

# FORCED MIGRATION review

Issue 61  
June 2019

## the **ETHICS** issue

*exploring ethical questions  
that confront us in our work*

plus a special tribute to our  
founder, Barbara Harrell-Bond



REFUGEE  
STUDIES  
CENTRE

## Forced Migration Review

(FMR) provides a forum for the regular exchange of practical experience, information and ideas between researchers, refugees and internally displaced people, and those who work with them. It is published in English, Arabic, Spanish and French by the Refugee Studies Centre of the Oxford Department of International Development, University of Oxford.

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## From the editors

We each live according to our own personal code of ethics but what moral principles guide our work? The feature theme articles in this issue debate many of the ethical questions that confront us in programming, research, safeguarding and volunteering, and in our use of data, new technologies, messaging and images. Prepare to be enlightened, unsettled and challenged.

This issue is being published in tribute to **Barbara Harrell-Bond**, founder of the Refugee Studies Centre and FMR, who died in July 2018. In a special collection of articles, authors discuss her legacy: the impact she had and its relevance for our work today. If her work or FMR has helped you over the years, please make a donation to support FMR – see appeal on the inside back cover flap or visit [www.fmreview.org/online-giving](http://www.fmreview.org/online-giving).

**FMR 61 formats:** The full magazine is online at [www.fmreview.org/ethics](http://www.fmreview.org/ethics), alongside our **Editors' briefing** (an overview of the feature theme content) and our **digest** (an expanded contents list with QR codes and web links). All individual articles are available online in PDF, HTML and podcast formats.

This issue will be available in **English and Arabic**. (We have sadly not been able to secure sufficient funding to publish it in Spanish and French as well.) For printed copies, please email us at [fmr@qeh.ox.ac.uk](mailto:fmr@qeh.ox.ac.uk).

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For many years the **Spanish edition** of FMR has been published in partnership with the IUDESP at the University of Alicante but for funding reasons we are bringing it back to Oxford. We would like to express our warmest thanks to Eva Espinar and Laura Moreno Mancebo (and former assistants) for their hard work, commitment and collaboration.

**Forthcoming issues:** The October 2019 issue will include a major feature on Return, and a mini-feature on the Root causes of displacement. In 2020 we are planning issues on Cities and towns, Climate crisis, and Recognising refugees. Details at [www.fmreview.org/forthcoming](http://www.fmreview.org/forthcoming).

Marion Couldrey and Jenny Peebles  
Editors, Forced Migration Review

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**Front cover image:** Finding an image to illustrate Ethics was never going to be easy, so we opted for something abstract. What metaphors does the dark, deep, swirling water conjure up? Reflection, hidden depths, tidal changes... or perhaps other things come to mind for you? Let us know ([fmr@qeh.ox.ac.uk](mailto:fmr@qeh.ox.ac.uk)) and we'll put a selection of your ideas on our **Behind the images** page.  
Clément Chéné (CC BY 2.0)

# Big data, little ethics: confidentiality and consent

Nicole Behnam and Kristy Crabtree

**Donors' thirst for data is increasingly undermining security and confidentiality, putting both survivors of violence and staff at risk.**

People who experience violence or exclusion often share their traumatic experiences with service providers while receiving care – care that is most effective when individuals can be open and honest and know that what they share will remain confidential. In recent years, however, the International Rescue Committee (IRC) has seen the safety and confidentiality of data relating to the protection of individuals of concern being increasingly diluted. This trend can be traced in part to a seemingly innocuous change in the way we track and measure programmes.

In the past decade there has been a shift towards the generation and use of 'big data' – large volumes of structured or unstructured data. However, a lack of accountability and little understanding of the unique risks associated with protection data have encouraged a movement among large donors to request more (and more specific) data and this could be potentially damaging to individuals.

These requests are not just for overarching, aggregated data, which are widely valued and shared in standardised, useful formats through information-sharing protocols. Rather, some influential donors are making increased demands for individual survivors' information – and have a misplaced confidence in how they might be able to use that information. Failing to protect privacy and confidentiality can result in stigma and retribution, and ultimately will erode help-seeking behaviour, threaten the reputations of service providers, and put staff and vulnerable people at risk.

## Demand for data

At the core of work with displaced survivors of violence (including of gender-based violence) and in the protection of children and those with specific needs is their right to confidentiality. Trust between service

providers and clients is essential to providing effective help, and typically depends on assurances of privacy. Service providers are ethically obligated to protect client privacy and to ensure they do no harm. These precepts date back to the earliest versions of the Hippocratic Oath and are reaffirmed in the normative frameworks of social work and international aid, including those governing how information is managed in humanitarian settings.

How data are gathered, stored and secured, and how and why they are shared with other actors, demands diligence. To that end, IRC and other service providers have invested in building inter-agency systems and processes to ensure data are managed in a safe and ethical manner. These include the Child Protection Information Management System,<sup>1</sup> the Gender-based Violence Information Management System<sup>2</sup> and the Protection Information Management Initiative.<sup>3</sup> Inherent within these systems is the recognition that sound data sharing and reporting by donors and at coordination level can lead to multiple benefits by revealing gaps in programming, strengthening coordination and identifying opportunities for advocacy to improve programming. Each system includes clear and comprehensive data-sharing protocols and practices.

Yet despite these systems (some of which have been in place for a decade or more), the erosion of confidentiality practices is increasing. In some locations, donors' very broad interpretations of confidentiality and consent have diluted accepted standards, for example by arguing that once consent has been given to one organisation, that consent extends to the sharing of data with any other related party.

Donors are also making increased demands for sensitive, personally identifiable case management and incident information.

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This takes many forms, including: requests for proprietary access to data (whereby they own the data and make ultimate decisions about its use), the creation of unprotected paper libraries of case management files that can be accessed at will, and even insistence on participation in confidential case management sessions. Such demands are often exacerbated by donors harassing service providers, including by threatening to withdraw funding if the data are withheld. The demand for confidential data has reached a level that compromises programmes for vulnerable women and children and people with specific needs, threatens reporting, discourages people from seeking assistance and undermines client safety.

### Consequences for protection programming

Examples of these harmful practices abound globally, affecting frontline staff and the people we serve.<sup>4</sup> In East Africa, untrained staff from a donor agency adopted supervisor-like roles over specialised, trained service provider staff, forcing referrals to their own agency and conducting follow-up contact with survivors for which their consent had not been obtained.

In Asia, a donor agency drafted standard operating procedures that called for 'responsibility meetings' – essentially forced mediation sessions – to be an 'option' for survivors of intimate partner violence. Survivors declining to participate in this mediation with the perpetrator were referred to the refugee camp leadership for administrative or legal action. This fails to recognise the long-established evidence that, rather than resulting in the abuser choosing to stop using violence to control others, facilitated mediation (especially when applied by minimally trained staff) can introduce further threats to safety for survivors or staff.<sup>5</sup>

In another location in East Africa, caseworkers were working to relocate one female survivor to a safe location. Before the relocation could take place, staff from the donor agency funding the programme requested that the survivor be handed over to the male community leadership to be held indefinitely at a male community leader's

house, a request that staff presented as an attempt at mediation. Mediation should always be voluntary and is not a recommended intervention, especially if facilitated by untrained staff. In the process of making this request to move the survivor, the donor staff revealed her identity, and told the male leadership that the implementing agency's caseworker was at fault for the survivor seeking help. Thankfully, the survivor ultimately got to safety with the help of the implementing organisation and other agencies but the violations of ethical principles and of the commitment to do no harm in this case of wrongful disclosure are clear.

Each of these examples is further complicated by questions of cultural bias and paternalism. If these activities were taking place in the Global North, no doubt there would be objections and reforms would be demanded. And yet these compromises to client safety in Southern contexts continue without attracting widespread outrage and without a push for reform to mitigate these risks and hold accountable those with power. International non-governmental organisations (NGOs) can at times push back against donor pressure and threats, but local NGOs are generally more at the mercy of funders' demands and are often faced with the prospect of either giving in or being shut down. This is a fundamental and dangerous abuse of power that can no longer be ignored.

Although there has been some positive development, for example the introduction of the European Union's General Data Protection Regulation (GDPR), which focuses on the need to protect individuals' data, little has been done to hold the main humanitarian donors accountable or to standardise an ethical approach that applies globally and is not limited to certain locations. Instead, we now see open and active resistance to basic, internationally recognised ethical standards that should guide our work without question. Relationships between service providers and donor agencies should be based on partnership and mutual understanding, not coercion. Access to data should follow that same logic and must be based on shared and agreed standards.

## Recommendations

These evolving, harmful practices force the need for a new humanitarian imperative that builds on existing data protection legislation such as the GDPR but establishes the mandatory ethical management of data regardless of geographic location, under which standards are clear and uniformly followed and accountability mechanisms established. Accordingly, humanitarian actors should:

- ensure the safety and dignity of clients as the first priority, including by extensively regulating data-sharing protocols to ensure confidentiality, consent and related protections
- follow agreed standards for safe and ethical data management as set forth in inter-agency efforts
- recognise the value, and support the availability, of aggregated, anonymised data for analysis that leads to improvements in services, coordination and advocacy
- restore and defend the definitions of consent and confidentiality, recognising that having a 'mandate' does not replace consent and cannot be used as a specific reason for sharing data
- unite local and international organisations to jointly reject irresponsible and harmful data practices
- create an international body to identify and hold accountable fund-managing agencies

who engage in harmful data practices and violate established standards

While working hard to be of assistance, humanitarian actors often lose sight of the fact that clients' files should be considered in exactly the same way as their own personal medical or mental health records. Policymakers and donors must remember that behind each number and statistic are the girls, women, boys and men who, despite the risks of doing so, sought services. We owe it to them to work together to ensure that their rights to confidentiality, dignity and safety are protected.

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1. [www.cpims.org](http://www.cpims.org)
2. [www.gbvims.com](http://www.gbvims.com)
3. <https://pim.guide>
4. These examples are factual but some identifying information has been removed. They are drawn from IRC's work although many other organisations have also identified similar issues with large donors.
5. "The mediation process itself maintains and contributes to the male abuser's ongoing power and control over women and adolescent girls. The process of mediation presumes that both parties can speak equally freely, confidently and safely." IRC (2018) 'Intimate Partner Violence and Mediation', GBV Blended Curriculum [bit.ly/IRC-GBV-mediation-2018](https://bit.ly/IRC-GBV-mediation-2018)



Aubrey Graham/IRIN-UNOCHA

Women sit together outside a transit centre for women victims of sexual violence, Democratic Republic of Congo.

# New technologies in migration: human rights impacts

Petra Molnar

**States are keen to explore the use of new technologies in migration management, yet greater oversight and accountability mechanisms are needed in order to safeguard fundamental rights.**

Experiments with new technologies in migration management are increasing: from big data predictions about population movements in the Mediterranean, to the use of automated decision making in immigration and refugee applications, to artificial intelligence (AI) lie detectors deployed at European borders. The way that technology is used is a useful lens through which to highlight State practices and raise questions about democracy, power and accountability. Making migrants more trackable and detectable justifies the use of more technology and data collection in the name of national security, or even under the banner of humanitarianism and development. Yet technology is not inherently democratic and its human rights impacts are particularly important to consider in humanitarian and forced migration contexts.

## Data-driven humanitarianism

AI, machine learning, automated decision-making systems and predictive analytics are overlapping terms referring to a class of technologies that augment or replace human decision-makers. These systems process information in the form of input data, using an algorithm to generate an output. In its most basic form, an algorithm can be thought of as a set of instructions, like a recipe that learns. The data that are used by the algorithm to learn are varied and can be a body of case law, a collection of photographs or a database of statistics, some or all of which have been pre-categorised based on the designer's criteria. Such technologies can be used in various ways in different facets of 'migration management'.

Automated decision-making technologies require vast amounts of data from which they learn. For example, various UN projects have been relying on extremely large data sets –

'big data' – to predict population movements during and after conflicts and to make the delivery of humanitarian aid more efficient. However, data collection is not an apolitical exercise, particularly when powerful actors such as States or international organisations collect information on vulnerable people without regulated methods of oversight and accountability. The increasingly fervent collection of data on migrant populations – so-called data colonialism – can also result in privacy breaches and raise human rights concerns. Data collection on marginalised groups is also deeply historical. The Nazi regime relied on vast amounts of data on Jewish populations collected with the help of IBM; during the Rwandan genocide Tutsis were systematically tracked in ethnicity registries; and the US after the 9/11 attacks has collected vast amounts of data on individuals under suspicion through the Department of Homeland Security's National Security Entry-Exit Registration System. In an increasingly anti-immigrant global landscape, migration data have also been misinterpreted and misrepresented for political ends, for example to affect the distribution of aid funds and resources and to help advance anti-immigration policies.

## Informed consent and the private sector

The use of new technologies raises issues of free and informed consent, particularly in the increasing instances of reliance on biometric data. For example, in Jordan, refugees now have their irises scanned in order to receive their weekly food rations. But are they able to opt out from having their data collected and retained? An investigation by IRIN News (now The New Humanitarian) in Azraq refugee camp found that most refugees interviewed were uncomfortable with such technological experiments but felt

that they could not refuse if they wanted to eat.<sup>1</sup> Consent is not necessarily freely given if it is given under coercion, even if the coercive circumstances masquerade as efficiency and better service delivery.

Of particular concern is the growing role of the private sector in the collection, use and storage of these data. For example, the World Food Programme recently signed a US\$45 million deal with Palantir Technologies, a private company that has been widely criticised for providing the technology that supports the detention and deportation programmes run by US Immigration and Customs Enforcement (ICE). What will happen with the data of 92 million aid recipients when shared with Palantir? It is not yet clear whether data subjects will be able to refuse to have their data shared or whether there will be a model for accountability and transparency for data sharing made available to the public.

### Automating immigration

A 2018 report I co-authored explored the impacts of automated immigration decision making in Canada,<sup>2</sup> a practice with which other States that receive large numbers of immigrants are also experimenting. The report looks at how these processes create a laboratory for high-risk experiments within an already highly discretionary and opaque system. In the US, these experiments are already in full force. For example, in the wake of the Trump administration's executive orders on migration, ICE used an algorithm at the US–Mexico border which justified detention of migrants in every single case.<sup>3</sup>

Instances of bias in automated decision making, particularly regarding race and gender, are also widely documented. When algorithms rely on biased data they produce biased results. These biases have far-reaching results if they are embedded in the emerging technologies being used experimentally in migration. For example, in airports in Hungary, Latvia and Greece, a new pilot project spearheaded by a company called iBorderCtrl has introduced an AI-powered lie detector at border checkpoints.<sup>4</sup>

Passengers' faces will be monitored for signs of lying, and if the system becomes more 'sceptical' of a person through analysing a series of increasingly complicated questions, it will select them for further screening by a human officer. While this use might seem innocuous, can an automated decision-making system account for trauma and its effects on an asylum seeker's memory, or for cultural differences in communication? Furthermore, facial recognition technologies continue to struggle when analysing women and people with darker skin tones. These experimental uses of AI also, again, raise concerns about privacy and information sharing without people's consent.

What happens when an algorithm like this makes a mistake? For example, in May 2018, an algorithm led to the wrongful deportation of over 7,000 foreign students from the UK after concluding they had cheated on a language acquisition test after analysing sound files.<sup>5</sup> If you want to challenge an algorithmic decision like this in a court of law, is it the designer, the coder, the immigration officer or the algorithm itself who is liable? Much immigration and refugee decision making already occupies a difficult legal space. The impact on the rights and interests of individuals is often very significant, but great deference is given to the immigration decision-maker and the procedural safeguards are weak. It is unclear how a whole new system of decision making will affect mechanisms of redress. There is also a serious lack of clarity surrounding how courts will interpret algorithmic decision making and relevant administrative law principles such as procedural fairness and the right to an impartial decision-maker.

### Mechanisms for accountability and oversight

No global regulatory framework yet exists to oversee the use of new technologies in the management of migration. In much technological development, intellectual property laws and proprietary considerations prevent public access to data sets and impede full understanding of the technology. Although conversations around the ethics

of data and technology use are taking place, and broad global strategies and regional mechanisms are being explored, we need a sharper focus on mechanisms for oversight. Private sector actors already have an independent responsibility to ensure that the technologies they develop do not violate international human rights. Technologists, developers and engineers responsible for building this technology also have existing special ethical obligations to ensure that their work does not facilitate human rights violations. Unfortunately, the growth of government surveillance, immigration enforcement and border security programmes can incentivise and reward industry for developing rights-infringing technologies.

States must also commit to creating and enforcing such oversight mechanisms. Our report on automated decision making in Canada makes several recommendations for States and other actors in migration management with global applicability:

- commit to transparency and report publicly what technology is being developed and used
- adopt binding directives and laws that comply with internationally protected human rights obligations
- establish an independent body to oversee and review all use of automated technologies in migration management

- foster conversations between policymakers, academics, technologists and civil society on the risks and promises of using new technologies.

These emerging conversations must also address the lack of involvement of affected communities. Rather than more technology ‘for’ or ‘about’ refugees and migrants being developed and vast amounts of data being collected, people who have themselves experienced displacement should be at the centre of discussions around when and how emerging technologies should be integrated into refugee camps, border security or refugee hearings – if at all.

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This article is based on the author’s current research at the University of Cambridge.

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## Social media screening: Norway’s asylum system

Jan-Paul Brekke and Anne Balke Staver

**The growing use of data gathered from social media in asylum claim assessments raises critical yet underexplored ethical questions.**

Immigration authorities across Europe are increasingly finding asylum seekers’ social media profiles to be a valuable source of information in case processing, complementing the asylum interview. Access to applicants’ travel routes, photos, network of friends and record of other online activity represents a colossal technical and informational possibility, but these new

practices raise several woefully underexplored ethical and normative questions.<sup>1</sup>

### Questions for reflection and scrutiny

**Access:** Social media screening is a key feature of the initial processing of asylum applications in Norway. All asylum seekers in Norway are asked by police to provide their phones and Facebook login details



Mobile phones charging at a shelter for refugees and migrants.

when filing their application (at their first point of contact with authorities). First-hand access to a person's Facebook profile enables law enforcement officials to access an individual's complete Facebook history, comprising photos, friends, likes, interests, activities, travel routes and more. Analysis of asylum case files from 2018 shows that photos and information on

networks and geographical information taken from Facebook profiles can be decisive for the outcome of case processing. Government agents also access social media data (on the asylum seeker and their connections) not only by looking at publicly available data online but also by logging into social media platforms using constructed personas which cannot be traced back to the individual civil servant nor to the institution, in accordance with internal guidelines. This is intended to protect both civil servants and claimants.

**Consent:** Consent to provide their login credentials and phones must, according to the Norwegian Immigration Act and Regulations, be 'informed' and 'freely given'. One may question, however, whether the applicant at this stage of the asylum process could adequately foresee or comprehend the consequences of providing access to such information. Furthermore, the information may often concern friends or family members who have not given their own consent for it to be shared. And since consent is requested at the very first

point of contact between the police and the applicant there is a clear power imbalance and the consequences of refusing consent will also be unclear to the applicant. At a 2017 international conference on the topic of technology in asylum case processing, civil servants did not raise consent as a normative challenge when using Facebook to gather data;<sup>2</sup> information that was available on profiles marked 'public' was considered to be just that – public. Even in such cases, however, it is debatable whether it is appropriate to consider such data as relevant when it was clearly never intended for scrutiny by government employees such as asylum officers.

**Confidentiality:** The asylum procedure has traditionally been governed by strict norms of confidentiality, in particular with regard to non-disclosure of a person's asylum-seeking status to the alleged country of persecution.<sup>3</sup> When officers search Facebook or similar platforms for individuals who have claimed asylum, they leave behind traces and reveal (at the very least to the platform) their interest in the individual. In doing so they are introducing a third party into the proceedings that is not directly bound by the same confidentiality rules. Exactly what risks this may entail are unclear but in a worst-case scenario this information could fall into the wrong hands. Certain countries of origin have sophisticated cyber surveillance capabilities, and may monitor dissidents' social media activity. Asylum authorities and officers who take steps to conceal their activity may still be traceable and may inadvertently become a new source of risk to asylum seekers trying to escape persecution.

**Evidentiary value:** Information from Facebook is often used as evidence in immigration cases in Norway, in particular to validate claims of identity, networks and geographical origin. In most cases this information is supplemented by other evidence but in some cases social media data represented the sole source of new information leading to revocation of asylum. The frequent use on social media

platforms of aliases and fake affiliations are examples of phenomena that challenge the value of information from social media for use in case processing. Case workers are therefore directed to interpret the information in light of other evidence in the case, such as language tests and the perceived credibility of the claimant.

