. The policy framework restricts refugees' movements to within the camps and does not allow refugees access to formal education, livelihoods or wage-earning employment. The Government emphasizes the temporary presence of the Rohingya refugees on its territory and the need to prioritize the voluntary return to Myanmar as the only solution to their plight. Government policy renders the Rohingya refugees reliant upon critical and life-saving humanitarian assistance, which poses challenges in an increasingly resource-strained environment.
- Since June 2018, the Government of Bangladesh and UNHCR have carried out a joint registration of Rohingya refugees, which has enabled many Rohingya to acquire individual identity documents – for many for the first time.
- In January 2020, the Government through its National Task Force approved the use of the Myanmar curriculum in the informal learning centres for Rohingya refugees and the introduction of skills development programmes in the camps, in preparation for eventual voluntary repatriation and sustainable reintegration in Myanmar.
- As part of Bangladesh's nationwide response to the COVID-19 pandemic in March 2020, the Government included Rohingya refugees in its national prevention and response plan (National Preparedness and Response Plan for COVID-19 for Bangladesh (2020) and National Vaccine Development plan (NVDP) for COVID-19 Vaccines in Bangladesh). Due to necessary mitigation measures to stem the spread of COVID-19, provision of protection and humanitarian assistance and services in the camps has been significantly reduced, resulting in a deterioration of living conditions and the protection environment for refugees.
- Throughout the reporting period, the Government has specified that any repatriation of Rohingya refugees must take place in a voluntary, safe and dignified manner in line with international standards. When Bangladesh and Myanmar attempted to begin the process of repatriating Rohingya refugees to Myanmar in November 2018 and August 2019, the Government of Bangladesh allowed UNHCR to ascertain voluntariness and respected the refugees' decision not to return under prevailing conditions. This again confirmed the Government's commitment to the principle of non-refoulement and to the voluntary nature of repatriation in safety and dignity, as stipulated in its November 2017 bilateral agreement with the Government of Myanmar and its 2018 Memorandum of Understanding with UNHCR.

- Other notable Government initiatives have included the deployment of increased numbers of security personnel in and around the refugee camps and the construction of perimeter fencing around the refugee camps. In parallel, in an effort to decongest the camps, the Government prepared for the relocation of up to 100,000 Rohingya refugees to the island of Bhasan Char.

Bangladesh was granted access to the World Bank's IDA-18 Refugee Sub-Window (RSW) in June 2018, enabling support for education, health, gender, social protection, WASH, energy, public works and service delivery for Rohingya refugees and host communities.

## POLICY DIMENSIONS (AS AT 30 JUNE 2020)

### 1 Host Communities

#### 1.1 Support for communities in refugee-hosting areas

Although there are no specific national fiscal policies addressing additional financial or fiscal transfers from the national level to areas economically affected by the presence of refugees, the Government has continued to lead and coordinate significant efforts to ensure that the affected host communities are provided with assistance.

Under the leadership of the Government of Bangladesh, international support has been extended to Bangladeshi host communities in the Ukhiya and Teknaf sub-districts to alleviate pressures on their living conditions and socioeconomic development due to the presence of large numbers of Rohingya refugees. This has included targeted support for local health facilities, employment and livelihoods opportunities, and measures to mitigate environmental degradation, water scarcity, and potential tensions between the Rohingya refugees and the host communities.

#### 1.2 Social cohesion

N/A

#### 1.3 Environmental management

The Constitution of Bangladesh and numerous policies articulate parameters for environmental protection and the preservation of natural resources, forests, biodiversity, and wildlife. Dedicated policy frameworks for the management and protection of the environment include the [National Environmental Policy \(1992\)](#), the [Environmental Management Plan \(1995\)](#), the [Environmental Conservation Act \(1995\)](#), the [Environmental Conservation Act Rules \(1997\)](#) and the [Bangladesh Forest Act, 1927 \(Amended in 1994\)](#). These are national policies that apply equally to Rohingya refugee hosting areas.

Bangladesh has allowed Rohingya refugees to reside on previously classified forested land governed by the Forest Act. Bangladesh's environmental policies have allowed sustainable fuel programmes that reduce deforestation and protection risks, including through the provision of liquified petroleum gas and reforestation efforts. Bangladesh has also endeavoured to protect wildlife, such as South-Asian elephants, that previously used the forest as a travel corridor.

#### 1.4 Preparedness for refugee inflows

Traditionally, and as evidenced by the events of 2017, the Bangladesh government has been prepared to respond and provide safety, refuge and essential services to large numbers of Rohingya refugees arriving in the country, in cooperation and coordination with the United Nations and international and national NGOs.

On the basis of the 2013 National Strategy on Myanmar Refugees and Undocumented Myanmar Nationals, in October 2017 the Government established a National Task Force (NTF), chaired by the Ministry of Foreign Affairs and including 29 Ministries and entities, to provide oversight and strategic guidance to the Rohingya response. Following the 2017 influx, the Refugee Relief and Repatriation Commissioner (RRRC), under the Ministry of Disaster Management and Relief, was mandated to provide operational coordination for all refugees. The District Commissioner in Cox's Bazar has the primary responsibility for operational coordination of the response for Bangladeshi host communities including security and safety and disaster risk reduction.

## 2 Regulatory Environment and Governance

### 2.1 Normative framework

Despite not being a signatory to the [1951 Convention relating to the Status of Refugees or its 1967 Protocol](#), Bangladesh has provided international protection to refugees for decades.

Numerous articles in the Constitution of Bangladesh and other general provisions of Bangladeshi law that are not restricted to citizens can apply to refugees as individuals present on the territory of Bangladesh, although their interpretation and application vary vis-à-vis Rohingya refugees.

Bangladesh has ratified core international human rights instruments including the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic and Social and Cultural Rights (ICESCR), the Convention on the Rights of the Children (CRC), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment (CAT), and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Bangladesh has not ratified the 1954 Convention relating to the Status of Stateless Persons or the 1961 Convention on the Reduction of Statelessness.

There is no specific legislative or administrative instrument on asylum procedures and refugee status determination in Bangladesh. Traditionally, the [Foreigners Act \(1946\)](#), which dates to the period before the establishment of the State of Bangladesh, has been applied to refugees and asylum-seekers in Bangladesh, although the Act makes no explicit reference to either.

The Constitution of Bangladesh and other laws and policies include non-discrimination provisions. Bangladesh has also ratified the major international instruments containing non-discrimination provisions, including, in addition to the above, the [1965 International Convention on Elimination of All Form of Racial Discrimination](#).

### 2.2 Security of legal status

The Government of Bangladesh has generally maintained its commitment to ensuring the protection of and provision of life-saving basic assistance to Rohingya refugees and to upholding the principle of non-refoulement. Although it does not confer legal status upon Rohingya and considers them to be forcibly displaced nationals from Myanmar rather than recognizing them as stateless refugees, in statements and in practice, the Government has firmly committed that any future returns will be “conducted in line with the international standards of voluntariness, safety and dignity.”

### 2.3 Institutional framework for refugee management and coordination

A National Taskforce on the Implementation of the National Strategy on Myanmar Refugees and Undocumented Myanmar Nationals was established in October 2017, chaired by the Foreign Secretary, to provide strategic and policy guidance on refugee matters at national level. The Ministry of Disaster Management and Relief (MoDMR) manages the operational response, working with other relevant authorities. In Cox's Bazar, the [Refugee Relief and Repatriation Commissioner \(RRRC\)](#), who reports to MoDMR, is responsible for management and oversight of the Rohingya refugee response, while the District Deputy Commissioner (DC), leading the civil administration in Cox's Bazar District, is responsible

for coordinating the response to the needs of host communities and overall safety and security. The operational response in the camps is coordinated through Camp-in-Charge (CiC) officials reporting to RRRC, in close cooperation with the District Task Force and DC.

## 2.4 Access to civil registration and documentation

The Government of Bangladesh does not have specific laws, policies or institutional arrangements for refugee registration. In the early days of the crisis in 2017, the Ministry of Home Affairs undertook biometric registration of newly arrived Rohingya refugees. This exercise registered individuals and did not collect data on family size or composition. Subsequently, in October 2017, the RRRC and UNHCR began a “family counting exercise,” which was a household-based registration. The data from both exercises was later combined.

In June 2018, the Government of Bangladesh launched a large-scale biometric registration exercise with UNHCR to improve the quality and comprehensiveness of the data. All individuals over the age of 12 are now issued with an Identity Card, and each household receives a Family Attestation that includes a photograph and basic biodata of everyone in the household, regardless of age. The biometric registry, which includes iris scans and fingerprints, has helped to secure individuals’ identities, and the data is continually updated. The text of the identity card includes a reference to the principle of non-refoulement. As most Rohingya refugees have been deprived of citizenship in Myanmar, this card is, for many, the first official identity document they have ever received.

The [Birth and Death Registration Act \(2004, amended in 2013\)](#) requires the birth registration of all children born in Bangladesh, “irrespective of race, religion, caste, clan or sex”, including a reference to refugees (Article 2.n). Having generally registered Rohingya births since 2015, the Government suspended birth registration in the Cox’s Bazar area at the time of the crisis in August 2017, affecting both Rohingya refugees and the Bangladeshi host community. Birth registration in the host community resumed in 2020, whereas births in the refugee community are now recorded through the continuous registration process mentioned above.

## 2.5 Justice and Security

The Constitution of Bangladesh guarantees access to justice for everyone on its territory. It also stipulates that every person present in Bangladesh enjoys the protection of the law and is entitled to be treated in accordance with the law. Article 32 specifies that no person shall be deprived of life or personal liberty, save in accordance with the law; while Article 33 contains safeguards in relation to arrest and detention for all persons on the territory. These and other general provisions of Bangladeshi law all apply to refugees, although their interpretation and application vis-à-vis Rohingya refugees can vary.

Since the start of the influx in 2017, the Government of Bangladesh has deployed additional military and security forces, including the Armed Police Battalion, to maintain security and law and order in Cox’s Bazar area for both refugees and host communities.

Refugees’ access to the Bangladeshi justice system is affected by lengthy procedures and backlogs, as well as the absence of a specific legal framework governing the status of refugees. The [Muslim Family Ordinance \(1961\)](#) applies to the whole of Bangladesh and all Muslim citizens of Bangladesh (Article 2). The text has been interpreted as excluding refugees, as non-citizens, and therefore circumscribing the jurisdiction of local courts to hear civil cases concerning refugees. As a result, the courts generally do not address cases submitted by the Rohingya refugees.

Bangladesh has several national laws addressing the prevention of gender-based violence (GBV), with a focus on violence against women and girls. The [Prevention of Oppression against Women and Children Act](#) (Nari-o-Shisu Nirjatan Daman Ain – 2000, amended in 2003), penalizes recourse to dowry, kidnapping, and the rape of women and children, while the [Domestic Violence Act \(2010\)](#) penalizes the psychological, physical, sexual and economic abuse of women and children by family members. While these laws, as well

as other important domestic laws such as the [Child Marriage Restraint Act \(2017\)](#) and the [Children Act \(2013\)](#), include everyone on the territory, there are implementation gaps in practice, and Rohingya refugees face particular barriers.

## 3 Economic Opportunities

### 3.1 Freedom of movement

As the August 2017 influx intensified, the Government designated so-called ‘special zones’ and instructed local authorities to settle Rohingya refugees in the Cox’s Bazar camps. Rohingya refugees are required to stay in or within the vicinity of the camps in Cox’s Bazar and are not allowed to travel further afield without authorization by camp authorities.

### 3.2 Right to work and rights at work

In general, national laws relating to the “right to work” or “rights at work”, including the [Bangladesh Labour Act \(2006\)](#) and the Constitution, refer to citizens. Although there is no codified policy or law explicitly prohibiting refugees from working, it has been the position of the Government that refugees should not have formal access to the labour market or other forms of wage-earning activity.

Economic opportunities for Rohingya refugees are limited to pecuniary incentives which are provided to Rohingya refugee volunteers who provide essential service delivery and support for the humanitarian operation in the camps, including desludging latrines, disaster response, community outreach and teaching in the education centres.

### 3.3 Land, housing and property rights

Section 42(1) of the Constitution of Bangladesh states that every citizen has the right to acquire, hold, transfer or otherwise dispose of property. Other relevant laws on Housing, Land and Property (HLP) – including the [Transfer of Property Act \(1882\)](#), the [Acquisition and Requisition of Immovable Property Act \(2017\)](#), the [Non-agricultural Tenancy Act \(1949\)](#), the [Registration Act \(1908\)](#) and the [Contract Act \(1882\)](#) – do not distinguish on the basis of citizenship. Nor, however, do they authorize foreigners to access housing, land and property rights. There is a common understanding and practice that refugees are not able to purchase, lease or use land in Bangladesh due to their lack of a legal status in Bangladesh.

### 3.4 Financial and administrative services

Rohingya refugees cannot open an account with either a regulated bank or a mobile financial service, absent a legally-accepted proof of identity document. The biometric ID card provided by means of the joint UNHCR-Government of Bangladesh registration and verification exercise is not accepted for this purpose.

Both public and private banks adhere to the rules and regulations set by the Central Bank of Bangladesh (Bangladesh Bank) as well as the Know Your Customer (KYC) principles adopted by the Bangladeshi Financial Authority. The Bangladesh Bank has allowed an electronic-KYC (e-KYC) process for some banks based on a [guideline from December 2019](#). The guidelines for e-KYC explicitly state that the “e-KYC shall only be applicable for natural persons who have a valid NID [national identity] document.” In order to open mobile banking accounts, one must furnish the national ID reference and have a registered mobile number. A [Directive on Biometric Verification Systems \(2015\) from the Bangladesh Telecommunication Regulatory Commission](#) requires all SIM card registration data to be validated biometrically against the government’s national ID database. As Rohingya refugees are not part of that database, they are not able to purchase SIM cards.



## 4 Access to National Public Services

### 4.1 Education

The Government has realized significant progress towards achieving universal access to basic education for Bangladeshi nationals. Rohingya refugee students are not part of the national plan on education, and are not allowed to enrol in state schools or pursue tertiary education in general.

The Government's policy on education for Rohingya refugees following the 2017 influx has permitted the provision of informal education to Rohingya refugee children in the camps. In line with these directives, humanitarian actors developed the Learning Competency Framework and Approach (LCFA) in early 2018 as an interim measure. The Government endorsed the LCFA through its Guidelines for Informal Education Programme for children of Forcibly Displaced Myanmar Nationals in Bangladesh (GIEP) Level I and II. In January 2020, the Government of Bangladesh authorized the use of the Myanmar curriculum in the refugee camps, starting with 10,000 Rohingya students in Grades 6 to 9. While introduction of the curriculum has been deferred as a result of the closure of schools and learning centres due to the COVID pandemic, this policy shift will facilitate Rohingya refugees' access to education and skills development.

### 4.2 Healthcare

Rohingya refugees can access curative and preventive healthcare services in the camps provided by humanitarian agencies, following a minimum package of primary healthcare services that is derived from the applicable national package (the [National Health Policy \(2011\)](#)). Rohingya refugees can also be referred to the district hospital in Cox's Bazar for secondary and tertiary level medical treatment. When refugees are referred to national services, the same costs are charged as for nationals.

Refugees are included in free access to the national Tuberculosis (TB) and HIV services supported by the [Global Fund](#), implemented by the Ministry of Health and Family Welfare. Likewise, refugees benefit from the Government's free immunization and family planning services. TB diagnostic and treatment services are provided at specialized clinics run by an NGO in the camps. HIV treatment is part of the national system, provided through public health facilities near the camps, with the exception of HIV testing for pregnant women, which is provided in the camps. Sexual and reproductive health services, including maternal and neonatal health services, are provided to Rohingya women and girls in the camps by humanitarian actors. The [National Preparedness and Response Plan for COVID-19 for Bangladesh \(2020\)](#) notes the significant presence of Rohingya 'Forcibly Displaced Myanmar Nationals'. In practice, Rohingya refugees in Cox's Bazar can access Government-run testing and medical treatment facilities and are treated without discrimination when receiving COVID-19-related services.

### 4.3 Social protection

Refugees are not part of the national social protection system (National Social Security Strategy [2015]), Action Plan 2016–2021 [2018]).

A social safety net for refugees and host communities affected by the presence of refugees has been supported by the IDA18 RSW separately from the national social protection system ([Additional Financing for the Safety Net Systems for the Poorest project](#)).

### 4.4 Protection for vulnerable groups

The domestic legal framework includes instruments to protect vulnerable groups in society. The [Prevention and Suppression of Human Trafficking Act \(2012\)](#) and its [2017 Rules](#) apply to any person within Bangladesh, regardless of nationality. Together they outline procedures for the rescue, rehabilitation and repatriation of victims, as well as social, physical and judicial protection for their stay in Bangladesh. Bangladesh is enhancing efforts to combat human trafficking through its 2018–2022 National Plan of Action (NPA), which strengthens enforcement through inter-agency coordination, officer training and the harmonization of existing laws.

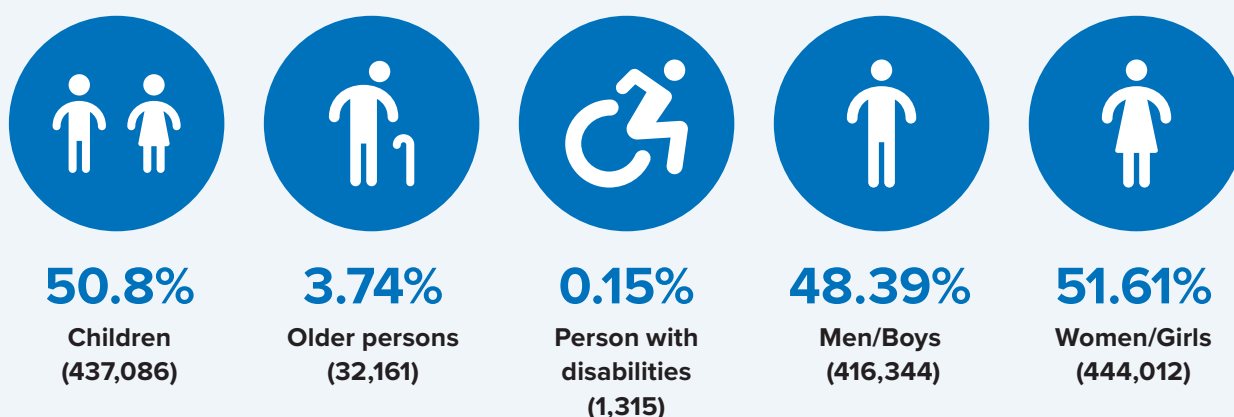
To protect women and girls from violence, including trafficking, and implement relevant provisions of CEDAW and CRC, Bangladesh adopted the [Prevention of Violence Against Women and Children Act \(Nari-o-Shisu Nirjatan Daman Ain – 2000\)](#) and the Domestic Violence Act (2010). These legal instruments apply to all persons in Bangladesh, including refugees. Bangladesh has adopted the [Persons with Disabilities Rights and Protection Act \(2013\)](#), which upholds the rights of people with disabilities, including access to justice, education, health care, work, and inheritance. Several legal provisions ensure that unaccompanied and separated refugee children, refugee victims of trafficking, survivors of gender-based violence and other refugee groups with specific needs have access to Government care and protection systems in a comparable manner to nationals. The Child Marriage Restraint Act (2017), for example, is not limited to citizens and can be used as a basis for extending legal protection to refugee children. In practice, there are barriers for the Rohingya refugees to access these mechanisms.

In the refugee camps, humanitarian agencies offer various specialized services and assistance to persons with specific needs and vulnerabilities, including for the protection of women and children at risk, in coordination with the camp authorities and the Department of Social Services.

## 5 Cross Sectors

### Characteristics of registered refugees in total refugee population\*

as at 30 June 2020



### 5.1 Gender

As mentioned above, the most consequential policy sub-dimensions for Rohingya refugees are:

- Ensuring meaningful, inclusive, equitable, and gender-responsive community representation, including participation of women in community-based leadership structures in camps;
- Responding to and preventing risks of human trafficking and smuggling of women and girls, in line with the Bangladeshi National Anti-Trafficking Plan;
- Access to gender-responsive learning opportunities in an enabling, protective environment;
- Preventing and addressing gender-based violence, including access to justice;
- Strengthening the gender dimension of access to national services addressing specific needs;
- Gender mainstreaming and awareness throughout the humanitarian response.

\* The refugee numbers reported here do not fully match the numbers on the front page because demographic characteristics are not available for all refugees (e.g., pre-registered refugees, etc.).



## Annex on Key International and Regional Instruments ratified or adhered to

- [Additional Protocol to the Geneva Conventions of 12 August 1949 \(Protocol I\)](#)
- [Additional Protocol to the Geneva Conventions of 12 August 1949 \(Protocol II\)](#)
- [Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984<sup>1</sup>](#)
- [Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, 1962<sup>2</sup>](#)
- [Convention on the Elimination of All Forms of Discrimination Against Women, 1979<sup>3</sup>](#)
- [Convention on the Rights of Persons with Disabilities, 2007](#)
- [Convention on the Rights of the Child, 1989<sup>4</sup>](#)
- [Fourth Geneva Convention relative to the Protection of Civilian Persons of 1949](#)
- [ILO Abolition of Forced Labour Convention, 1957 \(No 105\)](#)
- [ILO Discrimination \(Employment and Occupation\) Convention, 1958 \(No 111\)](#)
- [ILO Equal Remuneration Convention, 1951 \(No 100\)](#)
- [ILO Forced Labour Convention, 1930 \(No 29\)](#)
- [ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 \(No 87\)](#)
- [ILO Labour Inspection Convention, 1947 \(No 81\)](#)
- [ILO Right to Organise and Collective Bargaining Convention, 1949 \(No 98\)](#)
- [ILO Tripartite Consultation \(International Labour Standards\) Convention, 1976 \(No 144\), 1976](#)
- [ILO Worst Forms of Child Labour Convention, 1999 \(No 182\)](#)
- [International Convention on the Elimination of All Forms of Racial Discrimination, 1965](#)
- [International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990](#)
- [International Covenant on Civil and Political Rights \(ICCPR\), 1966<sup>5</sup>](#)
- [International Covenant on Economic, Social and Cultural Rights, 1966<sup>6</sup>](#)

### Reservations/declarations:

1 Article 14(1) (adequate compensation for torture).

2 Articles 1 (consent to marriage); Article 2 (minimum age for marriage).

3 Article 2 (State Party's duties to eliminate formal discrimination against women); Article 16(1)(c) (discrimination in marriage)).

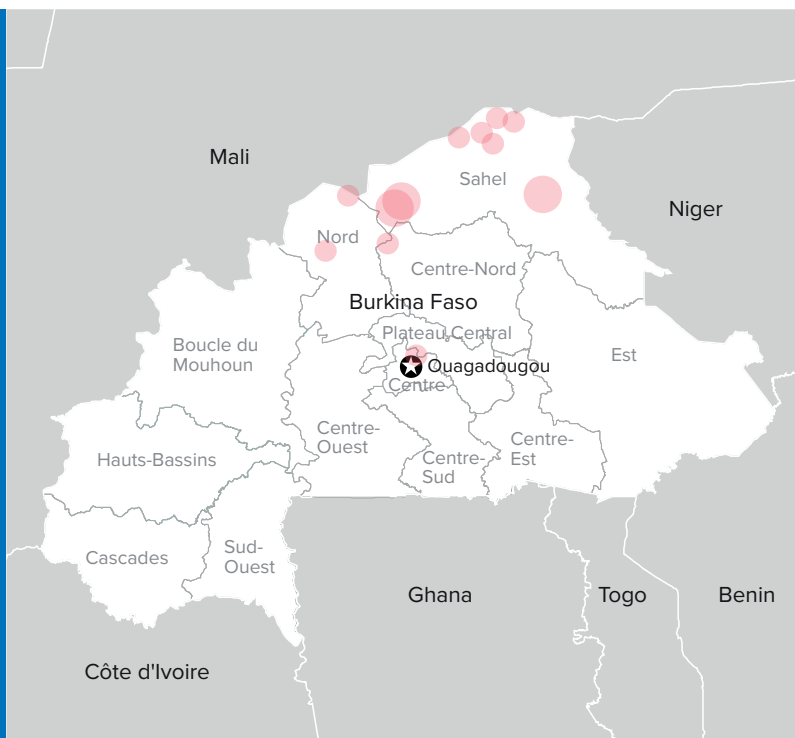
4 Article 14(1) (child's freedom of thought); Article 21 (considering the best interest of the child in adoptions).

5 Article 14(3)(d) (due process safeguards in criminal cases); Article 10(3) (humane treatment in prison); Article 11 (prohibition on imprisonment for failure to meet contractual obligations).

6 Article 1 (right to self-determination); Article 2 (access to rights without discrimination); Article 3 (access to economic, social and cultural rights without discrimination on the basis of sex); Article 7 (right to just and favourable conditions of work); Article 8 (right to form trade unions); Article 10 (familial rights); Article 13 (right to education).

## BURKINA FASO

Maintaining an open-door policy towards refugees, Burkina Faso was providing protection to 19,866 refugees and asylum-seekers from 13 countries in 2020. The vast majority of refugees are from Mali, fleeing the outbreak of violence in their country in 2011. However, Burkina Faso has become a victim of rising violent extremism that also affects neighbouring Mali and Niger. A surge in violence from several non-state armed groups has caused a severe humanitarian crisis in the northern regions, which has resulted in large-scale internal displacement. As of 30 June 2020, 921,471 people in Burkina Faso are internally displaced.



Refugees in Burkina Faso live mainly in the Centre region (7 per cent), the Haut-Bassins region (2 per cent) and in the Sahel region (89 per cent), where they live in two consolidated camps (Mentao and Goudoubo), and in unplanned settlements where they can maintain a nomadic and pastoral lifestyle. However, in June 2020, refugees vacated the two camps to relocate to informal settlements, for security reasons. Malian refugees who fled fighting in central Mali in 2018 and 2019 live in Lorum province in the North Region and in Boucle du Mouhoun. The very few Malian refugees who have spontaneously settled in the urban areas of Ouagadougou and Bobo-Dioulasso mostly live in rental accommodation.

### KEY POPULATION DATA

**19,838**

Refugees

**28**

Asylum-seekers

**0.1%**

of the country's population (20,321,378)  
are refugees and asylum-seekers

IDA 18 RSW / IDA 19 WHR ELIGIBILITY:  
JUNE 2018

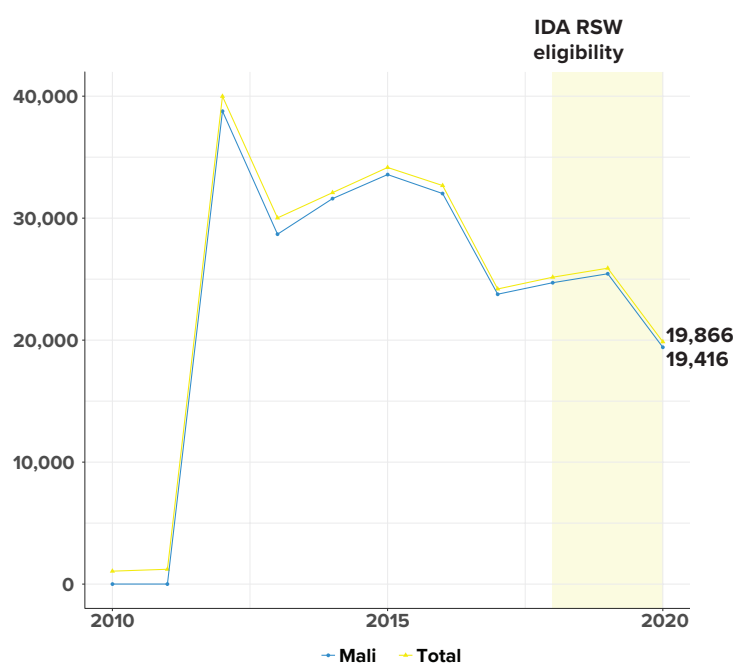


Figure 1: Number of refugees and asylum-seekers of the largest refugee population group

## OVERVIEW OF REFUGEE POLICY ENVIRONMENT (JULY 2017–JUNE 2020)

From 2017 to 2020, the Government of Burkina Faso pursued refugee policies that would further provide asylum-seekers and refugees with access to its territory, asylum and public assistance and promote durable solutions. At the same time, it also pursued an encampment policy and issued restrictions that affect [refugees' freedom of movement and choice of residence](#). These policy changes took place against the backdrop of a deteriorating security situation in the Sahel region from December 2018 resulting in restrictions on fundamental rights and freedoms which impacted nationals and refugees alike. Despite the security situation, the following policy developments were made in the reporting period:

The Government established the [Sahel Emergency Programme](#) (Programme d'Urgence pour le Sahel - PUS) to boost economic and social development in the Centre Est, Centre Nord, Est and Boucle du Mouhoun regions in July 2017. The [programme](#) directly targets refugees and host communities.

- A “[Justice and Human Rights](#)” [Sectoral Policy 2018–2027](#) was adopted in April 2018 through the Ministry of Justice, Human Rights and Civic Promotion, in response to a commitment to **promote the inclusion of refugees in national systems**.
- In 2020, the country finalized a **draft law on civil status and nationality, a draft law on the status of stateless persons and draft guidance on procedures for determining the status of stateless persons**, which will be the responsibility of the current RSD eligibility committee.

The government has been active on refugee issues at regional and international level, participating in December 2017 in the **Symposium on Asylum and Mixed Migration in West Africa**, held in Senegal, aimed to strengthen West African asylum systems. In December 2018, the Government translated the symposium's recommendations into an **Action Plan**, which is yet to be implemented. In September 2019, Burkina Faso participated in the **Regional Dialogue on Protection and Solutions** in Bamako and **signed the [Bamako Declaration for Protection and Solutions in the context of forced displacement in the Sahel](#)** in October 2019. In this declaration, the government made pledges on access to asylum, solutions for refugees, internally displaced persons and civilian populations, and access to civil status, identity documents and nationality. These were reiterated at **the first [Global Refugee Forum \(GRF\)](#)** in December 2019.

Burkina Faso became eligible for the **IDA18 Refugee Sub-Window (RSW)** in September 2017, which funded efforts to further include refugees in the [national social protection scheme](#).

## POLICY DIMENSIONS (AS AT 30 JUNE 2020)

### 1 Host Communities

#### 1.1 Support for communities in refugee-hosting areas

In July 2017, the Government of Burkina Faso adopted the [Sahel Emergency Programme \(PUS\)](#) (Decree No 2017-620/PRES/PM/MINEFID of 18 July 2017) covering the Nord and Sahel regions and extended in 2019 to include the Centre-Est, Est, Centre Nord and Boucle du Mouhoun regions ([extended PUS or PUS+](#)). The objective of PUS is to improve the security situation and reduce the vulnerability of the populations in order to promote sustainable development in the six regions. The groups targeted by PUS are internally displaced Persons (IDP), host communities and refugees; its action plan is organized according to four thematic areas: (i) addressing security challenges; (ii) addressing urgent social issues; (iii) reinforcing state presence; and (iv) building the foundations of resilience for populations.

The Government tasked 12 ministries and the local authorities in the 6 regions, as well as NGOs and civil society, technical and financial partners, with implementing PUS through an inclusive monitoring and evaluation approach at national, regional, communal and village levels (source: [Strategie d'extension du programme d'urgence pour le Sahel](#), 2019–2021). The programme is partially funded through the ministries' annual budgets while remaining needs are advocated for by the Government through various actors.

In addition to PUS and with the support of the country's development partners, the Government initiated a Prevention and Peace Building Assessment (PPBA) in 2019 to better frame, harmonize and prioritize policies and investment decisions, from emergency to mid- and long-term responses. A Matrix of Priority Actions (MAP) resulted from the PPBA exercise to frame public investment budgets. The MAP has only been partially operationalized for lack of resources.

Despite all of these initiatives and the Government's stated [implementation rate of 28.2 per cent](#) of the PUS+ action plan, investments and operating expenses intended to support the areas economically affected by the presence of refugees are yet to be substantially felt. Indeed, the COVID-19-related challenges and the rapid increase in IDP numbers were additional urgent and unforeseen challenges facing the government of Burkina Faso.

The [2013–2022 National Social Protection Policy \(NSPP\)](#) provides for social safety nets for all Burkinabè, including host communities. The NSPP has two objectives: (i) to develop adequate and sustainable protection mechanisms against idiosyncratic and exogenous shocks using safety nets; and (ii) to extend social insurance coverage to informal/agricultural sectors. Institutional anchoring and responsibility for the NSPP is shared between the Ministry of Public Service for the contributory social protection programmes and the Ministry of Women, National Solidarity, Family and Humanitarian Action (MFSNFAH) for non-contributory ones. Overall coordination of the action plan arising from this policy is entrusted to the National Social Welfare Council (CNPS), chaired by the Prime Minister.

Increased attention to social safety net (SSN) programmes in recent years has resulted in a rise in SSN spending: from 1 percent of GDP in 2010 to 2.3 percent in 2015, for instance. The largest SSN programmes are: the school feeding programme for primary schools; the school supply programme; the cash for work programme; scholarships for post-secondary schools; targeted food subsidies and nutrition programmes. Criteria for targeting beneficiaries include geographical pre-screening, vulnerability, poverty and food insecurity. Beneficiaries are targeted through a screening process with scorecard methodology. Refugee host communities are likely to meet these criteria and be eligible, since MFSNFAH has been asked to focus on the PUS+ regions for noncontributory social protection programmes.

## 1.2 Social cohesion

National policies can be applied to identify, prevent and mitigate potential social tensions and risks of violence in refugee-hosting areas (e.g. the [2019 Criminal Code](#); the [sectoral Justice and Human Rights Policy 2018–2027](#) issued by the Ministry of Justice, Human Rights and Civic Promotion (MJHRCP); and the gender- and youth-sensitive [Agrarian and Land Reorganization Law](#). Although these laws and policies do not refer directly to refugees and host communities, they also apply to these groups and are implemented in refugee-hosting areas in conjunction with the [Burkina Faso Constitution](#), the [Burkina Faso Refugee Law](#) and the [2018 Global Compact on Refugees](#). In addition to these policies, the Ministry of Territorial Administration, Decentralization and Social Cohesion is working on the 2021–2031 national social cohesion strategy, which is expected to comprehensively address social cohesion and is likely to directly target/include refugees and host communities.

While Malian refugees have largely been welcomed by local communities, they have experienced growing suspicion and stigmatization, especially in the Sahel region, because of their perceived association with the rise in violence in Burkina Faso since 2017. Several awareness campaigns to combat xenophobia and stigmatization have been carried out by the government through CONAREF and local CSOs since 2016. However, their potential positive impact on social cohesion are yet to be evaluated.

As part of the decentralized governance systems in Burkina Faso, informal and formal local mechanisms are in place to promote peaceful coexistence, dialogue, joint activities and citizen engagement, including in refugee-hosting areas. The Government's [National Observatory for the Prevention and Management of Community Conflicts](#) (ONAPREGECC) is a response to community conflicts and has decentralized bodies down to the lowest administrative level of all 13 regions in Burkina Faso, which can prevent and deal with community conflicts on their own initiative. Implementation of the ONAPREGECC action plan is limited, however, and receives few resources despite a growing need for inclusive community conflict resolution and management mechanisms.

In practice, Conflict Prevention and Management Committees were set up in the two refugee camps with the support of the local authorities, and Protection Committees were set up in each of the 30 out-of-camp locations in the Sahel region. The latter were also mandated by local authorities and CSOs/NGOs to serve as early warning mechanisms. The committees are composed of refugees and host community members, including women representatives. The committee members are trained by local authorities on their roles and responsibilities. However, due to the evolving security situation, the majority of refugees in or out of camps become displaced and, as at 30 June 2020, fewer than 10 protection committees were functional.

National policies do formally protect refugees from discrimination. The [Burkina Faso Constitution](#) affirms the equality of all persons before the law and their entitlement to the protection of the law without any discrimination. More specifically, the [Burkina Faso Refugee Law](#) includes provisions to protect refugees from all forms of discrimination and “promote equal treatment among refugees without discrimination based on race, ethnicity, religion, or country of origin”.

## 1.3 Environmental management

National policies exist that can be applied to mitigate the environmental impact of hosting refugees: the [2018–2027 Sectoral Policy “Environment, Water and Sanitation”](#), the [2016–2030 National Drinking Water Supply Programme](#) (PN-AEP), the [2016–2030 National Wastewater Treatment and Excreta Programme](#) and the [2019–2023 Sectoral Strategy for Renewable Energy](#). While these policies do not directly refer to refugees and/or host communities, in conjunction with [Burkina Faso Refugee Law](#) and the [2018 Global Compact on Refugees](#), they can be applied and implemented in refugee-hosting areas to the benefit of both.

In practice, these policies have some implementation challenges for a lack of dedicated resources and given that refugee-hosting areas are mostly arid regions with water and energy shortages. PN-AEP aims to sustainably meet the population's drinking water needs in quantity and quality. However, in Goudoubo

and Mentao refugee camps, water is provided to refugees and host communities through drilling systems installed by UNHCR. Water remains a challenge for herders among out-of-camp refugees and host communities. As for energy, fewer than 5 per cent of refugees in rural areas have access to lighting and 50 per cent of refugee households living in rural areas are provided with alternative domestic fuel.

## 1.4 Preparedness for refugee inflows

Burkina Faso has a [national preparedness framework](#) to address population movements including refugee inflows, floods, epidemics, food insecurity and natural disasters. The plan includes institutional mechanisms as well as sectoral focal points to respond to increased or new refugee inflows in ways that minimize short- and medium-term socioeconomic impacts on the hosting regions. The plan is coordinated by the [National Council for Emergency Relief and Rehabilitation](#) (CONASUR), an interministerial coordination entity with a Permanent Secretary reporting to MFSNFAH. In practice, implementing this plan is challenging as it has not received the required funding since its creation in 2009. A recommendation is pending concerning the creation of an emergency fund within MFSNFAH. Meanwhile, UNHCR continues to support the government financially in case of refugee inflows.

# 2 Regulatory Environment and Governance

## 2.1 Normative framework

Burkina Faso is a State Party to the [1951 Convention Relating to the Status of Refugees](#), the [1967 Protocol relating to the Status of Refugees](#), the [1969 OAU Convention Governing Specific Aspects of Refugee Problems in Africa](#) and other relevant international and regional instruments. It also endorsed the 2018 Global Compact on Refugees.

Refugee-related commitments in these instruments are implemented through the [Burkina Faso Refugee Law](#), the [implementing Decree on the Burkina Faso Refugee Law](#) and the [Decree on the Functioning of the National Commission for Refugees](#). It should be noted that the Burkina Faso Refugee law states that refugees' rights and obligations are equal to those of nationals. However, some of the rights conferred in this law (such as the right to obtain identity and travel documents) are not fully in line with international norms and standards. By contrast, in other areas (such as the right to education), the Burkina Faso Refugee Law exceeds these standards.

The [Burkina Faso Refugee Law](#) and its two implementing decrees have been published and distributed in French but not yet in the local languages of the host country or country of origin. UNHCR observes gaps in the awareness of refugees and authorities, including immigration, border management, labour and investment-related authorities, regarding the applicable refugee policies and procedures. Lack of awareness on the meaning and scope of the rights accorded under the Burkina Faso Refugee Law and the lack of clarity regarding the associated roles and responsibilities of government agencies have been observed to negatively affect implementation of these rights. This is especially true in relation to the right to work, freedom of movement and the right to identity and travel documents.

The [Burkina Faso Refugee Law](#) and its two implementing decrees include the framework for recognition of refugee status and give [the National Commission for Refugees](#) (CONAREF) responsibility for its implementation. The procedures as outlined, including those of the appeal process, are in line with international and regional standards except in a couple of areas in which UNHCR has sought clarification regarding the provisions relating to deportation and the withdrawal or termination of refugee status.

While the Burkina Faso Refugee Law does not specifically refer to prima facie recognition, Article 9 of the [Decree on the Burkina Faso Refugee Law](#) includes prima facie recognition of refugee status in Burkina Faso. Under this framework, asylum-seekers of all nationalities go through an individual Refugee Status Determination process (RSD), except for Malians who are recognized on a prima facie basis following an administrative note issued in 2012. This allows large groups of asylum-seekers to have rapid access to security, protection against refoulement and humanitarian assistance. Other asylum-seekers awaiting a



decision on their claim largely enjoy the same rights as recognized refugees during the waiting period.

Despite the existence of a state asylum system in Burkina Faso, some implementation challenges have been noted. This includes the lack of decentralization in the asylum system, which means that all asylum claims must be submitted to CONAREF in the capital city, Ouagadougou. Moreover, provisions in the Refugee Law result in the denial of asylum claims from refugees in secondary movements, which is inconsistent with international norms and standards. RSD and Registration were suspended for two months in April and May 2020 for new asylum-seekers as part of the Government's measure to curb the spread of COVID-19.

## 2.2 Security of legal status

The Burkina Faso Refugee Law provides asylum-seekers with the right to stay in the country for the duration of the RSD procedure. There are no policy limitations such as time limits or renewal/extension requirements during the RSD process. Similarly, once refugee status is granted by the CONAREF, whether through *prima facie* or individual RSD procedures, no such policy limitations exist. There are also no reports on limitations in practice.

The Burkina Faso Refugee Law provides for the right to seek asylum and the principle of non-refoulement in line with international standards. From 2019 until 30 June 2020, there were no known cases of unlawful termination of refugee status by way of cancellation, revocation or cessation; no cases whereby recognized refugees were expelled on the grounds of national security or public order; and no reported cases of refoulement. However, border monitoring is not carried out along the border with Mali and Niger due to insecurity.

## 2.3 Institutional framework for refugee management and coordination

The institutional framework for refugee management is provided for by the [Burkina Faso Refugee Law](#) and its implementing decrees. At the [Regional Dialogue on Protection and Solutions to Forced Displacement in the Sahel](#), the Government of Burkina Faso made policy commitments to further improve the institutional framework at national and sub-national levels; however, this has yet to be implemented to complement the policy basis.

At institutional level, [Decree No 2011-118 on the functioning of the National Commission for Refugees](#) sets out the attributions, composition, organization and functioning of CONAREF. CONAREF is an interministerial entity within the Ministry of Foreign Affairs, with a Permanent Secretariat that manages and coordinates the national asylum system, including the RSD eligibility and appeal committees. CONAREF comprises ten departments in different ministries (Prime Minister, External Affairs, Health, Justice, Human Rights, Social Affairs, Security, Defense, Interior and Intelligence Services)

In practice, CONAREF remains greatly dependent on UNHCR financial support and has not yet developed a strategic vision beyond its roles and responsibilities enshrined in Decree No 2011-118. Moreover, frequent staff turnover in the CONAREF Permanent Secretariat poses consistency challenges with regard to the implementation of refugee policies in Burkina Faso.

CONAREF has established refugee community governance structures in refugee camps and in Ouagadougou with the aim of obtaining refugee input and feedback on decisions taken by the Government. In the camps, such structures include the Refugee Steering Committees, the Women, Youth and Elders Committees, Refugee/Host Leaders' Committees, community safety groups, parent and teacher associations (PTAs), persons with disabilities and committees on shelter, health, and food. Women have representatives in almost all committees but were reported not to be participating effectively in the committees' activities during the 2019 UNHCR age, gender and diversity Participatory Assessment. In Ouagadougou and Bobo Dioulasso, there are Refugee Community Representatives for urban refugees. Furthermore, with UNHCR assistance, CONAREF is working to set up a Help Line to provide information on asylum procedures and to serve as a channel through which refugees can submit grievances relating to sexual exploitation and abuse, fraud and corruption.

Refugees have not been included in the 2019 national population census in Burkina Faso. Their access to civil status services is facilitated by CONAREF. Refugees have access to the national education system and are included in the Ministry of Education's education management information system. Refugees have so far not been included in the country's national and regional five-year planning processes. Moreover, due to the prevailing insecurity, the [National Development Plan](#), alongside other initiatives such as the Territorial Development and Resilience Project (PADEL) and the Livestock Sector Development Support Project, have had minimal impact on refugees or refugee-hosting communities in the north of the country.

However, at the [Regional dialogue on protection and solutions to forced displacement in the Sahel](#) and during the [Global Refugee Forum in December 2019](#), Burkina Faso made pledges to include refugees in national programmes.

## 2.4 Access to civil registration and documentation

The Burkina Faso Refugee Law provides that all recognized refugees and asylum-seekers should be issued with an "identity paper" and a travel document. In 2014, the Government signed an agreement with UNHCR on refugee ID cards issued by the Ministry of Security's National Identification Office (ONI). Refugee ID cards have a two-year validity and grant the holder the right to reside in Burkina Faso for that period. The ID cards are renewable through individual requests to submit to the CONAREF. In refugee-hosting areas, law enforcement authorities recognize refugee ID cards. All refugees of 15 years of age or older also receive an individual refugee attestation that is recognized by financial institutions, although there is still a need for more awareness-raising. Registered refugees have systematic access to identity documents except for a few cases in which security challenges make it hard to reach some out-of-camp refugees.

Since January 2019, refugees in Burkina Faso have been able to obtain a Machine-Readable Convention Travel Document (MRCTD) to facilitate their movements outside the country. However, this has a validity of only one year and remains costly for refugees.

The Burkina Faso Refugee Law and its implementing decrees provide that refugees are required to register vital events that occur in the host country and receive appropriate certification. CONAREF is mandated to liaise with civil registration services to provide refugees with relevant documents including birth, marriage, divorce and death certificates. National policy requires a birth to be registered within two months in order for a birth certificate to be issued.

Civil registration for refugees is generally implemented effectively; however, infrastructure and resource limitations, insecurity and the nomadic character of the refugee population in the Sahel region limit the scope of coverage. In a bid to reduce the risk of statelessness among refugee children, UNHCR supports the Government in the Sahel region to issue birth certificates to newborn refugee children and to organize mobile courts to ensure that substitute birth certificates are issued where necessary as part of the [i-civil initiative](#). This initiative could address most challenges associated with the issuance of birth certificates if it was effective countrywide, including in refugee-hosting areas.

## 2.5 Justice and Security

Widespread insecurity is a challenging in Burkina Faso, especially in refugee-hosting areas. Recurrent acts of violence and banditry are having a negative impact on the protection and socioeconomic environment not only for refugees but also for internally displaced persons and host communities. Attacks by various entities are displacing in- and out-of-camp refugees as well as their hosts, leading both to seek safety in potentially precarious situations in camps or in urban areas.

The Burkina Faso Refugee Law accords refugees the same right as nationals regarding access to justice, including access to legal counselling and assistance as per Burkina Faso legislation. Moreover, the Ministry of Justice [sectoral Justice and Human Rights Policy 2018–2027](#) refers directly to access to justice for nationals as well as refugees and foreigners.



In practice, although mobile courts are operational in some refugee-hosting areas in the Sahel region, access to justice is limited for both refugees and host communities as a result of capacity and resource constraints and physical distance from the institutions providing legal aid, formal justice and law enforcement.

Various policies are in place to prevent and address gender-based violence (GBV). These include the [Burkina Faso Constitution](#), the [2019 Criminal Code](#), the Ministry of Justice, Human Rights and Civic Promotion (MJHRCP) [sectoral Justice and Human Rights Policy 2018–2027](#) and the [Agrarian and Land Tenure Reorganization Law](#), which for the first time recognizes women's rights to land. With sexual and gender-based violence rising due to the insecurity in Burkina Faso, the Government is reportedly in the process of developing a sector-wide national GBV strategy in addition to its National Gender Strategy and an already functioning GBV case management system. This national strategy and the case management system are applicable to refugee-hosting areas and do not exclude refugees.

In practice, UNHCR and the Government have developed standard operating procedures (SOPs) for SGBV prevention and response both in the camps and in urban areas hosting refugees. These establish roles and responsibilities as well as the measures to be taken when SGBV incidents occur. UNHCR and CONAREF collaborate with the Regional Directorates of Social Affairs and with humanitarian actors to ensure protection for SGBV survivors and to ensure that they receive legal, medical, psychosocial and economic support.

## 3 Economic Opportunities

### 3.1 Freedom of movement

Burkina Faso Refugee Law allows refugees to move freely within the country and choose their place of residence without any restrictions. However, since 31 December 2018, six regions in Burkina Faso, some of which are refugee-hosting areas, have been in a state of emergency declared by presidential decree on the grounds of security (Decree No 2018-1200/PRES of 31 December 2018) and a [law is allowing for its extension](#). The State of Emergency Declaration restricts and sets conditions on certain individual rights and freedoms guaranteed by the Constitution of Burkina Faso and by the Burkina Faso Refugee Law.

The [Decree implementing the Burkina Faso Refugee Law](#) states that refugees must carry their identity documents at all times, and in practice they are asked to do this due to frequent identity checks. Furthermore, camp-based refugees need to hold a movement card (fiche de mouvement) provided by CONAREF for any movement outside of the camps.

Refugees in Burkina Faso can choose freely and without restriction whether to live in camps or outside camp settings in urban or rural areas. However, this choice will affect their entitlement to humanitarian assistance. Some restrictions have also been noted since 2019 due to prevailing insecurity in the Sahel region. Indeed, the authorities in the Sahel region of Burkina Faso issued an [Administrative Note](#) from the Sahel Governor in December 2019 forbidding movements of Malian refugees from Mentao camp to Goudoubo camp where they had been hoping to find greater safety and security. Moreover, UNHCR observes the authorities' reluctance to relocate refugees from the Sahel region to urban areas (Ouagadougou and Bobo Dioulasso). These are some indications that refugee freedom of movement could be eroded as a result of the dire security situation in the north of the country and suspicions on the part of the authorities that some Malian refugees may be cooperating with armed groups. These restrictions on Malian refugees' freedom of movement in the Sahel region are justified by the authorities on security grounds but may represent a broader change in practice.

### 3.2 Right to work and rights at work

The [Burkina Faso Refugee Law](#) provides refugees with the right to work and implicitly with rights at work, on the same terms as nationals and without the need for work permits. Moreover, Burkina Faso pledged greater inclusion of refugees in national programmes at the [Global Refugee Forum in December 2019](#).

In practice, Burkina Faso nationals are preferred over equally qualified refugees in urban areas. Consequently, most refugees work in the informal sector. Furthermore, the areas hosting the majority of the refugees have limited natural resources, experience recurrent droughts and are isolated from population centres, meaning that employment opportunities are scarce and violence, banditry and intensive military operations impact upon the overall socioeconomic environment for all refugees, internally displaced persons and their host communities. These conditions combine to jeopardize efforts to support refugees' self-reliance and their inclusion in local and national development plans. The Productive Labour-Intensive Public Works (LIPW) Programme (\$7.5 million) targets refugees and host communities in the Sahel region. Beneficiaries receive employment opportunities while rehabilitating and maintaining infrastructure in both rural and urban settings and creating economic activity generating additional jobs and income opportunities.

The [Burkina Faso Refugee Law](#) does not specifically state that refugees enjoy the right to open and register businesses in their own names, nor do the [requirements for opening a business in Burkina Faso](#) make any mention of the refugee identity card. This can jeopardize refugees' ability to formally open businesses. In practice, refugees have been able to open small businesses such as small shops without fulfilling these legal requirements.

The [Burkina Faso Refugee Law](#) and its implementing decree provide refugees with the same worker protections as nationals, in line with applicable national laws. Burkina Faso has a National Strategy for the Elimination of the Worst Forms of Child Labour 2019–2023, which includes refugee children. Refugees are entitled to receive social security benefits, join trade unions and access maternity leave on the same terms as nationals. Article 187 of the 2008 [Labour Law](#) set a minimum wage policy that applies equally to refugees. In practice, traditional master-servant relationships have been noted among some refugee populations, which meet the International Labour Organization definition of 'forced labour' in the sense that wages are commonly withheld. While the practice is illegal under the [Burkina Faso Constitution](#) and other instruments, and has become very rare in Burkina Faso, it still exists among certain refugee groups.

The [Burkina Faso Refugee Law](#) affords refugees the right to practise their professions on the same terms as nationals upon authentication of their academic credentials by competent authorities. In practice, there are very few cases of refugees working as university professors or schoolteachers.

### 3.3 Land, housing and property rights

The [Burkina Faso Refugee Law](#) and the [Agrarian and Land Reorganization Law](#) allow refugees to acquire land legally. The right to property is stated among the rights to which refugees are entitled on the same terms as nationals. Land is commonly a source of dispute and remains a highly sensitive issue in rural areas of Burkina Faso. According to a report published in 2015 by the Ministry of Justice, Human Rights and Civic Promotion entitled *Rapport d'étude sur l'état des lieux des conflits communautaires au Burkina Faso* (Study report on the situation regarding community conflicts in Burkina Faso), 76 per cent of intercommunal conflicts identified from 2012 to 2014 were land disputes, and refugee-hosting areas were among the top five affected regions.

Scarcity of arable land remains a major challenge in most refugee-hosting areas and refugees often get plots of land to rent for cultivation for a whole one-year season from mostly traditional authorities rather than land to purchase. UNHCR also observed that some refugees bought parcels of land for housing from landowners in the Sahel region.

There is no specific law or policy that regulates refugee access to social/public housing schemes; however, Burkina Faso is developing a [National Policy on Housing and Urban Development](#) aimed at bringing together all of the necessary conditions for sustainable urban development. The plan is coordinated by the Ministry of Housing and Urban Development. So far, UNHCR is not aware of urban refugees accessing public/social housing schemes.

### 3.4 Financial and administrative services

The [Burkina Faso Refugee Law](#) grants refugees the right to open bank accounts and access financial services and mobile money in the same manner as the country's nationals. Based on the Refugee Law and its implementing decree, refugee ID cards constitute proof of official identity like the Burkina national ID cards (CNIB) and may be used to open a bank account, register a SIM card or use mobile money services. In practice, refugees have access to and frequently use mobile money services and phone banking on a par with nationals. No complaints have been received from refugees regarding accessibility or obstacles to these services.

Burkina Faso is a member state of the [Higher Education Council for Africa and Madagascar](#) (CAMES). Within this framework, refugees in Burkina Faso may individually request recognition and equivalence of their university diplomas, which consequently facilitates their access to employment and education in Burkina Faso. Refugees in Burkina Faso mostly come from CAMES member states. In practice, there are no reported cases of refugees facing challenges while looking for diploma recognition and equivalence in Burkina Faso. There is no such policy regarding certificates obtained following vocational training.

Burkina Faso is a state party to the [1949 Geneva Convention on Road Traffic](#) and the [Vienna Convention on Road Traffic](#) and belongs to the Economic Community of West African States – ECOWAS (CEDEAO) and the West African Economic and Monetary Union – WAEMU (UEMOA). According to the [Driving Licence Law](#) in Burkina Faso, foreigners holding driving licences issued by states parties to these communities can obtain the equivalent Burkinabè driving licence or use their own driving licences directly, subject to authentication by the transport services. Foreigners holding driving licences in languages other than French will be given a non-renewable six-month driving authorization if translated in French by the relevant entity at the Ministry of Foreign Affairs and subject to authentication by the transport services. Although these laws and policies do not refer directly to refugees, they apply to them in conjunction with the [Burkina Faso Refugee Law](#) and its implementing decrees. In practice, refugees have access to driving licences on the same terms as nationals. There are no reported cases of refugees facing challenges when seeking to convert driving licenses issued in their countries of origin.

The Burkina Faso Refugee Law grants refugees access to national skills development opportunities within the available resources and subject to Burkina Faso education policy. There is a [National Technical and Vocational Education and Training Policy](#) in Burkina Faso that may apply to refugees and refugee-hosting areas in conjunction with the Burkina Faso Refugee Law. However in practice, refugees mostly access skills development initiatives provided by UNHCR and humanitarian NGOs, although these may not have the desired scale and scope to be considered viable sub-sectors within the refugee-hosting areas.

## 4 Access to National Public Services

### 4.1 Education

The Burkina Faso Refugee Law grants refugees the right to education on a par with nationals, including free basic education and access to university and its services. The Ministry of Education and Promotion of Local Languages developed the [Basic Education Strategic Development Plan 2012–2021](#) (PDSED) and the [Education and Vocational Training Sectoral Plan 2017–2030](#). The PDSEB has five main pillars including free public basic education and decentralization of the education system. One of the main principles of the PDSEB is equal access for boys and girls.

In practice, these policies have (as at 31 December 2019) made possible the construction and operation of eight primary schools in the two refugee camps and one post-secondary technical school in Goudoubou camp, accredited and managed by the Regional Directorate for Education for the benefit of both refugee and host communities.

Refugee children and youth have access to the national education system and there are no reports of discrimination against refugees regarding access conditions. Refugee children in the Sahel region were also included in the [National Strategy for School Enrolment in Highly Insecure Areas \(SSEZDS\) 2019–2024](#) developed by the Ministry of Education to reduce the impact of the prevailing insecurity on school enrolment. However, the magnitude of forced displacement has reshaped school mapping and a long-term plan may be needed.

In practice, refugees' enrolment in secondary and postgraduate education is very limited due to the lack of sufficient infrastructure in refugee-hosting areas. Access to education for refugees also remains limited by sociocultural barriers (many refugee households are nomadic) and by the fact that many schools have been destroyed or closed due to insecurity in refugee-hosting areas. In urban settings, UNHCR supports secondary school enrolments by paying for tuition and school materials for the most vulnerable households.

The Burkina Faso Refugee Law grants refugees access to education, including specialized education services, according to the [Basic Education Strategic Development Plan 2012–2021](#) and the [Education and Vocational Training Sectoral Plan 2017–2030](#), which detail the Government's plan regarding basic education, language training, accelerated education, remedial learning programmes and catching-up programmes. These programmes are implemented in refugee-hosting areas for the benefit of both refugees and host communities; however, their coverage is limited in both communities due to insecurity and a lack of sufficient resources to meet all needs.

## 4.2 Healthcare

The Government of Burkina Faso has developed a [National Public Health Law](#) setting out rights and obligations regarding the protection and promotion of public health in Burkina Faso, as well as the [2013–2022 National Social Protection Policy \(NSPP\)](#), which provides for the extension of social insurance coverage to informal/agricultural sectors. These policies on health and social insurance, although not directed at refugees, apply to them in conjunction with the Refugee Law, which grants refugees with the right to public assistance and access to the national primary health-care system on the same terms as nationals. This includes access to available national sexual and reproductive services for refugee women and girls.

In practice, refugees have access to some national health programmes, free of charge. All refugee children in need are targeted by the Expanded Immunization Programme as well as by initiatives to prevent and treat malnutrition. Refugees are also included in the Government-funded HIV, TB and Malaria programme. However, in most cases, primary health care is not effectively free for refugees or for host communities. Consequently, first-level health centres (Centre de Santé et de Promotion Sociale – CSPS) funded by UNHCR have been established and are operational in the two refugee camps. Management of these centres was to be handed over to the Ministry of Health by June 2020; however, due to insecurity, all first-level health centres were closed by that date. There is a referral system to secondary and tertiary health care that is paid for by UNHCR and its partners.

The universal health insurance scheme adopted in 2015 is in the operationalization phase following establishment of the National Universal Health Insurance Fund (CNAMU) in 2018 and the National Orientation Council for the Universal Health Insurance Scheme (CNO-RAMU) in 2020, which is chaired by the Prime Minister. CNAMU is currently deploying a non-contributory mechanism to cover indigent individuals and has developed a plan to operationalize health insurance for households in the formal and informal sectors. In conjunction with the Refugee Law, this policy may apply to refugees if operationalized in refugee-hosting areas. It should be noted that only [25 per cent of the population in Burkina Faso has health insurance](#).

In practice, only refugees in urban areas can enrol in private health insurance companies, but UNHCR subsidies are still required so that they only pay 30 per cent of the medical charges they incur. UNHCR continues to cover the costs of most refugees' health care, mainly due to the precarious nature of refugee employment, which is mostly in the informal sector.

### 4.3 Social protection

Burkina Faso Refugee Law grants refugees the right to public assistance on a par with nationals and this includes social protection. The [2013–2022 National Social Protection Policy \(NSPP\)](#) adopted in 2012 describes two social protection components in Burkina Faso, namely social insurance and social safety nets. The NSPP aims to address social protection gaps that increase social inequalities, as well as the deteriorating social and political climate. The policy's target criteria are poverty, food insecurity and vulnerability. In conjunction with the Burkina Faso Refugee Law, this policy also applies to the most vulnerable refugees.

Implementation of this policy by the Government of Burkina Faso is bolstered by the Social Safety Nets Project (SSN), which comprises cash transfers, cash for work and awareness programmes for poor households. It started with cash transfers in the Nord region in September 2015 and was extended to the Sahel region from 2018 onwards. The additional financing received from the World Bank in 2019 is intended to extend cash transfers and accompanying measures currently available in the Est, Centre Est, Centre Ouest and Nord Regions to the Sahel, Centre-Ouest, Centre-Nord and Boucle de Mouhoun regions. These regions have been identified in line with the Government's PADEL and include regions hosting substantial refugee populations. However, the geographical extension of this additional financing to refugee-hosting areas has been delayed due to the IDP crisis and the COVID-19 pandemic.

In practice, although refugees have the same rights as nationals to access public assistance including social protection, the deteriorating security situation has had a negative impact on their self-reliance and access to social safety net programmes.

There is no overarching framework in place for dialogue between the government and international partners regarding the gradual alignment of aid and social protection systems and support for refugees and host community members with specific needs, in terms of coverage, targeting and levels of benefits.

### 4.4 Protection for vulnerable groups

Burkina Faso developed the [Burkina Faso Law on Human Trafficking and Similar Practices](#) with an implementing decree describing mechanisms in place to fight human trafficking. The country also has a [National Gender Policy](#) adopted in 2009 with renewed triennial action plans. Law No 061-2015/2015/CNT of 6 September 2015 addresses the prevention, repression and compensation of violence against women and girls and care and support for victims; it also prohibits all forms of violence against women and girls, but does not specifically target domestic violence. The [2019 Criminal Code](#) incorporated a chapter dedicated to offences against women and girls, which covers the full spectrum of GBV incidents including violations of sexual and reproductive health rights and restriction of the enjoyment of these rights, including through denial of the use of contraceptive methods. It also covers domestic violence. The new Code provides for sanctions for certain types of violence that were not previously punished or adequately addressed, such as sexual exploitation of a student by an educational actor, genital mutilation and child marriage. However, there are no specific assistance or protection mechanisms in place for LGBTI persons or male survivors.

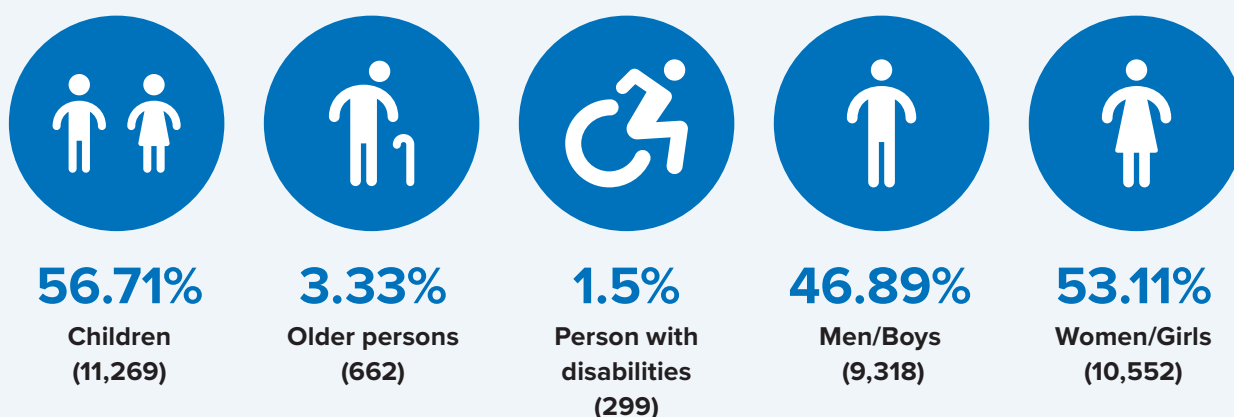
MFSNFAH oversees prevention and response activities targeting gender-based violence. Its decentralized social action services have a case management system accessible to all, including refugees in conjunction with the Burkina Faso Refugee law. A recent increase in gender-based violence in Burkina Faso amidst prevailing insecurity and forced displacement resulted in the development of an Action Plan for the Integrated Management of Victims of Gender-Based Violence 2019–2021 by MFSNFAH. A national GBV database, data collection protocols and protocols for integrated care for survivors (social, legal and health assistance) are currently under development for the benefit of social, judicial and health actors provided for in the Action Plan. There are also advanced discussion for, MFSNFAH, in collaboration with UNFPA, UNHCR and IOM, to launch a hotline to facilitate the reporting of cases and access to information on the services available to survivors.

Implementation of these policies in practice is generally weak or limited due to the financial and technical resources available and has so far not effectively taken into account the specific protection needs of refugees. Protection, prevention and response activities in respect of GBV incidents facing refugees are coordinated through UNHCR and humanitarian partners.

## 5 Cross Sectors

### Characteristics of registered refugees and asylum-seekers in total refugee population\*

as at 30 June 2020



### 5.1 Gender

The Burkinabè government has demonstrated commitments in favour of gender equality in developing several plans, programmes and strategies to promote women's rights. The National Plan for Economic and Social Development (PNDES 2016–2020) notably integrates gender as a determining factor in reducing inequalities.

However, gender considerations can generally be improved in all policy sub-dimensions. The four priority areas that are most consequential in terms of socioeconomic development are as follows:

- i. **Social cohesion**, focusing on the meaningful participation of women in institutional and community-based leadership structures that goes beyond their formal inclusion.
- ii. **Justice and security**, focusing on gender-based violence especially, domestic violence, female genital mutilation.
- iii. **Education and vocational training**, to address the drastic drop in girls' attendance in secondary and postgraduate education and to empower women, especially those heading households; and iv) health care, to improve sexual and reproductive health services.

\* The refugee numbers reported here do not fully match the numbers on the front page because demographic characteristics are not available for all refugees (e.g., pre-registered refugees, etc.).



## Annex on Key International and Regional Instruments ratified or adhered to

- [Additional Protocol to the Geneva Conventions of 12 August 1949 \(Protocol I\)](#)
- [Additional Protocol to the Geneva Conventions of 12 August 1949 \(Protocol II\)](#)
- [African Charter on Human and Peoples' Rights, 1981](#)
- [African Charter on the Rights and Welfare of the Child 1990](#)
- [African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa \(Kampala Convention\), 2009](#)
- [African Youth Charter, 2006](#)
- [Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984](#)
- [Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, 1962](#)
- [Convention Governing Specific Aspects of Refugee Problems in Africa \(the OAU Convention\), 1969](#)
- [Convention on the Elimination of All Forms of Discrimination Against Women, 1979](#)
- [Convention on the Rights of Persons with Disabilities, 2007](#)
- [Convention on the Rights of the Child, 1989](#)
- [Convention relating to the Status of Refugees 1951](#) (Ratification date: 18 Jun 1980)
- [Convention Relating to the Status of Stateless Persons, 1954](#)
- [Fourth Geneva Convention relative to the Protection of Civilian Persons of 1949](#)
- [ILO Abolition of Forced Labour Convention, 1957 \(No 105\)](#)
- [ILO Discrimination \(Employment and Occupation\) Convention, 1958 \(No 111\)](#)
- [ILO Employment Policy Convention, 1964 \(No 122\)](#)
- [ILO Equal Remuneration Convention, 1951 \(No 100\)](#)
- [ILO Forced Labour Convention, 1930 \(No 29\)](#)
- [ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 \(No 87\)](#)
- [ILO Labour Inspection \(Agriculture\) Convention, 1969 \(No 129\)](#)
- [ILO Labour Inspection Convention, 1947 \(No 81\)](#)
- [ILO Minimum Age Convention, 1973 \(No 138\)](#)
- [ILO Right to Organise and Collective Bargaining Convention, 1949 \(No 98\)](#)
- [ILO Tripartite Consultation \(International Labour Standards\) Convention, 1976 \(No 144\), 1976](#)
- [ILO Worst Forms of Child Labour Convention, 1999 \(No 182\)](#)
- [International Convention for the Protection of all Persons from Enforced Disappearance, 2006](#)
- [International Convention on the Elimination of All Forms of Racial Discrimination, 1965](#)
- [International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990](#)
- [International Covenant on Civil and Political Rights \(ICCPR\), 1966](#)
- [International Covenant on Economic, Social and Cultural Rights, 1966](#)
- [Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Organized Crime \(2000\)](#)
- [Protocol relating to the status of refugees, 1967](#)
- [Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, 2003](#)
- [UNESCO Convention Against Discrimination in Education, 1960](#)

## BURUNDI

By mid-2020, Burundi was offering protection to 85,952 refugees and asylum-seekers from the Democratic Republic of the Congo (99 per cent), Rwanda and five other countries). The country has been hosting mainly refugees from the DRC for almost 20 years. Given that the security situation in eastern DRC is not expected to stabilize in the foreseeable future, most of these refugees will likely remain in Burundi for years to come. Burundi also contains about 131,000 internally displaced persons, eighty per cent of which are displaced due to cyclical flooding as well as drought and landslides. The other twenty per cent are experiencing protracted displacement since the months of unrest that followed the political upheaval in 2015, which also caused a sharp drop in the urban formal and semi-formal economies. Burundi is currently a low-income country and ranked 185 out of 189 on the 2019 Human Development Index (HDI). Despite these challenges, the Government of Burundi has generally maintained an open-door policy to people seeking international protection, subject to restrictions in response to COVID-measures, and has shown a willingness to increase refugee access to livelihoods and public services, in line with relevant provisions made in the national legislation but subject to limitations of the overall adequacy of such services.

### KEY POPULATION DATA

**76,880**

Refugees

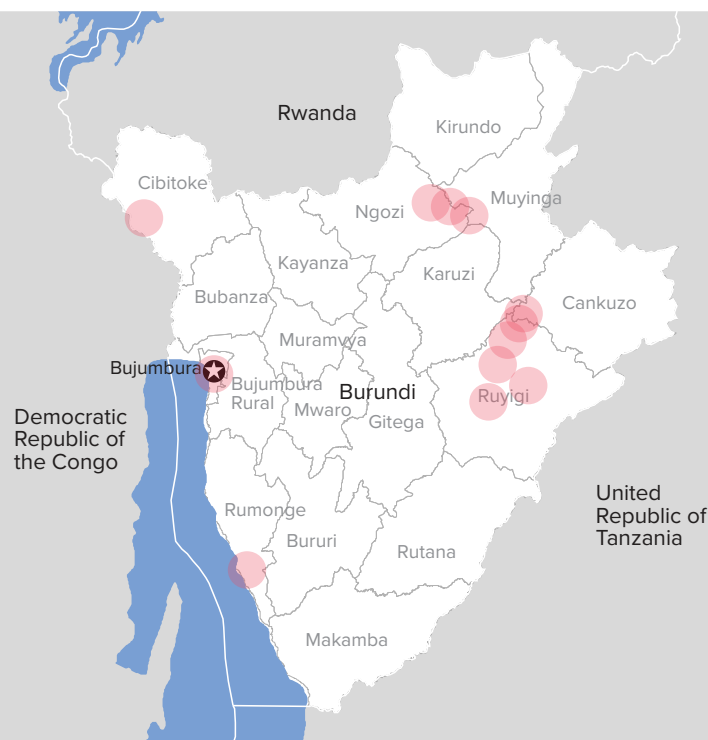
**9,072**

Asylum-seekers

**0.75%**

of the country's population (11,530,580)  
are refugees and asylum-seekers

IDA 18 RSW / IDA 19 WHR ELIGIBILITY:  
NOVEMBER 2018



Around one third of the refugees in Burundi live in urban locations, primarily around Bujumbura, while the others reside in the country's five camps in the border provinces of Musinga, Ruyigi, Ngozi and Cankuzo.

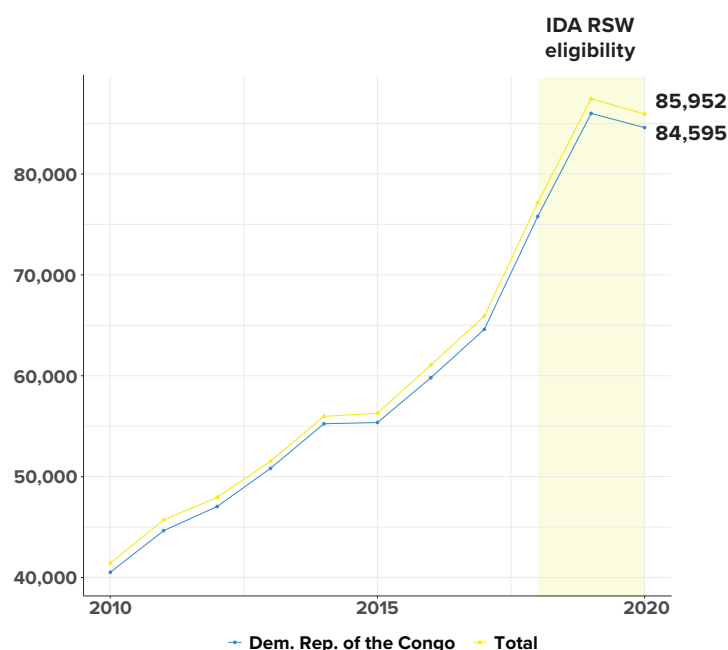


Figure 1: Number of refugees and asylum-seekers of the largest refugee population groups



## OVERVIEW OF REFUGEE POLICY ENVIRONMENT (JULY 2017–JUNE 2020)

Between July 2017 and June 2020, there were limited changes in national policies relating to refugees and host communities in Burundi. Some of the main policy changes affecting to both refugees and host communities include:

- The adoption of the 2018 Constitution, which among other things provides for property rights and access to health care for everyone and the protection of the fundamental rights of all children.
- The launch of a five-year birth registration campaign in June 2018 which also includes refugee children.
- The update of the national Child Protection Policy (2020–2024) articulated around five strategic orientations, including preventing and responding to violence, exploitation, discrimination, abuse and neglect.
- The adoption of the Law on Social Protection Code, in May 2020, which applies to all persons in Burundi and provides for a pensions regime to cover old age and disability risks.
- The drafting of a 2018 contingency plan, which was updated in April 2020, to respond to mass inflows of refugees from the Democratic Republic of the Congo.

Some deterioration was observed in the application of existing policies, notably those relating to freedom of movement, as a result of the preventive measures taken by the Government against the Ebola disease and then the COVID pandemic as well as other security measures. This negatively impacted the socioeconomic situation of refugees in Burundi. Since 2019, it has indeed become increasingly difficult for camp-based refugees to obtain exit permits for moving freely outside the camps. In addition, the Government temporarily closed its borders in March 2020, preventing the arrival of asylum seekers through official border checkpoints. In addition, in parallel, the Government directed the National Office for the Protection of Stateless Persons and Refugees (Office National de Protection des Réfugiés et Apatrides – ONPRA) to temporarily suspend registration and the refugee status determination (RSD) for new asylum seekers and to clear the backlog of existing RSD and appeal cases. The restrictions have also had a negative impact on camp-based refugees' livelihoods, especially those with small businesses or (casual) labour engagements outside the camps.

The government's political will to further refugee inclusion in national services, promote the progressive self-reliance and economic integration of refugees, and improve the well-being of host communities is reflected by the 2018 Burundi Refugee and Host Community Support Strategy, which was developed in the context of eligibility for the IDA18 Sub-Window for refugees and host communities (RSW). A High-Level Interministerial Committee, comprising the Office of the President, the Offices of the First and Second Vice-Presidents and the Ministries of Finance, Interior and Social Affairs, was established to endorse strategic approaches and priorities for development responses to forced displacement.

In late 2018, the National Assembly of Burundi endorsed accession to the 1954 [Convention Relating to the Status of Stateless Persons](#) and the 1961 Convention on the Reduction of Statelessness. While this was approved by the lower chamber, it was yet to be discussed and approved by the high chamber, of the Senate as at 30 June 2020.

Burundi was not among the invitees of the 2016 Leaders' Summit on Refugees. While it did endorse the Global Compact on Refugees, the country did not make any pledges during the first Global Refugee Forum.

## POLICY DIMENSIONS (AS AT 30 JUNE 2020)

### 1 Host Communities

#### 1.1 Support for communities in refugee-hosting areas

The Government of Burundi committed to decentralization reform with the adoption of the 2009 National Decentralization Strategy. Although these processes and policies do not directly refer to refugees and host communities, they apply in refugee-hosting areas to the benefit of both population groups. However, Burundi has not yet entered financial devolution. There are shortcomings in implementing the decentralization and devolved planning processes due to lack of financial resources for sub-national government institutions, which have limited implementation capacities. In April 2011, the Government of Burundi adopted a [National Policy on Social Protection](#) (NPSP), underscoring the importance of reducing widespread poverty and vulnerability through the provision of social safety nets aiming to improve the lives of the most vulnerable. An interministerial coordination body, the National Social Protection Commission, was established in April 2013. A Secretariat (Secrétariat Exécutif Permanent de la Commission Nationale de Protection Sociale – SEP/CNPS) has been supporting the implementation of the NPSP since 2014 and developed a [National Social Protection Strategy](#) that delineates the Government's priorities. The Strategy notes that social protection covers the entire population of Burundi without distinction, with a particular focus on the poorest and most vulnerable.

In May 2020, the Government of Burundi passed a [Law on Social Protection Code](#) (Law 1/12), which defines the legal framework for the provision of contributory and non-contributory social protection, describes available contributory regimes for formal and informal workers and details the eligibility criteria for social assistance. The Law foresees that a social registry will be the main targeting instrument for social protection programmes. While giving priority to the neediest and most vulnerable population groups and emphasizing inclusion and poverty eradication objectives, neither the National Policy nor the National Strategy on Social Protection nor the Social Protection Law make explicit reference to social safety nets or other social programmes targeting host communities.

#### 1.2 Social cohesion

Since 2005, the country has embarked on a decentralization process in the hope of improving local governance and strengthening basic infrastructure and service delivery in rural communities. Increasing the autonomy of the “municipalities” was seen as a way to maintain peace and improve social cohesion, given that rural communities were feeling discontented and economically and politically marginalized vis-à-vis the power-centric urban centres.

Although the national legal framework in Burundi does not specifically entail provisions on social cohesion or the identification, prevention and mitigation of potential social tensions and risks of violence in refugee-hosting areas, there is generally a relatively positive interaction between refugees and host communities. The main sources of tension between the two communities relate to competition over scarce natural resources (wood, fuel, groundwater and cultivable land) and the perception of rising market prices attributed to increased demand due to the presence of refugees. The Government's ban on wood collection around the camps has had a positive effect on community relations. The presence of refugees and the implementation of related assistance projects have provided host communities with access to health care, water and additional markets as well as job opportunities for Burundian nationals, which have positive effects on the relationship between both communities. The protracted exiles of some refugee communities, particularly those from the Democratic Republic of the Congo, have resulted in increased cross-socialization and mixed marriages with host communities.

Neither camp-based nor urban refugees are reported to be subject to systematic discrimination or ostracism on the part of the host communities, which are generally observed to be very tolerant towards

foreign nationals and refugees alike. Isolated incidents involving refugees and members of the host community do occur, but not at a significantly higher rate than incidents between host community members. Most such incidents are motivated by personal disputes rather than xenophobia or hostility towards refugees.

Citizen engagement is promoted under Burundian decentralization policies; however, this does not extend to non-citizens including refugees. The 2009 National Decentralization Strategy, which was updated in 2019, positions citizens as active participants in decision-making processes regarding their own development, including by promoting the ‘participation of all the populations in defining and implementing economic and social development policies in their localities including at the lowest levels (hills/districts)’. Refugees in the camps do have an active elected representation system (refugee committees) established by ONPRA in cooperation with UNHCR. This system is guided by the Electoral Guide for Refugee Representatives in the camps in Burundi developed by signed in May 2014 by ONPRA and UNHCR. There are also mixed committees composed of refugee representatives and host community representatives such as hill chiefs, zone chiefs, school directors, etc. These mixed committees are instrumental in facilitating peaceful coexistence between the two communities. ONPRA facilitates their establishment and the municipal authorities endorse their membership. Refugees and host populations have generally developed solid relationships through their representatives, both in urban areas and in camps.

### 1.3 Environmental management

Preserving and restoring the environment is one of the Government’s strategic policy priorities, notably through the [Burundi Vision 2025](#), the Strategic Framework for Poverty Alleviation (PRSP II), the [National Agricultural Strategy](#) (SAN), the [National Plan for Agriculture Investment](#) (PNIA), the [National Forest Policy](#), the National Policy on Combating Climate Change and its [Action Plan](#), the National Water Policy and Law 1/10 of May 2000 establishing the [Environment Code](#). While these policies do not directly refer to refugees or host communities, they apply to them and can be implemented in refugee-hosting areas for the benefit of both populations.

The refugee presence has had negative impacts on the natural environment in and around the five camps due to high population concentration and the overextended lifetime of the camp settlements. Such impacts include environmental degradation, deforestation, drainage problems from stormwater runoff, water table contamination, soil erosion, ravine creation and landslides. In an effort to minimize the environmental impacts of deforestation, the Government has made it illegal for refugees to collect firewood in the vicinity of the camps. UNHCR provides all camp-based refugees with alternative energy for cooking in the form of biomass briquettes.

### 1.4 Preparedness for refugee inflows

The Ministry of Interior, through ONPRA, is in charge of coordinating preparedness for refugee inflows.

In 2018, ONPRA, in collaboration with UNHCR, drafted a contingency plan to respond to mass inflows of refugees from the Democratic Republic of the Congo. The plan was updated in April 2020.

## 2 Regulatory Environment and Governance

### 2.1 Normative framework

The legal framework in Burundi is largely consistent with international protection standards and principles. Burundi is a State Party to the [1951 Convention and the 1967 Protocol relating to the Status of Refugees](#), albeit with reservations to the Protocol limiting refugees’ access to wage-earning employment (Article 17), the right to education (Article 22) and freedom of movement (Article 26). Burundi is also a State party to the [1969 OAU Convention](#) and has ratified other core international human rights instruments.

The status and treatment of refugees in Burundi is governed by Law No 1/32 of 13 November 2008 on Asylum and Protection of refugees (the 2008 Asylum Law) and two ministerial implementing orders: [No 530-442 on asylum application procedures](#) and [No 530-443 on the composition, organization and functioning of the Advisory Commission for Foreigners and Refugees and the Appeals Committee](#). The two ministerial orders date from April 2009. Despite reservations declared upon accession to the 1967 Protocol, the 2008 Asylum Law incorporates the basic principles and standards of protection including refugees' right to work (Articles 65 and 66), access to public education (primary education) and health care on a par with Burundian nationals (Article 67), as well as freedom of movement and residence (Article 74). However, refugees' full realization and enjoyment of their rights is at times impeded by the country's overall development challenges, as well as political and security constraints.

The 2008 Asylum Law provides for a Refugee Status Determination (RSD) process on an individual and group basis. ONPRA receives asylum-seekers and registers them in the refugee database supported by UNHCR. It carries out RSD and presents its recommendations to the sub-committee of the Consultative Commission for Foreigners and Refugees, which reaches a first-instance decision. A rejected asylum-seeker has the right to appeal before the Appeal Committee. Asylum-seekers have the right to avail themselves of the assistance of the lawyer or legal counsellor of their choice at first instance and appeal. UNHCR is an observer with an advisory role at both first-instance and appeal. In practice, UNHCR participates as an observer in the sub-committee sessions to which it can provide verbal observations and where scheduled, in the Appeal Committee.

The 2008 Asylum Law also lays down specific provisions applicable in the event of a massive inflow of persons fleeing a situation of generalized violence. Under such circumstances, the Ministry of Interior grants prima facie refugee status to these persons within a maximum of six months of their arrival.

While the legal and institutional arrangements for RSD in Burundi are considered generally satisfactory vis-à-vis international standards, there are practical challenges regarding the ability of ONPRA to ensure the efficiency, integrity and adaptability of its RSD procedures. ONPRA has an accelerated RSD procedure for asylum-seekers from the northern and southern Kivu provinces and the provinces of Haut Uele, Bas Uele, Ituri and Maniema in the Democratic Republic of the Congo due to the ongoing situation of generalized violence there. Meanwhile, a standard individual case-processing methodology is in place for other provinces of the Democratic Republic of the Congo, for asylum-seekers from Rwanda and from other countries of origin. UNHCR seeks to provide on-the-job training and coaching to further develop the RSD competencies of the ONPRA RSD interview team.

Asylum-seekers are registered by ONPRA and data is stored in the database system managed by ONPRA and UNHCR. Since March 2020, as a precautionary measure against COVID-19, all border points have been closed to asylum-seekers and refugees, while registration of newly arrived asylum-seekers has been halted.

## 2.2 Security of legal status

Duly documented refugees and asylum-seekers benefit from the legal right to stay in the country. The 2008 Asylum Law provides for refugees to have access to national refugee ID cards and asylum-seekers to have attestations until the end of the asylum procedure. More specifically, Articles 5 to 7 of Order No 530-443 provide for access to temporary residence permit to asylum-seekers that are renewable for a six-month period pending the review of their asylum application including at the appeal level. These temporary residence permits are issued by the General Commission for Migration (Commissariat Général des Migrations – CGM). Refugee ID cards are renewable for a three-year period. There is no issuance of residence permits to refugees because refugee ID cards and registration proofs are in practice regarded as authorizations to stay in Burundi. Residence permits are issued to other eligible foreigners.

From 2019 to 30 June 2020, there was no known case of refoulement including push-back or deportation without trial.

### 2.3 Institutional framework for refugee management

Established by [Order No 530/443 of 7 April 2009](#) and [Decree No 100/13 of 29 January 2009](#), ONPRA, reporting to the Ministry of Interior, Community Development and Public Security, is responsible for implementation of the 2008 Asylum Law. ONPRA holds primary responsibility for the administration of refugee affairs and for the day-to-day management of the refugee response. The same Order and Decree also establish and set out the functions of the interministerial Consultative Commission for Foreigners and Refugees (Commission Consultative pour Etrangers et Réfugiés – CCER) and the Appeals Commission (Comité de Recours – CR). The CCER, responsible for Refugee Status Determination (RSD) at first instance, is composed of senior government officials from several ministries (Foreign Affairs; Interior; Human Rights and Social Affairs, Education, Justice, and Civil Service), the General Migration Commissariat (Commissariat Général des Migrations – CGM) and the Intelligence service (Service National des Renseignements – SNR). ONPRA provides the secretariat for CCER. The CR, responsible for appeals of cases rejected at first instance, is composed of senior officials appointed from several ministries and headed by a representative of the Ministry of Interior. The CCER and the CR are the main governmental coordination structures.

The Government, through ONPRA, plays an important role in establishing, administering and managing the camps. UNHCR provides strong support in terms of camp coordination and camp management, as well as in the provision of shelter and non-food items.

Refugee inputs are not sought in national or local decision-making, but refugees have had active elected representation structures (refugee committees) in the camps since 2010 (see 1.2 Social cohesion).

The Burundi National Statistical Bureau (Institut de Statistiques et d'Etudes Economiques du Burundi, ISTEEDU) began data collection for its most recent national living conditions survey (Enquête Intégrée sur les Conditions de Vie des Ménages au Burundi, EICVMB) in 2020 and the exercise is expected to be concluded in 2021. Refugees are not currently included in this survey or in any of the country's other national surveys, including the first [Voluntary National Review in 2020](#) monitoring progress against the SDGs

### 2.4 Access to civil registration and documentation

Refugees aged 14 or over receive official personal identification in the form of a refugee ID card. This card bears the name of ONPRA and the signature of the CCER President. These cards are electronic, and enable refugees to apply for documents such as driving licences. Refugee ID cards also allow refugees to open a bank account, obtain a telephone Subscriber Identity Module (SIM) card and access other services (see 3.4 Financial and Administrative Services). While there are no policy limitations hindering refugees from obtaining and renewing their documentation, technical difficulties regularly cause delays in the issue of refugee ID cards, thereby exposing individual refugees to possible arrest and detention.

Asylum-seekers receive a temporary residence permit that bears digital photos of the applicant and their relatives and is signed by the police authorities (Commissariat Général des Migrations). This temporary residence permit serves as an ID card for asylum-seekers and is accepted as identification by banks and telecommunication institutions. However, it needs to be accompanied by a supporting letter from ONPRA in order for the bearer to have access to bank and telecommunication services.

In line with Article 73 of the Asylum Law, Convention Travel Documents (CTD) are issued by the CGM to refugees who meet the documentary requirements to establish a legitimate reason for travelling abroad, such as trade activities or education needs. CTD are issued pursuant to UNHCR guidance and are compliant with International Civil Aviation Organization (ICAO) standards.