**Continued screening:** In Norway, the government has intensified its focus over the past few years on the revocation of residence permits that were given on faulty grounds, and on the cessation of refugee status for persons no longer in need of protection. In such cases, evidence drawn from social media activity after refugee status has been granted is often used to subsequently withdraw permits. This practice of reactivating social media screening raises new normative questions. Current practice involves immigration officers carrying out preliminary screenings, including systematic Facebook searches, in a variety of contexts which include applications launched by individuals themselves for permanent residence or citizenship. Such screening practices are often based on tips from other migrants and on information arising in other cases. In addition, overall risk-based screening of individuals of certain nationalities also takes place. Often revocation cases include renewed interviews with the migrant, in which Facebook screenshots, posts and photos from friends are often used to confront the individual with information related to their cases. Migrants are often not informed beforehand that social media information will be used during these interviews.

### What now?

There is a need for fundamental discussions about these technological developments and their impact in the asylum and migration context. Informants within Norwegian immigration authorities point to experiences of operating in 'uncharted waters' when they search social media for information. Clear national guidelines are needed to secure equitable treatment of cases and in order to create predictability for the migrants

themselves about the procedures that will take place. These should combine both the practical concerns of operative immigration management, including the limits of using false personas and what responsibilities follow from having gained access to login information, and ethical concerns pertaining to migrants' and citizen's rights, which include freedom of expression. Greater clarity is also needed regarding the evidentiary value of information derived from social media.

These discussions should also include the potential consequences for the migrants themselves, including whether withdrawal from social media communities can hamper social integration in host societies or whether the monitoring of some migrants at certain points in time could foster a sense among wider migrant communities of being under near-permanent surveillance. Other questions that arise include whether there should be limitations on when, and for how long, host-country authorities can monitor the social media activity of migrants, and whether individuals under scrutiny should be alerted, given the significant impact that revocation of refugee status and other immigration permits has on the lives of migrants and their families. Host countries must find a balance between using social media data to improve case processing efficiency and securing migrants' rights.

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1. Examples are drawn from Brekke J-P, Groenningsaeter AG and Larsen KM (2018) 'Revocation of residence permits – Due process and judicial oversight in processing of revocation cases in Norway', Institute for Social Research report No. 6 <http://hdl.handle.net/11250/2500937> and Brekke J-P, Birkvad S R and Erdal M B (2019, forthcoming) 'Losing the Right to Stay: Revocation of immigrant residence permits and citizenship in Norway – Experiences and effects', Institute for Social Research report <http://hdl.handle.net/11250/2599967>

2. [bit.ly/2TQBMSc](https://bit.ly/2TQBMSc)

3. See for example Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection [bit.ly/2013-32-EU](https://bit.ly/2013-32-EU)

## Developing ethical guidelines for research

Christina Clark-Kazak

**The IASFM has agreed an international code of ethics to guide research with displaced people. Challenges that arose during its development merit continued discussion.**

Despite the depth and breadth of the field of forced migration studies, until recently there were no specific ethical guidelines for research with displaced people. While the Refugee Studies Centre at the University of Oxford had adopted Ethical Guidelines for Good Research Practice,<sup>1</sup> these drew on existing general provisions from the Association of Social Anthropologists of the Commonwealth and were not specifically adapted to forced migration contexts. There is an important emerging literature on ethics in displacement<sup>2</sup> but researchers lacked a practical, comprehensive set of guidelines on which there was inter-disciplinary and cross-sectoral consensus.

This gap became apparent to Canadian-based researchers in the context of the resettlement of Syrians to Canada in 2015–16. Increased public, media and government interest, combined with a proliferation of research projects with Syrians, revealed a gap in understanding around how the general ethical principles of voluntary informed consent, respect for privacy and 'do no harm' should be applied to forced migration contexts. In particular, many academic and community-based researchers who had not previously worked with refugees lacked awareness of the specific ethical challenges posed by non-citizens' precarious legal status and their dependence on private sponsors, governments and service providers.

In response, York University's Centre for Refugee Studies, the Canadian Council for Refugees (CCR)<sup>3</sup> and the Canadian Association for Refugee and Forced Migration Studies (CARFMS) partnered to develop ethical considerations for research with refugees<sup>4</sup> plus tools for community organisations and refugees who are asked to participate in research<sup>5</sup>. Building on these Canadian-specific guidelines, the International Association for the Study of

Forced Migration (IASFM) undertook to develop a broader code of ethics<sup>6</sup> which was adopted by the membership in November 2018 and is reproduced below.

From the development of these documents in Canada and internationally, several lessons can be drawn. First, widespread consultation and collaboration were essential in order to understand the perspectives and needs of displaced people, non-governmental organisations (NGOs – who are respondents, gatekeepers and researchers), and researchers. Workshops at CCR, CARFMS and IASFM conferences allowed us to reach a range of stakeholders and build consensus despite diverging perspectives.

Second, it was important to strike a compromise between colleagues who were sceptical of 'guidelines' and 'codes' as inherently limiting, and those who wanted practical, prescriptive tools that would guide them when faced with ethical dilemmas in research. At the international level, this challenge was compounded by the acknowledgement that ethics are culturally constructed and thus context-specific. As a result, the Canadian documents are more detailed and audience-specific, while the IASFM code of ethics is more normative and principles-based.

Third, the development of these documents required those drafting them to squarely address power inequalities in the production of knowledge. There were frank conversations about the relative privilege of researchers, particularly those based in the Global North who had no personal experience with forced migration. In the Canadian context, inspiration was drawn from efforts to de-colonise methodologies in indigenous research, including the development of ethical guidelines for research with First Nations, Métis and Inuit people. Despite these efforts, the lead drafter of all the documents is a

white Canadian and the resulting resources inevitably reproduce unequal power relations. The Canadian and IASFM documents are framed as ‘considerations’ and ‘critical reflections’, respectively, to highlight the fact that ethical research is an ongoing process and they should thus be seen as starting points for ongoing reflection and action.

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1. Refugee Studies Centre (2007) ‘Ethical Guidelines for Good Research Practice’, *Refugee Survey Quarterly*, Volume 26, Issue 3, pp162–172 <https://academic.oup.com/rsq/article/26/3/162/1590874>
2. The contributions to this FMR issue are some recent examples; see also those listed at the end of the ethical guidelines cited in note 4.
3. An umbrella group of NGOs working with refugees.
4. Clark-Kazak C (2017) ‘Ethical Considerations: Research with People in Situations of Forced Migration’, *Refugee*, 33(2), pp11–17 [bit.ly/Refuge-ClarkKazak-2017-ethics](http://bit.ly/Refuge-ClarkKazak-2017-ethics)
5. <https://ccrweb.ca/en/ethical-considerations-research>
6. *IASFM Code of Ethics* (2018) [bit.ly/IASFM-code-ethics](http://bit.ly/IASFM-code-ethics)

## IASFM Code of Ethics: Critical reflections on research ethics in situations of forced migration

### Context:

Research with people in situations of forced migration poses particular ethical challenges because of unequal power relations, legal precariousness, extreme poverty, violence, the criminalization of migration, politicized research contexts, the policy relevance of our research and/or dependence on government and non-governmental services and funding. However, Research Ethics Boards (REBs) are not always aware of these particular ethical issues; some countries and institutions do not have REBs; and some kinds of research are not subject to REB approval. In this context of heightened risks of research, and uneven institutional accountability for research ethics, the International Association for the Study of Forced Migration (IASFM) hereby proposes this code of ethics for research with people in situations of forced migration. Similarly to how Indigenous research methodologies incorporate a broad, engaged and critical notion of ethics that recognizes power differentiations and the agency of the participants within exploitive research histories, this document sets forth principles that are starting points for respectful research.<sup>1</sup> It is intended to reflect the broad diversity of our membership, including those involved in gathering information – whether in an academic or community setting – as well as those who are asked to take part in research. That being said, we acknowledge that this is not a comprehensive nor exhaustive document, but rather a starting point for active, critical engagement with ethical issues.

1. See Kirkness V J and Barnhardt R (1991) ‘First Nations and higher education: The four R’s – Respect, relevance, reciprocity, responsibility’, *Journal of American Indian Education*, 1–15.

### Definitions:<sup>2</sup>

**Research** is defined as any activity that involves data collection and knowledge creation for, with and by people in situations of displacement. This includes, but is not limited to, interviews, focus group discussions, surveys, experiments, observation, and access to case files and administrative data. While not all of these activities are necessarily subject to formal ethics approval, this document contains important principles that apply to anyone involved in research-related activities with people in situations of forced migration.

A **researcher** is anyone who conducts research, including: students, academics, scholar-practitioners, and service providers collecting data for accreditation, reporting, analysis and/or evaluation.

The term **“people in situations of forced migration”** includes a broad spectrum of displacement, including asylum seekers, refugee claimants, those with refugee status, people whose refugee claims have been rejected, trafficked persons, and internally displaced persons. This document applies to research with all people who have been forced to leave their homes – regardless of the reason for their displacement – and therefore is not just focused on those who have refugee status.

A **gatekeeper** is anyone who formally or informally controls access to people in situations of forced migration. Examples include: government authorities; (self-)appointed “leaders” of groups; service providers; and heads of family or household.

2. This definitions section is adapted and reproduced, with permission, from CCR, CARFMS and CRS (2017) ‘Ethical Considerations: Research with People in Situations of Forced Migration – Executive Summary’ [bit.ly/ethics-summary](http://bit.ly/ethics-summary)

## Code of ethics

We will uphold, apply and adapt the key ethical principles of voluntary, informed consent; confidentiality and privacy; and “do no harm” to the specific contexts of forced migration. We also commit to work towards ensuring that our research improves people’s situations whenever possible. We acknowledge that the heightened risks that forced migration poses to both participants and researchers (as well as people who identify as both) requires proactive, thoughtful engagement and continuous critical reflection.

### In particular:

Genuine **voluntary, informed consent** can be challenging to obtain in forced migration contexts due to unequal power relations and dependence on service providers, who may also act as gatekeepers and/or researchers themselves. The psychosocial impacts of forced migration, as well as cultural and linguistic differences, may affect people’s ability to understand the consent process in order to make an informed decision about their participation in research. Researchers need to think carefully about how consent applies when dealing with documents and data produced by professionals, volunteers, authorities and others, which are based on information and stories that are not their own.

**Confidentiality and privacy** are particularly important where the immigration status, liberty and safety of participants and their friends, families and associates can be jeopardized by research findings. Researchers should pay attention to online methods for data collection, which may be subject to interception, as well as specific legal contexts which may require reporting of illegal or harmful activities. Interpreters, research assistants and gatekeepers should be made aware of these confidentiality and privacy issues, and, where appropriate, sign a confidentiality agreement.

“**Doing no harm**” in forced migration research means proactively prioritizing the dignity, safety and well-being of participants, partners, research assistants, interpreters and researchers. Particular attention should be paid to the ways in which research – directly or indirectly – can (re)traumatize, as well as contribute to racism, xenophobia and the criminalization of migration. Researchers should think carefully about the messaging that will be disseminated through interactions with media and policy makers. Researchers must also consider how their mere

presence in a specific location might heighten risks for workers and those in situation of forced migration.

In applying research ethics, we will uphold the following principles:

**Autonomy:** We will respect and promote the right of people in situations of forced migration to make their own decisions about their lives, their participation in research projects, and the way they are represented in research findings. We acknowledge that too often forced migration researchers are positioned as “experts” on other people’s lives and experiences, and too often speak for, or in the name of, people in forced migration.

**Equity:** We acknowledge intersecting, unequal power relations, which are exacerbated in forced migration contexts, and will take steps to mitigate their effect on research relationships and results. We are mindful that power relations can never be fully resolved, but commit ourselves to actively challenging repressive social structures.

**Diversity:** We recognize the diversity of experiences of forced migration and culturally specific research ethics. We will include a multitude of perspectives and proactively seek out those who are marginalized or excluded from decision-making and research processes.

**Competence:** We will use methodological approaches that are adapted to the cultural contexts in which we work, as well as the specific opportunities and challenges of forced migration. We will ensure adequate training for all involved in research projects, including students, research assistants, interpreters and gatekeepers.

**Partnership:** Forced migration scholarship often disproportionately benefits those who are least affected by displacement. To mitigate this problem and to promote maximum benefit from participation in research, we will include relevant partners throughout the research process, including formulating the research question, design, data collection, analysis and dissemination. Research project budgets will include funding for all partners to reflect the time, talent and contributions to the research. Researchers may also consider actively contributing their time and labour to projects, activities, events or actions which are unrelated to the research, but are undertaken by partners or the communities where research is being conducted.

## ‘Over-researched’ and ‘under-researched’ refugees

Naohiko Omata

**A number of ethical issues emerge from working with ‘over-researched’ and ‘under-researched’ refugee groups.**

Since 2012, I have been working at the Refugee Studies Centre at the University of Oxford, undertaking data collection on the economic lives of refugees and host communities in countries including Kenya, Uganda and Ethiopia. This article is based primarily on reflections from this research and my years of interactions with various groups of refugees living in refugee camps and urban areas.

### Over-researched groups

It is evident that some refugee populations are frequent subjects of ‘research’ – by academics, aid organisations, students and, to a certain extent, journalists. However, in the absence of concrete benefits from their participation in such studies, over-researched groups are increasingly distrustful and in some cases are declining to participate in further studies.

In my own work, I have noted the increasing expression of strong research fatigue from some groups, in particular refugees in Kakuma refugee camp, Kenya. Between 2016 and 2017, I conducted large-scale research in this camp. As usual I organised meetings with members of refugee representative bodies in the camp in order to introduce myself and our research and to seek their cooperation and participation.

At one meeting, after I explained the scope of the study and the rule of not providing financial compensation for research participants, some people asked what benefit our research would bring to them if we were not compensating them financially. I explained that this research project aimed to generate a better understanding of refugees in Kakuma among external stakeholders and ultimately to contribute to informing better policies for the refugees in the camp. At this point, one of the Somali elders stood up, pointed his finger at me, and commented:

*“I have been living in this refugee camp since 2008 and received so many researchers like you. They all mentioned the same thing you just said but nothing has changed. Each time, we cooperated with researchers but we have not seen any improvement in our life. I cannot trust what you said.”*

I encountered similar responses during fieldwork in Addis Ababa in late 2018. During interviews and focus group discussions with Eritrean refugee youth, a sense of fatigue and suspicion was visible, which of course affected the candidness of responses and engagement.

While refugees in Kakuma camp and in Addis Ababa live in very different circumstances – in protracted camps versus an urban capital – there emerged a shared sentiment of research fatigue and overall mistrust of researchers. As is widely documented, refugee participants engaging in research can often have high expectations for improvements as a result of their involvement. In focus group discussions, refugees expressed hopes that included an increase in humanitarian aid, the removal of regulations affecting their socio-economic rights, and better access to third-country resettlement. If these expectations are not met, or managed, disappointment and mistrust can arise over time.

This is an unfortunate result of the limited capacity of academic research to feed into policy actions, or at least of the unlikelihood that research will result in immediate policy changes in refugees’ surrounding environments. The fact that such groups of refugees continuously receive influxes of new researchers – like me – exacerbates their frustration and subsequently leads to their reluctance or refusal to participate in research.

### Under-researched groups

On the other hand, I have also come across several groups of ‘under-researched’ refugee populations, whose presence often remains

under the radar and whose voices are less audible in the global arena. One such group is minority refugees in Addis Ababa – that is, nationalities which represent only a small fraction of the overall populations of registered refugees. At the inception of our fieldwork in Addis Ababa in August 2018, with support from UNHCR, the UN Refugee Agency, we organised introductory meetings with representatives from refugee communities of different nationalities to describe the aim of our study and to request their participation. Given the limited time and financial resources of our project, we focused on nationalities which made up the largest refugee populations in this context – namely Eritreans and Somalis. When I explained our main ‘target’ refugee nationalities, a representative of Burundian refugees requested to be included in our study. According to him, the minority groups such as those from Great Lakes region have been almost entirely excluded from these studies. He emphatically told me: “We want to be part of your study. I want you to hear our challenges.”

Similar frustrations at feeling excluded from research were echoed by groups of refugees with disabilities and elderly refugees in Kampala, Uganda’s capital. Both groups had formed associations that were

officially registered with local government authorities. In separate interviews, executive members of both associations all cited the lack of attention from refugee-supporting organisations as the main reason for establishing their own institutions.

*“In Kampala, there are UNHCR, InterAid and other NGOs but they do not have any support programmes specifically designed for those with disabilities... we have been feeling marginalised. So we decided to come together to assist each other.”*

Both of these associations promote awareness-raising activities and provide support for members through provision of counselling, skills training and formation of saving groups; however the level of support is often inadequate to cover the challenges facing them.

The case of Burundian refugees in Addis Ababa demonstrates that the size of a particular refugee population often determines the level of interest from researchers and policymakers. In Addis Ababa, as of 2018, the recorded number of Burundian refugees was 57, compared with nearly 18,000 Eritrean refugees. In the face of limited resources and time constraints, most researchers usually focus on refugee groups with higher numbers.



A Somali refugee in the streets of Kakuma refugee camp.

Furthermore, some groups are considered to be less relevant in current policy contexts, particularly for the international refugee regime. For instance, while the volume of research on forced migrants has greatly increased, the number of studies specifically addressing the issues of older refugees and refugees with disabilities remains limited. It is difficult to know if the absence of specific assistance programmes from aid agencies for such groups can be a considered a reflection of the lack of research on them, or vice versa. However, as indicated above, these under-studied groups of refugees may indeed be particularly vulnerable, which might merit more urgent attention from researchers and aid organisations.

### Recommendations

For under-researched groups, researchers need to expand exploratory studies beyond current policy focuses. Under-researched groups may have some specific and complex but unaddressed challenges or vulnerabilities, which may not be able to produce statistically significant attention. For such issues, qualitative research with these groups can be a useful first step to glean their unheard views. Of course, conducting research itself provides no guarantee of any immediate changes for under-studied groups, and continued research that is not able to demonstrate impact may lead to the same pitfalls as 'over-researched' groups experience, including research fatigue and disillusionment. However, without a first step, their challenges will remain unaddressed. For some under-researched groups, researchers should highlight the need for research that informs policy in order to address neglected issues.

Meanwhile, for over-researched groups, it is vital that researchers, aid organisations, consulting firms, students and even journalists make concerted efforts not to conduct similar research with the same groups repeatedly. Coordination efforts should also include media and journalists working with refugees. While they may have different ethical codes of conduct and different purposes, from the perspective

of those who are 'being studied' it makes little difference whether they are media, academics or humanitarian agencies.

Data sharing between researchers and refugee-supporting agencies may be one way to mitigate the problem. Although the working procedures of academics and humanitarian actors differ considerably, academics are often able to gather rich empirical data which can be relevant for humanitarian agencies. For example, in 2013 we gave our full datasets in Uganda to UNHCR, on condition that UNHCR used the data strictly for programming purposes. This approach can work when done at the local level where both researchers and aid agencies share clear and concrete interests; while researchers share their data, UN and humanitarian agencies can provide logistical support for researchers and share their own data. To encourage this, academia needs to acknowledge the value of data sharing as an example of 'impact' and as a contribution to policymaking.

In addition, for over-researched groups, researchers should reconsider basic ethical research practices and implications for their work. While most researchers might embark on their studies with the aim of improving conditions for forced migrants, it is necessary to be open and honest about the possibilities and limitations of research projects in terms of making any – let alone immediate – policy changes in people's lives. It is imperative that we revisit how this basic reality can be communicated, diligently and responsibly, to refugee populations involved in research.

Moreover, the issue of reciprocity and fair reward for participants should be given more thought. Even when scholars are uncertain if the research outputs will ever be used by policymakers, a more direct and immediate way of providing reciprocal benefits for refugees is the provision of material compensation to participants. In addition to the actual costs accrued by participants due to research – such as transportation to research sites and their time – more consideration should be given to ensuring some level of reciprocity. Providing material compensation or gifts to participants is a controversial issue in forced migration studies. Nevertheless,

in light of the significant research fatigue as well as resentment for time wasted among some groups of refugees, the practice has undeniable merits.

Ultimately, if these ethical issues with under-researched and over-researched groups are left unattended, the accountability

and credibility of the research community in the eyes of refugee populations may be significantly undermined.

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## Research fatigue among Rwandan refugees in Uganda

Cleophas Karooma

**Refugees in Nakivale refugee settlement demonstrate research fatigue, yet a return visit by one particular researcher reveals an interesting twist to the tale.**

During my doctoral research<sup>1</sup> in 2009–13 with Rwandan refugees in Nakivale, one of Uganda's oldest refugee settlements, I noted many expressions of research fatigue during interviews. Complaints about over-research tend to arise from a combination of the sheer repetition, frequency and often redundancy of research in the camp, as well as a sense that research fails to bring any tangible or substantive change or benefit to the residents being studied. In some cases, research may be seen as part of a system of surveillance and control. In other cases, research may be seen as benefiting the lives and careers of researchers while leaving the lives of those being researched – the refugees – unimproved in any significant way, regardless of their contributions of information, time, energy and resources.

Between 2009 and 2013, the repatriation of Rwandan refugees (and the invocation of the Cessation Clause) attracted much attention from both local and international researchers. During data collection in 2011, a refugee woman leader angrily said:

*"We are tired of researchers coming to record our stories amidst all the problems we are encountering – forced repatriations, sleeping in the bush for fear of being rounded up at night and taken to Rwanda, reduction of our food rations, prohibition from accessing land and social services. Nobody cares. You just get our stories and videos of how we are suffering and [you] disappear."*

Another refugee asked, "Will your research feed my family?" A participant in a group discussion also noted, "We think that researchers take pride in our increasing problems in order to research more. ... We are still facing the same problems despite the number of researchers we have met."

Due to uncertainty and fear of being forced to return, most refugees were unwilling to trust anyone with their information. The interviewees believed that UNHCR, the UN Refugee Agency, had conspired with the governments of Uganda and Rwanda to force refugees back to Rwanda.<sup>2</sup> In addition, refugees may not be able to anticipate the consequences of their contribution to research projects; this uncertainty can frighten them and eventually thwart their participation.<sup>3</sup> In one case, a refugee woman who had told a researcher that she had saved people during the 1994 genocide told us of the insecurity and worry created when the researcher published her story with her name and photo.

In order to build trust and prove the voluntary and informed nature of interviewees' participation, I presented my informed consent forms and explained to the refugees that my study was for academic purposes. In one focus group discussion, however, a male participant said:

*"We know you want our stories to take them to ... the Rwandan government and UNHCR in order to*

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*chase us [out of Uganda]; you must be sent by them and you are here deceiving us that your research is for academic purposes."*

They labelled me an agent of the stakeholders that had planned their forcible return. However, I re-stated my purpose, showing my student/university identity cards. This additional information helped to build some trust and they eventually signed the consent forms. Having won some trust, however, another refugee man asked:

*"You said your study is for academic purposes. How is it going to help us? We are unwanted in Uganda. But we don't want to return to Rwanda. How will your research benefit us?"*

I explained that the research would come up with policy recommendations to influence policy in order to address the question of forcible repatriation – an explanation which sounded less than satisfactory to them.

The refugees were concerned about the promises made to them by researchers. They said that some researchers promise feedback and invitations to conferences; some promise scholarships for the refugees' children; others promise that the research will solve the refugees' problems. "I don't believe them anymore because they disappear as soon as they get our stories. When you follow up with a telephone call, they do not answer," said one interviewee.

Interviewees were also concerned about the impact of questions about their reluctance to return to Rwanda, pointing out that some questions reminded them of previous experiences or traumas. As one respondent said, "Some questions remind me about how my wife and children were killed in Rwanda. They bring back such horrible memories. And yet the researchers do not even follow up to find out whether we have recovered from the trauma they bring to us through their interviews." In such cases researchers should always look for ways to give immediate benefits – such as counselling and incentives – and feedback, rather than promising post-research dissemination, which may not even be possible as communities might have moved on by the time any research results emerge.

### Did they benefit?

After completion of my PhD, I made a return visit to Nakivale in 2015 to meet my respondents again and to get updates regarding repatriation and Cessation Clause processes. Although some people had already moved out of the camp and integrated into local Ugandan communities (for fear of the Cessation Clause), I was able to meet most of my respondents.

Now the refugees had a different view about research. They said it was because of research that they had not been chased out of Uganda. They recounted several pieces of research that had been published both locally and internationally, pointing to publications by the Refugee Law Project, Barbara Harrell-Bond's Fahamu project, other academics and several non-governmental organisations which fought for Rwandan refugees' right not to be returned forcibly. They also talked about some refugees who were actively writing about the Rwandan refugee problem and their reasons for not returning. Whereas previously they had dismissed the whole process as over-research which did not solve their problems, they now said that it was due to the researchers and other advocates that the Cessation Clause was not invoked in 2013. Given this change of attitude about the potential contribution of research, it would perhaps be helpful if camp administrators could raise wider awareness among refugees about the importance of research.

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## Over-researching migration ‘hotspots’? Ethical issues from the Carteret Islands

Johannes M Luetz

**The situation of the Carteret Islanders, often characterised as the first ‘climate change refugees’, has attracted much research interest. What is the impact of such interest? And are standard ethics compliance processes appropriate?**

A few years ago, as part of my research into climate change-related migration, I carried out a pilot study to measure how best to engage with individuals and communities in remote atolls to the north and northeast of Bougainville, an autonomous region of Papua New Guinea.<sup>1</sup> This location was specifically chosen following prior field research<sup>2</sup> looking into suggestions that islanders in this part of the world might be particularly affected by climate change-related rises in sea level, which have multiple causes and which vary across oceans depending on location.<sup>3</sup>

Over several weeks, the pilot study engaged research participants (both migrants and hosts in communities of origin and destination) in various locations; importantly, this included the Tulun Atoll, also known as the Carteret Islands or Kilinailau, a remote group of low-lying islands. Web search results indicate extensive media interest in the atoll and the present and anticipated forced relocation of its population of more than 2,000 due to imminent danger of inundation and permanent submersion. In short, media publicity appears to have made the Carteret Islands one of the most widely reported regions of interest in the world, with feature stories published by major global news outlets.<sup>4</sup> Given a certain tendency in news reporting toward sensationalist representations with headlines such as ‘Pacific Atlantis: first climate change refugees’<sup>5</sup> and recurrent characterisations of the Carteret Islanders as the world’s ‘first environmental refugees’ or ‘first climate change refugees’, the pilot study also set out to learn more about the preferred self-description/s of the islanders themselves.<sup>6</sup>

The pilot study raised important ethical issues and questions, including:

- How do communities perceive extensive and sustained outside interest in their situation?
- Is it possible to over-research locations or populations of interest, and how might this impact on the people or impinge on the results?
- Is there an ‘ideal’ amount of research? Given the unforeseen effects that research can have on communities in migration ‘hotspots’, is it better to err on the side of less research rather than more?
- Do communities in hard-to-access locations benefit sufficiently from media publicity and do they receive follow-up about research findings and outcomes?
- Might recurrent research visits, sustained over time, generate unrealistic expectations about possible future assistance regarding adaptation, relocation/resettlement and/or financial support?
- Does frequent interviewing generate ‘research fatigue’, and might habituation to repeated questioning over time itself influence or skew the research results?
- Does publicity ultimately contribute to the protection of vulnerable people by making their situation/s more widely known, or is it conceivable that vulnerable communities might even be in need of protection **from** publicity?
- Does publicity promote ‘disaster tourism’?
- Might it be ethical to regulate access to certain locations in some circumstances, or might such gatekeeping be experienced as unhelpful, patronising or inhibitive of

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knowledge creation and thus become **un-ethical**?

- Should Human Research Ethics Committees at universities incorporate additional guidelines into their research ethics procedures (for example, ensuring that findings are, at the very least, shared effectively with research participants), or might the cumulative administrative burden associated with governing burgeoning ethics compliance needlessly encumber or even impede future research?

While these questions cannot all be answered, it is likely that over-reporting on the Carteret Islands has, at least in part, contributed to a diminishing sense of local agency. Islanders could be forgiven for assuming that high levels of outside interest, sustained over years, would surely result in some kind of financial and/or practical assistance – which for the most part has not happened. In this sense, the media cycle has posed problems.

### **Ethics compliance – for whose sake?**

To me, as a researcher, the large amount of paperwork involved in recruiting

research participants for the study and documenting ethics compliance seemed time-consuming and cumbersome. The Participant Information and Consent Form consisted of pages of written information addressing such areas as participant selection process and purpose of study; description of study and risks; confidentiality and disclosure of information; complaints and feedback to participants. In view of low rates of education and literacy in the region of investigation, it needs to be asked whether extensive printed information in English is necessarily the best mechanism. Furthermore, participants were required to choose from a selection of options to indicate how their comments should be attributed. Participants were then required to date the form, print and sign their names in the presence of a witness (who was also required to print and sign their name, and state their relationship to the participant and/or provide additional information about themselves).

Research participants were also handed a Revocation of Consent form. This provided them with the option of revoking their consent if they subsequently changed



The two islets Huene One (foreground) and Huene Two on the Tulun Atoll.

their minds about having participated. However, bearing in mind that at the time of the research visit there was no electricity, email, mobile phone infrastructure, post office or regular ferry service on the atoll, using the revocation document would have posed significant practical hurdles for any islander wishing to revoke their prior consent. In any case, none were received.

A third form comprised a Confidentiality Statement for Interpreters to be signed, printed and dated, which also needed to be signed and printed by a witness. By signing the form, the interpreter also consented to “adhere to [university] ethics guidelines and procedures”. A fourth document, the Appearance Release form, was intended to ensure that any people filmed or photographed during the research consented to its use in “promotional, educational and editorial material including publications, marketing material, videos, television and webcasts”. The fifth and final document, the Location Release form, requested signed permission from signatories to allow the researcher to film and take photographs on the signatory’s property.

In practical terms, satisfying the administrative requirements of research ethics imposed by the university’s human research ethics advisory panel and the institution’s media department seemed to hamper researcher–participant interactions. After I had established a level of trust following a simple introduction, the subsequent production of forms requiring deliberation, explanation, comprehension and multiple signatures seemed to raise immediate suspicions about the motivations behind the research and whether the study really did have the people’s best interests at heart. Participants seemed visibly wary about why there was a need for this much legal formality. It is not inconceivable that earlier high-visibility media visits may have contributed to this scepticism. In this sense, over-reporting may well have contributed to islanders being particularly apprehensive about confirming written ethics consent.

To synthesise, conducting the pilot study raised several questions. For example, are

contemporary research ethics primarily concerned with protecting the interests of the study participants? Or are sponsoring institutions predominantly investing in protecting their own reputational interests, especially in view of today’s progressively litigious legal environment? And can one ever really obtain ‘informed written consent’ in research with displaced people, if the context is a communal culture with limited literacy and a strong oral tradition? Furthermore, what are the commonalities (and differences) between research ethics and media ethics? Finally, despite the pervasive media coverage of the Carteret Islands, there seems to be comparatively little genuine systematic empirical research available in the peer-reviewed literature. It seems that while the Carteret Islands may well have been over-visited and over-reported, it is unclear – if a rigorous definition of research is to be applied – that they have in fact been over-researched at all.

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# Ethics and accountability in researching sexual violence against men and boys

Sarah Chynoweth and Sarah Martin

**Researching sexual violence against men and boys in humanitarian settings requires navigating multiple ethics- and accountability-related tensions.**

In January 2018, the Women's Refugee Commission (WRC) launched the Sexual Violence Project, a three-year initiative focusing on sexual violence against displaced men and boys,<sup>1</sup> including gay, bisexual, transgender and others with diverse sexual orientation and gender identity and/or expression (GBT+). The project includes, among other activities, undertaking applied exploratory research among refugees in Bangladesh, Italy and Kenya. Given the sensitivity of the research topic, the vulnerability of the research participants and the potential for harm, addressing safety and ethical issues is paramount.

A first step in undertaking research that directly involves people is to secure ethics approval from an appropriate body, yet academic and governmental ethics review boards are frequently unfamiliar with, and may be resistant to approving, research in humanitarian settings. Further, humanitarian actors frequently grapple with limited internal research capacity, limited and/or restricted funding, and time pressures due to donor requirements and pressing humanitarian needs. Pursuing ethics approval for research may be perceived as time-consuming, too challenging or unnecessary. However, this step is essential, particularly given the absence of functioning protection systems in many humanitarian settings. If ethics approval is secured from an institution outside the country of study, approval should also be sought from a national Institutional Review Board (IRB) or other local accredited body. (In settings with corrupt, dysfunctional or nonexistent ethics boards, securing local approval may not be viable, and alternatives can be considered.)

For example, for the WRC Sexual Violence Project, we secured ethics approval from the

University of New South Wales in Australia and KEMRI, a national research body, in Kenya. However, different barriers impeded obtaining ethics approval in Italy and Bangladesh, including the paucity of IRBs that review non-medical research, limited project funding, and time constraints. In lieu of a formal review process, we established national reference groups with local researchers and protection experts to review the research protocol and tools, provide guidance on cultural and political issues, and generally advise on ethical concerns. In Italy, although we were informed that the University of Palermo does not have a formal IRB for social science research, we asked the Department of Psychological, Pedagogical and Education Services to informally review and provide written approval of the research protocol. In addition, we convened a global advisory board with 12 technical experts to review the protocol and tools and provide input on ethical considerations.

## Adherence to ethical guidelines

The World Health Organization's ethical guidelines<sup>2</sup> state that interviewing survivors of sexual violence should only be undertaken as a last resort. Interviews with survivors were not deemed necessary for achieving our research aims, or ethical given the vulnerability of the participants and the potential for adverse impacts; second- and third-hand accounts of sexual violence are sufficient. However, despite emphasising to participants that they do not need to share personal experiences of violence, some do spontaneously disclose such experiences, including in focus groups with other community members.

In order to direct survivors to assistance, we developed participant information sheets

(translated into relevant languages) which include local referral points for health and psychosocial care and which were vetted by gender-based violence, protection and/or health specialists. These information sheets are offered to all participants, regardless of whether they have disclosed personal experiences of violence or not. The term 'sexual violence' is omitted from the form in order to promote confidentiality and minimise stigmatisation and any other potential negative repercussions. An existing distress protocol<sup>3</sup> was also adapted to assist researchers to identify indications of distress during an interview or focus group and respond accordingly. Informed consent is requested at the beginning of the focus group and we also check with participants throughout the discussion to emphasise their right to skip questions or leave, without repercussions.

### **Ethical considerations involving adolescents**

According to WHO's ethical guidelines, additional safeguards must be put in place if research directly involves children. Capturing adolescents' inputs is important to understand the nature, characteristics and impacts of sexual violence against boys as well as to identify barriers to and aspects that promote service uptake. To avoid reproducing the shortcomings of initial research on violence against women, which largely omitted adolescent girls, we included additional ethical considerations in the research process to ensure adolescent participants (aged 15–17) could be included.

Prior to data collection, informed consent is sought from the parents of adolescent participants; among unaccompanied minors, consent is sought from an institutional guardian such as a social worker or psychologist. A guardian, social worker, psychologist and/or gender-based violence expert is present during all focus groups with unaccompanied minors. Vulnerable adolescents with limited protection and support – such as unaccompanied minors living in informal settlements – are excluded from the sample.

As the project advances, we are reflecting on how to better ethically engage adolescent participants. In addition to asking adolescent refugees to provide examples of refusing consent, we found it effective to provide a variety of verbal examples of declining consent, refusing answers and deciding to withdraw, so adolescents had that language at their fingertips; indeed, some adolescents used this language to skip questions or leave during the discussion.

Translated summaries of the research are shared with key informants and operational research partners for local distribution to ensure refugees and local service providers are informed of findings and recommendations. In collaboration with UNICEF Italy, we developed an adolescent-friendly summary of the research findings, using appropriate language and graphics.

### **Navigating ethics and emotions**

We feel a deep ethical responsibility to ensure that participants' voices and experiences are responsibly documented and shared. Many ask us to "tell people what happened to me so they will do something about it". Research participants recount tales of terrible violence and loss, and some shed tears. Service providers may also display emotion. In one setting, a provider wept while recounting the story of a refugee boy who had been disfigured for smiling too much. This can take an emotional toll on even the most seasoned aid worker, and re-engaging with accounts of violence and injustice through cleaning, coding and analysing the data, in addition to writing up the findings, can also cause distress.

As such, we work to prioritise self-care practices, including limiting the time spent engaging with difficult data and cultivating positive support networks outside work. We are also developing a training module with UNICEF to support cultural mediators (interpreters) to better respond to disclosures of sexual violence and reduce vicarious traumatisation, while in Bangladesh we are supporting a project with Legal Action Worldwide to develop the capacity of Rohingya focal

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points to better link male and third-gender survivors with services, which includes a self-care component for the focal points.

### Ensuring accountability to women and girls

As more attention is given to sexual violence against men and boys, accountability to women and girls and promoting gender equality need to be prioritised. This means, for example, ensuring that programmes and advocacy for male survivors do not reinforce harmful patriarchal norms or practices, or erode resources or attention from women and girls. Dedicated spaces, funding and programmes for women and girls in the humanitarian sector are recent, hard-won achievements but the increased global attention and advocacy around women and girls have not translated into consistent funding or systematic service provision on the ground. We work to dispel the myth that post sexual violence services are widely available for women and girls but not for men and boys. Across humanitarian settings, these services frequently require strengthening for all survivors. As such, we do not advocate for attention to and services for male survivors alone, but for comprehensive, complementary services that meet the needs of all survivors of sexual violence – female, male and those with diverse sexual orientation and gender expression or identity.

### Reflections

Throughout the research process, project staff and advisory group members have reflected on how ethical considerations and accountability could have been improved within the project. In particular:

- Additional inclusion of representatives from local women's and GBT+ groups and/or refugees on the national

reference committees could have further strengthened accountability to women, girls and GBT+ persons. Too often, IRBs are composed of academics and experts from the Global North with limited, if any, inclusion of individuals who can articulate the perspective of the research participants.

- Although research findings are shared with local service providers, further follow-up could be undertaken to promote wider dissemination among the refugee populations.
- The resilience of the refugee research participants who share their stories with us is remarkable. We wonder, however, whether these participants encounter adverse emotional or social impacts after the focus group discussion, and what additional measures can be undertaken to enhance their well-being. Through the second phase of the project we will maintain a focus on supporting survivors to access good-quality mental health care and psychosocial support, among other services.

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## Ethics and consent in settlement service delivery

Carla Nayton and Sally Baker

**Service providers working in settlement contexts could draw more on research principles in order to better enable new arrivals to understand questions of rights and consent.**

There is a strong mandate in academic work to carefully plan and conduct research projects in alignment with the four tenets of ethical research: non-maleficence, beneficence, justice and autonomy. Indeed, university-based researchers cannot proceed without approval from an independent institutional ethics review board. Such oversight, however, is not as commonplace in the settlement sector, and the lines can become blurred when a service delivery organisation is seeking to engage its clients in programme research and evaluation, or in advocacy.

Our work in the settlement sector in Australia has highlighted continuing challenges with regard to gaining ongoing informed consent and ensuring that clients understand the remit of the formal contract that they enter into with the service delivery organisation. We argue that it could be beneficial for service providers to draw on scholarly ethical research principles to develop better practices to ensure that settlement practitioners do not inadvertently do harm, act in ways that are unjust, or obstruct a person's right to make autonomous decisions about their participation.

### Managing consent and expectations

In service delivery organisations, client privacy and consent forms are broadly equivalent to the information and consent forms required in research, serving a legal function in protecting both the individual and the organisation. They cover important legislative requirements, and ensure that service providers adhere to organisational requirements. The Asylum Seeker Resource Centre (ASRC) in Footscray, a suburb of Melbourne, Australia, uses a Rights and Responsibilities Charter (RRC) and Client Consent to Share Information form for this purpose. The RRC is a form developed by the organisation for internal use that new members sign to consent to the

collection of their personal information and to authorise the organisation to share this data in certain ways in order for appropriate, wrap-around services to be provided. The form also clarifies the expectations for client and service provider engagement (namely, rights and responsibilities).

When an individual accesses ASRC support or services they are required to sign the RRC, which is available both in English and in a number of community languages (Persian, Dari, Malay and Urdu). The RRC should be explained in a language they understand, using an interpreter if required, so that they can confirm that they understand their rights and responsibilities. We argue, however, that many clients would not risk challenging the terms of the contract or refusing to sign the document due to concerns about losing access to services.