However, Burundian law enforcement officials and authorities generally have limited familiarity with the documentation issued to refugees and asylum-seekers. This negatively impacts the ability of refugees to enjoy some of their rights (to work and to move freely, for instance) and to access services. Refugees regularly report concerns about the risks of being arrested and detained. UNHCR and its partners are

addressing this issue with the authorities. ONPRA and UNHCR work jointly to increase refugees' awareness of their rights and obligations and also regularly organize training workshops on asylum procedures and refugee rights and obligations for judiciary and police and law enforcement officials, particularly those based at border crossings and in provinces hosting refugee camps.

The Asylum Law stipulates that the personal status of a refugee is governed by Burundian law (Article 63) and recognizes the rights deriving from a personal status acquired in another country, notably resulting from marriage (Article 64). Refugees and asylum-seekers are entitled to register vital events such as births, marriages, divorces, and deaths occurring in Burundi and to receive the corresponding documentation, including birth certificates. Book one of the Civil Code, on persons and family (April 1993, updated 2006) applies to refugees as it does to nationals for registering and receiving documentation for vital events.

Late birth registration is governed by the provisions of Article 45 of the Book one of the Civil Code on persons and family regulating late declarations of births, which stipulates fines for any delay of over 14 days. However, since March 2017, a ministerial order has been issued that exempts late birth registrations from fines in the case of vulnerable children, including refugee and returnee children. This order, which has been extended until the end of July 2021, also governs the implementation of a five-year birth registration campaign launched by the government of Burundi on 13 June 2018, which includes refugee children.

Birth registration in the camps and transit centres is conducted differently, depending on the location. In the refugee camps of Kavumu (Cankuzo province) and Nyankanda (Ruyigi province), the civil registrar visits the camps once a week to register newborns based on the birth notification issued by the medical centre. A few days later, extracts of the resulting birth certificates are sent to ONPRA to register these children as refugees benefiting from the derivative status and issue them with appropriate documentation. At Bwagiriza (Ruyigi province), Musasa (Ngozi province) and Kinama (Muyinga province) refugee camps, refugees have to go to the respective local municipality to register their children. They then collect the birth certificate extracts a few days later. As for the Cishemere transit centre (for asylum-seekers), newborns are registered at Buganda commune, which is around 8 to 10 km away. ONPRA facilitates the transport of the parents and their two witnesses.

## 2.5 Justice and security

Refugees enjoy a level of security comparable to that of nationals in the same areas... While overall security has improved since 2015, the United Nations commission of inquiry has regularly reported on ongoing security concerns and localized insecurity throughout the country. The population is, in fact, confronted with crimes of a minor and sometimes violent nature, some committed by armed groups targeting homes at night. The September 2019 report indicates a climate of impunity, particularly for cases of violations of political rights committed in Burundi since May 2018. UNHCR has received little indication of refugees being systematically targeted or singled out for verbal abuse or physical violence based on their foreign origin or refugee status, although it has received complaints from some urban refugees of incidents of verbal and physical abuse on these grounds during isolated incidents.

The 2008 Asylum Law does not contain any specific provision as to refugees' right to access justice, whether in Court or through customary justice mechanisms. Article 51 of this Law, which makes general reference to the rights attached to refugee status under the 1951 Convention, applies by default and enables refugees and asylum-seekers to access courts in the same way as nationals. In practice, such access is hampered by several factors, such as a low level of refugees' understanding of judicial processes, the physical distance to the Courts from many refugee-hosting areas, the limited availability of legal and judicial support and a general lack of confidence in Burundi legal and judicial structures. Access to free legal assistance is currently only provided through a UNHCR implementing partner.

Burundi has ratified the [Convention on the Elimination of All Forms of Discrimination against Women](#) (CEDAW) without any reservation. Its [Criminal Code](#) includes severe sanctions for violence against women



and integrates prevention, victim assistance and punishment of perpetrators, which applies to refugees. Burundi also has specific legislation to combat GBV (Law No 1/13 of 22 September 2016). And reducing gender-based and domestic violence and their negative impact on the well-being of individuals, families and communities is also an objective of Burundi [National Policy on Reproductive Health](#).

Despite these elements of the legislative and institutional framework, GBV remains highly prevalent in both host and refugee communities. It is a palpable threat for many camp residents, heightened in particular by limited livelihoods opportunities within the camps, insufficient access to energy sources such as firewood, poor lighting and overcrowded shelters. Denial of resources by male partners and family members is one of the key protection issues reported regularly by refugee women, who have also highlighted the risks that they face when venturing outside the camps to collect firewood or to pursue small-scale commercial activities. Similarly, refugee survivors of GBV are often apprehensive about reporting incidents, as are Burundian nationals, for fear of reprisals from perpetrators. When such incidents are reported, they are most often not punished or only very lightly sanctioned, generating a climate of impunity. GBV claims are often addressed and mediated by members of the refugee community themselves. However, this usually offers solutions that are unsatisfactory and not in line with the survivors' rights in receiving proper care and judicial assistance. In light of this, UNHCR and its partners engage in GBV prevention and awareness-raising activities within the camps and provide material and legal support to assist most of the survivors.

### 3 Economic Opportunities

#### 3.1 Freedom of movement

The 2008 Asylum Law stipulates that refugees residing in Burundi have the right to choose their place of residence and to move freely within the territory under the same terms as other foreigners (Article 74). Within Title III of the Asylum Law which includes special provisions applicable in the event of massive influx, Article 88 indicates that *prima facie* refugees should reside in assigned camps while Article 89, derogating from Article 74, stipulates that freedom of movement can be forbidden or restricted for *prima facie* refugees and that they require a written authorization to move around.

In practice, all refugees in camps (not only *prima facie* refugees) face restrictions of movement. Motivated by security concerns, the Government controls movement outside of the camps by requiring issuance of an exit permit (*billet de sortie*) provided by ONPRA for any movement beyond the commune where the camp is located... Although the permit system is the same for all camps, the procedure for issuance by the various camp administrators is not uniform and different conditions may apply in different locations.

Since late 2019, considering the risks of Ebola transmission, the subsequent COVID-19 pandemic, and in view of the beginning of the pre-election period, it has become increasingly difficult for refugees to obtain exit permits. In January 2020, the coordination within ONPRA announced that exit permits to Bujumbura would be also restricted and throughout the first half of 2020 it became increasingly difficult for refugees to obtain exit permits. These restrictions have had a decisive negative impact on camp-based refugees' livelihoods, especially those having small businesses or (casual) labour engagements outside the camps. Asylum-seekers in the transit centres are also facing comparable restrictions in the issuance of exit permits.

Once refugee status is obtained, refugees in Burundi are given the choice of moving to Bujumbura or settling in camps. Their choice is typically based on their economic and social prospects to pursue self-reliant livelihoods in Bujumbura or other urban areas, or on their reliance on humanitarian assistance, which is delivered only in the camps. Some refugee families split their household between the camps and Bujumbura to access both humanitarian aid and work opportunities.

### 3.2 Rights to work and rights at work

Refugees are legally allowed to work in Burundi and can obtain a work permit with their refugee ID card. The 2008 Asylum Law recognizes refugees' right to work (Article 65). Moreover, refugees can work in the liberal professions as per the conditions established by Article 66 of the 2008 Asylum Law. The provisions of the Labour Code (Law No 1-037 of 7 July 1993) relating inter alia to general working conditions, remuneration and social security benefits apply equally to refugees, as does Ministerial Order No 650/11/88 of 30 April 1988 on the interprofessional minimum wage.

However, both urban and camp-based refugees need a work permit to engage in formal employment. A contract from an employer is required to apply for a permit and the Inspection Générale du Travail et de la Sécurité Sociale will check with the employer before issuing the permit. Since a refugee ID card is required to obtain a work permit, asylum-seekers are effectively excluded from accessing formal salaried employment.

Despite the inclusive legal provisions, relatively few refugees are engaged in formal wage-earning employment. Reasons for this include generally high unemployment rates, administrative challenges related to obtaining work permits, and limitations on movement, particularly for those living in the camps. Furthermore, many potential employers are not aware of refugees' right to work and even when they are, they tend to prefer to hire their compatriots rather than refugees. Refugees also often lack the skills to be competitive within the urban marketplace.

Refugees can set up businesses upon fulfilment of certain preconditions set by the national laws governing business and investment regulations and after payment of a fee. However, in practice refugees often find it difficult, if not impossible, to access the formal finance needed to set up or grow a business (see section 3.4 on financial and administrative services).

### 3.3 Land, housing and property rights

The main laws governing housing, land and property are [the Constitution of the Republic of Burundi](#) (2018 Constitution), the [Land Policy Letter 2008](#) (Lettre de politique foncière) and [Law No 1/13 of 9 August 2011](#) revising the Land Code of Burundi (Code foncier du Burundi). Article 36 of the 2018 Constitution states that every person has the right to property. Article 1 of the Land Code provides that any individual or legal entity may enjoy, without discrimination, all of the rights defined by the Code and may exercise them freely, subject to respect for the rights of others and to restrictions resulting from the law. In the absence of explicit restrictions on refugees, the latter enjoy land, housing and property rights.

In practice, however, very few refugees can afford to buy land or even rent it. Where land is available to refugees outside the camps, access is generally obtained through purchase, rental or land provided free of charge for agriculture use. The latter two systems, being rooted in good relations between refugees and host communities, tend to favour long-staying refugees who have managed to forge trusting relations with their neighbours. Similarly, despite the legal right for refugees to buy and own houses or other types of property, in practice this is usually beyond their financial means. The vast majority of the 35,000 refugees residing out of camps in urban areas (mostly in and around Bujumbura) live in rented accommodation and with host families. Refugee families can at times be evicted for non-payment of rent. There is no systematically reliable data on how this compares to similar challenges faced by poor Burundians.

There is no public or social housing scheme in Burundi.

### 3.4 Financial and administrative services

The Asylum Law is almost silent about refugees' financial rights with the exception of Article 75, which authorizes refugees who have been admitted to a third country for resettlement to transfer the assets they had brought into Burundi to their country of resettlement. However, in the absence of provisions to the



contrary, refugees have the right to open bank accounts and access financial services and mobile money in the same way as the country's nationals. With a refugee ID card, refugees can open a bank account. Asylum-seekers with a temporary residence permit are not able to access bank services.

In practice, refugees and asylum-seekers have limited access to the microfinance opportunities available to Burundian nationals because they tend not to have property or assets, such as houses, to mortgage as collateral for banks and microfinance institutions to secure loans. Camp residents' access to financial services is also constrained due to the lack of financial service providers in the vicinity of the camps, meaning that they must pay transport costs to reach the nearest town to access a bank. Within the camps there are Village Savings and Loan Associations (VSLAs) supported by UNHCR partners, but the cash volumes are too low to meet the demand for capital to start and maintain small businesses. Besides supporting group formation and savings activities, the VSLAs also have been used to channel small grants for income-generating activities.

Several mobile and digital solutions are currently being rolled out by private sector actors in Burundi targeting both refugee and local communities, though these are subject to government regulatory control. Mobile money solutions are under control of the Bank of the Republic of Burundi. Through the implementation of the National Social Safety Net Cash Transfer Program, the Government is improving its capacity to expand the mobile-money delivery system.

Article 10 of Law No 1/19 of 10 September 2013 on primary and secondary education notes that students who come from an accredited school abroad can integrate into the Burundian school system without having to take an entry examination. Article 68 of the Asylum Law grants refugees access to recognition of their certificates and diplomas, in a similar way to foreigners, through the Ministry of Education.

Refugees are able to obtain a Burundian driving licence and the same rules apply as for other foreigners. Driving licences from their country of origin are recognized and upon payment of a fee a Burundian driving licence can be obtained. With a refugee ID, refugees are able to take driving lessons and obtain a Burundian driving licence.

## 4 Access to National Public Services

### 4.1 Education

The right to primary education for refugees in the same way as nationals is confirmed under Article 67 of the 2008 Asylum Law. The Government has also repeatedly committed to establishing mixed fundamental schools (grade 1 to grade 9) accommodating both refugees and host communities.

Currently, camp residents attend schools supported by UNHCR and its partners that follow the country of origin's school curriculum, which is taught by refugee teachers and Burundian nationals on a part-time basis. These are considered private schools. In principle, refugee students can opt for their inclusion in the national public education system. However, the geographical isolation of some camps, such as Kavumu, makes it impossible for refugee children to attend a public school. Moreover, during UNHCR annual Participatory Assessment discussions, refugees have on occasion expressed reluctance to subscribe to the inclusion of refugee students in the national system due to the use of Kirundi as the language of education. Some Congolese refugees have also indicated that they perceive a Burundian education to be a potential disadvantage in the event that they return to their country of origin. However, it should be noted that, in the Congolese refugee camps, final examinations come from the Democratic Republic of the Congo and are administered by Congolese government education officers.

Urban refugees have the option of enrolling in public or private schools, subject to their financial resources. In public schools, primary education is free of charge while post-primary requires the payment of school fees, although the fees are modest and accessible to most urban refugees. However, many refugees who can afford to do so opt for private schools that offer alternatives to instruction in Kirundi.

At tertiary level, academic fees in both private and public universities are expensive and beyond the means of most refugees. Refugee students who do attend university tend to opt for private universities, for which they pay the same academic fees as nationals. They can also attend public universities for the same fees levied on other foreigners living in Burundi.

There are currently no remedial mechanisms in place to help children who have missed education for some extended periods, such as accelerated education classes or language training for those enrolling in the Kirundi curriculum.

## 4.2 Healthcare

Article 55 of the 2018 Constitution guarantees access to health care for everyone without distinction. Article 67 of the 2008 Asylum Law affirms refugees' access to health care on a par with Burundian nationals. The Government has referred to the establishment of mixed health-care facilities servicing both refugees and host communities, but these have not yet been established.

Camp-based refugees have free access to medical facilities provided by UNHCR partners. Members of neighbouring host communities regularly access the camps' health facilities and services under the same conditions as the refugees.

While urban refugees have access to the same medical services as Burundian nationals, they remain responsible for payment of health-care costs and are not eligible for national health insurance schemes. At the UNHCR annual Participatory Assessment discussions, urban refugees have stated that they do not have access to medical services in practice because they cannot afford the fees.

Maternal and child health care (under 5 years) has been provided without charge in Burundi's national healthcare system since 2006, but in practice urban refugees do not access these services for free. This was a political decision affirmed through a Decree and Ministerial Ordinance in 2010, which specifies eligibility criteria for children under 5 years of age. It is noted that health care is 100 percent subsidized for children whose parents "are not wage earners in the formal sector, of Burundian nationality, living in Burundi." Likewise, the Ordinance specifies that free maternal health care is available for women of Burundian nationality residing in Burundi. However, urban refugees do access certain free national health-care services provided through Government primary health-care facilities, such as treatment for malaria, HIV and TB and certain vaccinations. Some vulnerable urban refugees or those with chronic conditions receive subsidies for medical expenses by UNHCR.

## 4.3 Social protection

The social protection foundations in Burundi are thus based on the National Policy on Social Protection (NPSP) dated 2011, the National Social Protection Strategy of January 2015 and the Law on Social Protection Code of 2020. The National Policy makes explicit reference to the most vulnerable persons in the country: vulnerable children, older persons, persons living with a disability, disaster victims (displaced persons, returnees and refugees) and indigent persons (very poor rural and urban populations, widows and widowers and people living with HIV/AIDS). The Law on Social Protection Code, which applies to all persons in Burundi, provides for a pensions regime to cover old age and disability risks. However, in practice, there are currently no conditional or unconditional government cash transfer programmes targeting poor or vulnerable households except for some limited interventions on the part of the Ministry of Solidarity for the Elderly and Disabled, which operate on a very small scale. Despite the inclusivity and poverty reduction principles underlying the Social Protection policy, strategy and code and considering the very limited scope of the National Social Safety Net Cash Transfer Program, refugees are not currently included in these programmes. The same applies to older refugees and those living with disabilities. While the initial implementation phase prioritized Burundian nationals, there is scope for expansion of the social safety nets to include refugees in subsequent phases.

#### 4.4 Protection for vulnerable groups

Burundi has an established national legal framework for the protection of children. The country is party to the 1989 United Nations Convention on the Rights of the Child (CRC) and has ratified the Optional Protocol on the involvement of children in armed conflict and the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography. The 2018 Constitution protects the fundamental rights of children (Articles 30, 44, 45 and 46) and those provided for in international human rights instruments (Article 19, which states that “the rights and duties proclaimed and guaranteed by the international texts concerning human rights regularly ratified constitute an integral part of the Constitution”).

In 2020, the government validated the updated national child protection policy for a period of five years (2020–2024). This is articulated around five strategic axes, namely: (i) Preventing and responding to violence, exploitation, discrimination, abuse and neglect; (ii) Strengthening the legal and regulatory framework; (iii) Institutional strengthening; (iv) Strengthening the information system, monitoring and evaluation; and (v) Strengthening the cooperation and coordination system. While not expressly mentioned, refugee children are also covered by this normative framework.

Notwithstanding the above, children in Burundi, both nationals and refugees, are often unable to exercise their rights due to the difficult context in which they live. At-risk refugee children regularly cannot benefit from meaningful support from the national programmes in place. This is often due to the lack of awareness of national service providers on the rights of refugee children to receive support through national systems. In refugee settings, systems designed by UNHCR are in place to identify children at risk when they first seek asylum and to ensure that measures are taken to prioritize them for protection and assistance. Other humanitarian organizations provide additional support through programmes to protect separated and unaccompanied children in the camps. As at January 2020, the five camps were hosting 244 unaccompanied and 1,975 separated children.

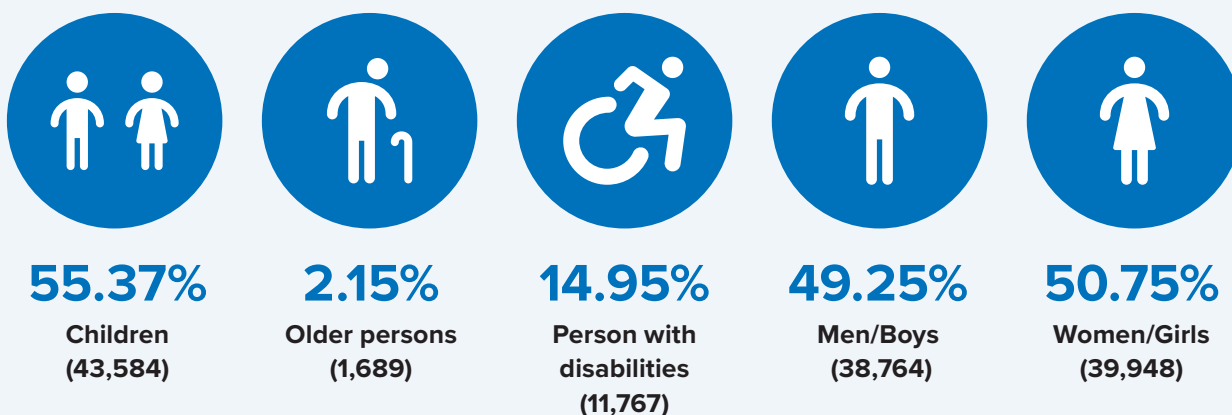
Burundi has ratified the Convention on the Rights of Persons with Disabilities and supports these persons through the Ministry of Solidarity for the Elderly and Disabled within the existing resource constraints. In practice, refugees living with disabilities are exclusively supported by UNHCR and its partners.

For refugees and asylum-seekers in urban areas, most protection services are provided at the Centre Urbain d’Accueil et Orientation des Réfugiés (CUCOR), which is managed by ONPRA. Some GBV survivors are being referred to integrated centres such as the SERUKA centre, run by a national NGO, which offer health services and temporary accommodation to survivors without discrimination. In the camps, GBV survivors rely mainly on the care and protection systems designed and implemented by UNHCR and its partners.

Burundi has a [2014 Law on the prevention and repression of trafficking in persons and the protection of victims of trafficking](#) that applies to Burundian nationals as well as to refugees and asylum-seekers. The government, in partnership with the International Organization for Migration (IOM), launched a project in December 2019 to strengthen the government’s capacity to combat human trafficking, enhance the national protection referral system, provide reintegration for victims and improve coordination.

## 5 Cross Sectors

**Characteristics of registered refugees and asylum-seekers in total refugee population\***  
as at 30 June 2020



### 5.1 Gender

Gender considerations matter in the majority of the policy sub-dimensions. The four priority areas in which gender considerations are most consequential in terms of socioeconomic development are as follows:

- i. **Social cohesion**, the lack of meaningful participation of women in refugee community-based leadership structures;
- ii. **Justice and security**, the lack of effective prevention and remedial measures for gender-based violence, including access to legal remedies and securing comprehensive solutions that improve the safety of survivors and promote their social rehabilitation;
- iii. **Education**, the drastic drop in school attendance by girls at all levels; and
- iv. **Health care**, the difficulty urban refugee women have in accessing sexual and reproductive health services for free.

### 5.2 Social inclusion

The priority areas in which considerations of refugees' distinct characteristics are most consequential in terms of socioeconomic development are as follows:

- i. **Social protection**, the lack of practical integration of elderly and disabled refugees in the emerging national social safety nets
- ii. **Health care**, limitations on refugees accessing health-care services legally available to them and the need to expand inclusion in national health care programmes
- iii. **Freedom of movement**, barriers on refugee freedom of movement continue to exist in practice and impact upon refugees' self-reliance

\* The refugee numbers reported here do not fully match the numbers on the front page because demographic characteristics are not available for all refugees (e.g., pre-registered refugees, etc.).

## Annex on Key International and Regional Instruments ratified or adhered to

- [Additional Protocol to the Geneva Conventions of 12 August 1949 \(Protocol I\)](#)
- [Additional Protocol to the Geneva Conventions of 12 August 1949 \(Protocol II\)](#)
- [African Charter on Human and Peoples' Rights, 1981](#)
- [African Charter on the Rights and Welfare of the Child 1990](#)
- [Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984](#)
- [Convention Governing Specific Aspects of Refugee Problems in Africa \(the OAU Convention\), 1969](#)
- [Convention on the Elimination of All Forms of Discrimination Against Women, 1979](#)
- [Convention on the Rights of Persons with Disabilities, 2007](#)
- [Convention on the Rights of the Child, 1989](#)
- [Convention relating to the Status of Refugees 1951<sup>1</sup> \(Ratification date: 19 Jul 1963\)](#)
- [Fourth Geneva Convention relative to the Protection of Civilian Persons of 1949](#)
- [ILO Abolition of Forced Labour Convention, 1957 \(No 105\)](#)
- [ILO Discrimination \(Employment and Occupation\) Convention, 1958 \(No 111\)](#)
- [ILO Equal Remuneration Convention, 1951 \(No 100\)](#)
- [ILO Forced Labour Convention, 1930 \(No 29\)](#)
- [ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 \(No 87\)](#)
- [ILO Labour Inspection Convention, 1947 \(No 81\)](#)
- [ILO Minimum Age Convention, 1973 \(No 138\)](#)
- [ILO Right to Organise and Collective Bargaining Convention, 1949 \(No 98\)](#)
- [ILO Tripartite Consultation \(International Labour Standards\) Convention, 1976 \(No 144\), 1976](#)
- [ILO Worst Forms of Child Labour Convention, 1999 \(No 182\)](#)
- [International Convention on the Elimination of All Forms of Racial Discrimination, 1965](#)
- [International Covenant on Civil and Political Rights \(ICCPR\), 1966](#)
- [International Covenant on Economic, Social and Cultural Rights, 1966](#)
- [Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Organized Crime \(2000\)](#)
- [Protocol relating to the status of refugees, 1967<sup>2</sup>](#)

### Reservations/declarations:

1 As per Article VII(1) of the Protocol relating to the Status of Refugees 1967, reservations are made to Article 17(1) and (2) (wage-earning employment); Article 22 (public education); Article 26 (freedom of movement).

2 As per Article VII(1), reservations are made to Article 17 (wage-earning employment); Article 22 (public education); Article 26 (freedom of movement) of the Convention relating to the Status of Refugees 1951.

## CAMEROON

Cameroon has a long-standing history of hosting refugees and is among the largest refugee-hosting countries in Africa. In 2020, Cameroon provided protection to 424,724 refugees and asylum-seekers from 30 countries, most of whom are from the Central African Republic (CAR) and Nigeria. Most refugees from CAR fled widespread violence from 2013 onwards, with the majority arriving in Cameroon in 2014 and 2015. Most Nigerian refugees arrived in Cameroon from 2014 onwards due to the ongoing conflict with Boko Haram in north-eastern Nigeria. The impact of Boko Haram violence from 2014, as well as the crisis in the South West and North West Regions of Cameroon, has also led to the internal displacement of an estimated 1,001,279 people. Cameroon is a lower-middle-income country with low human development indicators. Despite these challenges, Cameroon generally has an open-door policy for refugees fleeing violence in neighbouring countries.

### KEY POPULATION DATA

**414,856**

Refugees

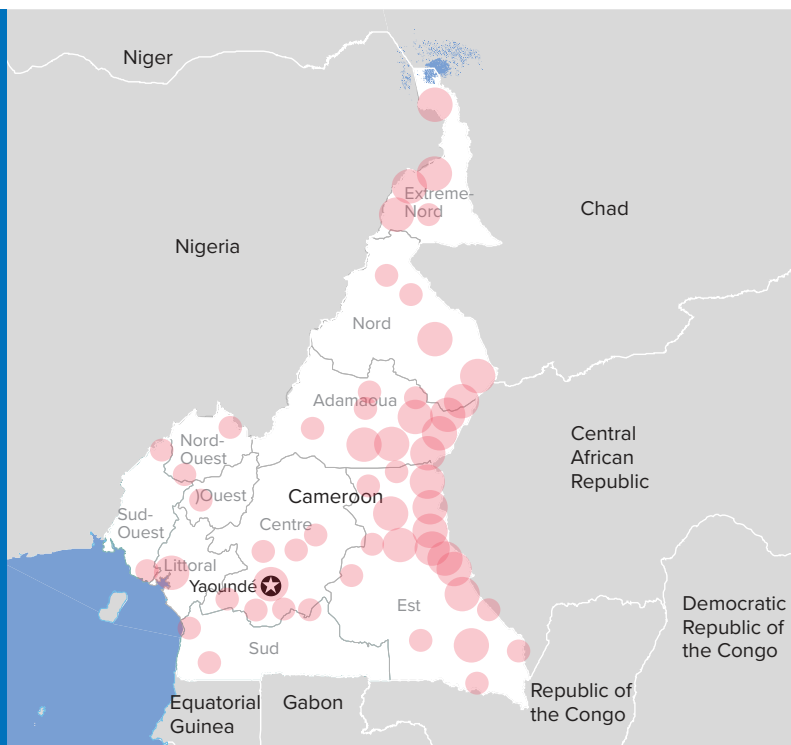
**9,868**

Asylum-seekers

**1.64%**

of the country's population (25,876,380)  
are refugees and asylum-seekers

IDA 18 RSW / IDA 19 WHR ELIGIBILITY:  
SEPTEMBER 2017



Overall, most refugees in Cameroon are living in remote border regions that are among the poorest in the country. Most refugees from the Central African Republic live in seven planned settlements ("managed sites") in the East, North and Adamawa Regions, or in 300 host villages scattered over a large geographical area. Some refugees from the Central African Republic also live in the urban centres of Douala and Yaoundé, mainly in rented accommodation. The majority of Nigerian refugees live in Minawao camp in the Far North Region, with the remainder living scattered in host communities in areas near the border.

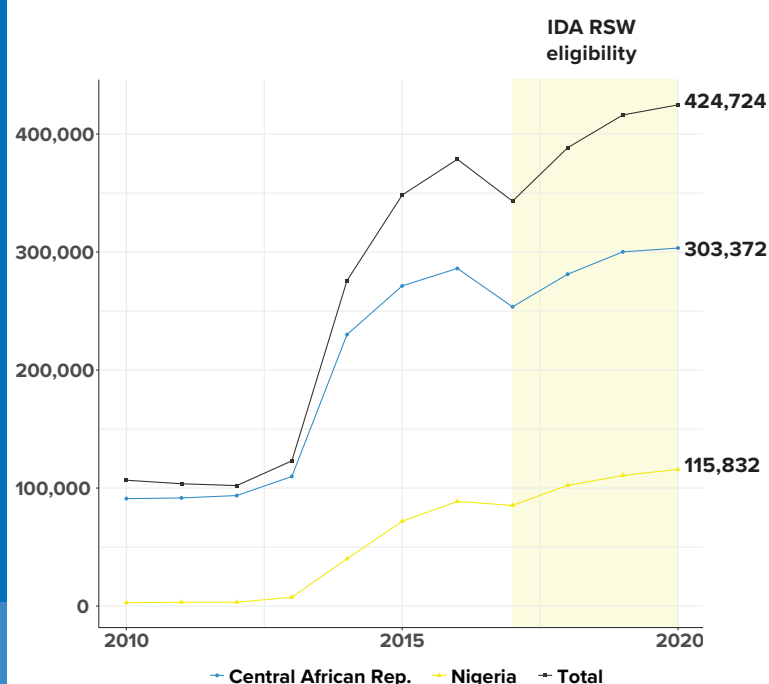


Figure 1: Number of refugees and asylum-seekers of the largest refugee population groups

## OVERVIEW OF REFUGEE POLICY ENVIRONMENT (JULY 2017–JUNE 2020)

Cameroon has a long history of providing asylum to refugees. From 2017 to 2020, the Government of Cameroon took several key policy measures at the national level to increase the socioeconomic development and protection space for refugees:

- [Law No 2018/010](#) was adopted in 2018, enabling the **certification of education and skills of foreigners**, thereby making it easier to verify diplomas and certificates obtained abroad and giving refugees the same right as nationals to access vocational training.
- [Law No 2019/024](#) was enacted in 2019 to empower local authorities – including in refugee-hosting areas – to administer their own budgets and resources, which could also come to benefit refugees in the sectors of **education and health**.
- Refugees were included in the Government's [COVID-19 preparedness and response plan](#), especially with respect to education and health, and the Government has continued to cover 30 per cent of **refugees' health-care fees** since the onset of the COVID-19 pandemic in 2020.
- A [National Action Plan \(2018–2020\) for the 1325 Resolution and Companion Resolutions of the UN Security Council on Women, Peace and Security](#) was adopted to improve measures to **protect women and girls – including refugees – before, during and after conflicts**. Cameroon also developed a [National Strategy for the period 2017–2020 aimed at preventing and responding to gender-based violence \(GBV\)](#).
- The National Eligibility and Appeals Commission was sworn in, instituted by Decree No 2011/389 of 2011, in October 2019, representing a step in the progressive and ongoing transfer of **Refugee Status Determination (RSD)** responsibilities from UNHCR to the Government of Cameroon. A **data-sharing protocol** was concluded in March 2019, a prerequisite for the final handover of RSD and registration.
- **Communal Development Plans for municipalities hosting refugees** were also updated by the Government during the reporting period to reflect the presence and impact of refugees in host communities in line with the IDA18 Refugee Sub-Window (RSW) and the Government's 2018 National Participatory Development Programme (PNDP). These plans form the basis of all development-related interventions in the communities and comprise a community participatory approach whereby refugees are included in community consultations.

At the international level, the Government also signed a [tripartite agreement with UNHCR and the Central African Republic in June 2019](#), for the **voluntary repatriation** of refugees living in Cameroon. At the first [Global Refugee Forum \(GRF\) held in Geneva in December 2019](#), the Government of Cameroon reiterated its continued commitment in the areas of education, employment and livelihoods, health, Refugee Status Determination (RSD), the issuance of biometric identity cards to refugees, and Government support to facilitate voluntary repatriation.



## POLICY DIMENSIONS (AS AT 30 JUNE 2020)

### 1 Host Communities

#### 1.1 Support for communities in refugee-hosting areas

National fiscal/budget policies and mechanisms can be applied to provide for timely additional financial transfers from national level to refugee-hosting areas. [Law No 2004/017 of 22 July 2004 on Decentralization](#) and [Law No 2019/024 of 24 December 2019 to institute the general code of regional and local authorities](#) laid down the overall legal framework for decentralization, defining the competencies of decentralized administrative units – municipalities and regions – as well as funding mechanisms to support their extended competencies. Such competencies cover many key areas, including local economic development and certain services and infrastructure. Within this framework, municipalities have local development plans (Plans communaux de développement – PCDs) that can be adjusted to meet changing needs and allow municipalities to allocate development budget through their investment plans. Many refugee-hosting municipalities have adjusted their PCDs to include refugees' needs (basic services, socioeconomic inclusion opportunities, etc.) and are being used to prioritize activities to be implemented.

However, there are shortcomings in implementing the policies and devolved planning processes due to a lack of financial resources for sub-national government institutions, limited implementation capacities and a slow roll-out of the decentralization process, at both regional and municipal levels.

The allocation of national budget to the regions is not based on indicators that take into account the presence of refugees in a region. According to the government-led Recovery and Peacebuilding Assessment 2018–2022 (RPBA), “the more underdeveloped Northern regions are consistently less favored in terms of public investment per capita. Furthermore, budget allocations are transferred late and are not always aligned with the needs identified in communal development plans. Human resource distribution among communes is highly unbalanced and is not delivered on the basis of need. As a result, development processes are inequitable, and public service delivery is inadequate in these regions.”

The Government has finalized a new [National Development Plan \(2020–2030\)](#) which makes commitments to develop the capacity and role of decentralized territorial units as regards local development. The plan also makes some reference to the inclusion of refugees as a target group for social assistance on the grounds of vulnerability. However, it does not establish a specific institutional framework for providing timely additional financing to refugee-hosting areas.

The [2017 National Social Protection Policy](#) (PNPS in French) establishes the policy objective of social safety nets for all Cameroonians. In pursuit of implementation of this policy, the existing World Bank-financed [Social Safety Net Project](#) (*Projet Filets Sociaux* – ‘PFS’) – which commenced in 2013 and benefited some 482,000 persons in its initial phase – was expanded in 2018 to target another 414,000 persons under an additional phase ([Social Safety Nets for Crisis Response](#)). The PFS targets the poorest and most vulnerable people in participating areas, now including municipalities with a high rate of influx of refugees. The expansion phase, which was partially funded under the IDA18 Refugee Sub-Window (RSW), specifically aims to provide relief to host communities stretched by the massive influx of refugees, in addition to other populations affected by fragility. This includes: (a) alleviating poverty and vulnerability in host communities; (b) exploring avenues for the integration of refugees into national social protection systems and; (c) building peace in fragile regions. The programmes include cash transfers and labour-intensive public works components.

#### 1.2 Social cohesion

National policies can be applied to identify, prevent and mitigate potential social tension and risks of violence in refugee-hosting areas. These include the [2016 Criminal code](#), which applies to all persons present in Cameroon, as well as laws relating to conflict resolution between farmers and pastoralists ([Decree No 78/263 of 3 July 1978](#)). Moreover, there are laws pertaining to the organization and role of



traditional chieftaincies, which can conduct “conciliation and mediation” among their constituents (Article 21) and often play a role in conflict prevention and management in the host communities ([Decree No 77/245 of 15 July 1977 amended by Decree No 82/241 of 24 June 1982](#)). Although these laws do not refer directly to refugees, they can be read in conjunction with [Law No 2005/006 of 27 July 2005 on the Status of Refugees in Cameroon](#) and consequently applied to them and implemented in refugee-hosting areas.

In practice, there is a high level of interaction between refugees and host communities and a political discourse that has generally been favourable to welcoming refugees, although this has at times been severely tested as conflicts in neighbouring countries have spilt over into Cameroon. Refugees have attained some degree of fragile integration into the host communities and UNHCR estimates that approximately 70 per cent of refugees from the Central African Republic live in host communities and that in some villages, refugees outnumber locals. Socially, the length of displacement and the additional demographic pressure from subsequent refugees’ arrivals has triggered some negative reactions from host communities, but nothing on the level of an open conflict. In more rural areas, many refugees share language, cultural and ethnic affinities with their host populations. This facilitates social cohesion, although localized issues do arise relating to land, resource-sharing and cohabitation. However, as a general rule, the pre-emptive involvement of administrative and traditional authorities, as well as support from NGOs in coexistence activities, tend to ensure that disagreements are managed in a peaceful manner (see for example [Etude sur l'accès des réfugiés à la terre dans les arrondissements de l'Est et de l'Adamaoua](#) [Study on land access for refugees in the East and Adamaoua Districts], July 2020). Some refugees, particularly in urban areas, complain of discrimination in employment, negative language towards refugees and occasional harassment by law enforcement officials. Over the years, projects and programmes developed by the Government and other actors have increasingly been taking into account and benefiting both refugees and host communities, thus contributing to enhancing peaceful coexistence.

In rural areas, conflict resolution mechanisms involving both refugees and host community members have been put in place by local authorities to manage issues arising between the communities. Joint protection committees have been developed by local authorities and UNHCR in the Far North region to foster dialogue and peaceful coexistence between refugee and host communities. In eastern Cameroon, village development committees set up by the local authorities to work on local development plans (PCDs) have integrated refugees into participatory planning processes as part of the National Participatory Development Programme (PNDP in French) (See [Community Development Program Support Project Response to Forced Displacement](#), page 20). Furthermore, refugee self-management committees have been set up in villages hosting refugees, in addition to the village development committees, to facilitate interaction with the local authorities. Joint committees that include refugee and host population representatives therefore play a major role in maintaining peace and cohesion.

National policies do formally protect refugees from discrimination. The 1996 Constitution affirms the equality of all persons before the law. Article 9 of the [2005 Refugee Law](#) provides that “all provisions in Chapters II, III, IV and V” of the 1951 Geneva Convention apply to refugees, including non-discrimination. In practice, discrimination may occur in some situations, for instance in relation to gender, nationality, ethnicity and diverse sexual orientation and gender identities.

### 1.3 Environmental management

National policies exist that can be applied to mitigate the environmental impact of areas hosting refugees. These include [Law No 94/01 of 20 January 1994](#) relating to wildlife, forestry and fishing and [Law No 96/12 of 5 August 1996](#) relating to environmental management. Other laws and policies include [Law No 98/005 of 14 April 1998](#) on water management, Decree [No 2012/2809/PM of 26 September 2012](#) on waste management and the [National Policy on Liquid Sanitation](#). While these laws do not refer directly to refugees and/or host communities, they can be read in conjunction with the [2005 Refugee Law](#) and be applied in refugee-hosting areas to the benefit of both communities.

In practice, there are implementation challenges for all of the above-mentioned policies. The four different ministries overseeing environmental policy face challenges including insufficient material, financial and

human resources. For instance, the percentage of the population that has access to drinking water sources is still relatively low in some regions of Cameroon, including in refugee-hosting areas, with the percentage of households consuming water from an improved source standing between 61 and 76 per cent in the East, Adamawa and Far North regions. Rural communities have much less access than urban centres (Enquête, Institut National de la Statistique, 2018). As for energy, the use of wood fuel by refugee and host communities also poses significant environmental protection challenges.

## 1.4 Preparedness for refugee inflows

While the Ministry of External Relations (MINREX) traditionally establishes national policy for refugees, this does not extend to preparedness. Cameroon's [National Contingency Plan](#) (2011), developed by the Civil Protection Directorate (DPC), provides elements for a national preparedness framework and makes mention of refugee inflows. However, the plan does not foresee institutional mechanisms to respond to increased or new refugee inflows in ways that minimize short- and medium-term socioeconomic impacts. The plan also needs to be decentralized in order for preparedness and response capacities to be further developed at local level.

Nonetheless, in practice, specific contingency plans have been developed in collaboration with regional authorities and humanitarian organizations in refugee-hosting areas (for example in the East region for refugees from Central African Republic or in the Far North Region in 2019). Whilst involving relevant ministries and regional authorities, such contingency plans are mainly led by international actors and are not fully integrated into national institutional structures.

# 2 Regulatory Environment and Governance

## 2.1 Normative framework

Cameroon has been a State Party to the [1951 Convention Relating to the Status of Refugees](#) since 1961. It is also a State Party to the [1967 Protocol relating to the Status of Refugees](#), the [1969 OAU Convention Governing Specific Aspects of Refugee Problems in Africa](#) and other relevant [international and regional instruments](#). Cameroon also endorsed the Global Compact on Refugees. These instruments are implemented through, and incorporated into, national law through [Law No 2005/006 of 27 July 2005 on the Status of Refugees](#) and Implementing [Decree No 2011/389 dated 28 November 2011](#). This national law provides a progressive legal framework and expressly refers to the application of the fundamental rights and dispositions set out in the 1951 and the 1969 OAU Convention.

From a formal point of view, the normative framework is consistent with international standards. Indeed, in some respects it exceeds Cameroon's international commitments, with all rights being accorded within the limits of those enjoyed by nationals, rather than the standard of "most favourable treatment accorded to nationals of a foreign country under the same circumstances" which is attached to certain rights in the 1951 Convention. Moreover, Cameroon has long prided itself on welcoming refugees and has positively engaged in several areas such as education and health services, taking measures to contribute to non-discriminatory access within the limits of its capacity. The main challenges involve the implementation of policies.

UNHCR observes gaps in the awareness of applicable refugee policies and procedures among refugees and authorities, including immigration and law enforcement officials, the judiciary, and labour-related authorities. Many refugees also highlight a lack of knowledge on the part of employers regarding their right to work.

[Law No 2005/006 of 27 July 2005 on the Status of Refugees](#) and Implementing [Decree No 2011/389 dated 28 November 2011](#) set out the framework for recognition of refugee status. Article 16 of this 2005 Refugee Law provides for the establishment of a refugee status management body. The supervisory ministry for the refugee status management body is the Ministry of External Relations (MINREX). At the express request of the Government of Cameroon, UNHCR has been implementing registration and

Refugee Status Determination (RSD) since 1982. In the urban centres of Douala and Yaoundé, there are individual RSD procedures. In other regions hosting larger numbers of refugees (Far North, North, Adamawa and East Regions), Central African and Nigerian refugees are recognized on a prima facie basis. The procedures applied, including those of the appeal process, are in line with international and regional standards.

On 1 August 2016, the Government of Cameroon and UNHCR signed a Memorandum of Understanding on the Transfer of Refugee Status Determination Responsibilities and Other Related Activities to the Government of Cameroon, by which UNHCR undertook to support the process of transferring RSD to the Cameroonian authorities. The Technical Secretariat of the Refugee Status Management Body (STOGSR in French) was thus set up in 2016 in Yaoundé, with a view to conducting RSD. UNHCR and the Government of Cameroon also concluded a data-sharing protocol in March 2019, setting up a framework for data protection and sharing. The National Eligibility and Appeal Commissions, responsible for making the definitive status determination and hearing appeals, were sworn in at the end of October 2019. However, as at 30 June 2020, these commissions were not operational, pending the identification of adequate resources and due to the significant turn-over amongst members appointed to the eligibility commissions.

In light of this, a “hybrid” system of RSD is currently being implemented whereby Government staff undertake interviews and produce RSD recommendations in respect of asylum-seekers living in Yaoundé, which are then reviewed by UNHCR. As such, UNHCR still therefore formally determines refugee status pending operationalization of the Eligibility and Appeals Commissions. Additional challenges include the fact that the Technical Secretariat (STOGSR) only covers Yaoundé at present, although there are plans to extend this first to Douala and eventually to regional refugee-hosting areas in which UNHCR is still registering and determining status alone at present. STOGSR is also currently reliant on UNHCR funding, limiting its capacity to fully assume responsibilities according to relevant legislation and to expand geographical coverage beyond the capital.

## 2.2 Security of legal status

[Law No 2005/006 of 27 July 2005](#) affords asylum-seekers the right to stay in the country for the duration of the Refugee Status Determination (RSD) procedure. There are no policy limitations such as time limits or renewal/extension requirements. Similarly, once refugee status is granted, whether through prima facie or individual RSD procedures, no such policy limitations exist. There are occasional reports of asylum-seekers and refugees having been arrested for illegal immigration by law enforcement officials because their identification cards and other relevant documents had expired. This is mainly due to a lack of awareness of refugees’ rights on the part of some law enforcement officials and such cases are usually resolved quickly.

Article 7 of [Law No 2005/006 of 27 July 2005](#) also provides for the principle of non-refoulement in line with international standards. There has been increasingly open engagement with the Cameroonian authorities to raise awareness of their international obligation with regard to non-refoulement. From early 2019 to 30 June 2020, there were no known cases of refoulement. Moreover, there were no known cases of unlawful termination of refugee status by way of cancellation, revocation or cessation and no cases of recognized refugees being expelled on the grounds of national security or public order. Cameroon has continued to welcome persons seeking asylum during the COVID pandemic. The borders were closed on 18 March 2020 limiting access to the territory. They were reopened on 1 August 2020.

## 2.3 Institutional framework for refugee management and coordination

The institutional framework for refugee management is set out in [Law No 2005/006 of 27 July 2005](#) and its Implementing [Decree No 2011/389 dated 28 November 2011](#), which provide for the establishment of the Eligibility and Appeals Commissions and the technical secretariat of the refugee status management body under the auspices of the Ministry of External Relations (MINREX). The 2005 refugee law and 2011 Implementing Decree speak specifically of Refugee Status Determination, but remain silent on other institutions’ responsibilities and on broader refugee management coordination responsibilities. Formally,

therefore, MINREX has established a national policy for refugees and status issues in particular, but this mandate does not extend to the day-to-day management and coordination of assistance or socioeconomic concerns, which are spread across different sectoral ministries and other national institutions.

Through administrative [Order No 269 of 13 March 2014](#), the Government established an ad hoc interministerial committee at central level, under the leadership of the Ministry of Territorial Administration (MINAT), to coordinate assistance to address large inflows of refugees from the Central African Republic and Nigeria. This committee has been mirrored to a certain degree at regional level in the main refugee-hosting areas and chaired by Governors. Line Ministries, such as those responsible for education, water, health, agriculture and social affairs, participate in these committees but at times play a limited role in the delivery of assistance due to challenges in terms of capacity. At central level, the ad hoc interministerial committee has been dormant for the last three years, particularly in light of the reduction of inflows of refugees from the Central African Republic.

To fill these gaps, UNHCR has completed agreements with certain key ministries outlining commitments and responsibilities, as with the Ministry of Health in 2016.

In managed refugee camps and settlements, refugee community governance structures have been established with UNHCR assistance, aiming at, inter alia, obtaining refugee input and feedback on decisions affecting them. In the camps, these include Refugee Central Committees, block leaders, elders, peace/conflict resolution committees, community safety groups (*comités de vigilance*), associations for parents and teachers, women and young people, and persons with disabilities, as well as committees on shelter and food. In Yaoundé and Douala community governance is structured around Community Leaders and a system of refugee incentive workers called *relais communautaires*.

These committees are functional and meet with UNHCR, relevant government officials and other national and international partners on a regular basis. They are elected by refugees themselves under the technical supervision of UNHCR and local authorities. Their composition and management take age, gender, diversity considerations into account, although this is not always meaningfully applied. The level of functionality of the other structures may vary from group to group or area to area. In addition, for refugees living outside camps and managed settlements in rural locations, refugee self-management committees have been set up in villages hosting refugees to facilitate interaction with the local authorities.

Refugees have so far not been included in the national population census in Cameroon. The last general census of the population was conducted in 2005. Since 2018, the [Central Bureau for Census and Population Studies](#) (BUCREP) has been planning to conduct another general census of the population and has included the legal status of persons in its data collection tool, including refugees. The general census has not yet taken place. Once complete, it is expected that the results will assist policymakers and development actors in integrating demographic aspects pertaining to the refugee population into Government policies.

Steps have been taken to include refugees in administrative data collection systems. Data on refugees in Cameroon is taken into consideration in national health programmes addressing malaria, tuberculosis, HIV/AIDS and immunization. Refugees are also included in nutritional surveys organized by the Ministry of Public Health. Regarding education, the development of an education management information system (EMIS) is mentioned in the [Strategy of the Education and Training Sector](#) (2013–2020), but has not yet been implemented. However, since 2018, discussions have been initiated with the Ministry of Education to consider collecting education data relating to refugee children and young people through the up-coming EMIS. A first step was taken with the inclusion of information on refugee children and young people in the national school mapping in 2018.

Village development committees set up by local authorities to develop local development plans (PCDs) have integrated refugees into participatory planning processes as part of the World Bank-financed [Community Development Support Project to Forced Displacement](#), implemented by the PNDP, in the Eastern and Far North regions of Cameroon. PCDs are the basis of development planning at local level and the source of projects undertaken by the Government, municipalities and development partners in a municipality.

## 2.4 Access to civil registration and documentation

Article 9 of [Law No 2005/006 of 27 July 2005](#) provides that all recognized refugees should be issued with an identity document and a travel document for the purpose of travel abroad. Article 8(3) stipulates that asylum-seekers shall be provided with an attestation. [Decree No 2016/373 of 4 August 2016](#) and [Decree No 2016/374 of 4 August 2016](#) provide for a system to produce biometric identity cards for nationals and foreigners, including refugees. The adoption of these decree setting out the modalities for the issuance of biometric identity cards to refugees has been a significant step forward in terms of policy. They define the operating procedures of the National Centre for the Production of Identity Documents (CNPTI), which is responsible for producing national as well as refugee identity cards. The issuance of biometric identity cards for refugees by the government has not yet been implemented. The Ministry of External Relations also issues refugees with Convention Travel Documents (CTDs) to facilitate international travel.

Currently, UNHCR continues to issue identification cards to refugees following biometric verification of each individual, pending the effective implementation of the legal provisions and regulations. All refugees are provided with appropriate documentation. Identification cards issued by UNHCR are not co-signed by the Government of Cameroon but are officially recognized as a form of identification as per Article 40 of [Decree No 2007/255 of 4 September 2007](#).

There are however some challenges in practice. A recurrent difficulty raised by some refugees, especially in rural areas, is that the card is not systematically given due weight by all police officers and that their freedom of movement can at times be de facto partially limited, with increased risks of arbitrary detention and consequences on their ability to go about regular livelihoods. In addition, some refugees, especially in urban areas, report that certain employers refuse on occasion to accept the refugee card as evidence of refugees' right to work despite the provisions in the 2005 law. Some refugees have also reported facing issues with financial institutions or service providers. Law enforcement agencies and relevant ministries collaborate with UNHCR to undertake regular training and advocacy regarding refugee documentation to enhance recognition of the UNHCR-issued card.

Civil status documentation is covered in the 2005 refugee law as well as in the relevant provisions of [Order No 81/002 of 29 June 1981 on civil status](#). The [National Office for Civil Status Documentation \(BUNEC\)](#), set up in 2011, is responsible for coordinating and modernizing the system. At the 2019 [High-Level Segment on Statelessness](#), Cameroon also committed to regularizing the situation of all persons without a birth certificate living in the country.

Local authorities issue civil status documents to refugees without discrimination, including birth, death and marriage certificates. However, for refugees and for nationals, there are several issues that hamper effective access to these documents. According to the [2014 Multiple Indicator Cluster Survey \(MICS5\)](#), the national birth registration rate for Cameroonian children under 5 years of age is 66 per cent with wide regional disparities, particularly in the Far North Region (42 per cent), the North Region (60 per cent) and in the East Region (58 per cent). While similar figures are not available for the refugee population, information from UNHCR monitoring also indicates that some refugee children are not registered at birth, especially in rural areas. Obstacles to birth registration include the remoteness of some populations from the civil registration centres, a lack of awareness about documentation, as well as capacity and resource constraints that can limit access to the relevant services. In addition, for births declared after the legal deadline of 6 months, parents are required to get a court order (*jugement supplétif*) to have the child registered. The costs associated with this procedure are an obstacle to late birth registration.

Finally, on the specific issue of birth certificates for refugee children born outside Cameroon but who were either never registered in their home country or lost their documents during flight, the Technical Secretariat of the Refugee Status Management Body (STOGSR) produces "attestations in lieu of birth certificates" that are widely recognized by administrations and schools, thus facilitating refugee children's access to services.



## 2.5 Justice and Security

No specific study was identified comparing the security perceptions of refugees and their host communities. Generally speaking, participatory assessments and monitoring conducted by UNHCR indicate that the security situation varies between different refugee-hosting regions. For example, in the East, Adamawa and North regions, refugees and host communities enjoy a relatively peaceful and safe environment, despite some criminality in border areas. In the Far North Region, the situation is more fluid, with the existence of security threats due to the conflict with Boko Haram that affect both communities, particularly in areas along the border with Nigeria.

[Law No 2005/006 of 27 July 2005](#) affords refugees the right of recourse to the courts (*“le droit d’ester en justice”*). In practice, access to justice is limited for both refugees and host communities due to capacity and resource constraints, physical distance to the institutions providing legal aid, formal justice and law enforcement, and so on. Traditional dispute resolution mechanisms are more easily accessible, particularly in regions where refugees share cultural and social affinities with their host communities.

Protection and human security issues are affecting refugees as well as host communities. The situation is challenging, especially for women, who are particularly vulnerable to sexual and gender-based violence. Various policies are in place targeting gender-related issues and preventing and addressing sexual and gender-based violence (SGBV). These include, among other things, the [National Constitution of 18 January 1996](#), the [Civil Code](#) and [Law No 2016/007 of 12 July 2016](#) relating to the [Criminal Code](#). In addition, Cameroon has a [National SGBV Strategy](#) for the period 2017–2020, aimed at preventing and responding to SGBV. These policies apply to refugee-hosting areas and do not exclude refugees. Moreover, the Ministry of Women’s Empowerment and the Family (MINPROFF), has initiated revision of the national SGBV strategy to explicitly take into consideration SGBV issues relating to the forcibly displaced, including refugees and asylum-seekers.

In practice, there are shortcomings in policy implementation and access to relevant services can be limited at times as a result, inter alia, of capacity and resource constraints, particularly in rural areas. This affects both refugee and host communities. Nonetheless, UNHCR has observed cases of refugee SGBV survivors being referred to and accessing services provided by the Government. In addition, while the law does criminalize SGBV and should in principle not be adjudicated by traditional dispute resolution mechanisms, many refugee and host communities still prefer to use these. These challenges affect refugees and host communities alike.

## 3 Economic Opportunities

### 3.1 Freedom of movement

[Law No 2005/006 of 27 July 2005](#) allows refugees and asylum-seekers to move freely within Cameroon and choose a place of residence on a par with nationals, without any restriction. Some 64 per cent of the refugee population live outside camps and settlements, mainly in rural host communities but also in the urban centres of Yaoundé and Douala, where there is also a sizeable refugee population.

In practice, refugees and asylum-seekers do avail themselves of these rights, although certain limitations exist. For example, the administrative practice of requiring refugees to obtain a document from UNHCR called an *‘à qui de droit’* before they can move outside their administrative division (*“département”*) of residence was first instituted by authorities with the arrival of refugees en masse from the Central African Republic, in order to control movements. Although many refugees do move to a different *département* without this document, doing so can expose them to increased scrutiny from security forces during routine identity checks. Moreover, some refugees, especially in rural areas have reported that, although officially accepted as a means of identification, the UNHCR-issued refugee card is not systematically given due weight by all police officers and gendarmes. Also, there have been reports of law enforcement officials allegedly extorting money from refugees during routine checks on public transport. It should be noted that such issues are not limited to refugees, but can also affect nationals. At times this uncertainty has a limiting effect on the free movement of refugees.

### 3.2 Right to work and rights at work

Articles 9 and 10 (1) of [Law No 2005/006 of 27 July 2005](#) provide refugees with the right to work on par with nationals, with no restriction. Refugees do not have to obtain a work permit. The applicable laws do not however mention asylum-seekers' rights to work.

During the Global Refugee Forum, Cameroon made a pledge on employment and job opportunities. A tripartite agreement between ILO, UNHCR and the Ministry of Labour was drafted with a view to including refugees as applicants for employment with the National Employment Fund.

As regards employment in the public sector, Article 13 of [Decree No 94/199 of 7 October 1994](#) instituting the general statute of the State Civil Service provides that only persons of Cameroonian nationality may be employed as civil servants. While a broad reading of the 2005 refugee law could provide a policy basis for refugee inclusion in this respect, there are no reported cases of refugees working as civil servants in Cameroon.

In practice, relatively few refugees are able to obtain formal employment or set up a formal business. Only around 4.5 per cent of the refugee population is in formal employment, according to statistics from the UNHCR *proGres* registration database. This is due to the limited job opportunities in Cameroon, high unemployment even among the host community and general socioeconomic difficulties in the country. In addition, there have been reports by refugees, especially in urban areas, that some employers have not accepted the UNHCR-issued refugee card as evidence of refugees' right to work, despite the provisions in the 2005 law. This was reportedly due to a lack of awareness or as a pretext to withhold written contracts from some refugee employees. Due to existing challenges in accessing formal employment, a significant number of refugees enter the informal labour and business markets.

[Law No 2005/006 of 27 July 2005](#) provides refugees with the same worker protections as nationals in line with applicable national laws. This includes [Law No 92/007 of 14 August 1992](#) instituting the labour code, which provides for worker protections in the private sector, including equal remuneration, non-discrimination, protection of women workers and prohibition of child labour, and [Order No 17 of 27 May 1969 on child employment](#), which forbids all employment of children under 14 and outlines the conditions for work between the ages of 14 and 18. The minimum wage policy applies to all workers in Cameroon, in compliance with Article 1 of [Decree No 2014/2217/PM of 24 July 2014](#). In practice, refugees' enjoyment of these rights can at times be limited due to challenges in enforcement capacity in the relevant government agencies as well as inadequate recognition of UNHCR-issued identification documents by certain employers. Some refugees have also reported that employers have taken advantage of their precarious socioeconomic situation to refuse to provide written work contracts.

Although [Law No 2005/006 of 27 July 2005](#) does not specifically mention the exercise of liberal professions, its wording fully enacts relevant rights from the 1951 Convention, which therefore includes Article 19 on the exercise of liberal professions. As such, refugees who hold diplomas recognized by the competent authorities in Cameroon can exercise a liberal profession within the limits of rights accorded to nationals. In practice, however, very few refugees have the relevant professional profile to exercise a liberal profession.

### 3.3 Land, housing and property rights

The State is the guardian of land in Cameroon. Access to land is governed by [Order No 74-1 of 6 July 1974](#) relating to land and state land tenure, [Law No 80-21 of 14 July 1980](#) and Decrees [No 76-166 of 27 April 1976](#) and [No 76-167 of 27 April 1976](#). Article 9 of the 2005 Refugee Law provides for refugees to enjoy the "right to property" within the limits of the rights accorded to nationals. In law, refugees therefore enjoy treatment more favourable than that generally accorded to other foreigners and can be assimilated to nationals in respect of such rights through the operation of the refugee law. In practice, however, refugees can be subject to the laws and procedures usually reserved for other categories of foreigners for the purchase or lease of land, due to a lack of awareness of the relevant provisions of the 2005 Refugee Law.

It should be noted that due to the socioeconomic situation of many refugees, few are in a position to purchase land. In terms of access to agricultural land, negotiations routinely take place with host community leaders for the use of farming land for periods of 3 years. These agreements are usually facilitated by traditional leaders, outside the administrative framework.

Law [2009/010 of 10 July 2009](#) relating to the rental and purchase of property does not contain restrictions on the status of persons who can rent or buy immovable property. As such, read in conjunction with the 2005 Refugee Law, refugees formally have the right to purchase, lease or use housing and immovable property in Cameroon on a par with nationals. In practice, refugees in urban centres lease or use housing based on formal or informal arrangements. Few are in an economic position to purchase immovable property.

The 2005 Refugee Law provides refugees with “the right to housing within the limits of rights accorded to nationals.” According to [Decree No 2012/384 of 14 September 2012](#), the Ministry of Housing and Urban Development is responsible for social housing in Cameroon. The Ministry created an [ad hoc commission](#) in charge of attributing social housing within the framework of the [Government’s National Programme](#) for the construction of 10,000 social housing units and development of 50,000 plots of land. In April 2018, Cameroon held a workshop with different stakeholders aimed at validating the [national housing policy](#) strategy in line with social housing programmes. While there is no mention of refugees (or foreigners) as the target populations of such programmes, there is no provision in relevant laws or policies that specifically exclude them.

Despite the Government’s priority to do more on social housing and its efforts over the past decade(s), in practice, access to social housing is limited, even for nationals, with insufficient capacity to meet demand. Generally, formal housing production is very low (mostly delivered by State-owned enterprises) and social housing often caters to middle- if not higher income classes. This is due to a mix of factors including a big general housing deficit across income groups, the fact that prices are still not affordable for most people (few Cameroonians can afford to buy the cheapest houses on the market; rental prices have also skyrocketed and often require upfront payment of 10–12 months’ rent) and issues associated with governance. Moreover, a [study](#) conducted by the National Institute for Statistics (INS) indicated that only 1 in 8 Cameroonian households can afford the cost of social housing without the Government’s assistance. Access to loans in the social housing programme is open to persons with a minimum monthly income of 376,000 FCFA (around USD 680), a sum that is beyond the reach of the vast majority of refugees and host communities. So far, UNHCR is not aware of refugees accessing the public/social housing schemes.

### 3.4 Financial and administrative services

Cameroon is a member of the Economic and Monetary Community of Central Africa (CEMAC) and its banking sector is governed by regulations of the Banking Commission of Central Africa (COBAC). [Law No 2019/021 of 24 December 2019](#) on credit activities in Cameroon also governs access to credit. Although these laws and regulations do not specifically mention refugees, if they are read in conjunction with [Law No 2005/006 of 27 July 2005 on the Status of Refugees](#), they can also apply to them in respect of bank accounts and traditional financial services.

In practice, only a few refugees, mostly those who are urban-dwelling with stable employment, possess bank accounts. Certain banks verify refugee identity cards with UNHCR as a part of their Know Your Customer (KYC) procedures for opening accounts. A pilot programme with the Bank Crédit du Sahel is also being developed to facilitate access to such services more widely. However, most refugees face challenges in accessing bank accounts and financial services such as credit, due to the fact that some financial institutions do not accept the refugee card as a means of identification and the fact that they are unable to satisfy other conditions such as having a work contract, pay slips or minimum deposits. It should be noted that Cameroonians in general also have low rates of access to bank accounts and credit, given the high levels of informal employment (see the 2018 Ministry of Finance Finscope report, cited in [Business in Cameroon](#).)



SIM card registration is mandated by law in Cameroon. The requirements for SIM registration can be found across a number of different texts, including [Law 2010/013 on electronic communications](#), [Decree No 2012/1637/PM](#) and [Decree No 2015/3759](#). These decrees specify that the accepted means of identification include “a residency permit for foreigners or any other equivalent document” or “an identity document that is accepted in Cameroon through the operation of international conventions.” Although refugees are not specifically mentioned in these texts, read together with the 2005 Refugee Law, they can be interpreted to cover refugees in the same way as nationals.

In practice, refugees do register SIM cards and use mobile money services with mobile operators, despite some challenges. Certain operators, such as [MTN](#), specifically mention the refugee identity card as a means of identification. When SIM card or mobile money registration is refused on identification grounds due to a lack of awareness on the part of operators, UNHCR conducts advocacy on behalf of refugees. Refugees also have recourse to informal workarounds when faced with such barriers. (See [Displaced and Disconnected, Country Reports](#), UNHCR 2019, page 18.)

According to Government policy, refugees can obtain key documents, such as formal recognition of foreign academic and vocational qualifications and national driving licences necessary to access employment and other socioeconomic opportunities. [Decree No 2005/142 of 29 April 2005](#) on the organization of the Ministry of Higher Education (MINESUP) provides for a National Commission for the Evaluation of Training Abroad, which meets yearly to certify foreign tertiary degrees. [Law No 2018/010](#) of 11 July 2018 governing vocational training enables the certification of vocational education and skills of foreigners in Cameroon. However, it is not known how many refugees routinely avail themselves of these rights.

Regarding driving licences, the applicable law ([Order No 00406/1/MINT+DTT of 28 April 2000](#)) imposes no restrictions on the nationality of applicants. Moreover, Article 13(1) of [Law No 2005/006 of 27 July 2005 on the Status of Refugees](#) states that refugees have the right to “any document necessary for accomplishing the acts of civil life or in application of domestic law”. Although there are practical obstacles such as cost, UNHCR has observed examples of refugees having received Cameroonian driving licences.

Refugees are registered without restriction in public as well as private training centres, including in centres run by the Ministry for the Promotion of Women and the Family (MINPROFF) and the Ministry of Youth and Civic Education (MINJEC), in line with Article 10(2) of the 2005 Refugee Law, which entitles refugees to the same treatment as nationals in respect of education. It should be noted however that some training structures face capacity and resource challenges, particularly in rural areas.

## 4 Access to National Public Services

### 4.1 Education

Article 10(2) of [Law No 2005/006 of 27 July 2005 on the Status of Refugees](#) entitles refugees to the same treatment as nationals in respect of education, including for university admission fees. Cameroon also pledged, at the Global Refugee Forum in December 2019, to ensure that refugee pupils have the same access to free primary education as nationals.

In line with its legal framework relating to refugees, the Government of Cameroon has adopted an inclusive approach whereby refugee children and young people receive the same treatment as nationals in terms of access to education and rights relating to school and university enrolment fees. The [National Education and Training Sector](#) strategy covering 2013–2020 mentions refugees as a target group among those with additional barriers to accessing school. This inclusive approach is also reflected in the education sector diagnosis initiated in 2019, which for the first time includes a specific chapter on education in crises. As such, the country’s new 2021–2030 education strategy that is being developed is expected to take forcibly displaced persons into consideration, including refugees and asylum-seekers. Despite existing challenges – including a lack of infrastructure and learning materials, a high teacher/student ratio, teachers’ capacity-building needs and the requirement to present a birth certificate when taking school exams – this

emphasizes the increased commitment of the Government of Cameroon to plan and respond to the education needs of refugees and asylum-seekers and reflects Cameroon's willingness to materialize its related pledge made at the 2019 Global Refugee Forum.

The above education policies also provide for specialized services. In practice, such services are available in certain areas but are of limited scope; elsewhere, especially in rural areas, they do not exist at all, due to insufficient financial, material and human resources. However, the Government of Cameroon has demonstrated openness in facilitating refugees' inclusion in the national education system and in providing related specialized support where possible, for instance by offering refugee children and young people from the Central African Republic the possibility to benefit from an accelerated curriculum for the reintegration of out-of-school children (*Curriculum accéléré pour la réinsertion des enfants déscolarisés - CARED*) upon their arrival in Cameroon and by opening a bilingual high school in Minawao refugee camp, which hosts Nigerian refugees in the Far North Region. More recently, refugee children and young people have been included in the [National Education Response Plan](#) relating to the COVID-19 pandemic, including for the distance learning programme.

## 4.2 Healthcare

Refugees have access to public health-care services on a par with nationals, as per Article 9 of [Law No 2005/006 of 27 July 2005 on the Status of Refugees](#). Cameroon has developed a [National Health Strategy](#), covering the period 2017 to 2027. This strategy does not mention refugees per se as one of its target populations but takes into consideration the geographical divisions per region, health district and health area for the general population's access to health services. Cameroon also made a pledge relating to the inclusion of refugees in national health strategies and plans at the 2019 Global Refugee Forum.

The 2016 agreement between UNHCR and the Ministry of Health (MINSANTE) to enable refugees from rural areas to access the services of the Cameroonian health system at the same level as the host population stipulates that MINSANTE covers 30 per cent and UNHCR 70 per cent of the health-care costs relating to Central African refugees in the East, Adamawa and North Regions, as well as to Nigerian refugees in the Far North Region.

Data on the numbers of refugees accessing the national health-care system are not available. However, refugees in Cameroon are included in health surveys and programmes (malaria, tuberculosis, HIV/AIDS, nutrition, etc.) in the same way as the host population. This includes access for refugee women and girls to national sexual and reproductive services, where available. Reciprocally, the host population has access to health facilities that have been put in place for refugees. While health remains a priority concern for refugees as shown through most of UNHCR's participatory assessments, the issues raised tend to be similar to those of Cameroonian nationals.

There is currently no public health insurance scheme operational in Cameroon and as such there is no system in place that can finance refugees' health-care costs in the publicly financed health system. However, the Ministry of Health is currently in the process of developing its [Universal Health Coverage system](#). The possibility of including refugees is being examined in the context of the ongoing discussions.

## 4.3 Social protection

Article 9 of [Law No 2005/006 of 27 July 2005 on the Status of Refugees](#) sets out that refugees have the right to "public and social assistance" within the limits of the rights accorded to nationals. The [National Social Protection Policy](#) (PNPS in French) of December 2017 prioritizes basic levels of assistance to persons with specific needs, including disabilities and people with mental health issues and older persons without care and support. It also mentions refugees as a beneficiary group of specialized services. There are no further policies providing guidance on how this is to be done.

As mentioned under sub-dimension 1.1, the Government's [Social Safety Net programme](#) received additional World Bank funding under the IDA18 Refugee Sub-Window in 2018, which also aims to integrate refugees

into national social protection systems. Data is not currently available on how many refugees have benefited from this programme.

A contributory social protection scheme managed by the [National Social Insurance Fund \(CNPS\)](#) provides for basic family and old-age benefits as well as protection for work-related accidents. Nationals and foreigners can benefit from this scheme (See CNPS: [Client Guide](#), page 10), although, being contributory, it is restricted to those working in the formal sector who have written contracts and are being declared by their employer. Given the high levels of informal work, relatively few nationals and yet fewer refugees are covered by the scheme.

In practice, UNHCR and other humanitarian organizations provide basic levels of assistance to refugees with specific needs. Refugees can also access the services of the Ministry of Social Affairs (MINAS) and the Ministry of Women's Empowerment and the Family (MINPROFF), in particular those delivered in social action centres, centres for women's empowerment and the family, as well as rehabilitation centres for persons with disabilities. However, these services, mainly relating to counselling, psychosocial support and mediation, are often limited due to the insufficient human and financial capacities of the relevant ministries and are not necessarily available everywhere, especially in rural areas. As of 30 June 2020, refugees with disabilities are not entitled to the invalidity cards enjoyed by nationals who, with these cards, can benefit from discounts on public transport, schools and health facilities. Data and exact numbers for refugees and/or nationals with specific needs that have received assistance through government services are not known.

There is currently no overarching framework in place for dialogue between the government and international partners with a view to gradually aligning external aid and social protection systems and support for refugees and host community members with specific needs, in terms of coverage, targeting and levels of benefits.

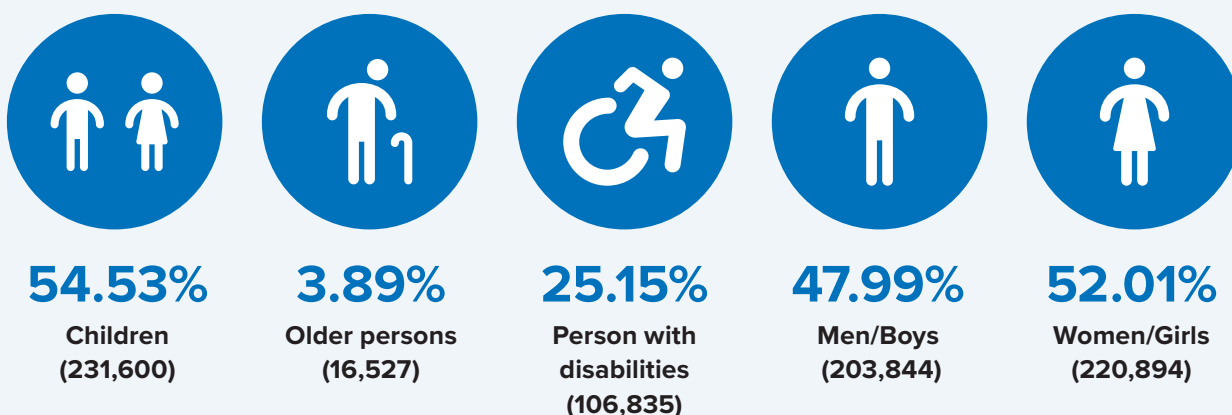
#### 4.4 Protection for vulnerable groups

The broad formulation of Article 9 of [Law No 2005/006 of 27 July 2005 on the Status of Refugees](#) provides children, including unaccompanied and separated refugee children, refugee victims of trafficking in persons, survivors of gender-based violence and other refugee groups with specific needs, with formal access to Government-provided care and protection systems in a manner comparable to nationals in the same situation. A range of national policies, standards and services are in place for the protection of nationals in the same situation as the above-mentioned refugee groups.

Although the implementation of these policies is at times limited, refugees, including those with specific needs, can access MINAS and MINPROFF services as mentioned in the previous section. Services are often limited due to insufficient capacities and are not available everywhere, particularly in rural regions. For instance, refugee GBV survivors in the main cities can approach centres offering such services and benefit from counselling and psychosocial support but, like nationals, cannot benefit from proper case management services as the latter are not in place. Child protection services are already limited for Cameroonian children due to insufficient financial and human resources and there is consequently no capacity for providing case management services for refugee children. These services are however included in prevention and response activities implemented by UNHCR and other partners across Cameroon. In some instances, MINAS has provided support to identify appropriate alternative care for unaccompanied children, particularly in institutions. However, they do not have family-based care programmes.

## 5 Cross Sectors

**Characteristics of registered refugees and asylum-seekers in total refugee population\***  
as at 30 June 2020



### 5.1 Gender

Gender considerations can generally be improved in all policy sub-dimensions. The five priority areas most consequential in terms of socioeconomic development include:

- i. **Social cohesion**, focusing on the participation of women in community-based leadership structures in a meaningful manner beyond their formal inclusion;
- ii. **Protection for vulnerable groups**, addressing the limited provision of appropriate services by national authorities and access to quality services;
- iii. **Education**, mitigating the risks of drop-out linked to discrimination and early marriage;
- iv. **Housing**, land and property rights, focusing on power imbalance and discrimination;
- v. **Right to work and rights at work**, addressing risks of exploitation by employers and refugees' often difficult socioeconomic situations, which increase the risk of taking dangerous jobs and having recourse to harmful practices such as survival sex.

### 5.2 Social inclusion

Considerations of refugees' distinct characteristics can generally be improved in all policy sub-dimensions. The three priority areas most consequential in terms of socioeconomic development are:

- i. **Civil registration and documentation**, addressing barriers to civil status documentation for vulnerable refugees and those living in poor, remote communities far from civil status centres, ensuring access for school-age children without birth certificates to facilitate the continuity of schooling and supporting government to issue refugee identity documents;
- ii. **Right to work and rights at work**, addressing refugee perceptions of discrimination in employment and livelihoods due to status, gender, nationality and particularly the lack of government-issued refugee identity documents; and
- iii. **Social protection**, supporting inclusion in national social protection schemes and the national social registry for targeted support to refugees with specific needs.

\* The refugee numbers reported here do not fully match the numbers on the front page because demographic characteristics are not available for all refugees (e.g., pre-registered refugees, etc.).

## Annex on Key International and Regional Instruments ratified or adhered to

- [Additional Protocol to the Geneva Conventions of 12 August 1949 \(Protocol I\)](#)
- [Additional Protocol to the Geneva Conventions of 12 August 1949 \(Protocol II\)](#)
- [African Charter on Human and Peoples' Rights, 1981](#)
- [African Charter on the Rights and Welfare of the Child 1990](#)
- [African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa \(Kampala Convention\), 2009](#)
- [African Youth Charter, 2006](#)
- [Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984](#)
- [Convention Governing Specific Aspects of Refugee Problems in Africa \(the OAU Convention\), 1969](#)
- [Convention on the Elimination of All Forms of Discrimination Against Women, 1979](#)
- [Convention on the Rights of the Child, 1989](#)
- [Convention relating to the Status of Refugees 1951](#) (Ratification date: 23 Oct 1961)
- [Fourth Geneva Convention relative to the Protection of Civilian Persons of 1949](#)
- [ILO Abolition of Forced Labour Convention, 1957 \(No 105\)](#)
- [ILO Discrimination \(Employment and Occupation\) Convention, 1958 \(No 111\)](#)
- [ILO Employment Policy Convention, 1964 \(No 122\)](#)
- [ILO Equal Remuneration Convention, 1951 \(No 100\)](#)
- [ILO Forced Labour Convention, 1930 \(No 29\)](#)
- [ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 \(No 87\)](#)
- [ILO Labour Inspection Convention, 1947 \(No 81\)](#)<sup>1</sup>
- [ILO Minimum Age Convention, 1973 \(No 138\)](#)
- [ILO Right to Organise and Collective Bargaining Convention, 1949 \(No 98\)](#)
- [ILO Tripartite Consultation \(International Labour Standards\) Convention, 1976 \(No 144\), 1976](#)
- [ILO Worst Forms of Child Labour Convention, 1999 \(No 182\)](#)
- [International Convention on the Elimination of All Forms of Racial Discrimination, 1965](#)
- [International Covenant on Civil and Political Rights \(ICCPR\), 1966](#)
- [International Covenant on Economic, Social and Cultural Rights, 1966](#)
- [Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Organized Crime \(2000\)](#)
- [Protocol relating to the status of refugees, 1967](#)
- [Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, 2003](#)

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### Reservations/declarations:

- <sup>1</sup> Part II, Articles 22-24 (labour inspection in commerce).

## CHAD

While Chad is a sparsely populated country, it is currently one of the largest refugee-hosting countries in Africa. For more than a decade, Chad has hosted around 340,000 Sudanese refugees in the east, 100,000 Central African refugees in the south and more than 15,000 Nigerian refugees in the Lake Chad region. Chad is a low-income country with one of the lowest human development indicators in the world. The fall in oil prices and the COVID-19 pandemic have further worsened Chad's economic situation. Fragility and ethnically motivated conflicts in the country have resulted, inter alia, in the presence of 236,426 internally displaced persons in south-eastern Chad. In the last decade, the total number of refugees has increased significantly: by more than 100,000. The large number of refugees and their protracted stay have strained services, natural resources and social cohesion locally. Capacity issues and lack of resources have brought challenges to effective refugee protection, especially in remote border regions. Despite these challenges, Chad has traditionally maintained a generous open-door policy for refugee inflows.

### KEY POPULATION DATA

**472,110**

Refugees

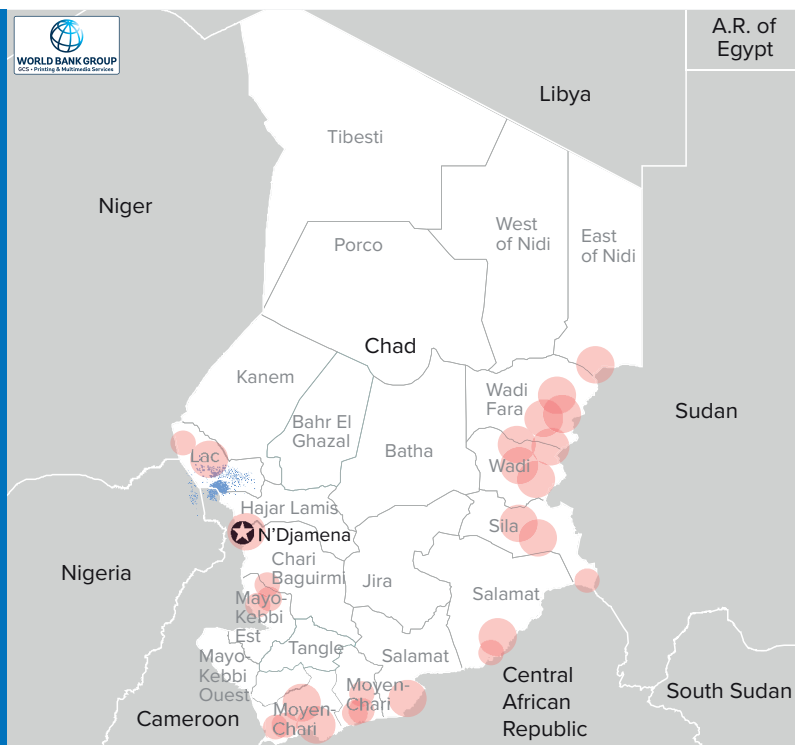
**3,905**

Asylum-seekers

**2.99%**

of the country's population (15,946,876)  
are refugees and asylum-seekers

IDA 18 RSW / IDA 19 WHR ELIGIBILITY:  
SEPTEMBER 2017



Most refugees live in south-eastern Chad in or near one of 19 camps close to the borders with the Central African Republic, Sudan, Cameroon and Nigeria. Refugees in Chad live near Chadian host communities, with whom they have a high level of interaction. A minority live in rental arrangements in N'Djamena or in unplanned settlements elsewhere.

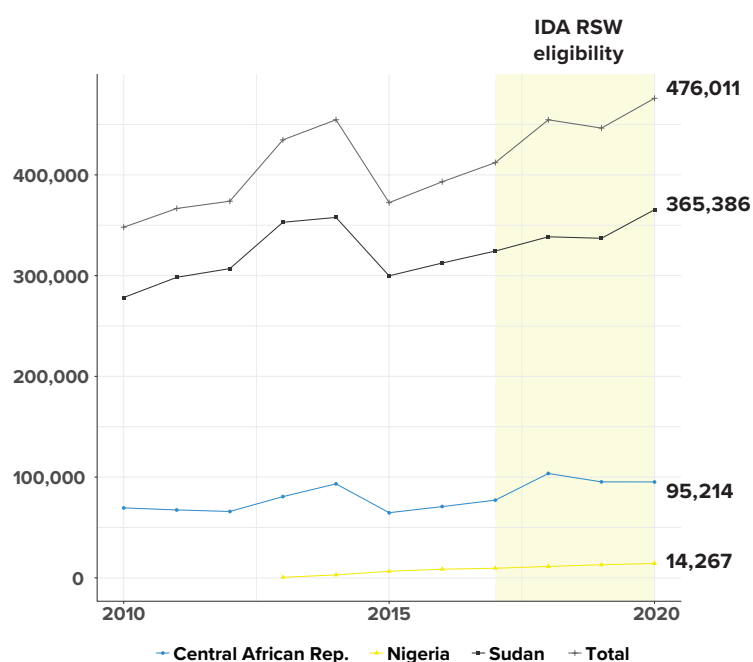


Figure 1: Number of refugees and asylum-seekers of the largest refugee population groups



## OVERVIEW OF REFUGEE POLICY ENVIRONMENT (JULY 2017–JUNE 2020)

From July 2017 to June 2020, the Government of Chad has significantly developed its approach to managing refugee situations. The most significant policy developments at the national level are as follows:

- Agreement in 2019 by the Council of Ministers on the text of a National Law on Asylum (adopted in December 2020), which represents a critical milestone in ensuring freedom of movement, access to health care, education, justice, and wage-earning employment, and favourable treatment for self-employment for refugees and in guiding the establishment of an efficient national asylum system.
- Adoption by a National Symposium in September 2018 of an action plan to implement the Comprehensive Refugee Response Framework (CRRF), focusing mainly on alternatives to camps based on the process of “villagization” and the integration of refugees into the national education and health systems.
- Integration of refugees into the Chadian education system and sectoral plan and the assignment of Chadian teachers to refugee camp schools in the resumption of their management by the State.
- Elevation in 2018 of 108 camp-based refugee schools and 10 vocational training centres to the rank of official public schools (benefitting from funds received from the [Global Partnership for Education](#) to support access to primary education for all children living within its borders);
- Completion of agreements with 12 Public and Private Universities, whereby they would include refugees in their systems.
- Establishment through Presidential Decree No 1378/PR/2019 of a ministerial-level High Committee to provide policy, strategic and technical guidance “for better protection and treatment of refugees and host communities as well as for the harmonious development of refugee reception areas” as well as a technical-level working group.
- Development of a strategy to transform camps in rural areas into villages, and those in urban areas into neighbourhoods, resulting in refugees arriving from the Central African Republic in 2018 being able to settle in villages in Southern Chad. Progress has also been made with the absorption of three refugee camps into Chadian villages.

Chad also signed a [Tripartite Agreement with Sudan and UNHCR in May 2017](#) that guarantees adherence to the principles applicable to the voluntary repatriation of refugees and also seeks to enhance cooperation on information sharing, community dialogue and the use of go-and-see/come-and-tell visits enabling refugees to make informed decisions regarding voluntary return.

In the context of the eligibility discussions on the IDA18 Sub-Window for Refugees and Host Communities, in July 2017, the Government of Chad stressed five strategic priorities in relation to the integration of refugees into Chadian society: to adopt laws and regulations; to strengthen the rights of refugees and internally displaced persons; to ensure equitable access to basic services for refugees and host communities; to increase the effectiveness of national bodies in charge of refugees; and to enhance humanitarian and development coordination.

Chad was also active regarding refugee issues in the international sphere from 2017 to 2020. During the September 2016 New York Leaders’ Summit on Refugees, President Idriss Deby committed to a series of policy actions including: improving access to education for refugee children, especially secondary and higher education; providing access to arable land and strengthening the corresponding extension services; establishing a system for the regulation and issuance of civil documents and adopting a refugee law in line with the 1951 and OAU Conventions.

Chad then adopted the [Global Compact for Refugees \(GCR\)](#) in December 2018 and, at the [Global Refugee Forum](#) in December 2019, Chad reiterated its willingness to improve and implement refugee protection policies. This included eight pledges to, among other things, pursue the progressive integration of refugees into sectorial plans, support Voluntary Repatriation and adopt an out-of-camp approach to help refugees settle in villages by transforming 30 per cent of refugee camps on its territory into villages by 2023. It also pledged to end statelessness by 2024, to establish a specific procedure for determining stateless status and to issue free birth certificates for an estimated 120,000 refugee children and identity documents to all Chadian returnees.

Notwithstanding a number of achievements to date which are mentioned below in the related sub-dimensions, concrete progress on the implementation of pledges and related policies has been stalled over the last six months, reflecting the Government's priorities in responding to the pandemic.

## POLICY DIMENSIONS (AS AT 30 JUNE 2020)

### 1 Host Communities

#### 1.1 Support for communities in refugee-hosting areas

There are no national fiscal/budget policies for timely additional financial transfers from the national treasury to the areas that are economically affected by the presence of refugees. In general, there is hardly any transfer from central to local level, with the exception of additional expenditure related to security. Financial contributions to refugee-hosting areas are generally based on projects and programmes funded by external donors.

[A National Strategy for Social Protection](#) was adopted in July 2015, covering the period 2016–2020. Its implementation has been limited though. Its overall objective is to progressively establish a comprehensive, effective and efficient social protection system that addresses financial needs, livelihood security, risk management, vulnerability reduction and access to basic social services for all Chadians and residents in Chad, including refugees, returnees and internally displaced persons, thus contributing to a more equitable society. The refugee-hosting areas, which are among the poorest in the country, are not specific target areas of the Strategy. The document is currently under revision by a multidisciplinary committee for the period 2022–2026. The Refugee and Host Communities Support Project (PARCA), financed by the World Bank and implemented by the Government illustrates that the majority of the current social protection interventions are funded by international stakeholders.

#### 1.2 Social cohesion

The [Chadian Constitution](#) is the prime instrument aimed at identifying, preventing, and mitigating potential social tensions and risks of violence, including in refugee-hosting areas. Its preamble provides for social cohesion between communities of different origins through the sharing of values and opportunities. No specific law exists on social cohesion. However, the matter is pursued through the work of several ministries namely the Ministry of Justice and Human Rights, the Ministry of Territorial Administration, the Ministry of Social Welfare, the Ministry of Livestock and the Ministry of Agriculture. The issue of social cohesion in refugee-hosting areas features in some initiatives/studies such as the [Forum on the sustainable socioeconomic inclusion of refugees in Chad](#) (2017), whose objective was to identify and analyse the constraints that hinder the sustainable socioeconomic and legal inclusion of refugees and to make recommendations accordingly. Another example is a [Study on social cohesion in the Lake Chad Basin](#) (2020), which, as part of the RESILAC EU and AFD funded project, explores how humanitarian aid could support endogenous conflict prevention, mediation and resolution mechanisms and how it can participate in strengthening social cohesion at community level.



[The National Development Plan document \(2019–2021\)](#) provides for the establishment of consensual mechanisms for the peaceful settlement of conflicts by strengthening the legal framework in order to promote trust between communities and security forces, socio-security dialogue, peaceful coexistence and respect for differences. Additionally, at sub-national and local levels (i.e. at governorates, prefectures, sub-prefecture and village levels), there is a country-wide structure of traditional leaders. In the Eastern part of Chad, the Sultans hold a similar rank as the Governors' with political and judicial powers. In the South and in the Lake Chad region, there are fewer Sultans, but the Chefs de Canton are the traditional leaders. They play an important role in maintaining peaceful coexistence within and across the communities and take an active part in the discussions around land access and use.

In some locations, refugees outnumber the local population (up to 3 or 4 to 1). However, overall, refugees across Chad coexist peacefully with the local population because of strong ethnic and cultural ties and common traditions. With UNHCR support, the Government has set up joint committees in all of the refugee camps and reception sites, made up of refugees and host community members. Their objective is to promote and advocate peaceful coexistence and conflict resolution. They play a preventive role in sensitizing communities to the importance of living together despite the challenges associated with sharing resources. They also enable conflicts to be resolved peacefully and facilitate socioeconomic inclusion in the host areas. Women play an important role in conveying messages of peace and social cohesion, as well as in the settlement of disputes.