In terms of expectations, when a focus group was held with 11 programme participants in February 2019 to determine the participants' experience of the ASRC's Women's Empowerment Program, an ethical challenge emerged around how to recognise their contribution. The majority of the women are either on very low incomes or are unemployed. After careful consideration, it was decided that AU\$25 in the form of a supermarket gift voucher would be provided to recognise the women's time, travel and input. At the crux of this ethical dilemma was whether this would set a precedent, establishing an expectation that contributions to the development and improvement of delivery would always involve a form of compensation. Given ASRC's limited resources, this is neither sustainable nor realistic.

Similar to research settings, service delivery organisations like the ASRC are responsible for doing no harm by managing expectations; they have a moral obligation to improve people's lives (beneficence);

they have to work in ways that are fair and transparent; and they have to ensure that conditions for mutually respectful engagement are established. In addition, service providers have a responsibility to recognise the power imbalance inherent in soliciting information from vulnerable communities or people seeking asylum whose opportunities are constrained by virtue of having limited access to resources.

In particular, being reflexive is paramount. Reflexivity – the “process of critical reflection both on the kind of knowledge produced from research and how that knowledge is generated”<sup>1</sup> – is needed when considering how the ethical challenges of gaining informed consent are exacerbated by the fact that people are using the service because of their extreme financial precarity. In these cases, service providers need to question whether there may then be a perception of obligation – even quasi-coercion – when clients are ‘asked’ to participate in activities, and to consider how those feelings of obligation to the organisation might be mitigated.

Moreover, service providers need to be mindful also of where and how participants’ perceptions and opinions are represented elsewhere. Client-participants might not be aware that when they take part in one programme, their words may be reproduced in another setting; anonymised and composite stories are frequently used as case-studies for programme evaluation for funders or for advocacy purposes.

### What more needs to be done?

The ASRC, like many other service delivery providers, uses the RRC to ensure that the expectations of both the client and the ASRC are clearly established from the outset of the partnership. However, no form can act as a ‘catch-all’ for the different ethical complexities that can emerge from working with and for vulnerable people. In the ASRC, we promote the following to ensure informed consent:

- Be culturally aware: the RRC is a long and difficult document; it may be unfamiliar and its nuances may be hard to appreciate for people from different cultures.
- Understand English language barriers to comprehension: paraphrase the main points in plain English, clarify and check for understanding, and use an interpreter if a person’s grasp of English is considered insufficient for informed consent to be given.
- Be trauma-informed and trustworthy: when people are under stress, their memory is impaired and they may not remember signing the RRC or recall what it contains; give them a copy so that they can read it again.
- Ensure client consent is continually negotiated and recognise that the client/service provider relationship will change over time.
- Provide options and choice: individuals accessing support should understand the range of ways they can be involved and that they can both opt in and opt out; by reiterating choice and agency, the service provider can share its power with the clients or members.

We end by suggesting that settlement service providers could benefit from forming oversight committees – similar to university ethics review boards but less standardised and more informal – that could meet to discuss and offer guidance on the kinds of ethical challenges that we have described here. There are many examples of good, ethically informed settlement practices; however, without working collectively and having conversations about ethics standard practice, settlement service providers run the risk of inadvertently doing harm.

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## Ethical primary research by humanitarian actors

Prisca Benelli and Tamara Low

**As humanitarian agencies increasingly follow the example of academia in establishing ethics review committees, one such agency reflects on the benefits and drawbacks.**

In the late 1970s and early 1980s, Western research bodies and governments started establishing internal ethics review committees and these have now become the main way academic institutions address ethical concerns. In the case of non-governmental organisations (NGOs), despite conducting primary data collection as part of needs assessments, monitoring and evaluation, many of them formerly did not see research as being core to their mission. There was also an assumption that humanitarian guiding principles such as humanity, neutrality and impartiality were sufficient as a broad ethical framework for research activities.

However, as research becomes more complex, professionalised and increasingly integral to the activities of humanitarian actors both in the field and in advocacy, many NGOs are now setting up systems and processes to guide their research, following to some extent the routes taken by academia. Donors are also influencing this trend as they increasingly require those they fund to meet formal ethical requirements.

In October 2018, Save the Children UK (SCUK)<sup>1</sup> launched its own internal Research and Evaluations Policy, which includes provisions on research ethics and established an independent ethics review committee made up of external experts. The policy requires any primary research which SCUK is involved in to be reviewed by the committee. Shortly after its launch, we were asked by colleagues to lead on two pieces of primary research. This research involved collecting qualitative data in Nigeria and in the Democratic Republic of Congo from children affected by conflict and their caregivers as part of Save the Children's work to protect children in conflict. As part of this we worked with colleagues to produce two desk reviews to understand how to tailor

data collection to fill identified gaps; it soon became clear to us that some aspects of the planned research were already known about, thanks to studies by other actors.

### Is primary data research necessary?

'Bad' research is not just research that lacks sufficient rigour; it also encompasses research that collects primary data to answer questions for which information is already available. Humanitarian actors are increasingly asked to be aware of potential 'assessment fatigue' and where possible to minimise primary data collection by increasing data sharing with other agencies and/or undertaking joint needs assessments. Any ethical consideration must start with a review of secondary sources in order to ensure primary data is only collected when absolutely necessary. With regard to data utilisation, however, poor knowledge management and high turnover of humanitarian personnel mean awareness of the data is poor, and this limits potential use. And in humanitarian crises, where contexts evolve continuously, and especially in protracted crises, aid organisations also face the challenge of understanding how long existing data remain relevant. As donors expect data to underpin proposals for new programmes, the question of maximising data use while ensuring data relevance is an important point for consideration, and one that cannot be addressed simply by an ethics review.

We hope that work under the Grand Bargain<sup>2</sup> will facilitate humanitarian research that is more ethical by encouraging efforts to seek published literature on the topic and better data sharing, knowledge management and intersectoral analysis. In addition, we recommend embedding secondary reviews as a requirement in ethical research procedures and considerations.

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### The application process

For our research on children in conflict, after checking for secondary sources we then prepared the application form for the ethics review committee. The form incorporates an analysis of potential risks for participants and mitigating factors, matters that may arise among participants and possible channels for referral, and the informed consent process. While on paper much of what was covered is standard practice in our work, in the face of competing priorities there is always a temptation to leave the planning for these aspects until the last minute. In humanitarian contexts the urgent need for evidence often takes precedence over the need for well-planned tools and data collection methods, meaning that aspects such as informed consent, anonymisation, data retention and enumerators' training can become afterthoughts. We therefore found that the requirement to put all these considerations in writing in advance provided a valuable check to ensure that SCUK-supported research meets minimum ethical requirements.

However, in some instances it felt burdensome to have to articulate to external reviewers some information that would have been clear to another SC colleague: for instance, we had to describe the steps we would take to ensure confidentiality but many of these steps are standard SCUK procedures, such as password-protecting access to any computer. For humanitarian contexts it is essential that these application processes are simple, concise and come with standard and transparent guidelines to ensure that staff view the process as a useful step in the research process rather than an administrative burden.

### Usefulness of a review committee

Through the ethics review committee, two external experts evaluated the research

design and proposed improvements.

This was useful in highlighting areas we had not thought of, and was all the more useful when the experts provided practical recommendations. Inevitably, though, their relative lack of knowledge of SCUK's ways of working and resources meant that they sometimes missed potential improvements or ways to fill gaps – or made suggestions that were not feasible given, for example, the country context in which the research was to be conducted. We personally feel that there are advantages in having external reviewers but they should not replace internal reviewers. Having an expert with humanitarian experience and knowledge of the organisation's ways of working and

of the country in question is critical to ensuring flexible, quality research.

While our experience is, in many ways, unique to SCUK, we urge humanitarian actors to find meaningful and practical ways to ensure they follow ethical procedures and practice in order to protect research participants and support the people whom the research is seeking to serve.<sup>3</sup>

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1. The articles use the acronym SC to describe aspects that pertain to the whole Save the Children movement (of 28 member organisations), and SCUK to refer specifically to Save the Children UK. Save the Children US (SCUS) has had a review policy and system since 2016. The SCUK and SCUS policies and procedures share similarities but are distinct and work in different ways; at the time of writing, we are exploring aligning or merging the two.

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3. The writing of this article was supported by UK Research and Innovation as part of the Global Challenges Research Fund, grant number ES/P010873/1.



Bakassi IDP camp, Maiduguri, Nigeria.

## EU migration strategy: compromising principled humanitarian action

Anaïs Faure Atger

**EU migration policies are undermining basic humanitarian principles and making it more difficult for humanitarian actors to uphold their ethical commitments.**

Over recent years, EU migration policies have negatively affected the conditions under which humanitarian actors can carry out their work along migration routes. National Red Cross Societies are witnessing with concern how these policies are narrowing the space for them to act in accordance with their fundamental principles, and in particular those of humanity, impartiality, independence and neutrality.<sup>1</sup>

In efforts to reduce irregular migration by prioritising anti-smuggling and anti-trafficking measures, current EU policies and priorities are contributing to the criminalisation of assistance to migrants. In several EU Member States, individuals assisting migrants have been threatened with criminal prosecution for allegedly facilitating irregular entry or stay. While most accusations have later proved to be unfounded, some individuals have indeed been prosecuted. In 2018 in France, for example, several citizens providing assistance and transportation in life-threatening situations were summoned to court on grounds of smuggling. In Belgium, people offering shelter to migrants in transit were arrested and accused of human trafficking. Even when not criminalised, these types of acts of compassion are increasingly hindered by a variety of dissuasion and intimidation strategies. In Hungary, certain organisations and individuals are being labelled as having 'pro-migration' affiliations in an attempt to stigmatise those supporting migrants. In Greece, volunteers assisting migrants are often intimidated and subject to police harassment.

Across Europe, and even more visibly at borders, increasing numbers of administrative decisions and rules have been applied with the aim of narrowing

the scope of humanitarian acts. Often, their objective is to limit and control access to the locations where migrants are.<sup>2</sup> In Hungary, legislation passed in 2018 prevents individuals and organisations from providing assistance along the country's borders; as a result, migrants there experience extreme destitution and sustained health problems.

The most publicised attempts to criminalise assistance to migrants have related to search and rescue activities in the Mediterranean. Although maritime law is unequivocal when it comes to the duty to aid boats in distress, there have been increasing controversies around the legitimacy of operations aimed at saving migrant boats. Aside from being accused of facilitating smuggling and trafficking, civil society organisations performing search and rescue operations in the Mediterranean have been subjected to smear campaigns and legal restrictions. The Code of Conduct imposed by the Italian authorities in 2017 aimed to reassert government control over the operations but effectively required humanitarian organisations to relinquish some of their principles, in particular by its blurring of the separation of law enforcement and humanitarian activities.<sup>3</sup>

Besides putting many lives at risk, these trends have had a broader impact on the entire humanitarian sector by creating suspicion towards the work of humanitarians. When the legitimacy of protecting life and health and ensuring respect for human dignity is questioned, the principle of **humanity** is jeopardised.<sup>4</sup> Such criminalisation of assistance inevitably affects the general public's perception of these humanitarian organisations whose work is therefore undermined and their reputations suffer. Indeed, organisations such as the Red

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Cross are encountering increasing difficulties in recruiting volunteers for migration-related activities. In addition, donations to charities performing such activities have fallen. In the most extreme cases, humanitarian actors have suffered physical threats.

### Politicisation of EU aid

The means by which humanitarian actors can operate are further challenged by recent trends in institutional funding modalities and priorities. EU international aid is increasingly moving away from development towards migration management objectives. Regions situated along the routes to Europe now receive the largest proportion of funding, as EU donors consider them strategic in addressing the root causes of migration. Programmes targeting would-be migrants (often young males in rural areas) are prioritised at the expense of activities aimed at other groups. **Impartiality** is threatened as the needs of certain populations risk being overlooked. There is also the danger of entrenching discriminatory practices in international aid programmes.

The European Union Emergency Trust Fund for stability and addressing root causes of irregular migration and displaced persons in Africa (EUTF for Africa)<sup>5</sup> is a recent example of the intertwining of border control, security and development objectives. It aims to support migration management, including through the prevention of irregular migration, enforcement of border controls and implementation of return and readmission policies. Organisations wishing to access the EUTF are required to work with actors such as law enforcement actors, who may have different objectives and ethics; this jeopardises the humanitarian organisations' **neutrality**. As EU aid to third countries is increasingly made conditional upon cooperation on EU migration management priorities, implementers of such funding risk becoming associated with these migration control objectives. Efforts to curb migration limit the scope for needs-based interventions, narrowing the space for humanitarian actors to act – and affecting their **independence**.

This trend is further reinforced as the EU and its Member States legitimise certain policy decisions by involving non-governmental organisations (NGOs) and UN agencies. The EUTF, for example, funds efforts by both NGOs and the UN to improve detention conditions and infrastructure in Libya – but the overcrowding of these facilities is a direct consequence of EU efforts to contain migrants in neighbouring third countries. The EU and its Member States appear to counter-balance their restrictive policy measures by funding aid organisations to address the needs that they create. Such politicisation of EU aid jeopardises the neutrality of humanitarian actors, as they are forced to either disengage or be associated with this political agenda. Some humanitarian organisations have taken the position that by remaining recipients of EU aid they become complicit in the perpetration of human rights violations. Following the implementation of the EU–Turkey statement in 2016, for instance, Médecins Sans Frontières announced it would no longer accept money from the EU, saying that it could not be funded by States and institutions and at the same time treat the victims of their policies.

### Instrumentalisation of the humanitarian sector

In a context where migrants are facing increased risks along the routes to the EU, humanitarian actors are called upon to play a bigger role in responding to migrants' greater vulnerabilities. Such actors often supplement, and at times substitute for, public authorities in their duty to save, heal and protect. However, although authorities rely on humanitarian actors, such actors are having to deliver assistance in a context of reduced financial support and tighter legal requirements. This is particularly obvious when examining the conditions and budgets under which National Red Cross Societies are asked to run migrant reception centres across Europe.

Ironically, although humanitarian actors are asked to respond to situations which are often the foreseeable consequences of harmful policy choices, they are not

consulted when it comes to anticipating and reducing the factors contributing to the emergence of such needs. In the case of the EU–Turkey statement, European Red Cross Societies joined other civil society actors in expressing their grave concerns regarding the humanitarian implications of implementing this agreement. They identified policy recommendations and offered support in finding durable and more humane solutions.<sup>6</sup> These opinions were nonetheless met with indifference. Paradoxically, the EU–Turkey statement was portrayed by most decision makers as a humane way to stop migrants putting their lives at risk in a sea crossing between Greece and Turkey. Three years later, the living conditions of migrants confined to the Greek islands as a result of the agreement continue to threaten their dignity.

Another worrying associated development relates to how State authorities are challenging the autonomy of humanitarian action. Humanitarian activities are at times used to facilitate migration control operations. In several Member States, organisations have reported that migrants risk being rounded up by immigration officers at points of service delivery. Humanitarian actors are also increasingly called on to grant immigration authorities access to their premises, services and data. At the end of 2017, the French government issued a decree allowing immigration officers to enter homeless shelters to verify people's immigration status. In Ventimiglia, Italy, the police are stationed at the entrance of the Red Cross transit centre, registering all entries. Such manipulation of humanitarian activities affects the independence of humanitarian actors, a principle which is essential to guaranteeing their access to the most vulnerable.

### Restoring the balance

While States have always exerted some control over humanitarian actors, the scale of the threat to principled humanitarian action with migrants has recently increased. Universally accepted humanitarian principles are challenged, and even established humanitarian actors, such as National Red Cross Societies, are affected. As the

space for humanitarian actors to operate independently and in accordance with their mandate is reduced, so too is their capacity to meet the needs of migrants.

A balanced relationship between authorities and humanitarian organisations needs to be restored. This requires re-establishing meaningful dialogue between authorities and humanitarian actors, focusing on the humanitarian consequences of current EU migration policy choices and on the best way to address these. Together they should work to better identify those factors that prevent migrants from accessing basic services and should collaborate on whatever policy changes and programming improvements are needed.

States need urgently to respect and reaffirm humanitarian organisations' ability to act in accordance with their principles in all contexts, including in the politicised context of migration. This should be publicly acknowledged and practically supported by restoring the legal, financial and administrative conditions necessary for principled humanitarian interventions. Organisations such as the National Red Cross and Red Crescent Societies must be allowed to provide humanitarian services to all migrants, regardless of their legal status. This right should be protected, and humanitarian assistance should never be criminalised; this also requires explicitly excluding acts of humanity from the scope of anti-smuggling legislation.

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# A humanitarian approach to travel medicine?

Marta Aleksandra Balinska

**When MSF recently piloted travel medicine services for people travelling along migration routes in Greece, various ethical challenges and moral dilemmas emerged.**

Travel medicine (TM) as a specific field emerged in the 1980s, driven in great part by the pharmaceutical industry catering for tourists from northern countries visiting tropical areas. However, why should travel-tailored health care be reserved for wealthy travellers? What about the millions of vulnerable people forced to flee their homes in the face of violence, natural catastrophe and extreme poverty, who run much greater health risks than tourists?

At Médecins Sans Frontières (MSF) we have been providing acute health care to displaced people for decades but little attention has been paid to continuity of care along migration routes. In order to develop a more comprehensive approach for people on the move, we decided to pilot a formalised TM service within our projects in Greece. However, there are a number of ethical challenges and moral dilemmas inherent in such an approach.

Travel medicine is meant to help healthy travellers avoid illness and to provide support and resources to travellers with pre-existing morbidities. It is about empowering the traveller to look after his/her own health thanks to adequate knowledge (health promotion, patient education), pertinent information (available resources before, during, and after travel) and medical means (therapeutics, vaccines). (Extracted from MSF's definition of TM)

## Ethical challenges

Within the TM community, the drive to expand services to migrants came from the infectious disease specialists – not surprising, given the role that migration has played over millennia in the spread of disease. It is thus in the interest both of travellers/migrants and host communities to develop sound policies to limit infectious disease spread. However, this raises three concrete ethical challenges for MSF.

Firstly, how do we raise awareness of the importance of monitoring potential disease spread and health promotion for groups at risk while avoiding scapegoating? (For example, the majority of new cases of HIV infection in France in the heterosexual population are occurring in migrant communities from sub-Saharan Africa.<sup>1</sup>)

Secondly, is it morally acceptable to screen population groups for infectious diseases if we are unable to ensure them with appropriate follow-up? (For example, we know that Pakistan has a very high prevalence of viral hepatitis but if we screen a Pakistani migrant without legal papers will we be able to guarantee s/he accesses care if s/he develops the disease?)

Thirdly, could a positive result for a contagious disease be used as a reason to refuse entry into a given country, lead to *refoulement* or justify containment policies? (Infection with tuberculosis, for example, has often been used in the past to turn back migrants at border crossings.)

Additionally, MSF has data showing that, in the context of the European 'migration crisis', health is not the primary concern of migrants. Instead, their over-riding goal is reaching their destination. This priority may directly conflict with our own value system as health-care providers, which is to protect the physical well-being of our patient. In addition, there are several ways in which we can involuntarily and indirectly contribute to harm.

**Example A:** *A diabetic patient attending an MSF clinic tells us that she is planning to leave Athens on foot with smugglers, with the end goal of reaching the United Kingdom.*

If we feel that such a journey is a major risk for the patient's health, should we try to dissuade her? But what are her living conditions in Athens? Perhaps she is running



MSF staff taking care of children in the vaccination site in Elliniko.

health risks also by remaining where she is? If we know that certain routes are safer than others, should we tell her? If we give her several months' supply of insulin, are we indirectly encouraging her to undertake a risky trip? Might she be tempted to sell it to pay smugglers or simply to survive? What if we encourage her to seek health advice during her trip and she is denounced by a health-care provider and sent back to Greece?

**Example B:** *The MSF clinic team had arranged for Ms C to have a Caesarean section. In her eighth month of pregnancy she informed us that she would shortly leave Greece by plane for Germany. The doctor told her that this would be risky and that she should postpone the journey until she had delivered safely in Greece. Ms C insisted, however, that she had no other choice but to leave. She had borrowed money for the flight tickets. The social worker encouraged her to rethink her decision and offered to contact the travel agency and change the tickets to another date. Ms C began to weep. She said she regretted she had not come to see us earlier but that now she was not able to change her decision. We insisted she think it over and agreed to contact her the next day to discuss other options. We called her several times but she never answered.*

In view of the duty to protect both the mother and the unborn child, was our 'paternalistic' attitude justified, even though it must have added to her stress? If the airport officials had contacted us asking to confirm

she was physically able to travel, would we have opted for the patient's values above our medical values? If Ms C had gone into labour on the plane with negative outcomes for her and/or her child, would that justify us over-riding patient values in future similar circumstances, for example by informing airport officials of a patient's condition so that s/he be prevented from boarding the plane?

### Health passports

Anecdotal data from our Greek project indicate that giving people a record of their health information can be very useful not only for the patient but also to avoid wasting limited resources. For example, we know of instances where patients have been re-vaccinated or screened repeatedly; it happens too that patients are unsure as to the exact name and/or dosage of a specific treatment they have been taking. Instances of this sort are exacerbated by language and translation issues, not to mention different levels of health literacy.

However, the proposal to launch a health 'passport' led to great controversy within MSF. Opponents pointed out that it could be used by border authorities to trace the individual's country of entrance in Europe (thus 'justifying' *refoulement*), that it could put the patient at risk within his/her own family or community (if they were identified, for example, as having experienced sexual violence) and that more generally it could

lead to abuse or stigmatisation. Proponents of the passport argued that it would empower the patient, prevent waste of time and resources, and ultimately favour better quality of care. Consequently, we decided that issuing such passports should be on a voluntary basis only, after the patient has been told all practical and theoretical risks (and can therefore give informed consent), and that the passport should be provided as a single hard copy. In parallel, we are exploring technological solutions to ensure optimal patient confidentiality and security.

### Too much information?

Experience has taught us that transparency is preferable to a top-down, paternalistic approach. However, are there instances when is it morally justifiable to retain certain information if we deem it is useless for the patient and that it would only add to his/her stress? This is an important question because information overload, especially when that information is difficult to comprehend or threatening, can lead to considerable distress and confusion for the patient, all the more so when it is provided through an interpreter. Furthermore, in a refugee/migrant context most of our patients are dealing with numerous sources of anxiety relating both to their past and to their present.

While informing patients of risks with a view to protecting their health, we have a moral duty to suggest coping strategies and not just enumerate dangers. For example, it is useless to tell a single woman leaving with smugglers that she is likely to get raped, because a) she probably already knows it and b) we should not add to her anxiety. Instead, we can tell her the story of one of our patients who was travelling on her own and how she paired up with another woman so as never to be alone, especially in 'danger zones' such as toilets and showers. Danger avoidance and coping strategies should be part and parcel of basic health advice.

### Equity in access

We would like to end with some thoughts about the principle of equity in access to quality health care. First, TM services should

be available to vulnerable migrants whether registered or unregistered because the right to access adequate health care is and must remain universal. Second, migration itself has been shown to be a social determinant of health status; in addition to genetic and environmental risks, a person who has migrated has increased health risks compared with the person who has not migrated.<sup>2</sup> Third, health-care providers and public health authorities have a duty to protect the health of both host populations and migrants in the best interest of all concerned. This holds true not just for communicable diseases but also for illnesses with more complex causes such as depression or cancer; primary, secondary and tertiary prevention strategies are also important, regardless of social or legal status.<sup>3</sup>

Fourth and finally, a society should be judged, among other characteristics, on its efforts to provide care to those most in need. Many migrants have multiple vulnerabilities that must be addressed. As doctors, nurses, midwives, psychologists, public health planners and social workers, we believe it is crucial to provide refugees and other migrants with access to basic health care in a way that respects their confidentiality and security, and also avoids any type of political instrumentalisation. The humanitarian challenge of providing medical care to people on the move is likely to grow in the coming years and we must be ready to meet it through establishing sound principles and strategic planning.

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## Principled humanitarian assistance and non-State armed groups

Ruta Nimkar, Viren Falcao, Matthew Tebbutt and Emily Savage

**The humanitarian community needs to develop a better shared understanding of how to provide principled assistance in areas controlled by proscribed groups.**

The principles of humanity, impartiality, neutrality and independence are intended to enable, characterise and guide the delivery of humanitarian assistance. However, as conflicts grow more complex, interpretations of humanitarian principles are being questioned, particularly in areas under the control or influence of proscribed non-state armed groups (NSAGs). Delivery of aid in these areas may clash or be perceived to clash with principles of public accountability and transparency – principles which are paramount for many donor States.

In several recent conflicts – particularly in protracted conflicts such as those in Syria, Afghanistan, Iraq and Somalia<sup>1</sup> – the most vulnerable people are located in areas which are (or have been)<sup>2</sup> controlled or heavily influenced by NSAGs such as the Islamic State, Al Qaeda and Al Shabaab and their affiliates. NSAGs such as these have been designated as terrorist groups by donor governments – and in some cases also by the UN. To reach the populations at risk, however, humanitarian actors need to engage with NSAGs, often through remote operations or through overcoming access restrictions. Engagement therefore entails an increased risk of aid diversion in a context where there are limited guidelines for acceptable degrees of risk. Recent compliance developments designed to ensure that aid supports the public good include tightening of anti-terrorism restrictions and reinforcing financial controls. In practice, these have reduced the ability of non-governmental organisations (NGOs) to reach the most vulnerable, in large part due to increased risk aversion and lack of clarity around the precise nature of the rules and regulations.

Civilians in areas heavily influenced or controlled by NSAGs are frequently

worse off than civilians in other areas due to the general lack of goods and services and the specific protection risks affecting vulnerable populations, including targeting of religious or ethnic minorities. Markets are disrupted because of obstructions in the transport network, such as fees being demanded at checkpoints. Supply chain difficulties are often exacerbated by the fact that NSAGs do not prioritise civilians in the distribution of goods. Services are halted due to reductions in government personnel and uncertainty surrounding political power dynamics and control.

Overall, interruptions in markets and services have a disproportionate effect on the most vulnerable as the poor are less likely to be able to afford price increases. In some cases NSAGs may take measures that reduce the well-being of the most vulnerable, for example by levying informal taxes on civilians or by excluding particular groups (often religious and ethnic minorities) from accessing goods and services. Provision of impartial needs-based assistance requires humanitarians to take active measures to reach populations in areas controlled by NSAGs.

### How do we negotiate access?

Humanitarian agencies are accustomed to working on humanitarian access issues in a variety of contexts. Several policies and guidelines have been developed by donors such as Swiss Solidarity and the UN Office for the Coordination of Humanitarian Affairs and by individual NGOs, and include mention of negotiating access with NSAGs. In practice, negotiation may include measures that are at the edge of compliance and transparency rules. For example:

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**Trusted negotiators:** Many negotiators are those with strong (typically familial) links to NSAGs – and are naturally, therefore, unlikely to pass donor checks designed to ensure that staff do not have links to a proscribed group.

**Checkpoint fees:** Physical access to areas controlled by NSAGs is often controlled by a series of checkpoints. To pass these checkpoints, humanitarian actors or contractors engaged by them often need to pay to be included on an ‘access list’ and then to pay small additional fees at individual checkpoints. Humanitarian actors can ‘transfer risk’ by having suppliers transport goods but the outcome is the same.

**Procurement processes:** The number of suppliers in these areas is often limited and those that are present often have limited literacy skills. NGOs and UN agencies have comprehensive procurement procedures, and potential suppliers therefore need to complete complex registration and tender forms and present business licenses/ registration, such as a tax number. In general, very few suppliers have this capacity, and those that do are often linked to NSAGs, either through payment of ‘facilitation fees’ or through familial links. As such, following the required procedure often means accepting diversion through a third party.

#### Access negotiations:

Negotiations often involve fielding requests from NSAGs that would divert resources. Common requests include adding family members to beneficiary lists, providing assistance to privileged ethnic groups, and providing assistance that can be diverted by armed forces. Often NSAGs ask to access or ‘vet’ beneficiaries.

#### What risks are there?

Current procedures and protocols around access negotiation involve

significant risks for humanitarian actors, donors and beneficiaries. Field actors do put mitigation measures in place but these measures are sporadically applied. Some of the primary risks include:

**Reputational risks:** At the field level, hiring the wrong negotiator, working with the wrong supplier or the geographic location of aid provision may lead to a perception that the humanitarian actor is biased in favour of the NSAG. In turn, this may lead to reprisals by government authorities in other areas, distrust from target communities, and challenges in coordination and resource sharing with other actors.

**Financial risks:** Humanitarian actors face finance-related compliance risks. For instance, attempts to widen supplier bases may result in incomplete or incorrect paperwork; this in turn may generate a situation in which an audit identifies disallowed costs. This may leave humanitarian actors with fewer resources to reach out to vulnerable populations, and may undermine their ability to secure funding in future.

#### Risks to national and international staff:

Hiring staff with close links with NSAGs may offer some advantages of access to and acceptance by target communities



UNHCR airlift to Mogadishu, Somalia.

but also comes with risks, including the possibility of these staff deliberately excluding certain beneficiaries. It might also be risky to terminate the contracts of these staff if performance issues are identified or a code of conduct is breached, as the staff may engage in reprisals.

### Compliance and diversion

Major humanitarian donors have explicit commitments to humanitarian values such as the importance of providing needs-based assistance, and statements made by major donors on access suggest implicit acceptance of compromises made to gain access to areas controlled by NSAGs. Equally important for donors are accountability and transparency. States which provide humanitarian assistance have an obligation to their taxpayers to ensure assistance is appropriately and transparently used, and this may mean stricter and more administratively burdensome requirements surrounding funding use and documentation – and that the compromises used by practitioners to gain access become open to question. While these tensions are not new, the proliferation and increasing influence of armed groups have brought these issues to the fore. In recent years, compliance restrictions have become more acute due to several factors, including:

**Counter-terrorism legislation:** Donors expect NGOs to ensure compliance with the extensive counter-terrorism legislation that has been enacted since 2001. If humanitarian actors become aware that donor funds are being used by proscribed NSAGs, they have an obligation to notify their donors. These obligations are relatively clear on paper but become murky in a context where humanitarian actors use negotiation tools such as the ones described above or when the lines between civilian and NSAG affiliates are blurred.

**Shifts in financial regulation:** Following the 2008 financial crisis, banking regulations tightened, restricting the operations of some money transfer agents (*hawalas*) used to transfer money to countries with

disrupted financial and regulatory systems. It is frequently unclear how *hawalas* gain access to areas controlled by NSAGs, yet NGOs are often reliant on them for implementing cash programming as well as paying staff salaries and other operational costs, frequently channelling millions of dollars through these systems annually.

**Monitoring of aid:** Since 2010, there has been increasing monitoring of aid organisations, with more audits and with significant penalties being imposed for infringements. Restrictions have grown to the point that major donors are having public discussions about putting geographic restrictions on aid, reducing the capacity of aid agencies to operate in certain areas and putting the principle of neutrality at risk.

### Ways forward

In an environment of murky choices, humanitarian actors and donors need to build a broad-based and steadily more explicit consensus regarding what constitutes acceptable risk when negotiating with NSAGs. We need to foster an environment that facilitates an honest appraisal of issues and challenges, encourages reporting and supports collective discussion. We propose:

**Research into access and dissemination of best practices:** Some research has been conducted, including the Secure Access in Volatile Environments (SAVE) programme operated by Humanitarian Outcomes,<sup>3</sup> but additional initiatives are needed. Research should have two components – identification of effective factors that promote access and resolve contradictions between access and compliance, and identification of activities or initiatives that are unacceptable.

**Standard operating procedures (SOPs):** One of the most significant challenges for humanitarian personnel in the field is understanding how to translate policy and guidelines into practice. The parameters differ significantly depending on country context and, in some situations, local contexts. Explicit discussions between donor

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groups and field actors and agreement on common SOPs will help to remove some of the uncertainty around implementation. Moreover, it will help ensure standardisation between different field actors, supporting a more consistent approach to delivering aid.

**Collective positioning:** Experience points to the strength and utility of humanitarian stakeholders agreeing collective positioning. This would be best systematised through creating – or investing in increasing the capacity of – a neutral entity able to represent and lead on negotiating and sustaining access. This entity must coordinate with humanitarian agencies and engage local partners to identify and report challenges and to build a strong evidence base.

**Global Compact on Humanitarian Principles:** Initiatives such as the World Humanitarian Summit and the Grand Bargain have succeeded in clarifying several complex issues facing the humanitarian community and uniting the international community around core commitments

for change. A similar Global Compact process could be initiated for the principled delivery of humanitarian aid in areas controlled by NSAGs, where concerns about humanitarian principles may help to build consensus around central issues such as access and diversion.

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The views expressed in this article are the authors' personal views and do not necessarily represent the views of any agency.

1. All authors worked in Iraq in 2017–18 for the Danish Refugee Council, and also have experience in other countries including Afghanistan, Somalia, Syria, Sudan and South Sudan.
2. Loss of control of a territory still presents challenges due to the potential for dispersal of members of such groups.
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## Ethical dilemmas posed by unethical behaviour by persons of concern

Anna Turus

**What ethical dilemmas affect humanitarian agencies' responses to fraudulent behaviour by persons of concern? And how might refugee community structures be more involved in defining responses?**

Fraudulent acts by persons of concern can have an impact on the quality of humanitarian programmes and on agencies' accountability to donors and the affected population at large. For example, UNHCR (the UN Refugee Agency) has long-established internal procedures to address fraud in the resettlement process, including through ensuring that investigations are carried out by experienced protection staff without prior involvement in the case. In 2017 UNHCR expanded the scope of its integrity efforts beyond the resettlement programme, producing guidelines to help

staff manage situations where a person may have fraudulently attempted or managed to obtain assistance and/or protection.

UNHCR recognises that the very circumstances in which most refugees live can contribute to reinforcing those triggers that may lead to unethical behaviour. Such triggers may be self-serving bias (that is, the tendency to consider actions committed by ourselves less harshly than the same actions committed by others) or rationalisation and minimisation of one's own wrongdoing (for example, because a small fraud is not perceived as having an impact on large

humanitarian agencies). These are common facilitators of unethical behaviour across societies, which may reasonably be expected to gain more weight in the context of forced displacement where access to life-saving assistance and durable solutions is at stake.

### Complexity of imposing penalties

UNHCR's approach requires that once an investigation has established that fraud has been committed or attempted by persons of concern, corrective actions must be applied. Despite not being punitive in nature, these actions are likely to result in the loss of eligibility for the interventions or assistance accessed unethically. The corrective actions aim to put right the result of the fraud; for example, in cases of identity fraud, misrepresentation of family composition, fraudulent or fraudulently used documentation and similar types of fraud, corrective actions may involve closing a fraudulent refugee profile, correcting recorded family size, disposing of a forged document, and so on. Only in exceptional situations, when the fraud committed is particularly bad (and as a deterrence measure), temporary penalties such as removal of non-essential benefits may be imposed, with authorisation from UNHCR's Anti-Fraud Coordinator in Geneva.

However, where refugees commit fraud relating to cash assistance, the situation becomes more complex. Here an ethical judgement about the appropriate response will depend not only on the facts of the case but on several considerations including the local context (for example, whether the national authorities need to be involved) and the internal procedures of the agencies whose cash assistance programmes were affected by the fraud. Even if fraud only occurs sporadically and does not have a major impact, it challenges the real and perceived integrity of humanitarian programmes, and organisations (more often, individual managers) need to make ethically sound decisions about how to respond to specific cases.

For example, an important ethical question would be whether it is legitimate, in principle and in practice, to expect the refugee to return the misappropriated cash, and if this measure is seen simply as a

corrective action or as a penalty imposed on the individual. The answer will depend first and foremost on what the decision-maker considers that the aim of a corrective action should be in the context of cash assistance fraud. In other words, would justice be considered to have been done if the refugee who committed the fraud is prevented from continuing with his/her unethical behaviour – or when the cash balance is reinstated?

On the one hand, one may think that it is not sensible to demand repayment, in particular when the cash was used to meet basic needs; however, the rest of the recipients of assistance are likely to be facing similar challenges as the fraudster, and yet do not resort to fraud. On the other hand, if one considers that it is legitimate to expect that the cash is returned, is this always the case? Would this remain legitimate, for example, even when the only way to restore the cash is to temporarily reduce or cut future cash assistance for the individual who has committed the fraud – bearing in mind the possible impact of this on household members who were not involved in the act, and the potential deviation from the principle that life-saving assistance should not be withdrawn from refugees? One may be inclined to say that 'it depends' but on what it 'depends' remains debatable, and it is this sort of ethical dilemma that risks creating unfairness in the process.

### Judgement criteria

Based on observations from the field, it appears that the criteria for judgement that organisations most commonly use tend to prioritise either the result or the principle. In the first case, a utilitarian perspective – aiming for the greatest good for the greatest number of people – would suggest that the misappropriated cash should be returned to the agency to eliminate the loss to the organisation and the refugee community at large, while also creating a deterrent. However, this fails to take into account important factors, such as the personal motivations and moral beliefs that led to the fraud (an area where the service providers may also have some responsibility) and the possible consequences of such corrective action.

On the other hand, a perspective that prioritises the principle over the result implies recognition of the rights, duties and responsibilities of an individual without exception and regardless of the practical circumstances in question. Humanitarian work, however, is often undertaken in complex, difficult circumstances where one principle may have to be given priority over another. For example, the principle that humanitarian organisations must provide life-saving assistance to all refugees who need it is likely to be prioritised over the principle that fraud and corruption must be prevented and addressed. Through this lens, withdrawing assistance from the refugee who has committed the fraud would not be an acceptable corrective action.

Both approaches are too rigid to adequately address the complexities of cases like this, and making an ethical decision will instead mean finding a different approach to producing a moral judgement. Staff working for humanitarian organisations need to be able to make sound ethical decisions in complex situations; their organisations therefore need to establish a framework for providing the necessary training for them in questions of ethics and moral judgement.

### Engaging refugee community structures

Looking at the wrongdoing of the refugee in light of the injustice caused to the refugee community, not the agency, would open a

space for community-based structures to provide constructive support in designing the correct response. As a first step, organisations might do well to engage refugee community structures in discussions on potential scenarios of unethical behaviour and thereby learn how the refugee community would assess such situations. If individual cases are then discovered, as long as protection and safety are ensured for all those involved and the process is closely monitored to avoid any harm or abuse (one cannot stress this enough), refugees' representatives may be asked to suggest what the fraudsters should do to reinstate their position and regain the trust of the community. They may, for example, recommend a period of voluntary work. When well managed and closely monitored, this approach can make the most of a corrective action that is at the same time both a significant exercise of leadership for the refugee community in holding its members accountable and, through positive peer pressure, a general deterrent to future fraud attempts.

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The views expressed are those of the author and do not necessarily represent the views of either of these organisations.

## Ethical quandaries in volunteering

Ashley Witcher

**Volunteers in Greece who are filling gaps in service provision can encounter complex ethical situations for which they may be insufficiently trained and supported.**

Since 2015, Greece has been an entrance country and transit point into Europe for hundreds of thousands of 'border crossers'.<sup>1</sup> The EU-Turkey Agreement of 2016 transformed the country into a place of limbo, where asylum seekers are forced into precarious living conditions for up to two years before either being returned to

Turkey, given refugee status in Greece or, far rarer, resettled in another European country. Hundreds of new arrivals continue to land every week and tens of thousands of people are now crowded into under-resourced camps, shelters, hotels and squats or are living on the streets. Unpaid volunteers, many of whom have little or

no previous experience in humanitarian settings and arrive for only short-term missions, fill systemic gaps in services.

Between June 2017 and August 2018, I volunteered in Athens with an informal legal aid team and at a camp on the island of Lesbos where people were housed, fed, offered classes and assisted in carrying out entrepreneurial activities. Both organisations required a minimum of two months' commitment, longer than the average term of service. During this time I also visited multiple camps, organisations and informal spaces in mainland Greece and on Lesbos, interviewing paid aid workers, government employees and volunteers.

### Filling gaps in services

In January 2017, a Syrian man died in his tent during the first week that Georgia,<sup>2</sup> an unpaid volunteer from northern Europe, was volunteering with a loosely associated group of activists on Lesbos. No contact details for his extended family could be found among his personal effects, so his body lay in the morgue for days. She and fellow volunteers liaised with Syrian community leaders in the camp and then published a photo of the deceased man on Facebook, and within a few days she was speaking with his family. According to Georgia, the organisations and governing bodies being paid to house and protect this man did not have the capacity to contact his family, whereas she, a recently arrived, unpaid activist with little previous experience with this population, was able to do so in a matter of days. When the man's brother (a resettled refugee in northern Europe) came to identify the body, the volunteers accompanied him to the morgue and aided the transfer of his brother's body back to Syria. Georgia and the other volunteers had done what was needed, yet it was problematic that this small group of unpaid volunteers had assumed the responsibilities of paid protection agency staff. The most glaring consequence of this was that the deceased man's family members learned of his death through social media.