National policies do formally protect refugees from discrimination. The [Constitution](#) (Article 5) prohibits any “propaganda of ethnic, tribal, regional or religious character attempting to harm the national unity or the secularity of the State”. Having been ratified, the ICCPR and the ICESCR, including the prohibition of any discrimination in the enjoyment of civil, political, economic, social and cultural rights, are part of the national legal framework. [Law No 021/PR/2019](#) governing legal aid and judicial assistance<sup>1</sup> provides that this assistance shall be accessible to all without any form of discrimination based on nationality, sex, age, language, religion, opinion or any other consideration. [Law No 07-007 PR](#) on the protection of persons living with disabilities<sup>2</sup> protects all the individuals concerned, strengthens their place in society and promotes their rights to education/training and their socioeconomic integration. The absence of specific law and a national plan on the prevention of statelessness has a negative impact on undocumented individuals, which may lead to some forms of discrimination. Discrimination may occur as well in relation to gender identity and sexual orientation.

### 1.3 Environmental management

National policies are in place to protect the environment in a sustainable manner and ensure adequate management of resources (Article 51 of the [Constitution](#), Law 14/PR/98 of 17 August 1998 on environmental protection, Decree No 630/PR/PM/MEERH/2010 regulating environmental impact assessments, Law No 16/PR/99 of 18 August 1999 establishing the Water Code and Order 11 of 28/02/2011 on the hygiene and environmental sanitation code). While these policies do not specifically refer to refugees and/or host communities, they are also applicable in refugee-hosting areas. Law 14/PR/98 on environmental protection establishes basic principles for sustainable management of the environment and the protection against all forms of degradation in order to value the natural resources, as well as land preservation and improve the living conditions of the population. The implementing decree of this law prohibits the felling of trees and the production of charcoal, thereby impacting upon access to cooking energy for refugees in the camps.

<sup>1</sup> <https://www.tachad.com/la-justice-tchadienne-dispose-de-laide-juridique-et-de-lassistance-judiciaire>

<sup>2</sup> [http://www.ilo.org/dyn/natlex/natlex4.detail?p\\_lang=fr&p\\_isn=97314&p\\_count=13&p\\_classification=05#:~:text=Nom%3A,L oi%20n%C2%B0%2007%2D007%20PR%20du%209%20mai,portant%20protection%20des%20personnes%20handicap%C3%A9es.&text=R%C3%A9sum%C3%A9%2FCitation%3A,socio%2D%C3%A9conomique%20des%20personnes%20 handicap%C3%A9es.](http://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=fr&p_isn=97314&p_count=13&p_classification=05#:~:text=Nom%3A,L oi%20n%C2%B0%2007%2D007%20PR%20du%209%20mai,portant%20protection%20des%20personnes%20handicap%C3%A9es.&text=R%C3%A9sum%C3%A9%2FCitation%3A,socio%2D%C3%A9conomique%20des%20personnes%20 handicap%C3%A9es.)

## 1.4 Preparedness for refugee inflows

The issue of refugee inflows is dealt with by the National Commission for the reception and Reintegration of refugees and Returnees (Commission Nationale d'Accueil de Réinsertion des Réfugiés et des Rapatriés - CNARR). The CNARR five-year strategy includes provisions for mobilizing for emergencies. Chad generally relies on UNHCR to support and guide its response to refugee emergencies.

# 2 Regulatory Environment and Governance

## 2.1 Normative framework

Chad is a State party to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, as well as to the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa. At national level, [Decree No 839/PR/PM/MAT/2011](#) established CNARR, which oversees the overall management of refugees. The Asylum Law, which enacts the provisions of the Convention and the Protocol into the national legal framework, was adopted after the date of the establishment of this baseline. In 2013, Chad enacted the National Birth Registry Code and a law on civil status that enables foreigners to access civil registration documents. The Law of 14 February 2020 has extended the delay to register births to three months. A series of decrees and orders, some being specific to refugees and others applicable to all persons living in Chad, regulate other important issues.

The CNARR, through its eligibility and appeals sub-commissions, conducts refugee status determination. Asylum-seekers from the Central African Republic in Southern Chad and from Nigeria in Western Chad continue to be granted refugee status through a prima facie approach at the time of registration. Other groups and individuals undergo individual determination. There are shortcomings in the implementation of the refugee status determination individual procedures: standard operating procedures are lacking, eligibility officers require further training and the period to process cases is not well-defined. Some 4,500 asylum-seekers are pending a decision. They are in a vulnerable situation as they do not enjoy the same level of rights as the recognized refugees. The [Asylum Capacity Support Group](#) is currently working on improving the national asylum system.

The CNARR eligibility sub-commission deals with first-instance refugee status determination (RSD). It is chaired by a representative of the Ministry of Foreign Affairs, and representatives of different ministries (Ministry of Justice, Ministry of Territorial Administration) and of the Human Rights Committee are members. The appeals are dealt with by the sub-commission for appeals, which is composed of one representative of the Ministry of Justice, one representative of the administrative chamber of the Supreme Court and one member representing the Courts and Tribunals. This sub-commission meets four times per month to ensure due process. In addition, they can interview the applicant to seek additional information in order to review the case. If the case is rejected, the applicant can submit the case to the Supreme Court. The procedure is free of charge. The applicant has the right to be assisted by a pro bono lawyer.

Laws and regulations are written and published in both French and Arabic to facilitate dissemination and awareness. In remote areas where the population does not have access to television or radio, access to information is a challenge for both refugees and host communities, including for some local administrative authorities. Awareness-raising activities are undertaken by CNARR but the high staff turnover in the central and provincial administrations requires continuous effort for this purpose. Specifically, Law 021/PR/2019 on Legal and Judicial Assistance, which also applies to refugees, is not well known to law enforcement agents in some provinces. In addition, certain traditional practices or beliefs hinder the effective application of laws. The Government continues to sensitize national and sub-national authorities including law enforcement forces and to train them in recognizing refugee identification cards.

## 2.2 Security of legal status

There are no restrictions pertaining to the stay of refugees and asylum-seekers. Once recognized, refugees can remain in Chad until they cease to be refugees. Once an asylum application has been

registered by CNARR, the applicant can remain in the country until a final decision has been taken on his/her refugee status. The refugee card issued for a period of five years is renewable. In practice, renewals take place without difficulties, even if there may be delays due to limited resources. Further to registration, asylum-seekers receive an Asylum-seeker's Certificate that is valid for a period of two months, renewable, until the time of the decision. In 2019, in the course of a country-wide biometric verification exercise, all refugee documentation was renewed.

There have been no known cases of unlawful termination of refugee status by way of cancellation, revocation or cessation and no documented reports of refoulement. In view of the frequency of cross-border movements in Southern Chad by refugees from the Central African Republic, UNHCR conducts regular border monitoring through CNARR and local actors to ensure that individuals in need of protection have access to the territory. Due to the COVID pandemic, international borders were closed on 18 March 2020 limiting access to the territory. They were reopened on 1 August 2020.

### 2.3 Institutional framework for refugee management and coordination

Established by [Decree](#) (No 839/PR/PM/MAT/2011), the CNARR, as an interministerial commission, provides the institutional framework for refugee management. Sitting with the Ministry of Public Security, Territorial Administration and Local Governance (MSPARGL), the Commission liaises with many different line Ministries (Foreign Affairs, Security, Defence, Justice, Finance, Social Affairs, Human Rights, Economy, Education, Health, Environment and Water).

The CNARR is tasked with implementing the legal instruments relating to refugees, ensuring the protection of refugees and asylum-seekers and managing any refugee-related issue (identification and registration of refugees and asylum-seekers, issuance of documentation, administration of refugee camps and sites, etc). It also serves as a technical adviser to the Minister in charge of the Administration of territory and local Governance on durable solutions, notably on voluntary repatriation agreements, resettlement and local integration. The CNARR also has a coordination role among all actors at both national and local levels. However, the ability of CNARR to lead the refugee response, to coordinate and to engage with donors is hampered by limited human and financial resources. In practice, UNHCR provides support for coordinating and leading the refugee response as per the Refugee Coordination Model (RCM). The CNARR is also present in all the refugee camps and in most refugee-hosting areas. Coordination meetings among external partners are chaired by the government counterpart (CNARR or prefect) and co-chaired by UNHCR.

Registration is conducted jointly by the Government of Chad, through CNARR, and UNHCR using the UNHCR database and identity management system (the Profile Global Registration System - proGres), progressively building the Government's capacity in this area. Refugee data is therefore collected and stored separately from the national registration data.

Refugee learners' data is collected by the Ministry of Education. Similarly, refugee patients' data is included in the health information system managed by the Ministry of Health. The Government is still undergoing procedures to make the data public, but it offers a rich comparative analysis of refugees and surrounding hosts for the majority of refugees living in Chad. The systematic inclusion of refugees in the national civil database is being considered by the government. This requires technical and financial prerequisites that are not currently met.

Despite the absence of explicit policy on the matter, UNHCR, in collaboration with the authorities, has set up, over time, various mechanisms in the refugee camps and in N'Djamena to include the refugees for meaningful participation and seek their views. Refugee communities are empowered to elect their representative bodies in all fourteen camps and in the capital. In addition to the elected committees of refugee representatives, there are committees for men, for women and for children/young people, for the prevention of/response to GBV, education etc. In N'Djamena, there is a central refugee committee as well as separate nationality-based committees. Interaction and engagement with the refugee community members on general or specific issues are managed and facilitated by these committees.

Focus group and individual discussions between UNHCR and members of the refugee community take place regularly on a variety of issues with the aim of ensuring that all segments of the refugee population are represented in age, gender and diversity, including persons with specific needs/groups at risk. The COVID-19 pandemic resulted in many restrictive measures imposed by the government, making it challenging to reach out physically to the refugees and leading to the use of alternative means of communication such as posters, banners, radio announcements, telephone calls, SMS, Protection Mobile Team, etc.

## 2.4 Access to civil registration and documentation

Adult refugees are issued with individual ID cards, and family attestations and ration cards are delivered to each household. As at 30 June 2020, around 90 per cent of refugees possess a refugee ID card and 100 per cent of households have been issued with family attestations. The Government has committed to issuing a card to all adult refugees to enhance their protection and facilitate socioeconomic integration and to raising awareness of the validity of the refugee ID cards. Asylum-seekers are issued with a certificate.

In line with its obligations under the 1951 Refugee Convention (Article 28), the Government of Chad issues Convention Travel Documents (CTD) to refugees. However, these are not machine-readable documents and are not compliant with the International Civil Aviation Organization (ICAO) standards. The ID cards and the CTDs are currently issued by UNHCR and the Government (CNARR). However, the plan is that in the future, ID Cards and CTDs will be issued only by the National Secured Documents Agency (Agence Nationale des Titres Sécurisés – ANATS).

The March 2015 Presidential Decree on the application of the [Law on Civil Status 008/PR/2013](#) requires all births occurring in Chad to be registered and all newborn children to be issued with birth certificates free of charge. Refugee children are fully covered by this Decree. However, the lack of personnel and resources within the civil registration system and the remoteness of the civil registry centres combine to make the implementation of these provisions challenging, and significantly ineffective. The population remains largely uninformed of the procedures and the importance of birth registration, a fact that is exacerbated by the tradition of cross-border mobility linked to pastoralism and other customs. For these reasons, the national birth registration rate stands at 12 to 15 per cent. Civil registration centres remain largely inaccessible to refugees because of the geographical distance. With UNHCR support, the Directorate of Political Affairs and Civil Status (DAPEC) and the Ministry of Justice have been targeting birth registration of refugee children and the issuance of birth certificates, including for internally displaced and returnee children and children in host communities, as part of a broader strategy to expand civil registration and documentation services, improve statistical records and prevent statelessness.

## 2.5 Justice and Security

The Government of Chad has overall responsibility for ensuring the security of refugees and asylum-seekers, through the Detachment for the Protection of Humanitarian Workers and Refugees or DPHR<sup>3</sup>. The general security situation in the Lake region has been particularly concerning since 2015 because of frequent attacks by armed groups, and despite measures taken by DPHR. This insecurity affects refugees and host communities equally.

Articles 273 to 278 of the Chadian Penal Code outlaw rape. In 2015, child marriage was prohibited by Law No 029/PR/2015 and Order No 006/PR/2015. Other forms of gender-based violence (GBV) are not adequately covered in law. The policies in place are not sufficiently protective against the risk of GBV within Chadian and refugee populations. A national GBV policy is in force since 2011, but it does not apply in the refugee camps. To compensate for this, a referral mechanism exists for the victims among the refugees in order to be taken care of and receive medical, legal and psychosocial support.

<sup>3</sup> DPHR is part of the Ministry of Territorial Administration. Law enforcement forces are detached from the Ministry of Defence to the Ministry of Territorial Administration.

Refugee women and girls affected by displacement remain at higher risk of GBV. They can be victims of GBV attributed to tensions with local communities who perceive them as better off. GBV remains prevalent at the time of firewood collection. The fear of reprisals, harassment, ostracism and the general lack of prosecution of the perpetrators of GBV crimes – in favour of traditional resolution mechanisms largely disadvantaging women – undermine efforts to prevent and detect cases efficiently.

Access to justice and the right to sue are defined by Article 29 of the Code of Criminal Procedure, which applies equally to refugees. Refugees can access justice in areas where judicial services are available, under the same conditions as Chadian citizens, although in practice access to justice is constrained by considerable systemic weaknesses. Overall, refugees and asylum-seekers lack awareness of their rights and the legal remedies available to them. Many do not have the financial means to access the Chadian judicial system and live too far from the Court. The state legal aid to which refugees are eligible is in practice hardly accessible. Legal assistance provided by UNHCR is limited in the face of existing needs. Traditional and customary law remain very commonly used by refugees.

## 3 Economic Opportunities

### 3.1 Freedom of movement

Article 26 of the [Chadian Constitution](#) enshrines freedom of movement that applies equally to refugees and asylum-seekers. However, in practice there are restrictions, as the ID refugee cards are not always recognized as legal documents by law enforcement institutions. Refugees therefore tend to limit their movement in order to avoid being checked by law enforcement officers and possibly detained for a short period of time. Refugees and asylum-seekers can receive a *sauf-conduit* (safe conduct) issued by the CNARR free of charge. The document mentions the intended destination and the duration of absence from the camp. This procedure is not underpinned by any law.

There is no legal framework that determines the place of residence for a refugee in Chad and no restrictions on the choice of place have been reported. Considering that multisector assistance is provided in refugee camps in the east, west and south of the country, refugees tend to opt to live there. Refugees who have the financial means to sustain themselves and/or carry out specific activities outside camp in a given location are free to choose their place of residency in Chad.

### 3.2 Right to work and rights at work

Refugees as all foreigners are allowed to work in the private sector under specific conditions. The Decree of 15 April 1996 requires the approval of the National Office for Employment Protection (Office National pour la Protection de l'Emploi - ONAPE) before a foreigner can be employed. The Decree is silent about refugees but does not explicitly exclude them. The proportion of foreigners in any given company is set at 2 per cent of the total workforce. Prior to submission to ONAPE, contracts issued to foreigners need to be endorsed by the immigration authorities overseeing foreigner employment. Article 11 of the above-mentioned Decree furthermore stipulates that foreigners cannot be hired for non-specialized employment. Companies hiring foreigners are required to pay fees ranging from 100,000 FCFA to 250,000 FCFA. These restrictions make it challenging for refugees to be hired in private companies. There is no data available as to the percentage of refugees employed in the formal private sector. A significant number of refugees have found employment in the informal sector, but data is not available for this either. Refugees are not allowed to work in the public sector as per Article 5 of Law 17 on the General Statute of the Civil Service of 31 December 2001.

Refugees who have secured a job in the formal private sector do not need to be issued with a work permit.

Decree No 1793/PR/PM/MECDT/2015 establishing procedures for the creation, modification, dissolution, or cancellation of enterprises enables foreigners to register and open businesses in their own name. By extension and in the absence of any legal provisions to the contrary, this provision applies to refugees as well. There is no data available on refugees who own their own businesses.



When officially employed in the private sector, refugees are entitled to receive the same wages and benefits (unemployment and social security benefits) as nationals. The national minimum wage policy spelled out in the 2002 General Collective Agreement<sup>4</sup> applies to nationals and refugees equally. In practice, some employers hire foreigners and refugees without ONAPE authorization and may differentiate their treatment from that of nationals in terms of salaries and social benefits.

Law 38 of 11 December 1996 on the Labour Code broadly protects children from forced labour. Children under 14 cannot be employed in any position, unless under an exemption stated by decree, with the approval of the Ministry of Labour and Social Security and the Ministry of Public Health, based on consideration of the tasks to be performed. The children's legal guardians also have to consent to the recruitment. Children under 18 cannot perform any work at night.

According to the National Investment and Export Agency business set-up guide, as well as Decree 1793/PR/PM/MECDT/2015 establishing procedures for the creation, modification, dissolution, or cancellation of enterprises, any foreigner who intends to start a business or practise a liberal profession must meet the listed conditions. By extension and in principle refugees can practise a liberal profession; however, the lack of adequate documentation is an obstacle to meeting the administrative requirements.

### 3.3 Land, housing and property rights

There are no laws or policies on land issues that specifically refer to refugees, hence any provisions that relate to foreigners are considered to apply to refugees. Land ownership is a complex matter in the absence of codified land law and the general land ownership regime is a mix of formal and traditional rights. Access to and control of land and natural resources in urban and rural areas are governed by customary and Islamic laws. While customary systems of land access vary widely across the country, most Chadians traditionally obtain land through their kinship group or lineage, by application of the principle of first occupant and, in the case of women, through marriage.

Refugees have access to farmland through loans or leases. In principle, they also have the right to buy land, although in practice this is hardly accessible because of the prevalence of the traditional ownership system, their inability to produce financial documentation and other administrative obstacles. Most land access issues for refugees arise in southern Chad where there is a greater overall reliance on agriculture and where practices vary. Refugees tend to negotiate land access directly with landowners, paying in cash or in-kind (percentage of crops). They may receive documents attesting the right of access, signed by the regional administrative authorities (Sub-Prefect) or a traditional leader. In some cases, refugees do not receive any form of documentation and therefore run the risk of having the land access being cancelled by its owners. Some localities refuse to grant land access to refugees.

Between 2019 and mid-2020, 4,882 hectares of agricultural land were made accessible to refugees for exploitation for a period varying between one to three years through written or verbal agreements.

By law, refugees have access to housing and immovable property. In practice, they generally cannot afford to purchase for financial reasons. Most urban refugees rent their dwellings from private owners. It happens that some of them pay higher rents than average.

Social affairs are managed by the Ministry of Women and Early Childhood and the Ministry of Health and Solidarity. Within the social protection strategy, there is no housing assistance scheme available to vulnerable Chadian nationals. In N'Djamena, in the event of flooding, the affected population may receive ad hoc support for relocation, but this will be very limited in time and in amount. Such interventions, usually supported by the humanitarian community, do not specifically include urban refugees.

<sup>4</sup> <http://www.droit-afrique.com/upload/doc/tchad/Tchad-Convention-collective-generale-2002.pdf>

### 3.4 Financial and administrative services

In principle, there is no legal barrier to refugees accessing the services of banks and financial institutions. In practice, refugees do not possess the required documentation in the form of an identification document issued by a national authority. The refugee ID card is not considered an official document. In recent years, some financial institutions, mainly in the South, have allowed refugees to access bank accounts — mainly savings accounts — with refugee ID cards.

The conditions are generally more rigid for refugees' access to credit: a regular income or guarantees in the form of property collateral, a Chadian guarantor, or a pledge of a percentage of the loan are usually required. Financial institutions consider refugees to be high-risk borrowers and do not usually provide them with access to credit. Chadians with no formal employment are also excluded from accessing credit.

Bank of Central African States (Banque des Etats d'Afrique Centrale – BEAC) Regulation No 01/11 CEMAC/UMAC/CM relating to the exercise of electronic money issuance activity governs the use of mobile money in the country. Mobile money accounts are not well developed in Chad, but the largest mobile network operators have created ways to transfer and receive money via mobile phone numbers, without any additional proof of ID. Mobile money is an option included in SIM card packages. SIM card registration is required by law in Chad as per Order No 040/MPTIC/10 of 12 November 2010. The Ministry of Post and New Information Technologies and the electronic communication and post regulatory authority are involved in the oversight of SIM registration.

Previously, refugees were not allowed to obtain SIM cards by using their refugee ID card and were thus forced to resort to informal methods such as having a local sponsor registered on their behalf. Now, mobile network operators accept refugee ID cards as valid proof of identity. Refugees who lack a refugee ID card can be endorsed by those who have a refugee ID card at family level for SIM card registration. Asylum-seekers have no access to SIM cards.

To enter the labour market, refugees and foreigners do not have to undergo a recognition process of their diplomas or other qualification by the authorities. The necessary checks are performed by the employer. Refugees or foreigners wishing to sit for secondary studies (Baccalaureate cursus) or begin studies in Chad must present academic documents attesting to their background and previous level. As regards driving licences, in the absence of an international driving licence, refugees or foreigners must get a Chadian driving licence issued by ANATS.

There are no policies in place to provide for formal and organized skills development programmes at national level. A limited number of refugees and host community members benefit from vocational training projects that are mainly funded by international partners.

## 4 Access to National Public Services

### 4.1 Education

The education policies allow for all refugees and asylum-seekers to be enrolled in primary, secondary and tertiary school and be part of the national education system. Since 2014, refugee students have been following the national curriculum in French or Arabic and refugee teachers have been trained like their Chadian counterparts and refugee camp schools have been progressively elevated to the rank of official Chadian public school. The Refugee Education strategy 2030, which further strengthens the inclusion of refugees and other displaced persons in the national education system is planned to be validated and endorsed by the Government in November 2020<sup>5</sup>.

In March 2020, prior to closure of the schools due to COVID-19, there were 100,143 refugees enrolled in schools, half of them girls. Refugees have access to Chadian national exams at the end of the fundamental

<sup>5</sup> <https://data2.unhcr.org/en/documents/details/83328>

cycle (Brevet d'Etude Fondamentale – BEF) and at the end of secondary studies (Baccalaureate). The Government of Chad has created examination centres for both levels. Enrolment rates among refugees have steadily increased since 2014. In March 2020, gross enrolment rates among refugees were: 79 per cent in primary, 31 per cent in lower secondary and 13 per cent in upper secondary. In November 2020, the rates were 67 per cent in primary, 28 per cent in lower secondary and 10 per cent in upper secondary<sup>6</sup>.

Chad does not have an official accelerated curriculum to allow host community and refugee children to catch up on missed periods of education. This greatly impacts all children and young people in Chad, considering that only half of children attend primary school and that alternatives for out-of-school children remain very limited. In the camps, catch up classes have been organized in collaboration with local education authorities to allow refugees to finalize the school year of their flight so that they do not have to repeat the year. Nigerian and Sudanese refugee children, who come from a different school grade system, are tested before they can integrate into the national education system. The same applies to refugee teachers who can teach in the camps once they have been trained on the Chadian curriculum.

## 4.2 Healthcare

The National Health Policy 2016–2030 gives refugees and asylum-seekers access to public health-care services in the same manner as nationals. The aim of the policy is to set up an efficient and resilient health-care system that can cater for the needs of all populations living in Chad and especially the most destitute and vulnerable ones. A Memorandum of understanding signed in 2019 between UNHCR and the Ministry of Health (MoH) foresees the progressive integration of camp-based medical centres into the Chadian national health system. However, its implementation is on hold due to the COVID-19 pandemic and other priorities within the MOH.

For Chadians and refugees alike, practical access and quality health care are constrained by a shortage of qualified health workers, medicines, health infrastructure and diagnostic equipment, and the need for upfront payment in most cases. In urban areas, the distance to the secondary health centres is a further hindrance. Refugees face additional challenges in relation to language and cultural barriers. Without UNHCR support, health care for refugees and host communities would largely be prohibitive and inaccessible.

The Government's measures in response to COVID-19 include refugees and nationals alike. Refugees are included in national, provincial and local health prevention and response plans, ensuring that they can benefit from the same medical care as nationals.

By virtue of specific provisions of the National Health Policy aimed at reducing maternal and neonatal mortality and promoting health among young people and adolescents, refugee women and girls have equal access to the sexual and reproductive health services and other women's health services enjoyed by Chadian women and girls. Family planning commodities are not always available in national health centres due to lack of funding, but they are in the camp health centres. Despite the willingness of the Government of Chad to provide free caesarean section, surgical and medical emergency services in secondary health-care facilities, these are not yet free of charge. Refugee women in need of a caesarean are supported by UNHCR.

There is no government health insurance available for the population. It has been planned for as part of an outdated national universal health coverage implementation strategy 2017–2019. The national universal health coverage committee is working on a survey to set up the contribution system for the first target group of the programme: the poor and the most vulnerable. Refugees are being targeted under this programme.

<sup>6</sup> Source: UNHCR Chad EMIS



### 4.3 Social protection

Most Chadian households do not have access to formal social protection and rely on a limited public provision of basic services. The underfunded Government safety net programmes have traditionally been limited to subsidies for children, either as in-kind support in education and nutrition or as free access to health-care services. Older persons and persons living with disabilities are eligible to receive any form of on-going financial or social support.

Vulnerable refugees are excluded from the benefit of these limited social protection measures. Refugees living with disabilities, older refugees, single women, chronically ill individuals, at-risk children and other categories of refugees and asylum-seekers deemed to be at risk are assisted by UNHCR and humanitarian partners in the camps. In urban settings, where assistance is very limited, vulnerable refugees are cared for by their families.

A unified social register (RSU) is in the process of being developed. Its aim is gradually to create an online database of all of the vulnerable people in Chad (including refugees), thus facilitating the rapid targeting of vulnerable people by the various programmes.

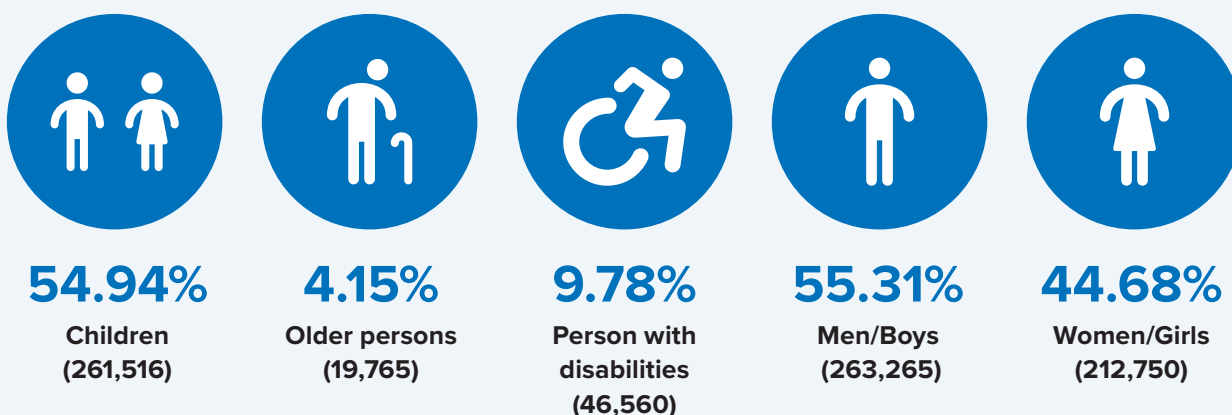
### 4.4 Protection for vulnerable groups

Chad passed the national counter-trafficking law in 2018, which covers human trafficking. Law 06/PR/2018 designates the National Committee to Combat Trafficking in Persons as the lead entity addressing trafficking. The government also adopted an anti-trafficking Road Map in 2019 to implement the 2018 National Action Plan. In practice, the related measures are still very much nascent and victims of human trafficking do not benefit from an adequate support system.

A referral mechanism exists for the survivors of GBV to be taken care of and receive medical, legal and psychosocial support. However, in practice, because of the underdevelopment situation and the underfunding of national protection services targeting vulnerable groups, the survivors of GBV as the refugee victims of trafficking, unaccompanied and separated refugee children, and other categories of vulnerable refugees typically do not have access to the care and protection programme systems set up by the Government. Equally, vulnerable Chadian nationals also face a reality of inadequate care and support systems.

## 5 Cross Sectors

**Characteristics of registered refugees and asylum-seekers in total refugee population\***  
as at 30 June 2020



### 5.1 Gender

Gender considerations can generally be improved in a large number of policy subdimensions. As mentioned above, the most consequential policy sub-dimensions in terms of socioeconomic development are as follows:

- i. **Institutional framework for refugee management and coordination**, the limited participation of refugee women in the consultative committees and, consequently, the most often insufficient consideration for women and girls' concerns, needs and contributions, and their inclusion in national plans and programmes.
- ii. **Justice and security**, the challenges faced to prevent and address gender-based violence.
- iii. **Land, housing and property**, the difficulty for refugee women to inherit or own land.
- iv. **Education**, the limited access to education of refugee girls, notably because of their school dropout (it should be noted that at the beginning of the 2020/2021 academic year, the net enrolment rate of girls across the country was 43 per cent at primary level, 13 per cent at lower-secondary level and just 3 per cent at upper secondary level).
- v. **Health care**, the insufficient prioritization of the specific needs of women and girls, including refugee women and girls, with the maternal and reproductive health services remaining underdeveloped in some locations and struggling to be fully effective due to a lack of material and financial support.

### 5.2 Social inclusion

As mentioned above, the most consequential differences or restriction in terms of socioeconomic development affecting refugees with particular characteristics are as follows:

- i. **Access to civil registration and documentation**, with the low percentage of births registered, particularly in rural areas, putting large numbers of refugee children at risk of statelessness.
- ii. **Education**, with registration fees often higher for refugee children and young people (in some schools located outside the camps and for access to higher education).
- iii. **Social protection**, with the lack of access to safety nets for the refugees, including the most vulnerable

\* Note: the population figures in this paper differ slightly from those published on the [UNHCR data portal](#) due to a reduction process.

## Annex on Key International and Regional Instruments ratified or adhered to

- [Additional Protocol to the Geneva Conventions of 12 August 1949 \(Protocol I\)](#)
- [Additional Protocol to the Geneva Conventions of 12 August 1949 \(Protocol II\)](#)
- [African Charter on Human and Peoples' Rights, 1981](#)
- [African Charter on the Rights and Welfare of the Child 1990](#)
- [African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa \(Kampala Convention\), 2009](#)
- [African Youth Charter, 2006](#)
- [Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984](#)
- [Convention Governing Specific Aspects of Refugee Problems in Africa \(the OAU Convention\), 1969](#)
- [Convention on the Elimination of All Forms of Discrimination Against Women, 1979](#)
- [Convention on the Rights of the Child, 1989](#)
- [Convention relating to the Status of Refugees 1951](#) (Ratification date: 19 Aug 1981)
- [Convention Relating to the Status of Stateless Persons, 1954](#)
- [Fourth Geneva Convention relative to the Protection of Civilian Persons of 1949](#)
- [ILO Abolition of Forced Labour Convention, 1957 \(No 105\)](#)
- [ILO Discrimination \(Employment and Occupation\) Convention, 1958 \(No 111\)](#)
- [ILO Employment Policy Convention, 1964 \(No 122\)](#)
- [ILO Equal Remuneration Convention, 1951 \(No 100\)](#)
- [ILO Forced Labour Convention, 1930 \(No 29\)](#)
- [ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 \(No 87\)](#)
- [ILO Labour Inspection Convention, 1947 \(No 81\)](#)
- [ILO Minimum Age Convention, 1973 \(No 138\)](#)
- [ILO Right to Organise and Collective Bargaining Convention, 1949 \(No 98\)](#)
- [ILO Social Security \(Minimum Standards\) Convention \(the ILO Social Security Convention\), 1952<sup>1</sup>](#)
- [ILO Tripartite Consultation \(International Labour Standards\) Convention, 1976 \(No 144\), 1976](#)
- [ILO Worst Forms of Child Labour Convention, 1999 \(No 182\)](#)
- [International Convention on the Elimination of All Forms of Racial Discrimination, 1965](#)
- [International Covenant on Civil and Political Rights \(ICCPR\), 1966](#)
- [International Covenant on Economic, Social and Cultural Rights, 1966](#)
- [Protocol relating to the status of refugees, 1967](#)

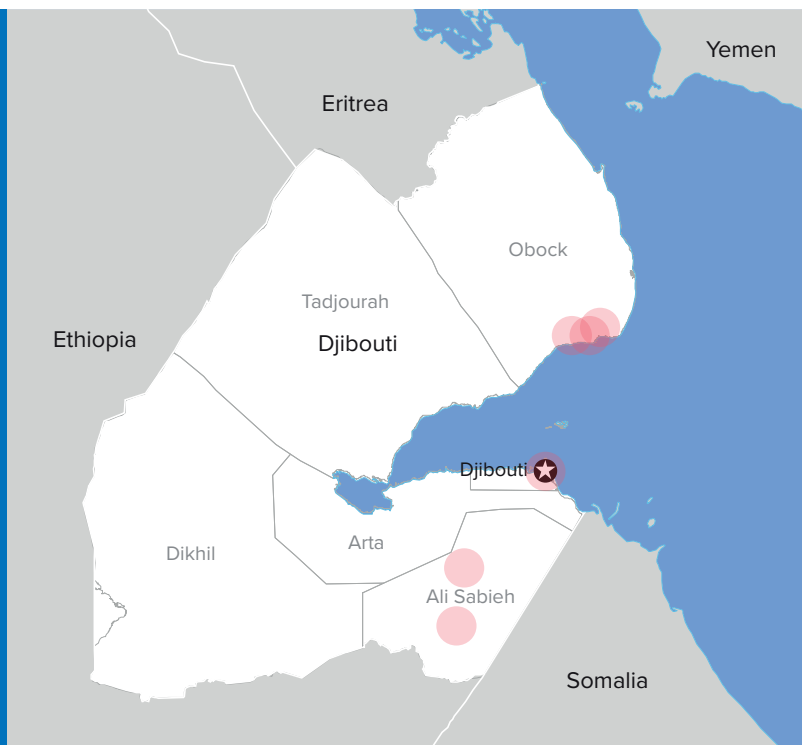
### Reservations/declarations:

1 Article 27(d) (scope of old age benefits); Article 33(b) (scope of employment injury benefits); Article 34(3) (minimum medical care benefits); Article 41(d) (scope of family benefits); 55(d) (scope of invalidity benefits); Article 61(d) (scope of survivor's benefits).

## DJIBOUTI

Djibouti is one of the smallest countries in Africa, providing protection to 31,059 refugees and asylum-seekers from ten countries as at 30 June 2020, which is more than 3 per cent of the total population. Despite having a lower-middle-income status, Djibouti has traditionally maintained a generous open-door policy for refugee inflows.

Somali nationals (43 per cent) constitute the largest refugee group in Djibouti, followed by Ethiopians (36 per cent) and Yemenis (17 per cent). In the last 10 years, the total number of refugees has almost doubled. While the number of Somalis has decreased, the number of Ethiopian and Yemeni refugees has increased due to conflicts and violence in their countries of origin.



Around 81 per cent of refugees are registered in one of three planned settlements (refugee villages) in Ali Addeh (52 per cent), Holl Holl (21 per cent), and Markazi (8 per cent), in the Ali Sabieh and Obock regions, bordering Ethiopia and the Red Sea, respectively. Most of them live side by side with Djiboutian host communities. In Ali Addeh and Holl Holl, the refugee villages are larger by population size than the nearby host community villages. Around 5,750 refugees and asylum-seekers live in Djibouti City, where most of Djiboutian nationals also reside.

### KEY POPULATION DATA

**19,866**

Refugees

**11,193**

Asylum-seekers

**3.19%**

of the country's population (973,560)  
are refugees and asylum-seekers

IDA 18 RSW / IDA 19 WHR ELIGIBILITY:  
SEPTEMBER 2017

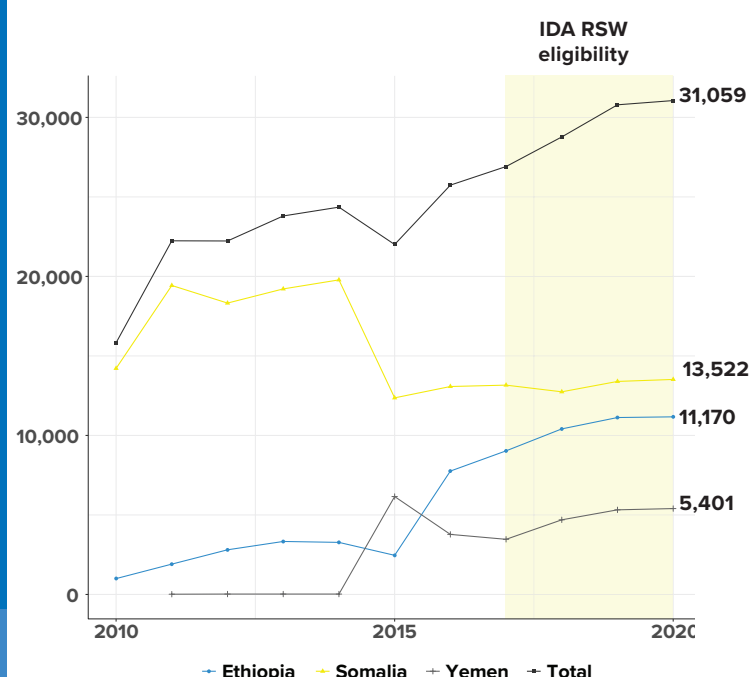


Figure 1: Number of refugees and asylum-seekers of the largest refugee population groups

## OVERVIEW OF REFUGEE POLICY ENVIRONMENT (JULY 2017–JUNE 2020)

Djibouti has traditionally pursued refugee policies through which it provided asylum-seekers and refugees with access to its territory, asylum and safety, and humanitarian assistance. From July 2017 to June 2020, the Government of Djibouti has significantly developed its approach to managing refugee situations. The most significant policy developments at the national level are as follows:

- In January 2017, promulgation of a new [Refugee Law No 159/AN/16/7ème](#) (the 2017 Refugee Law), that provide a large access to rights, including socioeconomic rights for refugees and asylum-seekers. The Law reconfirms the Ministry of Interior (Mol) as the Ministry responsible for refugee affairs, with its National Office for Assistance to Refugees and Disaster Victims (*Office National d'Assistance aux Réfugiés et Sinistrés – ONARS*) responsible for day-to-day management.
- In December 2017, adoption by the Ministry of Interior of the [2017–2022 Action Plan](#) of the Comprehensive Refugee Response Framework (CRRF) and two decrees: i) [Implementing Decree No 2017-409 on the Asylum Procedure, National Eligibility Commission and Appeal Board \(2017 Decree on the Asylum Procedure\)](#) and ii) [Implementing Decree No 2017-410 on Fundamental Rights of Refugees and Asylum-Seekers](#) (2017 Decree on Refugee Fundamental Rights).
- Drafting of two new decrees that are expected to be adopted in the second half of 2020: [Decree No 2020-137/PR/MASS amending Decree No 2017-311/PR/SEAS of 28 September 2017 for the establishment, organisation and functioning of the Social Registry](#) and [Decree No 2020-234/PR/MENFOP creating and defining the access conditions and issuance of the end of secondary education titled “Certificate of High-School Graduation”](#)

In September 2017, Djibouti became eligible for the IDA 18 Refugee Sub-Window (RSW), which it had requested to seek financing and technical assistance for the implementation of sustainable policies for the socioeconomic integration of refugees, in line with the CRRF Action Plan and the legislative reform pertaining to refugees

Djibouti was also active regarding refugee issues in the international sphere from 2017 to 2020. At the Leaders’ Summit on Refugees in September 2016, Djibouti signed up to CRRF, as proposed by the 2016 New York Declaration, and committed to three policy pledges: i) adopt a new refugee law, ii) give refugee children access to accredited education, and iii) give refugees access to the national health system.. In December 2019 at the Global Refugee Forum (GRF), the Government of Djibouti furthered its socioeconomic integration pledges through five policy commitments: i) include refugees in the National Development Plan; ii) integrate refugee teachers into the national system and budget through a training/certification programme; iii) provide refugees with technical and vocational training for better socioeconomic inclusion; iv) increase investments in the health system, in particular technical platforms in order to strengthen the national structures in areas hosting refugees; gradually include 12,500 refugees in the universal health insurance programme by 2021.

## POLICY DIMENSIONS (AS AT 30 JUNE 2020)

### 1 Host Communities

#### 1.1 Support for communities in refugee-hosting areas

No information was available on the existence of national policies providing for additional financial transfers from the national level to the areas that are economically affected by the presence of refugees.

The [2018–2022 National Social Protection Policy](#) provides for social safety nets for all Djiboutian nationals, including host communities. The Ministry of Social Affairs and Solidarity (MASS) is responsible for social protection and manages the social registry in which vulnerable households are enrolled, based on the national poverty line defined by the National Institute of Statistics (NIS) and assessed through a proxy-mean test. Data is not available on the number of enrolled national households that are living in areas economically affected by a refugee presence.

The social registry, governed by [Decree No 2017-311/PR/SEAS for the establishment, organisation and functioning of the social registry](#), provides access to a poverty-targeted social assistance programme: the [National Family Solidarity Program](#), (PSNF) while providing subsidised access to health care and nutrition support. Other key social assistance programmes include the Social and Solidarity Economy (SSE) programmes (economic inclusion and social cohesion activities), education support for children with disabilities (including income generating assistance support for mothers), subsidised access to the national health insurance scheme for the poorest people (Social Health Assistance Programme and the social assistance programme for poor older persons (basic needs for the elderly)). The PSNF is governed by [Decree No 2017-096/PR/SEAS PR/SEAS amending Decree No 2015-279/PR/SESN on the creation, organization and operation of the National Family Solidarity Program \(PSNF\)](#).

National policies can be applied to identify, prevent, and mitigate potential social tension and risks of violence in refugee-hosting areas. [Djibouti's National Vision 2035](#), for instance, makes national solidarity and social cohesion central to its pillar on Peace and National Unity and proposes measures to prevent and address conflict and promote dialogue. Although the National Vision and associated policies do not directly refer to refugees and host communities, in conjunction with Djibouti's [2017 Refugee Law](#) and the [2018 Global Compact on Refugees](#), these documents do also apply to refugees and host communities and can be implemented in refugee-hosting areas to the benefit of both population groups.

In practice, there is a high degree of interaction between refugees and host communities in all refugee-hosting locations. Many refugees share sociocultural and linguistic ties with the host community and relationships are largely amicable.

As part of Djibouti's local governance systems, informal and formal local mechanisms exist that promote peaceful coexistence, dialogue, joint activities, and citizen engagement. While these do not formally include representatives of the refugee community, refugees are generally received when they seek participation or services. Refugees have been participating, for instance, in local mechanisms for mediation and compensation led by host community leaders. In Djibouti City, refugee participation and inclusion in local mechanisms happens regularly while in the refugee villages it occurs on a more ad hoc basis.

ONARS has established refugee community-based governance structures in all refugee villages and in Djibouti City (see also section 2.3). Similarly, these do not tend to include host community members from the outset, but they facilitate connections with similar structures in the host community. ONARS, local authorities and local NGOs with international support also implement a range of interventions that promote social cohesion (e.g. joint sports tournaments, regional business fairs, fishery association, etc.). Such interventions generally include quotas for host community members and refugees to ensure that both participate and benefit equally.

National policies do formally protect refugees from discrimination. The [1992 Constitution of Djibouti as amended in 2010](#), provides for legal equality without distinction based on language, origin, race, sex, or religion. Furthermore, the [2017 Refugee Law](#) provides for fundamental rights as set out in the [1951 Convention Relating to the Status of Refugees](#) and includes an explicit reference to the right to non-discrimination. There is no verifiable data available on discrimination in practice. No complaints on grounds of discrimination have been brought forward to justice by a refugee.

**Education :** Over 4,000 refugee children attended the national education system in the 2019/2020 school year. The National Education Action Plan (PAE 2017–2020) has been revised to include refugees in national education systems and facilitate access to quality education for refugees and host communities.

**Health:** refugees and asylum-seekers have access to the national health system at all levels: primary, secondary and tertiary. A socioeconomic profiling exercise of refugees started in 2019 with the aim of integrating them into the national health insurance system. The results will allow the inclusion of 12,500 vulnerable refugees in the social health assistance programme.

## 1.2 Social cohesion

There is a generally positive relationship in Djibouti between refugees and host communities and within the refugee communities themselves, despite being a diverse population in terms of nationality, culture, socio-economic background, and language. Although the national legal framework in Djibouti does not specifically entail provisions on social cohesion or the identification, prevention and mitigation of potential social tensions and risks of violence in refugee-hosting areas, [Law 162/AN/16/7eme L](#) and the [Refugee Law](#) address poverty and social exclusion targeting all poor and vulnerable persons living in Djibouti including refugees. They are favorable to refugees' socio-economic inclusion and legal integration, granting them access to the same rights as nationals except the right to vote.

ONARS and UNHCR have social cohesion programmes in refugee hosting areas. In practice, local authorities, Government institutions and NGOs organize activities aimed at reinforcing peaceful coexistence. These include specific quotas for nationals and refugees in subsidized / funded vocational training opportunities, regional business fairs or joint sports tournaments.

In terms of representation, each refugee nationality group has its own subcommittee. Refugees have leadership committees in each site, separate from those of the host community, with refugee leaders elected every three years. The leadership committees are gender sensitive and consist of a president, a vice-president, a representative of each nationality group, and a representative per sectoral activity. Interactions between refugees' leadership committees and host community leaders are neither formalized nor regular. However, refugees are free to directly seek mediation services or request for compensation from host community leaders.

National policies do formally protect refugees from discrimination. Article 1 of the [Constitution](#) provides for equality before the law without distinction based on language, origin, race, sex or religion. Moreover, Article 14(1) of the [Refugee Law](#) explicitly provides for non-discrimination against refugees.

## 1.3 Environmental management

The government is investing with donor resources, principally through World Bank operation, in activities that are looking to address environmental impacts of the presence of refugees in host communities. These activities comprises environmental management, including technical advisory services for implementation of environmental management activities through a labour-intensive public works mode, but also finding alternative energy sources to reduce unsustainable exploitation of natural resources, including risk mitigation and other challenges faced by crisis-affected host communities.



## 1.4 Preparedness for refugee inflows

The [2017 Refugee Law](#), the [2017 Decree on the Asylum Procedure](#), the [2017 Decree on Refugee Fundamental Rights](#) and the [2017–2022 CRRF Action Plan](#) provide elements for a national preparedness framework, including an institutional coordination mechanism that could be used to respond to increased or new refugee inflows in ways that minimize short- and medium-term socioeconomic impacts.

In practice, preparedness measures are taken on an ad hoc basis when new refugee inflows are expected based on the situation in surrounding countries. An inter-agency contingency plan is developed, according to the Refugee Coordination Model (RCM), co-led by UNHCR and ONARS. These plans have a six-month time frame and are updated after that period as necessary; they are fully financed by humanitarian aid and implemented by humanitarian organisations and line ministries.

# 2 Regulatory Environment and Governance

## 2.1 Normative framework

Djibouti has been a State Party to the [1951 Convention Relating to the Status of Refugees](#) and the [1967 Protocol relating to the Status of Refugees](#) since 1977. No reservations were made. Djibouti is also a State party to the [1969 OAU Convention Governing Specific Aspects of Refugee Problems in Africa](#) and other relevant [international and regional instruments](#). However, Djibouti has not yet acceded to the [1954 Convention Relating to the Status of Stateless persons](#) and the [1961 Convention on the Reduction of Statelessness](#). Djibouti endorsed the Global Compact on Refugees (GCR). Refugee-related commitments in these instruments are implemented through the [2017 Refugee Law](#), the [2017 Decree on the Asylum Procedure](#), the [2017 Decree on Refugee Fundamental Rights](#) and the [2017–2022 CRRF Action Plan](#), in conjunction with the national policy framework.

The 2017 Refugee Law and related decrees address non-refoulement, the definition of ‘refugee’, refugee status determination procedure and fundamental rights accorded to refugees. They are in line with international and regional norms and standards, except for Article 1D of the 1951 Convention, which has not been incorporated in the law. Implementation of the legal framework has shortcomings (see respective Policy Dimensions). No refugee or asylum-seeker has so far attempted to seek judicial remedies for lack of access to the rights enshrined in the national Refugee Law or decrees.

The Refugee Law and related decrees have not yet been disseminated in relevant local languages or other languages spoken by refugees. UNHCR observes that border authorities are aware of asylum procedures, non-refoulement principles and how to refer a person to the appropriate services. Ministries or other public agencies that have a direct and formal partnership with UNHCR are generally aware of refugees’ rights (i.e. Ministry of Interior, Ministry of Education, Ministry of Health, Ministry of Social Affairs and Solidarity, Ministry of Women and Family, Ministry of Environment, Ministry of Agriculture and the National Development Agency). UNHCR observes gaps in awareness of applicable refugee policies among other institutions, private sector entities, foreign embassies, and refugees themselves.

The 2017 Refugee Law and the [2017 Decree on the Asylum Procedure](#) include the framework for refugee status determination (RSD). The RSD framework gives the National Eligibility Commission (NEC) the responsibility to grant refugee status, working off the basis of RSD files including individual assessment prepared by ONARS Eligibility Officers. The procedures, as outlined in the law, including those of the appeal process, are in line with international and regional standards.

Asylum-seekers from South Central Somalia and Yemen are granted refugee status through a prima facie approach by practice (not embedded in a legal instrument or political declaration). All other asylum-seekers from other countries of origin go through individual RSD procedures. NEC adjudication sessions tend to be irregular and there is a backlog of 11,197 asylum-seekers pending RSD. There are shortcomings in the efficiency and the quality of the RSD decision process. This is mainly caused by technical gaps and some financial challenges affecting the NEC and the eligibility team of ONARS. Gaps in the RSD process

include limited application of asylum procedural standards, poor interviews, credibility assessments, and legal analysis conducted, as well as lack of data management approach. The average individual RSD case processing including final adjudication by the NEC can be very slow which can take up to eight to ten years for the refugee status to be either granted or rejected at first instance for certain asylum-seekers. This poses serious concerns regarding the efficiency and fairness of the national RSD procedure.

Asylum-seekers have limited enjoyment of their rights. Asylum-seekers are issued with a household level attestation only which is routinely not accepted for particular services, such as opening a bank account, purchasing a SIM card, among others. Information on the RSD procedures is not widely available and there are gaps in awareness among asylum-seekers. While the law provides for the possibility of a legal counsel (at the expense of the applicant), no asylum-seekers have availed themselves of this right to date. The appeal procedure has not yet been implemented because of capacity and resource constraints. While this leaves first instance rejected asylum-seekers without effective legal remedy, they are, in practice, not expelled or deported from the country. Most RSD-related work, including the positions of most eligibility officers, is fully funded by UNHCR, and not regularized in the Government's planning, budgeting, and human resource systems. This poses risks to sustainability.

## 2.2 Security of legal status

The [2017 Decree on Refugee Fundamental Rights](#) provides asylum-seekers with the right to stay in the country with an asylum-seeker attestation, which is valid for six months (renewable) and has the status of a temporary residence permit (pending adjudication of the case). Once refugee status is granted, whether through prima facie or individual RSD approaches, the decree stipulates that refugees have the right to stay in the country with a valid refugee ID card. In practice, the refugee ID card is provided to refugees of 15 years and older while all refugees receive refugee attestations recording household composition which also give them the right to stay. Refugee household attestations are valid for one year; individual refugee ID cards are valid for five years (renewable) and have the status of a residence permit. The refugee ID cards and household attestations are issued by ONARS with support from UNHCR. The process for renewing asylum-seeker and refugee attestations and refugee ID cards is facilitated by UNHCR and ONARS and is without delays or other challenges. Furthermore, in cases where law enforcement authorities come across asylum-seekers or refugees with expired attestations or IDs, they are referred to ONARS for renewal and not expelled or deported.

The 2017 Refugee Law provides for the right to seek asylum and the principle of non-refoulement in line with international standards. From June 2019 - 30 June 2020 there have been no known cases of unlawful termination of refugee status by way of cancellation, revocation or cessation; no cases of recognized refugees being expelled on national security or public order grounds; and no reported cases of refoulement. However, following a terrorist attack in May 2014, the Somali-Djiboutian border point (Loyada) has been officially closed, hence asylum-seekers are obliged to enter the country through unofficial border points. Since 2008, the Eritrean-Djiboutian border has also been closed and Eritrean asylum-seekers are obliged to enter the country via military checkpoints. From March to June 2020, all land, sea and air borders were closed for persons as part of Government measures to curb the spread of COVID-19.

## 2.3 Institutional framework for refugee management and coordination

The institutional framework for refugee management is provided for by the 2017 Refugee Law, the [2017 Decree on Refugee Fundamental Rights](#), the [2017–2022 CRRF Action Plan](#) and its [coordination mechanism](#). The draft 2020–2023 ONARS Strategy would further complement the policy base. The [2017 Refugee Law](#) provides the Ministry of Interior (Mol) with the overall mandate for refugee affairs and tasks ONARS to execute and coordinate this on a daily basis. The [2017 Decree on Refugee Fundamental Rights](#), details access to the rights within the respective areas of responsibility of each Ministry.

There are no provisions in the [2017 Refugee Law](#) and related decrees on how these roles and responsibilities are to be coordinated and operationalized among Government entities and with various partners. However, the [2017–2022 CRRF Action Plan](#) sets out an intergovernmental, multi-partner coordination mechanism to

facilitate its implementation. It includes a Steering Committee co-chaired by UNHCR and MoI and including representatives from refugee and host communities, national NGOs, donors, the United Nations, the World Bank and international NGOs. The Steering Committee is complemented at the technical level with a working group and sector-specific groups on protection, health, education, social protection and water and sanitation. The Secretariat is provided by ONARS with support from UNHCR. The Steering Committee has not met since February 2020, but its working groups and some sector specific groups meet regularly. A sub-national level structure is not set out on paper but exists in practice in the form of information sharing meetings (operational decisions are not taken at this level).

The CRRF Steering Committee and working groups officially include refugee representatives who could provide input and feedback from refugees on actions and decisions that concern them. This has not happened in practice as the Steering Committee has not met since 2019 and refugee representatives have not been attending the working groups.

Inputs and feedback from refugees on actions and decisions from ONARS, other government entities, UNHCR and other national and international partners are received through the refugee community-based governance structures. In the refugee villages, these structures consist of a Refugee Central Committee (RCC), a women's committee, a dispute resolution committee, children and GBV committees. In Djibouti City, this consists of a RCC. These committees are functional and meet with ONARS, UNHCR and other national and international partners on a regular basis. Members of the RCCs include a president, a vice-president, a representative of each nationality group, and a sectoral representative, all elected by refugees themselves. The president of the leadership group in the Holl Holl refugee village as at 30 June 2020 was female. In most other groups the vice presidents are female. On yearly basis, UNHCR leads an inter-agency age, gender, diversity participatory assessment among refugees to gather views on gaps, needs and solutions. The assessments feed into UNHCR programming for the following year and are shared with the government and national and international partners to inform their programming.

Refugees have so far not been included in the national population census in Djibouti. First steps have been taken to include refugees in administrative data collection systems. Since the 2016/2017 academic year, refugee education data has been integrated into the national Education Management Information System (EMIS) (See also: Education Statistical Annual Abstracts (ESAA)). There is one example of an initial step towards the inclusion of refugees in national survey data (in this case, with the prospect of including refugees in the national social registry). In September 2019, the Ministry of Social Affairs, and the National Institute of Statistics, with support from UNHCR and WFP, launched a socioeconomic profiling exercise of all refugees and asylum-seekers to calculate the minimum expenditure basket. The same survey methodology was applied as that used by the Ministry of Social Affairs for Djiboutians, with the primary goal of assessing how many refugees would be eligible to enter the social security system, notably the PASS and the PNSF social safety nets. The survey was initially expected to be completed by August 2020. The Government is currently drafting a new National Development Plan and has made a policy commitment at the 2019 Global Refugee Forum (GRF) to include refugees. At sectoral level, the 2020–2024 National Health Plan, finalized in 2020, makes specific reference to refugees' access to health services and to specific health programmes (TB, HIV, RSH, nutrition and malaria, etc.) and the National Education Plan also includes refugees.

## 2.4 Access to civil registration and documentation

Based on the [2017 Decree on Refugee Fundamental Rights](#) and practice, registered asylum-seekers are provided with an asylum-seeker attestation, refugees of 15 years and older with a refugee ID card, and all refugees with a refugee household attestations (see also section 2.2). The [2017 Decree on the Asylum Procedure](#) provides that the ONARS eligibility desk is responsible for the registration of asylum-seekers and the issuance of official personal documentation to registered asylum-seekers and refugees. In practice, this is done jointly by ONARS and UNHCR. All registered asylum-seekers and refugees are in possession of personal attestation documents and 100 per cent of all recognized refugees over 15 years old are in possession of refugee ID cards. Law enforcement authorities generally recognize asylum-seeker attestations, refugee household attestations and refugee ID cards. Other relevant national and sub-

national authorities and the private sector entities increasingly recognize attestations and refugee ID cards, although challenges still persist (see section 3.4).

The [2017 Refugee Law](#) and the [2017 Decree on Refugee Fundamental Rights](#) provide refugees with the right to civil documentation as set out in the 1951 Convention. The 1951 Convention stipulates that this right shall be governed by the laws of the asylum country and that previously acquired rights shall be respected. The 2018 Civil Code stipulates that regular birth registration must be done within three days of the birth, while late birth registration goes through a *jugement supplétif*. In practice, civil status authorities have been flexible to extend the registration to beyond three days. The Direction Générale de la Population is responsible for all civil status matters. In 2013, birth registration started for refugees born in Djibouti but those born in Djibouti before 2013 do not have access to the *jugement supplétif* procedure in practice. This is mainly due to accessibility challenges, including financial obstacles, for this judiciary procedure sets for late birth registration of persons born in Djibouti. ONARS is responsible for the purchase of stamps on behalf of refugees and asylum-seekers registered in the villages to facilitate issuance of birth certificates by civil status departments at regional level.

## 2.5 Justice and Security

Participatory assessments conducted by UNHCR in 2020 found comparable levels of safety between refugees and host communities.

The [2017 Refugee Law](#) and the [2017 Decree on Refugee Fundamental Rights](#) accord refugees the same right as nationals as regards access to law enforcement and justice. This includes access to legal counselling and assistance, and access to the “Ma’adoun al Charia” which is accredited under the Ministry of Justice to render decisions pertaining to personal status (see also [Law No 136/AN/11/6ème concerning legal and judiciary aid](#), [2002 Family Code](#) and [Law No 169/AN/02/4ème](#) on organization and competence of Al-Ma’adoun Al chari).

In practice access to justice is limited for both refugees and host communities, mainly due to poor judicial infrastructure, affordability, limited legal representation and a lack of basic knowledge of procedures on the part of refugees (see e.g. [2020 Justice Support Programme](#)). UNHCR participatory assessments indicate that refugees tend to prefer traditional dispute resolution mechanisms that are easier to access. [Vision Djibouti 2035](#) sets out strategic directions to improve access to justice across the country but, apart from a few mobile court sessions, implementation of the strategic directions in refugee hosting areas is limited. UNHCR has partnerships with a national NGO to improve refugee access to the Maadoun al Charia, mobile courts hearing, and legal assistance for GBV cases in line with the national vision.

Various relevant laws to prevent and address gender-based violence (GBV) are in place, including: [the Criminal Code](#), [the Family Code](#) and the [Child Protection Code](#). These policies are applicable to refugee hosting areas and do not exclude refugees. The criminal code provides for protection from torture and abuse, as well as from sexual violence, but does not explicitly criminalize domestic violence.

In practice, policy implementation has shortcomings and access to relevant services is limited for both refugee and host community GBV survivors. Furthermore, while the law does criminalize GBV, refugee and host communities often settle GBV cases through traditional justice practices, such as payment of a symbolic amount to the victim’s family without consulting or compensating the victim. It is generally acknowledged that exploitation, abuse and violence against women and girls, including refugees, is of concern in Djibouti with particular risk for female domestic workers. In 2018, the Government agreed with a recommendation from the 2018 United Nations Human Rights Council’s Universal Periodic Review to take steps to increase the protection afforded to women and girl refugees against violence, including by increasing the number of law enforcement officials in refugee villages, and providing effective care for women and girls who are victims of violence. The Government has not yet started implementation of this recommendation. However, UNHCR supports national NGOs with the implementation of GBV prevention and response programmes in refugee villages that are aligned with the national GBV strategy.

## 3 Economic Opportunities

### 3.1 Freedom of movement

The [2017 Refugee Law](#) and the [2017 Decree on Refugee Fundamental Rights](#) accords refugees the right to move freely within Djibouti and choose their place of residence on the same basis as nationals. These rights are well respected by authorities. Only refugees that are registered in the refugee villages can benefit from humanitarian assistance. As such, 81 per cent of the refugees are registered in one of three refugee villages, in and around which they also have their place of residence and daily movements. One or more members of the refugee household might also move elsewhere for income generating purposes.

### 3.2 Right to work and rights at work

The [2017 Refugee Law](#) and the [2017 Decree on Refugee Fundamental Rights](#) accords refugees the same rights and obligations as set out for nationals in national labour legislation. This includes any national legislation relating to workers protections and the right to open a business and register it in one's own name. The 2017 Refugee Law and the 2017 Decree on Refugee Fundamental Rights also stipulate that the asylum-seeker attestation and refugee ID card are, to all legal intents and purposes, equivalent to a work permit. As explained under section 2.3, all registered asylum-seekers and refugees are in the possession of attestations and/or refugee ID cards.

However, with an estimated national unemployment rate of 40 percent, full enjoyment of the right to work is challenging even for nationals. Refugees face additional challenges such as lack of awareness among potential employers of asylum-seekers and refugees' right to work, including the work permit status of the asylum-seeker attestations and refugee ID cards and lack of (relevant) skills for some of them. In particular, asylum-seeker attestations are often not recognized or accepted among employers. This is also caused by a lack of awareness among potential employers, including from private sector, on the right for asylum-seekers and refugees to work in wage-earning employment in Djibouti.

Since 2001, the Government of Djibouti has created a "[Guichet Unique](#)" or "One-stop Shop" that facilitates the procedures required to open a business. The procedure takes three days to open and register a business legally. While reliable statistics are not available, UNHCR is anecdotally aware that many Yemeni refugees have used the Guichet Unique to register businesses and benefited from cancellation of the licence fees. In 2017, the Government adopted legislation cancelling the payment of licences for all new businesses.

Workers protections are set out in the Labour Code (Code du Travail) adopted in 1992. Refugees are not explicitly mentioned but the Labour Code also applies to them as set out above. The International Labour Organization (ILO) and the International Trade Union Confederation (IFTUC) have expressed concerns about the implementation of workers' rights in general and migrant workers in particular. The Government is working towards improvements.

The [2017 Refugee Law](#) and the [2017 Decree on Refugee Fundamental Rights](#) also give refugees the same rights as any nationals as regards practising a profession and skills development opportunities. To exercise a liberal profession, refugees and asylum-seekers must apply for authorization from the public authorities.

Refugees' professional certificates/diplomas are recognized on the same level as those of other foreigners. To this day, no data is available either from the government, from private entities or from refugees, on the extent to which refugees have accessed these rights in practice compared to foreigners.



### 3.3 Land, housing and property rights

The [2017 Refugee Law](#) and the [2017 Decree on Refugee Fundamental Rights](#) provides refugees with the right to property in line with the provisions of the 1951 Convention Relating to the Status of Refugees.

No data is available on how many refugees might have exercised their right to access land in Djibouti, whether they faced practical barriers in doing so and how these compare to nationals of a foreign country in the same circumstances.

In the refugee villages, refugees live in emergency shelters, semi-permanent and permanent structures provided by UNHCR through implementing partners. Only 10 per cent and 12 per cent of households in Ali Addeh and Holl Holl refugee villages, respectively, live in permanent structures. All refugees in Markazi live in permanent structures that are equipped with running water and connected to electricity through generators.

Refugees living in Djibouti City are responsible for arranging their own accommodation. They are generally renting houses. A few cases are known to be squatting or have no permanent place to stay. UNHCR supports a few particularly vulnerable refugees. No further data is available on how many refugees might have exercised their right to purchase, lease or use housing and immovable property in Djibouti, whether they faced practical barriers in doing so and, if so, how these barriers compare with those facing other foreign nationals under the same circumstances.

Public/social housing programmes exist in Djibouti and are managed by the *Agence de Réhabilitation Urbaine et du Logement Social (ARULOS)*. So far, UNHCR is not aware of any refugees accessing these programmes. However, a Government programme on slum upgrading has been approved for financing by the WBG in 2018. This programme specifically seeks to facilitate refugee access to improved social infrastructure once implementation starts.

### 3.4 Financial and administrative services

The [2017 Refugee Law](#) and the [2017 Decree on Refugee Fundamental Rights](#) provide refugees with the right to open bank accounts, to access financial services and to access mobile money/mobile phone banking in the same way as the country's nationals.

In July 2018, the Central Bank of Djibouti issued an administrative regulation to allow refugees to open bank accounts based on their asylum-seeker attestations and refugee ID cards. In practice, refugee ID cards are recognized by commercial banks to open a bank account and access financial services.

Similarly, in 2018 an internal circular was sent by the headquarter of Djibouti Telecom to their branches to facilitate refugee/ asylum-seeker access to register a SIM card based on their asylum-seeker attestations and refugee ID cards. Access to registering SIM cards is generally provided for refugees based on their refugee ID cards, whereas asylum-seekers tend to be denied this access based on their asylum-seeker attestation. That said, informal workarounds are commonly practised, and both asylum-seekers and refugees generally find ways of accessing mobile connectivity. Mobile money and mobile banking are a recent innovation in Djibouti. There is presently no data to confirm whether refugees have de jure or de facto access to these services.

There is no policy that provides refugees with the right to obtain key administrative documents or certifications that might enhance their access employment and other socioeconomic opportunities. In practice, ONARS and UNHCR have generally, but not systematically, been able to successfully advocate for refugee access to key administrative documents such as driving licences or certificates from private sector training.

## 4 Access to National Public Services

### 4.1 Education

The [2017 Refugee Law](#) and the [2017 Decree on Refugee Fundamental Rights](#) provides refugees with the right to enrol in primary, secondary and tertiary schools as well as vocational training under the same conditions as the country's nationals.

In August 2017, UNHCR concluded a partnership agreement with the Ministry of Education to facilitate enrolment in national schools for refugees that are living in the refugee villages. In Djibouti city, UNHCR does not facilitate access to national education system. UNHCR does observe that refugees have been able to enrol themselves in schools based on the refugee ID card. However, there is no reliable data on the actual number of refugees that do this, whether they faced practical barriers in doing so and how these compare to nationals.

In December 2017, Djibouti, along with the other IGAD member states, adopted the [Djibouti Declaration on education for refugees, returnees and host communities](#), a non-binding legal instrument on the commitments to deliver quality education and include these groups in their national legal framework and educational systems. During the United Nations Human Rights Council's Universal Periodic Review of 2018, the Government supported a recommendation made to Djibouti to continue to work with international partners to improve access to basic services in the refugee villages.

Education policies do not provide for specialized services (such as accessible learning services, accelerated education, language training, remedial learning programmes, catching-up programmes, psychosocial support) for host community and refugee children as may be necessary. Data on access to specialized services for nationals is not known to UNHCR. As for refugees, specialized services are being provided by UNHCR and implementing partners in the refugee villages. Programmes include the Ministry of Education and Professional Training (MENFOP) in Ali Addeh, the ALP (Accelerated learning programme) for new arrivals and the SNE (Special needs education) for children with disabilities.

### 4.2 Healthcare

The [2017 Refugee Law](#) and the [2017 Decree on Refugee Fundamental Rights](#) provides refugees with access to the publicly financed health-care system under the same conditions as the country's nationals. The 2020–2024 National Health Development Plan confirms refugees' access to health, but often blurs the line between refugees, migrants and nomads, which, in some instances, undermines refugees' legal rights to health on the same basis as nationals.

Since 2018, UNHCR has been transitioning from NGO-provided primary health care to a partnership with the Ministry of Health (MoH) to include refugees in the national health system. UNHCR and MoH have a partnership agreement through which funds are allocated to the Ministry to take charge of all primary-health-related services accessible to refugees and asylum-seekers, as well as to host communities. Such a move is also supported in Ali Addeh through the Improving Health Sector Performance Project Second Additional Financing supported by the World Bank.

Each refugee village is equipped with one health centre at which primary health care is provided. MoH finances secondary and tertiary level health-care services for refugees registered in the refugee villages from the national health budget. Referrals are made by the health centre doctor to secondary and tertiary level facilities in Djibouti City, following which refugees can access services free of charge based on presentation of their attestation. Refugees with specific needs that are living in Djibouti City can also access public health facilities in Djibouti city free of charge upon presentation of their attestation. This means that, in practice, refugees registered and living in refugee villages, as well as refugees with specific needs registered in Djibouti City have better access than nationals or refugees without specific needs registered in Djibouti City, who have to present proof of insurance or pay in cash.



Following concerns expressed in 2019 in relation to refugee access to health care following the transition to MoH in terms of staffing, essential medicines, data collection, reporting and referrals, MoH, with support of UNHCR and the World Health Organization (WHO), took a number of measures. This included the procurement of essential medicines by UNHCR on behalf of MoH to ensure a regular medicine supply to health facilities in the refugee villages. While refugees continue to raise issues concerning their access to quality health care services, the situation has improved.

MOH provides sexual and reproductive health services to both nationals and refugees. Services are provided at primary as well as referral level. Health centres in the refugee settlements are equipped to perform maternal health follow-up, except in Obock where the district hospital performs said follow-up for pregnant and lactating women from Markazi refugee village. Gaps do however exist such as in rural health centres, where the availability of post exposure prophylaxis (PEP) kits is limited, and rape survivors have to be referred to higher-level facilities to access the service.

Refugee enrolment in the national public health insurance system has not yet started but is provided for in law. Refugees' health care costs in the publicly financed health system are currently covered by UNHCR and MoH. The Government is drafting a decree that will make it possible for asylum-seekers and refugees to enrol in the Social Health Assistance Programme which aims to ensure access to the national [public health insurance](#) for the poorest categories of populations in Djibouti (those without income).

### 4.3 Social protection

Refugees access national social services on the same basis as nationals under [Decree No 137/2020/PR/MASS](#). This provides for the inclusion of refugees in public social protection programmes, including registration in the social registry so that they can access social safety nets that include specific support for key vulnerable groups and public health insurance. While institutions are not reluctant to include refugees in their social protection programmes, they often lack the funding and capacity to do so. External aid and UNHCR projects help make up this gap in coverage. For example, a public health programme set up by the Ministry of Health provides vulnerable and chronically ill urban refugees with free access to health care at public health centres and follow-up support. Other programmes managed by NGOs and WFP provide nutrition support to the elderly and wheelchairs for persons with disabilities. A NGO project has also constructed disability friendly access to schools in villages. For the future, access to the social registry and associated support is ongoing via the Ministry of Social Affairs and Solidarity. There are also ongoing discussions with the National Agency for Persons with Disabilities that build on the Refugee Law and the Social Protection Decree to give refugees with disabilities new access to national activities, including a registry managed by ANPH.

ONARS, MASS, WFP and UNHCR are holding discussions on how to align aid and humanitarian assistance with social protection systems. The aim of the socioeconomic profiling exercise described in section 2.3 is precisely to facilitate refugee inclusion in the social registry. However, these discussions are progressing slowly including because of coordination challenges among public institutions and, as well as capacity and resource gaps as regards comprehensive analysis and policymaking. Delays have been exacerbated by COVID-19 impacts.

### 4.4 Protection for vulnerable groups

A range of policies, standards and services exists for the protection of Djiboutian children, including unaccompanied and separated children, victims of trafficking in persons, survivors of gender-based violence and other children with special needs. In conjunction with the [2017 Refugee Law](#) and the [2017 Decree on Refugee Fundamental Rights](#), these policies apply equally to refugee groups in the same situation.

However, access to relevant services is limited for both nationals and refugees because of shortcomings in policies and resources as well as in implementation. There are child protection laws in place but there is not a unique referral mechanism for all children at risk. Referral pathways for refugee children at risk are refugee specific under the lead of an international NGO, through a UNHCR partnership. In general, there is a lack of capacity and resources, especially in rural areas, with which to develop and implement a streamlined referral pathway for all children at risk (nationals, refugees, and migrants). Similarly, there are

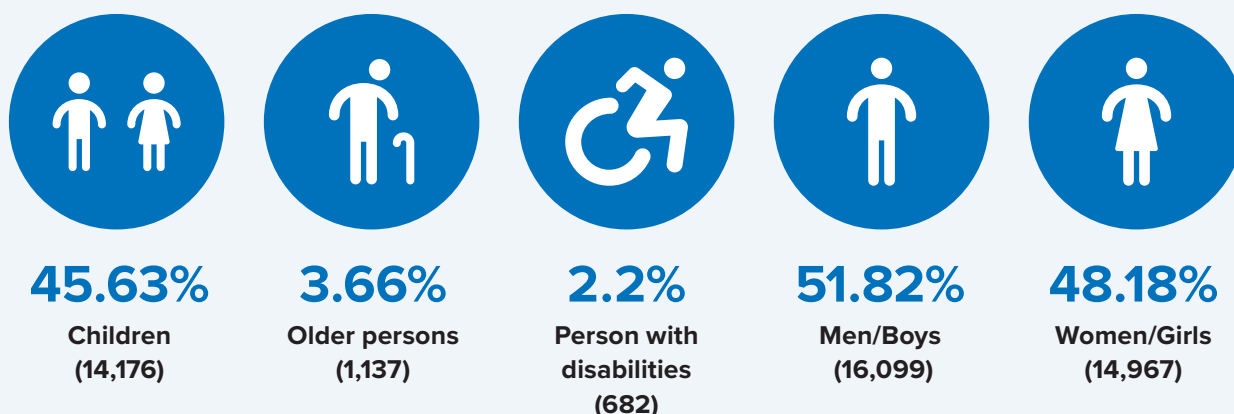
laws and policies to protect victims of trafficking, but implementation is weak. During the 2018 United Nations Human Rights Council's Universal Period Review, the Government did support a recommendation to enhance its efforts to fight against trafficking of persons.

As mentioned in sub-dimension 2.5 above, access to relevant services is limited for GBV survivors.

## 5 Cross Sectors

### Characteristics of registered refugees and asylum-seekers in total refugee population\*

as at 30 June 2020



### 5.1 Gender

In Djibouti, international conventions and national laws and decrees promote gender equality and gender related principles. Significant progress has been made so far: young girls are more and more educated, women are represented in decision-making bodies, the fight against female genital mutilation (FGM) has given rise to results with the reduction of cases, and the empowerment of women is perceptible through cooperatives and mutual insurance entities (mutuelles) in the regions. Nevertheless, there are gender related differences or restrictions in terms of policies and/or their implementation in the majority of policy sub-dimensions. The most consequential ones in terms of socioeconomic development are as follows:

- i. **Support for communities in refugee-hosting areas**, including social cohesion, the meaningful participation of women in community-based leadership, beyond their formal inclusion by quotas.
- ii. **Institutional framework for refugee management**, the absence of a gender lens in programming.
- iii. **Protection for vulnerable groups**, the gaps in the prevention and response to sexual and gender-based violence, including for persons with acute specific and particularly high needs.

### 5.2 Social inclusion

There are differences or restrictions in terms of policies and/or their implementation related to gender in the majority of policy sub-dimensions. The most consequential ones in terms of socioeconomic development are as follows:

- i. **Rights to work and rights at work**, specific disadvantages for asylum-seekers vis-à-vis recognized refugees as regards the recognition of asylum-seeker attestations by employers.
- ii. **Access to civil registration and documentation**, facilitated access to late birth registration and certification for refugees and asylum-seekers born in Djibouti before 2013 who lack birth certificates.
- iii. **Education**, lack of targeted support for refugee children with special needs such as disability and age-related needs.

\* The refugee numbers reported here do not fully match the numbers on the front page because demographic characteristics are not available for all refugees (e.g., pre-registered refugees, etc.).

## Annex on Key International and Regional Instruments ratified or adhered to

- [Additional Protocol to the Geneva Conventions of 12 August 1949 \(Protocol I\)](#)
- [Additional Protocol to the Geneva Conventions of 12 August 1949 \(Protocol II\)](#)
- [African Charter on Human and Peoples' Rights, 1981](#)
- [African Charter on the Rights and Welfare of the Child 1990](#)
- [African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa \(Kampala Convention\), 2009](#)
- [African Youth Charter, 2006](#)
- [Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984](#)
- [Convention Governing Specific Aspects of Refugee Problems in Africa \(the OAU Convention\), 1969](#)
- [Convention on the Elimination of All Forms of Discrimination Against Women, 1979](#)
- [Convention on the Rights of Persons with Disabilities, 2007](#)
- [Convention on the Rights of the Child, 1989](#)
- [Convention relating to the Status of Refugees 1951 \(Ratification date: 9 Aug 1977\)](#)
- [Djibouti Declaration on Refugee Education, 2017 \(International Instrument\)](#)
- [Fourth Geneva Convention relative to the Protection of Civilian Persons of 1949](#)
- [ILO Abolition of Forced Labour Convention, 1957 \(No 105\)](#)
- [ILO Discrimination \(Employment and Occupation\) Convention, 1958 \(No 111\)](#)
- [ILO Employment Policy Convention, 1964 \(No 122\)](#)
- [ILO Equal Remuneration Convention, 1951 \(No 100\)](#)
- [ILO Forced Labour Convention, 1930 \(No 29\)](#)
- [ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 \(No 87\)](#)
- [ILO Labour Inspection Convention, 1947 \(No 81\)](#)
- [ILO Minimum Age Convention, 1973 \(No 138\)](#)
- [ILO Right to Organise and Collective Bargaining Convention, 1949 \(No 98\)](#)
- [ILO Tripartite Consultation \(International Labour Standards\) Convention, 1976 \(No 144\), 1976](#)
- [ILO Worst Forms of Child Labour Convention, 1999 \(No 182\)](#)
- [International Convention on the Elimination of All Forms of Racial Discrimination, 1965](#)
- [International Covenant on Civil and Political Rights \(ICCPR\), 1966](#)
- [International Covenant on Economic, Social and Cultural Rights, 1966](#)
- [Kampala Declaration on Jobs, Livelihoods and Self-reliance, 2019 \(International Instrument\)](#)
- [Nairobi Declaration on Somali Refugees, 2017 \(International Instrument\)](#)
- [Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Organized Crime \(2000\)](#)
- [Protocol relating to the status of refugees, 1967](#)
- [Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, 2003](#)

## THE DEMOCRATIC REPUBLIC OF THE CONGO

The Democratic Republic of the Congo offered protection to 528,364 refugees and asylum-seekers from 22 countries in 2020. Most of these came from Rwanda, the Central African Republic, South Sudan and Burundi. Most registered Rwandan refugees arrived in the Democratic Republic of the Congo around 1995, fleeing the 1994 Rwanda genocide. Refugees from the latter three countries arrived in waves from 2016 onwards due to conflict and targeted abuses in their home countries.

The Democratic Republic of the Congo is a fragile, low-income country, with an estimated 5,502,059 internally displaced nationals in 2020 as a result of ongoing conflict within its own borders. In addition, an estimated 941,755 of its citizens are currently refugees in neighbouring countries. Despite its own challenges, the country commonly pursues an open-border policy regarding refugees.

### KEY POPULATION DATA

**525,586**

Refugees

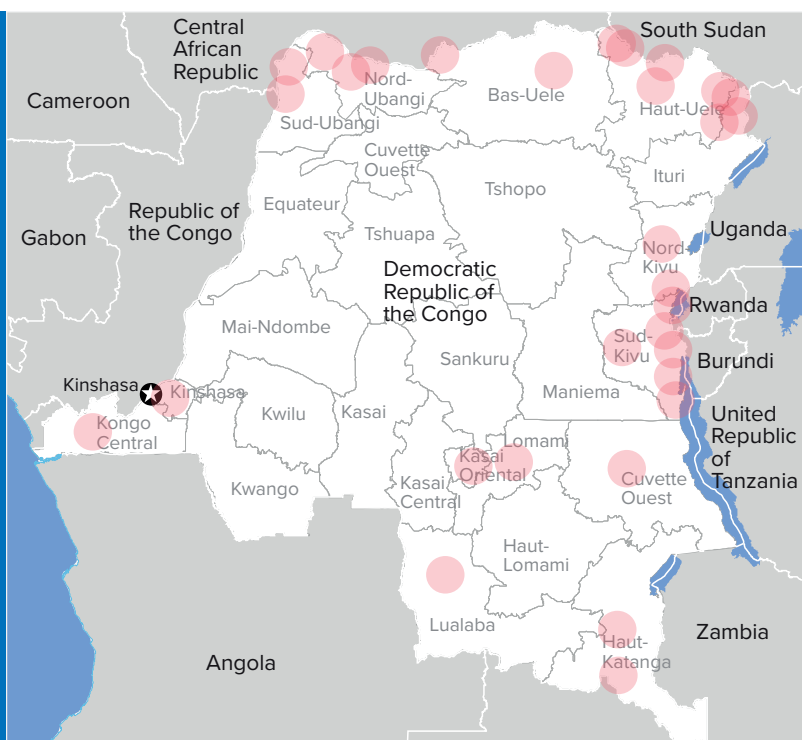
**2,778**

Asylum-seekers

**0.61%**

of the country's population (86,790,567 )  
are refugees and asylum-seekers

IDA 18 RSW / IDA 19 WHR ELIGIBILITY:  
NOVEMBER 2018



An estimated 73.6 per cent of refugees in the Democratic Republic of the Congo live among local communities in hosted and rental arrangements. This includes registered Rwandan refugees, the majority of whom live among local communities in North and South Kivu in the east of the country while a minority live in Kasai-Central province. Around 25.2 per cent of the refugee population in the Democratic Republic of the Congo lives in 10 planned settlements (camps) in the north (mainly comprising refugees from the Central African Republic), north-east (South Sudanese) and east (Burundians). About 1.2 per cent of the refugee population lives in Kinshasa and Lubumbashi.

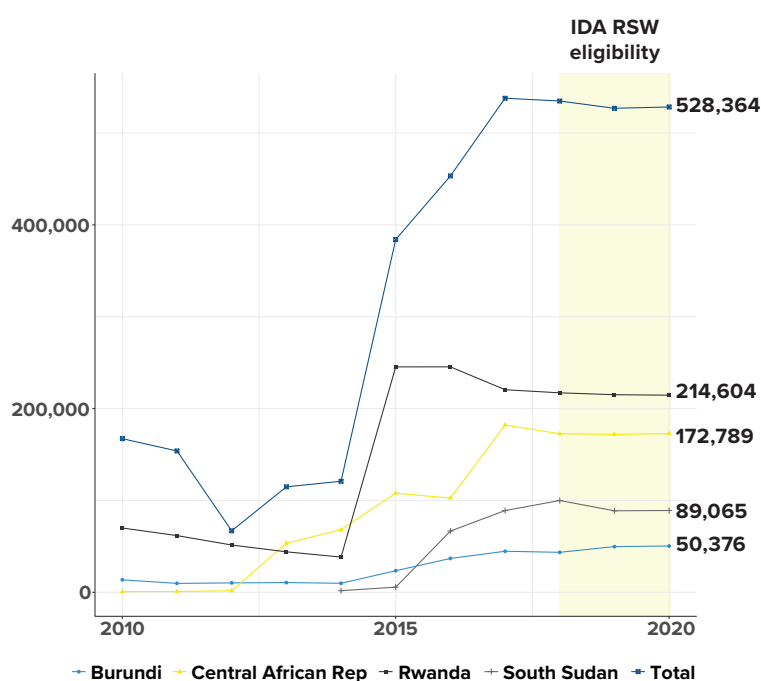


Figure 1: Number of refugees and asylum-seekers of the largest refugee population groups

## OVERVIEW OF REFUGEE POLICY ENVIRONMENT (JULY 2017–JUNE 2020)

The policy and institutional framework of the Democratic Republic of the Congo is inclusive towards refugees, reflecting a tradition of hospitality based on which the country had been treating refugees and nationals equally long before the country ratified the 1951 Convention Relating to the Status of Refugees (hereafter referred to as the 1951 Convention). Nonetheless, the forced displacement context in the Democratic Republic of the Congo is complex and includes policy priorities relating to internally displaced persons, stateless populations and returnee (former refugee) nationals, many of whom currently reside in the same areas as refugees and experience the same economic, social, civil and security challenges. Many refugees have also been displaced multiple times inside and outside the Democratic Republic of the Congo, sometimes causing them to commute involuntarily between host communities and their country of origin depending on fluctuations in the security situation.

Refugee policy developments should be understood against this policy context. They should also be understood in an overall national context in which substantial governmental changes took place following elections in December 2018, in a country that is generally affected by immense challenges related to fragility, conflict and violence. As set out in more detail in the respective policy dimensions sections below, key refugee policy developments at the national level in the period from July 2017 to 30 June 2020 include:

- The administrative instruction issued by the Central Bank of the Democratic Republic of the Congo in 1 February 2018, which confirmed recognition of the refugee ID to access financial services and allowed refugees to open bank accounts. UNHCR observed relative improvements in access to banking services for refugees notably in Kinshasa since the issuance of this administrative instruction. Some banks are however still reluctant to recognize and accept refugee ID cards. CNR continues advocating for the recognition of the refugee ID cards by all banks in the Democratic Republic of the Congo.
- The partnership between the Office of National Employment (ONEM) and UNHCR signed in September 2019, which enabled registration of job-seeking refugees in ONEM's employment-matching services database in the same manner as nationals.

The Government has also made significant policy pledges and commitments at the international level between July 2017 and 30 June 2020 which are yet to be implemented. During the UN Human Rights Council Universal Periodic Review (UPR) in May 2019, the Government committed to expedite finalization of the Action Plan to Combat Trafficking in Persons, to ratify and implement the 2014 Protocol to the 1930 ILO (International Labour Organization) Forced Labour Convention (which would reinforce the policy base for the protection of rights at work including for refugees), and to guarantee effective measures allowing access to free primary education for all children, including refugees.

The Government also committed at both the UPR in May 2019 and the [High Level Segment on Statelessness](#) in October 2019 to ratify the two conventions on statelessness and strengthen the civil registration system and issuance of national identity documents to all populations living in the Democratic Republic of the Congo, including refugees.

Finally, the Government committed at the Global Refugee Forum in December 2019 to: i) offer the 200,000 Rwandan refugees who have opted to remain in the Democratic Republic of the Congo after the termination of their status a residence permit valid for 10 years; ii) print 1,000 biometric travel documents by 2021 to contribute to the mobility of refugees and their admission to third countries; iii) focus on the development of refugee return areas and the reactivation of tripartite commissions with Congo, Rwanda, Burundi, Tanzania, Zambia and Uganda for the dignified and safe return of refugees wishing to repatriate; and iv) ratify the Kampala Convention on IDPs in 2020.

The Democratic Republic of the Congo became eligible for the IDA 18 Refugee Sub-Window (RSW) in November 2018.

## POLICY DIMENSIONS (AS AT 30 JUNE 2020)

### 1 Host Communities

#### 1.1 Support for communities in refugee-hosting areas

The 2011 Public Finance Law provides that provisional credits can be allocated to cover spending linked to unforeseen circumstances, including the reception of foreign persons, within the envelope allocated in the yearly budget or, if this is insufficient, through a request to the parliament as per Article 129 of the Constitution. The 2019 Public Expenditure and Financial Accountability report (PEFA) on the evaluation of efficiency in public finance management in the Democratic Republic of the Congo highlights that 10 of the 15 billion CFA (27.6 million USD) voted through in 2018 was disbursed for humanitarian and social actions. In addition, although Articles 218 to 222 of the 2011 Public Finance Law define the modalities for allocating national revenues to the provinces, little of the funds thus transferred in fact reached the provincial budgets. Furthermore, potential refugee inflows are not explicitly included in the national and subnational development plans and as such are not necessarily budgeted for.

In 2017, the Government adopted a comprehensive National Social Protection Policy to provide social protection to vulnerable nationals which includes qualified members from the host communities. An ensuing strategy and action plan were elaborated based on findings from analytical work, including (i) a social safety nets assessment; (ii) an institutional diagnostic of the Ministry of Social Affairs (MINAS); (iii) a review of targeting mechanisms; (iv) a feasibility study for delivery systems; and (v) a public expenditure review. However, in practice social protection is limited, including for host communities. The Democratic Republic of the Congo does not have yet a national social protection system to identify and register vulnerable people. In the absence of a national registry, safety net programmes remain fragmented. They cover just 2 per cent of the country's population, below the five percent average for Central Africa (World Bank 2018). The unit cost for delivering social safety nets is high due to limited physical and technological infrastructure, while access to vulnerable populations is constrained by insecurity and a lack of national delivery mechanisms. Total spending on social safety nets is low even by regional standards: only about 0.7 percent of GDP is invested in social safety nets, virtually all of which are funded by international organizations through emergency programmes (World Bank 2019).

#### 1.2 Social cohesion

Various national laws and policies exist that can be applied to identify, prevent and mitigate potential social tension and risks of violence in refugee-hosting areas. [Law No 021/2002 on the status of refugees \(hereafter referred to as the 2002 Refugee Law\)](#) sets out refugee rights but also obligations for refugees to be bound by the rule of law and public order. Other relevant laws and policies include the [Constitution](#) and the [Penal Code](#), which set out responsibilities for citizens to promote the rule of law, tolerance and mutual respect. Similarly, the [2018–2022 National Strategic Development Plan \(PNSD\)](#), which is yet to be implemented, sets out an inclusive approach to development and proposes a large number of social development, good governance and peacebuilding interventions that are relevant in terms of reducing social tensions and risks of violence. Although these policies do not directly refer to refugees and host communities, in conjunction with the [Refugee Law](#) and the [2018 Global Compact on Refugees](#), they also apply to these groups and can be implemented in refugee-hosting areas to the benefit both populations.

Nevertheless, implementation of policies relating to social cohesion is generally limited as relevant subnational institutions tend to receive little financing and have limited capacities. In practice, refugees are generally welcomed by the communities with which they interact and relations are amicable. However, suspicion of the unknown, caution over security risks, competition over resources and ethnic divisions do exist within both refugee and host communities and have an impact upon attitudes. Social tensions and the risk of violence in refugee-hosting areas are also intrinsically intertwined with the ongoing armed conflicts in the Democratic Republic of the Congo and violence between the various local communities (see also section 2.5 on Justice and Security). In this context, isolated cases of violence and harassment against refugees do occur, particularly against Rwandan refugees in the East and in Kasai, due to the



serious violence in the Democratic Republic of the Congo attributed to the Rwandese national armed forces.

As part of the local governance systems in the Democratic Republic of the Congo, informal and formal local mechanisms are in place that promote peaceful coexistence, dialogue, joint activities and citizen engagement. There are no policies specifying that the membership of such mechanisms should include both refugee and host community representatives, but this happens in practice in some refugee-hosting areas. In some instances, such mechanisms are supported by development and peacebuilding partners and the inclusion of refugees is promoted as part of this support. For instance, Decree No 13/041 of 16 September 2013 establishes local neighbourhood security committees (comités locaux pour la sécurité de proximité – CLSPs). These are supported by international development and peacebuilding partners in various locations. In 2020, collaboration was established between the authorities, supporting partners and UNHCR to include refugee representatives in the CLSPs of the refugee-hosting localities of Bahunde, Bwisha and Bwito.

Similarly, refugee leadership committees and sector-specific committees are established in the camps based on the refugee camp regulations issued by the National Commission for Refugees (Commission Nationale pour les Réfugiés, or CNR) and UNHCR in 2013. Among the sector-specific committees, there is one committee that deals with peaceful conflict resolution. This committee includes refugees and host community members as a matter of practice and is chaired by the local authority. In refugee-hosting areas outside the camps, there are loose refugee community-based governance structures that are not as well established and not policy-based. UNHCR and its implementing partners also support peaceful coexistence programmes that bring together refugees and host communities, but these programmes are generally not formally embedded into national policies and institutional frameworks.

National policies formally protect refugees from discrimination. The [Constitution](#) promotes non-discrimination between the four national languages, prohibits discrimination against women and stipulates that everyone on national territory has access to education without discrimination. The [2002 Refugee Law](#)—in conjunction with the [1951 Convention](#), the [1969 Organization of African Unity \(OAU\) Convention](#) and other international and regional instruments signed up to by the Democratic Republic of the Congo—protects refugees from discrimination based on race, religion, nationality, membership of a particular social group or political opinions, sex, age, disability, sexuality or other prohibited grounds of discrimination. In practice, discrimination may occur in some situations for both refugees and nationals, for instance in relation to ethnicity and/or nationality of origin.

### 1.3 Environmental management

Although there are no specific national policies to mitigate the potential negative environmental impacts of hosting refugees, relevant policies do exist that apply nationwide and can be implemented in refugee-hosting areas to the benefit of both host communities and refugees.

Law No 11/009 of 9 July 2011 on the environment aims to promote the sustainable management of natural resources and protect the environment. The law sets out the responsibilities of the State, the provinces and the decentralized territorial entities as regards waste management and the conservation and management of forest ecosystems. Law No 11/2002 of 29 August 2002 on forestry details the obligations incumbent upon any party causing deforestation to compensate for their actions through reforestation. Neither law has yet been implemented in refugee-hosting areas. The refugee inflow and associated population growth are causing particular environmental concerns in areas that are hosting South Sudanese refugees, including environmental damage in Garamba National Park.

Law No 15/026 of 31 December 2015 on water gives the government competence to define the nation's policy for the rational and sustainable management of water resources. In rural areas, the National Rural Water Service (SNHR) initiates projects for access to drinking water. In urban areas, multiple actors are managing access to water, including management committees, the Drinking Water Users Association, religious associations and companies. Despite these efforts, access to water is a serious problem in the



Democratic Republic of the Congo for refugees and host communities alike. Among the refugee-hosting areas, the situation is most dire in Nord Ubangi and Sud Ubangi where refugees from the Central African Republic are hosted where water points are lacking.

No relevant laws or policies were identified that could provide for access to sanitation in refugee-hosting areas.

## 1.4 Preparedness for refugee inflows

The Democratic Republic of the Congo does not have dedicated national preparedness policies in place to respond to increased or new refugee inflows in ways that minimize short- and medium-term socioeconomic impacts on hosting regions. That said, by granting refugees the right to access the territory, asylum and social, economic and cultural rights, the [2002 Refugee Law](#) provides crucial elements for such a framework. In terms of institutional mechanisms, the [2002 Refugee Law](#) and [Decree No 03/014 of 2003 on the organization and functioning of the CNR and the Appeals Commission \(hereafter referred to as Decree 03/014 on the CNR\)](#) charge CNR with responsibility for managing all inflows of asylum-seekers and refugees into the Democratic Republic of the Congo.

In practice, UNHCR and CNR draw up short-term contingency plans on an ad hoc basis when new refugee inflows are expected based on the situation in surrounding countries. These contingency plans are not embedded in national systems. They are commonly fully financed by humanitarian aid and implemented largely by UNHCR, international humanitarian partners and local NGOs. At subnational level, coordination meetings are held by humanitarian organizations to address specific refugee situations. In Kinshasa this happens on an ad hoc basis.

# 2 Regulatory Environment and Governance

## 2.1 Normative framework

The Democratic Republic of the Congo has been a State Party to the [1951 Convention Relating to the Status of Refugees](#) since 1965. No reservations have been made. It is also a State party to the [1967 Protocol relating to the Status of Refugees](#), the [1969 OAU Convention Governing Specific Aspects of Refugee Problems in Africa](#) and other relevant [international and regional instruments](#), and endorsed the Global Compact on Refugees. Refugee-related commitments in these instruments are implemented through the [2002 Refugee Law](#) in conjunction with the [Constitution](#), which explicitly reconfirms the right to asylum, and national laws and policies. The 2002 Refugee Law stipulates in an overarching article that the law complies with the 1951 and 1969 Refugee Conventions and is indeed in line with international and regional norms and standards. Nonetheless, some national laws and policies are not fully in line and would require harmonization, and there are significant shortcomings in the implementation of the refugee policy and institutional framework (see respective Policy Dimensions).

The [2002 Refugee Law](#) has not been broadly and effectively disseminated in the appropriate languages spoken by nationals of the Democratic Republic of the Congo and the refugee populations. UNHCR observations, self-assessments and surveys conducted among border authorities and law enforcement personnel reveal that there are gaps in their awareness of asylum procedures, non-refoulement principles and how to refer a person to the appropriate services. UNHCR also observes gaps in awareness among other State institutions, private sector entities, civil society and refugees themselves regarding applicable refugee policies.

The [2002 Refugee Law](#) and [Decree 03/014 on CNR](#) establish the framework for refugee status determination (RSD). The overall responsibility for RSD implementation is given to CNR and the Appeals Commission. The procedures as outlined, including those of the appeal process, are in line with international and regional standards, but there are shortcomings in their implementation.

Refugees who arrived from the Central African Republic between 2013 and 2017 received refugee status from CNR through a prima facie approach. All Central African Republic refugees arriving since then have had to go through a simplified interview procedures process conducted by CNR and the Appeals Commission. South Sudanese refugees are granted prima facie refugee status or group recognition. If there are any considerations that might exclude them from obtaining refugee status, they are referred to individual RSD procedures. All other nationalities go through individual RSD procedures.

Under Article 12 of the [2002 Refugee Law](#) and [Decree 03/014 on CNR](#), RSD should occur no later than six months after the date of the asylum application. In practice, although a simplified measure was put in place for prima facie cases, there is no equivalent for individual RSD cases. This further constrains the Government's capacity to process individual RSD procedures within the six-month time frame. Waiting times can amount to several years, resulting in a significant delay in providing asylum-seekers with the necessary documents. Reasons are not always provided for decisions to reject applications for refugee status, and the Appeals Commission has not met in years, which creates protracted asylum-seeker situations. Moreover, refugees are not always well informed about the appeal process, and mandatory attendance at this Kinshasa-based process is difficult for refugees living in the provinces.

## 2.2 Security of legal status

The [2002 Refugee Law](#) provides asylum-seekers with the right to stay in the country based on an asylum-seeker attestation that is provided by the Government upon application for asylum. The asylum-seeker attestation has the validity of a temporary residence permit and is valid for the duration of the RSD procedure. Once refugee status has been granted by CNR, whether through prima facie or individual RSD procedures, the law stipulates that refugees can stay in the country based on a refugee ID card that is valid for two years, renewable free of charge and has the same status as the residence permit provided to foreigners. In practice and depending on the hosting location, some refugees have a refugee ID card and others a refugee attestation. The renewal process for refugee ID cards and attestations is facilitated by UNHCR and the Ministry of the Interior as part of the refugee registration and verification exercises. Once regularized and implemented, the Government's pledge at the 2019 Global Refugee Forum to offer 200,000 Rwandan refugees a residence permit with a validity of 10 years following cessation of their refugee status, as well as to facilitate access to civil status documents for Rwandan children born in the Democratic Republic of the Congo and former Angolan refugees who have not returned home, is expected to improve legal security for these populations.

The [Constitution](#) and the [2002 Refugee Law](#) also grant refugees the right to seek asylum and clearly set out the principle of non-refoulement in line with international standards. The 2002 Refugee Law also sets out that in the event of a deportation order against a refugee, the refugee should be referred to the CNR and that if the order is maintained, UNHCR should be engaged. Additional protection is provided by Order No 1983-033 of 1983 on policing foreigners (hereafter referred to as [the Foreigners Law](#)), which stipulates that a deportation order shall not be made against a foreigner who holds a residence card or who is a refugee unless the National Immigration Commission has given its opinion. In practice, refoulement has generally not been a significant threat to any refugee population in the Democratic Republic of the Congo, and UNHCR observes that law enforcement authorities generally refer asylum-seekers or refugees with expired or no asylum application receipts or refugee IDs to CNR and do not expel or deport them. However, in December 2019, the National Army expelled 2,000 individuals to Rwanda without due process, alleging that they were active fighters or their dependents. Among this group were at least 550 women and children recognized by the CNR as refugees. This incident of expulsion occurred in the context of a military operation in North and South Kivu that was designed to put an end to the operations of various militia. There is no indication that similar imminent risks exist for refugees from the Central African Republic, Burundi or South Sudan.

## 2.3 Institutional framework for refugee management and coordination

The [Refugee Law and Decree 03/014 on CNR](#) provide the National Commission for refugees (CNR) with the institutional responsibility for refugee affairs under the overall authority of the Ministry of Interior (Mol).

These policies stipulate that CNR consists of one representative of each of the Ministries of Interior, Foreign Affairs, Defence, Justice, Human Rights, Social Affairs, Health, Labour and Social Security, as well as one representative of the Intelligence Agency, the National Police and the Directorate of Migration, one CNR Permanent Secretary and an observer seat for UNHCR, which may be consulted. CNR membership does not include representatives from the refugee, host or donor communities, nor are there any formalized connections with other coordination structures such as those linked to development planning.

The aforementioned legislation also stipulates that CNR is: chaired by the Ministry of Interior, which also provides its Secretariat; convenes at least once a month; has one or more subnational level structures; and that its operating costs should be included in the subsidiary State budget complemented where needed with international aid, donations and gifts. CNR responsibilities explicitly include collaboration and coordination with concerned Ministries in their respective areas of responsibility, including food, health, housing and education. There are no specific provisions or other policies that articulate how this collaboration and coordination should be operationalized among the various government entities. In practice, national and subnational CNR coordination meetings are ad hoc, and coordination processes are not well established. When CNR convenes, its focus is mostly on the adjudication of RSD decisions and less on the other refugee management responsibilities assigned to CNR. The full CNR budget, including operating costs relating to RSD, is financed by UNCHR.

Refugee leadership committees established in line with camp regulations serve, inter alia, to obtain refugee input and feedback on decisions taken by the Government (see also section 1.2 on social cohesion). The committees are functional in camp settings and meet with CNR, UNHCR and other national and international humanitarian organizations on a regular basis. The camp regulations set out that refugees are elected for one year and that the election takes place in line with international standards and with respect to gender and diversity considerations. This is also happening in practice.

Refugees have so far not been included in the national population census in the Democratic Republic of the Congo, which is also not regularly implemented (the most recent census dates back to 1984). First steps have been taken by some national entities to include refugees in administrative data collection systems at sectoral level. The Office National de l'Emploi (ONEM) for instance registers job-seeking refugees in its database in the same manner as nationals, based on a memorandum of understanding signed between ONEM and UNHCR in 2019. Similarly, initial steps have been taken to include refugees in national survey data. The Institut National de la Statistique (INS) has been conducting a socioeconomic household survey among refugees living in Kinshasa and Lubumbashi in 2019 and plans to conduct a similar survey among Burundians in South and Nord Kivu in 2021. This is a first step of sensitizing the INS to refugee statistics and integrating them into methodologies used for national statistics.

## 2.4 Access to civil registration and documentation

[The 2002 Refugee Law](#) provides that all registered asylum-seekers should be issued with an asylum-seeker attestation, and that all recognized refugees should be issued with a refugee ID card attesting to their identity and a travel document for the purpose of travel abroad. The law also stipulates that the Ministry of Interior is responsible for issuing the refugee ID cards.

In practice, although CNR leads the registration process on behalf of Ministry of Interior and signs off on asylum-seeker attestations and refugee ID cards, UNHCR provides significant support. CNR has taken on more responsibility for registration and is expected to take the lead in initial registration in 2021. Currently, 100 per cent of registered asylum-seekers are in possession of attestation documents and 16 per cent of all recognized refugees are in possession of refugee ID cards.

However, national and subnational authorities, law enforcement entities, and the private sector do not always effectively recognize asylum-seeker attestation or refugee ID cards.

[The 2002 Refugee Law](#) grants recognized refugees and their family members the right to obtain a birth, death, marriage or other civil status document under the same conditions as nationals. The [Family Code](#) as amended in 2016 details the relevant procedures and administrative requirements. Under this policy

framework, registration of vital events should take place within 30 days and is free of charge. Oral translations and copies of acts can be supplied free of charge if they are needed for administrative purposes. In practice, implementation of the policy and institutional framework for vital events registration is limited and as a result, both refugees and nationals lack access to civil documentation. In rural areas, there are no civil registrars or documentation services. As such, to a certain extent, refugees and host communities living in and around refugee camps in rural areas might have better access than nationals living in other rural parts of the Democratic Republic of the Congo, since UNHCR and humanitarian partners tend to facilitate such services in the camps for both population groups.

## 2.5 Justice and Security

There are no reliable datasets that compare levels of security, justice or gender-based violence (GBV) between refugees and nationals of the Democratic Republic of the Congo. However, based on UNHCR observations, the level of security, justice and GBV experienced by refugees is comparable to that enjoyed by nationals living in the same areas, albeit with some differences as set out below.

There are various applicable laws, policies and action plans in relation to refugee access to justice and security and the prevention and deterrence of GBV. The 2002 Refugee Law grants refugees the same rights to access to courts and tribunals as nationals, and grants asylum-seekers the right to free legal counsel and, at the asylum-seekers own expense, an interpreter to support them during the asylum process. The Constitution and the Penal Code grant all persons in the Democratic Republic of the Congo access to civil and criminal justice, regardless of their asylum-seeker or refugee status. This includes the right to free legal aid in criminal matters. They place a strong obligation on the State to protect physical security and eliminate and criminalize any violence, including sexual violence, committed against any person in the Democratic Republic of the Congo regardless of refugee status. Relevant policies and plans include the National Justice Reform Policy 2017–2026 (hereafter referred to as the Justice Reform Policy), the Five-year Police Reform Action Plan 2020–2024 (hereafter referred to as the Police Reform Plan), the 2009 National Strategy to Combat Gender-based Violence in the Democratic Republic of the Congo (hereafter referred to as the GBV Strategy), and sector-specific GBV action plans such as the Three-year Police Action Plan to Combat Sexual Violence in the Democratic Republic of the Congo 2018–2022. Although these policies and plans do not explicitly refer to refugees and host communities, they do also apply to them in conjunction with the 2002 Refugee Law, the Constitution and the Penal Code, and can be implemented in refugee-hosting areas to the benefit of both population groups.

Implementation of the policies and action plans relating to justice, security and GBV is, however, severely constrained, mostly because they are barely resourced. Implementation is also challenged by insecurity and the limited capacities and country coverage of the police, justice, health and psychosocial sectors. This is also recognized in the policies themselves; for instance, the Justice Reform Policy states that although the right of access to a court of law is recognized by positive law, its exercise cannot be guaranteed for the most deprived; it also states that legal aid is currently not granted systematically and without discrimination to litigants because it is mainly financed by the international partners in specific regions and for certain categories of vulnerable people. Traditional dispute resolution mechanisms are more easily accessible and can be accessed by refugees and host communities alike, especially in the refugee-hosting areas outside the camps.

In practice, with over 120 armed groups on the territory of the Democratic Republic of the Congo, insecurity, lack of access to justice and GBV are significant concerns for all people living in the country. In the eastern region, where most of the South Sudanese and Burundian refugees reside, there are protracted ongoing armed conflicts, including severe cases of GBV committed by both armed groups and national armed forces. Transitional justice is rarely applied and impunity is widespread, in particular by members of the security forces and armed groups (see also 2015 Peacebuilding and Reconstruction Polls: Eastern Democratic Republic of the Congo, Harvard, MONUSCO, UNDP). In North and South Kivu, where Rwandan refugees and Congolese Rwandophones have lived for decades, there has been significant insecurity and fighting over the past year. Refugees from the Central African Republic and host communities who live in the relatively peaceful north of the country are better protected from insecurity. However, GBV and

domestic violence in particular, as well as livelihood-related injustices, are still high among refugee and host communities alike.

There are some differences between refugee and host communities in terms of the security, justice and protection from GBV that they enjoy. In refugee camps, for example, refugees might enjoy more access to law enforcement and higher levels of security than nationals because police officers are assigned to secure the camps, while they are absent in most of the surrounding host communities. At the same time, refugees might be more vulnerable to suspicion related to membership of armed groups as well as abduction and other threats coming from their countries of origin as many camps are too close to borders to be safe. This is of particular concern at some South Sudanese and Burundian camps.

### 3 Economic Opportunities

#### 3.1 Freedom of movement

The [Refugee Law](#) allows refugees to move freely within the Democratic Republic of the Congo on the same basis as nationals, subject to administrative restrictions applicable to foreigners residing in the country. [The Foreigners Law](#) grants foreigners the right to reside and move freely but obliges them to produce documents and papers authorizing their stay on the request of any law enforcement officials. The Foreigners Law also stipulates that asylum-seekers must live in areas designated by the territorial administrative authority until refugee status has been granted. Additional policy restrictions exist for refugees in the form of the 2013 refugee camp regulations, which stipulate that refugees living in camps must obtain an exit permit when they move outside the camp. They also stipulate that this permit shall be issued free of charge by the camp administrator and that the refugee is in an irregular situation if their exit permit has expired.

In practice, these restrictions are not strictly adhered to. In some locations, refugees move freely in and out of camps without a permit, while in others permits are required. For instance, Burundian refugees living in Lusenda refugee camp can travel up to 20 km without a permit, and further afield with permission from CNR. Regardless of the possession of a permit or refugee ID card, Burundian refugees are also generally at a higher risk of GBV, harassment and extortion by law enforcement personnel when they move beyond the areas where they are best known.

#### 3.2 Right to work and rights at work

The 2002 Refugee Law grants recognized refugees the same treatment as nationals as regards their right to exercise a professional activity. This includes the right to open a business and register it in one's own name, worker protections and the right to practice a liberal profession in the case of refugees who hold diplomas recognized by the competent authorities. Employers usually consider refugees as they would do with normal foreigners and apply the normal administrative restrictions applicable to all other foreigners. However, in practice, refugees face serious difficulties in being recruited for paid employment.

Law No 015/2002 of 16 October 2002 implementing the Labour Code (hereafter referred to as the Labour Code) sets out the legal framework for the right to work and rights at work in the Democratic Republic of the Congo. The Code applies to all workers and employers in the public and private sector, as well as to small and medium-sized enterprises and small and medium-sized industries in the informal sector and to social, cultural, community and philanthropic organizations using paid workers. As per the Labour Code, foreigners can only exercise their right to work if they are in possession of a work permit provided by the Commission Nationale de l'Emploi des Etrangers for a fee. This fee and the procedural and administrative requirements for obtaining the work permit are further detailed in [Interministerial Order 032 of 10 March 1994 establishing the work permit fee for foreigners](#) and the Budget and Instruction 056/93 of 10 November 1993 on the processing of foreigner work permit application files. Ministerial Order No 121/CAB.MIN/TPS/112/2005 of 2005 sets maximum permitted percentages for foreign workers in enterprises, which is an additional restriction on foreigners' access to work.

However, the Democratic Republic of the Congo has established a strong legal practice whereby it does



not apply the foreigner requirements to refugees and truly treats them as per the laws applicable to nationals. That said, the Labour Code does not give national women the ability to work in the same kind of jobs as men. The Code stipulates that a doctor should verify that work for which women are responsible does not exceed their strength and that if a job is found to be beyond a woman's strength, then she should be given a different assignment (the same applies in the case of children and persons with disabilities). If reallocation is not possible, the contract must be terminated. These restrictions also apply to refugee women.

In practice, high levels of unemployment in the Democratic Republic of the Congo make access to formal and informal employment difficult for refugees and host communities alike. The situation is particularly dire for refugees living in Kinshasa and Lubumbashi. In rural areas, most refugees are farmers and either work for members of the host community or, less frequently, have access to arable lands generously made available by local authorities. While verifiable data is not available, UNHCR estimates that less than 1 per cent of the refugee population is formally employed. Some employers are hesitant to hire refugees formally because of work inspectors who do not recognize refugees' right to work. However, once refugees are registered in the ONEM database for employment matching services, they receive the official job-seekers card (*carte de demandeur d'emploi*) issued by ONEM, in the same way as nationals. This might help to assuage employers' fears.

In 2012, the Government of the Democratic Republic of the Congo created a one-stop shop (*Guichet Unique*) to facilitate the procedure for legally registering and opening a business for nationals and other entitled persons. This procedure takes three days, and no additional administrative restrictions or barriers for refugees are identified in the relevant regulations (Decree No 12/045 of 1 November 2012 on the creation, organization and operation of the one-stop shop for business creation; 035/CAB/MIN/J&DH/2013 of 4 March 2013 on the manual of procedures for the one-stop shop for business creation). In practice, although reliable statistics are not available, UNHCR is not aware of any refugees having used the one-stop shop to register businesses.

In November 2017, UNHCR organized a workshop on refugee employment in Kinshasa in partnership with the Ministry of Labour, Employment and Social Welfare. The objective of this workshop was to inform the participants about refugees' right to work and to provide a framework for reflection, debate and analysis regarding the problems of access to employment for refugees, in order to identify clear actions in terms of alternative ways of promoting refugees' access to decent jobs and work-related documents. At the end of this workshop, it was noted that procedures needed to be adopted for application of the Labour Code and the [2002 Refugee Law](#), in order to improve the inclusion of refugees in the labour market, which has not been the case during the period under review.

The Labour Code prohibits child labour and stipulates that under equal conditions of work, professional qualifications and performance, wages must be equal for all workers, regardless of their origin, sex and age. In practice, most refugees accept work for less money than would be paid for a national and child labour does exist, particularly in relation to mining work and the mineral supply chain.

To date, no data has been made available regarding any restrictions, in policy or practice, on the right of refugees holding diplomas recognized by the competent authorities to practise a liberal profession.

### 3.3 Land, housing and property rights

As per the [Constitution](#), the state owns all land in the Democratic Republic of the Congo. The government has the authority to grant concessions on land and other resources. Permanent concessions can only be granted to nationals. Foreigners can obtain ordinary concessions, which are granted for a renewable period of 25 years (Constitution and Law 73-021 of 20 July 1973, as amended by Law No 80-008 of 18 July 1980, hereafter referred to as the land and property law). The 2002 Refugee Law does not explicitly grant refugees the right to land, nor does the 1951 Convention regulate their right to land. While the 2002 Refugee Law contains a general clause that does grant refugees the same social, cultural and economic rights as nationals, it does not explicitly mention the right to land and consequently does not clarify whether or not refugees can obtain permanent land concessions.

In practice, access to agricultural land for the 25 per cent of refugees who live in the camps is negotiated by CNR with local authorities. In the areas hosting refugees from South Sudan and the Central African Republic, as well as in some areas hosting Burundian refugees, land is available for refugee-host farming collectives. Even around Lusenda, where land is scarcer and refugees more numerous, Burundian refugees have partnered with their neighbours to improve farming yields. There is insufficient land to support independent livelihoods, but kitchen gardens supplement rations.

The 2002 Refugee Law, in conjunction with the 1951 Convention, grants refugees the right to purchase, lease or use housing and immovable property in accordance with the most favourable treatment granted to foreigners. There are no public/social housing programmes in the Democratic Republic of the Congo.

### 3.4 Financial and administrative services

Refugees can open bank accounts and access traditional financial services based on an administrative regulation issued by the Central Bank in 2018 that allows refugees to access these services on the basis of their refugee ID cards. Refugees have not reported any challenges relating to recognition of the refugee ID card by commercial banks. However, refugees living in rural areas are isolated from financial services and in practice only a few refugees access them. The majority of the population of the Democratic Republic of the Congo is also financially excluded, as only 2.3 million adults (12 per cent of the adult population) have a bank account (Making Access Possible: Report on the Diagnosis of Financial Inclusion, 2016).

Although there is no policy basis on the subject, in practice, refugee ID cards are also recognized as legal proof of identity for registering SIM cards and opening mobile money accounts, as are national ID cards, passports and voter cards from refugees' home countries. Refugees have not reported any challenges relating to recognition of the refugee ID card by mobile phone providers and do exercise these rights in practice ([UNHCR, Displaced and Disconnected](#)).

By presenting the required documents including their refugee ID cards, refugees can obtain key administrative documents or certification recognizing foreign academic and vocational qualifications and driving licences as well as vocational skills and other professional training. However, there are some additional requirements, such as fees, that can be difficult to meet for refugees and nationals alike. As such, in practice, few refugees and nationals routinely avail themselves of these rights.

## 4 Access to National Public Services

### 4.1 Education

The 2002 Refugee Law, in conjunction with the 1951 Convention, the Constitution and the [2014 Education Law](#), accords recognized refugees the right to enrol in primary, secondary and tertiary schools under the same conditions as nationals. Under the Constitution and the 2014 Education Law, primary education is free for all children in the Democratic Republic of the Congo. The national legal and policy framework provides for specialized education services as per Framework Law No 14/004 of 11 February 2014 on national education. The [2016–2025 National Education Development Plan](#) exists to operationalize these rights but lacks financing and its implementation is limited.

In practice, most national and refugee children do not have access to quality education. Almost all schools, including primary, within the national system require one or several co-payments, although there is no legal basis, including for teacher salaries, courses, books, school inspections by the provincial ministry, exams and infrastructure. School infrastructure and supervision are poor. During the reporting period, UNHCR built and financed some schools in hosting areas through collaboration with specialist NGOs and the provincial ministries and in accordance with the National Development Plan. However, the refugee populations are so spread out that many fall into other areas where no additional schools have been built. While refugee children are welcomed despite poor conditions and overcrowding, the presence of additional pupils does not of course improve the quality of education received in already overcrowded classrooms. As a result, the dropout rate is high, such that most school-aged children be they nationals or



refugees do not attend any school. During the UN Human Rights Council's Universal Periodic Review, the Government supported a recommendation made to guarantee effective measures allowing access to free primary education for all children, including children with disabilities, those living in rural areas and migrant children.

## 4.2 Healthcare

The 2002 Refugee Law grants recognized refugees the same treatment as nationals as regards the right to health, and the [2008 health law](#) provides nationals, and thus refugees, with access to reproductive and sexual health services and financial protection to ensure access to health care. [The 2019–2020 National Health Development Plan](#) exists to operationalize these rights but lacks financing and its implementation is limited. In practice, most national and refugee children do not have access to quality health care provided by the publicly financed health-care system, which is of poor quality and almost non-existent in rural areas. No national public health insurance system or similar financial protection mechanism has yet been established. UNHCR and its partners procure medicines and medical inputs to support local health centres and hospitals and provide other health services in refugee-hosting areas. However, this support is not sufficient to cover all the needs of refugee and host communities and is unsustainable.

## 4.3 Social protection

The 2002 Refugee Law grants recognized refugees the same treatment as nationals as regards the right to social assistance. The 2017 National Social Protection Policy and Strategy exist to operationalize these rights and provide social protection to vulnerable nationals but lack financing and their implementation is limited (see also section 1.1). In practice, vulnerable refugees might actually have greater access to social protection than nationals because they receive more support from humanitarian organizations.

A Social Protection Donor Group, co-led by the World Bank and UNICEF, is part of the international development aid architecture in the Democratic Republic of the Congo. This group could provide a platform for dialogue between the government and international partners with a view to gradually aligning aid, social protection systems and support for refugees and host community members with specific needs. However, the group is currently dormant.

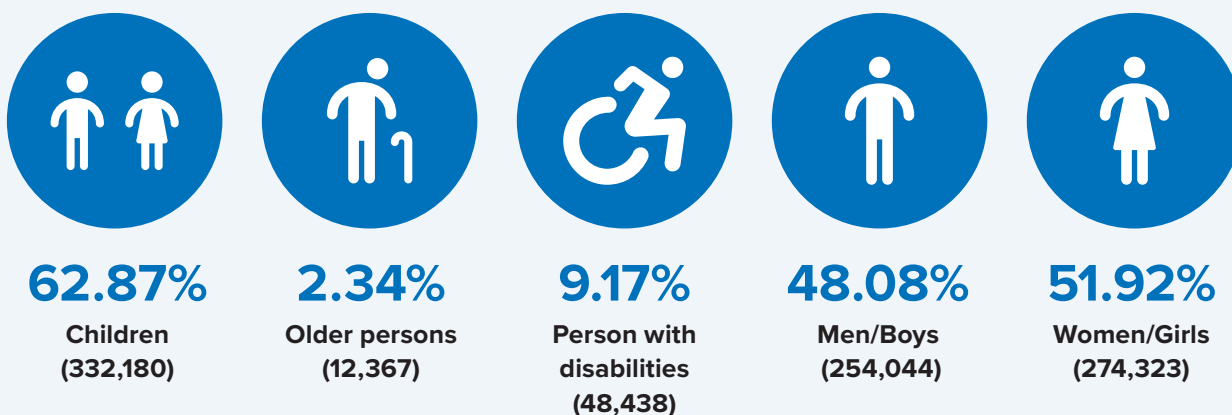
## 4.4 Protection for vulnerable groups

The [2009 Law on the protection of children](#) includes a specific provision on refugee children, which stipulates that refugee children and children seeking refugee status, whether or not accompanied by their parents, close relatives or any other person, have the right to protection, care and humanitarian assistance and that the State will ensure exercise of their rights. Implementation is limited in practice, due to a lack of resources and capacities and the limited presence of relevant institutions. Policies are also in place for the protection of national children, including unaccompanied and separated children and survivors of gender-based violence. The 2002 Refugee Law, in conjunction with the 1951 Convention, the Constitution and relevant international instruments, applies these protections to refugees in the same situation. See section 2.5 for GBV-related policies and implementation challenges.

The Democratic Republic of the Congo currently has no national framework on trafficking in persons. However, at the 2019 UN Human Rights Council's Universal Periodic Review, the Government supported recommendations to expedite finalization of the Action Plan to Combat Trafficking in Persons and provide for its immediate implementation.

## 5 Cross Sectors

**Characteristics of registered refugees and asylum-seekers in total refugee population\***  
as at 30 June 2020



### 5.1 Gender

There are differences or restrictions in terms of policies and/or their implementation related to gender in the majority of policy sub-dimensions. The most consequential ones in terms of socioeconomic development for refugees and host communities are as follows:

- i. **Land, housing and property rights**, because of more difficult access to land rights for women and girls, mainly due to traditional and customary practices;
- ii. **Social cohesion**, because of the lack of women's participation and empowerment in both host and refugee communities and community based governance structures;
- iii. **Right to work**, related to discriminatory provisions regarding women's right to work;
- iv. **Access to civil documentation and registration**, because of the implementation of legal reforms initiated in the Family Code;
- v. **Justice and security**, because of weak access to justice for women and girls and impunity for perpetrators of GBV.

### 5.2 Social inclusion

The most consequential differences or restrictions applying to refugees with particular characteristics in terms of socioeconomic development are as follows:

- i. **Social cohesion**, because of existing biases held against nationals from Rwanda.
- ii. **Civil registration and documentation**, because of delays and administrative hurdles in issuing documentation and legal identity that create risks of statelessness for refugees and other populations;
- iii. **Security of legal status**, because of suspicions related to memberships of armed groups;
- iv. **Justice and security**, because of high levels of GBV affecting women, girls and boys.

\* The refugee numbers reported here do not fully match the numbers on the front page because demographic characteristics are not available for all refugees (e.g., pre-registered refugees, etc.).

## Annex on Key International and Regional Instruments ratified or adhered to

- [Additional Protocol to the Geneva Conventions of 12 August 1949 \(Protocol I\)](#)
- [Additional Protocol to the Geneva Conventions of 12 August 1949 \(Protocol II\)](#)
- [African Charter on Human and Peoples' Rights, 1981](#)
- [African Charter on the Rights and Welfare of the Child 1990](#)
- [Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984](#)
- [Convention Governing Specific Aspects of Refugee Problems in Africa \(the OAU Convention\), 1969](#)
- [Convention on the Elimination of All Forms of Discrimination Against Women, 1979](#)
- [Convention on the Rights of Persons with Disabilities, 2007](#)
- [Convention on the Rights of the Child, 1989](#)
- [Convention relating to the Status of Refugees 1951](#) (Ratification date: 19 Jul 1965)
- [Fourth Geneva Convention relative to the Protection of Civilian Persons of 1949](#)
- [ILO Abolition of Forced Labour Convention, 1957 \(No 105\)](#)
- [ILO Discrimination \(Employment and Occupation\) Convention, 1958 \(No 111\)](#)
- [ILO Equal Remuneration Convention, 1951 \(No 100\)](#)
- [ILO Forced Labour Convention, 1930 \(No 29\)](#)
- [ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 \(No 87\)](#)
- [ILO Labour Inspection Convention, 1947 \(No 81\)](#)
- [ILO Minimum Age Convention, 1973 \(No 138\)](#)
- [ILO Right to Organise and Collective Bargaining Convention, 1949 \(No 98\)](#)
- [ILO Social Security \(Minimum Standards\) Convention \(the ILO Social Security Convention\), 1952<sup>1</sup>](#)
- [ILO Tripartite Consultation \(International Labour Standards\) Convention, 1976 \(No 144\), 1976](#)
- [ILO Worst Forms of Child Labour Convention, 1999 \(No 182\)](#)
- [International Convention for the Protection of all Persons from Enforced Disappearance, 2006](#)
- [International Convention on the Elimination of All Forms of Racial Discrimination, 1965](#)
- [International Covenant on Civil and Political Rights \(ICCPR\), 1966](#)
- [International Covenant on Economic, Social and Cultural Rights, 1966](#)
- [Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Organized Crime \(2000\)](#)
- [Protocol relating to the status of refugees, 1967](#)
- [Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, 2003](#)

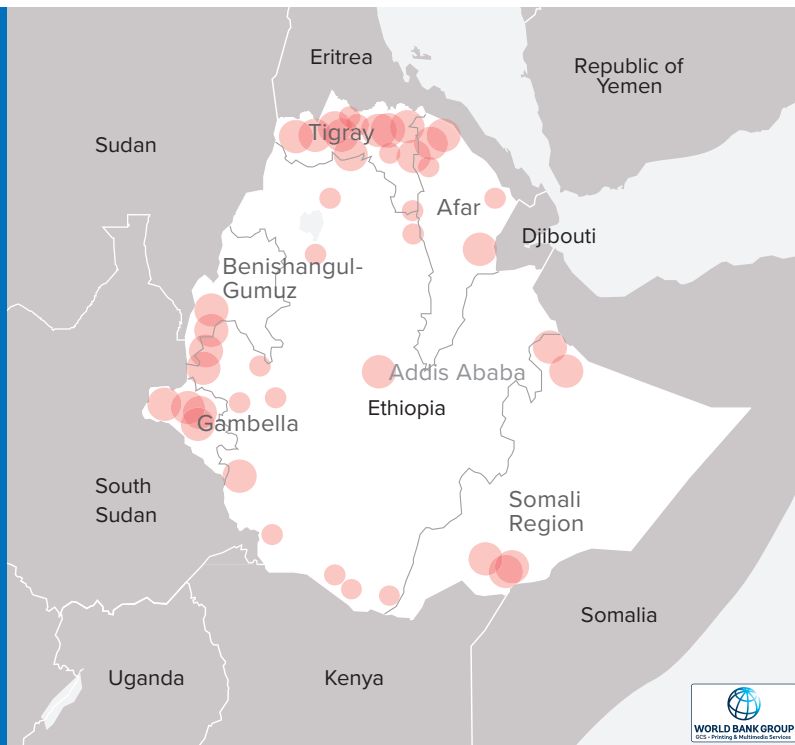
### Reservations/declarations:

1 Part I (general provisions); Part IV (unemployment benefits); Part XI (standards to be complied with by periodical payments); Part XII (equality of treatment of non-national residents); Part XIII (common provisions); Part XIV (miscellaneous provisions); Part XV (final provisions).

## ETHIOPIA

Ethiopia is the third largest refugee-hosting country in Africa, providing protection to 772,599 refugees and asylum-seekers from 26 countries as at 30 June 2020. While Ethiopia has a fast-growing economy, it remains a low-income country and is ranked 173 out of the 189 countries on the Human Development Index of 2019. It is also challenged by conflict and fragility as, inter alia, the presence of 1,746,138 internally displaced persons shows.

Despite these challenges, it has traditionally maintained a generous open-door policy for refugee inflows. Most of the refugees are from South Sudan, Somalia, Eritrea and Sudan, reflecting the long-ongoing fragility and conflict in the region.



Most refugees live in or close to one of 26 camps in five regions, adjacent to Ethiopian host communities, located near the international borders of their countries of origin. The Government of Ethiopia has classified four out of five of these regions as 'emerging regions' in need of greater development assistance than other parts of the country. Some 70,954 refugees live in unplanned settlements or in rental arrangements in Addis Ababa or in small urban and rural contexts elsewhere. Most of these refugees have 'out-of-camp' permits from the Government to allow them formally to live outside the camps.

### KEY POPULATION DATA

**770,755**  
Refugees

**1,844**  
Asylum-seekers

**0.69%**  
of the country's population (112,078,730)  
are refugees and asylum-seekers

IDA 18 RSW / IDA 19 WHR ELIGIBILITY:  
SEPTEMBER 2017

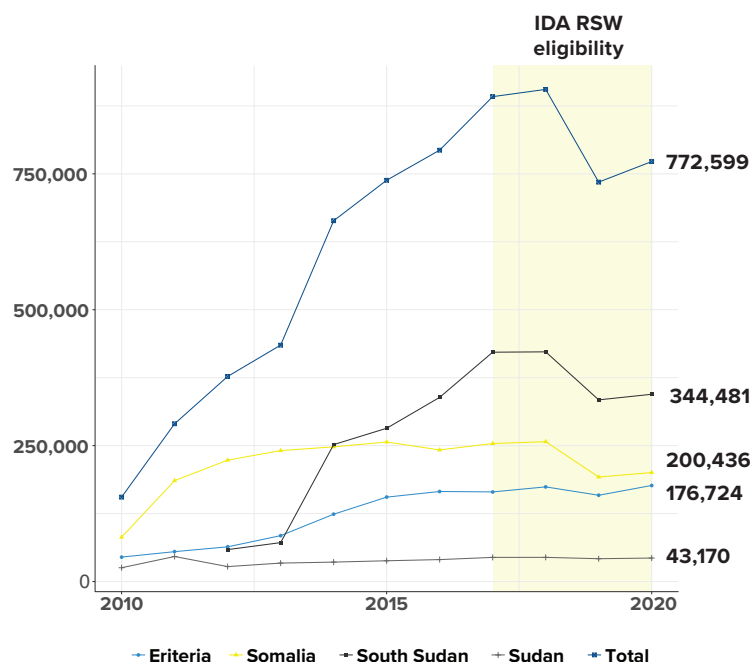


Figure 1: Number of refugees and asylum-seekers of the largest refugee population groups

## OVERVIEW OF REFUGEE POLICY ENVIRONMENT (JULY 2017–JUNE 2020)

Ethiopia has traditionally pursued policies through which it provides asylum-seekers and refugees with access to its territory, asylum, safety, and services provided by the Administration for Refugee and Returnee Affairs (ARRA), UNHCR and international humanitarian partners. Ethiopia has also pursued an encampment policy for most of the refugee populations with restrictions on movement, access to public services and economic inclusion. Between 2017 and 2020, many of these restrictions were lifted with the adoption of a range of policies and administrative instruments, but some restrictions were subsequently reimposed by subsidiary legislation. A listing of relevant policy measures, the most significant of which is the [Refugees Proclamation No 1110/2019 of 27 February 2019](#) (the Refugees Proclamation), from 2017–2020 includes:

- The release of a [Roadmap for Ethiopia's Comprehensive Refugee Response Framework \(CRRF\) in August 2017](#) setting out how the Government of Ethiopia would implement pledges for more progressive refugee policies announced at the 2016 Leaders' Summit on Refugees.
- The adoption of [Proclamation No 1097/2018 to Define the Powers and Duties of the Executive Organs of the Federal Democratic Republic of Ethiopia](#) (Proclamation No 1097/2018) in October 2018, which restructures ARRA from an Administration within the National Intelligence and Security Services (NISS) into an Agency under the newly created Ministry of Peace.
- The adoption of [Refugees Proclamation No 1110/2019](#) (Refugees Proclamation) by the Council of Ministers on 27 February 2019, thereby demonstrating the new Government's commitment to more progressive refugee policies.
- The adoption in September 2019 of [Directive No 01/2019 to Determine the Conditions for Movement and Residence of Refugees Outside of Camps](#) (the Directive on Freedom of Movement) and [Directive No 02/2019 to Determine the Procedures for Refugees Right to Work](#) (the Directive on Refugees Right to Work).
- [The finalization of the National Comprehensive Refugee Response Strategy \(NCRRS\) in September 2019, which has so far not been adopted by the Council of Ministers.](#)
- The adoption of [Directive No 03/2019 to Handle Grievances from Refugees and Returnees](#) (the Directive on Refugee Grievances) in December 2019.
- The adoption of Proclamation No 1113/2019, [the Organizations of Civil Societies Proclamation](#). While not directly linked to refugee management, this Proclamation lifted several policy limitations that had prevented local civil society organizations from working to promote conflict resolution, justice and law enforcement services that are crucial for refugee protection at the sub-national level.

Internationally, the Government continued to play its role as a global leader in refugee affairs and co-hosted the 2019 Global Refugee Forum in Geneva. There, the Government made additional policy pledges to (i) create up to 90,000 socioeconomic opportunities through agricultural and livestock value chains that benefit both refugees and host communities; (ii) provide skills training to 20,000 hosts and refugees, (iii) provide energy solutions for three million people and to strengthen the Government's asylum and social protection capacity. These pledges build on and reinforce nine policy pledges that the Government made before at the Leaders' Summit in September 2016. All policy pledges are envisioned to be taken forward within the overall framework and thematic focus areas of the [2017 CRRF Roadmap](#).

## POLICY DIMENSIONS (AS AT 30 JUNE 2020)

### 1 Host Communities

#### 1.1 Support for communities in refugee-hosting areas

National fiscal/budget policies and mechanisms can be applied to provide for timely additional financial transfers at national level to areas that are economically affected by the presence of refugees. The Government's [Development Response to Displacement Impacts Project \(DRDIP\)](#) financed by the World Bank is one example of a programme that uses the national budget/expenditure and planning mechanism to provide additional financial support for policy priorities in such areas. The implementation of policies and devolved planning processes is limited due to a lack of technical assistance and financial resources for sub-national government institutions.

The 2016 National Social Protection Policy (NSPP) provides social safety nets for all Ethiopians, including host communities. Two main social safety net programmes exist: The rural Productive Safety Net Programme (PSNP) and the Urban Productive Safety Net Project (UPSNP). The PSNP targets 8 million Ethiopians respectively, based on eligibility criteria relating to food insecurity and vulnerability. Two refugee-hosting regions (Benishangul-Gumuz and Gambella) do not meet the PSNP eligibility criteria, while some of the refugee-hosting regions in which the PSNP is implemented lack data to identify target populations. The UPSNP targets 600,000 low-income Ethiopians living in designated cities. Members of refugee-hosting communities do not effectively benefit from this program since the designated cities do not host significant numbers of refugees.

#### 1.2 Social cohesion

National policies can be applied to identify, prevent, and mitigate potential social tension and risks of violence in refugee-hosting areas (e.g. the [2004 Criminal Code](#), the [2016–2020 National Human Rights Action Plan](#), or the two 2016 training manuals on conflict resolution and peacebuilding for district officials issued by the Ministry of Pastoral Affairs, now integrated into the Ministry of Peace). Although these laws and policies do not directly refer to refugees and host communities, in conjunction with the [Refugees Proclamation](#) and the [2018 Global Compact on Refugees](#), they nevertheless apply also to these population groups and can be implemented in refugee-hosting areas to the benefit of both.

Implementation of policies relating to social cohesion is generally limited, as related institutions tend to receive little financing and have limited capacities. In practice, there is a high level of interaction between refugees and host communities in the Tigray, Afar and Somali regions and some interaction in Addis Ababa and the Gambella and Benishangul-Gumuz regions. Except for Gambella, refugees and hosts largely enjoy amicable relations, even though they may sometimes perceive each other negatively and tensions do exist between them. Neither refugees nor hosts are a monolithic category. In many refugee-hosting areas, tension between different groups of “hosts” and “refugees”, divided by factors such as ethnicity, clan, class or perceived wealth, are at least as significant a concern as conflict between refugees and hosts (see also: [Impact of Refugees on Hosting Communities in Ethiopia: A Social Analysis, 2020](#), hereafter referred to as [Social Analysis 2020](#)).

As part of Ethiopia's local governance systems, informal and formal local mechanisms exist that promote peaceful coexistence, dialogue, joint activities or citizen engagement. A small number of these include refugees, such as the district level peace committees in Melkadida, Gambella and Somali regions and a number of customary dispute resolution mechanisms.

ARRA has established community-based governance structures in all the refugee camps and in Addis Ababa (see also section 2.3). These do not tend to include host community members from the outset, but they generally connect with similar structures in the host community to resolve issues and promote social cohesion. ARRA is drafting guidelines for the establishment of dedicated ‘Neighbourhood Relations Committees’ (NRCs) for refugee and host communities as part of the [EOP](#).



National policies formally protect refugees from discrimination. The [1995 Constitution](#) affirms the equality of all persons before the law and their entitlement to the protection of the law without any discrimination. The [Refugees Proclamation](#) also states that it shall be applied without discrimination. In practice, discrimination may occur in some situations, for instance in relation to gender, nationality, ethnicity and diverse sexual orientation and gender identities (see also: [2020 Social Analysis](#) and [Justice Needs and Satisfaction Survey, February 2020](#), hereafter referred to as the [2020 JNS Survey](#)).

### 1.3 Environmental management

National policies exist that can be applied to mitigate the environmental impact of hosting refugees, for instance, the E-Waste Management Policy (2019), the [Forest Development, Conservation and Utilization Proclamation \(No 1065/2018\)](#), the [National Energy Policy \(2013\)](#), the [Solid Waste Management Proclamation \(No 513/2007\)](#) and the [National Environmental Policy \(1997\)](#). Although these policies and laws do not directly refer to refugees and/or host communities, in conjunction with the [Refugees Proclamation](#) and the [2018 Global Compact on Refugees](#), they nevertheless also apply to them and can be implemented in refugee-hosting areas to the benefit of both.

In practice, implementation challenges exist for all of the above-mentioned policies. For instance, while there are waste segregation and disposal processes in place in refugee-hosting areas, they are not effectively implemented in practice. As for energy, 56 per cent of refugee households have access to lighting but only 17 per cent are provided with alternative domestic fuel. The use of wood fuel poses significant challenges to environmental protection objectives. Water and sanitation policies have, since 2013, mostly been implemented through the Government's [ONE WASH National Programme](#). The Programme covers the entire country, including refugee-hosting areas, but not the refugee camps, although in some cases refugees have access to the national water supply with international support.

### 1.4 Preparedness for refugee inflows

The [Refugees Proclamation](#) and Ethiopia's [2017 CRRF Roadmap](#) provide elements for a national preparedness framework, including an institutional mechanism to respond to increased or new refugee inflows in ways that minimize short- and medium-term socioeconomic impacts. Further elements are provided by the draft [NCRRS](#). Nonetheless, the current (draft) policies do not comprehensively provide for such a framework.

In practice, responses to increased or new refugee inflows are guided by annual Refugee Response Plans (RRPs) that are developed, coordinated, and implemented through a Refugee Coordination Group (RCG) co-chaired by UNHCR and ARRA and involving mostly international humanitarian partners. The RRP are implemented and the RCGs are functional; however, the latter have no national policy base and are not integrated into national institutional structures, while the former, due to their one-year cycles, are hardly suited for preparedness and response approaches that minimize the medium-term socioeconomic impact on hosting regions.

## 2 Regulatory Environment and Governance

### 2.1 Normative framework

Ethiopia has been a State Party to the [1951 Convention Relating to the Status of Refugees](#) since 1969. A few reservations have been made, including on the right to work and education. Ethiopia is also a State Party to the [1967 Protocol Relating to the Status of Refugees](#), the [1969 OAU Convention Governing Specific Aspects of Refugee Problems in Africa](#) and other relevant [international and regional instruments](#). Ethiopia endorsed the Global Compact on Refugees. Refugee-related commitments in these instruments are implemented through the [Refugees Proclamation](#), the [Directive on refugee freedom of movement](#), the [Directive on refugees' right to work](#) and the [Directive on refugee grievances](#), as well as the [2017 CRRF Roadmap](#) in conjunction with the national policy framework. Although the Refugees Proclamation retains



the overarching article stating that refugees are entitled to all of the rights and obligations stipulated in the 1951 and 1969 Refugee Conventions, certain of these are not yet fully in line with international and regional norms and standards, notably the right to lease or use land, the right to work, the rights of children and the right to freedom of movement (See respective Policy Sub-Dimensions). However, the Refugees Proclamation exceeds these standards in relation to the right to acquire and transfer property and is in line with internationally recognized norms and standards for all other rights and obligations of refugees, including the right to education. It thus represents a retraction of the reservations Ethiopia expressed regarding the 1951 Refugee Convention. The right to work also goes beyond the country's initial reservations.

For most of the rights set out in the Refugees Proclamation, implementation has not started or has been delayed due to the absence of further regulations. The latter are still required, in order to provide additional guidance on the meaning and scope of the rights granted, to harmonize relevant national and sub-national laws and policies and to clarify the roles and responsibilities of government agencies in their implementation.

While the [Refugees Proclamation](#) has been published and disseminated in relevant languages, the three implementing directives have not. UNHCR observes gaps in the awareness of refugees and authorities, including immigration, border management, law enforcement officials, the judiciary and labour and investment related institutions, regarding applicable refugee policies and procedures.

The [Refugees Proclamation](#) includes the framework for refugee status determination (RSD), and gives ARRA responsibility for its implementation. The procedures as outlined, including those of the appeal process, are in line with international and regional standards. At the [2019 Global Refugee Forum](#), ARRA made a policy commitment to strengthen its national asylum system, including RSD. Implementation of this pledge has not yet started.

Some population groups are granted refugee status by ARRA through a prima facie approach. This covers South Sudanese, Sudanese from Blue Nile State and South Kordofan, Somalis from South Central Somalia, as well as Yemeni nationals arriving in Ethiopia after 1 January 2015. Eritrean nationals previously covered by a prima facie approach face new circumstances from January 2020 when the Government announced a change to the previously applied asylum policy. The details of revised procedures for Eritreans have yet to be officially communicated to UNHCR but initial observation suggests that an unknown number of Eritreans, including unaccompanied and separated children and female headed households, appear to have been denied access to asylum procedures and documentation.

All other nationalities go through individual RSD procedures. In the absence of a functioning government system for individual RSD, these procedures are currently implemented by UNHCR on behalf of the Government of Ethiopia. Final decisions on UNHCR recommendations are endorsed by ARRA. Asylum-seekers awaiting a decision on their claim largely enjoy the same rights as recognized refugees during the waiting period. The Appeal Hearing Council is not functional. Since April 2020, registration and RSD have been suspended for new asylum-seekers as part of the Government's measures to curb the spread of COVID-19.

## 2.2 Security of legal status

The Refugees Proclamation provides asylum-seekers with the right to stay in the country for the duration of the RSD procedure. There are no policy limitations such as time limits or renewal/extension requirements. Similarly, once refugee status is granted by ARRA, whether through prima facie or individual RSD procedures, no such policy limitations exist. There are also no reports on limitations in practice.

The Refugees Proclamation also provides for the right to seek asylum and the principle of non-refoulement in line with international standards. From 2019 to 30 June 2020, there have been no known cases of unlawful termination of refugee status by way of cancellation, revocation or cessation; no cases whereby recognized refugees have been expelled on grounds of national security or public order; and no reported cases of refoulement. However, border monitoring was reduced due to the COVID-19 pandemic. COVID-

related measures to close borders and suspend registration, as well as the change in asylum procedure for Eritrean asylum-seekers, could however have important consequences for access to asylum.

### 2.3 Institutional framework for refugee management and coordination

The institutional framework for refugee management is provided for by the [2017 CRRF Roadmap](#), [Proclamation No 1097/2018](#) and [Refugees Proclamation No 1110/2019](#). At the [2019 Global Refugee Forum](#), the Government of Ethiopia made policy commitments to further improve the institutional framework at national and sub-national level. If adopted, the draft [NCRRS](#) would further complement the policy base.

[Proclamation No 1097/2018](#) tasks the Council of Ministers with issuing regulations determining the duties and powers of ARRA. These regulations have so far not been adopted. The Refugees Proclamation mandates ARRA to issue detailed Directives to implement the Proclamation. Some provisions also provide ARRA with specific powers and duties (e.g. RSD), while other provisions remain silent on ARRA's or other institutions' institutional responsibilities (e.g. right to education).

There are no provisions on broader coordination responsibilities for refugee management in Proclamation No 1097/2018 or Refugees Proclamation No 1110/2019. However, the 2017 CRRF Roadmap for the implementation of nine (9) 'pledges' made by the Government of Ethiopia in 2016, and the draft NCRRS, set out a national institutional framework that involves sectoral ministries and donors. The Roadmap defined an intergovernmental, multi-partner Steering Committee (SC) under the leadership of the Office of the Prime Minister, co-chaired by ARRA, the Ministry of Finance and UNHCR. The SC was supported by a National Coordination Office (NCO) providing secretariat and technical services, which by mid-2018 included support from two United Nations agencies (UNDP and UNICEF) and with a development adviser position under discussion for a donor contribution. The 2017 CRRF Roadmap is not specific on a structure to coordinate between national and sub-national levels of Government, but the draft NCRRS, and related Regional Action Plans, will theoretically provide for this.

The SC and NCO were highly functional and supported by a broad range of partners and ministries from late 2017 into 2018. However, with changes in the management of ARRA, and a series of competing priorities in Government overall, ARRA was unable to prioritize maintaining the defined broad governmental coordination mechanisms of the SC and NCO – favouring some form of coordination that had more direct oversight from ARRA and was hosted fully within ARRA. This has yet to be defined by ARRA, and many actors have voiced concerns over the demise of a functional broad-governmental system, which was fully aligned with the spirit of the GCR/CRRF. The SC and NCO have now been dormant since 2019.

Refugee community governance structures established by ARRA in all the refugee camps and in Addis Ababa serve, inter alia, to obtain refugee input and feedback on decisions taken by the Government. In the camps, these include Refugee Central Committees (RCCs), community safety groups (Shurta), parent and teacher associations (PTAs), as well as associations for women, youth and persons with disabilities. In Addis Ababa, these include Refugee Community Representatives (RCRs) and a system of refugee incentive workers called Refugee Outreach Volunteers (ROVs). Furthermore, [Directive No 03/2019](#) sets out grievance mechanisms relating to misconduct committed by ARRA. Sexual exploitation and abuse are not covered by the Directive.

The RCCs and RCRs are functional and meet with ARRA, UNHCR and other national and international partners on a regular basis. They are elected by refugees themselves. Their membership takes age, gender and diversity considerations into account, although this is not always meaningfully applied. The level of functionality of the other structures may vary from group to group or area to area. Implementation of Directive No 03/2019 has not yet begun.

Refugees have so far not been included in the national population census in Ethiopia, although first steps have been taken to include refugees in administrative data collection systems. ARRA has been providing refugee vital events data to the Immigration Nationality and Vital Events Agency (INVEA) since November 2017. Similarly, ARRA has been providing refugee data to the Ministry of Education (MoE) since the 2016/2017 academic year. As of 2019, the MoE has begun to include this data in its Education Management

Information System (EMIS) (see also the [2019 Education Sector Annual Abstract \(ESAA\)](#)).

There is one example of an initial step towards the inclusion of refugees in national survey data. The JNS Survey conducted in February 2020 in the Tigray and Somali regions by ARRA, UNHCR and the Hague Institute for the Innovation of Law (HiIL) applied the same methodology as used by the Attorney General's Office (AGO) for a national survey to inform justice sector strategy development.

At sectoral level, several steps have been taken to include refugees in education sector planning in addition to the inclusion of refugee data in EMIS (see section 4.1).

## 2.4 Access to civil registration and documentation

The Refugees Proclamation provides that all recognized refugees and asylum-seekers be issued with an "identity paper" attesting to their identity and a travel document for the purpose of travel abroad. The Government has initiated the development of a [national identity programme](#) and in 2020 published its [national digital strategy 2025](#). While they do not explicitly refer to refugees, the latter two initiatives will further strengthen the policy base to advance refugees' access to official identification and their digital inclusion.

In 2019, ARRA and UNHCR jointly completed a verification exercise at the level of individual comprehensive registration. The verification exercise provided 74 per cent of all refugees and asylum-seekers aged 14 years and over with individual identity documents (refugee ID cards) and 100 per cent of the refugee households received household-level identity documents (proof of registration). This represented a significant rise in the level of coverage from 2 per cent of the refugee population prior to the verification exercise. Of the refugees surveyed as part of the 2020 JNS Survey, 97 per cent confirmed that they indeed had a refugee identity document.

In refugee hosting areas, law enforcement authorities recognize refugee ID cards. The immigration authorities recognize, under certain conditions, refugee travel documents. Relevant private sector entities increasingly recognize refugee ID cards, although challenges persist (see section 3.4).

Refugees Proclamation No 1110/2019 and the [2012 Registration of Vital Events Proclamation as amended by Proclamation No 1049/2017](#) provide that refugees are required to register vital events that occur in the host country and are entitled to receive appropriate certification. Both Proclamations mandate ARRA to provide civil registration services to refugees on behalf of INVEA, including the registration of births, deaths, divorces and marriages and issuance of the corresponding certificates. Despite the fact that the relevant proclamations on Registration of Vital Events provides for either parent to register the birth of a child (Art 26), national practice tends to require the presence of both parents. This can result in obstacles to the birth registration of refugee children from single-parent households. At the [2019 United Nations Human Rights Council's Universal Periodic Review](#), the Ministry of Foreign Affairs supported a recommendation to address this. Also at the [2019 High Level Segment on Statelessness](#) and the [2019 Global Refugee Forum](#), the Government made policy commitments to simplify and improve access to birth registration and civil documentation.

Civil registrations of refugees began in 2017 following amendment of the Vital Events Proclamation; however, infrastructure and resource limitations have limited the scope of coverage.

## 2.5 Justice and Security

The 2020 JNS Survey in the Tigray and Somali regions found comparable perceptions of safety between refugees and host communities. Such surveys have not been conducted in other refugee-hosting areas, but UNHCR similarly observes comparable levels of security between refugees and host communities, albeit with some differences. In Gambella, for instance, refugees may enjoy lower levels of security due to the absence of effective mechanisms to screen ex-combatants out of the camps and ongoing ethnic tension between refugee and host communities and among refugees themselves. The Government supported a recommendation from the 2019 United Nations Human Rights Council's Universal Periodic

Review to increase security in camps for boys and girls.

The Refugees Proclamation accords refugees the same rights as nationals in terms of access to justice, including access to legal counselling and assistance as per Ethiopian legislation.

In practice, access to justice is limited for both refugees and host communities because of capacity constraints and physical distance to relevant institutions, although mobile courts are operational in some of the refugee camps. Traditional dispute resolution mechanisms are more easily accessible and, particularly in the Somali region, refugees access them in the same way as host communities. Findings from the 2020 JNS Survey seem to indicate that, overall, refugees experience more legal problems than host communities and nationals living elsewhere in the country, rate these problems as more serious, and are less likely to resolve their problems.

The Refugees Proclamation mandates ARRA “to ensure that recognized refugee and asylum-seeker women shall have equal enjoyment of rights and protections enshrined under relevant laws in particular, specific measures are taken to protect them from gender-based violence”. Various relevant policies to prevent and address gender-based violence (GBV) are in place. These include the [1995 Constitution](#), the [2004 Criminal Code](#) and the [2000 revised Family Code](#). [Standard Operating Procedures for the Response and Prevention of Sexual Violence](#) issued by the Ministry of Health are also in place, and the Government is reportedly in the process of developing a sector wide national GBV strategy. These policies are applicable to refugee-hosting areas and do not exclude refugees.

In practice, policies are not yet fully implemented, mainly resulting from limited access to relevant services due to capacity constraints. Nonetheless, UNHCR has observed a few cases in which refugee GBV survivors are referred to and have accessed services from women’s shelters and nearby government-run One-Stop-Centres. In addition, while the law criminalizes GBV and cannot, in principle, be adjudicated by traditional dispute resolution mechanisms, some refugee and host communities still prefer to use such mechanisms. These challenges affect refugees and host communities alike, but refugee GBV survivors seem to be disproportionately affected (2020 Social Analysis, 2020 JNS Survey).

## 3 Economic Opportunities

### 3.1 Freedom of movement

The Refugees Proclamation allows refugees to move freely within Ethiopia and choose their place of residence as foreign nationals generally in the same circumstances would. The Directive No 01/2019 to Determine Conditions for Movement and Residence of Refugees Outside of Camps provides, in complement to the Proclamation, for the implementation modalities of freedom of movement. It allows refugees from all nationalities to live outside camps if they have an Out of Camp permit (OCP) issued by ARRA for regular residency outside refugee camps. To qualify for one of these, refugees must prove that they meet certain criteria indicating that they can support themselves, whether through self-reliance, sponsorship or holding a work permit allowing them to work legally. The Directive also sets out that this would not be available to all refugees and asylum-seekers at the same time but gradually, taking into account the capacity of the Government and other stakeholders to provide for the needs of refugees, the protection space, the capacity of refugees to support themselves, and other appropriate considerations. The Directive also provides that refugees may be given a permit to live in urban areas included in the UNHCR urban assistance programme in Addis Ababa, on security/protection, medical and/or humanitarian grounds.

In early 2020, OCP permits were issued to an unknown but presumably large number of Eritrean refugees, most of whom reportedly came to live in Addis Ababa. Since ARRA is yet to expand implementation of the Directive to nationalities other than Eritreans, other nationalities have not been able to obtain permits. In practice, refugees without an OCP permit generally move around freely in the areas close to the camps.

## 3.2 Right to work and rights at work

The [Refugees Proclamation](#) provides refugees with the right to seek wage-earning employment in the formal sector through two channels: either i) under the same conditions as Ethiopian nationals through participation in labour market joint projects designed by the Government and the international community (hereafter referred to as joint projects), for which refugees are issued with a five-year renewable residence permit; or ii) under the same conditions as the most favourably treated foreign nationals, who are allowed to work without a work permit in the private and public sectors except in national security and similar political establishments ([Proclamation No 270/2002](#)). Notwithstanding the rights accorded in the Refugees Proclamation, Directive No 02/2019 to Determine the Procedures for Refugees' Right to Work, as an implementing measure to the Refugees Proclamation, sets out detailed procedures and conditions for refugee participation in joint projects, including the requirement for a three-year residence period in Ethiopia after refugee status has been obtained. This excludes asylum-seekers from participation in the joint projects. The Directive also requires refugees to obtain a work permit similar to other foreign nationals for any other wage-earning employment outside the joint project context, meaning that despite the provisions of the Refugees Proclamation, refugees are actually subject to more restrictions than the most favourably treated foreign nationals, who are not required to obtain work permits to engage in wage-earning employment. There are no policy restrictions on wage-earning employment in the informal sector in Ethiopia's national legal framework. There are also discrepancies between the Refugees Proclamation and applicable national laws relating to the right to work, such as the labour law (Labour Proclamation No 1156/2019), the investment law (Investment Proclamation No 1180/2020) and the civil servant law (Federal Civil Servants Proclamation No 1064/2017), which will need to be clarified with subsidiary legislation.

Work permits are granted only for work that cannot be covered by Ethiopian nationals. They are limited to a three-year period and are only issued to specific organizations and positions in respect of which the permit has been requested. In addition, a service fee is charged for the issuance and renewal of work permits (Labour Proclamation No 1156/2019, 2019 Directive for Issuance of Work Permits for Expatriate Workforce, Ministry of Labour and Social Affairs (MoLSA). The Refugees' Right to Work Directive sets out some provisions that may facilitate lifting of restrictions related to documentation, including through a Memorandum of Understanding between ARRA and MoLSA that has not yet been signed.

At the 2016 Leadership Summit, the Government of Ethiopia committed to granting work permits to refugees and to constructing industrial parks that could employ up to 100,000 individuals with 30 per cent of the jobs being reserved for refugees. By the end of June 2020, ARRA had reportedly issued more than 2800 residence permits to selected refugees so that they can participate in the [EOP](#). Some of these refugees have limited understanding of the rights and obligations associated with residence permits. Apart from these examples, refugees are generally not formally employed ([Social Analysis 2020](#)). There are also no known cases of refugees working in the public sector.

The [Refugees Proclamation](#) also provides refugees with the right to open and register businesses in their own name on the same basis as the most favourably treated foreign nationals and in accordance with relevant laws. The [Refugees' Right to Work Directive](#) sets out two procedures through which this can be done: i) Refugees holding a residence permit can open a business through joint projects on the same basis as nationals; and ii) Refugees holding an investment permit can be self-employed in areas of work that are permitted for foreign nationals. However, the procedural requirements restrict refugees more than the most favourably treated foreign nationals. For instance, procedure one excludes asylum-seekers, who cannot obtain residence permits, while procedure two sets limitations on the sectors accessible to refugees and requires an investment permit that is subject to capital requirements (Investment Proclamation No 1180/2020). In practice, refugees have been able to open small businesses like shops in the refugee camps without fulfilling these legal requirements.

The [Refugees Proclamation](#) and the [Refugees' Right to Work Directive](#) provide refugees with the same worker protections as nationals, in line with applicable national laws. The [Civil Servant Proclamation, No 1064/2017](#), provides for worker protections in the public sector, including non-discrimination, protection of women workers, equal remuneration and the prohibition of child labour, which would on this basis equally



apply to refugees working in the public sector. Labour Proclamation No 115/2019 provides for similar protections as regards employment outside the public sphere and is applicable to refugees who hold a work permit.

The [Refugees Proclamation](#) grants refugees who have academic credentials authenticated by the competent authority the right to practice liberal professions on the same basis as the most favourably treated foreigners. Liberal professions are regulated under different legislation, most of which does not restrict foreigners from engaging in these practices except in a few cases, such as that regulating legal practice. In practice, there are no known cases of refugees engaging in liberal professions and there are discrepancies between the Refugees Proclamation and the various profession-specific regulations that stand in the way of smooth implementation of the right to exercise liberal professions. Legal harmonization and awareness-raising are needed in order to resolve these issues.

### 3.3 Land, housing and property rights

The State owns all land in Ethiopia ([1995 Constitution](#)). No individual, whether Ethiopian, foreigner or refugee, can purchase land. The Refugees Proclamation provides refugees with the right to lease or use land as per the most favorable treatment accorded to foreigners. The 1995 Constitution does not prohibit foreigners from leasing or holding other usage rights over land and other immoveable property. The relevant provisions of the 1960 Civil Code are neutral in terms of who the parties to property-related transactions can be. However, Proclamations No 721/2011 and No 456/2005 on urban and rural land impose certain conditions on access to land by foreigners. At the same time, the Refugees Proclamation also states that agricultural and irrigable land shall be available to refugees in agreement with regional states using a land lease system, subject to payment of a lease price for a renewable seven-year period, and that this applies to refugees involved in projects designed by the Government with the support of the international community.

The Refugees Proclamation provides refugees with the right to purchase, lease or use housing and immoveable property as per the most favorable treatment accorded to foreigners. Foreigners of Ethiopian origin receive the most favorable treatment and are not subject to policy restrictions in respect of these rights (1995 Constitution, Proclamation No 270/2002, 1960 Civil Code, UNHCR's Housing Land and Property (HLP) assessment Ethiopia). In practice, refugees with OCP status lease or use housing based on formal or informal arrangements.

There is no specific law or policy regulating refugees' access to social/public housing schemes. At least two such schemes exist in Ethiopia, namely 'Kebele housing' (managed by City Administrations or woreda councils) and public rental housing (managed by a regional housing authority whose exact title varies according to the region). The legal basis for both is the Government Ownership of Land and Extra Houses Proclamation No 47/1975. This Proclamation does not include any provision that would provide foreigners (or refugees) with access to social/public housing schemes, but nor does it specifically exclude them as possible target populations. However, regional legislation may be more restrictive. For instance, Proclamation No 272/2008 Issued to Determine the Duties and Responsibilities of the Tigray National Housing Development and Administration Agency stipulates that housing schemes owned and funded by the Government shall be designed to benefit citizens. Similarly, the Government Housing Administration Rules and Regulation No 2/2003, which applies to Kebele housing in Addis Ababa, limits access to Ethiopian nationals only.

So far, UNHCR is not aware of refugees accessing public/social housing schemes. At the same time, in the context of the UNHCR HLP assessment conducted in 2020, some regional authorities have proposed that UNHCR consider refugee inclusion in social/public housing schemes in return for support to increase their capacity to effectively manage such programmes.

### 3.4 Financial and administrative services

The Refugees Proclamation grants refugees with the right to open bank accounts and access financial services and mobile money in the same manner as the country's nationals. Based on the Refugees

Proclamation, refugee ID cards constitute proof of official identity for Customer Due Diligence/Know Your Customer requirements and may be used to open a bank account, register a SIM card or use mobile money services.

Urban refugees open bank accounts in Addis Ababa, which has been relatively easy, because those eligible collect their monthly allowances from UNHCR through the Commercial Bank of Ethiopia (CBE) using bank accounts in their own names. While they can easily deposit, withdraw or transfer money, it is assumed that they would face difficulties to access loans. In more remote refugee-hosting areas, limited financial infrastructure and lack of awareness of refugee rights among financial service providers remains an obstacle. However, following the increase in identification documents issued by ARRA in 2019 (see section 2.4) and legal awareness campaigns, UNHCR observes that refugees' access to banking services is on the rise, particularly to enable the delivery of cash-based interventions (CBI). Mobile Network Operators are not always aware that refugee ID cards constitute proof of official identity, which makes it difficult for refugees to legally obtain SIM cards. In practice, however, informal workarounds are commonly practised, and refugees find ways of accessing mobile connectivity.

The Refugees Proclamation recognizes driver's licences and provides the right to obtain a national driver's licence subject to fulfilling the requirements stipulated in the provisions of applicable laws and based on the refugee ID card. The applicable law in this regard is the Driver's Qualification Certification Licence Proclamation No 1074/2018. Some of the requirements set out in this law pose challenges for refugees, for instance the requirement to provide a passport, Kebele ID and certificate of education. In 2019, ARRA resolved this issue by requesting that the transport authority exempt refugees from such documentary requirements and accept the refugee ID instead. This was actioned by the Ministry of Transport through the transmission of Circulars to all regional transport bureaux. It is not known how many refugees routinely avail themselves of these rights.

The Refugees Proclamation recognizes refugees' foreign academic and vocational qualifications as per the most favourable treatment accorded to foreign nationals. No distinction is made based on the sector of qualifications. One challenge is that the authentication of higher education credentials obtained outside Ethiopia needs to be provided by the relevant Embassy of the country of origin, which exposes refugees to potential protection risks. It is not known how many refugees routinely avail themselves of these rights.

The Refugees Proclamation provides refugees with access to national skills development opportunities within the available resources and subject to the education policy of Ethiopia. In practice, refugees mostly access skills development initiatives provided by humanitarian NGOs that may not always be adequately linked to viable economic sub-sectors within the refugee-hosting areas.

## 4 Access to National Public Services

### 4.1 Education

The Refugees Proclamation provides refugees with the right to enrol in pre-primary and primary education under the same conditions as the country's nationals; the right to enrol in secondary education and specialized education services is subject to available resources and the education policy of Ethiopia, conditions that also apply to nationals; and the right to enrol in tertiary education as per the most favourable treatment accorded to foreign nationals in recognition of foreign school certificates, diplomas and degrees and as regards remissions of fees and charges and the granting of scholarships.

The Djibouti Declaration, endorsed by the Government in 2017, and two circulars issued in 2013 and 2016 respectively, promote the inclusion of refugee children in national education planning and facilitate refugee children's access to national education services, including through giving refugees access to the national education curriculum (Circular No 11/1-3456/1098/35 and Circular No 13/1-11795/8297/35). In December 2019, the Government began preparation of a multi-year plan to cost education for refugees and host communities, which along with the inclusion of refugee data into EMIS (see section 2.3) constitutes



a significant step towards refugee inclusion in education sector planning. The MoE is finalizing a new Education Sector Development Plan VI (ESDP VI, 2020–2024), which could further reinforce the policy and institutional framework for refugees' rights to education.

Data on the percentage of refugee children enrolled in the national education systems is unavailable. While refugee children living outside the camps in urban settings enrol in national schools, few refugee children in camp settings do so due to access challenges and the lack of absorption capacity of host community schools. In the 2018/2019 academic year, the overall gross enrolment rate (GER) in camps was 67 per cent for primary schools and 13 per cent for secondary schools. This represents a welcome improvement from the 2016/17 GER of 62 and 9 percent respectively. However, there is great gender and regional disparity (e.g. [UNHCR, Tigray 2019 Pledge Report](#)), and the figures also still trail significantly behind the national GER for Ethiopian children ([WBG – Ethiopia Refugee Education 2019](#)). Due to the lack of available resources and implementation, host community and refugee children have little or no access to specialized education programmes and tertiary education, even though the Education Policy and the 2018–2030 Education and Training Roadmap provide for them.

## 4.2 Healthcare

The Refugees Proclamation provides refugees with access to available health services in Ethiopia under the same conditions as nationals. This includes access to available national sexual and reproductive services for refugee women and girls. There are no further regulations or guidance on how to facilitate this access.

Data on the number of refugees accessing the national health-care system is not available. Generally, refugees living out of camp access health care provided for by government institutions under the same conditions as nationals, but many need financial support for health care. The Government provides refugees living in camp settings with HIV testing and treatment, TB, leprosy, and vaccination services, including both routine and campaign-based vaccination services, all free of charge. For other health services, refugees in camp settings generally use the camp-based health system but in some contexts also access the national health system in the host community. Correspondingly, on average, 10 per cent of the users of the camp-based health system are host community members. In locations where the host community's health-care facilities are particularly poor, this can reach 30 per cent.

A community-based health insurance (CBHI) scheme exists, but it is still in its pilot phase and non-existent in most refugee-hosting woredas. The extent to which refugees have the right to be enrolled is unclear. There is no system in place for financing refugee health-care costs in the publicly financed health care system.

## 4.3 Social protection

The Refugees Proclamation stipulates that ARRA shall ensure that refugees and asylum-seekers with specific needs are provided with special protection commensurately with their needs. There is no further policy that provides guidance on how this is to be done. The [NSPP](#) prioritizes basic levels of assistance to persons with specific needs, including disabilities and persons with mental health challenges and older persons without care and support. The [NSPP](#) does not exclude refugees. However, as per the [1995 Constitution](#), social security should be provided by the State 'to the extent that resources permit'. As such, the extent of access to basic levels of assistance is not clear either for nationals or for refugees.

In practice, UNHCR and other international humanitarian partners provide basic levels of assistance to refugees with specific needs, including persons with disabilities, unaccompanied and separated children, older persons and survivors of gender-based violence and sexual exploitation and abuse among others. The programming approach that is set out by the [NSPP](#) for assistance to persons with specific needs focuses on referrals and links from Bureaux of Labour and Social Affairs (BoLSAs) at sub-national level to private and civil society partners offering specialized services, to associations of persons with disabilities

and social workers working closely with schools and clinics, and to Community Care Coalitions (CCC). UNHCR has observed that in a few instances, refugees are referred by BoLSAs to these private and civil society partners and that they are, in practice, included. Data of the exact numbers of refugees and/or nationals with specific needs that have received assistance is not known.

There is no overarching framework in place for dialogue between the government and international partners, with a view to gradually aligning aid, social protection systems and support for refugees and host community members with specific needs, in terms of coverage, targeting and levels of benefits.

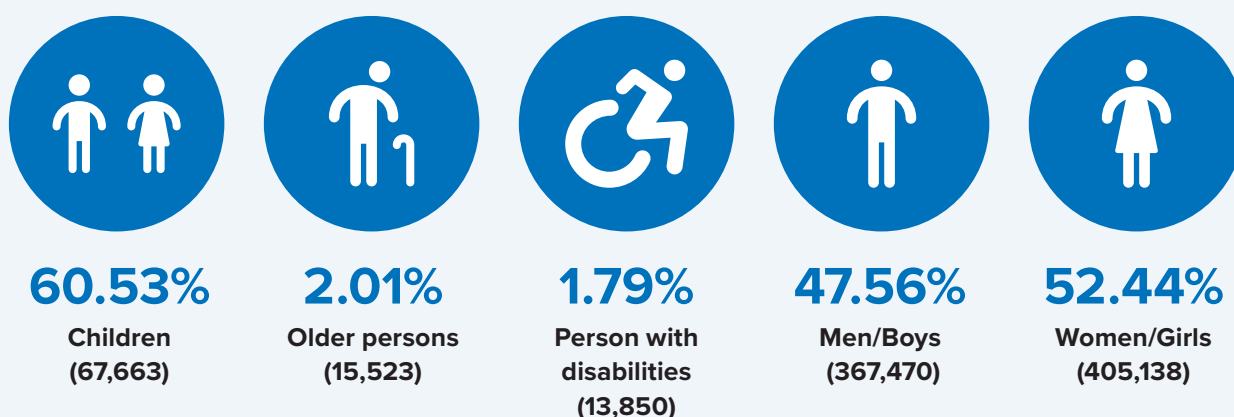
#### 4.4 Protection for vulnerable groups

The Refugees Proclamation provides children, including unaccompanied and separated refugee children, refugee victims of trafficking, survivors of gender-based violence and other refugee groups with specific needs, with access to Government-provided care and protection systems in a manner comparable to nationals in the same situation. Specifically, it stipulates that ARRA shall ensure that refugee women, children and other refugees with specific needs shall enjoy the rights and protections enshrined under relevant laws commensurate with their needs. There are no further policies providing guidance on how this is to be done. A range of national policies, standards and services exist for the protection of nationals in the same situation as the above-mentioned refugee groups. Implementation of these policies is generally weak or limited and has so far not effectively taken the specific protection needs of refugees into account in practice.

## 5 Cross Sectors

### Characteristics of registered refugees and asylum-seekers in total refugee population\*

as at 30 June 2020



### 5.1 Gender

There are differences or restrictions in terms of policies and/or their implementation related to gender in the majority of policy sub-dimensions. The most consequential ones in terms of socioeconomic development are as follows:

- Social cohesion**, the weak meaningful participation of women in community-based leadership structures.
- Justice and security**, challenges related to preventing and addressing gender-based violence against men and boys, who have high needs but are often forgotten in the response.
- Education**, the drastic drop in attendance by girls between years 1-4 and years 5-8 of primary schools.

\* The refugee numbers reported here do not fully match the numbers on the front page because demographic characteristics are not available for all refugees (e.g., pre-registered refugees, etc.).

- iv. **Health care**, the limited level of access to sexual and reproductive health services.
- v. **The right to work**, the existence of discriminatory provisions.

## 5.2 Social inclusion

There are differences or restrictions in terms of policies and/or their implementation related to refugee characteristics in the majority of policy sub-dimensions. The most consequential ones in terms of socioeconomic development are as follows:

- i. **Security of legal status**, the nationality-based differences in the RSD procedure.
- ii. **Access to registration and identification**, the requirement of the physical presence of two parents.
- iii. **Education**, the lack of targeted support for refugee children with special needs.

## Annex on Key International and Regional Instruments ratified or adhered to

- [Additional Protocol to the Geneva Conventions of 12 August 1949 \(Protocol I\)](#)
- [Additional Protocol to the Geneva Conventions of 12 August 1949 \(Protocol II\)](#)
- [African Charter on Human and Peoples' Rights, 1981](#)
- [African Charter on the Rights and Welfare of the Child 1990](#)
- [African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa \(Kampala Convention\), 2009<sup>1</sup>](#)
- [African Youth Charter, 2006](#)
- [Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984](#)
- [Convention Governing Specific Aspects of Refugee Problems in Africa \(the OAU Convention\), 1969](#)
- [Convention on the Elimination of All Forms of Discrimination Against Women, 1979<sup>2</sup>](#)
- [Convention on the Rights of Persons with Disabilities, 2007](#)
- [Convention on the Rights of the Child, 1989](#)
- [Convention relating to the Status of Refugees 1951<sup>3</sup> \(Ratification date: 10 Nov 1969\)](#)
- [Convention respecting the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land, 1907](#)
- [Djibouti Declaration on Refugee Education, 2017 \(International Instrument\)](#)
- [Fourth Geneva Convention relative to the Protection of Civilian Persons of 1949](#)
- [ILO Abolition of Forced Labour Convention, 1957 \(No 105\)](#)
- [ILO Discrimination \(Employment and Occupation\) Convention, 1958 \(No 111\)](#)
- [ILO Equal Remuneration Convention, 1951 \(No 100\)](#)
- [ILO Forced Labour Convention, 1930 \(No 29\)](#)
- [ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 \(No 87\)](#)
- [ILO Minimum Age Convention, 1973 \(No 138\)](#)
- [ILO Right to Organise and Collective Bargaining Convention, 1949 \(No 98\)](#)
- [ILO Tripartite Consultation \(International Labour Standards\) Convention, 1976 \(No 144\), 1976](#)
- [ILO Worst Forms of Child Labour Convention, 1999 \(No 182\)](#)
- [International Convention on the Elimination of All Forms of Racial Discrimination, 1965](#)
- [International Covenant on Civil and Political Rights \(ICCPR\), 1966](#)
- [International Covenant on Economic, Social and Cultural Rights, 1966](#)
- [Kampala Declaration on Jobs, Livelihoods and Self-reliance, 2019 \(International Instrument\)](#)
- [Nairobi Declaration on Somali Refugees, 2017 \(International Instrument\)](#)
- [Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Organized Crime \(2000\)](#)
- [Protocol relating to the status of refugees, 1967](#)
- [Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, 2003<sup>4</sup>](#)

### Reservations/declarations:

1 Article 1(k) (meaning of "Internally Displaced Persons"); Article 5(6) and 5(7) (obligations of States Parties relating to protection and assistance); Article 12 (compensation for displacement); Article 22 (settlement of disputes).

2 Article 29(1) (dispute resolution among States Parties).

3 Articles 8, 9, 17 (2) and 22 (1) of the Convention are recognized only as recommendations and not as legally binding obligations.

4 Article 4(2)(a) (rights to life, integrity and security); Article 6 (b), (c), (d), (f), and (j) (equal rights for women and men in marriage); Article 7(a) and (d) (equal rights for women and men in case of separation, divorce or annulment of marriage); Article 10(3) (reduction in military spending); Article 13(j) (equal application of taxation laws); Article 14(b) (the right to decide whether to have children, the number of children and the spacing of children); Article 21(1) (a widow's right to equitable share in the inheritance of property); Article 27 (interpretation of the Protocol by the African Court on Human and Peoples' Rights).

## MAURITANIA

Malian refugees have been fleeing to Mauritania since 2012 as a result of the ongoing conflict in Mali. As of June 2020, there were 62,829 Malian refugees living in and around Mbera camp in the department of Bassikounou, 50 km from the border with Mali. In addition, 4,197 asylum-seekers and refugees from different nationalities are registered in the urban centres, along with 5,798 Malians waiting to be registered. By June 2020, despite closure of the borders due to COVID-19, 3,229 refugees arrived from Mali.

Mauritania's economic growth over the past decade enabled it to qualify as a lower middle-income country. However, 22.5 per cent of the population still live below the poverty line. COVID-19 has impacted the country's economy, threatening the subsistence of thousands of Mauritians and refugees.

### KEY POPULATION DATA

**64,390**

Refugees

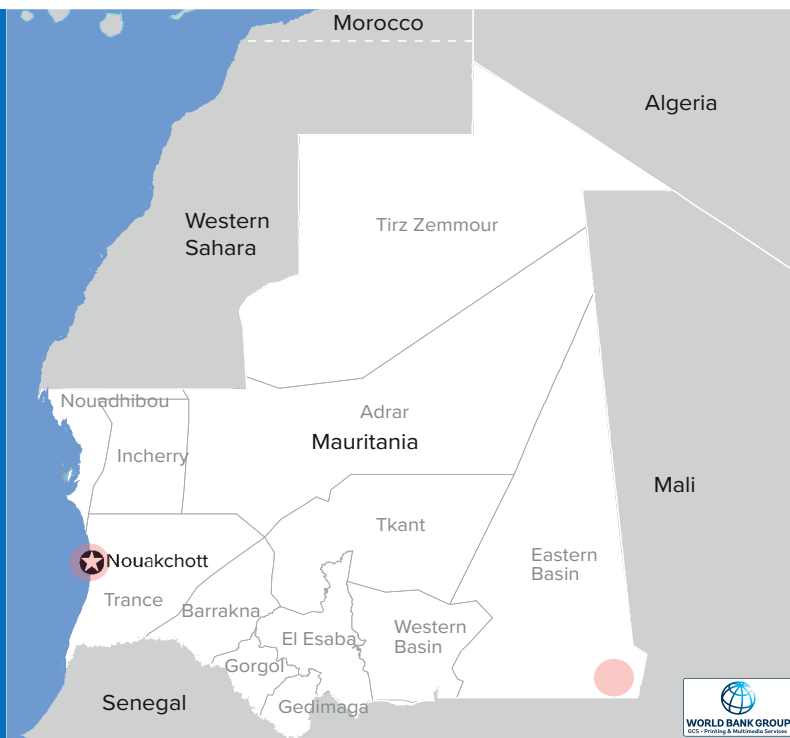
**1,382**

Asylum-seekers

**1.45%**

of the country's population (4,525,696)  
are refugees and asylum-seekers

IDA 18 RSW / IDA 19 WHR ELIGIBILITY:  
SEPTEMBER 2017



Over 80 per cent of refugees in Mauritania are from Mali and live in the arid south-eastern region of the *moughataa* of Bassikounou. They are predominantly located in Mbera refugee camp and the surrounding villages and rural areas, alongside host communities, near the border with Mali. Other refugees in Mauritania come mainly from the Central African Republic, the Ivory Coast and the Syrian Arab Republic. Urban refugees and asylum-seekers comprise around 17 per cent of the total population of concern to UNHCR (PoC) and mainly live in rented apartments, or *baraaques*, in the cities of Nouakchott and Nouadhibou.