In Athens, even 'official' protection agencies are unable to fulfil their roles adequately. Hundreds (probably thousands)

of unaccompanied children sleep in the streets or in informal squatter sites. A few volunteers within the legal assistance team decided to find respite for two young boys (16 and 17 years old), who had been living on the streets for months. The volunteers began with the usual channels – calling UNHCR (the UN Refugee Agency), meeting with other organisations, and even inquiring at informal squats. Finding no accommodation, they paid for the two boys to stay in a hotel for some nights in order to gain strength, shower and get a few good nights' sleep.

On their first evening in the hotel the boys drank alcohol and sexually assaulted a female tourist staying in another room. The shocked volunteers tried to locate the tourist, who had already left the city. They contacted a youth service organisation whose leadership met with the legal team that spoke at length with the boys. I noticed that much of the conversation between the volunteers about this incident centred on the ethical dilemmas with which they had suddenly found themselves confronted. They asked themselves to what degree they were culpable, how they could have mitigated this kind of experience without leaving the boys on the street, and whether it was even their responsibility to house the boys. They could not adequately answer these questions, feeling in part responsible but also confused about the 'right' course of action. It dawned on them that these boys could be simultaneously understood as both 'at risk' and 'a risk'.<sup>3</sup>

Some volunteers went so far as to house border crossers themselves. One aid worker on Lesbos described a volunteer who had seen a 15-year-old boy sleeping on the ground in Moria camp and "instinctively brought him to her house". She bought him a phone and clothes but after some days began to complain about him, citing his constant desire for more things. She grew tired of his presence, as "it didn't align with her image of what would actually happen". When the organisation discovered these circumstances, she was dismissed because her actions violated their code of conduct. Rather than help move the boy to another housing project, she left the island, leaving him to fend for himself.

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One volunteer in Athens avoided socialising with the families she helped because she didn't want them to form a bond with her, as she knew that she would leave once her contract was over. Here, critical self-awareness of possible outcomes may enable good practice, yet in this case it was the volunteer rather than the association she worked for that led to this action. In other contexts, people's social networks and resilience, even in dire situations, may be overlooked.

### Responsibility and relationship boundaries

Having heard positive things about an informal organisation, I began volunteering there within a few days of my arrival in Athens. I had a crash course in legal asylum practices and quickly learned what aid was offered by other organisations in the city. The legal team (mainly composed of volunteers from the Global North) volunteered in a large building to which – on a first-come, first-served basis – border crossers came for help relating to: accessing the asylum service, practice for their asylum interviews, information about housing, access to a doctor or reunification with family in another European country. The issues were many and complex and required different skills and, often, inter-sectoral cooperation with other organisations. It

was difficult to maintain communication channels with clients, so we often relied on texting them with our personal phones.

On one occasion, a man to whom I was texting information about asylum disclosed that he was contemplating suicide. As it was after 18:00 most of the aid organisations were closed and I didn't know how to respond. I chose to meet him in a busy restaurant, and we spoke for hours using Google Translate. He told me about his severe health issues, his isolation in Greece while his family remained in peril in his home country, and how he still had no housing. We met again the next morning and I was able to get him an emergency meeting with a psychologist at a local aid organisation. The session went well and during the next few weeks we texted sporadically, yet he was angry that I didn't keep in better contact with him and repeated his plans to take his own life. I felt responsible because of the severity of this man's case, while at the same time hesitant to keep in daily contact for fear of creating dependency, and being unequipped to deal with suicidal thoughts.

I returned with him once more to the same organisation but this time they were unable to help because the translator was on holiday. We called every organisation that we knew could handle acute psychiatric emergencies, but none was able to see him.



An Afghan family outside their prefabricated container at Moria reception and identification centre on the Greek island of Lesbos.

The only option was the public hospital, which did not have translators and would probably involve committing him to a psychiatric ward. A staff member at the aid organisation explained that he had done everything he could but that there were too many people and not enough resources. He asked me to do what I could for this man. I later reached out to my own family member who was a psychologist and asked for advice on how to respond to suicidal behaviour.

It is common for aid workers from various organisations to ask things of volunteers, and for volunteers to feel responsible despite being untrained and unpaid. The gaps in services meant that volunteers are often the last resort for desperate border crossers but also the last resort among those officially tasked with responding to the crisis. Volunteers do what they can and use personal and collective moral compasses to help guide them to the 'right' action, which can be far from clear, but dangers arise when untrained volunteers become involved in complicated situations without sufficient support or continuity.

From my experience of volunteering and after speaking with aid workers, volunteers and government employees, I recommend that even informal associations should create strict codes of conduct, avoid using personal phones and spend time training volunteers – training that focuses on psychiatric issues, relationship boundaries and critical thinking. Furthermore, organisations should work towards more coherent collaboration, focusing on closing the gaps in services, and encouraging pathways for volunteers and aid workers to create solutions together.

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1. I refer to all types of migrants as 'border crossers' unless specifically discussing those who have applied for asylum.
2. All names are pseudonyms.
3. Pallister-Wilkins P (2015) 'The Humanitarian Politics of European Border Policing: Frontex and Border Police in Evros', *International Political Sociology* 9: 53–69  
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## The ethical use of images and messaging

Dualta Roughneen

**NGOs, international organisations and donors alike must consider the impact of the images and messaging they use in seeking to raise funds for humanitarian assistance.**

When a disaster strikes, the generosity of individuals is triggered by a concern for humanity. However, some disasters tend to receive more funds than others, and the role of the images and messaging used to depict such situations can be significant. The intuitive view is that images and messages that portray the difficult plight of disaster-affected populations in as much vivid reality as possible will have the most significant impact, generating feelings of sympathy, pity and guilt, prompting charitable donations. Often the more graphic and heart-rending the images, the greater the emotion, and thus willingness to donate.

But how graphic is too graphic? This is the question that those working in marketing

and fundraising ask themselves, as they do not want the public to be put off. However, is this where the line should be drawn? The principle of humanity, with its explicit references to respect and the dignity of the disaster-affected individual, suggests that the line should be drawn well before a discussion around gratuitousness is reached.

An individual who has lost autonomy, the essentials of life and some of the basic requirements of dignity (having a place to wash, dress, go to the toilet, deal with menstruation) will not want their situation broadcast far and wide.<sup>1</sup> Being unable to provide for oneself and one's family, being forced to become dependent on the charitable assistance and altruism of

another, for whatever reason, can erode the dignity and autonomy of individuals, families, communities and even sometimes States. Being brought low in life is challenging enough without the situation being broadcast far and wide with all of its difficulties communicated, and often exaggerated, merely to get some money.

Yet money is needed in order to deliver humanitarian assistance and this money primarily comes in the form of charitable donations from individuals who are moved by images and messaging depicting great need, or from donor governments who hope to attract public support for their provision of overseas aid. For donors, such public support is more easily attracted at times of great disaster than it is for ongoing development assistance. For their part, humanitarian organisations need to elicit an emotional and immediate response in order to maximise donations, recognising that giving tends to be highest in the immediate aftermath of a disaster.

### The Dóchas Code of Conduct on Images and Messaging

In Ireland, as elsewhere, debates over these tensions are decades old. In 2007, the Irish network of development and humanitarian organisations, Dóchas, agreed a voluntary Code of Conduct on Images and Messaging.<sup>2</sup> Its primary principles establish that the choice of images and messages should be based on respect for the dignity of the people concerned, belief in the equality of all people, and acceptance of the need to promote fairness, solidarity and justice. In practical terms this translates into a commitment that in all our communications, and where practical and reasonable within the need to reflect reality, we strive to:

- choose images and related messages based on values of respect equality, solidarity and justice
- truthfully represent any image or depicted situation both in its immediate and wider context so as to improve public understanding of the realities and complexities of development
- avoid images and messages that potentially stereotype, sensationalise or discriminate against people, situations or places
- use images, messages and case-studies with the full understanding, participation and permission of the subjects (or their parent/guardian)
- ensure those whose situation is being represented have the opportunity to communicate their stories themselves
- establish and record whether the subjects wish to be named or identifiable and always act accordingly
- conform to the highest standards in relation to human rights and protection of vulnerable people

These very wide-ranging guidelines encompass practical issues which can and should be complied with through good processes, such as those relating to permissions and identifications. However, there are challenges in agreeing what can be classed as stereotyping and sensationalising and there are differing interpretations of the reality that is supposed to be reflected. For humanitarian disasters, particularly rapid-onset natural disasters, presenting the wider picture can be a challenge because of the need to take account of public and media attention spans – not to mention that reality can change very fast in such situations. And in complex crises, where often the causes and effects of displacement are unclear (because they are deeply embedded in historical, socio-political, tribal, colonial, geographical and agrarian contexts), it is virtually impossible to present an objective wider context.

### Plan International Ireland's approach

At Plan International Ireland we have signed up to the Code and report annually on our adherence. We recognise the complexity that is articulated in the Code's preface: "It is a reality of our world today that many of the images of extreme poverty and humanitarian distress are negative and cannot be ignored. To ignore them would run counter to the spirit of this Code which is to

portray the reality of the lives of people with sensitivity and respect for their dignity.”

For us, we consider this guidance on use of images and messages to be closely interconnected with our policy on safeguarding of children and young people, requiring permissions and written approval, as well as protecting dignity and rights. In situations of displacement or emergency, where children have become separated from their families and do not have a legal guardian to give consent, extra care should be taken to protect them. Unaccompanied children under the age of 13 are not legally able to give consent so their stories and images cannot be used at all – presenting a challenge for a children’s rights organisation, like Plan, that particularly works on issues of displacement and separated children. The identity of children aged 13–17, who are generally recognised to have the capacity to consent to the use of their stories, should be concealed, and their images and real names not used under any circumstance.

Plan recognises that in emergency situations it is often a struggle to find hard-hitting pictures that show respect for their subjects and represent the complex reality of an emergency without promoting stereotypes or incorrect assumptions, yet the requirement of respect supersedes fundraising imperatives. This is an organisational choice and possibly not one that others may agree with. It could be considered the politically correct option rather than addressing reality. And it may result in raising less funding, being able to implement a smaller-scale response and thus having less impact and benefit for those affected by disaster.

We do not use images depicting extreme suffering, dying or dead people. However, these are very much part of conflict and displacement and the reality presented through images can be important in helping people recognise the gravity of the situation. This can in turn encourage public pressure on governments, and prompt donations. Plan tries to portray an objective image of emergencies, highlighting the capacities and aspirations of those affected, not just their vulnerabilities and fears – aiming to show a

more positive view of reality while adhering to the truth of the situation (at least as we see it). We aim to find images of people helping their own communities and responding to the crisis themselves and we very much try to avoid stereotypes such as the Western aid worker tending a helpless victim.

Plan’s approach to imaging and messaging in emergencies is one approach on a continuum of possible avenues and it is not to say that this is the right approach. It is the Plan approach and it is a subjective decision based on organisational values. It is not to stand in judgement over others or to accuse them of behaving with callous greed. We understand that money saves lives, and that weighing up the possible trade-off between protecting dignity versus saving lives is impossible as they are incommensurable.

One could argue that the Plan approach is the ‘nice’ approach, the politically correct approach, or perhaps the easy but ineffective approach. Some may feel that the reality is much harsher than Plan portrays, others that the reality of individual givers is as valid as the reality of those who receive aid, and that if we want donors’ money we have to meet them where they are. Is there a risk that agencies present images in a paternalistic manner that infantilises survivors of emergencies by taking it upon themselves to protect their dignity, while hiding the reality of crisis and conflict? For the international humanitarian system, the use of images and messaging can pose challenges and opportunities at the same time, creating a tension that is lived out on a day-to-day basis for NGOs, international organisations and donors alike.

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1. See Forced Migration Review’s photo policy [www.fmreview.org/photo-policy](http://www.fmreview.org/photo-policy)
2. [www.dochas.ie/images-and-messages](http://www.dochas.ie/images-and-messages)

## Representing refugees in advocacy campaigns

Natalie Slade

**The representations of refugees created by advocacy and solidarity groups must be devised in partnership with those whose stories are being told.**

In September 2015 something quite extraordinary transformed the global public response to the ‘refugee crisis’ in Europe. The publication of the photo of drowned toddler Alan Kurdi on a beach in Turkey had far-reaching impact, mobilising ordinary citizens to protest in solidarity with refugees under the banner of the Refugees Welcome movement. In New Zealand, refugee advocates (that is, those from non-refugee backgrounds who advocate for refugees) and media commentators called on the government to raise the country’s annual refugee quota and show a more empathetic and welcoming response.

Humanitarian representations of refugees as victims who require help, as used in the media and in advocacy campaigns, can be effective in garnering support for refugees but there are a number of ethical concerns around these representations and narratives of solidarity. First, media coverage of humanitarian crises often depicts people from the Global South as dependent on a Global North response, while ignoring the wider structural inequalities and injustices involved. Second, there is a tendency in both media and advocacy representations to depict people as passive victims rather than as individuals who have agency, which raises questions about who is doing the representing and who gets to speak.<sup>1</sup> While altruistic in intention, humanitarian representations can be very disempowering for those depicted, and can have negative repercussions for successful resettlement outcomes.

### Implications of representation

Many of the resettled refugees that I interviewed as part of my research into the relationship between humanitarian representations of refugees and acts of solidarity felt that the mainstream media and many humanitarian organisations

reinforced a particular view of refugees as “helpless folk from war-torn countries” or “someone quite poor and destitute”. The danger with these stereotypes, one of my participants argued, is that refugees are identified “by their circumstances, rather than their own humanity”. Depictions of refugees as victims can lead to a very narrow idea of who a refugee is and what they are capable of, and can negatively influence public perceptions about refugees. Participants recounted assumptions made about them, for example that they would be unable to afford a laptop or to send money overseas to family, simply because they were once refugees. What is often missing from these stereotypes are individuals’ stories and voices. As one participant explained, while displaced people may share some similarities, focusing on only one aspect (for example, on trauma and victimhood) means “you miss that richness” of stories.

The stigmatising nature of refugee stereotypes can also hinder the ability of former refugees to develop a sense of belonging and acceptance in the country of resettlement. Many people I interviewed felt that stereotypes contributed to the perception of refugees as different from, and perhaps less capable than, other New Zealanders. In addition, continuing to be labelled as a refugee by the media, government agencies, refugee advocates and other New Zealanders, even long after they had been resettled and acquired citizenship, implies that people from refugee backgrounds are not accepted as ‘real’ New Zealanders.

A number of the participants felt that those with the loudest voices in Western refugee advocacy were not from refugee backgrounds, and questioned the legitimacy and validity of non-refugees talking about an experience they know nothing about. They felt refugee advocacy should include the voices

of refugees and former refugees who have actually experienced refuge and resettlement. One participant, Abann (the general manager of a refugee-led grassroots non-governmental organisation based in Auckland), explained that refugee advocates were well-meaning but tended to dominate the discussion and speak on behalf of refugees, which is very disempowering and frustrating for refugee and resettled communities. He went on to say that he was not trying to criticise anyone but urged, “please do it **with us**, not to us”.

### Recommendations

While it is not possible to control media representations of refugees, advocates can take steps to avoid simplistic narratives and stereotypes, and include the perspectives and voices of those they seek to support. The refugee advocates and communication specialists whom I interviewed expressed a real desire to avoid stereotypes and represent refugees as ordinary people like ‘us’. At the same time, they also wanted to avoid downplaying the seriousness of forced migration, and the fact that some refugees will be vulnerable and traumatised. A real tension existed for them between avoiding victim stereotypes while at the same time getting the message out in the mainstream media in the most effective way about why the New Zealand public should care about refugees. This tension is not uncommon within humanitarian campaigning, where non-governmental organisations and refugee advocates have long experienced the challenges of how best to communicate their message without descending into disempowering stereotypes.

Recent research recommends that advocates who wish to work with refugees

take self-awareness training (building awareness of their own privilege), and that refugees are given the opportunity to get involved in advocacy campaigns.<sup>2</sup> It is important that humanitarian practitioners, advocates and other actors within the field of humanitarianism, including academic researchers, critically reflect on their positioning and privilege in relation to the work they do with refugees, remain self-reflective, work in collaboration with refugees and former refugees, and acknowledge refugees’ agency, capabilities and voice. Because, despite good intentions, those who work to support the rights of refugees can end up ‘othering’ refugees as anonymous and vulnerable recipients of aid, marginalising those whom they seek to support. Refugees may be recognised as human beings on protest banners but their

humanity and agency are undermined by others speaking for them.

Responsible advocacy seeks to empower the subjects of that advocacy, taking direction from those they wish to support. By working in partnership, listening to the people they purport to help, and avoiding stereotypes, advocacy and solidarity movements have the potential to address and transform some of the structural inequalities and injustices experienced by displaced people.

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Image from a photo exhibition organised by the Aotearoa Resettled Community Coalition as part of a campaign to break down stereotypes, from the perspective of former refugees in New Zealand.

## Putting safeguarding commitments into practice

Agnes Olusese and Catherine Hingley

**Aid organisations have to go further if they are to meet commitments to prevent sexual exploitation and abuse, listen to survivors, and remove barriers to reporting.**

In 2002, a report released by UNHCR (the UN Refugee Agency) and Save the Children shocked the world by revealing the abuse of large numbers of children in refugee camps in West Africa by aid workers. The following year, the UN Secretary-General set out standards for the better protection of vulnerable people – especially women and children – from sexual exploitation and abuse (SEA).<sup>1</sup> The heads of UN agencies were tasked with creating a protective environment, primarily through appointing a senior individual to review cases and by enforcing standards to ensure staff were aware of and had signed the organisation's Code of Conduct, including reporting on instances of SEA to its board.

Despite this, reports of SEA continue to trickle in. Following reports of SEA in Haiti and ensuing revelations of other abuses, the UK's Department of International Development (DFID) convened in October 2018 an international Safeguarding Summit advocating for a comprehensive approach that addresses the underlying causes and symptoms of SEA. Donors, UN agencies, other humanitarian agencies and UN Secretariat Members are to develop ways of working that will sufficiently protect affected populations. In early 2019 another document addressing SEA was published by the Secretary-General,<sup>2</sup> which sets forth a victim-centred strategy and prioritises: putting the rights and dignity of victims at the forefront of efforts; establishing greater transparency on reporting and investigating in an effort to end impunity for perpetrators; engaging partners; and conducting more awareness-raising activities and highlighting best practices.

In the years separating these two UN-led standards, many actors have developed efforts to prevent and address SEA. The Inter-Agency Standing Committee (IASC)<sup>3</sup> has developed

various guidelines and tools for humanitarian actors. The former Director General of the International Organisation for Migration (IOM) was IASC Champion for Protection from Sexual Exploitation and Abuse between 2011 and 2018 and IOM supported the development of the IASC's Best Practices Guide,<sup>4</sup> which gives operational guidance on how to set up and run an inter-agency community-based complaints mechanism. IOM has also facilitated the development of the Minimum Operating Standards, which are intended to enhance agencies' compliance with safeguarding guidelines.

As a result of these and other efforts, some of the commitments that have emerged over the years are to prevent SEA and sexual harassment and abuse (SHA) from taking place, to pledge to listen to those who have been affected, and to remove and address barriers to reporting. Despite advances made to date there remains much to do, particularly to end impunity and to address SHA.

### Prevention

The current approach concentrates energy and resources on raising awareness among communities and staff. Although important, this alone is not sufficient and will not be achieved without recognising and addressing the root causes – patriarchal and post-colonial power structures – which perpetuate abuse and inequality and reinforce paternalistic attitudes towards 'beneficiaries'. Many people in crisis-affected communities often feel powerless as a result of the humanitarian crisis, and this can undermine the possibility of community-based measures. There remains a largely unacknowledged tension between the potential for community-based punishment and reparation, and the international community's legitimate concerns around the potential compromise of survivor-centred and protection provisions.

To move towards the real change that is needed, humanitarian agencies need to address gender bias and discrimination inherent within organisational structures, which are manifested in opportunities for SEA and SHA in recruitment, retention and promotion practices and which support conditions for predators to exploit affected populations and more junior staff. Those in power are often men<sup>5</sup> and commonly women have less secure employment, which results in uneven power dynamics and facilitates potential abuses of power.

An organisation's culture and power structures often perpetuate harmful gender and social norms, reinforcing inequality and the conditions for abuse. Organisations and the broader sector as a whole need to analyse the application of their values in order to address harmful power dynamics including practices or policies which reinforce inequality on the basis of gender, age, (dis)ability and race. Many organisations have gender equality policies but it remains a major challenge to implement these in practice. In addition, while it is necessary to develop and build the capacity of staff around discrimination and to challenge these harmful norms, there is a need to hold staff – including senior leadership – accountable for upholding and implementing these values.