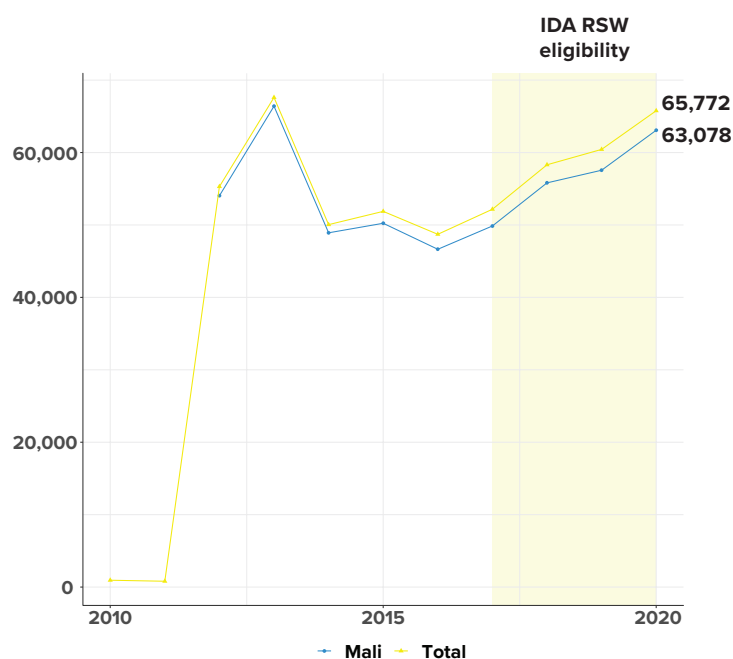


Figure 1: Number of refugees and asylum-seekers of the largest refugee population groups

## OVERVIEW OF REFUGEE POLICY ENVIRONMENT (JULY 2017–JUNE 2020)

The Government of Mauritania has maintained an open-door policy for asylum-seekers and refugees in the reporting period, and refugees generally enjoy freedom of movement and protection within the country. Key elements and initiatives at the national level from July 2017 to June 2020 relate to:

- Registration by UNHCR of Malian refugees living in the vicinity of Mbera camp and the urban areas of Nouakchott and Nouadhibou. Prior to this development that took place in 2019 and 2020 respectively, registration was allowed only inside the camp.
- **Draft asylum law proposed in 2016** by the Minister of the Interior and Decentralization (MIDEC) and the Ministries of Justice, Defence and Foreign Affairs. If approved by the Parliament, this law would provide a more comprehensive framework setting out the rights and obligations of refugees and asylum-seekers.
- **Commitments** on numerous occasions (since 2015, with a stated time frame for action in 2020) **to enact the draft asylum law**, which would allow Mauritania to assume full responsibility for refugee protection.
- [Decree No 0782/MIDEC \(28 October 2018\)](#), which established the **legal framework for the issuance of national identification cards** for refugees in Mbera camp that are envisaged to replace UNHCR identity cards.

Mauritania became eligible in November 2017 for the [IDA-18 Refugee Sub-Window \(RSW\)](#), through which it is accelerating humanitarian and development cooperation and increasing refugee inclusion in the areas of health care, social safety nets, water management and sanitation, local economies and urbanization projects.

Mauritania was also active regarding refugee issues at international level from 2017 to 2020. The Government of Mauritania made a number of important pledges at the [Global Refugee Forum in December 2019](#), including to adopt national asylum legislation with a stated time frame for action in 2020, to register all refugees with the national agency for civil registration and issue them with documentation, to allow refugees access to the labour market under the same conditions as nationals and to include refugees in the national health system. These complemented Mauritania's pledges to the High-Level Segment on Statelessness in October 2019, where Mauritania pledged to provide birth certificates for all children born in Mauritania, including refugees, and to ratify the 1961 Convention on the Prevention of Statelessness within the following five years.

## POLICY DIMENSIONS (AS AT 30 JUNE 2020)

### 1 Host Communities

#### 1.1 Support for communities in refugee-hosting areas

There are no specific national fiscal or budget policies that provide additional financial transfers to areas most affected by the presence of refugees in Mauritania (primarily the *moughataa* of Bassikounou in the Hodh Chargui region or *wilaya*). However, two funding channels for financial transfers from the national level to regional councils, for investment and operating expenditure respectively, are set out in [Decree No 2019-089](#), which is applicable countrywide. Municipalities also receive support through a Regional Development Fund (*Fonds Régional de Développement*), as set out in [Circular No 0001/MIDEC](#) of 2016. In both cases, allocations to regions and municipalities are determined by a formula based on population size and the poverty rate. This formula does not currently take into account data on refugee population numbers and poverty levels for allocation of resources.

There are no specific provisions for extending social safety net provisions to host community members affected by an inflow of refugees. The 2012 National Social Protection Strategy (*Stratégie Nationale de Protection Sociale*, or SNPS) lays out the country's vision on social protection but does not specifically refer to social safety net programmes for refugee-hosting areas. An objective of the SNPS is the development of social assistance programmes targeting vulnerable groups and measures to address climate and disaster risks, including cash transfer top-ups during the lean season. The [2016 National Poverty Reduction Strategy \(\*Stratégie de Croissance Accélérée et de Prospérité Partagée\*, or SCAPP\) for 2016–2030](#) reaffirmed the importance of social protection and social safety net programmes throughout the country and introduced the explicit objective of establishing a shock-responsive mechanism to offset food security emergencies.

However, extension of the *Tekavoul* programme — the main national social safety net comprising cash transfers conditional on beneficiaries' participation in social promotion activities — is planned in the Hodh Chargui region, where the majority of the refugee population in Mauritania lives.

The World Bank validated additional financing for the *Tekavoul* programme in March 2020, including through IDA 18 RSW funding, intended to scale up the rollout of *Tekavoul* and its shock-responsive component (*Elmaouna*) to host communities in the Hodh Chargui region. .

#### 1.2 Social cohesion

There is generally a positive relationship in Mauritania between refugee and host communities and within the refugee communities themselves.

The regional and local authorities have engaged actively with both refugee and host communities and with UNHCR to ensure peaceful coexistence. However, there is no formal Government policy providing for local mechanisms to promote peaceful coexistence, dialogue, joint activities and citizen engagement among refugees and host communities. Over seventy local peace committees have hence been created in Mbera camp and villages in the Hodh Chargui region by UNHCR, the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the International Organization for Migration (IOM). A study by UNHCR (October 2019) found that these committees play a role in reducing tensions and managing access to resources shared by refugees and host communities, despite limitations due to a lack of training and resources and therefore sustainability. In addition to formal dispute resolution mechanisms such as courts and tribunals especially in urban areas, there are informal traditional dispute resolution mechanisms.

National policies formally protect refugees from some forms of discrimination. Prime Ministerial [Decree 022/2005](#) stipulates equal access to health services, employment, social security and education for refugees. The anti-discrimination law adopted in 2018 ([No 2018-023](#)) prohibits discrimination on the basis of ethnicity, race or language and presumably applies to refugees as well as citizens. However, it should



be noted that United Nations human rights experts have expressed concern that the definition of discrimination contained in the law is unclear and not in line with international human rights instruments (see [OHCHR report, 2018](#)).

In practice, as reported directly by persons of concern to UNHCR, discrimination can occur in some situations, notably due to diverse sexual orientation and gender identity.

### 1.3 Environmental management

While there are no national environmental policies specific to refugee-hosting areas, existing national policies also apply to refugee hosting areas and can be used to mitigate the environmental impact of hosting refugees. The National Strategy for Environment and Sustainable Development (*Stratégie Nationale de l'Environnement et du Développement Durable, or SNDD*) and the National Strategy for Sustainable Access to Water and Sanitation (*Stratégie Nationale pour un Accès Durable à l'Eau et à l'Assainissement, or SNADEA*) set objectives for halting deforestation by 2030, tree planting, preventing desertification, ensuring universal access to potable water and reducing exposure to climate shocks.

In practice, investment in these priorities has so far been limited to interventions by UNHCR and other humanitarian actors. However, the Government designed projects on sanitation and urbanization in the Hodh Chargui and Hodh Gharbi regions for refugees and host communities, which were approved for financing by the World Bank in spring 2020.

### 1.4 Preparedness for refugee inflows

There is no national preparedness framework to respond to increased or new refugee inflows in ways that minimize short- and medium-term socioeconomic impacts on hosting regions. The Government, UNHCR and humanitarian partners annually update a contingency plan for refugee inflows to the *moughataa* of Bassikounou, though this process has no national policy basis and is not integrated into national institutional structures.

## 2 Regulatory Environment and Governance

### 2.1 Normative framework

Mauritania acceded to the [1951 Convention Relating to the Status of Refugees](#) in 1987, as well as to its [1967 Protocol Relating to the Status of Refugees](#) and the [1969 OAU Convention Governing Specific Aspects of Refugee Problems in Africa](#). These instruments are implemented in national law through [Decree 022/2005](#) in conjunction with the national policy framework. This decree defines the term “refugee” in accordance with the [1951 Refugee Convention](#) and the [1969 OAU Convention](#) and sets out modalities for access to asylum and some socioeconomic rights for refugees. It also sets out procedures for access to asylum and provides that refugee status should be determined by UNHCR and endorsed by the Government.

Mauritania does not yet have a national asylum law. Several issues specific to refugees are regulated through decrees and other formal instruments.

In the absence of a fully-fledged national asylum system, refugee status determination has been in practice carried out solely by UNHCR with no formal endorsement by the Government for several years. As provided for by [Decree 022/2005](#), the National Consultative Commission on Refugees (CNCR) is responsible for giving advisory opinions on asylum applications, and refugee status may be recognised or withdrawn by the Minister of Interior. UNHCR currently recognizes Malian refugees in Mbera camp and in urban areas on the basis of a *prima facie* approach and conducts individual refugee status determination procedures for asylum-seekers from other nationalities. While UNHCR procedures are in practice recognized and respected by the Government without formal endorsement, this arrangement has not been formalized in law or through any other arrangement.

UNHCR has advocated for the adoption of an asylum law that would allow the Government to assume full responsibility for refugee protection (while continuing to be supported by UNHCR).

Key authorities at the central level are aware of applicable international laws and policies due to regular training conducted by the Ministry of the Interior (MIDEC) and UNHCR on refugee rights and obligations and the responsibilities of the authorities. However, UNHCR has observed that there are gaps in awareness at local level, including among border officials. For instance, in 2019 and as of June 2020, UNHCR became aware of some 27 cases of expulsions of individuals with potential refugee profiles that took place before UNHCR was able to screen them to identify any international protection needs. Sectors that provide basic services such as health and education have shown more flexibility to the inclusion of refugees than other sectors, such as the banking system.

## 2.2 Security of legal status

[Decree 0782/2018](#) of the Ministry of the Interior provides for the issuance of identification cards with a two-year validity to refugees and states that these are considered to serve as residency permits. However, as of June 2020, these cards were only available to Malian refugees residing in Mbera camp and only a small number of those eligible have been issued with cards so far, due to the lengthy application process.

[Decree 022/2005](#) states that a refugee can only be expelled from the country for reasons of national security or public order or if they have been imprisoned for a criminal offence, in which case they have the right to appeal before the CNCR. There was no refoulement of registered refugees on the grounds of security or criminal convictions in 2019–2020 and there were no known cases of unlawful or lawful termination of refugee status, or of refugees being expelled on grounds of national security or public order. The Government is not involved in cessation and termination processes, which are conducted by UNHCR in line with international standards.

## 2.3 Institutional framework for refugee management and coordination

The National Consultative Refugee Commission (CNRC) was established by [Decree 022/2005](#) under the Ministry of the Interior (MIDEC) as an interministerial body for refugee management and coordination. A National Commission for Humanitarian Assistance was established in 2012 to manage humanitarian assistance in cooperation with UNHCR, other partners and civil society organizations. However, this commission has not been active in recent years. At the request of the Government of Mauritania, UNHCR currently coordinates the humanitarian response to the Malian refugee situation in close collaboration with the Ministry of Interior and Decentralization and local authorities. As of 30 June 2020 there was no formal coordination mechanism for the development interventions benefiting refugees and host communities in place yet.

Initiating a transitional process towards the creation of a national asylum system will require significant technical support and resources, including trained staff, to set up a national institution to conduct asylum procedures. There has been no formalization of extant procedures —i.e. UNHCR decisions on refugee status being recognized without formal endorsement by the authorities — in the interim, to ensure that refugees are fully protected.

No formal consultation mechanisms to obtain refugee input and feedback on government decisions impacting the life of refugees have been established by national institutions. However, UNHCR facilitates informal government consultations with refugees.

## 2.4 Access to civil registration and documentation

Refugees in Mauritania are registered with the National Agency for the Register of Populations and Secured Titles (ANRPTS) under a formal agreement with UNHCR. Each registered refugee receives a national identification number (NNI). [Decree 0782/2018](#) of the Ministry of the Interior provides for the issuance of national identity cards bearing their NNI to refugees, which are required for such purposes as

opening a bank account or registering a business. However, until 2019, registration by national authorities was limited to Malian refugees living in Mbera camp, while only 1,092 national refugee identity cards had been issued until the end of June 2020 and only to the refugees in the camp. All registered refugees are also issued with UNHCR documentation, which is recognized by the Mauritanian authorities.

Refugees in Mauritania are entitled to register vital events that occur in Mauritania once they are enrolled with ANRPTS and have received an NNI. In practice, this happens primarily in urban areas. Birth registration after the legal deadline requires judicial involvement in urban areas even if the birth occurred in Mauritania. Judicial involvement is not required in the camp since the deadline on birth declaration is not imposed.

Refugees can also register events that occurred before coming to Mauritania, but this requires judicial involvement and in practice is only accessible to refugees in the capital, Nouakchott. Since 2018, ANRPTS delivered 1,798 birth certificates to refugees, and UNHCR is in discussions with the Government to assist with increasing ANRPTS capacity in line with the Government's 2019 Global Refugee Forum pledge to provide birth certificates to all children born in Mauritania by 2024.

## 2.5 Justice and Security

While no data is available on the level of security of refugees relative to that of Mauritanian nationals, the safety and security situation in the country is generally good and UNHCR has not observed any disparities in the level of security enjoyed by refugees and nationals. However, asylum-seekers and refugees are at risk of being extorted for bribes and arbitrarily detained and can face discrimination when requesting to access public services.

Refugees have access to civil, administrative and criminal justice. However, in practice this is limited to those in urban areas, since judicial institutions have a limited presence in remote areas such as Bassikounou. UNHCR's NGO partner for legal services supports refugees with legal counselling and representation in court to mitigate language barriers and lack of knowledge on rights and procedures also constitute obstacles to access to justice.

[The penal code \(1983\)](#) and the law governing family ('[Code du Statut Personnel](#)')/CSP adopted in 2001) contain protective measures for women and girls (such as the prohibition of rape [penal code] and early marriage [CSP]), but [also](#) include provisions that condone gender-based violence and discriminate against women regarding marriage and inheritance. The prohibition of extramarital sexual relations (*Zina* in sharia) by the penal code dissuades women and girls surviving rape from filing a complaint, thereby strongly reducing access to justice.

A national strategy on gender-based violence was developed by the Government of Mauritania in 2012 with support from UNFPA, United Nations Women and UNICEF. UNHCR provided input on concerns relating specifically to refugees. Efforts to pass a law for the prevention of violence against women and girls stalled in 2018, but the Government resumed consultations in 2019 on a [draft law](#) that was approved by the Council of Ministers in May 2020. A range of Government actors, including the Ministry for Social Affairs, Childhood and Family, are also involved in efforts to reduce Female Genital Mutilation (FGM), although this continued to affect around two out of three girls and women in the host community according to a 2019 government report. It is likely that FGM also occurs, though to a more limited extent, among refugees. Although national services to address gender-based violence are limited, refugees can access them to a similar extent as nationals where they are present ([CEDAW, 2014](#)).

## 3 Economic Opportunities

### 3.1 Freedom of movement

[Decree 022/2005](#) allows refugees to move freely within Mauritania and choose their place of residence without restrictions. Refugees in Mbera camp are generally able to move to urban areas, and around 10 per cent of registered urban refugees were formerly living in Mbera camp. However, foreigners — including non-registered individuals with refugee profiles — who are irregularly in the country are at heightened risk of arrest due to lack of documentation regularizing their stay in Mauritania, especially if suspected of intending to move irregularly to other countries (such as Morocco, Algeria, Spain), and especially in Nouadhibou (see [2019 UNHCR survey](#)).

### 3.2 Right to work and rights at work

While [Decree 022/2005](#) does not allow refugees to work in the public sector, it does allow refugees to seek wage-earning employment and provides for recognized refugees to be accorded the same treatment as nationals with regard to the labour market in the private sector. However, these provisions have not been integrated into national labour laws and are contradicted by [Decree 2018-025](#), which places restrictions on the employment of foreigners and makes no exception for refugees. In order to implement its Global Refugee Forum pledge to give refugees the same access to the labour market as nationals, the Government agreed to formally clarify that [Decree 2018-025](#) does not apply to refugees and to ensure protection of rights at work in both formal and informal sectors for all refugees. As of June 2020, the approach to make this clarification was under discussion.

With regard to liberal professions, [Decree 022/2005](#) states that refugees should be treated on a par with nationals of states that have the most favourable agreements for each profession. However, refugees [surveyed by UNHCR in 2019](#) reported difficulties obtaining recognition of qualifications and experience acquired in their countries of origin, particularly for employment in the health and education sectors.

No data is available on the percentage of refugees employed in the formal sector. However, it should be noted that the informal economy represents [more than 70 per cent](#) of economic activities in the country. Economic well-being in Mauritania is generally unequal between men and women, men being substantially more represented in the wealthiest part of the population (5 points difference in the top quintile – MICS [Multiple Indicator Cluster Survey] 2015). This likely denotes less access to decent well-paid work for women. This tendency is likely to be the same for refugees and asylum-seekers.

No data is available on the number of refugees possessing work permits. In fact, work permits are not mentioned in [Decree 022/2005](#) as a pre-requisite for refugees to be employed, although [Decree 2018-025](#) imposes work permits as a requirement for foreigners to be formally employed.

Concerning effective access to decent employment opportunities, while refugees are in practice accessing the informal labour market, they may face barriers due to their legal status when applying for work permits. In practice, having a national identification number (NNI) issued by ANRPTS or a national identity card is useful in this regard. Opportunities to access employment are also limited by the fact that the main economic development programmes in the Hodh Chargui region have not included refugees.

Article 11 of [Decree 022/2005](#) allows refugees to open businesses and register them under the same conditions as nationals.

### 3.3 Land, housing and property rights

Current legislation in Mauritania ([Order 83.127 of 1983](#)) does not contain provisions relating to the purchase, lease or use of land by refugees or foreign nationals in general. While UNHCR is aware of a few cases where refugees have purchased land, precise information on legal requirements for the purchase of land by foreigners is not available to UNHCR. Mauritanian law does not prevent foreigners, including refugees, from purchasing, leasing or using of housing or immovable property.

There were no public housing programmes in Mauritania before 2020, when a pilot programme was launched involving 50 subsidized residences for nationals in Selibaby, the capital department of the Guidimakha Region.

### 3.4 Financial and administrative services

There are no legal barriers to refugees opening bank accounts and accessing financial services, including mobile banking. However, refugees and asylum-seekers have fewer formal employment opportunities and less access to financial services as their documentation is not recognized by all authorities. Their access to bank accounts and loans requires a national identification number (NNI). As of end June 2020, 52,322 refugees have been issued with an NNI. Access to banking and financial services by refugees is low: 89 per cent of urban refugees did not have bank accounts in 2019, while only 1 per cent of loans taken out by refugees in Mbera camp in 2017 were from micro-finance institutions. The Central Bank is developing a national financial inclusion strategy with the Alliance for Financial Inclusion (AFI) and has expressed its willingness to include refugees.

There is no specific policy governing the recognition or issuance of driving licences for refugees. In practice, some refugees issued with an NNI have been able to obtain national driving licences.

As mentioned above, refugees have occasionally reported difficulties obtaining recognition of qualifications acquired in their countries of origin, particularly for employment in the health and education sectors.

## 4 Access to National Public Services

### 4.1 Education

Mauritania has adopted a policy that allows the integration of refugee children into the national public system. [Decree 022/2005](#) allows refugees to enrol in primary, secondary, and tertiary education under the same conditions as nationals. Refugee children generally are allowed to access pre-school, primary and secondary public schools as well as literacy and technical and vocational courses where they exist.

Refugee children within Mbera camp attend schools funded by UNICEF and UNHCR programmes under the supervision of the Mauritanian Ministry of Education. They follow the national educational curriculum of Mali. Of the refugee children in the camp, 36 per cent were enrolled in primary education and 5 per cent in secondary education (2019–2020 school year), compared with national enrolment rates of 100 per cent for primary and 39 per cent for secondary, according to [UNESCO in 2019](#). The existing education system in Mbera camp, established in the context of the 2012 emergency refugee influx, is francophone since it is aligned with the Malian curriculum, with additional Arabic language courses that are meant to facilitate the integration of refugee children and youth into the national socioeconomic environment. An accelerated learning programme has also been designed to enable older children in the camp to catch up with normal educational levels, while informal programmes have been put in place to prepare out-of-school children for national examinations. Over half of Malian refugee children residing in the vicinity of Mbera camp were not enrolled in school.

Refugees in urban areas also have access to education services, including both public and private schools. In urban areas, more than 70 per cent of school-aged refugee children were enrolled either in public or private primary and secondary schools.

Concerning effective access to the education system, language remains a barrier, as does disruption to schooling due to the flight from the country of origin.

At the national level, access to primary education is generally slightly better for girls in Mauritania (parity index of 1.08 - [MICS 2015](#)), while access to secondary education is slightly higher for boys (parity index of 0.90 – [MICS 2015](#)). In Mbera camp, in 2019, gross enrolment rates were higher for boys at both primary and secondary education (39 per cent/34 per cent for primary education and 7 per cent/3 per cent for

secondary education). Men are also generally more literate than women at the national level ([MICS, 2015](#)), a tendency that is likely to be the same for refugees and asylum-seekers in Mauritania.

## 4.2 Healthcare

[Decree 022/2005](#) provides refugees with access to the public health system under the same conditions as Mauritanian nationals. While the [2012–2020 National Health Sector Development Plan \(PNDS\)](#) does not specifically mention refugees, it includes a commitment to the principles of justice, equity, solidarity and respect for human rights (Chapter 2 of Volume 2).

In Mbera camp, refugees are able to access a parallel health-care system free of charge that was funded by Médecins Sans Frontières until 2018 and by ECHO and UNHCR thereafter. Host communities have been able to benefit from some of these services as well. Given the limited capacities of the national health system in the Hodh Chargui region, substantial resources are needed to maintain the quality of health services for both refugees and the host community. Approval of the World Bank-funded Inaya project in spring 2020, aimed at strengthening the regional health system, and the inclusion of Mbera camp in that programme are important steps in this regard. Following the handover of these facilities to the national system planned for August 2020, costs of health care for the most vulnerable refugees in the camp will be covered by the Inaya project. In June 2020, it remained unclear how many refugees in Mbera camp will be concerned.

Refugees in Nouakchott and Nouadhibou have access to the public health-care system as well as private facilities. Data on the number of refugees accessing the national system is not available. Refugees in Nouakchott and Nouadhibou can also receive primary and secondary health care free of charge at 15 facilities under agreements with UNHCR and can be reimbursed by UNHCR for the cost of care at other facilities.

Women and girls in Mbera camp have access to sexual and reproductive health services at humanitarian facilities in the camp, including clinical care for survivors of gender-based violence. The level of access to services in the camp is significantly higher than for the host community in the Hodh Chargui region, where maternal mortality is high, and levels of assisted delivery and contraceptive use are low. Refugee women and girls in urban areas have access to sexual and reproductive health services, along with other health services available at both public and private facilities, with financial support from UNHCR.

Refugees cannot easily enroll in the national health insurance system (Caisse Nationale d'Assurance Maladie). The Government pledged to establish a universal health insurance system in its [2019 Declaration of General Policy](#).

## 4.3 Social protection

[Decree 022/2005](#) broadly defines the modalities for access to some socioeconomic rights, including access to social security. Although the Decree provides an entry point for the economic inclusion of refugees, its provisions have not been integrated into national labour laws and are limited in practice.

Under one of the four World Bank IDA-18 RSW Projects that will serve refugee and host populations in the Hodh Chargui region (Mbera refugee camp and the host population in the *moughataa* of Bassikounou), the [Social Safety Net System Project II](#), validated in 2020, will enrol around 14,000 refugee households in the national social registry, support cash transfers to the most vulnerable ones and open eligibility to the national shock-responsive mechanism as a top-up during food security emergencies.

UNHCR has set up a joint project with Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) entitled: [Building capacities for strengthened socio-economic inclusion of refugees, asylum-seekers and vulnerable members of host communities in Mauritania \(ProNexus\)](#). The project will be implemented from 2020 until 2023 to allow UNHCR to support the Government in coordinating humanitarian and development programmes targeting refugees and in ensuring a smooth transition to socioeconomic inclusion in Mauritania.



#### 4.4 Protection for vulnerable groups

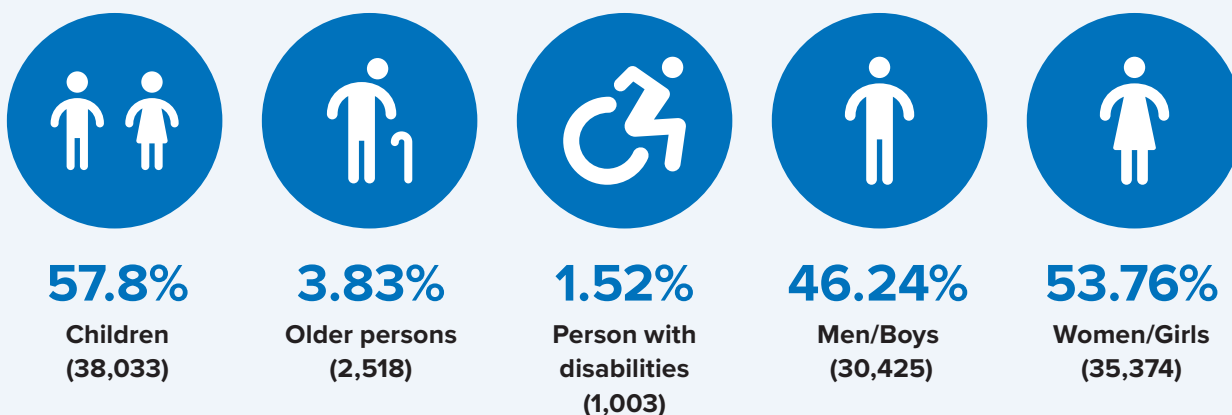
Although national care and protection systems are very limited in capacity, unaccompanied and separated refugee children, refugee victims of trafficking in persons, survivors of gender-based violence and other refugee groups with specific needs have comparable access to nationals in the same situation. The [Penal Code \(1983\)](#) and the law governing family ('[Code du Statut Personnel](#)'/CSP adopted in 2001) contain protective measures for women and girls (such as the prohibition of rape [Penal Code] and early marriage [CSP]) but also several unequal provisions regarding marriage and inheritance. The law ([ordonnance, 2005](#)) governing child protection and the [Law on Reproductive Health \(2017\)](#) improved protection for women and girls and their rights, for example by prohibiting female genital mutilation and ensuring access to reproductive health services for all. In order to better respond to survivors of gender-based violence, for example by strengthening access to medical services, a [draft law](#) on combating violence against women was also approved by the Council of Ministers in May 2020 but remains to be adopted by the Mauritanian legislature.

In the [2019 Declaration of General Policy](#), the Government committed to developing a national strategy for child protection, including an operational action plan, to mark the thirtieth anniversary of the Convention on the Rights of the Child. However, the legal and policy framework for child protection remains weak. The Government is working with UNHCR and Save the Children to strengthen the national child protection system, and in 2019 established standard operating procedures for panels determining the best interests of children. To support the best interest determination process for refugee children, UNHCR, UNICEF and IOM have been invited to participate in the best interest determination panel led by the Ministry of Social Affairs.



## 5 Cross Sectors

**Characteristics of registered refugees and asylum-seekers in total refugee population\***  
as at 30 June 2020



### 5.1 Gender

Despite improvements in recent years, the normative framework does not yet fully ensure gender equity and access to basic services regardless of gender, including for refugees and asylum-seekers. Mauritania ranks 141 out of 153 countries in the [World Economic Forum's 2020 Global Gender Gap Report](#). Economic participation and opportunities for women remain limited, with around 30 per cent of Mauritanian women participating in the labour force and a 43 per cent literacy rate. As mentioned above, the most consequential policy sub-dimensions in terms of socioeconomic development are as follows:

- i. **Justice and Security**, the challenges faced to prevent and address gender-based violence;
- ii. **Rights to Work and Rights at Work**, improving women's access to decent, well-paid work;
- iii. **Education**, improving female enrolment in primary and secondary education, particularly in Mbera camp; and
- iv. **Protection for Vulnerable Groups**, improving access to services for survivors of gender-based violence.

### 5.2 Social inclusion

The current implementation of policies in some policy sub-dimensions often does not enable the effective and full inclusion of refugees in national systems. While authorities have expressed a willingness to include refugees in national systems, be they the labour market (GRF pledge) or the education system, some policies and their implementation would require further amendments to operationalize these pledges. As mentioned above, the most consequential differences or restriction in terms of socioeconomic development affecting refugees with particular characteristics are as follows:

- i. **Education**, concerning adapted or accelerated learning programmes to address language barriers and disruption to schooling due to the flight from the country of origin, which impede effective access of refugee children to the education system.

\* The refugee numbers reported here do not fully match the numbers on the front page because demographic characteristics are not available for all refugees (e.g., pre-registered refugees, etc.).

## Annex on Key International and Regional Instruments ratified or adhered to

- [Additional Protocol to the Geneva Conventions of 12 August 1949 \(Protocol I\)](#)
- [Additional Protocol to the Geneva Conventions of 12 August 1949 \(Protocol II\)](#)
- [African Charter on Human and Peoples' Rights, 1981](#)
- [African Charter on the Rights and Welfare of the Child 1990](#)
- [African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa \(Kampala Convention\), 2009](#)
- [African Youth Charter, 2006](#)
- [Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984<sup>1</sup>](#)
- [Convention Governing Specific Aspects of Refugee Problems in Africa \(the OAU Convention\), 1969](#)
- [Convention on the Elimination of All Forms of Discrimination Against Women, 1979<sup>2</sup>](#)
- [Convention on the Rights of Persons with Disabilities, 2007](#)
- [Convention on the Rights of the Child, 1989<sup>3</sup>](#)
- [Convention relating to the Status of Refugees 1951 \(Ratification date: 5 May 1987\)](#)
- [Fourth Geneva Convention relative to the Protection of Civilian Persons of 1949](#)
- [ILO Abolition of Forced Labour Convention, 1957 \(No 105\)](#)
- [ILO Discrimination \(Employment and Occupation\) Convention, 1958 \(No 111\)](#)
- [ILO Employment Policy Convention, 1964 \(No 122\)](#)
- [ILO Equal Remuneration Convention, 1951 \(No 100\)](#)
- [ILO Forced Labour Convention, 1930 \(No 29\)](#)
- [ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 \(No 87\)](#)
- [ILO Labour Inspection Convention, 1947 \(No 81\)](#)
- [ILO Minimum Age Convention, 1973 \(No 138\)](#)
- [ILO Right to Organise and Collective Bargaining Convention, 1949 \(No 98\)](#)
- [ILO Social Security \(Minimum Standards\) Convention \(the ILO Social Security Convention\), 1952<sup>4</sup>](#)
- [ILO Tripartite Consultation \(International Labour Standards\) Convention, 1976 \(No 144\), 1976](#)
- [ILO Worst Forms of Child Labour Convention, 1999 \(No 182\)](#)
- [International Convention for the Protection of all Persons from Enforced Disappearance, 2006](#)
- [International Convention on the Elimination of All Forms of Racial Discrimination, 1965](#)
- [International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990](#)
- [International Covenant on Civil and Political Rights \(ICCPR\), 1966<sup>5</sup>](#)
- [International Covenant on Economic, Social and Cultural Rights, 1966](#)
- [Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Organized Crime \(2000\)](#)
- [Protocol relating to the status of refugees, 1967](#)

### Reservations/declarations:

- 1 Article 20 (inquiry into allegations of systematic torture); Article 30(1) (dispute resolution among States Parties).
- 2 Not approving anything contrary to the Shari and the Constitution. Partial withdrawal of reservations for Articles 13(a) and 16.
- 3 General reservation to any articles or provisions which may be contrary to the beliefs and values of Islam.
- 4 Part I (general provisions); Part II (medical care); Part III (sickness benefits); Part IV (unemployment benefits); Part VIII (maternity benefits); Part XI (standards to be complied with by periodical payments); Part XII (equality of treatment of non-national residents); Part XIII (common provisions); Part XIV (miscellaneous provisions); Part XV (final provisions).
- 5 Reservations: Article 18 (right to freedom of thought, conscience and religion); Article 23(4) (marital equality).

## NIGER

In 2020, Niger offered protection to 229,589 refugees and asylum-seekers from 22 countries, most of whom came from Nigeria and Mali. The number of Nigerian refugees in Niger has increased significantly over the past decade due to the Boko Haram insurgency, while Malian refugees have been fleeing to Niger since 2012 due to the ongoing conflict in the northern part of the country. Despite being a low-income country with the lowest human development indicators in the world and significant security concerns (as evidenced by the presence of 274,434 internally displaced persons) related to armed groups, the Government of Niger has generally maintained an open-door policy regarding the reception of refugees and asylum-seekers. Notwithstanding the worsening security situation and the complex geopolitical environment, the policy and institutional environment for refugees and host communities in Niger remained open and welcoming from July 2017 to June 2020 as improvements were made to asylum procedures and social protection measures.

### KEY POPULATION DATA

**225,741**

Refugees

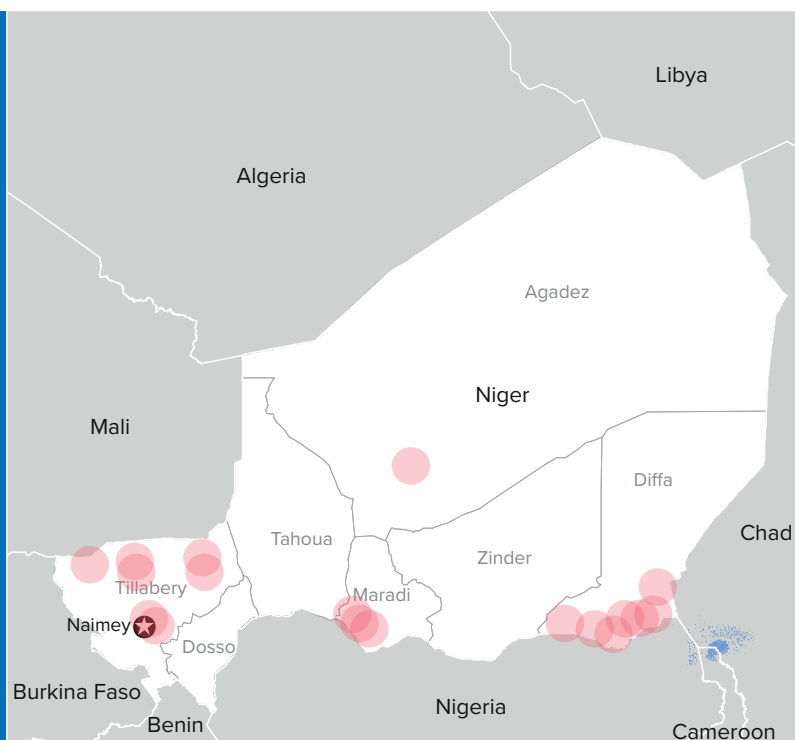
**3,848**

Asylum-seekers

**0.98%**

of the country's population (23,310,715)  
are refugees and asylum-seekers

IDA 18 RSW / IDA 19 WHR ELIGIBILITY:  
SEPTEMBER 2017



Most Nigerian refugees in Niger live in urban settlements, pursuant to the out-of-camp strategy of the government of Niger and UNHCR, with the exception of Sayam Forage camp in the Diffa region (South-East Niger). In May 2019, the Maradi region in the south of Niger near the border with Nigeria saw a new inflow of more than 35,000 Nigerian refugees, who are now mainly living in hosted arrangements with Nigerien families. Most Malian refugees live in Niger's Tillabery and Tahoua regions on the border with Mali. Of those, the majority live in semi-rural areas (Ouallam, Ayorou, Abala), while in Intikane there are "nomadic" hosting areas known as *Zones d'accueil des réfugiés* or ZARs; others reside in Niamey.

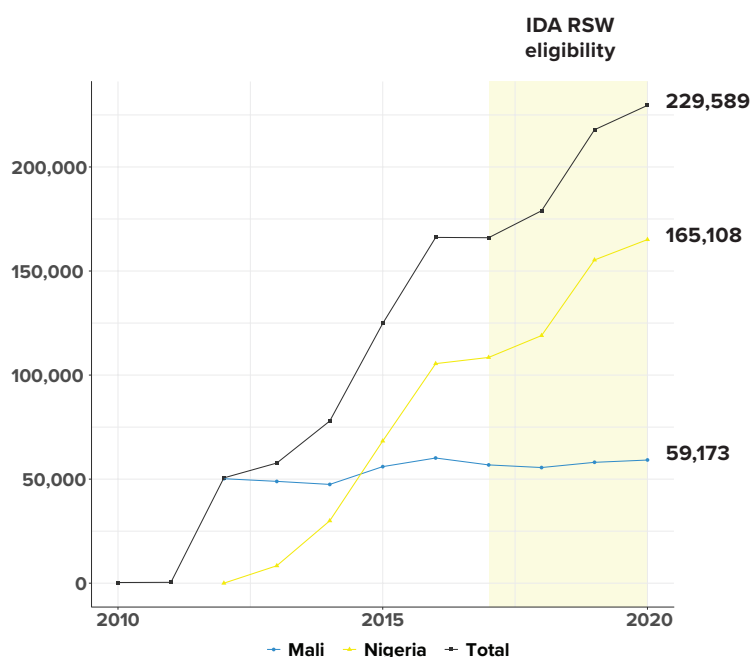


Figure 1: Number of refugees and asylum-seekers of the largest refugee population groups

## OVERVIEW OF REFUGEE POLICY ENVIRONMENT (JULY 2017–JUNE 2020)

During the reporting period, Niger received an increasing number of refugees from the Sahel situation and the Lake Chad Basin while itself facing several attacks from armed groups, triggering internal displacement of Nigerien nationals. Against this backdrop of security challenges and poverty for both host communities and refugees, a lack of capacity and infrastructure at institutional levels, and legal and administrative obstacles in asylum procedures, the Government of Niger maintained its open-door policy and continued to promote a progressive approach to managing refugee situations by ensuring that the rights provided under its asylum legislation are protected and exercised whenever possible.

Following pledges in connection with the development of the 2018 Global Compact on Refugees (GCR) and the 2019 Global Refugee Forum, the Government of Niger has been working to revise the overall quality of the national legal and operational framework on asylum procedure and ensure legal access to land for refugees. Key policy instruments and developments in the reporting period include:

- A Memorandum of Understanding that was signed between the Government of Niger and UNHCR in December 2017 set up the **Emergency Transit Mechanism (ETM)**. This was later renewed in February 2020 for an additional two years. The ETM offers **life-saving protection, assistance and solutions to vulnerable refugees** who have been stranded in detention centres and urban areas in Libya.
- A Memorandum of Understanding was also signed on 31 January 2020 with the Ministry of Urbanism, giving some 28,000 refugees **access to land, social housing and a water supply**.
- An [Economic and Social Development Plan \(2017–2021\)](#) was developed by the Ministry of Planning to strengthen the resilience of refugees and host populations, build the capacity of national entities to deliver **basic services in affected regions**, conduct **reconstruction and recovery efforts**, promote **knowledge transfer between humanitarian/development experts and decentralized public entities**, and distribute **biometric ID cards to refugees**.
- In 2017–2018, the Government conducted a countrywide **registration campaign** aimed at collecting biometric data and issuing refugee ID cards for all refugees hosted in Niger.
- **A National Action Plan against Statelessness** in Niger was finalized and the Government of Niger undertook a reform of its civil registration law culminating in the adoption of [Law No 2019–29 of 1 July 2019](#) on civil status and its implementing Decree No 2019-463/PRN/MI/SP/D/ACR, making it easier for any refugee to register life events.

Niger became eligible for the IDA18 Regional Sub-Window for Refugees and Host Communities (RSW) in September 2017, through which the Government is pursuing policy change. In 2019, the Government began implementation of the Refugees and Host Communities Support Project (PARCA) at 15 locations affected by forced displacement. PARCA has improved the **economic inclusion of refugees and host communities** inter alia by introducing new social protection measures mainly at the 15 project sites. In 2020, the Learning Improvement for Results in Education (LIRE) project was approved, which aims to **improve the quality of teaching and learning in selected refugee-hosting communities** and to **strengthen education policies**, including for refugees.

The Government of Niger also committed to regional solutions around the Sahel and Lake Chad Basin at the [Second Regional Protection Dialogue on the Lake Chad Basin held in Abuja](#) (28–29 January 2019) and at the [Regional Protection and Solutions Dialogue held in Bamako](#) (11–12 September 2019) including reinforcing the inclusion of refugees in national and local service delivery and advancing their socioeconomic well-being by enabling their access to markets and employment.

## POLICY DIMENSIONS (AS AT 30 JUNE 2020)

### 1 Host Communities

#### 1.1 Support for communities in refugee-hosting areas

At the financial and budgetary level, no policies specifically providing for timely additional financial transfers from the national level to areas economically affected by the presence of refugees are in place. However, the 2017–2021 Social and Economic Development Plan (*PDES/Plan de Développement Economique et Social du Niger*) emphasizes the inflow of refugees as an economic and security risk and identifies the lack of social and productive investments in priority areas as a major constraint.

Social protection is enshrined in the Constitution of Niger. The Government's 2011 National Social Protection Policy does not make explicit reference to host communities but recognizes the need to provide specific assistance and support for the progressive and sustainable reintegration of some groups affected by emergency situations, including disaster victims, displaced persons and refugees. The first priority area (or "axis") of the policy outlines a strategic vision to move from one-off emergency aid to the establishment of a permanent system of social safety nets that will contribute to building resilience and can be scaled up in case of crisis. The policy outlines how to link the prevention and protection aspects of social safety nets with promotion measures that contribute to poverty reduction over the medium to long term. The fourth policy axis deals with reducing inequalities and strengthening social protection for vulnerable groups (women, particularly young, and disabled persons). The general objectives of this axis are in particular to promote revitalization of the social security system and more specifically to support the existing programmes and provide special services and adequate benefits to the most vulnerable people.

With the support of the World Bank, the Government has strengthened the national capacity through the Social Safety Net (CFS) Unit which coordinates and manages adaptive social protection programmes in Niger. The CFS Unit is part of the Prime Minister's Office and has nationwide coverage, including forcibly displaced, with programmes around three main elements: sensitization, targeted cash transfers and livelihoods programming. CFS has been leading implementation of multiple cash-related projects. In March 2020, an interdisciplinary CFS working group was created pursuant to Order No 0055 of 26 March 2020, made up of various governmental and United Nations agencies, as well as civil society members, to support CFS in formulating long-term strategic, technical and operational guidelines.

#### 1.2 Social cohesion

The sociocultural similarities between refugees and host communities in Niger are conducive to social cohesion. In fact, it should be noted that in the Maradi regions the generic term *En gudun Hijira* (literally "the people of Hegira", i.e. the prophet Mohammed's followers who had to flee from Mecca to Medina) is used in reference to IDPs and refugees regardless of their nationality and status. The Government's out-of-camp strategy is based on these endogenous dynamics of inclusion and solidarity and on the view that physical separation of individuals with differing statuses would weaken social cohesion. This strategy is part of a pragmatic medium- and long-term vision based on the assumption that the security situation in neighbouring countries will remain fragile. Depending on the specificities of each region, the different settlement and village models in place all aim to achieve inclusion. The strategy implicitly promotes socioeconomic integration to foster social cohesion, particularly in terms of access to the same level of basic services as host communities.

Presidential Decree 2014/117 created the High Authority for the Consolidation of Peace (HACP), whose main functions are to maintain peace and dialogue among different communities in Niger, in order that they may live together in trust, tolerance and respect. HACP, which is made up of various organs and relies on regional delegations, is meant *inter alia* to prevent and resolve community conflicts, facilitate dialogue and promote action towards peace and national unity. The main risks to social cohesion among refugee and host communities in Niger include competition over access to natural resources, agricultural land, grass and firewood; illegal logging; destruction of crops by stray animals; reduced areas for nomads

leading to tensions between herders and farmers; and pressure on basic services. In light of this, HACP implements several social cohesion projects in areas affected by displacement with the support of the United Nations Peacebuilding Fund (PBF). These include a project that promotes the inclusion of youth and women in conflict prevention and peaceful resolution mechanisms and provides socioeconomic opportunities for youth, as well as a peace and social cohesion project in the Diffa region that aims to address the frustrations of host populations which are affected by rampant insecurity.

The Government's National Eligibility Commission (CNE) and UNHCR have assisted in the creation of sectoral committees on areas such as education, environment and hygiene in all refugee-hosting regions. These committees are made up of both host community and refugee representatives. In Maradi, three committees have been specifically established to promote peaceful coexistence between refugees and host communities. While not yet formally established throughout the country, informal conflict resolution committees have been set up by host communities and refugees who know each other well from past interactions and shared history. These committees commonly deal with accusations of stolen livestock. Chiefdoms, often in coordination with the administrative authorities, also play a central role in supporting social cohesion and conflict resolution within and among refugees and host communities.

Many governmental and UNHCR initiatives (education and health care, one-stop shops in Ouallam, Abala and Ayorou, shelter projects for refugees also targeting vulnerable members of host communities) are available for refugees and host communities alike, which further contributes to social cohesion by avoiding disparate treatment between refugees and hosts.

Article 10 of [Law No 97-016](#) of 20 June 1997 establishing the Status of Refugees (Refugee Law) makes explicit reference to non-discrimination between refugees and nationals as regards education, health, accommodation, personal safety, security of assets, freedom to choose a place of residence and freedom of movement. Under Article 22 of [the Constitution](#) of Niger, the State commits to eliminating all forms of discrimination against women, girls and persons living with disability and to public policies supporting their self-fulfilment and participation in national development. It also provides that the State will guarantee women equitable representation in public institutions through the national gender policy and respect for quotas. Article 4 of [Law 2011-42](#) of 14 December 2011 on legal and judicial aid provides that such aid is accessible to all without any distinction on the grounds of nationality, sex, age or other such considerations. Despite the relevant legal framework, women and girls –from both refugee and host communities – have low access to education and are underrepresented in decision-making committees and employment.

### 1.3 Environmental management

Environmental protection, whose importance is mentioned in the 2010 Niger Constitution, is a priority expressed in several strategic plans of the Government, primarily through the 1998 National environment plan for sustainable development (PNEDD) and the 2017–2021 social and economic development plan (PDES). To support these plans, Niger has an extensive legal framework for environmental and social management which is further described below. While these policies do not directly refer to refugees or host communities, they apply in refugee-hosting areas nonetheless.

Article 2 of Law 2018-28 of 14 May 2018 determining the fundamental principles of environmental assessment provides for such assessments, under the responsibility of the National Environmental Assessment Office (BNEE) of the Ministry of the Environment, to be conducted in relation to projects, programmes or any other activities that might harm the biophysical and human environments. Such assessments are similarly carried out in refugee settlements and sites, and require a follow-up action plan addressing the environmental impacts of the refugee settlement, suggesting corrective measures and ensuring monitoring and surveillance mechanisms.

Several plans, programmes and strategies define the policy on access to energy for the entire population, notably the Rural Energy Service Access Programme (PRASE, April 2009) and the National Strategy for Access to Modern Energy Services (SNASEM, January 2006). [The National Programme for Domestic Energy](#) (PNED), currently under revision, aims to ensure an affordable domestic energy supply through



sustainable management of natural resources and biodiversity. This objective is also being pursued in areas affected by forced displacement; across all of the regions concerned, nearly 30,000 vulnerable households (refugees, IDPs and hosts) have received support from partners to switch from wood to gas.

Waste management systems remain generally underdeveloped with insufficient triage systems, uncontrolled dumps and limited processing or recycling systems. There are nonetheless a number of executive orders applicable to the issue: Order No 97-01 of 10 January 1997 establishing environmental impact studies; Law No 2014-63 of 5 November 2014 banning the production, import, sale, use and storage of bags and packaging made of low-density flexible plastic, and Decree No 2015-321/PRN/MESU/DD of 25 June 2015 determining the modalities of application of Law No 2014-63 of 5 November 2014 banning the production, import, sale, use and storage of bags and packaging made of low-density flexible plastic.

The water sector is quite decentralized as provided in the November 2016 [Sectoral Water, Hygiene and Sanitation Plan](#) and is hence regulated differently throughout the country. The Ministry of Hydraulics and Sanitation supports local authorities in developing and managing public water services. Consultation frameworks are in place for water users, including refugees. Through this Plan, a participation approach to sanitation is promoted at community level to raise awareness of harmful sanitation practices and to decide collectively on the most adequate hygiene standards. This approach is also being advocated in all refugee-hosting regions. However, emergency community latrines, provided by UNHCR partners, are rapidly deteriorating and are being abandoned by the population.

## 1.4 Preparedness for refugee inflows

Niger does not have a national preparedness framework specific to refugees or displaced populations more generally. Risk and crisis prevention structures do exist within the Department of Risk and Disaster Prevention at the Civil Protection Department (Ministry of Interior) with a focus on floods and fires, and within the National Food Crisis Prevention and Management System (DNP-GCA) of the Prime Minister's Office with a focus on food, nutrition and pastoral crises and coordinating early recovery. The Ministry of Humanitarian Action and Disaster Management is responsible for developing, monitoring and evaluating humanitarian policy and disaster management to anticipate the occurrence of disasters, including refugee inflows, and for coordinating national responses by drawing up contingency and action plans and preparing programmes and budgets, including the mobilization of partners and resources.

The Nigerien authorities are involved in and supportive of the development process for refugee contingency plans led by UNHCR, including [the Regional Refugee Response Plan](#) (RRRP) for Nigerian refugees with a specific chapter for Niger which is fully aligned with the Government's out-of-camp and, in addition to emergency needs, provides for interventions in the areas of civil registration, livelihood, comprehensive solutions and education.

# 2 Regulatory Environment and Governance

## 2.1 Normative framework

The commitments of Niger under international law on refugee issues are explicitly incorporated and codified into national legislation and regulations. Niger is party (without reservations) to the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol, as well as the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa. Niger enacted [Law No 97-016](#) establishing the Status of Refugees on 20 June 1997 (the Refugee Law) and passed an implementing Decree ([No 98-382/PRN/MI/AT](#)) on 24 December 1998. The law guarantees refugees access to property ownership, security, courts, basic services and freedom of expression and movement without discrimination. Niger is also party to the 1989 Convention on the Rights of the Child and a signatory to ILO Convention No 182 on the Worst Forms of Child labour (1999).



The National Eligibility Commission (CNE) is a collegial body responsible for Refugee Status Determination (RSD) that was established under Article 5 of the 1997 Refugee Law and is composed of 17 representatives from the various Ministries, as well as civil society representatives. UNHCR is a member of the Commission with an observer and advisory role. The functions of CNE were defined in Order 208/MI/AT/SP/CNE of 14 July 2000, while the Order of March 2006 further granted CNE the mandate for refugee registration and first-instance adjudication of refugee status.

Under [Order No 142/MI/SP/D/AR/DEC-R](#), all asylum-seekers fleeing the armed conflict in northern Mali are recognized as refugees *prima facie*. They are registered by the Government through a UNHCR-assisted process. Nigerian refugees hosted in the Maradi region since May 2019, as well as those in the Diffa region who fled the Boko Haram insurgency from 2013 onwards, are also recognized as refugees *prima facie* under the new [Order No 00571/MISP/D/ACR/SG/DGECM-R](#) of 9 July 2020. This supersedes Order No 806/MI/SP/D/AC/R/DEC-R of 4 December 2013, which accorded them temporary protection. All other asylum-seekers are subject to individual refugee status determination by CNE. In the event that CNE rejects an application, an appeal can be lodged with the [Comité de Recours Gracieux](#) (Informal Appeals Committee – CRG), established under [Order No 127/MI/D/DEC-R5 of March 2006](#). CRG is made up of representatives of three Ministries and one member of civil society.

UNHCR has observed a need for capacity building among staff members of CNE and CRG as regards RSD procedural standards to improve the quality of the decisions taken by these two institutions. Both CNE and CRG are entirely dependent on UNHCR financial support. Although CNE is staffed by dedicated governmental officials, it faces severe administrative and technical challenges that mainly translate into extended waiting periods in the asylum procedure and the creation of a significant backlog of cases. The Government is fully aware of these shortfalls and exhibits willingness to work towards addressing them with external support. One of its priorities is to review the legal and operational framework of the national asylum procedure, which it pledged to do at the Global Refugee Forum.

Most Government policies are available online and can also be found upon request at the relevant governmental entities. UNHCR, often in cooperation with the Government, disseminates all relevant policy information to refugees and asylum-seekers through information and sensitization campaigns, individual counselling and refugee community leaders in a bid to increase awareness and understanding.

## 2.2 Security of legal status

There is no restriction on the legal stay of documented refugees and asylum-seekers. Asylum-seekers are issued a renewable attestation by the Government confirming their status, valid for three months, as well as proof of registration including their personal information and a picture. Refugees receive a renewable attestation from the Government confirming their status, valid for one year, and every refugee aged 13 and over is to be issued with a refugee ID card that is valid for three years. These various documents can be renewed fairly quickly and easily. There have been reports of some delays in renewal associated with temporary unavailability of the machines producing the documents.

The right to non-refoulement in Niger is enshrined in Article 6 of the Refugee Law. Under Article 7 of the Refugee Law, CNE can give its opinion on the potential expulsion of a refugee further to a decision taken by a panel of governmental, parliamentary and civil society representatives as per Article 5. A UNHCR representative also assists in this decision and has the right to be heard. There have not been any reported cases of unlawful termination of refugee status or refoulement for the last year, as at 30 June 2020.

Closure of borders due to COVID-19 has had little to no impact in terms of access to the territory by refugees or asylum-seekers, who are still able to arrive and leave by established migration routes.

## 2.3 Institutional framework for refugee management and coordination

Made difficult by the multiplicity of actors and the operational complexities in a country where there are several overlapping conflicts, emergencies and hazards, the effectiveness of the coordination structures is further hampered by the security context, which hinders humanitarian intervention.

Overall management of refugees is the responsibility of the Ministry of Interior. Given the multi-sectoral nature of the out-of-camp strategy, UNHCR works with other Ministries including Humanitarian Affairs and Disaster Management, Urban Planning, Justice, Education, Health, Hydraulics, Planning, etc. However, the division of responsibilities between the Ministry of the Interior and the Ministry of Humanitarian Action, which is in charge of the management of IDPs, has resulted in some operational coordination and strategic challenges in mixed and secondary movement situations, notably in Diffa, Tillabery and Tahoua. On a day-to-day basis, the governmental action that includes refugee affairs, is broadly coordinated by the Prime Minister, Head of the Government.

Order No 0699/MI/SP/D/ACR of 21 November 2016 on the organization of the services of the Ministry of Interior assigns the coordination of external partners and CNE activities to the Director-General of Civil Status Migration and Refugees (DRECRM). DRECRM faces operational constraints due to limited staffing capacity.

At the sub-national level, the Regional Directorates of Civil Status, Migration and Refugees oversee response coordination in support of the Governors through coordination committees, adjusting their duties and functions according to the specificities of each region, including the roles played by local authorities in response to refugee inflows the existence of sectoral coordination mechanisms prior to the arrival of refugees and the mixed nature of the displacement situation. In Niamey, the multisectoral working group for refugees led by UNHCR fulfils this role in conjunction with other working groups.

In addition to these coordination mechanisms, there are Regional Committees for the management of displaced persons which are placed under the leadership of the Governorates and which cover the overall response to refugees and IDPs in areas of mixed displacements. They are made up of Regional Technical Directors, Prefects, the President of the Regional Council and humanitarian actors. These committees meet monthly under the leadership of the Governors and with two co-leads: the Regional Directorate of Civil Status/Migration and Refugees, and the Representative of the Ministry of Humanitarian Action. These committees are supported by the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) and UNHCR.

Since September 2017, a government-led decentralization process has resulted in increased responsibility and autonomy for Regional Councils and municipalities in four key sectors: education, health, environment and water/sanitation. Regional sectoral working groups are led by the concerned regional technical directorates with the support of humanitarian actors.

The Government largely relies on UNHCR refugee data for its data collection and management process, having notably access to UNHCR electronic registration system for asylum-seekers. Overall refugee data is not part of the national database; however, refugees are increasingly becoming part of Government surveys conducted in Niger. In 2018, refugees were included in the national poverty exercise led by the Government's National Institute of Statistics and the World Bank. The resulting data, which is still being processed for publication, offers a rich comparative analysis of refugees and their hosts. Refugee data is also taken into account through the national health information system (Système National d'information Sanitaire – SNIS), which aligns with the Health Ministry's national policy on health information management and provides reliable quality information to decision-makers, health officials and partners. Refugee populations are also fully integrated into the Government's COVID-19 pandemic response plan.

At the various levels of governance, there is no formal process through which refugees are consulted regarding decisions that affect them. While there are refugee committees in Niger, including in Niamey, their mandate is limited to assuring the quality of services towards refugees rather than following up on decision-making processes. Such consultations instead take place through informal interactions with the chiefs of villages and townships and through the same channels of communication used between Niger nationals and the local authorities.

Focus group and individual discussions regularly take place under the purview of UNHCR, the Government and partners with members of the refugee community on a variety of issues, including the impacts of specific interventions or programmes or the implementation of a new policy, with the aim of collecting the

feedback of a fair representation of the refugees taking into account age, gender, diversity and special needs. Such feedback is passed on to departmental and regional authorities to inform the design and implementation of future programmes and activities.

## 2.4 Access to civil registration and documentation

Article 10 of Decree 98-382/PRN/MI/AT provides refugees with the right to documentation, notably in the form of a refugee identity card and a travel document (*titre de voyage*).

The individual refugee ID card allows beneficiaries to enjoy freedom of movement and to access various facilities and services such as school enrolment, access to health services, subscriptions to mobile phone SIM cards, bank accounts, financial transactions, etc. These refugee ID cards are produced by UNHCR but formally issued to refugees by the Government, which registers the issuance in its own database.

Refugee households are also issued with a refugee attestation, which lists all members of a refugee household and includes their photographs and biographical data. These are issued jointly by the Government and UNHCR. There is no difference between a refugee attestation and a refugee ID card in terms of access to services.

Asylum-seekers are issued by the Government with an attestation confirming their legal status and bearing a governmental stamp, as well as a proof of registration document that lists each family member individually with a photograph and personal data. While both of these documents are issued by the Government, only the attestation can be used to access basic services.

Documentation issued for vital events in Niger is governed by [Law 2019-29](#) of 1 July 2019 on civil status in Niger and Law 2007-30 of 3 December establishing the civil registry. The civil registration process is overseen by the Ministry of Interior, Public Security, Decentralization, Migration and Religious and Customary Affairs and the Directorate General of Civil Status and Refugees (DGEC-MR). It is, however, a decentralized process with primary, secondary and declaration centres based on the size of the population in the area concerned (Article 11 of [Law 2019-29](#)). Secondary centres are most common in tribal and rural areas. Refugees and asylum-seekers in Niger are governed by these laws as regards vital events affecting them and have equal access to the civil registration centres on a par with nationals.

Article 30 of [Law 2019-29](#) creates a legal obligation for adults to register births, deaths and marriages. There is no fee for such registrations. In the government-established civil registration centres and in the secondary centres of groups of villages or tribes, any declaration must be made within 60 days of the event (Article 37 of [Law 2019-29](#)). Births and deaths occurring in health facilities must be declared immediately or at the latest within 10 days (Article 42 of Law 2007-30). However, the timely issuance of birth certificates in rural areas and to a lesser extent in urban settings is hampered, inter alia, by home births, delayed declarations and tardiness in transcribing the records into the civil registers. A 2015 research study revealed that up to 82 per cent of the entire population in the Diffa region, including the majority of displaced persons, were undocumented.

The level of civil registration in Niger remains very low, both for nationals and for refugees. In order to tackle this issue, the Government conducted a countrywide registration campaign in 2017–2018 with the aim of collecting biometric data and issuing refugee ID cards to all refugees hosted in Niger. Beyond the prevention of statelessness, this exercise was critical to inform effective assistance programmes for refugees.

## 2.5 Justice and Security

The level of the security threat in certain regions is high and affects refugees and nationals equally. Non-state armed groups perpetrate direct attacks on refugees, as exemplified by the attack on the *Zones d'Accueil des Réfugiés (ZARs)* in Intikane on 30 May 2020, causing deaths, destruction and population movements including forced returns. Forced secondary displacements as a result of such attacks are expected to continue. In some instances, armed groups have launched attacks on the local populations in

refugee-hosting areas, and attacks on civilians by non-state armed groups in north-eastern Nigeria also at times spill over into neighbouring areas in Niger. This widespread insecurity affects the ability of the Government's administration and humanitarian actors to operate in certain zones, particularly in border areas.

The Government has put in place preventive and security measures to ensure the civilian nature of refugee camps. These have included screening mechanisms for new arrivals implemented by the Director-General of Civil Status, Migration and Refugees (DRECMR) of the Ministry of Interior and Decentralization and law enforcement authorities, as well as relocating refugee camps to safer areas when required.

Refugees and asylum-seekers have the right to access law enforcement and judicial process under the same conditions as Nigerien nationals and other non-nationals. As such, they have access to the two existing systems: the formal court system and the customary courts and traditional mediation mechanisms. However, in practice, access to the formal judicial system is constrained by the lack of financial means as well as the limited geographical coverage in remote areas. Filing a complaint requires a tax stamp that most refugees and indigent nationals cannot afford.

Article 15 of [Law 2011-42](#) of 14 December 2011 on legal and judiciary aid establishes free legal aid for any indigent persons and Article 18 establishes free legal assistance for certain categories of people, such as persons with disabilities and certain minors. Refugees and asylum-seekers are not among these categories. The National Association of Legal and Judicial Assistance (ANAJJ), created under [Law 2011-42](#), provides legal aid to refugees with the support of local and international non-governmental organizations.

Customary courts and traditional mediation resolutions are available to refugees, but they do not provide the same level of legal protections as the formal court system. While traditional chiefs may act as mediators and counsellors to arbitrate matters of customary law including marriage, inheritance, land and community disputes, they do not have competence in either civil or criminal issues and have no policing or judicial powers. Refugees often resort to using the local customary courts and chiefs as they often share the same culture and customs as the local nationals, especially in the Diffa and Maradi regions. These systems are also more accessible and less costly.

Niger has ratified the Convention on the Elimination of All Forms of Discrimination Against Women and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Article 8.2 of the Constitution provides for the equality of all before the law without any distinction of sex, social origin, race, ethnicity or religion and Article 22 provides that the State shall take all measures to fight violence against women and children in public and private life. As per the Nigerien Penal Code, rape is punishable by 10 to 30 years in prison, depending on the circumstances and the age of the victim. In 2008, Niger issued a National Gender Policy that was revised in August 2017.

Sexual and gender-based violence (SGBV) is an issue of great concern to the Government of Niger, which is committed to fighting against it. [The National Strategy for Prevention and Response to SGBV \(2017–2021\)](#), which includes refugees, is implemented through various Ministries (Health, Justice, Interior, Defence, Education, Youth and Sports, etc.) and civil society organizations under the leadership of the Ministry of Population, Promotion of Women and Child Protection. The latter leads the SGBV working group, which regularly initiates awareness campaigns targeting at-risk populations including refugees. The multisectoral and multi-partner approach developed by the Government puts the emphasis on preventive activities targeting groups at heightened risk of SGBV: engaging with men and boys, supporting safer environments and mitigating the risk factors associated with survival sex.

The risk of sexual and gender-based violence (SGBV) is widespread among female refugees and asylum-seekers due to a lack of male or community support. Identification of persons at risk has improved thanks to various sensitization and awareness-raising campaigns by the Government, UNHCR and partners, but the reporting of incidents remains low.

In areas where Government services are available to the population, female refugees have access to and routinely avail themselves of local services without discrimination. In areas in which Government services

are not available, survivors of gender-based violence have access to services through UNHCR and its partners. As regards justice in such cases, refugees have access via CNE, to which referrals are made by UNHCR partners in charge of GBV case management with the consent of the survivor.

## 3 Economic Opportunities

### 3.1 Freedom of movement

As per Article 10 of the Refugee Law, documented asylum-seekers and refugees are free to move within Nigerien territory and choose their place of residence under the same conditions as Nigerien nationals and other non-nationals. Detention is not used for migration-related offences. The out-of-camp policy promoted by the Government of Niger means that there are no refugee camps in the country except for the one in Sayam Forage. The people in that camp live there for security reasons following several attacks; however, they are free to move out of the camp and settle elsewhere.

### 3.2 Right to work and rights at work

Article 9 of the Refugee Law provides that refugees have the same right to exercise salaried or unsalaried professional activity as nationals of the country that has concluded the most favourable conventions with Niger. In practice, refugees originating from ECOWAS countries have the same rights as Nigerien nationals regarding access to the labour market and to financial and business development services. Refugees coming from non-ECOWAS countries are considered to be foreigners and their access to work is regulated by any agreements that Niger might have concluded with those countries. However, a 2018 ILO-UNHCR market systems analysis revealed that in practice, few refugees are aware of their rights and that host community employers tend to ignore the regulations and preferentially hire nationals. Asylum-seekers do not formally have the right to work, but are in practice able to work in the informal sector as it is largely unregulated.

Article 9 also ensures that working refugees enjoy the same salary and protection as nationals for a given job (ECOWAS refugees) or as foreigners (non-ECOWAS refugees). Refugees are not allowed to work in the public sector, which is reserved for Nigerien nationals.

There is no need for refugees to obtain a work permit prior to employment. Work contracts are validated by the National Agency for Employment in Niger (ANPE), a structure under the Ministry of Employment. Refugees have access to the employment card issued by ANPE in the same way as Nigeriens.

Agriculture and artisanal trade dominate the labour market in the country and most workers, including nationals, are in vulnerable jobs in the informal sector.

Child labour is of major concern for all populations in Niger and food insecurity pushes many children into working at an early age. The Government of Niger has adopted a decree that increases the minimum age for hazardous work to 18 and has expanded the number of dangerous occupations that are prohibited for all children. The current 2017–2021 Plan for Social and Economic Development includes activities to improve access to education for vulnerable populations, especially migrant children, and to combat child street work. This Plan includes refugee children. However, children in Niger continue to be engaged in dangerous forms of child labour, including in the mining and agriculture sectors. Gaps in enforcement of existing labour laws and regulations have left children unprotected from the worst forms of child labour.

Statistics for refugees working in the private and informal sectors in Niger are difficult to find. UNHCR estimates that 52 per cent of refugees living in urban setting are informally employed, while in rural areas, 76 per cent of refugees work in the agricultural sector and 18 per cent are employed in other sectors. Only 10 per cent of refugees in urban settings are employed in the formal sector.

Refugees can create and register businesses in their own name. There is no directly applicable law granting them this right, but the non-discrimination clause of Law 97-016 indirectly applies. In practice, refugees can register their business in their own name through the Maison d'Entreprise in the same manner as nationals. Refugees with recognized diplomas can practise a liberal profession.



### 3.3 Land, housing and property rights

No laws restrict land, housing and property rights for refugees. Ensuring legal access to land for housing for refugees is one of the commitments made by the Government of Niger at the Global Refugee Forum in December 2019.

The General Code of Local Authorities (*Code Général des Collectivités Territoriales* – CGCT) attributes competence in the area of urban planning and housing to the *Communes* (town or village). In the major sites and municipal capitals, Government authorities have been implementing urban setting settlement programmes for refugees through the *Communes* since 2015. In these settlements, ‘social parcels’ of land (between 200 m<sup>2</sup> and 400 m<sup>2</sup> to enable accommodation of livestock) are allocated to refugees as well as to vulnerable host community members. Each household benefiting from a social parcel receives a land transfer deed from the municipality offering land ownership that may be time-limited or indefinite. A total of 11 municipalities (7 in the Diffa region, 3 in the Tillabery region and 1 in the Tahoua region) benefit from this policy, and nearly 3,200 social housing units have been built by UNHCR and its partners on the social parcels in these three regions. Despite financial and technical limitations, the *Communes* discharge these functions in the development of urban settlements with the support of UNHCR and the regional urban and rural planning directorates (Directions Régionales de l’Urbanisme et du Génie Rural).

Elsewhere in the country, refugees are able to purchase land and houses in the same way as nationals. In practice, they face considerable difficulties in doing so because they generally do not have sufficient capital for such a purchase. Instead, refugees’ access to land for agricultural activities is generally negotiated by the community and the chiefdom by way of lending mechanisms. In terms of rain-fed agriculture, the challenge lies primarily in finding available land in the context of demographic pressure. Access to land for off-season agricultural activities such as market gardening is constrained by insecurity around the fertile areas and the financial resources necessary to properly develop land.

### 3.4 Financial and administrative services

Under Article 10 of Refugee Law 97-016, as well as in practice, refugees can access financial services. They can open bank accounts in the same way as nationals, although very few exercise this right due to poor economic conditions. A valid identification document is required to open a bank account in Niger and the refugee ID cards issued by the Government fulfil this requirement.

Most refugees have not yet had opportunities to access financial services due to lack of information. In addition, unequal societal norms and gender discrimination are additional obstacles for women seeking access to financing opportunities such as holding bank accounts and managing mobile money.

The inclusion of refugees in mobile money programmes is not formally regulated; however, with UNHCR shifting from in-kind assistance to cash transfers, mainly by mobile money, since 2013, mobile financial transactions are currently widespread among refugees. Refugees and asylum-seekers can acquire SIM cards using their identification documents.

Driver’s licences issued outside Niger can be recognized by the Ministry of Transport on a case-by-case basis. Refugees holding diplomas issued in their country of origin or in a third country can apply to have them recognized at the Equivalence Department (Service des Equivalents) of any of the universities in Niger. In addition, refugees in Niger are fully able to acquire a national driver’s licence.

There are no Government policies in place to provide refugees in Niger with skills development services. However, there are numerous initiatives of this nature in Niamey and across the country run by civil society organizations, development actors and humanitarian organizations, as the key to economic and social inclusion. Refugees have access to these initiatives like the host population. Various specialized services for refugees such as accelerated education, language training, remedial learning programmes, catch-up programmes, psychosocial support, and specialized education are available through humanitarian and development projects, but are not directly run by the Government and are not based on specific policies.

## 4 Access to National Public Services

### 4.1 Education

Article 10 of the Refugee Law enables refugee children and youth to access education in a similar manner to nationals. In practice, asylum-seekers and refugees have free access to primary education in state schools. It should be noted that, although Niger committed in 2016 to providing free and compulsory education for all children aged 4 to 18 in formal, non-formal and vocational systems, compulsory education for children in this age group is not enforced. This applies equally to refugee children. In 2017, the United Nations Education Index placed Niger last among 189 countries in terms of the actual years of school attendance by the population compared to the average expected years of school attendance. According to United Nations statistics for 2018 relating to boys and girls living in Niger, which includes refugee children, the average Nigerien boy only spends 2.6 years in school and the average girl 1.5 years.

The Government has been integrating refugee children into national education programmes since March 2012. In the Tillabéri and Tahoua regions, Malian refugee children are fully integrated into the Nigerien curriculum and the Ministry of Education works to ensure the availability of teachers in the hosting schools. This strategy focuses on upgrading semi-permanent school infrastructure and building new classrooms, housing for teachers and latrines. Efforts are underway to further integrate refugee children into the national education system, with an emphasis on access, quality education and girls' attendance.

Enrolment rates among refugee children overall are low (30 per cent) compared to nationals (69 per cent), mainly due to the volatile security situation in their areas of residence, high mobility, language barriers (specifically in the case of Nigerian and Sudanese refugee children), and social and cultural norms that do not value formal education. This is especially true for girls, nationals and refugees alike, whose access to education is severely challenged by such norms and practices including early marriage and the social role assigned to girls from an early age. The enrolment rates for refugee children range from 17 to 25 per cent in rural areas, while in Niamey 56 per cent of refugee children are enrolled.

Overall, access to quality education by refugees in Niger is also hampered by insufficient classrooms and latrines, a lack of teachers and education materials, gaps in teacher training to meet the specific educational needs of refugees and limited availability of alternative education programmes for overaged or out-of-school children. Along the Malian border, many schools have been closed for lengthy periods of time because of the insecurity and others are at times occupied by national security forces involved in counter-terrorism operations. Many refugee and host community children are therefore deprived of education.

However, schools are being built and rehabilitated in refugee-hosting areas as part of the Refugees and Host Communities Support Project (PARCA) supported by the World Bank. The Niger Learning Improvement for Results in Education Project (LIRE), also supported by the World Bank, focuses on strengthening education planning and management as well as improving the quality of teaching and learning conditions in selected regions, supporting the special educational needs of refugees and host communities.

At national level, specialized services (such as accessible learning services, accelerated education, language training, remedial learning programmes, catch-up programmes, psychosocial support, specialized education, etc.) are limited, but refugee children and youth have the same access to them as nationals according to the Refugee Law, the National Literacy and Non-formal Education (AENF) Policy for 2012–2015 and Articles 36, 37, 38 and 42 of Law No 98-12 of 1 June 1998 on the orientation of the Nigerien education system (LOSEN).

### 4.2 Healthcare

As per the Refugee Law, refugees and asylum-seekers enjoy access to primary health care in the same way as Nigerien nationals. Primary health care is subsidized by the Government. Access to health services is based on the system of cost recovery for services provided and specific targeted free health services. The aim of free health care is to ensure equity in access to care. In this context, the Nigerien government



has implemented measures to provide free health care focused on children aged 0 to 5 years, pregnant women, caesarean sections, gynaecological services and family planning.

Overall, health care in Niger suffers from a chronic lack of resources, medicine and supplies and from an insufficient number of health providers for the population: reportedly, close to half of the Nigerien population do not have access to health care. It can also be expensive and in many instances unaffordable. UNHCR and other humanitarian organizations as well as development actors provided support to improve access to health care for refugees, IDPs and host communities in regions where the inflow of forcibly displaced persons put additional pressure on already poor infrastructure, including through the construction and rehabilitation of health centres.

By virtue of an agreement between UNHCR and the Ministry of Health on health assistance funded by UNHCR and its partners, refugees and host populations will continue to access health services free of charge until 31 December 2022. This implies that, at all levels of the public health structures, refugees will continue to have access to services within the framework of medical referrals under the same conditions as nationals, on the basis of the cost recovery system for children over 5 years of age and for adults in accordance with the national health policy. In Niamey, the UNHCR-led *Guichet Unique* (one-stop shop) provides free primary health-care services for urban refugees through a partnership with *Action Pour le Bien Etre*, a Nigerien NGO, as well as reimbursements for services that refugees have sought at public hospitals. Similar partnerships exist in other urban centres to alleviate the burden on the national public health system. With the gradual social and economic empowerment of refugees and the ongoing strengthening of the capacity and resilience of the Nigerien health system, it is expected that the refugees will cover their own medical expenditure from January 2023 onwards. In refugee settings and villages of opportunity, primary health care is provided to refugees at first-level health facilities managed by humanitarian organizations.

Refugee women and girls have access to sexual and reproductive health services in the same manner as Nigeriens. The free sexual and reproductive health services available to Nigerien women are equally accessible to refugee women, however the actual costs of these services are sponsored through financial support provided to the service delivery entity by UNHCR and its partners. Despite the steady decline in maternal and infant mortality in Niger, the mortality rates remain an issue of concern due to the inaccessibility of health facilities in rural areas and the prevalence of malnutrition in all regions of the country. As part of the process of integrating health services for refugees into the national health system, the Government aims to improve access to maternal and child care, reproductive and HIV health services, as a priority, through a national strategy that includes refugees.

Since the beginning of the COVID-19 emergency, the Government has reinforced a communication campaign on the risks of the pandemic and prevention measures, notably through the use of community-based radios. The Government has developed a comprehensive preparedness and response plan that takes into account areas hosting refugees and fully integrates refugees and host communities.

With respect to national public health insurance systems, refugees can benefit from the same services of nationals.

### 4.3 Social protection

The Niger National Social Protection Policy, which also applies to refugees, was adopted in 2011 and a national social protection forum was held in 2013 to operationalize the policy and promote its ownership by key domestic stakeholders as well as development partners. Refugees in principle have access to social protection systems under this policy on the same basis as nationals under Law 97-016. The Ministry of Employment, Work and Social Protection is responsible for the social protection sector and implementation of the policy. The policy's strategic vision is to move from one-off emergency aid to a permanent system of social safety nets that build resilience and contribute to poverty reduction in the long term. However, social protection has been limited in the face of rising security threats, climate variability, forced displacement and the prevailing poverty traps that have absorbed major parts of the national budget.

The Nigerien social security scheme for salaried workers consists of three components: family benefits (in charge of maternity benefits), workplace accidents and occupational diseases, and pensions (invalidity, old age and death). Self-employed workers are not covered by the social security scheme but can voluntarily join the pension protection and workplace accident components. The National Social Security Fund (CNSS) manages the scheme under the supervision of the Ministry of Employment, Labour and Social Security.

In addition, the social safety nets are used as short-term instruments to help the poor cope with economic shocks as well as medium/long-term poverty alleviation. Over time, the safety net programmes have strengthened and multi-year cash transfer programmes have also been developed and supported by partners such as the World Bank, including through complementary projects. The Adaptive Social Safety Nets Project supported by the World Bank complements the interventions of PARCA in the Diffa, Tahoua and Tillabéri regions, with 60,000 persons having access to income-generating opportunities. In parallel, UNHCR provides specific cash assistance on a case-by-case basis to the most vulnerable refugees, such as those with chronic illnesses or disabilities and older persons who are not supported by family members. Overall, the Government of Niger is working with international partners to align aid and social protection policies in a variety of ways, given that the Nigerien safety programmes are not coordinated as part of a coherent system. Most programmes carry out similar processes to reach out, collect information and assess potential eligible beneficiaries and then to decide on their enrolment in a specific programme. Parallel efforts to assess eligibility through different target mechanisms consume scarce public resources and contribute to duplication and gaps in coverage, reducing the effectiveness of social protection spending. The DNP-GCA has been leading a consultation process for the development of a Unified Social Registry (USR) for the Safety Nets programme. Efforts to integrate platforms, such as social registries, interoperable management information systems, and shared payment systems can create administrative cost savings and facilitate planning and coordination. The March 2019 World Bank Public Expenditure Review of the Social Protection System in Niger pointed out that information on social protection programmes, expenditures and coverage, even for recent years, is a major constraint for the development of suitable policies. An information system that could gather and update all relevant information should be part of the long-term vision in Niger.

#### 4.4 Protection for vulnerable groups

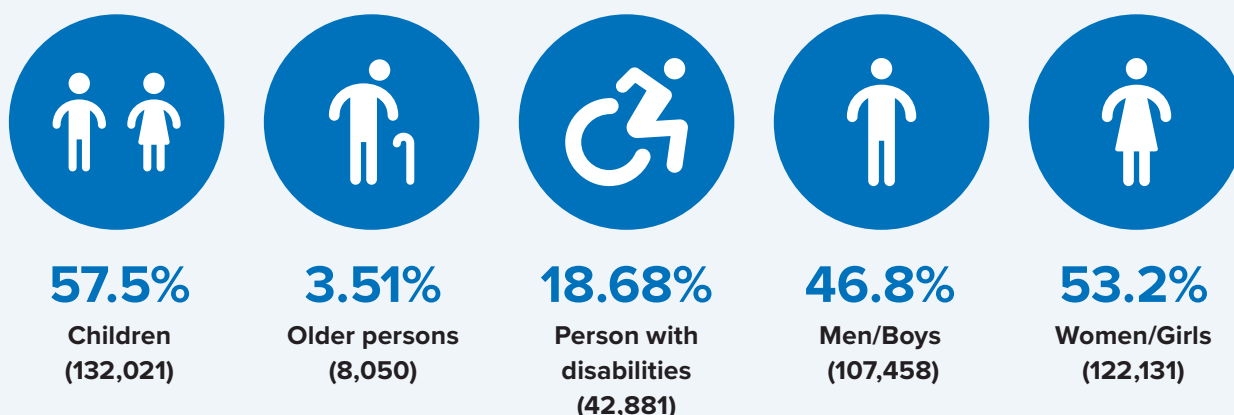
Article 10 of the Refugee Law provides access to public services, including health and psychosocial care, for unaccompanied and separated refugee children, refugee victims of trafficking in persons, survivors of sexual and gender-based violence (SGBV) and other refugee groups with specific needs, in the same way as nationals. In practice, this is feasible to the extent that these specialized services exist in the locations where the refugees reside and are able to offer meaningful support. Children under 5 years old are exempt from payment for public services. Refugee women and girl survivors of SGBV can access the national referral and related services. In practice, they are often assisted by UNHCR and its partners through public structures where these are available.

Niger passed [Law 36](#) relating to the illicit trafficking of migrants in May 2015. It applies to anyone including refugees and asylum-seekers and provides for protection and assistance measures for these victims, including medical care, protection against violence, adequate assistance in case the safety of the migrant is at stake and the right to initiate legal action. In practice, there is no specific referral mechanism to take care of victims of trafficking that would provide for a coordinated response among the different services. The law also criminalizes illegal emigration, for example through the use of fraudulent documents in contravention of international refugee law.

In terms of protection and assistance measures for vulnerable children, the normative framework includes: Order No 34/MDS/P/PF of 5 November 1993 creating a reception centre for children with family difficulties: abandoned children; Law 2014–72 of 20 November 2014 determining the competences, attributions, and functioning of juvenile courts in Niger; Order No 000027/MPF/PE/SG/DL of 11 May 2017 on the creation, attributions, organization and operation of social centres for the protection of children; and Decree 2019–369 of 19 July 2019 on the creation, attributions, organization, composition and functioning of child protection committees from national to village level. However, it is important to point out that despite the existence of this framework, there are shortcomings in implementation given the insufficiency of resources in the reception centres.

## 5 Cross Sectors

**Characteristics of registered refugees and asylum-seekers in total refugee population\***  
as at 30 June 2020



### 5.1 Gender

In Niger, all stakeholders are making efforts to support and expand women's socioeconomic participation in both refugee and host communities. The most consequential policy sub-dimensions in terms of gender for the socioeconomic development of refugees and host communities are as follows:

- i. **Access to education** – low enrolment rate into the school system of refugee girls.
- ii. **Right to work and rights at work** – specific difficulties of women in accessing employment.
- iii. **Financial and administrative services.** Obstacles/limitations for women seeking access to financing opportunities (microfinance and other financial services).

### 5.2 Social inclusion

The most consequential policy sub-dimensions in terms of social inclusion for the socioeconomic development of refugees and host communities are as follows:

- i. **Education** – lower rate of literacy and enrolment of refugee children.
- ii. **Health** – cost recovery scheme applied to refugee children over 5 years old and other services.
- iii. **Protection of vulnerable persons**, including on facilitating access to reception centres for unaccompanied and separated children.

\* The refugee numbers reported here do not fully match the numbers on the front page because demographic characteristics are not available for all refugees (e.g., pre-registered refugees, etc.).

## Annex on Key International and Regional Instruments ratified or adhered to

- [Additional Protocol to the Geneva Conventions of 12 August 1949 \(Protocol I\)](#)
- [Additional Protocol to the Geneva Conventions of 12 August 1949 \(Protocol II\)](#)
- [African Charter on Human and Peoples' Rights, 1981](#)
- [African Charter on the Rights and Welfare of the Child 1990](#)
- [African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa \(Kampala Convention\), 2009](#)
- [African Youth Charter, 2006](#)
- [Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984](#)
- [Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, 1962](#)
- [Convention Governing Specific Aspects of Refugee Problems in Africa \(the OAU Convention\), 1969](#)
- [Convention on the Elimination of All Forms of Discrimination Against Women, 1979<sup>1</sup>](#)
- [Convention on the Rights of Persons with Disabilities, 2007](#)
- [Convention on the Rights of the Child, 1989](#)
- [Convention relating to the Status of Refugees 1951 \(Ratification date: 25 Aug 1961\)](#)
- [Convention Relating to the Status of Stateless Persons, 1954](#)
- [Fourth Geneva Convention relative to the Protection of Civilian Persons of 1949](#)
- [ILO Abolition of Forced Labour Convention, 1957 \(No 105\)](#)
- [ILO Discrimination \(Employment and Occupation\) Convention, 1958 \(No 111\)](#)
- [ILO Employment Policy Convention, 1964 \(No 122\)](#)
- [ILO Equal Remuneration Convention, 1951 \(No 100\)](#)
- [ILO Forced Labour Convention, 1930 \(No 29\)](#)
- [ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 \(No 87\)](#)
- [ILO Labour Inspection Convention, 1947 \(No 81\)](#)
- [ILO Minimum Age Convention, 1973 \(No 138\)](#)
- [ILO Right to Organise and Collective Bargaining Convention, 1949 \(No 98\)](#)
- [ILO Social Security \(Minimum Standards\) Convention \(the ILO Social Security Convention\), 1952<sup>2</sup>](#)
- [ILO Tripartite Consultation \(International Labour Standards\) Convention, 1976 \(No 144\), 1976](#)
- [ILO Worst Forms of Child Labour Convention, 1999 \(No 182\)](#)
- [International Convention for the Protection of all Persons from Enforced Disappearance, 2006](#)
- [International Convention on the Elimination of All Forms of Racial Discrimination, 1965](#)
- [International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990](#)
- [International Covenant on Civil and Political Rights \(ICCPR\), 1966](#)
- [International Covenant on Economic, Social and Cultural Rights, 1966](#)
- [Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Organized Crime \(2000\)](#)
- [Protocol relating to the status of refugees, 1967](#)
- [UNESCO Convention Against Discrimination in Education, 1960](#)

### Reservations/declarations:

1 Article 2(d) and (f) (State Party's duties to eliminate formal discrimination against women); Article 5(a) (State Party's duties to eliminate cultural and social discrimination); Article 15(4) (equality in movement); Article 16(1)(c), (e) and (g) (discrimination in marriage); and Article 29(1) (dispute resolution among States Parties).

2 Part I (general provisions); Part II (medical care); Part III (sickness benefits); Part IV (unemployment benefits); VIII (maternity benefits); IX (invalidity benefits); Part X (survivor's benefits); Part XI (standards to be complied with by periodical payments); Part XII (equality of treatment of non-national residents); Part XIII (common provisions); Part XIV (miscellaneous provisions); Part XV (final provisions).

## PAKISTAN

The Islamic Republic of Pakistan has a long history of hosting refugees and currently ranks as the third largest refugee-hosting country globally. Today, over 1.4 million registered Afghan refugees live within its borders, as well as some 840,000 Afghan Citizen Cardholders (ACC) and an estimated 400,000 undocumented Afghans. Pakistan also hosts a small number of non-Afghan refugees and asylum-seekers from countries such as Somalia, Iraq, Palestine, and Iran. The vast majority of Afghan refugees are registered by the Government of Pakistan and have been provided with Proof of Registration (PoR) cards to facilitate their legal stay in Pakistan.

Despite Pakistan's status as a lower-middle-income country facing economic and development challenges, protection space for refugees in Pakistan has remained secure, including access to territory and respect of the principle of non-refoulement. While the collapse of the Taliban government in Afghanistan in 2001 resulted in significant numbers of Afghan refugees repatriating voluntarily from Pakistan, there has been a consistent decline in the numbers of returnees over the years due to persistent conflict and insecurity.

### KEY POPULATION DATA

# 1,427,850

Refugees

# 6,978

Asylum-seekers

# 0.66%

of the country's population (216,565,318)  
are refugees and asylum-seekers

IDA 18 RSW / IDA 19 WHR ELIGIBILITY:  
SEPTEMBER 2017

The vast majority of refugees in Pakistan are from Afghanistan. They are dispersed throughout the country, with the majority living in the provinces of Khyber Pakhtunkhwa (58 per cent of PoR card holders), Balochistan (23 per cent of PoR cardholders), and Punjab (12 per cent of PoR cardholders). The former two are border provinces with lower development indicators than the rest of the country. Of the 1.4 million registered Afghan refugees (PoR cardholders), some 31 per cent reside in 54 formally recognized Refugee Villages (43 of which are in Khyber Pakhtunkhwa, 10 in Balochistan, and 1 in Punjab), while some 69 per cent live outside Refugee Villages, mostly in urban and peri-urban settings among host communities (see [UNHCR – Overview of Afghan Refugee Population in Pakistan \(June 2020\)](#)).

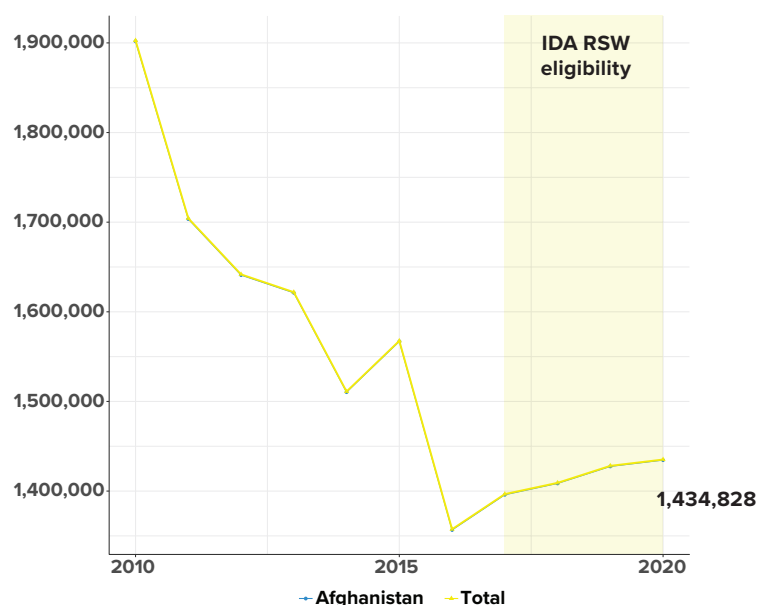


Figure 1: Number of refugees and asylum-seekers of the largest refugee population group

## OVERVIEW OF REFUGEE POLICY ENVIRONMENT (JULY 2017–JUNE 2020)

The Government of Pakistan has generously hosted Afghan refugees for more than 40 years, thereby demonstrating its commitment to protecting and supporting the refugee population. It has developed a protective and inclusive refugee policy which is largely reflected in administrative instruments. Key elements and initiatives in the reporting period include:

- A system of issuing **Proof of Registration (PoR) Cards** for registered Afghan refugees, ensuring their legal stay in Pakistan, which are subject to periodic renewal. New **biometric documentation** for registered Afghan refugees (launched in 2021) contains an extended validity date (see sub-dimension 2.2 Security of legal status).
- A **Tripartite Agreement** with Afghanistan and UNHCR, subject to extension (most recently in June 2019), to facilitate voluntary repatriation.
- **Access to national health services**, most recently the **COVID-19 response** (launched in May 2020), with access to health care on a par with Pakistani nationals and inclusion in the national vaccination programme.
- A **Repatriation and Management Policy for Afghan Refugees** (adopted by the Federal Cabinet in February 2017, see Sub-dimension 2.1 Normative Framework), which led to the registration and documentation of some 840,000 previously undocumented Afghan nationals.
- A commitment to enhancing refugees' **access to government schools**, facilitate access to accredited examinations and certification, and improve access to national education services, higher education, and qualifications for employment.
- Improvement in PoR cardholders' **access to financial services** from 2019 onwards, permitting the opening of bank accounts under the *State Bank's Banking Policy and Regulations Department's circular no. 2 of 2019 of 28 February 2019* (<http://www.sbp.org.pk/bprd/2019/CL2.htm>). The notification was issued under legally enforceable banking regulations.

These initiatives are consistent with the Solutions Strategy for Afghan Refugees (SSAR), which was developed in 2012 by the Islamic Republics of Afghanistan, Iran, and Pakistan with the support of UNHCR. The SSAR comprises the overall framework for the response to Afghan refugees in Pakistan and includes three pillars: support for voluntary repatriation; promotion of sustainable reintegration in Afghanistan; and provision of continued assistance to host communities.

In September 2017, Pakistan became eligible for the World Bank's IDA18 Refugee Sub-Window (RSW), which includes support for strengthening Pakistan's institutional capacity for refugee management (Strengthening Institutions for Refugee Administration (SIRA) project approved in 2020).

Pakistan has been active regarding refugee issues at the international level, supporting the development and affirmation of the [Global Compact on Refugees \(GCR\)](#) in 2018. The Prime Minister of Pakistan co-convened the first [Global Refugee Forum \(GRF\)](#) in December 2019, alongside four other governments. In the context of the GRF, the Governments of the Islamic Republics of Afghanistan, Iran and Pakistan launched a [Support Platform for the SSAR](#), seeking to realize the commitment to enhanced international solidarity and responsibility-sharing that is enshrined in the Global Compact on Refugees. In 2020, Pakistan marked 40 years of hosting Afghan refugees with the conference [40 years of Hosting Afghan Refugees in Pakistan: A New Partnership for Solidarity](#), which convened regional and international stakeholders to strengthen support to the protracted Afghan displacement situation.



## POLICY DIMENSIONS (AS AT 30 JUNE 2020)

### 1 Host Communities

#### 1.1 Support for communities in refugee-hosting areas

Some 69 per cent of registered Afghan refugees live in urban and rural areas alongside their Pakistani host communities. While Pakistan's social protection policies and programmes do not target refugee-hosting communities per se, they apply equally to poor households in refugee-hosting communities, as eligibility is linked to the prevailing poverty level of specific geographic areas and/or the household poverty level. A Computerized National Identity Card (CNIC), which is only available to Pakistani nationals, is a prerequisite to benefit from social protection programmes and specific social services.

To redress the impact of hosting refugees and promote social cohesion, the Government with the support of UNHCR, UNDP and a consortium of other United Nations agencies launched the [Refugee-Affected and Hosting Areas \(RAHA\) Programme](#) in 2009. RAHA aims to mitigate the impact of the protracted refugee presence through targeted humanitarian and development investments in national systems, as well as to create income-generating opportunities and develop infrastructure benefiting refugees and their host communities. Most RAHA interventions are incorporated into the provincial governments' development planning process, which enhances their ownership and sustainability.

#### 1.2 Social cohesion

Pakistan adheres to policies directly or indirectly aimed at identifying, preventing, and mitigating potential social tensions and risks of violence in refugee-hosting areas, which are effectively implemented. As a result, intercommunal relations have, over the years, remained predominantly cohesive.

The [Constitution of the Islamic Republic of Pakistan \(1973\)](#) provides for equal protection of law and treatment in accordance with law as an inalienable right for all persons, including citizens and non-nationals. The life, liberty, body, reputation, and property of all persons are equally protected in accordance with the law. There is no national law or policy specifically addressing discrimination based on nationality or legal (including migratory) status, although refugees are protected against certain types of discrimination as provided by federal and provincial laws, which in theory apply equally to nationals and non-nationals. For example, there are provincial laws aimed at protecting women from violence [children against forced and early marriage and prohibit child labour](#) (Baluchistan Domestic Violence (Prevention and protection) Act (No VII of 2014); [Punjab Women Protection Authority Act 2017](#); Khyber Pakhtunkhwa Prohibition of Employment of Children Act, 2015, [Punjab Prohibition of Child Labour at Brick Kilns Act, 2016](#)). However, gaps remain in the legislative framework overall (see for example, [Gap Analysis of Legislation Related to Ending Violence Against Women \(EVAW\)](#)).

Local community mechanisms promoting peaceful coexistence, dialogue, joint activities and citizen engagement – including representatives and participants from both refugees and host communities – have grown organically. Some communities in refugee-hosting areas have, for example, organized conflict resolution committees, so called “Falahi committees”, and professional associations comprising members from both communities. Similarly, refugees are included in sports and religious events or other community activities. The most common spaces for exchange between the two communities are mosques and marketplaces, where communication and coexistence are quite visible.

The RAHA programme has been key to promoting social cohesion and alleviating the burden of communities hosting refugees. Through dedicated projects benefiting host and refugee communities in core areas of health, education, livelihoods, water and sanitation, it contributes to creating a more conducive environment for peaceful coexistence.



### 1.3 Environmental management

While there are no specific policies to mitigate the possible negative environmental impacts of hosting refugees, national environmental policies are applicable throughout the territory, including in refugee-hosting areas. These include the [National Energy Conservation Policy \(2006\)](#), the [National Action Plan for Sustainable Energy for all \(2019\)](#), the [Draft Alternative and Renewable Energy Policy \(2019\)](#), the [National Water Policy and Comprehensive Regulatory Framework \(2018\)](#), and the [National Forest Policy \(2015\)](#).

### 1.4 Preparedness for refugee inflows

Pakistan does not have a national asylum law or specific administrative instrument regulating access to territory for individuals seeking international protection, nor does it have a law or specific administrative instrument regulating preparedness for refugee inflows.

## 2 Regulatory Environment and Governance

### 2.1 Normative framework

Pakistan has generously hosted Afghan refugees for more than four decades, providing access to territory and respecting the principle of non-refoulement and right to asylum. While it does not have a national asylum law or specific administrative instrument regulating access to territory for individuals seeking international protection, Pakistan's provision of protection and assistance to refugees is generally in accordance with international standards and Pakistan's international human rights obligations. Pakistan is not a signatory to the 1951 Convention relating to the Status of Refugees or its 1967 Protocol. The supervisory role of UNHCR vis-à-vis refugee protection is acknowledged in a Cooperation Agreement from 1993 that recognizes the role of UNHCR within the parameters of its Statute.

Pakistan's refugee policy and response are predominantly based in administrative measures developed over the last four decades. Such measures include numerous administrative notifications conveying the Prime Minister's Cabinet decisions extending the PoR regime for registered Afghan refugees. Relevant authorities are often informed via administrative notifications, from the Ministry of SAFRON, about entitlements and extensions for PoR cardholders.

The overall framework for the response to Afghan refugees in Pakistan is the regional Solutions Strategy for Afghan Refugees (SSAR). Over the last years, the Government of Pakistan has repeatedly reaffirmed its commitment to the SSAR. The 2017 Repatriation and Management Policy for Afghan Refugees—which was adopted as a direct result of the 2014 National Action Plan's objective of "Formulation of a comprehensive policy to deal with the issue of Afghan refugees, beginning with registration of all refugees"—builds on the SSAR. It includes, notably, (i) continued and gradual voluntary repatriation with the assistance of UNHCR; (ii) extending the validity of PoR cards; (iii) endorsement of a flexible visa regime for different categories of Afghan refugees; (iv) a call for the adoption of a national refugee law; (v) registration and documentation of undocumented Afghan nationals in Pakistan; and (vi) improved border management. A draft national refugee law was prepared in 2013 with UNHCR support but has not yet been adopted. The draft meets international standards of refugee protection and would establish a national refugee status determination (RSD) procedure.

Under its [National Action Plan \(2014\)](#), the Government of Pakistan reinforced its border management approach. Afghan nationals are required to obtain travel documents and visas to enter Pakistan via official border crossing points (Chaman in Balochistan and Torkham in Khyber Pakhtunkhwa). The PoR card provided to registered Afghan refugees serves as an identity document and authorizes the holder to temporarily remain in the country. Most refugees and asylum-seekers of other nationalities arrive in Pakistan on visas issued in accordance with [general visa policy](#) and immigration laws (Pakistan citizenship Act (1951), Naturalization Act (1926), Pakistan citizenship Rules (1952), [Foreigners Act \(1946\)](#), Passport Act (1974), Passport Rules (1974), etc.) and may later seek asylum by approaching UNHCR. UNHCR conducts

individual RSD for such asylum-seekers. UNHCR also provides continued access to UNHCR registration and documentation processes for Afghan individuals who do not hold PoR cards or other forms of documentation.

Information on refugee rights, including entitlements for PoR cardholders, is disseminated to refugees through government initiatives supported by community outreach.

## 2.2 Security of legal status

Afghan refugees have been exempted from some provisions of the [Foreigners Act \(1946\)](#) through administrative orders, which helps to protect against arbitrary arrest, detention and refoulement. As mentioned, registered Afghan refugees (PoR cardholders) can remain in Pakistan for a specified period, subject to extension. The most recent PoR cards were printed with an expiry date of December 2015, and their validity has been periodically extended through Cabinet notifications, most recently in June 2019, for a period of one year. In anticipation of expiry of the PoR cards on 30 June 2020, the Government issued an interim notification on 29 June 2020 to ensure continued protection of Afghan refugees by all Federal and Provincial government actors, pending a decision by the Federal Cabinet on the extension.

The Government of Pakistan and UNHCR are currently undertaking the PoR [Document Renewal and Information Verification Exercise \(DRIVE\)](#) to respond to the increasing need to validate existing data, capture additional information, and address the challenges associated with cards showing an expiry date of 31 December 2015. Launched in April 2021, DRIVE is issuing new biometric smartcards as identification for registered Afghan refugees. They are digitally renewable, with a two-year validity. This identification grants refugees safer and more effective access to services, enhances their protection, and records their skill sets, level of education, socioeconomic circumstances, vulnerabilities and sources of income. This, in turn, enables better targeted support and informs investments toward solutions in the Priority Areas of Return and Reintegration (PARRs) in Afghanistan.

Due to COVID-19, the Government of Pakistan temporarily closed its land borders in March 2020. Borders were reopened on 1 May 2020 for limited pedestrian movement and commercial trade with Afghanistan. Although registered Afghan refugees and refugees and asylum-seekers of other nationalities enjoy de facto protection from refoulement and generally can move freely within the country, there are sporadic reports of arbitrary arrest and detention, largely due to misperceptions concerning their legal status and documentation requirements. For non-Afghan refugees, UNHCR-issued asylum-seeker and refugee certificates have generally ensured that they are protected against refoulement and are able to enjoy freedom of movement and to access health and education services.

## 2.3 Institutional framework for refugee management and coordination

The Ministry of States and Frontier Regions (SAFRON) is responsible for managing refugee affairs in Pakistan. It provides leadership and fosters coordination between line ministries and national and sub-national levels of government. Within the Ministry of SAFRON, the Chief Commissionerate for Afghan Refugees (CCAR) in Islamabad and the provincial Commissionerates for Afghan Refugees (CARs) in each refugee-hosting province are responsible for coordinating and implementing Government policies concerning Afghan refugees. CCAR and CARs have been responsible for coordinating not only humanitarian support for Afghan refugees but also policy discussions within the Government and with humanitarian partners. There is no specific entity responsible for managing refugees of other nationalities.

The [Ministry of Interior](#), the [Ministry of Foreign Affairs](#), the [Ministry of Federal Education and Professional Training](#), the [National Health Services, Regulations and Coordination](#) and the [Ministry of Human Rights](#), as well as corresponding authorities in the provinces in which refugees reside, are involved in refugee matters to the extent of their respective mandates. The body responsible for the registration of Afghan refugees is the [National Database and Registration Authority \(NADRA\)](#), under the Ministry of Interior, which is also in charge of registering Pakistani citizens.

There is no official consultation mechanism to obtain refugee input and feedback. UNHCR facilitates regular consultations with refugees in the context of its annual [Participatory Assessments \(PA\)](#), through focus group discussions and key informant interviews, which reflect an age, gender and diversity (AGD) approach. PA reports are shared with relevant stakeholders, including the Government, to inform planning and programming to address protection and assistance needs. The low level of women's participation in decision-making was highlighted during the 2019 PA: more than half of female respondents indicated that women have little say in the existing community-level conflict resolution and decision-making mechanisms.

Refugees are not systematically included in national data collection systems. While socioeconomic data on refugee and host communities is currently limited, the DRIVE initiative is collecting key socioeconomic data relating to PoR cardholders. In line with the recommendation made by the Inter-agency and Expert Group on SDG Indicators at the fiftieth session of the United Nations Security Council, the United Nations system is working closely with the Government of Pakistan towards the inclusion and disaggregation of the most vulnerable groups, including those affected by forced displacement, in national statistics and surveys.

## 2.4 Access to civil registration and documentation

NADRA is responsible for the registration of Afghan refugees and the issuance of civil documentation (birth, death, and marriage certificates) for nationals. As refugees have no access to regular devolved national registration centres, NADRA delegated the handling of matters related to registered Afghan refugees to four dedicated PoR Card Modification Centres (PCMs). These centres process modifications and replacements of existing PoR cards; registration of infants and children up to the age of five years; issuance of new cards for eligible children who are five years and older; and issuance of birth certificates to children under the age of 18. To facilitate implementation and access of PoR cardholders living in remote areas, NADRA deploys Mobile Registration Vans (MRVs) and Mobile Delivery Vans (MDVs). Due to a process-related change introduced by NADRA, birth certificates for PoR cardholders have not been issued since January 2019.

Besides refugees, approximately 840,000 undocumented Afghan nationals were registered under the 2017 Repatriation and Management Policy for Afghan Refugees and issued with Afghan Citizen Cards (ACCs). The ACC regularizes the temporary stay of the holder. The card bears no expiry date and its validity is regulated through administrative orders that have been judicially enforced. The ACC registration was done in collaboration with the Government of Afghanistan and with the support of UNHCR and IOM, with the expectation that this population group would be brought into the regular visa regime. As per the agreement between the Governments of Pakistan and Afghanistan in the context of the Afghanistan Pakistan Action Plan for Peace and Solidarity (APAPPS) forum, ACC holders are required to return to Afghanistan, prior to the expiry of the ACC, to obtain machine-readable Afghan passports and a Pakistani visa, with which they can re-enter Pakistan.

## 2.5 Justice and Security

Law enforcement authorities generally ensure comparable levels of security for refugees and nationals, and the civilian and humanitarian character of asylum is maintained in Refugee Villages and urban and peri-urban areas hosting refugees. In the regional political and security environment, Afghan refugees may at times face a more uncertain security environment than nationals. Actual or anticipated security incidents can result in security operations in refugee-hosting areas, with an increased risk of Afghan refugees being arrested and detained.

The official justice system serves nationals and refugees alike, and refugees have access to courts. For refugees who do not otherwise benefit from State provided legal aid, effective access to the justice system may depend on services for refugees such as legal aid centres and helplines that are run by CSOs or UNHCR and its legal partners.

## 3 Economic Opportunities

### 3.1 Freedom of movement

Generally, asylum-seekers and refugees can move freely within Pakistan and choose their place of residence, except in areas with particular security constraints applicable to foreigners and, at times, to nationals. This primarily affects land belonging to railways, the China-Pakistan Economic Corridor (CPEC) route and, in some cases, land in the close vicinity of military installations or airbases. Freedom of movement and issues relating to place of residence are regulated by the police and the local administration in the areas where the refugees reside. This freedom of movement and residence is formally acknowledged by the Ministry of SAFRON through a 1997 notification (Status of Afghan Refugees in Pakistan). PoR cardholders living outside Refugee Villages do not need documents to travel to other areas.

### 3.2 Right to work and rights at work

Because the Constitution of Pakistan protects both citizens and foreigners' inalienable rights, all relevant labour policies and laws apply to foreigners, including refugees. The Government of Pakistan has ratified 36 International Labour Standards, which prohibit any forms of discrimination or exploitation in respect of employment and labour and promote decent work for all, with a focus on disadvantaged groups, including women, workers in the informal economy, and persons with disabilities. The Government of Pakistan has issued a reservation regarding ILO Convention 143 on Migrant Workers, which is relevant to refugees' right to work.

There are no specific work permits for refugees, yet in practice, Afghan refugees are often allowed to work in the informal sector. Formal sector employment, however, requires individuals to hold a Computerized National Identity Card (CNIC), which is available only to citizens of Pakistan. Given that refugees do not have the right to access the formal labour market, their professional certificates and diplomas, while generally recognized, may not be of significant use. Under the 2017 Repatriation and Management Policy for Afghan Refugees, a flexible visa regime would allow Afghan PoR cardholders to apply for a visa inside Pakistan, including a work visa, although this policy is yet to be implemented.

Refugees are not permitted to hold positions in the public sector (see *Foreigners Act (1946)* and *Foreigners Order (1951)*, 10.1). Refugees are not permitted to own a business, and therefore in practice may do so only if established with a local partner, i.e., a registered by a CNIC holder. The [Minimum Wages for Unskilled Workers \(Amendment\) Act \(2016\)](#) does not distinguish between refugees and Pakistani nationals, specifying only "unskilled workers" and therefore potentially including refugees.

Gender disparities have contributed to lower education and skill levels among refugee women (see [UNHCR Pakistan Education Strategy 2020–2022](#)). More limited de facto personal freedom of movement for refugee women affects their access to skills development and opportunities for income generation.

### 3.3 Land, housing and property rights

There are no legal, administrative or institutional mechanisms to address issues relating to the housing, land and property rights of refugees. Under the 1946 *Foreigners Act*, the Government has generally allowed foreigners to buy property in Pakistan, although refugees are not allowed to do so.

Refugees are able to rent houses based on market availability, and there is no law or administrative order that bars refugees from renting a house. With growing security concerns, provincial and federal governments have strictly implemented rental laws such as the [Islamabad Rent Restriction Ordinance \(2001\)](#) and the [Punjab Information of Temporary Residents Act \(2015\)](#), and local property owners may be reluctant to rent houses to refugees, especially those who are not known in the neighborhood. Refugees also face challenges when trying to register rental agreements with the municipal authorities and police (see [Afghan Displacement Solutions Platform: On the margins: Afghans in Pakistan \(2018\)](#), page 25). Public and social housing is not available to refugees.

### 3.4 Financial and administrative services

The Banking Policy and Regulations Department's circular No 2 of 2019 of 28 February 2019—which was issued under legally enforceable banking regulations—allows registered Afghan refugees to open bank accounts. Refugees do not have access to mobile money transfer services, since this requires possession of a Computerized National Identity Card (CNIC), which is only available to Pakistani citizens.

While refugees are not currently able to obtain driver's licences, interministerial discussions in Pakistan on allowing such access are ongoing.

Refugees can enroll in public sector educational and vocational training institutes, where they can obtain certificates and degrees. Educational documents and certificates from a refugee's country of origin are accepted in Pakistan once these documents have been accredited or recognized with equivalence certificates. As per the [Skill for All Strategy](#) issued by the National Vocational and Technical Training Commission (NAVTTTC) in 2018, refugees are admitted to public vocational training institutions pursuant to a quota system that regulates the overall number of foreign students.

## 4 Access to National Public Services

### 4.1 Education

Refugees have access to national education services. This commitment is firmly rooted in the Constitution (Article 25-A), which stipulates free and compulsory education for all children between 5 and 16 years, regardless of nationality. The Government of Pakistan is committed to supporting inclusive and quality education for all and promoting lifelong learning, as per Sustainable Development Goal 4. In practical terms, the full inclusion of refugees remains a challenge for national services in a context in which 44 per cent of Pakistani children aged 5–16 remain out of school, according to [UNICEF](#).

Gaps in data constrain efforts to estimate the number of Afghan refugee students enrolled in the national education system, and UNHCR is advocating with relevant educational institutions for the collection of disaggregated data. Education in Refugee Villages, supported by UNHCR for nearly 35 years, serves some 11 per cent of all registered Afghan refugee school-age children (69,476 out of 631,596). The Government has enabled a gradual transition from the Afghan to the Pakistani national educational curriculum in the schools. While Refugee Village schools in Punjab adopted the Pakistani national curriculum at the time of their establishment, the schools in Khyber Pakhtunkhwa and Balochistan have been teaching Afghanistan's curriculum and are aiming to transition to the Pakistani national curriculum by 2022. This contributes to harmonizing refugee education, minimizing parallel systems, and mainstreaming refugee learners into Pakistan's national education system.

In practice, access to education is affected by the absence of a uniform regulatory framework that allows for the admission of documented as well as undocumented children to public schools, as well as the inconsistent application of policies, which may result in failure to recognize PoR cards or UNHCR-issued documentation. This is particularly significant with regard to registration for national secondary level exams.

In UNHCR's 2020 Participatory Assessment, 73 per cent of all responses from men and women highlighted that access to quality education was the most prevalent issue facing refugee women and girls. Impediments to primary, secondary and tertiary level schooling for both refugee and Pakistani girls include a lack of qualified female teachers (particularly at higher grades); school facilities that do not meet sociocultural and religious expectations; long distances and lack of transport; safety concerns and sociocultural practices such as early marriages (see UNHCR publication [Mapping of Education Facilities and Refugee Enrolment in Main Refugee Hosting Areas and Refugee Villages in Pakistan \(2018\)](#)).

Significant numbers of refugee children also enter the informal labour market at a young age.

A limited number of Afghan refugees reach tertiary level education. Key obstacles include limited financial resources, broken education cycles, low awareness, and poor learning outcomes.

COVID-19 has further affected the ability of refugees and Pakistanis to access education. Schools, including those in Refugee Villages, remain closed, and resource and technological challenges pose obstacles to online education.

## 4.2 Healthcare

PoR cardholders have access to national health services at primary, secondary, and tertiary hospitals – including sexual and reproductive health services and COVID-19-related services – on a par with nationals, even though this access is not based on specific policy or legislation. While UNHCR and its partners have been providing health care in the Refugee Villages, essential health-care services for refugees in urban areas, as well as secondary and tertiary health care, is provided by the national health system of Pakistan, free of charge.

Disaggregated data for refugee health is not available, and the national reporting system does not record or identify refugee data separately. Some refugees, like host communities, face difficulties in obtaining adequate health care due to a lack of financial resources and significant distances to health-care facilities. This is particularly the case for refugees living outside of Refugee Villages and those in need of specialized health-care services. Cultural and socioeconomic issues, as well as low literacy, restricted female mobility, and linguistic barriers, create practical challenges for Pakistani and refugee women's access to health services.

## 4.3 Social protection

Social protection is incorporated as national policy under Article 38 of the Constitution (1973), which guarantees “promotion of social and economic wellbeing of the people” through equitable distribution of resources, social security, and social insurance. Following adoption of the Eighteenth Constitutional Amendment of 2010, social protection was largely devolved to the provinces, and social protection programmes are designed, financed, administered, delivered, and monitored separately by various institutions at the Federal and Provincial levels. Refugees are not included in social safety net programmes – which are relatively new in Pakistan – or in Government-operated public employment schemes, pensions, and health insurance.

## 4.4 Protection for vulnerable groups

In line with the Convention on the Rights of the Child, national and provincial law address children's rights, including education, documentation and health, without any restrictions upon refugees.

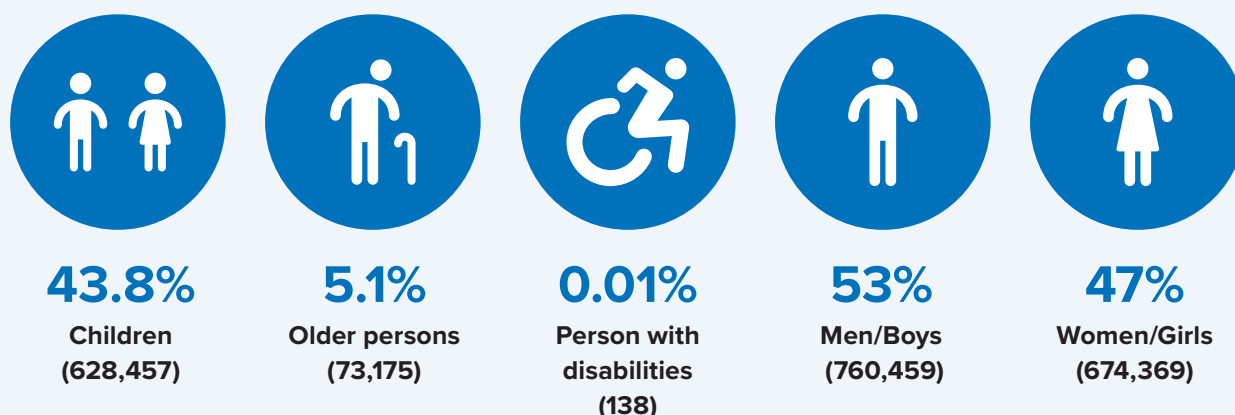
Regular participatory assessments by UNHCR indicate that services for children with specific needs, child labour and mental and psychological health support remain major preoccupations for the refugee community. Several Child Protection Centres run by local NGOs provide psychosocial support to street children and other vulnerable children in order to mitigate risks of exploitation and abuse.

Gender-based violence is largely under-reported in refugee communities and in Pakistani society due to social norms, stigma and a lack of effective grievance redress mechanisms. Access to justice for refugee girls and women can prove challenging due to lack of social support for survivors and appropriate mechanisms in the criminal justice system. UNHCR's 2020 Participatory Assessment found that the refugee community perceives restrictions on movement as a means to mitigate protection risks to refugee women and girls, including those stemming from general insecurity and harassment.



## 5 Cross Sectors

**Characteristics of registered refugees and asylum-seekers in total refugee population\***  
as at 30 June 2020



### 5.1 Gender

Pakistan has adopted a number of key international commitments to gender equality and women's rights, including the [Convention on the Elimination of all forms of Discrimination Against Women](#). As mentioned above, the most consequential policy dimensions in terms of socioeconomic development are as follows:

- i. weak participation of refugee women in community-based leadership structures that goes beyond their formal inclusion;
- ii. challenges in preventing and responding to gender-based violence;
- iii. the limited de facto personal freedom of movement for refugee women, which affects their opportunities for income generation and skills development;
- iv. practical impediments to refugee girls' access to education; and
- v. practical challenges affecting refugee women's access to health care.

### 5.2 Social inclusion

As mentioned above, the most consequential policy dimensions in terms of socioeconomic development affecting refugees with are as follows:

- i. lack of access to safety nets, particularly for the most vulnerable;
- ii. the suspension of the issuance of birth certificates to refugee children;
- iii. the lack of integration of refugee children with special needs in specialized education institutions; and
- iv. lack of access to the formal labour market and inability to register/own property and businesses.

\* The refugee numbers reported here do not fully match the numbers on the front page because demographic characteristics are not available for all refugees (e.g., pre-registered refugees, etc.).



## Annex on Key International and Regional Instruments ratified or adhered to

- [Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984<sup>1</sup>](#)
- [Convention on the Elimination of All Forms of Discrimination Against Women, 1979<sup>2</sup>](#)
- [Convention on the Rights of Persons with Disabilities, 2007](#)
- [Convention on the Rights of the Child, 1989](#)
- [Fourth Geneva Convention relative to the Protection of Civilian Persons of 1949](#)
- [ILO Abolition of Forced Labour Convention, 1957 \(No 105\)](#)
- [ILO Discrimination \(Employment and Occupation\) Convention, 1958 \(No 111\)](#)
- [ILO Equal Remuneration Convention, 1951 \(No 100\)](#)
- [ILO Forced Labour Convention, 1930 \(No 29\)](#)
- [ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 \(No 87\)](#)
- [ILO Labour Inspection Convention, 1947 \(No 81\)](#)
- [ILO Minimum Age Convention, 1973 \(No 138\)](#)
- [ILO Right to Organise and Collective Bargaining Convention, 1949 \(No 98\)](#)
- [ILO Tripartite Consultation \(International Labour Standards\) Convention, 1976 \(No 144\), 1976](#)
- [ILO Worst Forms of Child Labour Convention, 1999 \(No 182\)](#)
- [International Convention on the Elimination of All Forms of Racial Discrimination, 1965](#)
- [International Covenant on Civil and Political Rights \(ICCPR\), 1966<sup>3</sup>](#)
- [International Covenant on Economic, Social and Cultural Rights, 1966<sup>4</sup>](#)

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### Reservations/declarations:

1 Articles 8 (recognition of extraditable offences); Article 28 (recognition of the competence of the Committee to inquire into allegations of systematic torture), Article 30 (dispute resolution among States Parties).

2 Article 29(1) (dispute resolution among States Parties).

3 Article 3 (equal enjoyment of all civil and political rights among men and women); Article 6 (right to life) Article 7 (protection from torture or cruel, inhuman or degrading treatment); Article 12 (freedom of movement); Article 13 (protection from unwarranted expulsion); Article 18 (freedom of thought, conscience and religion); Article 19 (freedom of expression); Article 25 (right to vote and take part in public affairs).

4 General reservation, which is has no legal effect, about using appropriate means to the maximum of its available resources.

## REPUBLIC OF THE CONGO

As at 30 June 2020, the Republic of the Congo was providing protection to 40,721 refugees and asylum-seekers from 14 countries. In addition, approximately 300,000 people are currently internally displaced following the armed conflict in the Pool department at the end of 2016 and flooding in the northern part of the country (Likouala, Plateaux and Sangha).

Most refugees in the Republic of the Congo originate from the Central African Republic, the Democratic Republic of the Congo and Rwanda. Refugees from the Central African Republic mostly arrived between 2013 and 2016 following the security crisis in their country. Refugees from the Democratic Republic of the Congo arrived in various waves as a result of ongoing armed conflict and intercommunal violence in their home country. The last large inflow was in December 2018, with more than 8,000 people arriving in a two-day period. Many Rwandese refugees arrived in the aftermath of the 1994 genocide, although more than half of the Rwandese refugee population in the Republic of the Congo today consists of those refugees' children who were born in the Republic of the Congo.

The Republic of the Congo is a low-income country, ranked 175th of the 189 countries on the Human Development Index for 2019. There are large income inequalities between rural and urban areas. Despite this, the Republic of the Congo has traditionally maintained an open-door policy for refugees.

### KEY POPULATION DATA

**26,702**

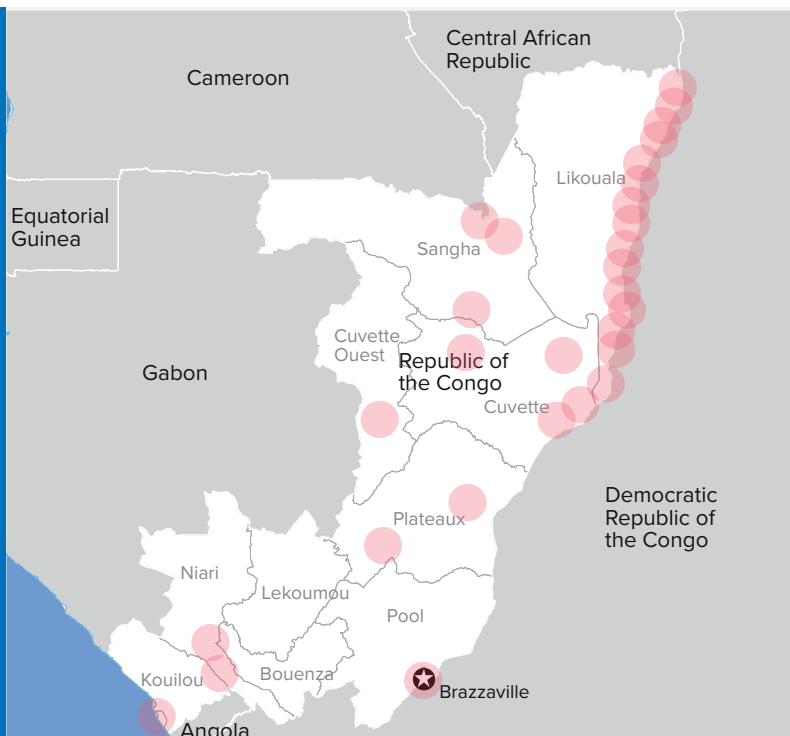
Refugees

**13,696**

Asylum-seekers

**0.75%**

of the country's population (5,380,508)  
are refugees and asylum-seekers



Most asylum-seekers and refugees in the Republic of the Congo reside in the Likouala department near the borders with the Democratic Republic of the Congo and the Central African Republic. Likouala is relatively isolated and difficult to access compared to the other departments in the country, which contributes to high levels of poverty and limited access to basic social services for residents and refugees alike. A smaller number of refugees live in other departments of the country such as Plateau, Brazzaville, Sangha and Pointe-Noire. Approximately 17 per cent of refugees in the Republic of the Congo live in settlements (sites) in rural areas, while 83 per cent live with communities and hosted arrangements in urban and rural areas.

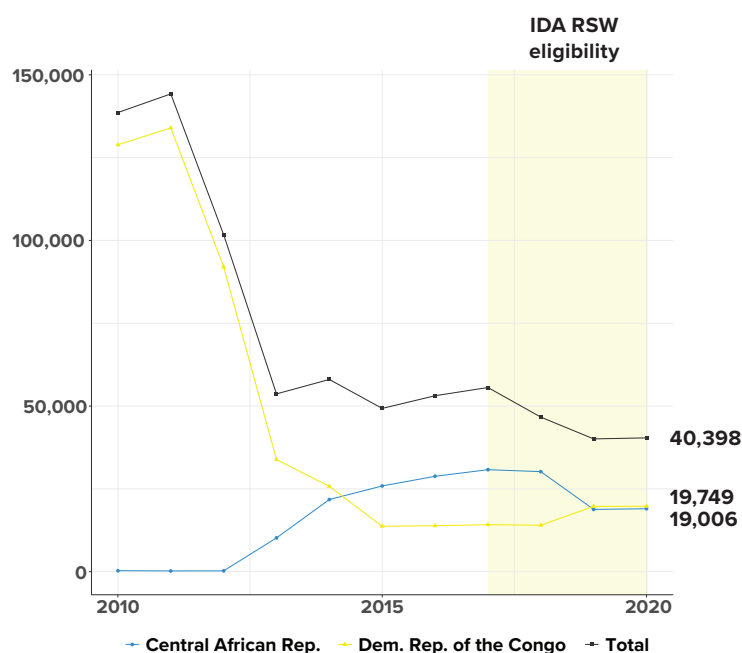


Figure 1: Number of refugees and asylum-seekers of the largest refugee population groups

## OVERVIEW OF REFUGEE POLICY ENVIRONMENT (JULY 2017–JUNE 2020)

The Republic of the Congo has a long tradition of hosting refugees and has demonstrated a strong commitment to fulfilling international responsibilities in refugee situations. Key policy developments at the national level in the period from 2017 to 2020 include:

- The adoption of a draft refugee law by the Council of Ministers in August 2019 and its submission to parliament. This followed the 2012 efforts of the National Committee for Refugee Assistance (CNAR) to draft a comprehensive and dedicated law on the right of asylum and refugee status, which were revived in the context of adoption of the New York Declaration on Refugees and Migrants by the United Nations General Assembly in 2016, the adoption of the Global Compact on Refugees in 2018, and the 2019 Global Refugee Forum.
- The passing of [Law No 29-2017](#) in August 2017, which establishes the conditions of entry, stay and exit of foreigners in the Republic of the Congo (hereafter: the 2017 foreigners law). The law amends and supplements certain provisions of [Law No 23-96 of 6 June 1996](#) and includes specific provisions on refugee identity documentation.
- The promulgation of [Law No 21-2018](#) in 2018 (hereafter: the 2018 land law). The law establishes the rules for occupying and acquiring land and plots of land and prescribes restrictions on land access for foreigners, including refugees.
- The adoption of the National Action Plan to combat statelessness in July 2018, setting out measures to improve the civil registration system, and the passing of [Law No 42-2019](#), which abolishes fees for birth registration and birth certificates. Both help to reduce the risk of statelessness for refugees and nationals.
- The adoption of the [2017 National Policy on Social Action](#), which includes refugees as an integral part of the beneficiary population.
- The passing of [Law No 7-2019](#) in April 2019, establishing the Congolese Employment Agency (Agence Congolaise Pour l'Emploi – ACPE), affording nationals and refugees access to business creation advice.
- The Ministry of Interior and Decentralization's civil status census in 2018, which identified 157,466 people born in the Republic of the Congo who had not been issued with a birth certificate and were therefore at risk of statelessness.

Furthermore, at the [Global Refugee Forum in December 2019](#), the Government presented among its best practices “facilitating local integration of refugees in accordance with the law”, including the ability to obtain residence permits and reside legally on Congolese territory, and encouraged the resettlement of refugees in third countries. It also made a policy pledge to complete the legislative reform (which has been under way since May 2016) to remove all discriminatory provisions from the Person and Family Code that could result in statelessness for Republic of the Congo nationals and refugees alike.

## POLICY DIMENSIONS (AS AT 30 JUNE 2020)

### 1 Host Communities

#### 1.1 Support for communities in refugee-hosting areas

National fiscal/budget policies and mechanisms exist that provide for timely additional financial transfers from national level to areas that are economically affected by the presence of refugees. The [2016–2023 National Strategy for the Prevention and Reduction of Risks of Disasters](#) (hereafter: the 2016–2023 National Prevention Strategy) identifies migration and population displacement, particularly across borders, as one of the main external “shocks” to which the Republic of the Congo is exposed. Strategic Action 10 of the Strategy aims to fully integrate prevention and risk reduction into the budget planning of all institutions and Ministries involved in crisis management, with clear and secure budget lines. Similarly, in the [2017 National Policy on Social Action](#), one of the priorities highlighted is the consultation with the Ministry of Finance to set up an emergency fund, with rapid disbursement mechanisms, to finance immediate responses to emergencies. Nonetheless, implementation of the 2016–2023 National Prevention Strategy has been limited and the emergency fund foreseen by the 2017 National Policy has not yet been established or integrated into the [2020 rectified Finance Law](#).

#### 1.2 Social cohesion

While there are no policies focused specifically on social tensions, national policies can be applied to identify, prevent and mitigate potential social tension and risks of violence in refugee-hosting areas. The [2015 Constitution](#), for instance, sets out obligations for citizens to promote and preserve peace, stability, national unity and social cohesion. The Constitution also establishes various Consultative Councils with the overall aim of promoting solidarity and harmony and fully taking different components of Congolese society into account. These include councils for national dialogue, women, civil society and non-governmental organizations, young people and persons with special needs. The councils are further regulated and operationalized through specific policies which can be implemented in refugee-hosting areas to the benefit of refugees and host communities, even if refugees are not specifically mentioned. In practice, refugees have been welcomed by local communities for decades, often fully integrating into the communities hosting them. Isolated incidents have been reported involving refugees, particularly over difficulties in accessing land; however, UNHCR observes that the reporting of such incidents is on the decrease.

Among the local governance structures in the Republic of the Congo, there are informal and formal local mechanisms that promote peaceful coexistence, dialogue, joint activities and citizen engagement. In some areas, refugees have been integrated and are represented, for instance, in agricultural associations. There are no formally established refugee leadership structures in the Republic of the Congo. Nonetheless, in some areas, refugees have informally organized themselves into community-based mechanisms that connect to similar mechanisms in the host community. In some cases, these mechanisms operate under the supervision of local village chiefs and local dispute resolution structures.

The [2015 Constitution](#) includes a provision protecting all children in the Republic of the Congo, including refugees, from discrimination. As described above, the Republic of the Congo also made a policy pledge at the 2019 Global Refugee Forum to complete the legislative reform under way since May 2016 to remove all discriminatory provisions from the Person and Family Code that could result in statelessness for Republic of the Congo nationals and refugees.

#### 1.3 Environmental management

National policies exist that can be applied to mitigate the environmental impact of hosting refugees. While these policies do not directly refer to refugees or host communities, they can be implemented in refugee-hosting areas to the benefit of both. For instance, the Republic of the Congo has a code ([Code No 33-2020 of 8 July 2020](#)) and various [other policies on forestry and nature conservation](#). Strategies and programmes

have also been developed to operationalize these policies, including a [national programme to reduce emissions from deforestation and forest degradation \(REDD+\)](#). Implementation of these policies is limited, particularly in remote rural refugee-hosting areas and in large refugee host cities such as Brazzaville and Pointe Noire.

## 1.4 Preparedness for refugee inflows

In 2019 and 2020, the Government implemented the Humanitarian Mechanism, an inter-ministerial coordination structure designed to prevent and respond to all types of humanitarian crises that may arise in the Republic of the Congo and to minimize short- and medium-term socioeconomic impacts. The Humanitarian Mechanism was established with financial support from UNHCR and is chaired by the Ministry of Social Affairs and Humanitarian Action (MSAHA). Teams of emergency workers were trained by UNHCR and MSAHA in all regions of the Republic of the Congo.

Decrees to underpin the mechanism have been drafted by the MSAHA and consultations were carried out with stakeholders in 2020. The decrees were scheduled to be submitted to the Prime Minister's Office for onwards submission to the Council of Ministers in the second half of 2020. Membership of the mechanism consists of line ministries (including CNAR), international and national humanitarian partners. Connections to the sub-national level also exist, but development partners are so far not included. The [2016–2023 National Strategy for the Prevention and Reduction of Disasters](#) also provides some elements for a national preparedness framework, most notably the potential for financial disbursement mechanisms. As set out under policy dimension 1.1 above, implementation of this funding mechanism is yet to start. As such, no comprehensive national preparedness framework currently formally exists.

In practice, preparedness measures are taken on an ad hoc basis when new refugee inflows are expected based on the situation in surrounding countries. In those situations, UNHCR and humanitarian partners develop short-term contingency plans in collaboration with national institutions. With financing from UNHCR, teams of local emergency workers have also been trained and formed in the 12 departments of the Republic of the Congo. The contingency plans and sub-national level emergency teams derive their legitimacy from the 2015 Constitution, Article 210: "Social action, prevention, risk reduction and disaster management are the responsibility of local authorities". Nonetheless, these measures are not integrated into the national system or budget and are predominantly financed and implemented by international and local humanitarian partners.

# 2 Regulatory Environment and Governance

## 2.1 Normative framework

The Republic of the Congo has been a State Party to the [1951 Convention Relating to the Status of Refugees](#) since 1962. No reservations were made. The Republic of the Congo is also a State Party to the [1967 Protocol Relating to the Status of Refugees](#), the [1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa](#) and other relevant international and regional instruments. The Republic of the Congo has endorsed the Global Compact on Refugees.

Refugee-related commitments in these instruments are currently implemented through the [2015 Constitution](#), the [2017 Foreigners Law](#), the [Decree of 31 December 1999 establishing the National Committee for Refugee Assistance](#) (hereafter: the [1999 Decree on CNAR](#)) and [Order 8040 of 28 December 2001 establishing the asylum eligibility committee](#) and [Order 8041 establishing the asylum appeals board](#) (hereafter: the [2001 Order on eligibility](#) and the [2001 Order on appeal](#)), in conjunction with the Congolese national legal and policy framework.

The Constitution stipulates in its preamble that ratified international texts relating to human rights form an integral part of the Constitution. Article 21 of the Constitution explicitly grants the right of asylum to foreign nationals within conditions determined by Congolese law. The [2017 Foreigners Law](#) contains explicit provisions on refugee rights relating to identity documentation, while the [1999 Decree on CNAR](#) and the

2001 Orders on [eligibility](#) and [appeal](#) contain refugee-specific provisions on refugee status determination (RSD), documentation, non-refoulement, work, social assistance, health and education. Other rights granted to refugees in the 1951 Convention and via other instruments have not, however, been integrated within the Congolese legal framework. A legal practice has emerged whereby these rights are mostly governed by laws and provisions that pertain to foreigners in general. As set out in the individual policy dimensions below, there are also discrepancies between relevant decrees and the Foreigners Law, such as on rights relating to identity documentation. These legal uncertainties are not in line with international and regional norms and standards.

UNHCR observes gaps in the awareness of refugee rights and applicable laws, policies and procedures among refugees, authorities and private sector entities. Most of these actors see refugees as (illegal) foreigners, which can sometimes result in refugees and asylum-seekers being subjected to arbitrary arrests and detention (Congolese Human Rights Observatory – Observatoire Congolais des Droits de l’Homme (OCDH)-Annual Report 2019: Human rights in Congo-Brazzaville; Country Reports on Human Rights Practices for 2019 from the United States Department of State, Bureau of Democracy, Human Rights and Labor).

The framework for recognizing refugee status is defined in the [1999 Decree on CNAR](#) and the 2001 Decrees on [eligibility](#) and [appeal](#). In accordance with these policies, CNAR conducts refugee status determination (RSD) interviews and submits its recommendations to the Eligibility Committee which takes the decision to grant or reject the asylum claim. Appeals are reviewed by the Appeal Committee. The procedures described in the law, including those of the appeal process, generally comply with international standards. However, there were noted gaps in the implementation of these procedures. Indeed, asylum-seekers have to wait before receiving a final decision on their request for asylum. CNAR has indicated willingness to improve the situation. When conditions as stated in Article 1 of the OAU Convention are met in the country of origin, the country of asylum may recognize the refugee status of civilians who flee into their territory due to these circumstances, on a group basis, following an official decision. The last time the authorities of the Republic of the Congo granted such *prima facie* refugee status was in 2013, when Central African civilians were fleeing political violence.

## 2.2 Security of legal status

Although the legislative reform process of the refugee legal framework is well under way, the absence of an asylum law remains an important factor regarding implementation of the right to asylum and the protection environment in the Republic of the Congo. Despite this legislative gap, no illegal loss or termination of refugee status has been observed.

It is important to note that since 31 December 2017, the Republic of the Congo has lawfully invoked the cessation clause of the 1951 Refugee Convention with respect to Rwandan refugees and has provided them with opportunities to repatriate or benefit from local integration opportunities. Those who opted for local integration received residency permits and those who opted for voluntary repatriation were assisted in returning home in safety and in dignity. In addition, after a review exercise, those with continuous protection needs were exempted from the cessation clause and have retained their refugee status to date.

The [2001 Order on eligibility](#) provides asylum-seekers with the right to stay in the country based on temporary identity documentation that should remain valid until the asylum-seekers receive a final decision on their claim. However, in practice, identity documentation for asylum-seekers must be renewed every 6 months at the office of the National Committee for Assistance to Refugees (CNAR). This renewal requirement poses challenges for asylum-seekers living far from localities where CNAR has an office. Similarly, once refugee status is granted, the [2001 Order on eligibility](#) provides refugees with the right to stay in the country based on a refugee ID card with a 5-year validity. The order stipulates that the refugee ID card has the same value as a residency permit and should be granted free of charge. However, the [2017 Foreigners Law](#) also includes specific provisions concerning the refugee ID card, stating that it does not grant residency status to refugees and that its validity is for a period of 3 years. In practice, the provisions of the 2017 Foreigners Law are observed with respect to refugee documentation, rather than those of the 2001 Order.



[The 2001 Order on eligibility](#) also sets out that no refugee or asylum-seeker will be sent against their will to a country where their lives could be at risk due to persecution on grounds covered by the 1951 Convention. From 2019 to 30 June 2020, there were no known cases of unlawful termination of refugee status by way of cancellation, revocation or cessation; no cases of recognized refugees being expelled on grounds of national security or public order; and no reported cases of refoulement.

### 2.3 Institutional framework for refugee management and coordination

The CNAR is an inter-ministerial committee which retains institutional responsibility for refugee management and consists of representatives of the President's Office and the Ministries of Justice, Finance, Interior, Foreign Affairs, Education, Health, and Social Affairs and Humanitarian Action. The [1999 Decree on CNAR](#) stipulates that the Ministry of Foreign Affairs presides over CNAR (through the Directorate of Multilateral Affairs, which is one of the directorates of the general secretariat), while its two vice-presidents are representatives of the Ministry of Interior and Ministry of Social Affairs and Humanitarian Action respectively. CNAR membership does not include any representatives of the refugee, host or donor communities, and its policies and practices do not link up to other coordination structures such as those related to development planning.

CNAR has a permanent secretariat that is responsible for the day-to-day management of refugee affairs, including budget and programme execution, liaison with UNHCR, registration and status determination and provision of humanitarian assistance. There are no formalized agreements between the CNAR secretariat and other line ministries for the execution and coordination of such functions. However, UNHCR has partnerships with line ministries to facilitate the inclusion of refugees in national services in the spirit of the Global Compact on Refugees. The CNAR secretariat is based in Brazzaville but also has four sub-offices in Betou, Ouessou, Impfondo and Pointe Noire.

No formalized consultation mechanisms have been established by the Government to obtain refugee input and feedback on decisions taken by national, sub-national or local level institutions. However, CNAR does meet with refugees on a regular basis. Furthermore, UNHCR facilitates regular consultations with refugees, including with CNAR, in the context of its annual Participatory Assessments. A complaint mechanism and telephone hotline that were established and managed by UNHCR also allow refugees to give input and feedback on activities implemented by CNAR, UNHCR and other organizations. Reports from Participatory Assessments and feedback from the complaint box and hotlines are shared and discussed with relevant stakeholders, including the Government, to inform planning and programming.

Refugees have so far not been included in the national population census. During the last 2007 Census, the national statistics agency classified refugees simply as foreigners, thereby excluding them from the census. This was also the case for the civil registration exercise that took place in 2019 (and is different from the 2018 civil status census).

There are no examples of administrative data collection systems or national surveys that include refugees. The [2018–2022 National Development Plan \(NDP\)](#) does not set out specific long-term development interventions relating to refugees or hosting communities. However, it does set out general policy directions relating to disaster and humanitarian crisis prevention and response, which could include refugee response priorities. The policy directions are also costed and budgeted for in its operational annex.

### 2.4 Access to civil registration and documentation

[The 2001 Order on eligibility](#) provides asylum-seekers and refugees with the right to identity and identity documentation. The [2017 Foreigners Law](#) also grants refugees the right to identity and identity documentation. As stated above, in the midst of contradictions between these policies, the 2017 Foreigners Law is followed in practice. At the request of the Government, UNHCR generates refugee identity cards based on information from the refugee database. These are subsequently handed over to CNAR, which in turn formally issues them.



[The 2001 Order on eligibility](#) also provides asylum-seekers and refugees with the right to civil documentation on the same basis as nationals. Civil registration and documentation for nationals is governed by the October 1984 [Family Code](#), which provides for birth registration free of charge if the request is made within the month of birth. However, the country faces challenges with its civil registration system, especially in remote locations, that affect refugee and host communities alike. In fact, the country reports having more than 157,466 people without birth certificates, based on the civil registry census conducted in 2018 in 12 departments of the country (*Recensement à vocation d'état Civil* – Ministry of Interior and Decentralization). During the High-Level Segment on Statelessness in October 2019, the government pledged that any person identified in the 2018 civil status census as not having a birth certificate would obtain a birth certificate by 2019 as previously committed; and that no child would be without a birth certificate by 2022, including through the continuation of outreach activities to encourage the population to register each birth.

## 2.5 Justice and Security

UNHCR regularly conducts multi-stakeholder participatory assessments as well as protection monitoring of refugees living in urban and rural areas and has not received any reports of security issues involving refugees and host communities.

Refugees are granted access to justice on the same terms as nationals, based on Article 49 of the 2015 Constitution. The Foreigner Law and Congolese civil and criminal codes and procedures do not differentiate between Congolese and foreign nationals. However, the criminal justice system remains weak and faces huge impediments in upholding fairness and efficiency. Criminal courts are not fully operational in many parts of the country. Legal aid, although provided for in law, is not available to those who cannot afford to pay a lawyer, which makes it inaccessible to many refugees and asylum-seekers.

Sexual and gender-based violence (GBV), which increased during the armed conflicts of the 1990s, remains a concern in the Republic of the Congo. According to studies conducted by the Ministry for the Promotion of Women and the Integration of Women in Development (MPFIFD) with the support of the United Nations Children's Fund (UNICEF), sexual violence often occurs with younger people being assaulted by people within their families and neighbourhoods. The studies did not distinguish populations per their status.

# 3 Economic Opportunities

## 3.1 Freedom of movement

The [2017 Foreigners Law](#) allows foreigners, including refugees and asylum-seekers, to choose their place of residence without restrictions, based on their identity document. Accordingly, refugees in the Republic of the Congo can choose to live in refugee sites or outside site settings in urban or rural areas without restrictions. In fact, 83 per cent of refugees live with communities in urban and rural areas, while 17 per cent live in refugee settlements in rural areas.

The [2017 Foreigners Law](#) also allows foreigners to move freely based on their identity document. In practice, however, refugees report facing challenges while travelling across the country that include law enforcement officers not recognizing their refugee identity documents; being charged a fee (1,000–2,000 FCFA) each time they were stopped on the road, etc. These cases are reported largely in the northern part of the country where checkpoints have multiplied in recent years. Both CNAR and the Ministry of Foreign Affairs are making efforts to raise awareness of the recognition of refugee ID cards. Criminalizing asylum-seekers' irregular entry into the territory is forbidden under the Foreigners Law.

## 3.2 Right to work and rights at work

[The 2001 order on eligibility](#) provides refugees with the right to work on the same basis as nationals. Law No 45/75 of 15 March 1975 and amended and supplemented by Law No 6-96 of 6 March 1996 (hereafter: the Labour Code) does not make any distinction between workers on the grounds of nationality. However,

the 2005 Law on trade occupation and its implementing decrees of 2008 and 2011 forbid foreigners from accessing small trade activities such as selling in the market, working in a bakery or driving a taxi. In practice, the provisions of the more restrictive 2005 Law on trade occupation are followed.

In addition, various policies require foreigners to have specific authorizations and work permits, with a burdensome and costly process for obtaining these. Law No 22/88 of 17 September 1988 (amending Law No 01/86 of 22 February 1986, and replacing and supplementing Law No 03/85 of 14 February 1985) states that employment of any foreign worker is subject to prior authorization by the Minister of Labour after receiving the opinion of the trade union, the director of the National Office for Employment and Manpower (Office National de l'Emploi et de la Main d'Œuvre – ONEMO), now the Congolese Employment Agency), and then the Director General of ONEMO. Once this authorization is obtained, it is valid for a period of two years from the date of the worker's hiring and can be renewed subject to a fee of 100,000 CFA.

There are no known cases of refugees who possess work permits or who are employed in the formal sector. In fact, the number of refugees working in the informal sector is believed to be high, although data from the reporting period is not available. The most recent data comes from a UNHCR survey carried out in Brazzaville in 2014, which estimated that 72 per cent of urban refugees had access to wage employment in the informal sector, but that revenues did not cover their needs.

Foreigners residing in the Republic of the Congo may engage in commercial activities, subject to obtaining a trader's permit for a cost, as laid out in Law 25-94 of 23 August 1994, supplemented by Law 19-2005 of 24 November 2005. Article 47 of the latter law repeals all other provisions to the contrary. Its Article 4 defines commercial activities as all profit-making activities of production and exchange of goods and services. The process for doing so includes providing an extract from the person's criminal records in the country of origin, which can be difficult for some refugees to obtain. Trader's permits, if granted, are valid for three years and must be endorsed every year; however, they are only valid in the region in which they were issued. Foreigners must also obtain a visa for the trader's permit at additional cost. Subsequent Decrees 2008-483 and 2011-490 limited the activity of running one's own business to Congolese nationals only.

In April 2019, the Government passed [Law No 7-2019](#), establishing the Congolese Employment Agency (Agence Congolaise Pour l'Emploi – ACPE), which facilitates business creation formalities and allows for nationals and refugees to benefit from business opportunities in a legal and regulatory framework. No restrictions or limitations for refugees have been reported.

### 3.3 Land, housing and property rights

The Land Law of 2018 limits foreigners' access to ownership and lease of land. The law is interpreted to apply to refugees as well. The law states that the acquisition and occupation of rural land is limited to Congolese nationals and Congolese legal entities (Article 37) and that any acquisition of rural land by a foreigner will be considered null and void (Article 40). Foreigners may only purchase land in urban and peri-urban areas if Congolese nationals have reciprocal rights in the foreigner's country of origin. While UNHCR advocated for exemption from reciprocity under Article 7 of the 1951 Convention relating to the Status of Refugees for refugees wishing to acquire land, such an exemption has not been adopted yet. It should be noted that, in practice, refugees who arrived in the Likouala department in 2009 and 2013 were provided land for housing and agriculture by the Congolese authorities to contribute to their self-reliance. They are managed through mixed committees made of refugees and host population. The 2018 land law could therein jeopardize the socioeconomic and cultural integration of refugees who opt for local integration as a durable solution. Discussions are under way to ensure that refugees are considered favourably in the implementation of this land law.

In addition, the 2019 budget law introduces new taxes to be paid by landowners. There are varying interpretations of the law, with some officials indicating that refugees who owned land prior to the law's enactment will not be expropriated and can proceed to pay the required taxes to secure their rights. However, this has not materialized yet in practice.

The 2012 [Law regulating the rental of residential properties](#) is the only national instrument on Housing in the Republic of the Congo. It grants nationals and foreigners, including refugees, the right to rent and sign lease agreements. In practice, most refugees and asylum-seekers rent houses without signing a formal contract. This is common practice applicable to all in the Republic of the Congo and recognized by law in case of dispute. Refugees and asylum-seekers have not reported any cases of deprivation of property rights based on their status.

The [Real Estate Development Company](#) (SOPROGI) is the public institution which, among other responsibilities, ensures real estate development on behalf of the State for the construction of buildings or social housing by low-cost housing companies. In the Republic of the Congo, the 1992 National Housing Strategy is under review. Some low-cost housing has been constructed by the state in urban areas in the Baongo and Talangai districts, but it is yet to be allocated or sold for lack of clear policies on beneficiaries' criteria. UNHCR is not aware of any refugees having had access to public/social housing programmes.

### 3.4 Financial and administrative services

The Republic of the Congo belongs to the Economic Community of Central African States (ECCAS/CEMAC) which adopted [Regulation No 2/18/CEMAC/UMAC/CM](#) of the Economic Community of Central African States (ECCAS/CEMAC). This Regulation, which is applicable in the Republic of the Congo, establishes the conditions for access to bank accounts by nationals and residents in the CEMAC space. The definition of "resident" used within the regulation includes refugees, who are thereby authorized to open bank accounts on the same terms as other residents in the Republic of the Congo. In practice, refugees can open bank accounts at only two financial institutions in the Republic of the Congo. In general, recognition of refugee ID cards by financial institutions is yet to materialize, and issuance of biometric ID cards may greatly improve refugees' access to banks and financial services.

The normative framework on digital economy in the Republic of the Congo is composed of the [2019 Finance Law](#), the [2019 Decree approving the national strategy on the development of digital economy](#) and the [2009 Law on the creation of the Agency for the Regulation of Posts and Digital Communication](#). Under these laws, refugees have access to mobile phones and services, including mobile money, on the same terms as Congolese nationals.

In practice, refugees access mobile phones and all services using their refugee ID cards, which are recognized by telecommunication operators. There are no reported cases of refugees being denied access to mobile phones or mobile money services. However, most refugees in the Republic of the Congo live in the Likouala region and, like nationals, have little or no access to mobile phones because the region is barely covered by telecommunication networks.

The Republic of the Congo is a member state of the [Higher Education Council for Africa and Madagascar](#) (CAMES). Within this framework, refugees in the Republic of the Congo may individually request recognition and equivalence of their university diplomas, which consequently facilitates their access to employment and education in the country. Refugees in the Republic of the Congo mostly come from CAMES member states. In practice, there are no reported cases of refugees facing challenges while seeking diploma recognition and equivalence in the country.

The Republic of the Congo is party to the [1949 Geneva Convention on Road Traffic](#) and the 1968 [Vienna Convention on Road Traffic](#). The [CEMAC Community Highway Code](#) recognizes the validity of driving licences issued within the CEMAC community, subject to authenticity control by the relevant transportation services. It also states that licence holders may convert their licence in the host country, subject to that country's right to impose a knowledge test. In practice, refugees from CEMAC countries may obtain the equivalence of their driving licence upon requests to Congolese authorities. Refugees from non-CEMAC countries may convert their driving licences subject to authentication by the competent authorities and payment of the related fees.

Vocational education in the Republic of the Congo falls under the Ministry of Technical and Vocational Education and Employment. In the government's [National Education Strategy 2015–2025](#), the development of technical education and vocational training (ETFP) is noted as a major priority for the education sector. The strategy directly refers to access to basic education free-of-charge for internally displaced persons (IDPs) and refugees. A new law on vocational training is being developed that aims to clarify training options and ways of promoting on-the-job training and to strengthen collaboration with the professional sectors.

## 4 Access to National Public Services

### 4.1 Education

[The 2001 Order on eligibility](#) grants refugees the right to education on the same basis as nationals. The Foreigners Law also grants foreigners the right to education on the same terms as nationals, including free basic education and access to university and associated services. However, it should be noted that Law No 01 of 29 January 2018 relating to the abolition of free state examinations and competitions has restored fees for the declaration and issuance of admission documents and set their amount at double for foreigners in comparison with nationals. This can be burdensome for refugees, who are considered foreigners.

The education sector falls under three ministries, one in charge of primary and secondary education and literacy, one in charge of higher education and one in charge of technical education and vocational training. The government's [National Education Strategy 2015–2025](#) is based on the work of an interdepartmental committee composed of the three ministries and other support ministries with the assistance of technical and financial partners, including relevant United Nations entities and the World Bank. The strategy refers to access to education free-of-charge for IDPs and refugees. Its priority strategic orientations are structured around three axes: 1. providing quality basic education (from the first year of primary school to the last year of middle school); 2. meeting the human resource needs of an emerging economy; and 3. making the steering and management of the education system effective. This government's dedication to implementing these goals is reflected in its engagement with the Education for All Fast Track Initiative (EFA-FTI) and the Global Partnership for Education (GPE) as a partner country.

The education system in the Republic of the Congo faces significant challenges, such as insufficient school infrastructure and a limited number of assigned teachers, which result in overcrowded classrooms in public primary schools. In rural areas such as the Likouala region, which is home to most refugees in the Republic of the Congo, there is only one government-assigned teacher for each primary school. The teacher, who is also the school principal, is responsible for all classes. The situation at secondary level is almost identical. For instance, refugee young people in Bétou and their peers in the host community have only two officially-appointed teachers at a secondary school with thousands of students, and there is only one public university in the country, located in the capital city. Refugee girls have much lower enrolment rates than refugee boys, especially at secondary and university levels. These challenges impact the accessibility and quality of education for both refugees and nationals.

Five years on from the adoption of the 2015–2025 strategy, it is clear that the Congolese education system has been confronted by major economic and financial challenges, including a prolonged drop in oil revenues, on which the State budget remains heavily dependent, and the advent of the COVID-19 pandemic. This has severely hampered the strategy's implementation.

It is in this context that the Republic of the Congo has initiated a process to develop an updated strategy, known as the Education Sector Strategy (ESS) 2021–2030. This process is based on an exhaustive global diagnosis of the education system in all its dimensions and integrates the roadmap adopted jointly by the Government, the Local Group of Education (GLPE) and the Global Partnership for Education (GPE), in the context of the country's funding requests.

## 4.2 Healthcare

[The 2001 Order on eligibility](#) provides refugees with the right to health on the same basis as nationals. The National Health Policy 2018–2030 provides for equitable access to health service packages by improving the supply and quality of services for mothers, children and young people. The National Health Development Plan 2018–2022 (PNDS) is divided into four programmes aimed at improving equitable public access to essential, quality service packages and achieving universal health coverage.

In practice, refugees have access to health care; however, the required financial contributions and the lack of personnel, medicines and equipment, particularly in remote areas, affect the quality and accessibility of services for host and refugee populations alike. Access to women's reproductive health is jeopardized by limited resources and infrastructure, especially in rural areas. The government has included refugees in its COVID-19 response plan, thanks to which refugees have been able to benefit from prevention and care services on the same terms as nationals. Refugees serve on the Health Centre management committees in the Likouala region.

The operationalization of health insurance and the establishment of a pre-payment mechanism is one of the strategies envisaged in the 2018–2022 PNDS to promote equitable access to health services. However, several health-care services — including caesarean section and related services, and malaria, tuberculosis and HIV treatment (Presidential Decree No 2008-128 of 23 June 2008) — which the PNDS declares to be free of charge are still subject to fees and charges in practice.

The government is in the process of setting up a health insurance system. Studies on the care package have been carried out, but the roadmap for operationalization of the health insurance system is yet to be defined. In practice, refugees' inclusion in the future health insurance scheme is also yet to be defined.

## 4.3 Social protection

[The 2001 Order on eligibility](#) provides refugees with the right to social assistance on the same basis as nationals. The Social Security Code (Law No 004-86 of 25 February 1986 on the Social Security Code) regulates social protection in the Republic of the Congo for workers without any consideration of nationality, gender or origin. Refugees are explicitly included as a beneficiary group in the [2017 National Policy on Social Action](#), which aims to reduce poverty, hunger and social inequality and facilitate access to health and education. In practice, social protection programmes are currently covering only a limited portion of the population in need. For example, in May 2020, the Ministry of Social Affairs and Humanitarian Assistance distributed food to the elderly in Brazzaville and Pointe Noire, including to some 130 refugees.

## 4.4 Protection for vulnerable groups

The [Congolese Constitution](#) provides for the protection of vulnerable persons, nationals and residents, including refugees, with an emphasis on protection measures for elderly and people living with disabilities due to their physical, moral and other needs; the protection and promotion of the rights of indigenous people; the recognition of women's rights and equality; protection of children and adolescents from economic or social exploitation; and prohibition of labour for children under sixteen years old.

Specific laws and programmes were established to strengthen the rights and liberties enshrined in the Constitution. In 2010, the Government passed the [Law on Child Protection](#) which includes inter alia protection against child abuse and sexual exploitation, child labour, trafficking, maltreatment and offers protection for child offenders. The law does not discriminate based on nationality or residence status. Refugee children have access to national child protection services on the same terms as Congolese children.

In 2019, the Government passed the [Law on Human Trafficking](#), which directly refers to Congolese or residents, including refugees, whether they are victims or perpetrators. The law states that the Congolese courts have jurisdiction over all acts of trafficking in persons committed by or against a Congolese national

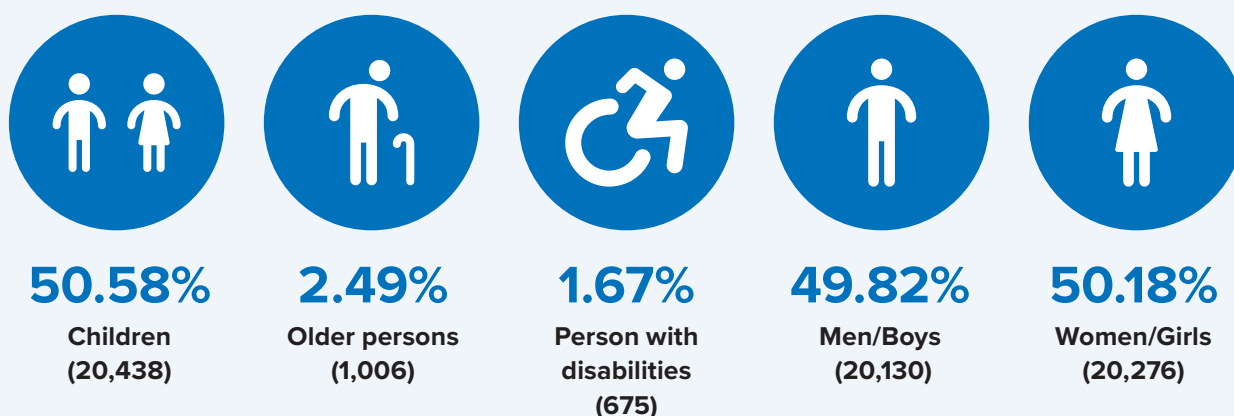
or against a person residing in the Republic of the Congo, including refugees. In practice, the mechanism of repression and assistance (accompaniment) is operational.

While the national strategy to combat sexual violence is yet to be finalized, various policies are in place to prevent and address gender-based violence (GBV), and related services are accessible to both nationals and refugees. Gender equality remains a top priority in the Congo National Development Plan, and the fight against all forms of sexual violence appears also as a top priority in the 2017–2021 National Gender Policy, which also applies to refugees. However, it is important to note that, despite the existence of general legal provisions dealing with GBV in national instruments, there are no specific texts dealing with the different forms of GBV, such as on sexual harassment for instance. The country does not have data on GBV, though it is widely understood to be widespread, affecting nationals as well as refugees.

The Ministry of Women's Empowerment and Integration in Development and the Ministry of Social Affairs and Humanitarian Action oversee the implementation of these programmes and policies for vulnerable groups. They both face several challenges due to lack of resources and coordination mechanisms at national and local levels. In practice, UNHCR and non-governmental organizations provide protection to vulnerable refugees who are identified during the registration process or during their stay in the Republic of the Congo.

## 5 Cross Sectors

**Characteristics of registered refugees and asylum-seekers in total refugee population\***  
as at 30 June 2020



### 5.1 Gender

The Government issued a National Gender Policy 2017–2021 aimed at consolidating gender equality and women's empowerment; strengthening the role and place of women and girls in the economy and in the employed sector; increasing access for women and girls to decision-making spheres; fighting all forms of sexual violence; and strengthening the institutional mechanism implementing the National Gender policy. This National Gender Policy does not refer directly to refugees but applies to them in conjunction with Article 17 of the [Congolese Constitution](#).

\* The refugee numbers reported here do not fully match the numbers on the front page because demographic characteristics are not available for all refugees (e.g., pre-registered refugees, etc.).



## Annex on Key International and Regional Instruments ratified or adhered to

- [Additional Protocol to the Geneva Conventions of 12 August 1949 \(Protocol I\)](#)
- [Additional Protocol to the Geneva Conventions of 12 August 1949 \(Protocol II\)](#)
- [African Charter on Human and Peoples' Rights, 1981](#)
- [African Charter on the Rights and Welfare of the Child 1990](#)
- [African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa \(Kampala Convention\), 2009](#)
- [African Youth Charter, 2006](#)
- [Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984](#)
- [Convention Governing Specific Aspects of Refugee Problems in Africa \(the OAU Convention\), 1969](#)
- [Convention on the Elimination of All Forms of Discrimination Against Women, 1979](#)
- [Convention on the Rights of Persons with Disabilities, 2007](#)
- [Convention on the Rights of the Child, 1989](#)
- [Convention relating to the Status of Refugees 1951 \(Ratification date: 15 Oct 1962\)](#)
- [Fourth Geneva Convention relative to the Protection of Civilian Persons of 1949](#)
- [ILO Abolition of Forced Labour Convention, 1957 \(No 105\)](#)
- [ILO Discrimination \(Employment and Occupation\) Convention, 1958 \(No 111\)](#)
- [ILO Equal Remuneration Convention, 1951 \(No 100\)](#)
- [ILO Forced Labour Convention, 1930 \(No 29\)](#)
- [ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 \(No 87\)](#)
- [ILO Labour Inspection Convention, 1947 \(No 81\)](#)
- [ILO Minimum Age Convention, 1973 \(No 138\)](#)
- [ILO Right to Organise and Collective Bargaining Convention, 1949 \(No 98\)](#)
- [ILO Tripartite Consultation \(International Labour Standards\) Convention, 1976 \(No 144\), 1976](#)
- [ILO Worst Forms of Child Labour Convention, 1999 \(No 182\)](#)
- [International Convention on the Elimination of All Forms of Racial Discrimination, 1965](#)
- [International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990](#)
- [International Covenant on Civil and Political Rights \(ICCPR\), 1966](#)
- [International Covenant on Economic, Social and Cultural Rights, 1966](#)
- [Protocol relating to the status of refugees, 1967](#)
- [Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, 2003](#)
- [UNESCO Convention Against Discrimination in Education, 1960](#)



## RWANDA

In 2020, Rwanda provided protection to 143,287 refugees and asylum-seekers from 10 countries, with most coming from the Democratic Republic of Congo (DRC) and Burundi. Most Congolese refugees in Rwanda have been in the country since 1996, making it a particularly protracted situation. Most Burundian refugees in Rwanda arrived over the past five years due to election-related violence in Burundi, which has significantly increased the number of refugees by 70,000. Many Rwandans have had their own experiences as refugees and the country has adopted an open refugee policy, offering opportunities for socioeconomic integration of refugees. This is reinforced by the fact that the economy in Rwanda has experienced strong growth in recent years, even though Rwanda is still classified as a low-income country.

### KEY POPULATION DATA

**142,949**

Refugees

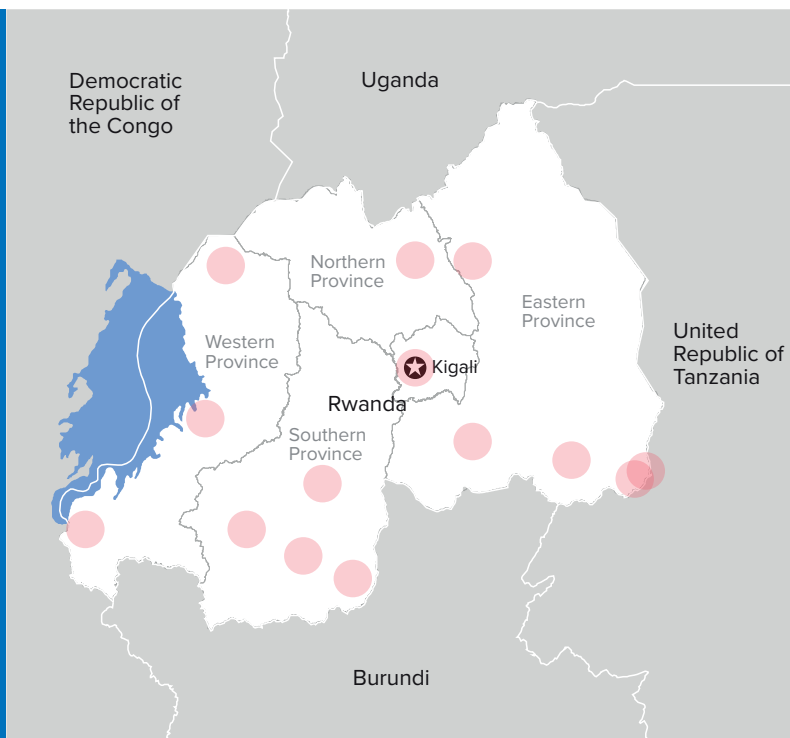
**338**

Asylum-seekers

**1.13%**

of the country's population (12,626,950)  
are refugees and asylum-seekers

IDA 18 RSW / IDA 19 WHR ELIGIBILITY:  
NOVEMBER 2018



Most refugees live in six camps which are dispersed throughout the country. A few refugees live in rental arrangements in urban areas such as in Kigali, Nyamata and Huye areas. In 2020, the urban refugee population was estimated at 11,411, approximately 8 per cent of the total refugee population. Refugees live near host communities with whom they have daily interactions.

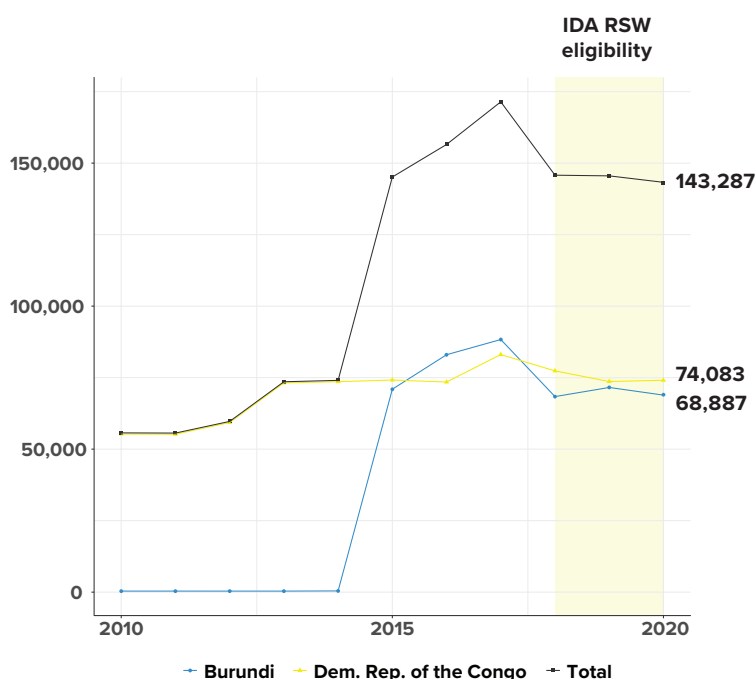


Figure 1: Number of refugees and asylum-seekers of the largest refugee population groups

## OVERVIEW OF REFUGEE POLICY ENVIRONMENT (JULY 2017–JUNE 2020)

The Government of Rwanda is active in implementing policy related to refugees at the national level. Key policy elements and initiatives are as follows:

- Refugee students are integrated into the **national school system at the primary and secondary levels**. To this end, classrooms and related facilities have been constructed for over 30,000 refugee students.
- About 75 per cent of refugees were issued with **refugee ID cards**, and a National Statelessness Taskforce was created. The Task Force launched the [Ending Statelessness in 2024 National Action Plan](#) that is meant to, inter alia, ensure access to **birth registration** for all refugees born in Rwanda.
- All refugees from camps and cities gained **improved access to financial and socioeconomic services**, supported by NGOs.
- Pursuant to a GRF commitment, joint agricultural projects between refugee and host community households were initiated in Mugombwa as part of **livelihood creation** targeting 1,427 farmers' households, of which 300 were refugees.
- Urban refugees were included in the **National Community-Based Health Insurance (CBHI)** in 2019. Screening and treatment for Hepatitis B and C is being progressively integrated into regular health activities for refugees; nearly 80 percent of refugees have been screened.
- An environmental plastic ban was introduced in 2019 with the adoption of the new [Law No 17/2019](#), in line with government pledges on environmental protection in refugee-hosting areas and providing clean and renewable energy solutions to refugee and host community households. As a result, nearly half of refugee households had access to **clean cooking energy** at the end of the period under review.

These policy developments are in line with commitments and pledges made by Rwanda at the international level in relation to refugee and host community protection and which reaffirmed the active role of the government in refugee affairs. This dates back to the adoption of the [Global Compact for Refugees](#) in 2016 on the occasion of the September 2016 New York Leaders' Summit on Refugees and subsequently anchored in the [National Strategic Plan for Refugee inclusion \(2019–2024\)](#) as part of the IDA-18 Refugee Sub-Window (RSW) eligibility process. Through these platforms the Government of Rwanda pledged to facilitate refugee livelihoods, enrol refugee students in primary and secondary school, include all urban refugees in the national health insurance system and provide all refugees with identify cards. Rwanda reiterated these pledges at the [Global Refugee Forum \(GRF\)](#) in 2019 alongside a new priority pledge related to energy and environment. The pledges are consistent with the Rwandan [National Strategy for Transformation \(2017–2024\)](#) and form an essential part of national Comprehensive Refugee Response Framework ([CRRF](#)) implementation (of which Rwanda became a roll-out country in 2018), promoting an inclusive and enabling environment for refugees that also benefits host communities.

## POLICY DIMENSIONS (AS AT 30 JUNE 2020)

### 1 Host Communities

#### 1.1 Support for communities in refugee-hosting areas

The stress placed on infrastructure by the presence of refugees and refugee camps in certain areas determines the interventions of the relevant ministries (the Ministry in Charge of Emergency Management/MINEMA and the Ministry of Local Government/MINALOC working through with the Local Administrative Entities Development Agency or LODA and in coordination with the Ministry in Charge of Infrastructure or MININFRA) which may also benefit host communities. Additionally, District Development Plans take into account the presence of refugees and refugee camps.

The National Social Protection Policy and Sector Strategic Plan (2018/19–2023/24) provides for social protection coverage for all Rwandan nationals, including through safety nets and social cash transfers. The Policy entrusts the [Ministry of Local Government \(MINALOC\)](#) with responsibility for citizens' social protection. While there are no specific considerations for host community members negatively affected by an inflow of refugees, host community members who are Rwandan nationals are able to benefit from these nationwide programmes.

#### 1.2 Social cohesion

The Ministerial instructions no 02/2016 of 1/6/2016 determining the management of refugees and refugee camps suggest the promotion of social cohesion in refugee hosting areas by including the concept of “good neighborhood” with Rwandan community and the settlement of disputes between refugees and local residents. The Government of Rwanda thus implements inclusive policies that positively contribute to social cohesion among refugee and host communities in a holistic sense in line with the Comprehensive Refugee Response Framework (CRRF) and pledges made at the Global Refugee Forum (GRF). For example, as provided for by the Strategic Plan for Refugee Inclusion 2019–2024, refugees are integrated into national services such as education and health and benefit from socioeconomic and financial inclusion. Some livelihoods policies and programmes supported by the Government have contributed indirectly to peaceful coexistence, such as an agricultural project in Gisagara District, the location of Mugombwa refugee camp, involving both the refugee and host communities in a joint farming cooperative covering 100 hectares of marshland made available by the District. Additional hectares have been identified that would potentially extend this project to bring it close to two other camps, thereby confirming the success of the pilot project.

Overall, refugees living in camps and in urban areas have developed social, economic and family ties with the host community, with whom they share cultural and linguistic similarities. As a result, the Rwandan host population has a positive attitude and a fair level of acceptance towards the refugees, despite underlying issues that could challenge social cohesion such as overcrowding of schools, soil erosion and deforestation in and around some of the camps. The transition operated by WFP & UNHCR from in-kind and food assistance to cash-based intervention in camps has also contributed to better social cohesion as a result of cash flowing from camps into the local markets in hosting areas. Members of the host community often attend celebrations in the refugee camps, while refugees and citizens alike take part in compulsory community work called Umuganda that takes place nationwide in the morning hours of every last Saturday of the month, except during the COVID period.

[Organic Law No 02/2010/OL on the Mediation Committee](#) provides for committees at cell and sectoral levels (*Abunzi*) consisting of seven elected residents with proven integrity and mediation skills. These committees provide mediation services as a prerequisite before any party can bring an action before a competent court. Mediation Committees have jurisdiction on any civil matter and on some specific criminal offences. They primarily operate for the benefit of Rwandan citizens, and refugees cannot be elected as *Abunzi* committee members. In refugee settings, there are separate refugee-led conflict resolution

committees that aim to prevent issues from escalating and to resolve conflicts informally. Conflict between refugees and nationals are addressed by an *Abunzi* committee. Alternatively, refugees can ask the camp manager from [MINEMA](#) or one of the legal partners of UNHCR for intervention/support. At Mahama refugee camp, the Peace Dialogue Committees of refugee and host community leaders, placed under the supervision of MINEMA, facilitate the monthly discussion and resolution of various issues.

[The Constitution of Rwanda](#) (Articles 10, 16, and 100) commits to protecting citizens and foreigners in Rwanda against discrimination and division based on ethnic origin, family or ancestry, clan, skin colour or race, sex, region, economic categories, religion or faith, opinion, fortune, cultural differences, language, economic status, physical or mental disability, or any other form of discrimination. Rwanda is also one of a few African countries whose constitutions criminalize discrimination. Different laws have been enacted to deal with the offence of discrimination, which is punishable under Article 163 of [Law No 68/2018](#) determining offences and penalties in general. Overall, refugees in Rwanda enjoy a conducive protection environment and there is no systematic discrimination or denial of rights targeting refugees based on the grounds mentioned above. While discrimination might occur in some situations, for instance in relation to sexual orientation and gender identity, this is true for both refugees and members of the host community.

### 1.3 Environmental management

The [Biomass Energy Strategy](#), the [Water and Sanitation Strategy](#) and the Environmental Law (Law No 48/2018 of 13/08/2018 on Environment) generally provide the legal and policy framework for environmental management in Rwanda. Further, the Ministerial Instructions no 02/ 2016 of 1/6/2016 determining the management of refugees and refugee camps includes environment management in camps and includes the restoration of the environment in refugee-hosting areas. However, a lack of resources has posed a challenge for the implementation of the activities.

The [Ministerial Instructions Determining the Management of Refugees and Refugee Camps](#) require refugees to participate in activities intended to protect the Environment, including participation in joint community work. In 2017, the National Leaders (*Umwiherero*) passed a resolution to sensitize the population, including refugees in camps, regarding the use of Liquid Petroleum Gas (LPG) and other environmentally friendly energy sources for household cooking and public institutions.

In October 2018, the Government of Rwanda issued a directive to end the use of newly chopped firewood in the refugee camps, signalling a shift to alternative clean cooking solutions. In compliance with [Law No 17/2019](#) on single-use plastic items, corrugated iron sheets are gradually replacing plastic sheets for roofing in the camps and settlements. These policy measures were further reaffirmed by the country's commitments during the December 2019 GRF to ensure the sustainable use of natural resources by providing clean and renewable energy solutions in refugee and host community households; take environmental protection and rehabilitation measures in refugee-hosting areas; and build resilient refugee settlements that promote conscious land use and reduce the adverse impact on the environment.

### 1.4 Preparedness for refugee inflows

The Government of Rwanda, through MINEMA, has proactively developed several [contingency plans](#) to respond to various potential situations including refugee inflows. The Refugee emergency response is part of the National Contingency Planning framework regarding population influx. In recent experience, the response to refugee inflows has been coordinated by the Ministry in charge of Emergency Management with significant support by UNHCR and partner funding, guided by inter-agency Refugee Response Plans (RRPs), which address primary emergency needs.

## 2 Regulatory Environment and Governance

### 2.1 Normative framework

Rwanda has been a State party to the [1951 Convention Relating to the Status of Refugees](#) since 15 November 1979. It is also a State Party to the [1967 Protocol related to the Status of Refugees](#), the [1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa](#), the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, as well as the majority of international and regional human rights treaties. Article 95 of the [2003 Constitution of the Republic of Rwanda](#) (as revised in 2015) provides for a hierarchy of laws in which the Constitution prevails, followed by organic laws, international treaties and agreements ratified by Rwanda and then ordinary law and orders. Based on this article, ratified international conventions are locally applied, and should be integrated into the national organic laws. The practice has been to incorporate the provisions of international and regional treaties by integrating the provisions into an amended or new law.