### **Pledging to listen**

Listening to, believing and acknowledging the agency of survivors of SEA and SHA must be central. There is a need for continued engagement with survivors on desirable risk mitigation measures and ways in which the community can be better prepared to prevent SEA and address impunity. This engagement should align with guiding principles on preventing and addressing gender-based violence,<sup>6</sup> including ensuring investigation teams are adequately trained to apply survivor-centred principles and held accountable for doing so. The way in which mandatory reporting procedures are currently applied often undermines survivor's rights and focal points, human resources staff and investigation teams require more adequate training and greater accountability

to enable them to uphold survivor-centered principles. Resources should be invested in educating affected communities on the dynamics of SEA, empowering them to determine the most meaningful response.

### **Removing barriers to reporting**

For **survivors**, barriers to reporting can include: lack of information on clear reporting lines; lack of faith in the system and that anything meaningful will result from reporting; and fear of retaliation or lack of proper protection for those reporting abuse.

Organisations need to make a commitment to establish clear reporting channels (adapted to the context) and to engage in awareness raising in context-specific forums that are created jointly with communities. These vary according to the context, but can include a focal point in women-friendly or child-friendly spaces and community centres, a hotline, a reporting desk in a church or school or a leader appointed by the community. Awareness-raising forums should make available the principles on what SEA is, its consequences and expectations for all staff relating to protective environments, as well as incorporate the different avenues available for reporting. The IASC Protection from Sexual Exploitation and Abuse (PSEA) Task Force of South Sudan has translated these principles into various languages to accompany the community-based complaints mechanisms, but literacy levels vary and the most effective and inclusive means of communicating must also be identified. Context-appropriate messaging must be required from all agencies, including as a condition for accessing future funding. Awareness-raising efforts and reporting channels should have clear, measurable indicators of their effectiveness and ways of measuring quality.

Lack of faith in the system and accountability are a major concern. The perception that nothing happens when a report is filed must be addressed, which requires creating trust that reporting will result in measures to address the incident – as well as address existing inequalities which support its perpetuation. There is a need for

greater transparency on reporting, timeliness and how investigations are coordinated – including actions taken – in order to build confidence and reduce risks for survivors. There is also a need to demonstrate that impunity is a thing of the past, irrespective of the abuser's seniority. And the common fear that reporting mechanisms can be abused or misused for malicious reporting needs to be addressed and, in cases of misuse, stern action taken to prevent future instances.

If information about reported incidences of SEA, actions taken and improvements made are not shared, the status quo will prevail and impunity will continue to thrive. The proposed inter-agency database to share names of offenders is essential to prevent predators from moving locations undetected. Furthermore, sharing information on consequences such as dismissals or criminal proceedings creates trust in the system and encourages reporting. However, this information sharing also gives rise to legal questions including the risk of defamation suits where criminal proceedings fail. Greater collaboration between governments and aid agencies to share information about alleged perpetrators, including evidence gathered in agencies' internal administrative processes, has the potential to deter offenders, and to help facilitate prosecution of those cases that result in criminal proceedings.

For **organisations**, barriers to reporting include risks to organisational reputations. There is an underlying assumption that agencies that report high incidences of SEA and SHA have failed and lack adequate measures to address these incidences. Every agency has an interest in ensuring that they are not depicted as offenders and this makes them wary of fully participating in joint complaints reporting mechanisms, as doing so can increase the risk of exposure – including public exposure – of the number of cases reported. Organisations reporting such incidences also face risks to funding opportunities. Donors and other stakeholders need to recognise whether or not organisations have a real political commitment to address SEA and SHA, and are taking action, without necessarily

penalising agencies by withdrawing funding, since this contributes to a culture of cover-up. In fact, the lack of reporting by agencies may indicate a lack of effective mechanisms to address SEA and harassment.

While great strides have been made since 2003, the challenge now is to address remaining gaps. One area in which efforts have consistently lagged behind is in addressing SHA. UN agencies – which lack clear guidelines on addressing SHA – are especially struggling with this issue. It is only in the wake of the #MeToo campaign that the need for improved systems has been highlighted. Donors and the wider humanitarian community need to advocate for more robust protection from SHA for staff and those providing services or supplies in humanitarian contexts.

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4. IASC (2016) Best Practice Guide Inter-Agency Community-Based Complaints Mechanisms [bit.ly/IASC-Community-Complaints-2016](http://bit.ly/IASC-Community-Complaints-2016)
5. Humanitarian Advisory Group (2017) Women In Humanitarian Leadership [bit.ly/HAG-women-humanitarian-leadership-2017](http://bit.ly/HAG-women-humanitarian-leadership-2017)
6. IASC (2015) Guidelines for Integrating Gender-Based Violence Interventions in Humanitarian Action [bit.ly/IASC-GBV-2015](http://bit.ly/IASC-GBV-2015)

### Choosing images for FMR

People's faces are important to bring words to life. However, we have to ask ourselves whether showing their image might – at some time and in some way that we cannot foresee – damage them or undermine their dignity.

Our policy, therefore, is that we should protect the identity of people shown in FMR – unless it is obvious that this precaution is unnecessary – by avoiding close-up images of faces or by pixelating faces. See [www.fmreview.org/photo-policy](http://www.fmreview.org/photo-policy).

## Safeguarding in conflict and crisis

Sarah Blakemore and Rosa Freedman

**Robust, comprehensive safeguarding measures, including those used in crisis- and conflict-affected contexts, need to take appropriate account of local contexts in order to adhere to the highest international standards, including in safeguarding children.**

Since its creation in 2001, Keeping Children Safe (KCS), a global network of organisations committed to child safeguarding, has driven forward standards and implementation in efforts within the aid sector to address sexual exploitation and abuse (SEA). Together with experts in the field, KCS developed a set of International Child Safeguarding Standards that can be adapted and implemented for all organisations working with children. The Standards are supported by a comprehensive toolkit for implementation,<sup>1</sup> which has been used by thousands of organisations in almost every country in the world.

The Standards emphasise the key aspects of managing child safeguarding within an organisation, describing the features, systems and processes essential to ensuring that child safeguarding is fully and effectively embedded in organisations. This is particularly important for organisations that work in humanitarian crises and conflict and post-conflict situations, where many children are likely to be in situations of extreme physical and emotional vulnerability. The extreme imbalance of power between humanitarian aid workers and peacekeeping personnel, on the one hand, and the people they have been sent to protect, on the other, makes it essential that robust systems are in place throughout the organisation across all aspects of its work.

An overall approach to safeguarding children is rooted in understanding the risks to children from the organisation, including its staff, programmes, operations and partners. The toolkit provides a roadmap for a robust and comprehensive process that begins with developing – or strengthening – a child safeguarding policy. The process then includes organisational development through allocating staff time to safeguarding, and through ensuring that all personnel

are trained and that there is effective and accessible communication on safeguarding. Sound planning, implementation, monitoring and review processes are required, as are clear and transparent lines of accountability throughout the organisation, including at board level. The four Standards relate to:

**Policy:** The organisation sets out a clear policy that describes how it is committed to promoting the well-being of children, preventing abuse and creating a positive environment for children in which their rights are upheld and they are treated with dignity and respect.

**People:** The organisation communicates clearly its commitments to keeping children safe and the responsibilities and expectations it places on staff, associate personnel and partners, through relevant policies, procedures and guidance. It is crucial that all relevant actors, including children themselves, are supported in understanding and acting in line with those responsibilities and expectations.

**Procedures:** The organisation implements a systematic process of planning and implementing child safeguarding measures.

**Accountability:** The organisation has measures and mechanisms in place for monitoring and reviewing safeguarding measures and to ensure both upward and downward accountability.

To implement the Standards, organisations need to answer the following questions:

- Where, when and how does the organisation come into contact with children and what risks does this present?

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- What policies and procedures are needed to prevent harm and to respond to concerns appropriately?
- Who is the appropriate designated person/s to act as the focal point to receive and manage any safeguarding concerns and to handle subsequent investigation?
- What safeguarding induction and training are needed to ensure staff know what the organisation expects of them and what to do if they have a concern?
- Is there a clear code of conduct so that all staff understand their professional boundaries when working with children and what is and is not acceptable behaviour?
- How can we recruit safely?

When fully implemented, child safeguarding measures offer a set of practical tools for tackling a culture of impunity around child abuse. Children are safer because, when the Standards are properly implemented, every individual within an organisation receives clear instructions on their obligation to act to prevent and report abuse and the sanctions they will face if they fail to comply. The existence and implementation of the Standards act as a powerful deterrent to abusers before they even apply for a job, and they ensure that organisations in positions of trust are held to account.

### Conflict and crisis zones

A key problem within conflict and crisis settings is that laws, policies and practices operate at different scale, including at the international, regional and local levels.<sup>2</sup> This means that humanitarian organisations operating in these contexts require knowledge and understanding of the (often overlapping or, indeed, contradictory) range of laws, policies and contexts that apply. This is particularly difficult when organisations have to enter an emergency setting quickly, or when rule of law has broken down. In these most fragile settings the opportunity to

commit harm with impunity is significantly higher than in other contexts.

One of the principal reasons that KCS and the University of Reading have focused on this area over recent years is because so few effective solutions have been proposed (let alone designed or implemented) to address the causes and consequences of SEA in those fragile settings. We have therefore adapted the International Child Safeguarding Standards and Toolkit to provide robust, evidence-based solutions through a victim-centred approach which foregrounds human rights and human experiences.<sup>3</sup>

Initially our work focused on peacekeeping operations, and the need to implement child safeguarding with international organisations, troop-contributing countries and peacekeeping training centres, and among other actors involved with peacekeeping and peacebuilding in conflict and post-conflict societies. Working with these actors, we developed a toolkit to assess each organisation and its strengths and weaknesses, carried out a comprehensive mapping of laws and practice on safeguarding in the countries in which the organisation operates, and then produced and implemented safeguarding measures that take into account national laws, institutional policies, and context-specific laws and policies. For example, our work with national armed forces in key troop-contributing countries incorporates the policies of the international organisations to which they contribute peacekeepers, their domestic and military laws, and the local laws of the countries to which they are deployed. Organisations must be prepared and know how to take action locally when concerns arise; they will therefore need to have information on local services and to identify authorities to whom to report and local organisations which can provide support.

These context-specific child safeguarding measures are then integrated into an organisation's systems and processes in a way that takes account of different country and local contexts. For example, although definitions of 'child' and 'child abuse' may differ according to national

and cultural understandings, organisations need to be clear that in international law 'children' are defined as all those under 18 years of age, and that 'child abuse' includes the range of acts, intentional or otherwise, which harm children.

### Working with donors

Keeping Children Safe and the University of Reading have also adapted for the aid sector our approach for peacekeeping in order to support funders in assessing humanitarian organisations' safeguarding measures (which include adults at risk of harm as well as children) and make recommendations to address any gaps. In one such project, working with the UK's Department for International Development (DFID), the project team designed an assessment framework and conducted initial assessments of some of the largest UK-funded non-governmental organisations, and worked with them to identify areas of strength and weakness across the six main areas of DFID's safeguarding standards: safeguarding, whistleblowing, human resources, risk management, code of conduct, and governance and accountability.

This initiative and the evidence from KCS programmes and work with other funders demonstrated that while there are areas of good practice across the sector, significant attention and improvement are required in a number of key areas, most notably: developing a victim-centred approach; leadership and organisational culture; child safeguarding; accessibility and inclusion; strengthening accountability to communities; and ensuring partners have safeguarding measures in place.

One of the most significant gaps was a lack of robust and realistic safeguarding risk assessment. While many organisations are clear about the risks to the organisation if a safeguarding incident occurs (reputational, legal, loss of funding), far fewer have made a rigorous and comprehensive appraisal of the risks of abuse faced by the people they serve. An even smaller proportion had adequate systems in place for meaningful consultation with communities on safeguarding risk assessment or developing and monitoring

safeguarding measures. This is a fundamental gap that organisations must focus on.

Following renewed attention in 2018 to SEA by humanitarian workers (initially in relation to Haiti and then elsewhere), and increased media attention around safeguarding, it has become apparent that there is a need for renewed commitment to robust and meaningful safeguarding from the sector, funders and organisations themselves. Although signing up to charters, guidelines and principles does signal a desire to make such a commitment, this will only take place when an organisation takes a transparent, evidence-based approach to assessing safeguarding, identifies areas of weakness, designs and implements measures that uphold international standards, and ensures that safeguarding is at the heart of its mission, culture and work.

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1. [www.keepingchildrensafe.org.uk/how-we-keep-children-safe/capacity-building/resource-library](http://www.keepingchildrensafe.org.uk/how-we-keep-children-safe/capacity-building/resource-library)
2. See Freedman R (2018) 'UNaccountable: A New Approach to Peacekeepers and Sexual Abuse' *European Journal of International Law*, 29 (3), 961-985 <https://doi.org/10.1093/ejil/chy039>
3. For more information and resources see: <https://research.reading.ac.uk/safeguarding-children/>

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## A Life Not Ordinary: our colleague Barbara Harrell-Bond

Matthew Gibney, Dawn Chatty and Roger Zetter

During Refugee Week 2018, the Refugee Studies Centre showed a new film entitled *A Life Not Ordinary*. The film illustrates the life of a woman born in a remote town in South Dakota, US, during the Great Depression. It traces her career from her initial engagement with the civil rights movement in the late 1950s to her move to the UK in the '60s where she studied social anthropology at the University of Oxford – and then to her travels in Africa where she carried out much of her academic research. Her first-hand experience of the Saharawi refugee camps in Algeria in 1980 and the humanitarian crisis in Sudan in 1982 led her to establish the Refugee Studies Centre (RSC) in Oxford.

That woman is of course Barbara Harrell-Bond, OBE, Emeritus Professor, founder of the RSC, and our colleague.

She pioneered the field of refugee studies as an important area of academic concern but only in so far as rigorous scholarship and research served to empower refugees by providing a critically constructive engagement with policy and practice. The RSC's independence from humanitarian organisations, alongside the stature of the university, added significantly to the force of her analysis. Far from limiting her horizons to academia, Barbara fought throughout her life for refugee rights, to keep refugees at the centre of humanitarian interventions and to give refugees voice and thus agency. These are issues which resonate even more deeply

now, in an age in which safe havens for refugees are increasingly being eroded and violations of human rights are on the rise.

We have each had the privilege of serving as Director of the RSC – although it's hard to follow in the footsteps of a woman like Barbara. Colleagues still talk of her relentless energy and her expectation that everyone would work the hours she did, of her conviction that nothing should stand in the way of securing funds for both the academic research and the dissemination channels – such as FMR – needed to support understanding around refugee rights, and of her forthright confrontations with institutions and individuals in positions of power. The articles that follow in this tribute section reflect on these and many other aspects of Barbara's life and work. We hope they will inspire understanding, respect and a determination to continue to work for the rights of refugees – and perhaps raise a few wry smiles as well.

Barbara attended the film screening in June 2018, despite her growing frailty. She died three weeks later. We are proud to have directed the Centre she established.

Matthew Gibney (Elizabeth Colson Professor of Politics and Forced Migration and current RSC director), Dawn Chatty (Emeritus Professor of Anthropology and Forced Migration) and Roger Zetter (Emeritus Professor in Refugee Studies).

See also [www.theguardian.com/world/2018/jul/30/barbara-harrell-bond-obituary](http://www.theguardian.com/world/2018/jul/30/barbara-harrell-bond-obituary)



This documentary explores the achievements of Barbara Harrell-Bond – academic, refugee activist and life-long advocate of refugee rights.

<https://vimeo.com/260901002>

Enrico Falzetti (writer and director); Katarzyna Grabska (researcher, writer and producer). Produced in collaboration with AMERA International.

**Our grateful thanks** to Barbara's family for their assistance and to those who have provided financial support for this special tribute to Barbara: Carolyn Makinson, the Martin James Foundation, Mary E McClymont, the Refugee Studies Centre and a donor in Belgium.

## A lifelong commitment to justice

HRH Prince El Hassan bin Talal of Jordan

**Barbara Harrell-Bond's work had a radical impact on the lives of the uprooted and on people's attitudes towards them.**

The study of displacement has a long history, yet it was not until the publication of Barbara Harrell-Bond's seminal work *Imposing Aid – Emergency Assistance to Refugees* in 1986 that the entire system of international humanitarian assistance was submitted to an historical, comparative and critical appraisal. She subjected the 'humanitarian industry', as she called it, to unrelenting scrutiny, demanding change from those who had previously been untouchable.

Her formidable intellect, alongside her rigorous academic and field research, made her a pioneer in her field. Once described as a "human bulldozer"<sup>1</sup> she was not afraid to criticise aspects of refugee assistance that not only did not work but were all too often counter-productive. She saw the relationships between various actors and agencies – humanitarian agencies, international supporters, local governments and host communities – as often controlling and disempowering. She abhorred the opacity of complex relief systems and bureaucratic pettifoggery which descended into welfarism, stripping recipients of all agency and with it their human dignity and their hope for the future. Not surprisingly, this endeared her to no-one, apart from the uprooted themselves.

She had seen with her own eyes the traumatising impact of the horrifying experiences that large numbers of refugees in southern Sudan had suffered but this only intensified her determination not to be a 'voice for the voiceless' but instead to give the voiceless a voice of their own.

The past year has seen as many negative developments as positive in both my country – Jordan – and the wider world. Barbara would be enraged to know that the war in Yemen – which in early 2019 entered its fifth year – has led to the worst humanitarian crisis on record. She would have been outraged to hear of the withdrawal of US funding for the

UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) in 2018 and the moves to potentially dismantle the organisation altogether, but would have been heartened to see the response from elsewhere, particularly from parts of the Arab world in supporting the vital services it provides.

Despite the overwhelming pressures, Barbara refused to see refugees solely as victims, their identity subsumed into a category or classification, removed from all individuality and agency. Instead she recognised that an individual's professional skills and other knowledge can be of huge benefit to a host country and she sought the inclusion of the uprooted in host countries' socio-economic development plans.

Nor did she shy away from the harsh realities of the refugee experience for both refugee and relief worker. She understood that being crowded into close proximity with a bunch of strangers or, worse, people one may fear does not necessarily inspire friendship and community; nor do the deprivation and disorientation involved in becoming uprooted and resettled or the stripping of dignity and hope encourage generosity. Meanwhile, the relief worker may become disillusioned and hurt by the absence of gratitude and all too frequent hostility they encounter.

Not everything is doom and gloom, however. Barbara would have given her full support to those who are trying to do good things in bad times. I refer, for example, to the work done by Lloyd Axworthy<sup>2</sup> to counter the globalism of indifference facing refugees, to counter the 'narrative of fear' and to produce practical proposals to hold governments accountable and to raise revenue for development for the benefit of refugees.

### Speaking truth to power

Feisty and sharp-tongued, Barbara was never afraid to speak truth to power. She challenged

all assumptions but was no armchair critic. Just as she ‘walked the walk’ in making her home a haven of welcome to numerous uprooted people, demonstrating a huge warmth and generosity, so she teased out the alternatives to current approaches. Fuelled by coffee and cigarettes, she and I would talk long into the night about the crucial importance of ensuring appropriate deployment of international aid if it is to benefit both refugees and their local hosts. She believed in placing more confidence in local structures, both governmental and non-governmental, rather than in international personnel, and in creating job opportunities for both refugee and host workers, thereby strengthening host economies to the benefit of all.

Barbara believed in the over-riding importance of self-determination irrespective of status. International refugee law is perhaps the oldest form of law that attempts to recognise the inherent need not only to protect people but to grant them a degree of self-determination. Barbara was an unflinching advocate of legal aid programmes and refugee rights throughout her life. She founded the Refugee Studies Programme (now Centre) in Oxford in 1982 and went on to establish several other programmes in the Global South. Later she established and ran the Rights in Exile programme which provides refugee legal aid information and promotes legal assistance for refugees wherever they may be.

Access to justice, for which Barbara fought all her life, is not only a human right but is fundamental to the promotion of all other rights: political, economic, social, cultural and civil. It was in the belief that “the opposite of poverty is not wealth... in too many places, the opposite of poverty is justice”<sup>3</sup> that in 2005 I joined forces with Madeleine Albright, Gordon Brown, Hernando de Soto and others to found the Commission on Legal Empowerment of the Poor, focusing on the link between exclusion, poverty and the law. Without justice, poverty, inequality and marginalisation cannot be reduced, let alone eradicated.