[Law No 13ter/2014 of 21/05/2014 Relating to refugees](#) mirrors most of the provisions of the 1951 Convention. The 2014 Law is complemented by [Prime Minister's Order No 112/03 of 2015](#). Article 18 of the 2014 Law stipulates that “without prejudice to other laws, any person having obtained refugee status in Rwanda shall enjoy the rights and liberties provided for by international instruments on refugees ratified by Rwanda”. By virtue of this broad formulation and in the absence of any contradictory legal provisions, refugees are legally entitled to enjoy a wide range of social, economic, civil and political rights. Rights accorded to asylum seekers and refugees are reflected in Law No 13ter/ 2014 of 21/05/2014 relating to Refugees and Ministerial Instructions no02/ 2016 of 1/6/2016. These instruments may further benefit from more precision given to specific rights granted to refugees as well as asylum seekers

The Congolese population that arrived during the inflows of 1996 and in 2012–2013, as well as the Burundian nationals who arrived in 2015, were recognized as refugees by the Government of Rwanda on a prima facie basis in line with Article 13 of the Refugee Law. While newly-arriving Burundian nationals continue to be recognized as refugees on a prima facie basis, all other new asylum-seekers must undergo the national Refugee Status Determination (RSD) process on an individual basis.

The National Refugee Status Determination Committee (NRSDC), which is in charge of RSD in Rwanda, was established by the 2015 [Prime Minister's Order Determining the Organisation and Functioning of the National Refugee Status Determination Committee \(NRSDC\) and Benefits granted to its Members](#). This Ministerial Order defines the composition, functions and frequency of meeting of the Committee and contains provisions outlining access to asylum procedures. Under this framework, the Directorate-General of Immigration and Emigration (DGIE) performs an initial screening of asylum-seekers before they are referred to NRSDC.

Article 7 of the Ministerial Order includes the provision of UNHCR being invited to NRSDC committee meetings as an observer, in line with Article 35 of the 1951 Convention. Although procedures for asylum seeking are publicly disclosed on MINEMA and DG-Immigration and Emigration (DGIE) websites, upon reception at the entry points and in reception centers, together with periodic awareness campaigns in refugee camps, UNHCR continues to inform on how to access asylum procedures during counselling sessions conducted by UNHCR and partners.

The Government, in collaboration with UNHCR and other partners, is making efforts to raise awareness on refugee rights to work and to access socioeconomic opportunities.

### 2.2 Security of legal status

All registered refugees on Rwandan territory receive a Proof of Registration (PoR). All refugees above 16 years old are also entitled to a refugee ID, issued in collaboration with [MINEMA](#) and [NIDA](#), which is considered to constitute a residence permit and proof of legal identity. Currently 75 per cent of those eligible have IDs, according to Government estimates. The format is the same as the ID card for nationals.

These cards are issued at a low cost of RWF 500 (approximately \$0.50 cents), which is covered by UNHCR and is commensurate with the cost of issuance of national IDs. The cost of renewal is the same as for initial applications and the replacement cost in the event of loss is 1,500 RWF, or approximately \$1.50. The ID card is valid for a period of five years and can be renewed as long as the person holding it remains a refugee in Rwanda. Registered asylum-seekers hold a temporary residence permit with a validity of three months, which is renewable.

Under Article 19 of the Refugee Law in line with the provisions of [Organic Law No 30/2008 on Rwanda Nationality](#), refugees can acquire Rwandan citizenship through marriage, birth and residence in Rwanda or naturalization.

Article 21 of the 2014 Refugee Law enshrines the principle of non-refoulement, which is generally respected. From March 2020, even though land borders were closed as a preventive measure against the spread of COVID-19, and life-saving flights from Libya have continued through the pandemic and other asylum seekers have been received as well during the period. UNHCR is not aware of any case of refoulement or unlawful termination of refugee status in the last year .

### 2.3 Institutional framework for refugee management and coordination

The Ministry in Charge of Emergency Management (MINEMA) is the primary institution in charge of refugee management at national and local level. MINEMA shares decision-making and operational responsibilities with other ministries and institutions, such as the [Ministry of Finance And Economic Planning \(MINCOFIN\)](#), the Ministry of Agriculture (MINAGRI), the Ministry of Justice, the [Ministry of Local Government \(MINALOC\)](#), the [Ministry of Foreign Affairs and International Cooperation \(MINAFFET\)](#), the [Ministry of Health \(MoH\)](#), the [Ministry of Education](#), the [Ministry of Environment \(MoE\)](#), the [Directorate General of Immigration and Emigration \(DGIE\)](#), and Rwanda National Police (RNP), bringing a wider spectrum of Government actors into the field of refugee protection and assistance. These collaborations have been further strengthened since the introduction of the CRRF approach. MINEMA and UNHCR jointly ensure coordination among donors through quarterly meetings. Additionally, MINEMA engages with other Ministries bilaterally or with several of them jointly if the matter requires such a collaborative approach.

Refugees are explicitly included in the Government-approved [United Nations Development Assistance Plan](#), which is aligned with the [National Strategy for Transformation \(NST1\)](#). Pursuant to SDG 16.9, refugees are part of the Government's objectives to achieve universal registration and documentation. In March 2019, a Strategic Plan for Refugee Inclusion 2019–2024 (SP) was issued by the Government. The Government of Rwanda has also committed to the [Ministry of Education's](#) Education Management Information System (EMIS)/School Data Management System (SDMS), which is used to register both refugee and national students and to track their progress throughout their learning

A Complaints and Feedback Mechanism (CFM) exists in the camps depending on the sectors of interventions. Refugees in camps can also approach the MINEMA offices and raise concerns directly with MINEMA staff. Additionally, MINEMA and UNHCR organize large community meetings at which refugees can ask questions on different policies and services, including newly-introduced initiatives. More generally, the Government engages citizens regularly on national decisions and policy changes through open forums on the radio and via hotlines that refugees can also access. Multi-stakeholder consultations are also conducted jointly among refugee and host communities, notably on education. The norm being, that each school in the country has a Parent teacher Association, an association made up of host community and refugee parents regularly meets and takes decisions on education issues. The refugee community has a structured, elected executive committee and chooses leadership to the quartier and village level. In addition to the refugee community leadership, there are different representation bodies in the camps, such as youth groups, women's groups, sports groups, etc. UNHCR would like to see women playing a greater role in the various community structures at camps level.



## 2.4 Access to civil registration and documentation

Recognized refugees over 16 years of age can also apply for a refugee identity card. Rwanda committed during the 2016 New York Leader's Summit on Refugees to ensuring that 100 per cent of refugees on its territory would be in possession of valid refugee identity cards issued by the Government. This commitment was reaffirmed through the protection/documentation pledge made at the GRF in December 2019. The Government is planning to issue documents to the 25 per cent of eligible refugees who do not have them yet. Access to the medical insurance scheme in urban areas requires refugees to be in possession of a refugee ID card. Having a refugee ID card also enables refugees to access other essential services such as telecommunications (SIM cards/contracts), banking and financial services, employment opportunities, etc. and greatly facilitates socioeconomic inclusion.

The proof of registration (PoR) issued by UNHCR and MINEMA to all refugees on Rwandan territory (see sub-dimension 2.2) is a document including the family composition and biometric details of each individual, which enables them to access most humanitarian services. However, for legal and administrative processes in the country, a refugee ID is required.

The Government of Rwanda has cleared registration related cases since 2018, including in urban areas. However, new asylum and on hold cases were still observed (except for extremely vulnerable cases, those recognized as refugees after NRSDC deliberations and those in transit or reception centres). This prevents some individuals from accessing certain basic services. With the planned roll-out of Community-Based Health Insurance (CBHI) in 2018, the Government of Rwanda conducted a verification exercise in urban areas to ensure that those who were to be enrolled in CBHI were indeed present in the country. This verification exercise was combined with new registration. Discussions are ongoing about the possibility of restarting verification/registration countrywide.

Machine Readable Convention Travel Documents (MRCTDs) are issued to refugees by the Directorate-General of Immigration and Emigration (DGIE) for the purposes of travel for business, schooling abroad and any other valid reasons, as per Article 23 of Law No 57/2018 on immigration and emigration. These documents meet International Civil Aviation Organization standards.

Refugees have access to civil registration services to register birth, marriages, divorces, and deaths occurring in Rwanda and to obtain corresponding civil documentation. Civil registration services are managed under the Ministry of Local Government (MINALOC). Recent amendments to Law [No 32/2016 of 28/08/2016 Governing Persons and Family](#) introduced a decentralized birth registration procedure to be carried out at health facilities and at cells (local administration) level to ensure that every child's birth is registered immediately after delivery. In line with its pledges made on documentation and civil registration to ensure that any refugee born in Rwanda is issued with a birth certificate, the Government committed to holding a regular "civil registration week" in refugee camps to raise refugees' awareness of the importance of birth registration.

Refugees not born in Rwanda whose birth has not been registered in their country of birth or who may have fled without their birth certificate in their possession may have access to substitute birth registration documentation. This practice, in line with administrative assistance provided to refugees under the 1951 Convention, is not commonly used by refugees.

## 2.5 Justice and security

In general, refugees enjoy a similar level of security to Rwandan nationals. MINEMA, in collaboration with the Rwanda National Police (RNP), ensures the security of refugees living in camp settings. Considering the generally high level of safety and security in Rwanda, refugees and asylum-seekers mostly feel secure and do not face serious security concerns. Criminality affects them in much the same way as it affects Rwandan nationals and they enjoy police protection on a par with nationals.



Rwanda has ratified and incorporated key regional and international instruments on gender equality and women's empowerment. [Law No 59/200813](#) criminalizes sexual and gender-based violence in all its forms, including trafficking, especially of women and girls, and marital rape. [Organic Law No 01/2012/OL of 2 May 2012/15](#) prohibits the sale of children, child prostitution and child pornography. The Gender Monitoring Office (GMO) is the responsible government entity monitoring gender mainstreaming and actions against GBV and gender-based discrimination in the society as a whole, but has minimal involvement in refugee settings. National structures offer multisectoral response to child victims of abuse and to GBV survivors across the country and are fully accessible to refugees. In parallel, UNHCR implements GBV prevention and response activities for refugees in the camps, with a focus on awareness-raising among all stakeholders and reinforcing the capacity of law enforcement forces.

As per Article 18 of the Refugee Law and Article 12/g of the Ministerial Instructions Determining the Management of Refugees and Refugee Camps, asylum-seekers and refugees enjoy the right to access justice. Refugees generally have access to information on these rights and can be provided with free legal counselling and representation at all levels thanks to local UNHCR partners. They can also use a free telephone number, paid for by UNHCR, to access legal aid services.

## 3 Economic Opportunities

### 3.1 Freedom of movement

For several decades, refugees have settled upon arrival in Rwanda in camps designed to host and take care of them. They usually settle in camps according to their regions of origin, which determines the location of the camp and their affiliations. Article 18 of the [Refugee Law](#) enshrines into national law the enjoyment of all rights accorded to refugees by the 1951 Convention, including freedom of movement. Refugees can therefore move and settle wherever opportunities are available within the country including in urban areas. However, camp-based refugees need to request permission to leave the camp. Those who chose to reside outside of the camp may do so in line with Article 25 (2) of the Refugee Law.

This permit is issued for a period of three months, on the recommendation of the camp management, and must be renewed at the camp. If not renewed, the refugees lose their entitlement to camp-based assistance, except access to health insurance and legal support. In practice, once refugees have settled in a new place of residence, they have to report to the local authority at village level, as do citizens. Like nationals, refugees are expected to carry an identity document whenever moving around (PoR or refugee ID card).

COVID-19 measures that have been in place since March 2020 have placed varying restrictions on the mobility of the whole population, including refugees, in order to halt the spread of the pandemic.

### 3.2 Rights to work and rights at work

Refugees in Rwanda are entitled to seek wage-earning employment. In the absence of a specific legal provision on refugees' right to work and in accordance with Article 18 of the [Refugee Law](#), recognized refugees in Rwanda benefit from the same level of worker protection as nationals, including salary levels in the private sector. No additional documentation or work permits are needed for refugees. To apply for a job, they need only to provide a document that establishes their identity and legal status. Refugees who hold a refugee ID card face an easier process for accessing employment than those who hold only proof of registration (PoR). Refugees in possession of a driving licence stand a higher chance of finding employment because it is a marketable skill. Despite this enabling environment for refugees to access wage-earning employment, securing a job is difficult to achieve for various reasons: employers' misconceptions about refugee's right to work, inadequate skills set, unavailability of jobs, etc.

As per normal business procedures, refugees are allowed to open businesses in the same manner as nationals and register them under their own name. Camp-based refugees can register their business at sectoral level and have to pay monthly taxes. In urban areas, only refugees with a refugee ID card can

register their business at the Rwanda Development Board ([RDB](#)). They are issued with a certificate of registration and a Tax Identification Number (TIN) and have the same tax obligations as nationals.

### 3.3 Land, housing and property rights

Articles 34 and 35 of the [Constitution](#) enshrine the inviolable right to private property, including the right to land. [Law No 34/2013](#) Governing Land entitles foreigners to emphyteutic lease (contract that allows the holder the perpetual right to the enjoyment of a property within a specified time) over land, from a private person or the State. Article 18 of the [Refugee Law](#) enables refugees to enjoy the provisions relating to emphyteutic land leases for business and agricultural purposes without obstacle. Asylum-seekers cannot exercise this right until a decision has been taken on their status.

Article (12/c) of the 2016 [Ministerial Instructions on Determining the Management of Refugees and Refugee Camps](#) provides for the right for refugees to own immovable and movable property in a similar way to citizens. In practice, however, very few refugees can afford to buy a house. Refugees in camps are provided shelters and for other basic needs but are not included in social housing programmes intended for Rwandan nationals, nor are they part of most other formal Government social protection initiatives, except for the Community Based Health Insurance, which is available for urban based refugees, supported by UNHCR.

### 3.4 Financial and administrative services

Refugees can open bank accounts using their Government-issued refugee ID cards. It is also possible with proof of registration (PoR) as per a Central Bank waiver. The introduction of cash assistance across refugee camps has boosted access to various banking services and increased the level of financial inclusion of refugees as a whole. Refugees have access to micro-finance and loans from formal financial institutions and social enterprises and may also use services relating to village savings and loans, remittances and utility payments. To date, over 40,000 bank accounts have been opened by refugees in Rwanda and over 11,000 refugee households have accessed various forms of financial services.

As at June 2020, all refugees in the camps can receive food and non-food cash allowances directly to a bank account linked to a debit multi-wallet smart card. Refugees can obtain a SIM card with their ID card and, in certain situations, this is possible on the basis of a PoR. The availability of mobile money facilities offered by the various phone companies has also expanded refugees' access to a wider range of digital financial services (payment, deposits, withdrawals, savings, receiving remittances, etc.). About two thirds of households in refugee camps are registered with a mobile money provider and one in 10 households in refugee camps has saved money on a mobile wallet account.

Skills development initiatives mainly provided by UNHCR implementing partners, with the support of MINEMA, that are made available to refugees are being promoted as part of the objective to increase refugees' economic inclusion. Such initiatives focus on building refugees' skills and capacities to access wage employment or self-employment opportunities.

## 4 Access to National Public Services

### 4.1 Education

The 2018/19–2023/24 Education Sector Strategic Plan makes no reference to refugee education or education in emergency situations. In the absence of a specific policy document on refugee education, Article 18 of the 2014 Refugee Law applies; this provides refugee children access to learning in the same way as nationals. In practice, refugee learners are included in the national education system at all levels (following the national curriculum, participating in the same extracurricular activities, etc.) and are expected to meet the same standards for certification and accreditation as nationals. Refugee students are integrated into national education systems.

Some 61 per cent of early childhood development (ECD) refugee children are enrolled in programmes under the national education system (compared to 29.8 per cent for the host community). The gross enrolment ratio (GER) among refugees in the national education system is 127 per cent at primary level (138.8 per cent for the host community) and 62 per cent at secondary level (42.5 per cent for the host community). The number of refugee students enrolled in universities is minimal (estimated at 4 per cent of the age group for tertiary education) as a result of unaffordable fees (approximately \$4,000 per academic year) and the very limited number of scholarships available. The Government pledged at the [Global Refugee Forum](#) in December 2019 to improve the quality of education in refugee and host-community settings through upgraded infrastructure and increased equipment and teaching and learning materials, to expand technical and vocational education and training (TVET) and to support the country's TVET infrastructure and provide related equipment.

Kinyarwanda is the language of instruction in pre-primary and lower primary education, whereas English is the language used at all other levels. To ensure the adequate and timely integration of refugees into the national education system, learners are supported with language training in Kinyarwanda, by humanitarian partners. Students who arrive after the start of the academic year are provided with catch-up classes supported by humanitarian actors. However, this latter programme has been scaled down as students have been progressively integrating into the national system.

Refugees can obtain administrative documents and certification of their foreign diplomas for employment or education purposes. The Rwandan Education Board has a dedicated certification process for foreign diplomas. Access to national driving licences and recognition of driving licences from the country of origin, require possession of a refugee ID card.

## 4.2 Healthcare

Following up on the [commitments](#) made during the [2016 New York Leaders' Summit on Refugees](#), the Government took the necessary policy steps in 2019 to integrate urban refugees into the national Community-Based Health Insurance (CBHI), a scheme managed by the national insurance administrator. All urban refugees who wish to enrol and present refugee ID Cards are enrolled in the Community-Based Health Insurance system. Thanks to their enrolment in the CBHI, urban refugees have access at 10 per cent cost to all the primary care services provided by public health centres and can be referred to secondary or tertiary reference hospitals if required.

Refugees in camps receive health-care services from the UNHCR-supported health facilities run in collaboration with the Government and partner organizations as part of the humanitarian refugee response in the country. These include primary health care, sexual and reproductive health services, mental health and psychosocial support, care for non-communicable diseases as well as nutrition screening and management. Secondary-level health care is provided at district and national hospitals with which agreements exist. At tertiary level, one implementing partner of UNHCR has an agreement with various health facilities and receives refugee patients from locations all across the country.

Urban female refugees enrolled in CBHI can access sexual and reproductive health services, including maternal and neonatal health services, and other women's services through the national health system. Even if not yet enrolled in CBHI, refugee women and girls can, like Rwandan women, access sexual and reproductive services that are free of charge for nationals. Other sexual and reproductive health services are accessible, but they are not free, such as antenatal care, normal and C-section delivery, management of childbirth complications, treatment of sexually transmitted infections, etc. HIV and Hepatitis screening and treatment, as well as contraceptives, are available free of charge at public facilities for nationals and refugees equally, regardless of CBHI enrollment. In rural areas, all refugee women and girls can access sexual and reproductive health services through humanitarian NGOs. Refugees routinely and fully avail themselves of the right to these services.

In keeping with national priorities to eliminate Hepatitis C in Rwanda by 2024, all refugees in Rwanda (in camps and urban settings) have been integrated into the national subsidised hepatitis elimination

programme since September 2019. This is in addition to the existing national subsidised health programmes for immunization, family planning, malaria, HIV and TB, which cover refugees in all settings. The commitment to eliminate Hepatitis C was reiterated in a pledge made by the Government at the GRF in December 2019.

The draft national COVID-19 response plan includes refugee camps as high-risk, vulnerable locations. In leading the COVID-19 response, the Government conducts testing and case management for refugees across the country.

### 4.3 Social protection

Rwanda implements different schemes and programmes in the social protection sector as part of its economic development and poverty reduction strategy. As illustrated above, some of the schemes that cover the majority of Rwandans also extend to urban refugees.

As at June 2020, approximately 40,000 refugees were registered with specific needs, representing 25 per cent of the refugee population in Rwanda. In the refugee camps, identified vulnerable refugees, including elderly persons and those living with disabilities, receive blanket cash assistance and have access to specialized service (devices, supplementary feeding, psychosocial services, rehabilitation, etc.) Supported by UNHCR and provided by its partners. In urban settings, identifying refugees with special needs is challenging, as is their referral to specialized health services where available. UNHCR provides limited financial support to the most at-risk urban refugees on a case-by-case basis.

The commitment of the Government to the [CRRF](#) provides a platform to initiate a dialogue between the authorities and international partners, with the aim of gradually aligning humanitarian aid and support with the objective of broader social and economic inclusion and fostering development opportunities for refugees and local communities alike. Technical working-level meetings are planned to be held in each thematic pledging area and a steering committee should meet every six months to review the progress made.

Other avenues allow for dialogue between the authorities and a broad range of humanitarian and development actors on refugee inclusion and socioeconomic development through existing frameworks and strategic engagement, such as in the United Nations Development Assistance Plan II – UNDAF II, 2018–2023 – which is linked to the [National Strategy for Transformation](#) (NST1), which focuses on economic and social transformation and transformational governance.

### 4.4 Protection for vulnerable groups

Rwanda has ratified the [Convention on the Rights of the Child](#) through Presidential Order No 773/16 of September 1991, the [optional Protocol to the Convention on the Rights of the Child on the Involvement of children in Armed Conflict](#) through Presidential Order No 32/01 of February 2002 and the [Optional Protocol on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography](#) through Presidential Order No 32/1 of February 2002. In 2001, Rwanda passed [Law No 27/2001](#) of 2001 Relating to Rights and Protection of the Child Against Violence and, in 2018, Law [No 71/2018](#) Relating to the Protection of the Child.

A National Commission for Children (NCC) was established by [Law No 22/2011](#) as an independent body under the Ministry of Gender and Family Promotion (MIGEPROF) mandated to promote and protect children's rights. In 2011, the [National Integrated Child Rights Policy \(ICRP\)](#) was issued with a view to fulfilling all children's rights, including those of refugee children as per Article 5.7 ("All refugee children in Rwanda, accompanied or unaccompanied by adult family members will have all the rights stipulated in this policy"). Subsequently, a Road Map for National Child Protection Systems and Protection of Refugee Children (2017–2022) was developed by MIGEPROF and NCC with the support of UNHCR and UNICEF. The Government of Rwanda is committed to strengthening child protection systems at all administrative levels through a cadre of professional staff and the involvement of other relevant Ministries. The competent child protection institutions are going through structural reforms and a new Bill is before the Parliament.

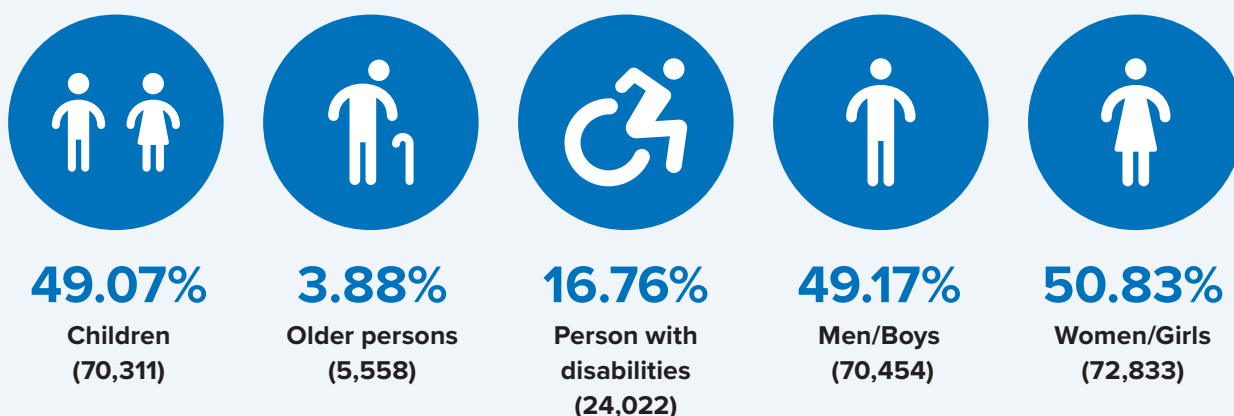
At camp level, UNHCR leads the protection response for at-risk refugee children in collaboration with the partners & authorities, notably the camp management & national social service workforce, and within the framework of the existing roadmap for child protection. In parallel, efforts have been made at the district level by the NCC to engage with refugees and host communities to address child protection issues and build their respective capacities. The best interest determination process for refugee children involves government staff. Best care options are explored in line with national alternative care policies and in coordination with the NCC.

National structures like Isange One-stop Centres provide multisectoral responses to child abuse and SGBV cases. They are accessible to refugees. UNHCR continues to provide SGBV-related services in the camps through its non-governmental partners.

A National Technical Working Group on protection against sexual exploitation and abuse (PSEA) and Gender has been established, by the United Nations country team, in collaboration with ONE United Nations and a national PSEA action plan has been developed. It is on a quarterly basis to discuss updates, issues and challenges. Several trainings have been organized under the action plan.

## 5 Cross Sectors

**Characteristics of registered refugees and asylum-seekers in total refugee population\***  
as at 30 June 2020



### 5.1 Gender

Rwanda has a progressive legal framework in terms of gender equality and women's empowerment, which provides for the prevention of gender-based violence and for the protection of survivors of such forms of violence.

### 5.2 Social inclusion

While generally refugees are included in policy and Government support and oversight in Rwanda, their inclusion could be improved in terms of practical application. For example, as the Government has made great commitments towards refugee inclusion in social and economic life of the country, implementation and advocacy still need to be initiated. Refugee inclusion in the social safety net concerning health care has been exemplary, even under the tight conditions of the COVID-19 pandemic. Refugee inclusion in the education system has been eased both by investment of international actors, and the benefit of a shared common language and culture between the refugees and their hosting communities. However, tertiary education is expensive for both refugees and host communities, but because of relative income disparity, refugees have extremely limited options to access tertiary education, whether in Rwanda or abroad.

\* The refugee numbers reported here do not fully match the numbers on the front page because demographic characteristics are not available for all refugees (e.g., pre-registered refugees, etc.).

We note that refugee women face, as above, a disadvantage in terms of job opportunities and livelihood interventions because of their generally lower level of education. Furthermore, attention could be paid to ensure the access to protection services for vulnerable persons for both refugee and hosting communities, particularly female headed households, women and girls living with disabilities, elderly women, unaccompanied and separated girls and female victims of human trafficking. Being a refugee adds an extra layer to this complexity.

UNHCR would be interested in further assistance by the Government in terms of advocacy with the private sector in clarifying the availability of refugees as workers, as well as training and hiring refugees, particularly in the urban areas. It would also be useful, in our view, to expand the marshland projects into other areas to facilitate inclusion of refugee agriculturalists into their communities.



## Annex on Key International and Regional Instruments ratified or adhered to

- [Additional Protocol to the Geneva Conventions of 12 August 1949 \(Protocol I\)](#)
- [Additional Protocol to the Geneva Conventions of 12 August 1949 \(Protocol II\)](#)
- [African Charter on Human and Peoples' Rights, 1981](#)
- [African Charter on the Rights and Welfare of the Child 1990](#)
- [African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa \(Kampala Convention\), 2009](#)
- [African Youth Charter, 2006](#)
- [Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984](#)
- [Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, 1962](#)
- [Convention Governing Specific Aspects of Refugee Problems in Africa \(the OAU Convention\), 1969](#)
- [Convention on the Elimination of All Forms of Discrimination Against Women, 1979](#)
- [Convention on the Rights of Persons with Disabilities, 2007](#)
- [Convention on the Rights of the Child, 1989](#)
- [Convention relating to the Status of Refugees 1951<sup>1</sup> \(Ratification date: 3 Jan 1980\)](#)
- [Convention Relating to the Status of Stateless Persons, 1954](#)
- [Fourth Geneva Convention relative to the Protection of Civilian Persons of 1949](#)
- [ILO Abolition of Forced Labour Convention, 1957 \(No 105\)](#)
- [ILO Discrimination \(Employment and Occupation\) Convention, 1958 \(No 111\)](#)
- [ILO Employment Policy Convention, 1964 \(No 122\)](#)
- [ILO Equal Remuneration Convention, 1951 \(No 100\)](#)
- [ILO Forced Labour Convention, 1930 \(No 29\)](#)
- [ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 \(No 87\)](#)
- [ILO Labour Inspection Convention, 1947 \(No 81\)](#)
- [ILO Minimum Age Convention, 1973 \(No 138\)](#)
- [ILO Right to Organise and Collective Bargaining Convention, 1949 \(No 98\)](#)
- [ILO Tripartite Consultation \(International Labour Standards\) Convention, 1976 \(No 144\), 1976](#)
- [ILO Worst Forms of Child Labour Convention, 1999 \(No 182\)](#)
- [International Convention on the Elimination of All Forms of Racial Discrimination, 1965](#)
- [International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990](#)
- [International Covenant on Civil and Political Rights \(ICCPR\), 1966](#)
- [International Covenant on Economic, Social and Cultural Rights, 1966](#)
- [Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Organized Crime \(2000\)](#)
- [Protocol relating to the status of refugees, 1967<sup>2</sup>](#)
- [Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, 2003](#)
- [UNESCO Convention Against Discrimination in Education, 1960](#)

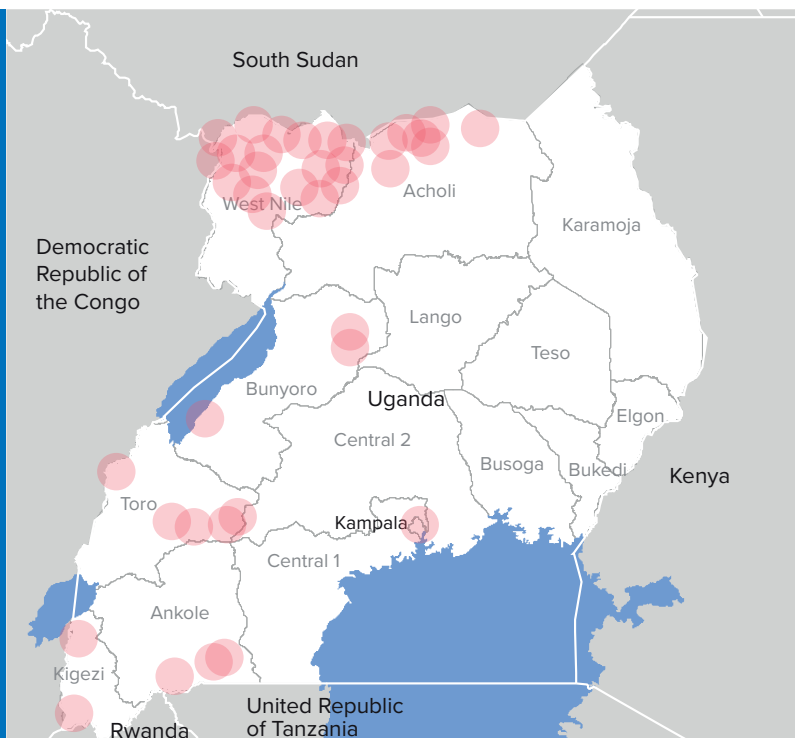
### Reservations/declarations:

- 1 Article 26 reserving the right to determine the place of residence of refugees and to establish limits to their freedom of movement.
- 2 Article IV (settlements of disputes).

## UGANDA

As at 30 June 2020, Uganda was hosting the largest number of refugees in Africa and was the third largest refugee-hosting country in the world, offering protection to 1,425,034 refugees and asylum-seekers from over 30 countries, representing more than 3 per cent of its total population. Uganda welcomed large numbers of refugees between 1955 and 1960 and has experienced the world's largest increase from 135,000 in 2010 to 1.4 million in 2020. Most of the refugees in Uganda are from South Sudan, the Democratic Republic of Congo, Burundi, Somalia, Rwanda, Ethiopia and Eritrea, with a few others from as far away as Asia and Syria.

Uganda has recorded reductions in poverty over the last two decades. However, it remains a low-income country, ranked 159 out of the 189 countries on the Human Development Index for 2019. Despite its own challenges, Uganda has historically had an open approach towards refugees, consistently providing refugees with asylum and access to basic rights.



Of the total refugee population in Uganda, 94 per cent reside in planned settlements around the border areas: 62 per cent, of which are mostly South Sudanese, are settled in the northeast region and, 32 per cent, of which are mostly from the Democratic Republic of the Congo and a few from Burundi, are settled in south and mid-west region. The remaining population of about 6 per cent of various nationalities are scattered in urban settings, mainly in Kampala. These settlements are within Ugandan host communities with whom refugees interact regularly.

### KEY POPULATION DATA

**1,396,773**

Refugees

**28,261**

Asylum-seekers

**3.22%**

of the country's population (44,269,594)  
are refugees and asylum-seekers

IDA 18 RSW / IDA 19 WHR ELIGIBILITY:  
SEPTEMBER 2017

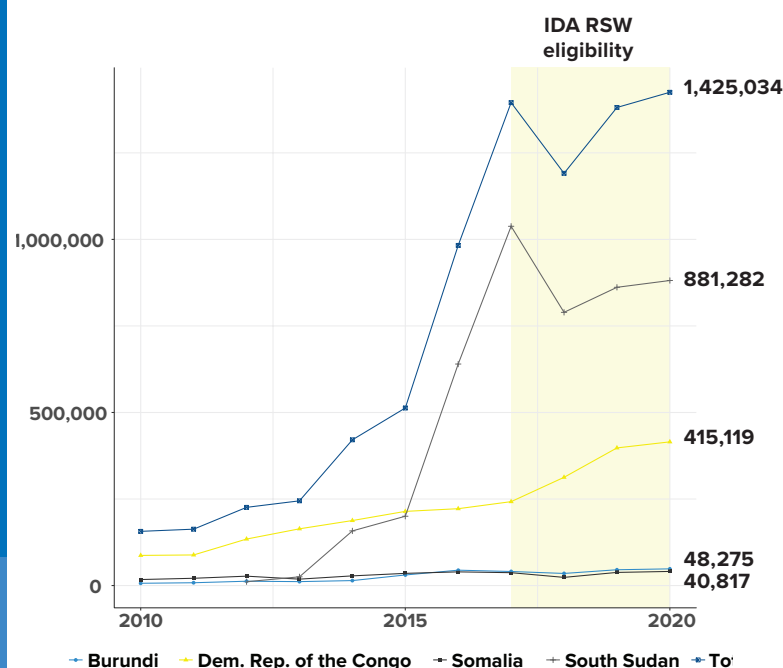


Figure 1: Number of refugees and asylum-seekers of the largest refugee population groups

## OVERVIEW OF REFUGEE POLICY ENVIRONMENT (JULY 2017–JUNE 2020)

The legal and policy frameworks in Uganda grant refugees access to key rights and national services. Since 1999, Uganda has been pursuing a development response to forced displacement and has worked on developing self-reliance strategies for refugees. Since 2010, it has also integrated refugee matters into national and sub-national development and environmental plans ([2010 Regulations](#)). In 2015, the Government of Uganda operationalized these commitments through the adoption of the [Settlement Transformation Agenda \(STA\)](#), which was fully incorporated into the [2015/16–2019/20 National Development Plan II \(NDPII\)](#), thereby integrating refugees into national development planning. Efforts to support the STA were mobilized through a strategic framework called [Refugee and Host Population Empowerment \(ReHoPE\)](#). These building blocks predated and inspired the participation of Uganda in the 2016 Global Leaders' Summit on Refugees, at which it committed to the Comprehensive Refugee Response Framework (CRRF), as proposed by the [2016 New York Declaration](#).

- From July 2017 to June 2020, Uganda made key policy developments and initiatives as follows:
- Launch of the CRRF in April 2017.
- Adoption of the [Uganda 2018–2020 national action plan to implement the Global Compact On Refugees and its Comprehensive Refugee Response Framework \(CRRF Roadmap\)](#) in January 2018, as well as its revision in April 2019.
- Adoption of the [2018–2021 National Education Response Plan for Refugees and Host Communities in Uganda](#) in May 2018.
- Adoption of the [2019–2024 Health Sector Integrated Refugee Response Plan](#) in January 2019
- Adoption of the [Water and Environment Sector Refugee Response Plan \(WESRRP\)](#) in November 2019
- Adoption of the [2020–2021 National COVID-19 Health Prevention and Response Plan](#) in March 2020, which integrates refugees in the national response.
- Finalization of the country's [National Development Plan III \(2020/21–2024/25\)](#), which fully integrates refugees into national, sectoral and district planning and statistics, entering into force in July 2020.

In September 2017, Uganda became eligible for the World Bank's IDA18 Regional Sub-Window for Refugees and Host Communities (RSW), which provided financing to sustain and scale up the policy agenda laid out in: the STA, NDPII, NDPIII and the sector response plans listed above.

Uganda has also been very active on international refugee issues, supporting the development and affirmation of the [Global Compact on Refugees \(GCR\)](#) in 2018 and signing the [IGAD Djibouti Declaration on Education in 2017](#), as well as the [Kampala Declaration on Jobs, Livelihoods and Self-Reliance for Refugees, Returnees and Host Communities in the IGAD region in March 2019](#). Uganda also actively participated in the [2019 Global Refugee Forum \(GRF\)](#), where it reinforced its commitment to the GCR and made additional policy pledges on: (i) maintaining its progressive, open-door refugee policy; (ii) including refugees in its national planning framework and statistical systems; (iii) promoting accessibility, quality and inclusiveness in education and health delivery systems for refugees and host communities through implementation of the Education Response Plan and Health Response Plan; (iv) promoting inclusive and sustainable management of natural resources and ecosystems through implementation of the Water & Environment Response Plan; and (v) ensuring the integrity of its asylum system.

## POLICY DIMENSIONS (AS AT 30 JUNE 2020)

### 1 Host Communities

#### 1.1 Support for communities in refugee-hosting areas

The country's [2002 Fiscal Decentralization Strategy and Fiscal Transfer Reform Programme \(IFTRP\)](#) set out the strategy and operationalization system for fiscal transfers to local governments. The IFTRP can also be applied for timely additional financial transfers from national level to areas that are economically affected by the presence of refugees, even though it does not contain specific provisions in this regard.

This is demonstrated by the Uganda Intergovernmental Fiscal Transfer Program (UGIFT) and the Uganda Support to Municipal Infrastructure Development Program (USMID) financed by the World Bank. Both programmes support implementation of the IFTRP and factor refugee populations into conditional grant allocation formulas in the health, education, water and sanitation sectors, thus facilitating significant increases in financing and integrated service delivery for refugee-hosting districts, based on refugee populations within Districts. The IFTRP has also facilitated the development of integrated transition plans, which combine sectoral financing with other funding sources, including complementary projects from development partner and humanitarian actors. The operationalization of sub-national fiscal plans have been hindered by the limited implementation capacities of sub-national government institutions.

The Social Protection Policy is premised on the provisions of the Constitution of the Republic of Uganda. The 2015 National Social Protection Policy (NSPP) and [2016–2020 Social Sector Development Plan](#) aim to establish comprehensive social protection services to address vulnerabilities for all Ugandans, including host communities. There are four main social safety net schemes and programmes: the National Social Security Fund (NSSF), the Public Service Pension Scheme (PSPS), the Uganda Social Action Fund (NUSAF) and the Senior Citizens' Grant (SCG). Extending coverage of the NSSF and PSPS has been slow and the proposed reforms are taking time to develop. NUSAF covers 55 districts in the Northern and Eastern regions, while SCG operates in 61 districts with the intention of scaling up towards universal coverage for all elderly persons aged 80 years and over. Some refugee-hosting districts are already currently covered by SCG and NUSAF. Enjoyment of social safety nets for Ugandans, including host communities, is limited in practice: less than 0.7 per cent of the population is covered; there are institutional constraints inhibiting the performance of social protection in Uganda; and with a national budget allocation of less than 0.06 per cent of GDP, many programmes remain fully dependent on international aid ([2019 Social Sector Development Review](#)).

#### 1.2 Social cohesion

There are various national policies that are directly and indirectly aimed at identifying, preventing, and mitigating potential social tensions and risks of conflicts in refugee-hosting areas. The [Refugees Act 2006](#) and its [2010 Refugees Regulations](#) set out refugee rights as well as refugee obligations including those bound by the rule of law and public order in Uganda. The [2016–2020 NDPII](#), the [2020–2025 NDP III](#) in conjunction with the [2016–2022 STA](#) and the [GCR/CRRF National Plan of Action 2018–2020](#), provide policy guidance on social cohesion and rule of law among refugees and host communities.

In addition, the Bill of Rights in the 1995 Constitution, the Penal Code Act and a large body of other national laws which are applicable throughout the country contribute in preventing tensions and strengthening social cohesion between various groups. There are, however, gaps in early warning systems, intended to identify conflict risks, and provide subsequent mitigation measures.

While refugee and host communities in Uganda typically coexist peacefully, and interact on a regular basis, tension still exist. These tensions can be attributed to various factors including competition for natural resources, land disputes, destruction of crops by animals belonging to the host or refugee communities and/or perceived inequities in access to livelihoods, services and international aid. Such tensions also exist within refugee communities and among Ugandan nationals and have been further exacerbated by the COVID-19 pandemic.

Within host and refugee communities, there are functional informal and formal mechanisms in place that promote peaceful coexistence, dialogue, joint activities and citizen engagement. The most relevant mechanisms within the host community are the local councils, which have social cohesion and dispute resolution responsibilities within their area of jurisdiction. The refugee welfare committees are the equivalent structures in the refugee community. As a matter of practice, local governments and the Office of the Prime Minister (OPM) facilitate interventions to promote peaceful coexistence and address any tensions arising between refugees and host communities. OPM facilitates regular engagement between local councils and refugee welfare committees. As part of the [National Conflict Early Warning Mechanism](#), peace committees have been established in some refugee-hosting districts. These have strong potential to address conflict between refugees and host communities more comprehensively but policies to that end, bringing together both refugee and host community representatives, have not yet been established.

The Constitution grants protection from discrimination for all persons within the territory of Uganda including refugees. This spirit is reinforced in the [Refugees Act](#) which states that “A recognised refugee shall, subject to this Act, the OAU Convention and the Geneva Convention, [...] be entitled to fair and just treatment without discrimination on grounds of race, religion, sex, nationality, ethnic identity, membership of a particular social group or political opinion.” In practice, refugees and asylum-seekers report incidents of discrimination, for instance in relation to gender, ethnicity, disability and diverse sexual orientation and gender identities (see also section 5 on cross-sector issues).

### 1.3 Environmental management

There are several national policies to mitigate the environmental impact of hosting refugees. The [2019–2022 Water and Environment Sector Response Plan for Refugees and Host Communities in Uganda](#) (WESRP) addresses protection of the environment and natural resources in refugee-hosting areas, focusing on water resource management, waste management and access to sanitation. This Plan has been costed and designed to feed into the national [2016–2020 Water and Environment Sector Development Plan](#) (WESDP). Implementation of the Plan has begun.

A draft [National Energy Policy](#) and Sustainable Energy Response Plan for Refugees and Host Communities (SERP) has been developed and is expected to be finalized in mid-2021. The Policy recognizes that the energy sector is a major contributor to environmental degradation and highlights the need to integrate refugees into energy national programmes as outlined in the SERP. The SERP specifically addresses access to energy in refugee-hosting areas, including the use of biomass for domestic energy production, which is the main cause of deforestation in the region. The [Rural Electrification Strategy and Plan 2013–2022](#) is another relevant policy that aims inter alia to facilitate access to modern energy services in order to replace kerosene lighting and other forms of traditional heating that are affecting the environment. The Plan does not specifically include refugees and host communities but applies across the country including refugee-hosting areas.

### 1.4 Preparedness for refugee inflows

The [Refugees Act 2006](#) and its [2010 Regulations](#), NDPII, the [GCR/CRRF National Plan of Action](#) and the United Nations [inter-agency Refugee Response Plan \(RRP\)](#) set out the national preparedness framework to respond to increased or new refugee inflows in ways that minimize short- and medium-term socioeconomic impacts on hosting regions. While the CRRF National Plan of Action focuses on advancing longer term/development outcomes for refugee and host communities, the Refugee Coordination Model (RMC) covers humanitarian interventions, refugee protection and emergency preparedness and response and is co-led by OPM and UNHCR. As such, the RRP contributes to implementation of the GCR/CRRF and complements the National Plan of Action and the comprehensive sector response plans.

The [GCR/CRRF National Plan of Action](#) recognizes that improved preparedness, including efficient mechanisms to strengthen the national approach to settlement, temporary provision of assistance through national delivery systems, capacity building for the relevant authorities, early warning mechanisms, measures to enhance evidence-based forecasting and disaster risk reduction efforts, as well as data

collection at the reception stage, strengthen comprehensive short and mid-term responses. Refugee registration data and statistics were validated in November 2018 to improve the responses of both development and humanitarian actors. The registration data is being used to identify the protection needs of individuals more effectively and to generate data relevant to designing solutions from the onset of arrivals. This data is also informing long-term development activities supporting socioeconomic interventions for refugees and host communities in Uganda.

Further, the Displacement Crisis Response Mechanism (DCRM) (financed through the Development Response to Displacement Impacts Project (DRDIP) supported by the WB), supports rapid scale-up of public service provision in locations impacted by a refugee-related displacement shocks and is a new approach to respond to future displacement shocks.

Operationally, emergency preparedness and response are coordinated and led by the Government (OPM) with the support of UNHCR, as contemplated in the national inter-agency Refugee Response Plan 2020–2021. Given the COVID-19 context, emphasis is placed on reinforcing health and water, sanitation and hygiene measures to contain and respond to the COVID-19 pandemic, strengthening reception preparedness and building capacity to manage large numbers of asylum-seekers.

## 2 Regulatory Environment and Governance

### 2.1 Normative framework

Uganda is a State Party to the [1951 Convention Relating to the Status of Refugees](#), albeit with seven reservations including regarding (i) the right to moveable and immoveable property and (ii) the right of association and expulsion. Uganda is also a State Party to the [1967 Protocol relating to the Status of Refugees](#), the [1969 OAU Convention Governing Specific Aspects of Refugee Problems in Africa](#) and other relevant [international and regional instruments](#). Refugee-related commitments in these instruments are implemented primarily through the [Refugees Act 2006](#) and its [2010 Regulations](#). The framework for refugee protection in Uganda is comprehensive and consistent with international and regional standards. It has enabled the country to set up its 2015 Settlement Transformative Agenda (STA): a progressive protection model whereby refugees are admitted, allocated land for settlement and provided with documents. The STA aims to achieve self-reliance and increase social development in refugee-hosting areas, thereby providing refugees in Uganda with very good prospects for dignity and normality. Including refugees in NDPII by incorporating the STA paved the road for comprehensive responses to address the needs of both refugees and host communities. Building on these efforts, the Government adopted implementation of the GCR and its CRRF in mid-2017. Significant progress has been made towards the inclusion of refugees in national planning. Line ministries have led advancements in various key sectors, including in Education, Health, Water and Environment and Jobs and Livelihoods, with sector Response Plans being implemented (the Sustainable Energy Response Plan being expected to be finalized in mid-2021). These plans offer opportunities to integrate longer-term resilience and development approaches into refugee and host population assistance programmes and to create entry points for development partners to invest in the response.

The [Refugees Act 2006](#) and its [2010 Regulations](#), NDPII and the GCR/CRFF National Action Plan have been disseminated publicly in Uganda. Despite sensitization sessions, UNHCR observes gaps in the awareness of refugees, authorities and host communities regarding applicable refugee policies. For the authorities, often only those officials deployed to refugee-hosting areas or to border points receive information on refugee laws and policies. OPM and UNHCR have initiated discussions to integrate refugee law into Government training programmes, notably through the national police and immigration training academies. Such programmes are already being provided for the Uganda People's Defence Force National Senior Command School in Jinja.

The Refugees Act 2006 and its 2010 Regulations provide the framework for refugee status determination (RSD). The RSD framework gives the Refugee Eligibility Committee (REC) responsibility for determining refugee status. REC adjudicates asylum applications based on RSD interviews conducted by OPM RSD



Officers or by its own staff. Asylum-seekers from South Sudan and the Democratic Republic of Congo are granted refugee status on a prima facie basis. Asylum-seekers from other countries of origin and those from Democratic Republic of Congo who enter the country via ungazetted border points undergo individual RSD by REC as outlined.

There are challenges involved in implementing the RSD framework, including a high dependency on UNHCR funding, limited analysis of the reasons for rejection in some cases and inadequate support for vulnerable asylum-seekers in the RSD procedures. Due to the large refugee inflows of recent years and limited government staffing, infrastructure and resources, adjudication of asylum claims takes much longer than the 90 days stipulated by law. During this waiting period, asylum-seekers face certain restrictions compared to recognized refugees, in terms of their employability and access to certain services, because of their temporary status.

In March 2020, as part of a series of presidential directives to curb the spread of the COVID-19 pandemic, the Government suspended asylum procedures including the admission and registration of new arrivals, RSD and issuance of identification documents. While the Government made efforts to admit some groups of asylum-seekers, there were reports that some asylum-seekers were pushed back by security forces manning the borders.

## 2.2 Security of legal status

The [Refugees Act 2006](#) and its [2010 Regulations](#) grant asylum-seekers the right to stay in the country for the duration of the refugee application. Asylum-seekers are provided with an asylum-seeker certificate that is renewable every three months. The asylum-seeker certificate grants them the right to stay until such a time as their status has been determined. Once refugee status has been granted, refugees are entitled to a refugee identity card with a renewable validity of five years. There are no limitations on the right to stay, in policy or in practice, unless the status expires or is cancelled under the Refugees Act.

The [Refugees Act 2006](#) guarantees the right to seek asylum and the principle of non-refoulement in line with international standards and these are respected in practice. However, as mentioned above, the risks of refoulement increased due to the suspension of admission procedures in March 2020 to curb COVID-19. It is also noted that the admission of asylum-seekers from Pakistan has been restricted since 2017, except for those seeking family reunification. Asylum-seekers with claims relating to their sexual orientation also have difficulties in gaining admission.

## 2.3 Institutional framework for refugee management and coordination

The [Refugees Act 2006 sets out the](#) institutional framework for refugee management and gives OPM responsibility for all administrative matters concerning refugees in Uganda, including the coordination of inter-ministerial and non-governmental activities and programmes relating to refugees.

The Government's firm commitment to GCR/CRRF led to the establishment of a high-level CRRF Steering Group in October 2017, chaired at ministerial level by OPM and the Ministry of Local Government recognizing the key role that district local governments play in the refugee response. The Steering Group meets quarterly to steer the GCR/CRRF vision in Uganda, bringing together government ministries/departments and agencies, United Nations agencies, development and humanitarian donors, refugee and host community representatives, international and national non-governmental organizations (NGOs), the private sector and international financial institutions. The Steering Group's Terms of Reference include provisions to ensure alignment with existing development and humanitarian coordination mechanisms such as the National Partnership Forum, development sector working groups, the Local Development Partners Group, the Refugee Humanitarian Partners Group and RCM. A CRRF Secretariat has been established within OPM, supported by UNHCR to advance GCR/CRRF implementation in line with the National Plan of Action. The Steering Group and Secretariat are functional, but the governance structure is not provided for in law.

Under the overall leadership of OPM and in line with guidance provided by the CRRF Steering Group, the role of Line Ministries and district authorities in the refugee response has been strengthened over recent years. District sectoral working groups involved in refugee response are aligning with Government sector working groups. The refugee Education, Health and WASH sector working groups are being co-chaired by the United Nations, NGO and Line Ministries. This ensures that interventions for refugees and in refugee-hosting areas are in line with national sector policies and contribute to the comprehensive sector response plans.

Community participation is ensured through the refugee community governance structures. While their functions are broader, they play a key role in communicating the perspectives of the refugee community to the authorities, UNHCR and other stakeholders. The most central are the Refugee Welfare Committees (RWC) (see also 1.2 Social cohesion above) comprising a chair/vice chair, general secretary and secretaries responsible for thematic areas such as education, women's affairs, health and sanitation, security, persons with disabilities and other special needs, and youth and sports. The refugee governance structures are established by practice, mirroring the national Local Council system. Other community structures include neighborhood watch committees, child protection committees, sexual and gender-based violence (SGBV) committees, village health teams, psychosocial support structures, community activists, WASH committees and food management committees. These structures are generally functional but there are gaps in representation for women, persons with specific needs and minority groups.

With the establishment of the Refugee Engagement Forum (REF) in 2018, refugees are now represented in the CRFF Steering Group. REF meets quarterly and brings together refugee representatives from all refugee-hosting districts. Two representatives from REF attend the steering group to represent the refugee voice.

Refugees have so far not been included in the national population census in Uganda but there is development in related areas. In 2018, the Uganda Bureau of Statistics (UBOS), with support from the WB and UNHCR, embarked on a Refugee and Host Community Household Survey (World Bank, 2019). Refugees are also included in the national health management information systems, as well as the epidemic preparedness and response plans, including those for Cholera, Ebola and Covid-19. Data on refugee GBV is not systematically collected by the Government, but UNHCR and its humanitarian partners are collecting this data and have agreed with the Government that they will feed it into the National GBV Database once the Government has addressed data protection and confidentiality-related challenges.

Priorities for refugee protection and management have been included in the [NDP II](#) and sub-national level development planning processes. During the fourth ministerial level National Partnership Forum, held in February 2018, a commitment was made to improve these priority areas for the NDP III.

## 2.4 Access to civil registration and documentation

The [Refugees Act 2006](#) and its [2010 Regulations](#) provides that all recognized refugees shall be issued with a Refugee identity (ID) card for the purposes of identification and protection. As of June 2020, 44 per cent of refugees had refugee IDs. Upon registration, all (100 per cent) are issued with a Refugee Attestation letter that also serves as identification. Law enforcement authorities at national/sub-national level recognize refugee ID cards and attestation letters. Recognition of refugee ID cards by national/sub-national authorities or private sector institutions responsible for socioeconomic services depends in practice on the sector (see section 3.4). The private sector (e.g. financial institutions) in most cases seek letters from OPM to confirm the authenticity of the refugee ID cards.

Uganda also issues Machine Readable Convention Travel Documents (MRCTDs) to refugees for purposes of travel, as per Section 31 of the Refugees Act 2006, upon recommendation by OPM. These documents are in line with the standards of the International Civil Aviation Organization (ICAO).

Vital events registration procedures (births, marriages and deaths) are not explicitly mentioned in the [Refugees Act](#). However, they are addressed under other laws and policies, notably under the Marriage Act. It is noted that Section 34 of the Refugees Act 2006 on Personal Status briefly mentions marriage: "(1)

The personal status of a recognised refugee shall be governed by the law of the country of his or her domicile or, if he or she has no domicile, by the law currently in force in Uganda. (2) All rights previously acquired by a refugee and dependent on personal status, particularly rights attaching to marriage, shall be respected, subject to the laws of Uganda.”

The [2015 Registration of Persons Act](#) mandates the National Identification and Registration Authority (NIRA) to register births and deaths. This Act makes the registration of every birth within Uganda both free and compulsory, which provides refugees and asylum-seekers with access to birth registration services on a par with nationals. While the Government recognizes the need to provide additional services and logistical support to remote locations, including in refugee-hosting areas, the limited resources and capacity of NIRA have led to significant delays in the issuance of birth registration for refugees and hosts. To improve the timeliness of birth registration services, the Government is working to establish links between the medical databases of hospitals registering births and the national NIRA database system. Uganda is also developing a Civil Registration and Vital Statistics (CRVS) strategy with a view to providing guidelines for the delivery of civil registration services and the production of vital statistics, including for refugees. It is noted that limited birth registration and certification for refugees born in Uganda places them at risk of statelessness. It should be noted that Uganda is not yet party to the 1961 Convention on the Reduction of Statelessness.

## 2.5 Justice and Security

The [Refugees Act 2006](#) and its [2010 Regulations](#) accord refugees the same rights as nationals in terms of access to justice, including access to legal assistance under the applicable laws of Uganda. The level of security enjoyed by refugees is comparable to that enjoyed by nationals in the same areas. This is demonstrated in the 2019 [Assessment on Rule of Law, Access to Justice, and Security Needs of Refugees and Host Communities in Arua and Isingiro Districts conducted by LAPSET](#), as well as by the [UNHCR 2019 Participatory assessments](#).

In practice and as demonstrated by the 2019 assessment, access to law enforcement and justice, including State-provided legal aid, is limited for both refugees and host communities. Challenges are, inter alia, related to high costs, physical distance and limited legal representation. Consequently, most refugees and host communities resort to informal justice mechanisms and local council courts to settle disputes. In 2011, the Government, assisted by civil society, drafted a legal aid policy that is pending cabinet approval. A private members’ bill on legal aid has also been under consideration by parliament since 2012. In a bid to support alternative dispute resolution mechanisms, the Judiciary reviewed the 2013 Judicature (Mediation Rules) to harmonize it with the Civil Procedure Rules and made mediation optional for parties in civil suits. The judiciary has also adopted a Case Backlog Reduction Strategy to address delays in the dispensation of justice and deployed judicial staffing and mobile courts to refugee-hosting areas with support from UNHCR, but challenges remain.

Various policies are in place to prevent and deter gender-based violence (GBV), which apply across the country and are inclusive of refugees. These include the [Penal Code](#), the [2010 Domestic Violence Act](#), the [2010 Female Genital Mutilation Act](#) and the [2016 Elimination of Gender Based Violence Policy](#). Despite the strong normative and policy framework, which is non-discriminatory and takes deliberate steps to include refugees in government GBV responses, including regulations, guidelines, protocols and even district-level laws and orders, actual implementation of the laws and policies has been challenging owing to financial and institutional gaps in the national judicial and social services. Although refugee-hosting communities face similar challenges in Uganda, GBV disproportionately affects refugees. Many refugees, in particular women and children, have experienced trauma, separation and GBV prior to and during flight, with an average of 5,000 new GBV cases being registered annually by UNHCR and its partners. GBV is also significantly underreported owing to a combination of a culture of silence within the communities and inadequate services to respond to reported cases. Due to a lack of livelihood opportunities, some women and girls engage in survival sex as a coping mechanism, which exposes them to sexual violence, exploitation, and trafficking.

## 3 Economic Opportunities

### 3.1 Freedom of movement

There are currently no directives or guidelines that restrict the freedom of movement of refugees. The [Refugees Act 2006](#) and its [2010 Regulations](#) grant refugees freedom of movement subject to reasonable restrictions specified in Ugandan laws, or guidelines issued by the Commissioner for Refugees, which apply to aliens generally in similar situations. This is consistent with Article 26 of the 1951 Refugee Convention on freedom of movement.

The legal framework does not provide refugees with an explicit right to choose their place of residence, but they can effectively do so in practice given their right to freedom of movement and the national settlement approach. Refugees who choose to reside outside of the refugee settlements forfeit access to regular humanitarian assistance programmes. Formally, only 6 per cent of the refugee population is registered in Kampala rather than in refugee settlements.

### 3.2 Right to work and rights at work

The [Refugees Act 2006](#) and its [2010 Regulations](#) grant recognized refugees the right to work based on the most favourable treatment accorded to foreign residents under similar circumstances; except that recognized refugees are exceptionally exempt from any requirement to pay fees to obtain a work permit prior to taking up any offer of work or continuing in their employment. The Refugees Act 2006 is silent on the right to work of asylum-seekers not yet recognized as refugees; however, in practice, asylum-seekers informally engage in income-generating activities.

It is noted that the Immigration Act and related statutory instruments require foreigners to obtain work permits, which are issued as passport endorsements by the Directorate of Citizenship and Immigration Control (DCIC). This also applies to refugees with the difference that they are exempt from paying a fee under Uganda Statutory Instruments Supplement No 5 dated 5 February 2016. The DCIC has so far not accepted the refugee ID card in lieu of a passport but allows work permits to be stamped on refugee Convention Travel Documents (CTDs). This limits access to employment for refugees who do not hold CTDs, which are themselves not easily acquired by refugees due to the application fees for a CTD (220,000 UGX).

According to the Refugee and Host Community Household Survey (World Bank, 2019), 28 per cent of refugees were employed during the period of reporting. The Refugees Act 2006 does not specifically mention equal workplace protection for refugees; however, the [Employment Act](#) applies to “all employees employed by an employer under a contract of service” and as such provides refugees with the same worker protections as nationals. The Act outlines specific workplace protections, including, for example, equal remuneration for work of equal value, a prohibition on the dismissal of pregnant women and a prohibition on discrimination on many grounds.

In practice, refugees can operate businesses in their own names. However, some refugees face the predicament of not having a fixed place of residence as required. Section 29 of the [Refugees Act 2006](#) allows refugees to engage in agriculture, industry, handicrafts and commerce, and to establish commercial and industrial companies in accordance with the applicable laws and regulations. The Act further grants refugees holding qualifications recognized by the competent authorities in Uganda the right to practise their professions. This implies that refugees are required to equate their professional documents to Ugandan standards before obtaining authorization to practise their profession. Refugees also have general barriers limiting access to finance and markets, which hamper their ability to engage in self-employment and trade-related opportunities.

### 3.3 Land, housing and property rights

[Article 65 of the 2010 Regulations](#) stipulates that: “(1) a refugee who is residing in a designated refugee settlement or a refugee area shall have free access to use land for the purposes of cultivation or pasturing,

except that they shall have no right to sell, lease or otherwise alienate the land that has been allocated to them strictly for their individual or family utilization. (2) A refugee shall not acquire or hold freehold interest in land in Uganda. (3) A refugee who resides outside a designated refugee camp as a tenant may legally acquire or dispose of his or her occupancy or leasehold interests in land, as the law permits resident aliens generally to do.”

In practice, OPM implements this provision by providing refugees living in settlements with plots of land for agricultural use, without discrimination and for the full period of their asylum in Uganda. The Settlement Transformative Agenda specifically calls for investments to increase productivity and diversify economic opportunities in refugee settlements, and to address environmental pressures. As the refugee population continues growing, there are general concerns on the sustainability of this land allocation policy in the longer-term. The host community is just as much in need of land, most particularly in the West Nile region. Also, many refugees are still unaware of their rights and the rules concerning land ownership, with some purchasing land in informal and often illegal ways.

The [Refugees Act 2006](#) and its [2010 Regulations](#) guarantee refugees the same treatment as foreign nationals regarding movable and immovable property. Section 29(1)(e)(i) of the Refugees Act 2006 provides that “A recognized refugee shall, subject to this Act, the OAU Convention and the Geneva Convention (e) [...] receive at least the same treatment accorded to aliens generally in similar circumstances relating to (i) movable and immovable property and other rights pertaining to property and to leases and other contracts relating to movable and immovable property”. In practice, very few refugees have formal agreements or documentation to secure their access to housing. According to an assessment on Refugee Access to Livelihoods and Housing, Land and Property in Uganda by NRC/Reach in 2019, refugees renting houses often have no documentation to prove legal occupancy of their shelter. Obtaining other properties may also prove difficult because of administrative requirements that refugees sometimes cannot meet (e.g. the Tax Identification number (TIN)).

The [2016 National Housing Policy](#) aims to provide a framework “for adequate housing for all” and seeks to provide, inter alia, social housing for vulnerable groups. The Housing policy defines vulnerable groups as those that are socially, culturally, economically, legally or physically disadvantaged. Examples include internally displaced persons (IDPs), elderly persons, orphans, women-headed households, child-headed households, persons living in extreme poverty, persons living with AIDS, persons living with physical disabilities, etc. The policy recognizes that such groups are unable to access adequate and decent housing and hence need special intervention to be able to participate in the housing market. Refugees are not explicitly excluded from accessing social housing programmes, although for the time being no refugee has been included in the existing programmes.

### 3.4 Financial and administrative services

Refugees can open bank accounts using the refugee ID card, as required under the 2004 Financial institutions Act and the 2015 Anti-Money Laundering Regulations. However, in practice most banks do not lend to refugees even when they meet the requirements, citing reasons of refugee mobility. Refugees can also take out loans from formal financial institutions, but they are often unable to provide the required guarantees. Furthermore, many financial service providers require contact addresses or a letter of introduction from a local leader, which can often be difficult for refugees to provide. As such, very few refugees open bank accounts and/or access other financial services such as loans and insurance.

Refugees can access mobile phones and the mobile phone banking system based on an instruction to all mobile network operations (MNOs) from the Uganda Communication Commission, which is the regulator for MNOs. The instruction sets out that refugees can access SIM cards or mobile phone banking if they meet the Know Your Customer (KYC) requirements. These require them to provide either the asylum-seeker attestation letter issued upon their registration in Uganda or the refugee ID card issued by OPM. Most refugees are in possession of a mobile phone and are increasingly using mobile money services. However, there are challenges with the Application Programming Interface (API) that affects the issuance of SIM cards. National laws and policies allow refugees to obtain key administrative documents, notably Section 29 1(e) III of the Refugee Act 2006.



Based on the Refugees Act 2006 and its 2010 Regulation, combined with existing regulations, refugees can equate their professional documents to Ugandan standards. However, for French-speaking refugees, mainly from Congo and Burundi, language barriers and accreditation requirements for academic qualifications affect their ability to practise their profession, given the different education systems in their countries of origin. Refugees are expected to submit their foreign certificates and diplomas to the Ministry of Education and Sports (MoES) so that equivalence may be established.

Skills development opportunities for refugees are regulated in the Education Response Plan for refugees and host communities (see sub-dimension 4.1).

Like other foreigners, refugees can access driving licences without hindrance if they show a refugee ID or asylum certificate. Driving licences issued in countries that have a licence system similar to that of Uganda are expressly recognized but all others must apply for the licence according to the regulations.

## 4 Access to National Public Services

### 4.1 Education

The [Refugees Act 2006](#) and its [2010 Regulations](#) grant refugees the right to receive the same treatment generally accorded to foreigners under similar circumstances, as regards general education, while for elementary education they receive the same treatment as nationals.

The [Education Response Plan for refugees and host communities \(ERP 2018–2021\)](#) is the main planning and financing document. It is designed to align closely with the [2017–2020 Education Sector Strategic Plan \(ESSP\)](#) to improve access to and quality of learning across all forms of education for refugee and host community children in the 12 refugee-hosting districts in Uganda. ERP also provides for refugee access to specialized services including accelerated education programmes, vocational and life skills training, psychosocial support and referrals. ERP has contributed to strengthening coordination and collaboration between the government, non-governmental organizations and United Nations agencies involved. Refugee-hosting districts have embarked upon the development of district ERPs to strengthen coordination and refugee-inclusive planning at district and settlement levels while aligning district priorities to funding. Consequently, significant [progress](#) has been made in terms of access to education and improved learning environments since the launch of ERP. Implementation of ERP is overseen by a multi-stakeholder steering committee led by MoES and supported by a Secretariat within MoES that receives financial and technical support from UNHCR.

One remaining issue is the absence of refugee inclusion in the Education Management Information System (EMIS), which serves as the basis for the computation of capitation grants and national indicator tracking. Calculation of school capitation grants for Universal Primary Education (UPE) does not factor in refugee children.

Providing all refugee and host communities with a full cycle of certified education in line with the aspirations of Sustainable Development Goal 4 to “leave no one behind” remains a challenge: 57 per cent of refugee children in Uganda and 34 per cent of local children in refugee-hosting districts remain out of school. While Uganda has both Universal Primary Education and Universal Secondary Education (USE), the number of USE schools in the country is limited.

### 4.2 Healthcare

Access to health for refugees is implied in the 1995 Constitution and Section 28 of the Refugees Act, which accord refugees rights to health care in line with international standards. The [2010 National Health Policy](#) focuses on health promotion, disease prevention and the early diagnosis and treatment of diseases. It prioritizes effective delivery of the Uganda National Minimum Health Care Package (UNMHCP), more efficient use of the available health resources and strengthening public and private partnerships for health and health systems.



The [2019–2024 Health Sector Integrated Refugee Response Plan \(HSIRRP\)](#) is the main document implementing these rights. It is designed to align closely with NDP II and the 2016–2020 Health Sector Development Plan (HSDP) and facilitates the integration of refugees into the national health-care system. It emphasizes the need to strengthen the Ministry of Health and the public health-care system so that they can absorb the additional pressure of the refugee inflow. Implementation of HSIRRP is overseen by a multi-stakeholder steering committee within the Ministry of Health and supported by a secretariat that receives technical support from UNHCR.

Implementation of HSIRRP is limited in practice. About 72 per cent of the health facilities in refugee-hosting districts have been accredited by the Ministry of Health and coded by the Ministry of Finance, Planning and Economic Development and efforts are under way to ensure that 90 per cent of the qualifying health facilities are accredited and coded by the end of 2022. This means that Ministry of Health provides medicine and medical supplies, budgets for health workers in these health facilities and provides operational resources to run the health facilities. Effective integration of refugees into national health services is affected by constraints in national capacity and resources i.e. these coded health facilities suffer from inadequate health commodities, inadequate budgets for wages just like other health facilities in the country. Only 47 per cent of the medicine needs in the refugee-hosting districts are funded by government and staffing level is at 67 per cent of the staffing norms. There is inadequate infrastructure at primary, secondary and tertiary health facilities and insufficient financing for operational and maintenance costs, medicines, medical supplies and ambulances. There are also challenges with referrals between health services at district, regional and national level, as well as capacity constraints in the district health offices as regards coordinating, delivering and monitoring inclusive health services.

Uganda does not yet have a National Health Insurance scheme. However, the Government is in the process of developing one. The draft proposal currently being discussed at political level considers and incorporates refugees and asylum-seekers as a vulnerable population that will benefit.

### 4.3 Social protection

Section 28 of the [Refugees Act 2006](#), read in conjunction with the obligations of Uganda under the 1951 Convention and other international instruments, grants refugees the right to social security at the same level as nationals, subject to regulatory limitations under national laws. The [2015 National Social Protection Policy \(NSPP\)](#) is intended to support vulnerable and excluded “citizens”. While the [2016–2020 Social Development Sector Plan \(SDSP\)](#) does not make this explicit reference, the policy basis for refugees’ access to social protection programmes is not entirely clear as a consequence. However, the CRRF Action plan includes milestones for the inclusion of refugees in the next National Social Protection Policy, its Programme Plan of Interventions and the next Social Development Sector Plan. The draft Jobs and Livelihoods Plan for Refugees and Host Communities that is being developed by the Ministry of Gender, Labour and Social Development (MoGLSD) also foresees refugee access to the social protection interventions proposed by this Plan.

In practice, there are a few Government social protection programmes and interventions that formally include refugees. For example, the [Uganda Development Response to Displacement Project \(DRDIP\) Additional Financing](#), financed by the World Bank, included refugees in activities creating employment opportunities under the second Sustainable Environmental Management Component, in the form of public works managed by MoGLSD. Refugees are also included in the [Child Sensitive Social Protection Programme in West Nile](#) (by 2020, cash transfers to 37,000 refugee pregnant and lactating women and women with children under two years old) funded by the Swedish International Development Cooperation Agency (SIDA), supported by the World Food Programme (WFP) and UNICEF and aligned with, but not directly part of, the government social protection system.

The Social Protection Development Partners Working Group (SPDG) is the main platform through which development partners interact with the government to develop the national social protection system. The SPDG 2020 Annual Workplan has a component dedicated to the humanitarian-social protection nexus. Discussions on the gradual alignment of aid and social protection systems are taking place as part of this

component, including implementation of the milestones for refugee inclusion in national social protection systems, as set out in the CRRF Action plan.

#### 4.4 Protection for vulnerable groups

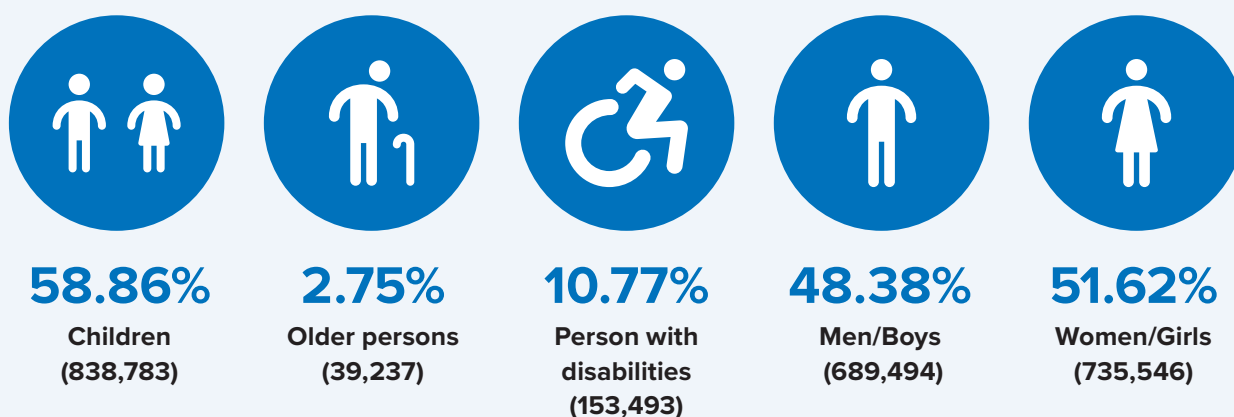
Uganda has a range of policies, standards and services for the protection of children, including unaccompanied and separated children and Ugandan nationals who are victims of trafficking in persons, survivors of GBV or have other special needs. The [Refugees Act 2006](#) and its [2010 Regulations](#), in conjunction with non-discrimination clauses in the 1995 Constitution and relevant international instruments, applies these protections to refugees in the same situation.

Access to relevant services is limited for both nationals and refugees because of shortcomings in policies as well as their implementation. The draft National Child Policy specifically notes that refugee children will be included in all aspects of the policy and details the additional dangers to safety and wellbeing that refugee children may face, as well as their access challenges regarding Ugandan childcare and protection services. Uganda has finalized the National Framework for Alternative Care, which explicitly mentions refugee children and highlights their specific protection and care needs, but challenges remain in terms of implementation. On the other hand, community-based alternative care is more accessible to refugee children than to national children. Similarly, there are laws and policies to protect victims of trafficking in persons, but implementation is weak. See section 2.5 for GBV-related policies and implementation challenges.

## 5 Cross Sectors

### Characteristics of registered refugees and asylum-seekers in total refugee population\*

as at 30 June 2020



### 5.1 Gender

There are differences or restrictions in terms of policies and/or their implementation related to gender in the majority of policy sub-dimensions. The most consequential ones in terms of socioeconomic development (which are challenges equally affecting Ugandan women and girls) are as follows:

- i. **the right to work and rights at work:** the lack of formal regulations on sexual harassment applying to employers employing less than 25 staff creates significant risks of sexual harassment, considering that over 70 per cent of all businesses in Uganda are micro employing 2–5 persons. The poor working conditions many women face in informal employment;
- ii. **housing, land and property rights:** the lack of legal protection for women and girls to inherit the acquired property of a deceased relative on an equal basis with men and boys;

\* The refugee numbers reported here do not fully match the numbers on the front page because demographic characteristics are not available for all refugees (e.g., pre-registered refugees, etc.).

- iii. **education:** The lower school enrolment of refugee girls due to practical barriers as well as traditional gender norms that result in families prioritizing boys' education over girls'; and
- iv. **health care:** the more limited access to health services for women and girls, who face barriers to access such as long distances to health facilities, long waiting times and time poverty due to domestic responsibilities that are overwhelmingly assigned to them. While men and boys also face similar challenges, they disproportionately affect women and girls due to the burden of domestic responsibilities placed on them as well as for certain groups such as those who are pregnant or have young children.

## 5.2 Social inclusion

There are differences or restrictions in terms of policies and/or their implementation related to social inclusion in the majority of policy sub-dimensions. The most consequential ones in terms of socioeconomic development are as follows:

- i. **security of legal status,** the challenges faced by asylum-seekers and refugees in relation to diverse sexual orientation and gender identity;
- ii. **access to civil registration and documentation,** the limited birth registration and certification for refugee children born in Uganda due to significant delays in issuing such documents in remote locations, a challenge similarly faced by nationals.
- iii. **access to justice and security:** the challenges in the actual implementation of the laws and policies related to GBV.
- iv. **protection for vulnerable groups:** the challenges for non-accompanied and separated refugee children to effectively access protection mechanisms in the national systems.

## Annex on Key International and Regional Instruments ratified or adhered to

- [Additional Protocol to the Geneva Conventions of 12 August 1949 \(Protocol I\)](#)
- [Additional Protocol to the Geneva Conventions of 12 August 1949 \(Protocol II\)](#)
- [African Charter on Human and Peoples' Rights, 1981](#)
- [African Charter on the Rights and Welfare of the Child 1990](#)
- [African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa \(Kampala Convention\), 2009](#)
- [African Youth Charter, 2006](#)
- [Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984](#)
- [Convention Governing Specific Aspects of Refugee Problems in Africa \(the OAU Convention\), 1969](#)
- [Convention on the Elimination of All Forms of Discrimination Against Women, 1979](#)
- [Convention on the Rights of Persons with Disabilities, 2007](#)
- [Convention on the Rights of the Child, 1989](#)
- [Convention relating to the Status of Refugees 1951<sup>1</sup> \(Ratification date: 27 Sep 1976\)](#)
- [Convention Relating to the Status of Stateless Persons, 1954](#)
- [Djibouti Declaration on Refugee Education, 2017 \(International Instrument\)](#)
- [Fourth Geneva Convention relative to the Protection of Civilian Persons of 1949](#)
- [ILO Abolition of Forced Labour Convention, 1957 \(No 105\)](#)
- [ILO Discrimination \(Employment and Occupation\) Convention, 1958 \(No 111\)](#)
- [ILO Employment Policy Convention, 1964 \(No 122\)](#)
- [ILO Equal Remuneration Convention, 1951 \(No 100\)](#)
- [ILO Forced Labour Convention, 1930 \(No 29\)](#)
- [ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 \(No 87\)](#)
- [ILO Labour Inspection \(Agriculture\) Convention, 1969 \(No 129\)](#)
- [ILO Labour Inspection Convention, 1947 \(No 81\)<sup>2</sup>](#)
- [ILO Minimum Age Convention, 1973 \(No 138\)](#)
- [ILO Right to Organise and Collective Bargaining Convention, 1949 \(No 98\)](#)
- [ILO Tripartite Consultation \(International Labour Standards\) Convention, 1976 \(No 144\), 1976](#)
- [ILO Worst Forms of Child Labour Convention, 1999 \(No 182\)](#)
- [International Convention on the Elimination of All Forms of Racial Discrimination, 1965](#)
- [International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990<sup>3</sup>](#)
- [International Covenant on Civil and Political Rights \(ICCPR\), 1966](#)
- [International Covenant on Economic, Social and Cultural Rights, 1966](#)
- [Kampala Declaration on Jobs, Livelihoods and Self-reliance, 2019 \(International Instrument\)](#)
- [Nairobi Declaration on Somali Refugees, 2017 \(International Instrument\)](#)
- [Protocol relating to the status of refugees, 1967](#)
- [Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, 2003](#)
- [UNESCO Convention Against Discrimination in Education, 1960](#)

### Reservations/declarations:

1 Article 7 (exemption from reciprocity); Article 8 (exemption from exceptional measures); Article 9 (provisional measures); Article 13 (movable and immovable property); Article 15 (right of association); Article 16 (access to courts); Article 17 (wage-earning employment); Article 25 (administrative assistance); Article 32 (expulsion).

2 Part II, Articles 22-24 (labour inspection in commerce).

3 Article 18(3)(d) (due process safeguards in criminal cases).

### Annex 3. IDA18 RSW and IDA19 WHR Financing and Support<sup>1</sup>

Project ID	Project Name	Instrument	Related Policy Dimensions	Approval FY	RSW or WHR	Project Status	Approval Date	Effectiveness Date	First Disbursement Date	Total (US\$, million)	RSW/ WHR (US\$, million)	Disbursement Ratio (%)
<b>BANGLADESH</b>												
P167672	Additional Financing for Health Sector Support Project	IPF (AF)	4	2018	RSW	Active	28-Jun-2018	25-Oct-2018	18-Apr-2019	50.00	41.67	91
P167762	Emergency Multi-Sector Rohingya Crisis Response Project	IPF	1, 4	2019	RSW	Active	7-Mar-2019	9-Jun-2019	27-Jun-2019	165.00	137.50	47
P167870	Additional Financing for Reaching Out of School Children II	IPF (AF)	4	2019	RSW	Active	19-Sep-2018	3 Apr-2019	21-Oct-2019	25.00	20.84	116
P171648	Health and Gender Support Project for Cox's Bazar district	IPF	1,4	2020	RSW	Active	31-Mar-2020	22-Jun-2020	2-Mar-2021	150.00	125.00	23
P171779	Emergency Multi-Sector Rohingya Crisis Response Project Additional Financing	IPF (AF)	1, 4	2020	RSW	Active	31-Mar-2020	30-Apr-2020	-	100.00	83.33	0

<sup>1</sup> As of end July 2021.

Project ID	Project Name	Instrument	Related Policy Dimensions	Approval FY	RSW or WHR	Project Status	Approval Date	Effectiveness Date	First Disbursement Date	Total (US\$, million)	RSW/ WHR (US\$, million)	Disbursement Ratio (%)
P171086	Safety Net Systems for the Poorest (AF) (IDA18 RSW)	IPF (AF)	1, 4	2020	RSW	Active	31-Mar-2020	31-May-2020	15-Jul-2021	100.00	83.33	1
<b>BURKINA FASO</b>												
P169252	Scale-Up and Responding to the needs of Refugees and Host Communities	IPF (AF)	1, 4	2019	RSW	Active	29-May-2019	31-Oct-2019	17-Mar-2020	100.00	14.00	28
<b>BURUNDI</b>												
P169315	Burundi Integrated Community Development Project	IPF	1, 3	2020	RSW	Active	28-Feb-2020	30-Oct-2020	23-Nov-2020	60.00	15.00	5
P164416	Burundi Skills for Jobs: Women and Youth	IPF	1, 3	2021	WHR	Active	25-Jun-2021	-	-	80.00	20.00	-
<b>CAMEROON</b>												
P160926	Cameroon Education Reform Support Project	IPF	4	2018	RSW	Active	1-May-2018	26-Jun-2019	6-Jul-2019	130.00	30.00	21



[illegible]

Project ID	Project Name	Instrument	Related Policy Dimensions	Approval FY	RSW or WHR	Project Status	Approval Date	Effectiveness Date	First Disbursement Date	Total (US\$, million)	RSW/ WHR (US\$, million)	Disbursement Ratio (%)
<b>DEMOCRATIC REPUBLIC OF CONGO</b>												
P171821	STEP Second Additional Financing	IPF (AF)	1, 4	2020	RSW	Active	20-May-2020	8-Sep-2020	4-Dec-2020	445.00	220.00	14
P176360	STEP – Third Additional Financing: Investing in the Human Capital of Refugees and Hosts	IPF (AF)	1, 3	2021	WHR	Active	4-Jun-2021	-	-	250.00	135.00	-
<b>DJIBOUTI</b>												
P166059	Expanding Opportunities for Learning	IPF	3, 4	2020	RSW	Active	30-Sep-2019	14-Feb-2020	2-Jun-2020	15.00	5.00	30
P162901	Djibouti Integrated Slum Upgrading Project	IPF	1, 4	2019	RSW	Active	9-Nov-2018	11-Mar-2019	29-May-2019	20.00	5.00	40
P168250	Improving Health Sector Performance Project Second Additional Financing	IPF (AF)	4	2019	RSW	Active	3-May-2019	8-Apr-2020	31-Dec-2019	6.00	5.00	74
P166220	Integrated Cash Transfer and	IPF	1, 3	2019	RSW	Active	15-May-2019	29-Nov-2019	16-Dec-2019	15.00	5.00	83

Project ID	Project Name	Instrument	Related Policy Dimensions	Approval FY	RSW or WHR	Project Status	Approval Date	Effectiveness Date	First Disbursement Date	Total (US\$, million)	RSW/ WHR (US\$, million)	Disbursement Ratio (%)
	Human Capital Project											
P172979	Djibouti Integrated Slum Upgrading Project - Additional Financing	IPF (AF)	1, 4	2021	WHR	Active	18-Dec-2020	20-Apr-2021	7-Jun-2021	30.00	25.00	5
<b>ETHIOPIA</b>												
P163829	Ethiopia Economic Opportunities Program	PforR	3	2018	RSW	Active	26-Jun-2018	22-Apr-2019	17-May-2019	202.00	166.67	45
P169943	Urban Productive Safety Net and Jobs Project	IPF	1, 3, 4	2021	WHR	Active	30-Sep-2020	29-Jan-2021	23-Apr-2021	400.00	50.00	3
P168411	Additional Financing to GEQIP-E for Refugees Integration	PforR (AF)	4	2021	WHR	Active	07-May-2021	-	-	55.00	50.00	-
<b>MAURITANIA</b>												
P167328	Water and Sanitation Sectoral Project	IPF	1	2020	RSW	Active	30-Mar-2020	28-Sep-2020	18-Dec-2020	44.00	14.00	5
P170585	Health System Support	IPF (AF)	4	2020	RSW	Active	30-Mar-2020	9-Jul-2020	19-Nov-2020	23.00	15.00	9

Project ID	Project Name	Instrument	Related Policy Dimensions	Approval FY	RSW or WHR	Project Status	Approval Date	Effectiveness Date	First Disbursement Date	Total (US\$, million)	RSW/ WHR (US\$, million)	Disbursement Ratio (%)
	Additional Financing											
P169332	Decentralization and Productive Intermediate Cities Support Project	IPF	1	2020	RSW	Active	30-Mar-2020	5-Oct-2020	17-Dec-2020	66.00	20.00	11
P171125	Social Safety Net System Project II	IPF	1, 4	2020	RSW	Active	10-Mar-2020	9-Jun-2020	6-Jul-2020	45.00	18.00	17
<b>NIGER</b>												
P164563	Niger Refugees and Host Communities Support Project (PARCA Project)	IPF	1, 3	2019	RSW	Active	12-Sep-2018	26-Mar-2019	4-Apr-2019	80.00	50.00	22
P168779	Niger Learning Improvement for Results in Education Project	IPF	4	2020	RSW	Active	6-Apr-2020	28-Sep-2020	3-Nov-2020	140.00	40.00	5
<b>PAKISTAN</b>												
P165542	Strengthening Institutions for Refugee Administration Project	IPF	2	2020	RSW	Active	3-Mar-2020	31-Mar-2021	-	50.00	41.68	0

Project ID	Project Name	Instrument	Related Policy Dimensions	Approval FY	RSW or WHR	Project Status	Approval Date	Effectiveness Date	First Disbursement Date	Total (US\$, million)	RSW/ WHR (US\$, million)	Disbursement Ratio (%)
P159292	Balochistan Livelihoods and Entrepreneurship Project	IPF	3	2020	RSW	Active	3-Mar-2020	29-Mar-2021	25-Jun-2021	35.00	29.16	0
P166309	Khyber Pakhtunkhwa Human Capital Investment Project	IPF	4	2020	RSW	Active	23-Jun-2020	31-Mar-2021	25-Jun-2021	200.00	125.00	3
P166308	Balochistan Human Capital Investment Project	IPF	4	2020	RSW	Active	23-Jun-2020	29-Mar-2021	21-Jun-2021	36.00	30.00	7
<b>REPUBLIC OF CONGO</b>												
P166143	LISUNGI Safety Nets System Project II	IPF (AF)	1, 4	2019	RSW	Active	7-Feb-2019	13-Dec-2019	28-Apr-2020	22.00	18.32	16
<b>RWANDA</b>												
P164130	Socio-economic Inclusion of Refugees & Host Communities in Rwanda Project	IPF	3, 4	2019	RSW	Active	30-Apr-2019	14-Aug-2019	21-Oct-2019	60.00	50.00	19
<b>UGANDA</b>												
P163515	Uganda Support to Municipal	PforR (AF)	1	2018	RSW	Active	15-May-2018	11-Apr-2019	27-Jun-2019	360.00	50.00	39

Project ID	Project Name	Instrument	Related Policy Dimensions	Approval FY	RSW or WHR	Project Status	Approval Date	Effectiveness Date	First Disbursement Date	Total (US\$, million)	RSW/ WHR (US\$, million)	Disbursement Ratio (%)
	Infrastructure Development Program - Additional Financing											
P163782	Integrated Water Management and Development Project	IPF	1	2018	RSW	Active	14-Jun-2018	27-Jun-2019	19-Jul-2019	280.00	58.00	7
P164101	Development Response to Displacement Impacts Project in the HoA	IPF (AF)	1	2019	RSW	Active	17-Apr-2019	7-Oct-2019	21-Aug-2020	150.00	125.00	50
P170466	Uganda Investing in Forests and Protected Areas for Climate-Smart Development Project	IPF	1	2020	RSW	Active	23-Apr-2020	-	-	148.20	58.00	0
P166570	Uganda Secondary Education Expansion Project	IPF	4	2021	WHR	Active	23-Jul-2020	-	-	150.00	50.00	-
P171339	Uganda: Roads and Bridges in the Refugee Hosting Districts/Koboko-Yumbe-Moyo	IPF	1	2021	WHR	Active	10-Sep-2020	20-Apr-2021	-	130.80	109.00	0



Project ID	Project Name	Instrument	Related Policy Dimensions	Approval FY	RSW or WHR	Project Status	Approval Date	Effectiveness Date	First Disbursement Date	Total (US\$, million)	RSW/ WHR (US\$, million)	Disbursement Ratio (%)
	Road Corridor Project											
P172868	AF Uganda Intergovernmental Fiscal Transfers	PforR (AF)	1	2021	WHR	Active	14-Sep-2020	-	-	300.00	50.00	-
P171305	Uganda Digital Acceleration Program	IPF	3, 4	2021	WHR	Active	02-Jun-2021	-	-	200.00	54.00	-

## **Annex 4. RPRF Technical Note**

# REFUGEE POLICY REVIEW FRAMEWORK

**TECHNICAL NOTE**

## ACKNOWLEDGEMENTS

The Refugee Policy Review Framework (RPRF) [P173212] and accompanying Technical Note were developed under the auspices of the World Bank's Fragility, Conflict and Violence Group (FCV) in close collaboration with the United Nations High Commissioner for Refugees (UNHCR). The RPRF was prepared through an inclusive and participatory process which sought inputs and feedback from UNHCR, refugee-hosting countries, countries that contribute to the International Development Association (IDA) and civil society organizations (CSOs) working in the refugee sector. Consultations with external actors proved crucial to the development of a strong RPRF.

The RPRF is the product of the collaborative effort by a core team led by Alain Aeschlimann, FCV Senior Strategy and Operations Officer. This work was carried out under the general direction of Xavier Devictor, FCV Practice Manager. The core team was comprised of Leila Hanafi, Melissa Johns, Rebecca Lacroix, Khadija Shaikh (all from FCV) and Paige Casaly (Legal). Nisha Arekapudi and Marie Dry (both from Development Economics) and Jae Kyun Kim (FCV) provided research and technical assistance.

The process benefitted from high-level consultations and inputs provided by Permanent Missions in Geneva, with a focus on IDA members who are eligible for financing under the Bank's IDA18 Refugee Sub-Window (RSW) and IDA19 Window for Host Communities and Refugees (WHR) as well as countries that contribute to IDA.

Valuable inputs were also provided by over forty different CSOs, which were brought together with the help of the International Council of Voluntary Agencies (ICVA) in Geneva and Refugees International and

InterAction in Washington, DC. The RPRF team also received helpful advice from the Refugee Investment Network (RIN) and the Developing World Refugee and Asylum Policy Dataset (DWRAP).

Staff across the World Bank and its various regions, Global Practices and other units (Operations Policy and Country Services, Development Finance and Legal) provided valuable contributions, advice and comments throughout this process. Formal inputs through the Bank's peer review process were given by both internal peer reviewers and external peer reviewers from UNHCR and the International Rescue Committee (IRC). Important roles were played by World Bank Fragility, Conflict and Violence (FCV) country focal points and UNHCR field staff in the testing phase of the RPRF. Special thanks to Dina Abu Gaida, Naila Ahmed, Afrah Al Ahmadi, Anastasia Alexandrova, Natalia Baal, Bella Bird, Benjamin Burckhart, Joanna de Berry, Catherine Defontaine, Mohammed Essakali, Melinda Good, Christian Gonzales, Lucia Hanmer, Georgia Harley, Tracy Hart, Erina Iwami, Emilie Jourdan, Sereen Juma, Rebecca Lacroix, Michael Lokhsin, Siobhan McInerney-Lankford, Jonathan Marskell, Ernest Massiah, Piers Merrick, Marjorie Mpundu, Mona Niebhur, Raymond Muhula, Suleiman Namara, Angelica Nunes, Juri Oka, Eavan O'Hallaran, Vikram Raghavan, Benjamin Reese, Paula Rossascio, Valentina Saltane, Sajjad Ali Shah, Milena Stefanova, Janette Uhlmann and Varalakshmi Vemuru (all from the World Bank), Michel Botzung and Joanna Kata-Blackman (both from IFC), Bernadette Castel-Hollingsworth, Hervé De Villeroche, Betsy Lippmann, Sajjad Malik, Ewen Mcleod, Grainne O'Hara, Shahrzad Tadjbakhsh, Marije Van Kempen, Cornelis Wouters and Johannes Zech (all from UNHCR), Sarah Charles and Lauren Post (both from IRC).

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## ACRONYMS

ASA	Advisory Services & Analytics
CSO	Civil society organization
CMU	Country Management Unit
ESF	Environmental and Social Framework
FCV	Fragility, Conflict and Violence
GCR	Global Compact on Refugees
GFR	Global Refugee Forum
IDA	International Development Association
IDA18	International Development Association Eighteenth Replenishment (July 1, 2017-June 30, 2020)
IDA19	International Development Association Nineteenth Replenishment (July 1, 2020-June 30, 2023)
IFC	International Finance Corporation
MTR	Mid-term Review
NGO	Non-governmental organization
RPRF	Refugee Policy Review Framework
RSW	IDA18 Refugee Sub-Window (officially “Sub-Window for Refugees and Host Communities”)
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
WBG	World Bank Group
WHR	IDA19 Window for Host Communities and Refugees

# INTRODUCTION

Over the recent years, the World Bank Group (WBG) has scaled up its efforts to support refugees and refugee-hosting communities, in particular through the \$2 billion IDA18 Sub-window for Refugees and Host Communities (RSW) and the \$2.2 billion IDA19 Window for Host Communities and Refugees (WHR). This is an integral part of the WBG's engagement in refugee-hosting countries and it is one of the pillars of the recent WBG Strategy for Fragility, Conflict, and Violence.<sup>1</sup> The WBG's support aims to complement humanitarian interventions by focusing on the medium-term socioeconomic dimensions of displacement for both refugees and their hosts. It is part of a broader international effort to encourage the adoption of sound government policies for the management of forced displacement situations, which underpins the 2018 Global Compact on Refugees (GCR).

Under IDA19, the WBG's objectives are three-fold: "(i) mitigate the shocks caused by refugee inflows and creating social and economic development opportunities for refugee and host communities; (ii) facilitate sustainable solutions to protracted refugee situations including through the sustainable socioeconomic inclusion of refugees in the host country and/or their return to the country of origin; and (iii) strengthen country preparedness for increased or potential new refugee flows".<sup>2</sup> IDA Deputies also "welcomed IDA's continued efforts to engage in policy dialogue on development issues facing both refugee and host communities".<sup>3</sup>

Against this backdrop, the WBG committed that "by the IDA19 Mid-Term Review, IDA conduct a systematic review of refugee policy and institutional

environments in countries eligible for the Window for Host Communities and Refugees since their initial eligibility".<sup>4</sup> This review is aimed "to gauge progress, identify further reform opportunities and inform further WHR support"<sup>5</sup> and "in doing so, [to] shed light on the extent to which the WHR has helped to shift policies and their implementation in WHR countries (for example, in areas such as refugee protection, freedom of movement, access to education, health, identity, justice and finance, labor force participation including skills, employment and entrepreneurship, and environmental management) to promote inclusive development for both refugees and hosts".<sup>6</sup>

In order to deliver on this commitment, the WBG further committed to prepare "a methodology for the review (...) in coordination with UNHCR, and [to] make every effort to ensure that the review's key findings and recommendations will be publicly available".<sup>7</sup>

This Technical Note aims to present such a methodology: the Refugee Policy Review Framework (RPRF). It is articulated around three critical elements: (1) which specific policies will be the focus of the review; (2) how the corresponding information will be collected and vetted for quality; and (3) how the results of the review will be presented and reported on.

This Technical Note was prepared in close cooperation with UNHCR, as requested by the IDA Deputies, and was the result of an extensive process of consultations, both internal (Regions, Global Practices, and key corporate units), and external (refugee-hosting countries, countries contributing to IDA, and CSOs).

<sup>1</sup> *World Bank Group Strategy for Fragility, Conflict, and Violence 2020–2025*, World Bank Group, 2020.

<sup>2</sup> Executive Directors of the International Development Association, *Additions to IDA Resources: Nineteenth Replenishment IDA19: Ten Years to 2030: Growth, People, Resilience* (2020) further referred to as "IDA Deputies report", Annex4, para. 4.

<sup>3</sup> IDA Deputies report, par. 116.

<sup>4</sup> IDA Deputies report, par. 117 (4). Currently, the countries eligible for the WHR are: Bangladesh, Burkina Faso, Burundi, Cameroon, Chad, Democratic Republic of Congo, Djibouti, Ethiopia, Mauritania, Niger, Pakistan, Republic of Congo, Rwanda, and Uganda, while discussions with Kenya are ongoing.

<sup>5</sup> IDA Deputies report, par. 116.

<sup>6</sup> Ibidem.

<sup>7</sup> Ibidem.



## A. BACKGROUND

Over the last period, forced displacement has emerged as an important development challenge. The overwhelming majority of refugees live in low- and middle-income countries, often in protracted situations. Evidence to date indicates that both refugees and their host communities are among the poorest and most vulnerable. As of 2019 UNHCR data, there were roughly 9 million refugees in IDA (and Blend) countries out of a total of 20.5 million refugees worldwide. In this context, the WBG took a proactive role in an international effort to shift the support to refugee-hosting countries from humanitarian aid mainly to a more comprehensive package, including development assistance. The WBG has also developed a close partnership with UNHCR, in particular to ensure its engagement can help strengthen the refugee protection framework.

As of July 2020, the WBG was supporting fourteen IDA refugee-hosting countries through 35 projects (\$1.85 billion) financed by the IDA18 RSW. These countries stand ready to further benefit from the IDA19 WHR. These are: Bangladesh, Burkina Faso, Burundi, Cameroon, Chad, Congo Republic, the Democratic Republic of Congo, Djibouti, Ethiopia, Mauritania, Niger, Pakistan, Rwanda and Uganda.

## B. CONCEPTUAL APPROACH

### ***A development approach to forced displacement***

The WBG's engagement in refugee situations in IDA countries was first articulated in the IDA18 Deputies' report. Lessons from this experience have informed IDA19 and the WHR. The WBG overall approach in situations of forced displacement was framed in a 2016 Development Committee paper on "Forced Displacement and Development",<sup>8</sup> and further elaborated in a subsequent 2017 flagship report, "Forcibly Displaced: Toward a Development Approach Supporting Refugees, the Internally Displaced, and Their Hosts"<sup>9</sup> and reflected in the WBG Strategy for Fragility, Conflict, and Violence.

The WBG's overall objective in such situations is to help reduce poverty among both the forcibly displaced and their host communities, as part of a broader effort to achieve the Sustainable Development Goals (SDGs). The focus is on tackling the medium-term socioeconomic dimensions of forced displacement, which is complementary to and supportive of, but distinct from, the rights-based protection agenda and the focus on short-term crisis responses, which are typical of humanitarian interventions.

To support host communities, the WBG aims to help manage the shock and socioeconomic consequences of an inflow of refugees. The arrival of large numbers of people in specific locales creates both risks and opportunities. It can transform the environment for designing and implementing poverty reduction programs, including by creating additional socioeconomic challenges for parts of host communities. In some exceptional cases, this creates new dynamics for the entire country and national development strategies must be adjusted and supported accordingly.<sup>10</sup> The WBG aims to help host communities manage these new circumstances so that they can adjust to the inflows, continue to reduce poverty and enhance their resilience to shocks, while providing an accepting environment for the refugees.

To support the forcibly displaced, the WBG aims to help reduce the specific vulnerabilities they have acquired through their ordeal. Refugees have often endured catastrophic losses of assets or trauma, which affect their ability to seize economic opportunities, and can trap them in poverty. Because such vulnerabilities set them apart from other poor people in the communities where they live, broad-based poverty reduction efforts may not suffice to relieve their plight and specific interventions are needed.

Support to refugee-hosting countries—which is the focus of IDA19 WHR and hence of the RPRF—is only one part of a broader WBG effort that also includes an engagement in countries of origin, to help mitigate the drivers of fragility and hence to address the root

<sup>8</sup> *Forced Displacement and Development*, Development Committee, March 25, 2016 (DC 2016-0002).

<sup>9</sup> *FORCIBLY DISPLACED Toward a Development Approach Supporting Refugees, the Internally Displaced, and Their Hosts*, World Bank Group, 2017.

<sup>10</sup> This is notably in instances where the national as opposed to local demography is impacted by a refugee emergency (e.g. Lebanon and Jordan).

causes of forced displacement, as well as to support the move towards durable solutions, including return and reintegration. This effort is encompassed in the respective WBG country partnership frameworks and other foundational documents.

Overall, the WBG's support is integrated within broader international support that has many dimensions: political, security, humanitarian, development, and diplomatic—each of which must be adequately resourced and cannot substitute to others. Political economy and regional dynamics play an important role at all stages of displacement.

The development approach recognizes that governments from both origin and host countries are at the center of the crisis and its management. It sees the forcibly displaced and their hosts as economic agents who make choices and respond to incentives. This approach aims to support both the refugees and their hosts in parallel. It is centered on such concepts as country leadership, and partnership with and between governments, the private sector, and civil society—as well as economic opportunity, medium-term sustainability, and cost-effectiveness. Most importantly, it pays particular attention to helping strengthen institutions, including manage development activities and enhance policies.

### **Helping to manage changes for host communities**

Hosting large numbers of refugees creates new opportunities and new challenges which affect the host communities' poverty reduction efforts, both positively and negatively. Support to host communities is often seen as an indirect way to assist refugees, by helping to create an accepting or even a welcoming environment for forcibly displaced persons. But the development response should also aim to help reduce poverty among the hosts, as they adjust to a transformed context. This is an objective in its own right: host communities have development needs which have to be properly assessed, and reducing their own poverty often remains among their foremost priorities. Unless host communities are appropriately supported and promoted, the refugees' socioeconomic inclusion will remain limited.

The majority of refugees are hosted in peripheral areas either in border regions or in informal urban or peri-urban settlements, where opportunities are

typically scarce and service delivery is limited, and their presence can have a substantial impact on host communities. The development approach, particularly the WBG engagement under the RSW, has helped to bring focus and attention particularly to lagging and under-served regions in IDA countries and to address important challenges that both refugees and host communities face there.

For host communities, the inflow of large numbers of forcibly displaced persons is essentially a demographic shock, which disrupts preexisting equilibria and creates initial mismatches in supply and demand in markets. With the passing of time, a new set of equilibria emerges. The question is whether this new environment is more or less conducive to poverty reduction among the hosts. The answer depends on the initial conditions, the size and nature of the shock, and the policy and investment response.

The socioeconomic impacts of such situations typically entail both positive and negative elements. Positive elements are related to the arrival of newcomers, which, if managed well (and in particular if refugees can effectively work at their level of skills), can bring benefits similar to those of labor migration. In some situations, this may also include investments and use of assets by refugees to create enterprises and employment. Negative aspects are typically three-fold: (1) an exacerbation of some pre-existing issues and challenges (for example related to slow overall economic growth) for which refugees may provide convenient scapegoats; (2) distributional effects, with some hosting groups bearing a disproportionate cost (e.g., for those who, due to their qualifications or spending patterns, find themselves competing with refugees); and (3) supply constraints, especially if the refugee population is concentrated in selected areas (e.g., on basic services, environment).

The inflow of forcibly displaced can also alter the social makeup of the community by affecting various groups in different ways. This can shift the composition and the relative social status of some of these groups and change their relationships. It can also give rise to resentment and social tensions between hosts and the newly arrived who often bring their own norms, values, and behaviors. The impact of such inflows depends in part on the host community's overall readiness to accept outsiders, but also on the magnitude of the

inflow and on the preexisting relationship or socio-cultural affinities between the displaced and their hosts (language, ethnicity, religion etc.).

The impact of forced displacement on host communities also depends on government policies. For example, the concentration of forcibly displaced persons in camps or in specific hosting areas may heighten challenges for host communities (i.e. in terms of jobs, prices, services, or social cohesion). When refugees have the right to work, they can fully use their skills and contribute more to the economy (including potentially fiscal resources). The increase in population resulting from the refugee inflow may overwhelm existing national facilities and services at local level, and adequate policies may be needed to expand access of both refugees and host communities to crucial services, including infrastructure and energy.

Against this backdrop, the “Forcibly Displaced” report identified several areas of focus to support host communities:

- **Address long-standing development issues, which the presence of forcibly displaced persons may exacerbate.** This largely consists of “traditional” development support to host countries and communities, for example to improve the business environment or to reduce inequalities. It is particularly important for fragility, economic management, employment, and social cohesion.
- **Support those who have been affected within host communities.** Some groups, particularly poorer households and vulnerable persons, in host communities are disproportionately affected, especially through jobs due to increased competition and labor supply, and prices increases for selected goods. Development actors should help these people stay in the labor market and maintain their livelihoods or upgrade their skills. They should also help strengthen social protection systems to provide assistance to those who may not be able to do so.
- **Strengthen and expand service delivery** in the education and health sectors as well as for urban services and utilities. Accommodating forcibly displaced persons requires scaling up supply. Development actors should help build capacity

and finance infrastructure and operations, and maintenance expenditure in the short term. They should also help develop an adequate system that can be sustained in the medium term.

- **Encourage granting the forcibly displaced the freedom of movement and the right to work.** From a socioeconomic perspective, such policies are in the interest of all stakeholders, including host communities. They allow refugees to move to where there are potentially better employment and work opportunities. Parallel to this, development actors should also help modernize the delivery of external assistance, so that it can better stimulate economic activity within host communities (for example, through cash rather than food aid) and increasingly rely on country systems.
- **Help host countries and host communities prepare.** In general, displacement can be forecast and there is time to prepare, at least in a certain way—for example with block grants that can be rapidly deployed to affected municipalities when the crisis hits. When governments plan ahead, country systems are better equipped to manage shocks in a timely and effective way. Decisions made in the immediate aftermath of a refugee crisis often set a dependency path that can have long-term implications. Authorities can be ready with a response that can be swiftly implemented when refugees flow in. Development actors should help develop advance warning systems and support host governments in preparing contingency plans.

### **Helping to reduce the specific vulnerabilities of the refugees**

Development approaches are geared toward helping people escape poverty. The goal is not different for refugees, although they face additional obstacles compared with the local populations. Their experience has typically left them with a set of vulnerabilities that are largely specific to them. These vulnerabilities put them at risk of falling into a “poverty trap” with lasting impacts that can extend across several generations. Many refugee crises last for a long time with a diversity of possible situations, including in some instances being confined to camps for extended periods of time with no prospect of returning home. In such cases,

the development approach aims to strengthen their capacity to seize opportunities not only in their current environment, but also as a contribution to enabling the long-term prospects for solutions.

Refugees have typically suffered a major setback. They have lost many of their assets, sometimes everything. Their human and social capital depletes rapidly. They have often experienced traumatic events, which can leave scars that are difficult to heal. When the forcibly displaced do not have access to economic opportunities, they may have to adopt short-term coping strategies to survive—putting children to work, having daughters marry early, disposing of any remaining assets at fire-sale prices. The experience of loss and trauma distinguishes them from other poor people and from economic migrants in their host communities.

The initial setbacks can be compounded in the host environment. Refugees need economic opportunities to avoid falling into poverty or dependency. But they can face severe legal restrictions on their right to work or to move freely. Refugees may also end up in areas where there are simply no jobs or opportunities for them, as in a lagging region or a place where there is no demand for their skills. In addition, due to the resulting uncertainties, forcibly displaced persons have short planning horizons that can lead to less than optimal decisions. All these factors severely constrain their prospects: they find themselves with limited options, even more limited than other poor people and economic migrants in the same communities.

Against this backdrop, the “Forcibly Displaced” report identified several priorities to help refugees overcome their distinct vulnerabilities:

- **Support policies that enhance freedom of movement and the right to work.** This is especially important where refugees are in unsustainable and economically dependent situations. It reduces aid dependency, enable normal dignified life and encourage productive participation in local economies. Development partners can document the potential benefits of such measures—for both forcibly displaced persons and for their host communities—and support their adoption.

- **Help create economic opportunities where there are large numbers of refugees.**

Optimally, this requires public investment supported by external actors to encourage private sector development benefitting both local populations and refugees. A particular objective should be on sustainability once initial support programs are completed.

- **Invest in education and skills that are in demand in the labor market.** This can help adults adjust to their new environment and prevent children from becoming part of a “lost generation”. Increasing access, relevance and quality may require substantial external support. The focus should be on primary and secondary education, as well as on opportunities for higher education and skills development.

- **Protect refugees’ human capital by ensuring access to health care and provide continuing support** to those who may not be able to seize opportunities in the short term, both in camp and non-camp urban settings. This could build on lessons learned from development experience in reforming and modernizing social protection systems.

- **Guarantee refugees’ rights, notably a legal or administrative status.** The lack of rights, or their poor enforcement, can be a key source of vulnerability and a critical obstacle to contributing productively to the local economy.

### ***Placing a particular focus on specific groups***

Forced displacement does not affect all equally—and some groups are potentially more exposed to specific risks or likely to face increased hardship and discrimination. This is particularly relevant in the context of the WBG’s approach to social inclusion and economic, environmental, and social sustainability, as embodied by the Environmental and Social Framework (ESF).

Vulnerabilities linked to forced displacement often have an important gender dimension: men and women experience forced displacement very differently. Displaced populations are represented by larger shares of women and children and atypical family structures, including a high prevalence of female-

headed households among refugee populations. Women and girls face particular challenges. In some situations, displacement can arguably provide space for “positive” change and empowerment, as when gender norms are more progressive than in the place of origin, or when traditional divisions of labor are disrupted. But women and girls also often risk rape, sexual abuse, and other forms of gender-based violence throughout the displacement cycle—during flight, in transit as well as in exile. Sexual exploitation, engaging in transactional sex as refugee women seek to provide for their families or early marriage of young girls are common across many displacement situations. Girls and women are often forced to leave refugee camps and other refugee settlements to gather firewood, water, and food, especially in situations where natural resources are scarce. This leaves them vulnerable to sexual violence, especially in contexts where sexual violence is used as a weapon. Women face specific protection risks including family separation, psychosocial stress and trauma. Their access to the labor market as well as to education and adequate health services is not always guaranteed and in societies with strong gender norms that disempower women, widows or female headed households are particularly at risk of exclusion.

Refugee populations are very diverse. They include groups that may have specific vulnerabilities and require dedicated support—such as unaccompanied children, youth, the elderly, persons with disabilities, and ethnic minorities. Such groups with specific vulnerabilities exist in higher proportions within refugees than in non-refugee populations. In some countries, refugees’ characteristics such as age, gender, race, ethnicity, religion, nationality, country of origin, political opinions, indigenous status, disability, sexual orientation, membership in a particular social group, or others may also have a particular significance and increase risks of discrimination.

Against this backdrop, several areas of focus to support specific groups have been identified, notably in the “Forcibly Displaced” report:

- **Strengthen gender equality.** This is important for having an environment in which refugee women and girls do not experience specific gender-related barriers to accessing services and economic opportunities compared with national women and girls and refugee men and boys. This is especially pertinent for medium- and long-term development given the high prevalence of female-headed households in refugee populations.
- **Support institutions which provide vulnerable categories of refugees with adequate protection.** This can facilitate the access to appropriate protection and care for unaccompanied and separated children, victims of trafficking in person, and survivors of gender-based violence.
- **Promote social inclusion.** This is important to ensure that all refugees, irrespective of their age, race, ethnicity, religion, nationality, country of origin, political opinions, indigenous status, disability, sexual orientation, membership in a particular social group, or other characteristics benefit equally from services and socioeconomic opportunities. This is underpinned by the principles embodied in the ESF.
- **Provide dedicated support to those who may not be able to access socioeconomic opportunities, even when they are available.** This can allow to avoid that persons with disabilities, elderly, or unaccompanied children become marginalized and fall in the poverty trap.



## DETAILED FRAMEWORK FOR THE POLICY REVIEW

### A. TERMINOLOGY

Under international law, **“refugees”** are persons outside their countries of origin who are in need of international protection because of feared persecution, or a serious threat to their life, physical integrity or freedom in their country of origin as a result of persecution, armed conflict, violence or serious public disorder.<sup>11</sup> The WBG follows UNHCR guidance as to which persons are refugees in a given population.<sup>12</sup> For the purposes of the WHR and the RPRF, the term “refugees” includes both refugees and people in “refugee-like situations” as defined by UNHCR.<sup>13</sup> For RPRF purposes, the term “refugee” will also be taken to include asylum-seekers where and if appropriate.

For RPRF purposes, **“refugee policy”** refers to formal legal and administrative instruments (including laws, regulations, proclamations, judicial and administrative decisions, national strategies, development or sectoral plans, roadmaps, and other written materials) issued by a national authority (legislative, judiciary or executive branch), including agreements or memoranda of understanding with international organizations, that regulate refugees’ admission to the country, their acquisition of legal status and legal rights, and the conditions under which they live and work. In exceptional cases, practice or unwritten

policy can be included when such practice is very broadly and publicly known and is considered binding by all concerned.

See Annex 4 for the glossary of terms used in the RPRF.

### B. KEY PRINCIPLES

The RPRF is informed by the following key principles:

- **No “one-size-fits-all” approach.** There is a strong consensus that refugee-related policies have to be tailored to each hosting country’s situation, and in particular to the specifics of the forced displacement situation (e.g., in terms of numbers, origin, etc.) and to the political and socioeconomic constraints the hosting country may be facing. The situation of the host communities and a proper consideration of their needs, particularly the ones impacted by the inflow of refugees are also key elements. The RPRF should hence not be seen as providing a universal or standardized set of policies for managing refugee situations across countries, nor as a “refugee index” to benchmark countries. It will hence focus on qualitative narratives rather than quantified measurements (and communicate accordingly). The RPRF is not meant to inform cross-country comparisons, but rather to analyze changes over time in a given country.

<sup>11</sup> The 1951 **Convention Relating to the Status of Refugees** defines a **refugee** as a person “who is outside his or her country of nationality or habitual residence; has a well-founded fear of being persecuted because of his or her race, religion, nationality, membership of a particular social group or political opinion; and is unable or unwilling to avail him- or herself of the protection of that country, or to return there, for fear of persecution” (Art. 1 A. (1)). In Africa, the 1969 **Convention Governing the Specific Aspects of Refugee Problems in Africa** adds to the 1951 Convention definition by recognizing as refugees people who are forced to flee due to “external aggression, occupation, foreign domination or events seriously disturbing public order” (Art. 1(2)).

<sup>12</sup> The RPRF is geared only towards refugees, which does not include **migrants** (who choose to move to improve their lives by finding work, pursuing education, or other reasons and who do not primarily fear persecution or flee violence and conflict). Refugees benefit from a distinct status under international law, while migrants do not. The international community responds to these respective situations through different frameworks. Refugees are entitled to international protection under international refugee law obligations, while migrants are subject to normative standards and soft law such as the Global Compact for Safe, Orderly, and Regular Migration. These groups hence face different policy constraints to their socioeconomic development.

<sup>13</sup> International Development Association, *Implementation Guidelines: IDA19 Window for Host Communities and Refugees* (2020), at para. 2(a). See the RPRF Glossary (Annex 4) for a definition of **“refugee-like situations.”** The RPRF is focused solely on refugees including those in refugee-like situations; this does not include **internally displaced persons (IDPs)**. In contrast to refugees, IDPs are nationals of the country in which they are displaced, and therefore face different legal and policy constraints to their socioeconomic development. The RPRF therefore considers only refugee-related policies, not those related to internal displacement.

- **Consistency with the international normative framework.** The WBG's support to host communities and refugees is part of a broader international process, which is underpinned by key international agreements, including the 1951 Convention Relating to the Status of Refugees, its 1967 Protocol, the 2018 Global Compact on Refugees, the 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa, and related international instruments.<sup>14</sup> The RPRF—while recognizing that some countries provide protection to refugees even when they are not signatories to such instruments—draws from these agreements as it identifies possible areas of focus for the WBG policy dialogue, within the context of the WBG's mandate and building on the institution's development experience and adherence to the ESF. It has also been developed in consultation with UNHCR, which is established to provide international protection and seek together with governments permanent solutions for the problem of refugees. This includes a mandate to lead in monitoring and overseeing the application of international agreements for the protection of refugees in regional and national laws and policies as well as their implementation across countries.<sup>15</sup>
- **Selectivity.** Policies affecting refugees and host communities are manifold and cut across a multiplicity of sectors and areas. For the policy review to be effective and meaningful, it needs to be focused on a relatively limited set of issues which are most relevant to IDA's objectives. The RPRF hence needs to identify such a set of priority policy areas among those identified in the GCR,

with a focus on those that are most relevant to the achievement of the WBG's poverty reduction objectives for both host communities and refugees.

- **Operational relevance.** The RPRF aims to inform the WBG's policy dialogue and as such needs to be focused on critical policies that could potentially be adjusted by the host countries' authorities to improve socioeconomic opportunities for host communities and refugees. The RPRF is looking at both the existence of a formal policy and its levels of implementation, and needs to strike an effective balance between formal policy changes and their actual implementation. Key indicators must also share a number of characteristics: measurability, ease of collection, and sensitivity to policy changes.
- **Realism.** The RPRF includes an exhaustive list of those areas where change would be meaningful from a development perspective. It is not expected that there will be progress on all policy dimensions during an IDA cycle. In most situations, progress is expected to be incremental, non-linear, and largely determined by the political economy at the time within a given country.

## C. OBJECTIVES

The RPRF overall objective is to identify key areas for WBG policy dialogue on forced displacement and document progress in each given country over time. It will measure the progress since the WHR/RSW was established, help identify further reform opportunities and inform further WHR support.

<sup>14</sup> Relevant international human rights instruments include: ILO Convention No. 29 on Forced Labour (1930); ILO Convention No. 87 on Freedom of Association and Protection of the Right to Organise (1948); ILO Convention No. 98 on the Right to Organise and Collective Bargaining (1949); ILO Convention No. 100 on Equal Remuneration (1951); ILO Convention No. 105 on the Abolition of Forced Labour (1957); ILO Convention No. 111 on Discrimination (Employment and Occupation) (1958); the International Convention on the Elimination of All Forms of Racial Discrimination (1965); the International Covenant on Civil and Political Rights (1966); the International Covenant on Economic, Social and Cultural Rights (1966); ILO Convention No. 138 on Minimum Age (1973); the Convention on the Elimination of All Forms of Discrimination Against Women (1979); the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984); the Convention on the Rights of the Child (1989); ILO Convention No. 182 on the Worst Forms of Child Labour (1999); and the Convention on the Rights of Persons with Disabilities (2006).

<sup>15</sup> To note that international treaty law also requires States to provide UNHCR with information on the number and well-being of refugees and the laws and policies concerning them.



## D. POLICY DIMENSIONS, SUB-DIMENSIONS AND GUIDING QUESTIONS

In line with these principles, and based on both the development approach to forced displacement articulated by the WBG and the inputs received through the consultation process, the RPRF is articulated around four main policy dimensions, which are further divided into selected sub-dimensions, and two cross-cutting themes (also see Annex 1 for the corresponding Theory of Change):

- **Policies toward host communities**,<sup>16</sup> to help them make progress in their own poverty reduction effort, in an environment that has often been impacted by the presence of refugees, with a focus on direct support (fiscal transfers, social protection); social cohesion; environmental management; and preparedness to mitigate impacts in the case of new inflows, where relevant.
- **Overall regulatory environment and governance**, to ensure that refugees can effectively enjoy basic rights conferred to them by relevant international legal instruments and that are key to their ability to make progress towards poverty reduction, with a focus on the overall protection framework; the ability to access a secured legal status; the institutional framework for refugee management and coordination; the ability to access civil registration and documentation; and the ability to enjoy security and access justice.

- **Access to economic opportunities**, to ensure that refugees can make further progress towards self-reliance and maintain or further develop their skills, which is key both while in exile and for preparing for an eventual durable solution, with a focus on freedom of movement; right to work and rights at work; land, housing and property rights; and access to financial and administrative services. This also reflects the importance of conducive conditions for the private sector to engage in refugee-hosting areas.
- **Access to public services**, to ensure that refugees can access national systems in conditions similar to nationals, with a focus on education and health care, and that vulnerable groups can enjoy an adequate degree of support.
- **Cross-cutting themes—gender and social inclusion**, to ensure that policies are adapted to the distinct needs of specific groups and that they are designed and implemented in a non-discriminatory manner, across all policy dimensions. These were designed with due regard to the ESF and its principles to address impacts on vulnerable individuals or groups.

Under each of the policy sub-dimensions, the RPRF has further identified an overall “priority orientation” which reflects the WBG’s overall approach as articulated in key documents, and which can provide a concrete framework for assessing progress over time. Table 1 provides a presentation of such priority orientations, which is further detailed with guiding questions under each area in Annex 2.

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<sup>16</sup> For methodological purposes, host communities are under a specific dimension, which is distinct from the other dimensions related to refugees. However, in practice, some policies apply to both or are similar for both. Many issues are connected and the discussion on policies for hosting communities and for refugees are to be integrated and not to be held separately.

**Table 1: Policy dimensions, sub-dimensions and priority orientations for reform**

1 Host Communities		
1.1	<b>Support for communities in refugee-hosting areas</b>	<b>Priority orientation:</b> Support is provided to refugee-hosting areas as part of an approach that takes into consideration the estimated socioeconomic impacts on local communities hosting refugees (i) in public resource allocations and (ii) in extending social protection to individuals who are economically affected by the situation.
1.2	<b>Social cohesion</b>	<b>Priority orientation:</b> Effective steps are taken to identify, prevent, and mitigate social tensions and risks of violence between and within refugee and host communities and to combat discrimination.
1.3	<b>Environmental management</b>	<b>Priority orientation:</b> Effective measures are in place to prevent or mitigate environmental degradation in refugee-hosting areas and sustainably manage natural resources.
1.4	<b>Preparedness for refugee inflows</b>	<b>Priority orientation:</b> Robust preparedness plans are in place to mitigate the impact of possible new refugee inflows.
2 Regulatory Environment and Governance		
2.1	<b>Normative framework</b>	<b>Priority orientation:</b> Policies related to refugee status determination, legal status, and rights and obligations of refugees are clearly defined and in line with applicable international and regional norms and standards and are easily accessible and well known by refugees, the national and local authorities, and other national stakeholders.
2.2	<b>Security of legal status</b>	<b>Priority orientation:</b> (i) Legal stay arrangements are secure and predictable with adequate time perspectives; and (ii) no expulsion of asylum-seekers or refugees takes place in violation of international law.
2.3	<b>Institutional framework for refugee management and coordination</b>	<b>Priority orientation:</b> An efficient government-led coordination system is in place and enables the management of the refugee situation, policy development as well as effective coordination across government and with external parties. This includes a representative consultation mechanism which allows the authorities to get input and feedback from refugees on decisions affecting them.
2.4	<b>Access to civil registration and documentation</b>	<b>Priority orientation:</b> All refugees have access to official personal identification (proof of legal identity) and are able to register vital events (birth, marriage, divorce and death) with the civil registry and be issued with documentation.
2.5	<b>Justice and security</b>	<b>Priority orientation:</b> (i) Refugees enjoy a level of security on an equal basis with nationals, and (ii) refugees have access to civil, administrative and criminal justice and other grievance redress mechanisms under the same conditions as nationals.
3 Economic Opportunities		
3.1	<b>Freedom of movement</b>	<b>Priority orientation:</b> Refugees can choose their place of residence and move freely across the country as nationals of a foreign country generally in the same circumstances would.
3.2	<b>Rights to work and rights at work</b>	<b>Priority orientation:</b> (i) Refugees have access to the labor market, including by starting a business and seeking wage-earning employment, in the same way as nationals; and (ii) refugees enjoy protection of workers' rights on the same level as nationals.
3.3	<b>Land, housing and property rights</b>	<b>Priority orientation:</b> Refugees can purchase, lease and use housing, land and property in the same way as nationals, without restriction on location, type, or duration, or at least benefit from the most favorable treatment accorded to nationals of a foreign country in the same circumstances.

3.4	<b>Financial and administrative services</b>	<b>Priority orientation:</b> Refugees have effective access to financial services and to administrative services (driving license, recognition of professional/academic qualifications, skills development) which are essential for economic opportunities.
<b>4</b>	<b>Access to National Public Services</b>	
4.1	<b>Education</b>	<b>Priority orientation:</b> Refugees have the possibility to effectively and safely access the national education system under the same conditions as nationals.
4.2	<b>Healthcare</b>	<b>Priority orientation:</b> Refugees have the possibility to effectively and safely access the publicly financed health care system under the same conditions as nationals.
4.3	<b>Social protection</b>	<b>Priority orientation:</b> Vulnerable refugees and vulnerable host community members have access to basic levels of assistance in a manner that is equitable in terms of coverage, targeting, and levels of benefits.
4.4	<b>Protection for vulnerable groups</b>	<b>Priority orientation:</b> Protection and care are available to unaccompanied and separated children, refugee victims of trafficking in persons, survivors of gender-based violence, and other refugee groups with specific needs.
<b>5</b>	<b>Cross Sectors</b>	
5.1	<b>Gender</b>	<b>Priority orientation:</b> Refugees of all gender groups do not experience specific gender-related barriers to accessing services and economic opportunities.
5.2	<b>Social inclusion</b>	<b>Priority orientation:</b> All refugees, irrespective of their age, gender, race, ethnicity, religion, nationality, country of origin, statelessness, political opinions, indigenous status, disability, sexual orientation, membership in a particular social group, or other characteristics, benefit on an equitable basis from relevant policies, including those related to access to services and economic opportunities.

## E. IMPLEMENTATION: PROCESS AND RESPONSIBILITIES FOR DATA COLLECTION AND ANALYSIS

The RPRF review cycle will be carried out to inform the IDA Mid-term Review and Replenishment process. The RPRF baseline will be available in spring 2021 and the first review for IDA19 Mid-Term Review (exact delivery time to be confirmed in mid-2021). The frequency of further reviews will be decided upon in due time.

The process for each RPRF review cycle will be led by the FCV Group in close cooperation and partnership with UNHCR. UNHCR has kindly agreed to collect the country data and information necessary for the country-level assessment of changes that will be conducted by the WBG. This process will allow the

Bank to benefit from UNHCR's extensive presence on the ground and knowledge of refugee situations, strengthen the alignment of its efforts with other strands of the global debate on refugee policies, and reinforce the credibility of the assessment by basing it on information provided by an independent and internationally recognized third party. This partnership is expected to be formalized in an exchange of letters between the two institutions.

To launch the RPRF process, the WBG will proactively reach out to refugee-hosting governments to share this Technical Note and clarify any points that may deserve discussion, including with regard to the role of UNHCR.

The RPRF review cycle and corresponding responsibilities are spelled out below:

**Step 1 – Initial collection of data and information (six weeks).** The RPRF process will draw from UNHCR’s standard information gathering and government collaboration on refugee policies and institutional environments as per its mandate. UNHCR has kindly agreed to expand these processes to collect and share information that is necessary for the RPRF, based on their knowledge of the situation and relevant resources, including publicly available datasets, domestic laws, regulations and other policies, the confidential protection assessment prepared by UNHCR for the eligibility of each WHR country,<sup>17</sup> and UNHCR, WBG and other relevant stakeholders’ public material. This will include consultations with the host governments, WBG CMUs, relevant global practices and other staff, including IFC specialists. It is also expected that this information will reflect the dialogue UNHCR is maintaining with refugees, relevant CSOs and representatives of the private sector, as may be appropriate. UNHCR will provide the WBG with a country summary based on collected data and information. This will include introductory data points and short narratives under each policy dimension/sub-dimension, based on guiding questions and changes against the baseline, in the format presented in Annex 3. UNHCR has committed to applying their internal quality assurance process to these country summaries, including with a view to ensuring accuracy and consistency across countries.

**Step 2 – Absence of objection by host countries’ governments (four weeks).** The WBG will share the country summary with relevant host countries’ governments to give them an opportunity to provide clarifications and feedback, including on any possible inaccuracies. This would be done through a process of absence of objection with a four-week response period. In its communication to the concerned government, the WBG will indicate that the country summary has

been drafted based on information provided by UNHCR at the request of the WBG.<sup>18</sup> UNHCR will be kept informed throughout this consultation. In case of inaccuracies noted by the government, the WBG and UNHCR will discuss how the issue can be represented in a fair and accurate manner and will endeavor to find a solution to solve the discrepancy, including, where appropriate, in a trilateral discussion with the government.

**Step 3 – Overall analysis and progress report (two weeks).** The FCV Group will prepare an overall analysis of progress over the reporting period which draws from country summaries established by UNHCR, and inputs from various stakeholders, including CSOs.

**Step 4 – Finalization and WBG review (two weeks).** The final Refugee Policy Review (overall analysis of progress and UNHCR country summaries as annexes) will be subject to a WBG-wide review meeting, chaired by the FCV Group Senior Director to which UNHCR will participate as peer reviewer.

**Step 5 – Follow up (continuous).** The Refugee Policy Review will be broadly disseminated to all stakeholders concerned (IDA countries eligible to the RPRF, countries which contribute to IDA, IDA Deputies, UNHCR, CSOs, development actors, etc.), and will be made publicly available in line with the IDA19 Deputies’ report, which states the WBG “will make every effort to ensure that the review’s key findings and recommendations will be publicly available”.<sup>19</sup>

The analysis presented in the Refugee Policy Review is expected to guide the policy dialogue with refugee-hosting countries in the subsequent period, including to purposefully identify further reform opportunities and inform further WHR support, as committed to the IDA Deputies. To that effect, for each country, the FCV Group will draft a short strategy document based on the Refugee Policy Review, which will focus on priorities, policy reform opportunities and potential further WHR support. This document will be established following in

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<sup>17</sup> Please note that the RPRF does not determine the eligibility of countries for the WHR. The documents required to establish the eligibility of each WHR country include an eligibility note prepared by WBG Country Management Units (CMUs), a strategy note prepared by the concerned country, and the confidential protection assessment prepared by UNHCR to inform the WBG’s determination of the adequacy of a country’s refugee protection framework.

<sup>18</sup> The correspondence will typically be addressed to the Governor of the World Bank, and copied to relevant sectoral ministries and technical agencies, including the national institutional focal point for refugee matters as well as to the UNHCR country representative.

<sup>19</sup> IDA Deputies report, par. 116.

depth discussions with the concerned government and consultations with UNHCR, relevant CSOs and other development partners. It will be validated in a meeting chaired by the WBG Country Director in accordance with the Accountability and Decision-Making (ADM) framework for Advisory Services and Analytics (ASA). This strategic document will be developed after the first Refugee Policy Review and then at the start of each IDA cycle, as appropriate.

The regular production of reviews will also contribute to the global knowledge on forced displacement and to assessment of the WBG's comparative advantage in this area.

The establishment of the RPRF initial baseline for each country will follow a twofold approach. As per the IDA policy commitment, the periodic review needs to consider progress since the inception of the window/sub-window at the time of the initial eligibility note of each country (in most cases 2017). In doing so, the review will show the extent to which the IDA support has helped to shift policy and implementation since inception. Recognizing that some data points may not be available as far back as 2017, the process to fulfill this commitment will be the following:

- UNHCR will conduct a desk review to identify key refugee policy changes that have occurred in each WHR country from the establishment of their initial IDA18 RSW eligibility up to the end of IDA18 (30 June 2020). This process will focus on de jure policies to provide a retrospective overview of policy changes for each WHR country under IDA18.
- Simultaneously, UNHCR will apply the whole RPRF methodology for collecting information and data as at the start of IDA19 (1 July 2020).

The first country summaries will integrate information from both workstreams and have the retrospective note annexed. Steps one, two, and five as outlined above will also be implemented. The baseline review will start in early March 2021 and the absence of objection by host countries' governments will be sought by the second half of April 2021.

## **F. PRESENTATION OF THE REFUGEE POLICY REVIEW**

Each Refugee Policy Review will be produced as an ASA work product, for which this Technical Note provides the global framework (see draft outline in Annex 3).

The ASA will aim to provide a comprehensive review of significant policy changes related to refugee management during the reporting period for each country, as well as their expected implementation and impact, and an overall perspective on the overall pace and direction of policy advancements across countries. The ASA will not aim to make comparisons across countries, but capture developments over time in each given country.

The ASA will be comprised of two parts: (1) an overall analysis of changes in the respective countries, prepared by the FCV Group; and (2) an annex presenting country-level attachments with country summaries detailing information and changes under each policy dimension and sub-dimension, which UNHCR has kindly agreed to provide.

To sum up, the RPRF will complement the WHR process, in the following manner:

- At inception (for each RSW/WHR country): the government prepares and shares with the WBG a strategy/action plan, which provides the basis for eligibility; the WBG prepares an eligibility note to allow access to the WHR.
- On a bi-annual basis: UNHCR provides the WBG with a Refugee Protection Assessment for each WHR country, which helps the WBG determine the continued adequacy of the refugee protection framework.
- At the IDA Mid-Term Review: the WBG prepares the RPRF, with UNHCR support, including assessing progress since initial eligibility under the RSW/WHR and identifying priority areas for policy dialogue in each WHR country.

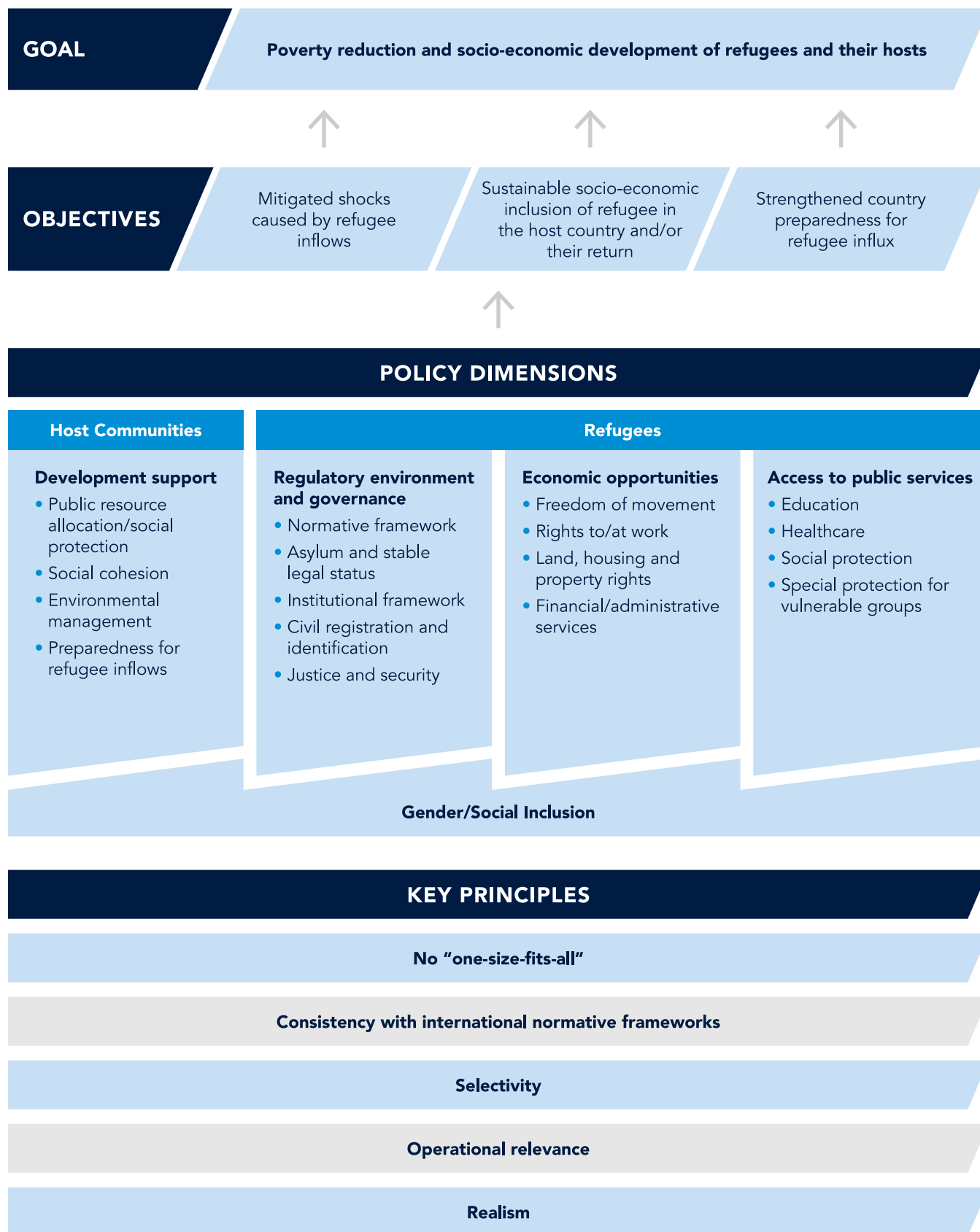


## G. RISKS AND MITIGATION MEASURES

The RPRF aims to enhance policy dialogue, notably by supporting IDA refugee-hosting countries in their efforts to adopt policies that best advance the socio-economic development of host communities and refugees while fitting the circumstances that a given country is facing. Some potential risks have been identified in the implementation of the RPRF. These risks and the corresponding mitigation strategies include:

- **Perception.** There may be inaccurate expectations or perceptions of the RPRF as a way to compare or rank refugee-hosting countries, to encourage standard policy formula across countries, to provide an exhaustive list of desirable policies, to compare countries, etc. It will be important to maintain a regular dialogue with the concerned governments and to consistently communicate with other stakeholders the purpose of the RPRF, in particular that the exercise is not aimed at making cross country comparison but at assessing changes in each country concerned.
- **Partnership and efficiency.** The RPRF is implemented in close partnership with UNHCR. The WBG will rely largely on information and data collected by UNHCR, which will draft the various country summaries. Concerned governments might have differing interpretations of relevant policies and their implementation. On socioeconomic issues, UNHCR and the WBG will have to collaborate closely in order to ensure their respective expertise and data are effectively complemented. As such, UNHCR will consult with WBG specialists on these issues during the data collection phase; with UNHCR and WBG headquarters ready to harmonize available datasets. The nature of the cooperation between the WBG and UNHCR and their respective roles in the various phases of the RPRF will be clearly explained to the concerned governments. Efforts, including through trilateral discussion where appropriate, will also be made to avoid any misunderstanding and solve possible discrepancies.
- **Political economy.** Depending on the circumstances in the host country and/or country of origin, the handling of a refugee crisis may involve political and security sensitivities. As committed through IDA19, the RPRF focuses on the situation of host communities and refugees in the host countries, notably to inform WHR further support for refugees and host communities. Understanding the constraints of host countries and communities is key to understand the political economy constraints. On this basis, demonstrating and communicating the socioeconomic benefits of refugee inclusion based on evidence allows to advance the dialogue, both globally and with the concerned authorities. Highlighting how the WBG work in addressing the drivers of displacement and creating the conditions for sustainable return to the country of origin complements the WHR objectives is also important. The political economy in the country of origin and its capability or willingness to allow the safe return of refugees is also a paramount factor for strengthening a conducive environment in the host country for establishing and maintaining a solid refugee framework.
- **Stakeholders.** The multiplicity of agencies or organizations supporting the refugee response may create a risk in the implementation of the RPRF. Humanitarian and development partners interventions are for the most part focused on refugees and on a more limited scale, host communities. Without an institutional mechanism between the concerned government and the various partners for strategic coordination, the value-added of these interventions as advocacy instruments for strengthening refugee policy could be weakened. To mitigate this risk, the WBG will have a sustained dialogue with other development actors and the relevant governments, and will encourage the governments to establish or strengthen dialogue and coordination mechanism.

## ANNEX 1: THEORY OF CHANGE





## ANNEX 2: POLICY DIMENSIONS, PRIORITY ORIENTATIONS, AND GUIDING QUESTIONS

A questionnaire has been developed to disaggregate the policy dimensions and sub-dimensions into guiding questions. The responses to the various questions, which reference both the formal policies and their actual implementation,<sup>20</sup> will lead to a qualitative analysis for each country.

The framework is expected to be kept unchanged across the IDA19 period, at the end of which possible need for adjustments will be reviewed.

Two cross-cutting issues are encompassed in all policy areas: gender and social inclusion based on refugees' certain characteristics.<sup>21</sup> These considerations are incorporated throughout the RPRF guiding questions but reported upon in specific sections.

1 Host Communities		
1.1	<b>Support for communities in refugee-hosting areas</b>	<p><b>Priority orientation:</b> Support is provided to refugee-hosting areas as part of an approach that takes into consideration the estimated socioeconomic impacts on local communities hosting refugees (i) in public resource allocations and (ii) in extending social protection to individuals who are economically affected by the situation.</p> <p>See GCR, paras. 32, 64-65, 81.</p>
	<p>a) Do national fiscal/budget policies provide for timely additional financial transfers (both investment and operating expenditure) from the national level to the areas that are economically affected by the presence of refugees?</p> <p>b) Do social protection policies provide for an effective extension of social safety net programs to host community members who are negatively affected by the situation resulting from the presence of refugees?</p>	
1.2	<b>Social cohesion</b>	<p><b>Priority orientation:</b> Effective steps are taken to identify, prevent, and mitigate social tensions and risks of violence between and within refugee and host communities and to combat discrimination.</p> <p>See GCR, paras. 77, 84.</p>
	<p>a) Are there policies directly or indirectly aimed at identifying, preventing, and mitigating potential social tensions and risks of violence in refugee-hosting areas?</p> <p>b) Are there local mechanisms which promote peaceful coexistence, dialogue, joint activities, or citizen engagement and include representatives of both refugees and host communities?</p> <p>c) Are there national policies to formally protect refugees from discrimination, including based on age, gender, race, ethnicity, religion, nationality, country of origin, statelessness, political opinions, indigenous status, disability, sexual orientation, membership in a particular social group, or other characteristics?</p>	
1.3	<b>Environmental management</b>	<p><b>Priority orientation:</b> Effective measures are in place to prevent or mitigate environmental degradation in refugee-hosting areas and sustainably manage natural resources.</p> <p>See GCR, paras. 78-79.</p>
	<p>a) Are there policies to mitigate the environmental impact of hosting refugees—especially in terms of access to energy to limit deforestation and other natural resource management such as water resource management, waste management, and access to sanitation in refugee-hosting areas?</p>	

<sup>20</sup> Despite the fact that implementation is only expressly referred to in a couple of questions, the response to each question will systematically look at the existence of the concerned policies and its degree of implementation, when relevant.

<sup>21</sup> See 1951 Convention Relating to the Status of Refugees (hereinafter '1951 Convention'), Article 3; 2018 Global Compact on Refugees (hereinafter 'GCR'), paras. 13, 51, 59-60, 74-75, 76-77, 84.

1.4	<b>Preparedness for refugee inflows</b>	<b>Priority orientation:</b> <i>Robust preparedness plans are in place to mitigate the impact of possible new refugee inflows.</i>  <i>See GCR, paras. 32, 52-53.</i>
	a) Is there a national preparedness framework, including institutional mechanisms, to respond to increased or new refugee inflows in ways that minimize short- and medium-term socioeconomic impacts on hosting regions and is it regularly updated?	
2 Regulatory Environment and Governance		
2.1	<b>Normative framework</b>	<b>Priority orientation:</b> <i>Policies related to refugee status determination, legal status, and rights and obligations of refugees are clearly defined and in line with applicable international and regional norms and standards and are easily accessible and well known by refugees, the national and local authorities, and other national stakeholders.</i>  <i>See 1951 Convention, arts. 35-36; GCR, paras. 5-6, 20.</i>
	a) Are the commitments made by the country under international law explicitly incorporated into national legislation and regulations?  b) Is there a refugee status determination system in line with applicable international and regional norms and standards?  c) Are there gaps in awareness of applicable policies among relevant authorities, refugees and other stakeholders?	
2.2	<b>Security of legal status</b>	<b>Priority orientation:</b> <i>(i) Legal stay arrangements are secure and predictable with adequate time perspectives; and (ii) no expulsion of asylum-seekers or refugees takes place in violation of international law.</i>  <i>See 1951 Convention, arts. 12, 32-34; GCR, paras. 61-62, 82, 97, 100.</i>
	a) Can refugees benefit from predictable legal stay arrangements without policy limitations, such as time limits, renewal/extension requirements, and lengthy procedures for renewal/extension?  b) In the last year, have there been reported cases of unlawful termination of refugee status? Have there been reported cases of refoulement (e.g. forcible or coerced returns; non-admission or push backs at the border) of asylum-seekers and refugees?	
2.3	<b>Institutional framework for refugee management and coordination</b>	<b>Priority orientation:</b> <i>An efficient government-led coordination system is in place and enables the management of the refugee situation, policy development as well as effective coordination across government and with external parties. This includes a representative consultation mechanism which allows the authorities to get input and feedback from refugees on decisions affecting them.</i>  <i>See GCR, paras. 20-21, 34.</i>
	a) Does the national institutional framework for refugee management involve sectoral ministries, foster coordination between central and local levels of government, and provide leadership on donor coordination?  b) Are refugees included within national data collection systems (e.g. census, demographic health survey, education management information system) and national development planning processes or strategies to adequately inform policy decisions?  c) Is there a consultation mechanism to obtain refugee input and feedback on decisions taken at the national, sub-national or local levels, and how representative is it?	

2.4	Access to civil registration and documentation	<b>Priority orientation:</b> <i>All refugees have access to official personal identification (proof of legal identity) and are able to register vital events (birth, marriage, divorce and death) with the civil registry and be issued with documentation.</i> <i>See 1951 Convention, arts. 12, 25, 27-28; GCR paras. 58, 82, 100.</i>
	<b>a)</b> Are refugees entitled to receive official personal identification (document, electronic card, or other digital credential) which is effectively recognized by national and sub-national authorities, law enforcement entities, and the private sector (e.g. financial services, and mobile money, private employers), and do refugees routinely avail of these rights? <b>b)</b> Are refugees entitled to register vital events that occur in the host country or have occurred before coming to the host country (birth, marriage, divorce, and death) and to be issued the corresponding civil registration documentation (birth, marriage, divorce, and death certificates), and do refugees routinely avail of these rights?	
2.5	Justice and security	<b>Priority orientation:</b> <i>(i) Refugees enjoy a level of security on an equal basis with nationals, and (ii) refugees have access to civil, administrative and criminal justice and other grievance redress mechanisms under the same conditions as nationals.</i> <i>See 1951 Convention, art. 16; GCR, paras. 57, 75.</i>
	<b>a)</b> Is the level of security enjoyed by refugees comparable to that enjoyed by nationals in the same areas? <b>b)</b> Are there policies in place to prevent and deter gender-based violence in refugee-hosting areas? <b>c)</b> Can refugees access law enforcement and justice in the same way as nationals?	
3 Economic Opportunities		
3.1	Freedom of movement	<b>Priority orientation:</b> <i>Refugees can choose their place of residence and move freely across the country as nationals of a foreign country generally in the same circumstances would.</i> <i>See 1951 Convention, art. 26; GCR, paras. 42, 54.</i>
	<b>a)</b> Are refugees allowed to freely move within the host country as non-nationals generally in the same circumstances would, and do refugees routinely avail of these rights? <b>b)</b> Are refugees allowed to freely choose their place of residence in the host country as non-nationals generally in the same circumstances would?	
3.2	Rights to work and rights at work	<b>Priority orientation:</b> <i>(i) Refugees have access to the labor market, including by starting a business and seeking wage-earning employment, in the same way as nationals; and (ii) refugees enjoy protection of workers' rights on the same level as nationals.</i> <i>See 1951 Convention, arts. 15, 17-19, 24; GCR, paras. 70-71, 99.</i>
	<b>a)</b> Are refugees allowed to seek wage-earning employment, and what percentage of refugees are employed in the formal sector? <b>b)</b> Do policies require refugees to have specific work permits, and under which conditions? If yes, how burdensome is the acquisition or renewal of such work permits? How many refugees currently possess such permits? <b>c)</b> Are refugees allowed to open businesses and register them in their own name? <b>d)</b> Do policies provide refugees with the same worker protections as nationals, including with regard to same salary for the same job in the public sector, non-salary discrimination in the private sector and protection against child employment? <b>e)</b> Are the refugees' professional certificates/diplomas recognized by the competent authorities of the host government and allow them to practice a profession?	

3.3	<b>Land, housing and property rights</b>	<p><b>Priority orientation:</b> Refugees can purchase, lease and use housing, land and property in the same way as nationals, without restriction on location, type, or duration, or at least benefit from the most favorable treatment accorded to nationals of a foreign country in the same circumstances.</p> <p>See 1951 Convention, arts. 13, 21, 30.</p>
	<p>a) Are refugees allowed to purchase or lease or use land as nationals of a foreign country in the same circumstances would?</p> <p>b) Are refugees allowed to purchase, lease or use housing and immovable property as nationals of a foreign country in the same circumstances would?</p> <p>c) Are refugees allowed to access public/social housing when such programs exist?</p>	
3.4	<b>Financial and administrative services</b>	<p><b>Priority orientation:</b> Refugees have effective access to financial services and to administrative services (driving license, recognition of professional/academic qualifications, skills development) which are essential for economic opportunities.</p> <p>See 1951 Convention, arts. 22, 25; GCR, paras. 69, 71.</p>
	<p>a) Can refugees open bank accounts and access traditional financial services (payments, savings, borrowing) in the same way as the country's nationals, and do refugees routinely avail of these rights?</p> <p>b) Are refugees allowed to access mobile money/mobile phone banking in the same way as nationals, and do refugees routinely avail of these rights?</p> <p>c) Can refugees obtain key administrative documents or certifications that are necessary for them to access employment and other socioeconomic opportunities (such as recognition of foreign academic and vocational qualifications, and driving licenses, recognition of educational attainments received outside of a national system, as in refugee camps, or access to national driving licenses), and do refugees routinely avail of these rights?</p> <p>d) Do policies provide for skills development opportunities for refugees?</p>	
4	<b>Access to National Public Services</b>	
4.1	<b>Education</b>	<p><b>Priority orientation:</b> Refugees have the possibility to effectively and safely access the national education system under the same conditions as nationals.</p> <p>See 1951 Convention, art. 22; GCR, paras. 68-69, 75.</p>
	<p>a) Do education policies allow refugees to enroll in primary, secondary, and tertiary schools in the national education system under the same conditions as the country's nationals? What percentage of refugee children are enrolled in these systems and how does this compare to host communities?</p> <p>b) Do education policies provide for specialized services (such as accessible learning services, accelerated education, language training, remedial learning programs, catching-up programs, psychosocial support) for host community and refugee children as may be necessary?</p>	
4.2	<b>Healthcare</b>	<p><b>Priority orientation:</b> Refugees have the possibility to effectively and safely access the publicly financed health care system under the same conditions as nationals.</p> <p>See GCR, paras. 72-73, 75.</p>
	<p>a) Do healthcare policies allow refugees to access the publicly financed health care system under the same conditions as the country's nationals, and do refugees routinely avail of these rights?</p> <p>b) Can refugee women and girls access sexual and reproductive health services—including maternal and neonatal health services—and other women's health services under the national healthcare system in a manner comparable to national women and girls, and do refugee women and girls routinely avail of these rights?</p> <p>c) Do healthcare policies allow refugees to be enrolled in the national public health insurance system in the same way as nationals? If not, is there a system that can finance refugees' health care costs in the publicly financed health system?</p>	

4.3	Social protection	<p><b>Priority orientation:</b> <i>Vulnerable refugees and vulnerable host community members have access to basic levels of assistance in a manner that is equitable in terms of coverage, targeting, and levels of benefits.</i></p> <p><i>See 1951 Convention, arts. 20, 23-24; GCR, para. 81.</i></p>
	<p>a) Do vulnerable refugees, including persons with disabilities and older persons, have access to basic levels of assistance provided through government programs and/or external aid? If so, what percentage of the refugee population is covered by this assistance and how does this compare to the host community?</p> <p>b) Is there a framework for dialogue between the government and international partners, to move towards a gradual alignment of aid and social protection systems, and of support to vulnerable refugees and vulnerable host community members, in terms of coverage, targeting, and levels of benefits?</p>	
4.4	Protection for vulnerable groups	<p><b>Priority orientation:</b> <i>Protection and care are available to unaccompanied and separated refugee children, refugee victims of trafficking in persons, survivors of gender-based violence, and other refugee groups with specific needs.</i></p> <p><i>See GCR, paras. 13, 51, 59-60, 74-75, 76-77, 84.</i></p>
	<p>a) Do unaccompanied and separated refugee children, refugee victims of trafficking in persons, survivors of gender-based violence, or other refugee groups with specific needs have access to care and protection systems in a manner comparable to nationals in the same situation?</p>	
5 Cross Sectors		
5.1	Gender	<p><b>Priority orientation:</b> <i>Refugees of all gender groups do not experience specific gender-related barriers to accessing services and economic opportunities.</i></p>
	<p>a) In which three to five sub-dimensions would improvement to gender considerations be most consequential in terms of socioeconomic development?</p>	
5.2	Social inclusion	<p><b>Priority orientation:</b> <i>All refugees, irrespective of their age, gender, race, ethnicity, religion, nationality, country of origin, statelessness, political opinions, indigenous status, disability, sexual orientation, membership in a particular social group or other characteristics, benefit on an equitable basis from relevant policies, including those related to access to services and economic opportunities.</i></p>
	<p>a) In which three to five sub-dimensions are differences or restrictions in terms of policies and their implementation related to refugees’ characteristics, including age, gender, race, ethnicity, religion, nationality, country of origin, statelessness political opinions, indigenous status, disability, sexual orientation, membership in a particular social group or other characteristics, most consequential in terms of socioeconomic development?</p>	

## ANNEX 3: DRAFT OUTLINE OF THE RPRF REVIEW

### Introduction (2 pages)

- Background, IDA commitment, nature and objectives of the RPRF
- Overall evolution of the global forced displacement situation during the reporting period
- Evolution of situation in the main countries of origin

### Significant policy changes during the reporting period (5-10 pages) – Write up by the WBG based on UNHCR data

- Country-by-country analysis of significant policy changes during the reporting period (if any): introduction on each country (evolution of the situation, situation in the countries of origin, approval and implementation of WHR-financed operations), specific policy changes, expected impact, next steps in implementation of policy reforms (about 1/3 page per change).

### Conclusion (1 page) – Write up by the WBG

- Overall priorities and recommendations for the subsequent period, based on ongoing evolution of forced displacement situations, and opportunities for further dialogue and WHR financing.

### Annex: country-level attachments (about 10 pages per country) – Provided by UNHCR

- Summary for each country with:
- Background on each country: population; number of refugees and their disaggregation by age, gender, etc.; countries of origin; location (geographical areas, camps versus non-camp dwellings, etc.); main applicable legislation (and accession to the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol, and regional and international treaties related to refugees, including reservations and declarations); eligibility for the IDA 18 RSW/IDA 19 WHR and corresponding operations.
- For each policy dimension and sub-dimension: baseline, change if any, new baseline (based on guiding questions).

NB. The country summary established as the RPRF initial baseline will be accompanied by an annex:

### Annex to the baseline country summary: Retrospective Note (2 pages per country) – Desk review done by UNHCR

- Country-by-country retrospective overview of refugee policy changes related to each RPRF dimension and sub-dimension that have occurred under IDA 18 since each country's eligibility to the RSW; focusing on existence of policies (de jure). This note will inform analysis in the baseline country summaries and provide the contextual foundation for subsequent RPRF reviews.

## ANNEX 4: GLOSSARY OF TERMS

This glossary defines terms which are used throughout the RPRF for RPRF purposes. It should not be construed to define terms for use outside of the RPRF.

Term	Definition	Location in Questionnaire
<b>Asylum-seeker</b>	<p>For RPRF purposes, the term “refugee” will also be taken to include <b>asylum-seekers</b> where and if appropriate.</p> <p>The term <b>“asylum-seeker”</b> is a general term for any person who is seeking international protection. In some countries, it is used as a legal term referring to a person who has applied for refugee status or a complementary international protection status and has not yet received a final decision on their claim. It can also refer to a person who has not yet submitted an application but may intend to do so, or may be in need of international protection. Not every asylum-seeker will ultimately be recognized as a refugee. However, an asylum-seeker may not be sent back to their country of origin until their asylum claim has been examined in a fair procedure and is entitled to certain minimum standards of treatment pending determination of their status.<sup>22</sup></p>	Definition of “refugee” (below)
<b>Child</b>	<b>“Child”</b> means every human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier. The term includes adolescents and is preferable to the term “minor”. <sup>23</sup>	4.1; 4.4.a
<b>Civil registration</b>	<b>“Civil registration”</b> refers to the continuous, permanent, compulsory and universal recording of the occurrence and characteristics of vital events pertaining to the population, as provided through decree or regulation in accordance with the legal requirements of each country. <sup>24</sup> This process is carried out primarily for the purpose of establishing the documents provided for by law. Vital events concern the life, death and civil status of individuals, including live birth, death, fetal death, marriage, divorce, separation, annulment, adoption, legitimation, and recognition (of paternity). <sup>25</sup>	2.4
<b>Financial services</b>	<b>“Financial services”</b> refers to formal services through which individuals save money, borrow money, make payments, and manage financial risks. This includes ownership of accounts at banks or other types of financial institutions (such as a credit union, microfinance institution, or cooperative), access to formal loans or savings accounts with banks or other types of financial institutions, possession of credit, debit, or payment cards, access to money transfer services, and access to mobile money accounts or services. <sup>26</sup>	3.4
<b>Gender</b>	<b>“Gender”</b> refers to the social, behavioral, and cultural attributes, expectations, and norms associated with being male or female. “Gender equality” refers to how these factors determine the way in which men and women relate to each other and to the resulting differences in power between them. <sup>27</sup>	Throughout

<sup>22</sup> See UNHCR. [Global Focus: Glossary](#), at “refugee” and “asylum-seeker”.

<sup>23</sup> [Convention on the Rights of the Child](#) (1989), Art. 1.

<sup>24</sup> United Nations Department of Economic and Social Affairs (UN DESA), Statistics Division. 2014. [Principles and Recommendations for a Vital Statistics System](#), Rev 3 (Statistical Papers, Series M No. 19/Rev.3).

<sup>25</sup> [World Bank. 2019. Identity for Development, Practitioner's Guide.](#)

<sup>26</sup> See World Bank Group. 2017. [The Global Findex Database 2017: Measuring Financial Inclusion and the Fintech Revolution.](#)

<sup>27</sup> World Bank Group. 2015. [World Bank Group Gender Strategy \(FY16-23\): Gender Equality, Poverty Reduction and Inclusive Growth](#), at pg. 6.



Term	Definition	Location in Questionnaire
<b>Gender-based violence</b>	<b>"Gender-based violence"</b> is an umbrella term for any harmful act that is perpetrated against a person's will and that is based on socially ascribed (that is, gender) differences between males and females. This includes acts that inflict physical, mental, or sexual harm or suffering; threats of such acts; and coercion and other deprivations of liberty, whether occurring in public or private life. <sup>28</sup>	2.5.b; 4.4.a
<b>Grievance redress mechanism</b>	<b>"Grievance redress mechanisms"</b> are defined as organizational systems and resources established by national government agencies (or, as appropriate, by regional or municipal agencies) to receive and address concerns about the impact of their policies, programs and operations on external stakeholders. <sup>29</sup>	2.5
<b>Healthcare services</b>	<b>"Healthcare services"</b> includes all preventive, promotive, rehabilitative, palliative, and curative services provided by the publicly funded healthcare system.	4.2
<b>Host community</b>	<b>"Host community"</b> is a context-specific term which first corresponds to the definition of "host community" established by the government within official refugee policies and development strategies, where these exist. If no such definition is provided, "host community" is defined as a community, usually at a given administrative unit, whose socioeconomic circumstances have been impacted (positively and/or negatively) by an inflow of refugees.	Throughout
<b>Immovable property</b>	<b>"Property"</b> refers to anything that is owned or possessed by a person or entity. <b>"Immovable property"</b> (also known as "real property") is generally understood to include land, real estate, and anything attached to or embedded in earth that cannot be moved (e.g., a building). <sup>30</sup>	3.3.b
<b>International protection</b>	<b>"International protection"</b> refers to the protection that is accorded by the international community to individuals or groups who are outside their own country, who are unable to return because they would be at risk there, and whose own country is unable or unwilling to protect them. Risks that give rise to a need for international protection classically include those of persecution or other threats to life, freedom or physical integrity arising from armed conflict, serious public disorder, or different situations of violence. Other risks may stem from famine linked to situations of armed conflict or disasters, as well as being stateless. International refugee law provides the principal normative framework for determining needs and providing international protection, complemented by related legal frameworks such as international human rights law, as well as State practice.  The concept of international refugee protection, which is closely associated with refugee protection and asylum, is related to but distinct from the broader concept of protection, which applies to all humanitarian action including outside refugee contexts. <sup>31</sup>	General
<b>Law enforcement procedures</b>	<b>"Law enforcement procedures"</b> refer to the procedures of the government agencies responsible for maintaining public order and enforcing the law. This could encompass policing as well as restorative justice practices. <sup>32</sup>	2.5.c

<sup>28</sup> Id.

<sup>29</sup> UNDP. 2017. [Stakeholder Engagement Supplemental Guidance: Grievance Redress Mechanisms](#).

<sup>30</sup> UNHCR. [Emergency Handbook, "Housing, Land and Property \(HLP\)"](#). See General Assembly. 1951. [Convention Relating to the Status of Refugees](#), 28 July 1951, United Nations, Treaty Series, vol. 189, p. 137, at Article 13.

<sup>31</sup> See UNHCR. [Global Focus: Glossary](#), at "international protection".

<sup>32</sup> World Bank. 2016. [Addressing the Enforcement Gap to Counter Crime: Part 2. Options for World Bank Engagement with Police](#).

Term	Definition	Location in Questionnaire
<b>Legal stay arrangements</b>	<b>“Legal stay arrangements”</b> are the arrangements put in place by states to regularize the presence on its territory of a non-national that fulfils the conditions of entry, stay or residence as established by domestic law in accordance with regional and international standards. See “secure legal status.”	2.2.a
<b>Liberal profession</b>	Liberal profession refers to any profession for which diplomas and other qualifications are required and can involve work that is organized and carried out independently, i.e. not governed by an employer-employee relationship. Liberal professions include, among others, lawyers, physicians, architects, engineers, and artists. <sup>33</sup>	3.2.e
<b>Meaningful participation</b>	<b>“Meaningful participation”</b> refers to the full and equal engagement of all members of the community in decision-making processes and activities that affect their lives, in both public and private spheres. It: <ul style="list-style-type: none"> <li>• Is essential for informed decision making;</li> <li>• Promotes protection and reduces feelings of powerlessness;</li> <li>• Enables the concerned authority to draw on the insights, knowledge, capacities, skills and resources of persons of concern;</li> <li>• Empowers women, men, girls and boys of different backgrounds to rebuild self-esteem and self-confidence;</li> <li>• Allows people to identify opportunities and strategies for action and build solidarity to effect change; and</li> <li>• Helps people cope with the trauma of forced displacement.</li> </ul>	2.3
<b>National public services</b>	<b>“National public services”</b> are services which are provided by a government to people living within its jurisdiction through the public sector. For RPRF purposes, this includes education, health and social protection services.	4
<b>Nationals of a foreign country</b>	<b>“Nationals of a foreign country”, “aliens” or non-nationals</b> are often used interchangeably and refer to nationals of a State, or stateless persons, other than nationals of the State under whose jurisdiction they fall.  Where the treatment of refugees equates to that of non-nationals in the same circumstances, <b>“in the same circumstances”</b> implies that refugees must fulfil any condition which other non-nationals would also need to meet. General requirements—such as specific qualifications, skills, experience or other characteristics as well as obtaining identity documents, work permits and business licences—may be imposed on refugees in the same way as they are on other non-nationals. Equally, States may impose charges or fees—e.g., to obtain permits—as are levied on other non-nationals or their own nationals in similar situations. However, conditions refugees are incapable of fulfilling by reason of being a refugee need to be waived in their case (for example, refugees being unable to present evidence of identity, or other documents from their country of origin).	3.1, 3.3

<sup>33</sup> ILO decent work guidelines.

Term	Definition	Location in Questionnaire
<b>Official personal identification/Proof of legal identity</b>	<p><b>“Official personal identification”</b> is a synonym for <b>“official identity”</b> and refers to the specification of a unique natural person that is based on characteristics (attributes or identifiers) of the person that establish a person’s uniqueness in a given context, and is recognized by the state for regulatory and other official purposes.<sup>34</sup></p> <p>For RPRF purposes, <b>“proof of legal identity”</b> refers to various forms of government-provided or -issued registration, documentation or certification (e.g., a birth certificate, identity card or digital ID credential) that constitutes evidence of core attributes (e.g., name, date and place of birth) for establishing and verifying official identity and is recognized as proof of legal identity under national law and in accordance with emerging international norms and principles.<sup>35</sup></p> <p>In some countries, proof of official identity is provided through general-purpose or “foundational” ID systems, such as national ID and civil registration systems, which typically provide documentary or digital credentials that are widely recognized and accepted by government agencies and private sector service providers as proof of official identity for a variety of purposes.</p> <p>Many jurisdictions also have a variety of “limited-purpose” or “functional” ID systems that provide identification, authentication, and authorization for specific services or sectors; access to specific government benefits and services; or access to financial services. Examples of limited-purpose ID evidence include refugee identity documents. In some cases—particularly in countries without general-purpose ID systems—such “functional” credentials may also be used to provide proof of official identity.</p> <p>In the case of refugees, States are primarily responsible for issuing proof of legal identity, including identity papers. The issuance of proof of legal identity to refugees may also be administered by an internationally recognized and mandated authority” (e.g., UNHCR).</p>	2.4
<b>Preparedness plan</b>	<b>“Preparedness plan”</b> refers to all measures which show the current readiness of the public sector to respond to future displacement situations or its plans to mitigate the negative impact of ongoing protracted displacement situation. <sup>37</sup>	1.4
<b>Refoulement</b>	<b>“Refoulement”</b> is a legal term used to qualify a breach of the principle of non-refoulement. The principle of non-refoulement is a core principle of international human rights and refugee law that prohibits States from removing individuals in any manner whatsoever (whether directly or indirectly) to territories where they may be at risk of persecution, torture, or other forms of serious or irreparable harm. The most prominent expression of the principle of non-refoulement in international refugee law is Article 33(1) of the <b>1951 Convention Relating to the Status of Refugees</b> . The principle is part of customary international law, making it binding on all States, whether or not they are parties to the 1951 Convention or its 1967 Protocol. The principle of non-refoulement is also expressed in various human rights treaties, including Article 3 of the <b>Convention against Torture</b> , which is a peremptory norm of international law ( <i>jus cogens</i> ). <sup>38</sup>	2.2.b

<sup>34</sup> See World Bank. 2019. *ID4D Practitioner’s Guide*, “ID 101: Basic concepts.” Washington, DC: World Bank. See Financial Action Task Force (FATF). March 2020. [Guidance: Digital Identity](#).

<sup>35</sup> Id.

<sup>36</sup> United Nations. 2019. UN Legal Identity Expert Group Operational Definition of Legal Identity. This working definition was signed off by the Director of UNHCR’s Division of International Protection (DIP).

<sup>37</sup> See notably World Bank. 2017. *Forcibly Displaced: Toward a Development Approach Supporting Refugees, the Internally Displaced, and Their Hosts*. Washington, DC: World Bank.

<sup>38</sup> See UNHCR. [Global Focus: Glossary](#), at “non-refoulement” and “refoulement”.

Term	Definition	Location in Questionnaire
<b>Refugee</b>	<p>The term <b>“refugee”</b> refers to any person who meets the eligibility criteria under an applicable refugee definition, as provided for in international or regional refugee instruments, under UNHCR’s mandate, or in national legislation. Under international law and UNHCR’s mandate, refugees are persons outside their countries of origin who are in need of international protection because of feared persecution, or a serious threat to their life, physical integrity or freedom in their country of origin as a result of persecution, armed conflict, violence or serious public disorder.<sup>39</sup></p> <p>The Bank follows determinations made by UNHCR of which persons are recognized as refugees in a given population. For the purposes of the WHR and the RPRF, the term “refugees” includes both refugees and people in “refugee-like situations” as defined by UNHCR (see below). For RPRF purposes, the term “refugee” will also be taken to include asylum-seekers where and if appropriate (see definition of “asylum-seeker” above).<sup>40</sup></p>	Throughout
<b>Refugee-hosting areas</b>	<b>“Refugee-hosting areas”</b> are the given administrative units where refugees are staying and reside, and which include both refugee and host communities.	1.1; 1.2.a; 1.3; 2.5.b
<b>Refugee-like situations</b>	<b>“Refugee-like situation”</b> is a descriptive—not legal—category describing groups of people who are outside their country or territory of origin and who face protection risks similar to those of refugees, but for whom refugee status has, for practical or other reasons, not been ascertained. <sup>41</sup> Refugee population numbers as determined by UNHCR include persons in “refugee-like situations.”	Definition of “refugee” (above)
<b>Refugee policy</b>	<p><b>“Refugee policy”</b> refers to formal legal and administrative instruments (including laws, regulations, proclamations, judicial and administrative decisions, national strategies, development or sectoral plans, roadmaps, and other written materials) issued by a national authority (legislative, judiciary or executive branch), including agreements or memoranda of understanding with international organizations, that regulate refugees’ admission to the country, their acquisition of legal status and legal rights, and the conditions under which they live and work.</p> <p>In exceptional cases, practice or unwritten policy can be included when such practice is very broadly and publicly known and is considered binding by all concerned.</p>	Throughout
<b>Refugee Status Determination</b>	<b>“Refugee status determination,”</b> or <b>“RSD,”</b> refers to the legal or administrative process undertaken by States and/or UNHCR to determine whether a person should be recognized as a refugee in accordance with national, regional and international law. <sup>42</sup>	2.1.b

<sup>39</sup> The 1951 **Convention Relating to the Status of Refugees** defines a **refugee** as a person “who is outside his or her country of nationality or habitual residence; has a well-founded fear of being persecuted because of his or her race, religion, nationality, membership of a particular social group or political opinion; and is unable or unwilling to avail him- or herself of the protection of that country, or to return there, for fear of persecution.” [1951 Convention Relating to the Status of Refugees](#) (1951), at Art. 1. See also World Bank Group, *Forced Displacement and Development* (2016), at Box 1. In Africa, the 1969 **Convention Governing the Specific Aspects of Refugee Problems in Africa** adds to the 1951 Convention definition by recognizing as refugees people who are forced to flee due to “external aggression, occupation, foreign domination or events seriously disturbing public order.” Organization of African Unity (OAU), [Convention Governing the Specific Aspects of Refugee Problems in Africa](#) (1969), at Art. 1(2).

<sup>40</sup> International Development Association, *Implementation Guidelines: IDA19 Window for Host Communities and Refugees* (2020), at para. 2(a).

<sup>41</sup> UNHCR. 2020. [Global Trends: Forced Displacement in 2019](#).

<sup>42</sup> See UNHCR. [Global Focus: Glossary](#), at “refugee status determination”.

Term	Definition	Location in Questionnaire
<b>Secure legal status for refugees</b>	<b>"Secure legal status"</b> for refugees refers to an officially documented status provided under a State's domestic legal framework regularizing in accordance with regional and international standards (1) an asylum-seeker's right to remain in the country until a final determination of their claim is made; and (2) a recognized refugee's right to reside in that State during the period of validity of the permit. The granting and withdrawing of such status must be in accordance with international standards, including due process.	General
<b>Security</b>	<b>"Security"</b> refers to a refugee's physical and psychological safety from threats and attacks of myriad sources.	2.5
<b>Social cohesion</b>	<b>"Social cohesion"</b> refers to the ties which hold people together within and between communities and the willingness of community members to engage and cooperate with each other to survive and prosper. <sup>43</sup> This can include the degree to which they interact with and trust State and civil society institutions and each other; the degree to which they are committed to laws, institutions and a common future; the degree to which they share common cultural, religious or other social features and interests; and/or the degree to which they are able to identify, prevent and mitigate social tensions and risks of violence, minimize disparities and avoid discrimination and marginalization. <sup>44</sup>  For RPRF purposes, the key is to understand how forced displacement changes existing social balances and how these changes are managed to prevent social tensions and conflict from resulting in violent repercussions or harmful social marginalization. <sup>45</sup>	1.2
<b>Social protection</b>	<b>"Social protection"</b> refers to public systems which help individuals, households and communities manage risk and volatility and protect them from poverty and destitution through a mix of contributory schemes (social insurance) and non-contributory tax-financed benefits (including social assistance, public works programs and other schemes guaranteeing basic income security and access to essential services). <sup>46</sup> This includes helping the poor and vulnerable cope with crises and shocks, find jobs, invest in the health and education of their children, and protect the aging population. <sup>47</sup>  Social Protection systems may take the form of cash transfers, social pensions, subsidies, sickness, disability or old age benefits and medical care, unemployment assistance and insurance, training or labor services, maternity protection, childcare and child allowances, conditional and disability assistance and insurance, and other social services. <sup>48</sup> For RPRF purposes, the term <b>"social protection"</b> is used with a wider variety of meanings than <b>"social security"</b> , including protection provided between members of the family or members of a local community.	1.1.b; 4.3

<sup>43</sup> World Bank Group. 2020. [Social Capital and Social Cohesion Measurement Toolkit](#), at pg. 4.

<sup>44</sup> See UNHCR. [Global Focus: Glossary](#), at "social cohesion."

<sup>45</sup> De Berry and Roberts. 2018. [Social Cohesion and Forced Displacement: A Desk Review to Inform Programming and Project Design](#). World Bank Group.

<sup>46</sup> World Bank Group. 2012. [Resilience, Equity and Opportunity: The World Bank's Social Protection and Labor Strategy, 2012-2022](#), at para. 17; This aligns with the International Labour Organization's (ILO) definition and is affirmed in UNHCR's Decent Work Guidelines.

<sup>47</sup> World Bank Group. 2019. [The World Bank In Social Protection](#).

<sup>48</sup> World Bank Group. 2020. [Sourcebook on the Foundations of Social Protection Delivery Systems](#), at pg. 2.

Term	Definition	Location in Questionnaire
<b>Social safety net</b>	<p><b>“Social safety net”</b> refers to a type of <b>social protection</b> program that is comprised of non-contributory transfers in cash or in-kind, designed to provide regular and predictable support to poor and vulnerable people. Social safety nets, which are also known as <b>“social assistance”</b> or <b>“social transfers,”</b> help alleviate poverty, food insecurity, and malnutrition; contribute to reducing inequality and boosting shared prosperity; support households in managing risks and cope with shocks; help build human capital and connect people to job opportunities; and are an important factor in shaping social contracts between states and citizens.<sup>49</sup></p>	1.1.b
<b>Unlawful termination of refugee status</b>	<p><b>“Unlawful termination of refugee status”</b> refers to the ending, withdrawing or termination of refugee status in any manner that does not conform with international law. Under international law, cessation, revocation or cancellation of refugee status are the legal grounds for ending refugee status.</p> <p><b>Cessation</b> refers to the ending of refugee status because it is no longer necessary or justified on the basis of certain voluntary acts of the individual concerned or a fundamental change in the situation prevailing in the country of origin.<sup>50</sup> <b>Revocation</b> refers to the withdrawal of refugee status from a person who was rightly recognized as a refugee, but whose conduct after recognition comes within the scope of the exclusion clauses 1F(a) or (c) of the 1951 Convention. <b>Cancellation</b> refers to the invalidation of a refugee status recognition which should not have been granted in the first place. Cancellation has the effect of rendering refugee status null and void from the date of the initial determination (<i>ab initio</i> or <i>ex nunc</i>—from the start or from then).<sup>51</sup></p>	2.2.b
<b>Vulnerability</b>	<p><b>“Vulnerability”</b> describes individuals or groups who, by virtue of certain characteristics or experiences, have the limited capacity to avoid, resist, cope with, or recover from harm. Such harm can take a variety of forms such as economic hardship, discrimination, or violence. Among the groups most susceptible to harm in the context of forced displacement are children, the elderly, women and girls, persons with disabilities, ethnic or religious minorities, persons of diverse sex and sexual orientation, victims of trafficking in persons, and survivors of gender-based violence.<sup>52</sup></p>	4.1.b; 4.3; 4.4
<b>Wage-earning employment</b>	<p><b>“Wage-earning employment”</b> refers to work governed by an employment relationship between employer and employee, and for the performance of which the employee is provided a periodic wage or remuneration.<sup>53</sup></p>	3.2.a

<sup>49</sup> [World Bank. 2014. The State of Social Safety Nets 2014.](#)

<sup>50</sup> See [1951 Convention Relating to the Status of Refugees](#) (1951), Article 1C and Organization of African Unity (OAU), [Convention Governing the Specific Aspects of Refugee Problems in Africa](#) (1969), at Article I(4).

<sup>51</sup> See UNHCR. [Global Focus: Glossary](#), at “cessation”, “revocation” and “cancellation”.

<sup>52</sup> See UNHCR. [Global Focus: Glossary](#), at “vulnerability”.

<sup>53</sup> UNHCR. Decent Work Guidelines.