The Islamic world has a strong heritage of indigenous political thought which draws on intrinsically Islamic thought, values and ethics, and offers ethical alternatives. Barbara was well aware that 80% of today’s refugees are Muslim and are hosted in predominantly Muslim countries. It was only common sense, therefore, to look for culturally appropriate solutions to the challenges faced by both. Together we would rail against the short-sightedness of curtailing – particularly after 9/11 – the ability of indigenous resources, such as *Zakat* funds, to be used to assist the uprooted and their host countries. The fear then was that such funds might be channelled into terrorist hands but we asked ourselves whether leaving a vacuum would be worse.

Crucially, as Barbara appreciated, Islam both encourages charitable giving and actively discourages the creation of dependency which is seen as undermining human dignity. Similarly, the importance of justice in terms not only of equitable distribution of wealth but also of the protection of the weak against exploitation by the strong, and advocacy on behalf of those facing injustice, is a fundamental element of Islamic belief.

Rather than leaving us diminished, the loss of Barbara must instead make us even more determined to continue her work. Passionate and compassionate, her commitment to all aspects of the life of the uprooted knew no bounds. Her honesty in all things struck at the heart of corrosive, paternalistic and self-justifying institutions and practices, and it is up to each and every one of us to continue her legacy.

#### HRH Prince El Hassan bin Talal of Jordan

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1. [www.thenation.com/article/remembering-barbara-harrell-bond-a-fierce-advocate-for-refugees/](http://www.thenation.com/article/remembering-barbara-harrell-bond-a-fierce-advocate-for-refugees/)
2. Chair, World Refugee Council; formerly Canada’s minister of Foreign Affairs and minister of Employment and Immigration.
3. Bryan Stevenson, founder and executive director of the Equal Justice Initiative, TED Talks 2012 and 2013.

#### FMR podcasts

<https://podcasts.ox.ac.uk/series>  
(search for ‘forced migration review’).



## A refugee-centred perspective

Anita H Fábos

**Part of Barbara Harrell-Bond's legacy is the example she set of a refugee-centred approach to forced migration and refugee studies.**

On a Wednesday evening in early 2001, the large lecture hall at the American University in Cairo (AUC) was packed. The audience was largely made up of representatives of Cairo's growing numbers of Sudanese, Somali, Eritrean, Ethiopian and Sierra Leonean refugees, with a sprinkling of academics and refugee service professionals, who had come to hear a representative from UNHCR, the UN Refugee Agency, talk about its protection work in Egypt. This seminar series included presentations by each of the major agencies in Cairo who worked with refugees and was the brainchild of Barbara Harrell-Bond, who had joined AUC's interdisciplinary Forced Migration and Refugee Studies (FMRS) programme the previous summer as Distinguished Visiting Professor.

Barbara felt strongly that refugees ought to be front and centre of any initiative to produce or communicate information about their lives and experiences. Quite often, their questions and perspectives presented complex challenges to the humanitarians who addressed the weekly seminar audiences. "Why won't UNHCR help us? Why don't they make a camp for us here?", asked one desperate young man from Somalia. Week after week, refugees participated in our collective attempt to understand their displacement and the response of the humanitarian community in Cairo.

I was appointed as director of FMRS a few months after Barbara arrived. Although I was a young anthropologist in my first job, Barbara treated me as a key ally in bringing together research, education and outreach in a way that unsettled the status quo. I quickly learned that this meant asking hard questions of the international (mainly European and North American) helpers who, prior to Barbara's arrival in Cairo, were the knowledge-brokers in managing the needs of refugees. We set interns to

work taking stock of the disorganised networks of humanitarian agencies and workers, produced reports, wrote grants for research, recruited government officials from the Ministry of Foreign Affairs to take our graduate diploma programme, convened the aforementioned weekly seminars and – as everywhere in Barbara's universe – started legal aid for refugees.

The pace of work over the first couple of years was extraordinary, and fraught with concerns about the Egyptian political environment, the university bureaucracy and Barbara's larger-than-life persona. When AUC renewed my contract, the provost told me that he considered me a 'firewall' between the university and its distinguished Oxford visitor. But it was only after I left to join the Refugee Studies Programme at the University of East London that I understood the impact of Barbara's vision of a refugee-centred agenda that prioritised refugee voices.

FMRS was set up along refugee-centred lines according to the tripartite model of education, research and outreach established by Barbara and colleagues at the Refugee Studies Programme (now Centre) at the University of Oxford. The three areas influenced and nourished each other, with FMRS researchers teaching classes and designing outreach programmes, students engaging with outreach and producing research, and refugees participating as learners, researchers and educators.

We found creative and sometimes bold ways to incorporate people from refugee backgrounds into our programmes and projects. With a mix of scholarships and work-study opportunities, the first class of graduate diploma students included four from refugee backgrounds, including the scholar-practitioner Leben Nelson Moro and the anthropologist Amira Ahmed, a former programme officer for the International

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Organisation for Migration. Any qualified person from a refugee background was accepted onto the short courses we ran for professionals, for a nominal fee. Several research projects led to important interventions, such as a nutrition support and safe sex education programme. As security concerns in Cairo grew, AUC required identification through passports or identity cards, which prevented people without documents or whose passports had expired in exile from attending seminars or workshops on campus. Arguing that FMRS's activities pressing for greater understanding of forced migration and refugee issues were unthinkable without including refugees, we found ways to negotiate their access with the university's Security Office.

### Reshaping and recentring

So many of us who have worked with Barbara or been influenced by her stance have found ways to incorporate refugee perspectives into our programmes and projects, such as participatory planning, 'action research' with refugee communities (that is, collaboratively exploring community-identified problems), and scholarships for people from refugee backgrounds. However, while making room for 'refugee voices' in our research, teaching and practice is commendable, I worry that we are repeating the missteps of our well-meaning predecessors in women and gender studies. Critics of their attempts to redress male-dominated institutions by incorporating more women participants – the 'add women and stir' approach – did little to challenge persistent gender inequities.

Experiences of displacement and movement radically restructure a person's concept of home, place and belonging. Adding more refugee voices to institutions designed



Barbara teaching, circa 1980s.

for settled people, while more inclusive, does not fully address this new state. For a truly 'refugee-centred approach', we need to reshape our sedentary policies in order to accommodate 'movers' – those who have experienced displacement. Much research has been done with people whose diaspora networks and transnational livelihoods have given rise to altered perspectives that no longer tick our current identity boxes. Furthermore, policy analysis has made an important contribution to our understanding that national citizenship models offer fewer and fewer durable solutions for people displaced for decades. We will be unable to produce meaningful shared spaces for people on the move until we see human mobility – forced or otherwise – as an unexceptional state. Like the belated recognition that tackling women's needs and concerns through 'gender-neutral' programmes ended up reproducing solutions for men, we would do well to recognise how our norms and values in refugee studies must go beyond including refugees in structures that reproduce expectations of static settlement.

Recentring our work with refugees requires a paradigm shift but we can also take pragmatic actions in our teaching, research and practice. Refugee studies as a discipline needs many more scholars and researchers

from refugee backgrounds to help us rethink history and policy from the perspective of movers, and to incorporate transnational and translocal narratives alongside the more common refugee integration stories.

Professors devising reading lists could foreground studies presenting histories and experiences of movers. Practitioners working towards social integration could help both movers and 'local people' in communities learn to feel comfortable in a changing society that includes movers as equal partners. Donors could overcome their fear of mobile refugee researchers and community development practitioners in order to fund projects designed by and

for people from refugee backgrounds. Lastly, institutions that contribute to the field could do much more to recruit professionals from refugee backgrounds. This is not a question of lack of supply; the number of people with professional training and expertise as well as first-hand experience of forced migration continues to grow. Barbara Harrell-Bond would have applauded a shift in this direction.

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[bit.ly/ClarkUni-RefugeesForcedMigration](http://bit.ly/ClarkUni-RefugeesForcedMigration)

## Building expert witness reports: Barbara's legacy

Maja Grundler

**The importance of rigour and detail in preparing expert witness reports cannot be overstated.**

Having lived and conducted research in a number of African countries, Barbara often acted as an expert witness in asylum cases. These related most frequently to the risk of female genital mutilation/cutting (FGM/C) but occasionally also to other topics, such as the cessation clause for Rwandans in Uganda or the risk of persecution for stateless Palestinians in Egypt. For Barbara, a well-drafted testimony was key to a successful asylum claim. She would frequently complain that "interviewers are lazy" and was often furious both with legal representatives who failed to produce a good testimony in collaboration with their clients and with decision makers who disbelieved asylum seekers due to 'inconsistencies' in their stories.

Barbara would work tirelessly to produce a good testimony and was interested in details. Barbara knew how to gently but firmly guide the interviewee to tell her what she needed to know. By 'details' she did not mean things such as exact dates (an inability to recall these can lead decision-makers to deem an applicant not credible) but details regarding a woman's beliefs and education, her family and community, and

the dynamics of social life in her country of origin. Barbara was particularly interested in a woman's ethnic group and the customs surrounding coming of age and marriage in her community, all of which can affect the risk of undergoing FGM/C. Barbara concentrated not only on the experiences and attitudes of a woman's family members to FGM/C, especially female family members, but also on the attitudes of a woman's husband and his family. She would note names and complex family relationships, building an understanding of the power dynamics at play.

Interviews were often conducted over the course of several days at Barbara's Oxford flat with an intern typing up the transcript. Barbara knew how to put a person at ease, offering plenty of breaks, food, drink and light conversation in between rounds of interviewing, but she would also emphasise the importance of the testimony and how crucial it is to be as truthful and detailed as possible while making it clear that it is better to admit to not remembering or knowing certain facts than to invent details.

One of the strengths of Barbara's approach was that, where possible, she

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This image of Barbara was displayed on a billboard near Oxford train station as part of the Oxford Festival of the Arts. Written across the image were these words: *Thank you for helping me escape FGM in Nigeria.*

would also interview the asylum seeker's family or other community members, in person or by phone, hiring an interpreter where necessary. She did not shy away from difficult conversations, including with family members who disapproved or were unwilling to help; her line of questioning would usually extract useful information to support the asylum seeker's case.

She also drew on her own knowledge of and research on FGM/C, on secondary sources, and on the knowledge of other experts and practitioners in her network. The resulting expert witness report that Barbara would submit as evidence during asylum appeal proceedings could be quite lengthy – usually around 20 pages – and constituted a piece of research in its own right: country-of-origin information tailored to the individual applicant. Barbara would begin by outlining her impressive credentials and experience before giving background to the topic and explaining the social, cultural, political and economic context of FGM/C in the country of origin in question. She would then evaluate

the situation of the individual asylum seeker, with a particular focus on issues relevant to refugee status determination such as risk of persecution, the ability of the State of origin to protect and the existence or not of an internal protection alternative. Barbara was careful to admit to any uncertainties; she wanted to help the asylum seeker as much as possible but knew that this would be best achieved by impartial reporting.

Barbara helped many people secure refugee status, and her skills and expertise are sorely missed. However, her legacy lives on in what we can learn from her methods and in the webpages of the refugee legal aid organisation she founded, Rights in Exile, which includes lists of country-of-origin experts and advice on special topics.<sup>2</sup>

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1. See, for example, UNHCR (2013) 'Beyond Proof: Credibility Assessment in EU Asylum Systems', p139 [www.unhcr.org/51a8a08a9.pdf](http://www.unhcr.org/51a8a08a9.pdf)

2. [www.refugeelegalaidinformation.org](http://www.refugeelegalaidinformation.org)

## The helpfulness of *Imposing Aid*: a tribute from the Refugee Law Project

Chris Dolan

**Twenty years after Barbara Harrell-Bond co-founded the Refugee Law Project in Uganda, its current director considers the continuing legacy of the principles that run through her book.**

It is a pleasure to have this opportunity to acknowledge the centrality of Barbara Harrell-Bond as a personal mentor, as a founding member of a field that bridges study, activism and practice, and as the co-founder back in 1999 of the Refugee Law Project (RLP), a community outreach project of the School of Law, Makerere University, Uganda, from where I write today.

*Imposing Aid – Emergency Assistance to Refugees*, possibly Barbara Harrell-Bond's best-known written work, is itself imposing; its rich content models the importance of data, of analysis, of complexity, of collaboration and of acknowledgement. Two decades on from the founding of the RLP, it is worth reflecting on how, as an institution in and of the Global South, the RLP has given further shape to some of the principles and messages embedded in *Imposing Aid*. When I analyse those that resonate for me and that we have sought to give shape to in the intervening years, seven stand out.

First and foremost, we need to understand that refugees and other forced migrants are actors and stakeholders who, regardless of fashionable rhetoric and buzzwords such as 'self-reliance', may need or want a helping hand but do not need or want that aid to be imposed.

Second, if you are in a position to offer some support, and if you are committed to social and political change, get ready to be engaged for the long haul. Barbara's life modelled this. I first learned of her while I was a student in 1991. I then met her at the Refugee Studies Programme's Summer School in 1994 and in 1996 she was my boss for a year. She was at Makerere Institute for Social Research in 1998–99. And she hosted me in her home while at the American University in Cairo in the early 2000s. In every place her

work space was laid out in the same way; her desk looked identical and the ethos and mood she developed were the same. This speaks to me of her particular ability to be adaptable to context while at the same time sustaining core concerns and approaches.

Third, Barbara managed to speak truth to power while simultaneously cultivating relationships with the very people and institutions to whom thus she spoke. This loops back to the question of being in it for the long haul; if those in power, particularly in national and international bureaucracies, tend to have power for life, then those whose role is to challenge them will need a different but parallel tenacity.

The relationships with people and institutions you do not necessarily agree with are key to giving life to what I see as a fourth principle underlying Barbara's work, namely the centrality of legal and policy frameworks to holding duty bearers accountable. Whether holding a government to the letter of the law as set out in its Constitution or a particular Act, or pushing a multilateral organisation to live up to the promises contained in its policy positions (one thinks here, for example, of UNHCR's Policy on Alternatives to Camps), this cannot happen in the absence of a working relationship. However, if I have learned any principle from Barbara, it is perhaps that such relationships are not always immediately possible and that – the fifth principle – if there is no space, or if the shape of existing spaces is not right, then you need to make new ones.

Barbara's career was peppered with critical examples of putting this principle to work: co-founding the Refugee Studies Programme (now Refugee Studies Centre) within Oxford University; establishing the International Research and Advisory Panel

(IRAP) which later became the International Association for the Study of Forced Migration (IASFM); and co-founding the RLP and subsequently Africa and Middle East Refugee Assistance (AMERA) Egypt, AMERA International (formerly UK), the Southern Refugee Legal Aid Network, and ultimately the Rights in Exile Programme website. Each of these was essential in that it created space where previously there had been none and in doing so it did not just add new institutions to the mix but it also shifted the status quo and re-defined the parameters of an emerging field of practice and academic work.

The Refugee Studies Centre, in its early days, took a major set of real-world concerns to the heart of a university that, for many, embodies the ivory tower. Its resource centre, which established an unparalleled collection of grey literature in a pre-internet era, provided a very tangible means by which humanitarian best practice could be examined, as did the establishment of the Refugee Participation Network Newsletter, later to become Forced Migration Review. Both also challenged the assumption within academia that something was only worth taking seriously if found in an academic journal.

From IASFM I myself have learned the importance of having a formal and regular convening of interested persons to help define and institutionalise an entire field of study and a corpus of intellectual endeavour. In founding the RLP (to demonstrate that legal aid to refugees in the Global South is both necessary and possible), Barbara once again created space where none had existed previously. What is more, through doing so in Uganda, a country that even in the late 1990s had already won itself a reputation for its generous refugee-hosting policy, she spoke an important truth to power: even where the frameworks are good, the practice may be less than optimal. She thus also reminded us to not take anything at face value.

Sixth, the act of establishing the RLP was about more than simply speaking truth to power. It was also about putting your words into action: don't simply critique, offer solutions. For Barbara, the development of

local capacity to tackle global challenges was part of that next step. Much though she herself epitomised the 'global citizen' whose meaning and identity in life were not tied to the place of her birth, she was in no way insensitive to the dangers that come when only certain people get to be 'global'. Indeed, *Imposing Aid* can be read as an exploration of exactly those challenges in the humanitarian sector.

Seventh, and last, all the above leads me to the reality that if you are going to establish spaces, you cannot do it alone. The spaces that Barbara created, and that many of us have since occupied and made our own, are a testimony to the importance of collaboration that leaves a lasting legacy through people.

### **The Refugee Law Project: Barbara's principles in action**

Twenty years since Barbara established it, the RLP has operationalised, nuanced and further developed these principles. Do refugees need and want a helping hand? Absolutely, even in a Uganda that is widely regarded as a model refugee-hosting country. Do refugees need legal aid? For sure – even after 20 years, the RLP is the only organisation to provide representation in court to refugees in a country of thousands of civil society actors. What has become clear, though, is that the kind of legal aid that Barbara originally envisaged, and which we initially made available to urban refugees in Kampala, is only one element in responding to refugees' complex needs. In fact, by the time I joined the RLP in 2006 the lawyers who made up the majority of staff at that time had recognised that their legal training had not equipped them to draw out clients' experiences – and so the Project's first psychosocial counsellor was employed. Once counsellors were in place, it became increasingly evident that, alongside huge basic needs related to lack of ready income, many refugees carried legacies of conflict-related sexual violence and torture for which they had found no immediate remedy, let alone longer-term responses. While access to justice for current issues was problematic, access to transitional justice through which to address the harms of yesterday was non-existent.

This history is what gave rise to the RLP's current thematic programming. Our Access to Justice programme addresses immediate legal needs and (since 2007) facilitates adult refugees to learn English – the official language of Uganda – so that they themselves can 'speak their rights'. Our Mental Health and Psychosocial Wellbeing programme works with individuals, couples, households and families – all of whom may be either directly or indirectly connected to, and impacted by, a client's situation and experiences. Our third thematic programme, Gender and Sexuality, reflects how people's experiences of sexual violence are central to their decisions to flee and also acknowledges that far more men are directly affected by such violence than mainstream practice would have us imagine; as part of this, our Screen-Refer-Support-Document model helps enable gendered access to health care in humanitarian contexts. All our work is enhanced by being the only organisation in the country in which refugees comprise one third of all staff.

And finally... is it sufficient that truth be spoken to power, or does it matter who speaks it? Given the core understanding that forced migrants are stakeholders in their own experiences and futures, the answer to the second part of this question is an unqualified 'yes'. Nevertheless, the systems of silencing and disempowerment that largely define forced migrant experiences away from 'home' are not easily overcome. It is from this perspective that the need for

a thematic concern with how to use media for social change emerged. Just as the establishment of the Refugee Studies Centre's resource centre of grey literature broke the academic mould, so in the last ten years an ability to engage with audio-visual media is breaking the mould of what is considered effective communication – and who has that ability to communicate using those media is central to the politics of whether solutions are imposed or not. The RLP has spent the last five years enabling refugees and their hosts to develop their own skills in video advocacy, thereby enlarging the field of those whose voices can be heard.

As this quick sketch shows, there are no limits to where a principled engagement with forced migration and forced migrants can take you. The seedling that was planted by Barbara when she co-founded the RLP with Professor Joe Oloka-Onyango back in 1999 has grown into a tree of many branches that is itself giving rise to new spaces, new capacities and new ways of thinking about the old challenges of forced migration. The helpfulness of *Imposing Aid* in providing the seeds for these processes cannot be over-stated.

**Chris Dolan**

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## Barbara's ethics of antagonism

Joshua Craze

**Barbara Harrell-Bond's approach stemmed from her core belief that we are all adults, all equal, all responsible.**

Being affable was not one of Barbara Harrell-Bond's qualities. Irascible, impatient and demanding, she alienated and inspired people in equal numbers with what at times seemed to be a one-person quest to advocate for refugees. She had no time for niceties, for there was never enough time; Barbara lived her life urgently, and demanded the same from those with whom she worked.

I was a twenty-year-old aspiring anthropologist, one of many who passed through her living room in Cairo, and she had set me to work investigating Sierra Leonean and Liberian refugees in the city. Some would no doubt question whether it was a good idea to have twenty-year-old students running around doing fieldwork. Not Barbara. It was the work that mattered, and there was a terrifying, liberating equality in what she demanded from everyone, students and refugees, collaborators and opponents.

After she died, I remembered all the rooms in which I had known Barbara. The country varies but the cast of characters does not. There is a young law student reading a case file intently, an earnest anthropologist entering the room, a refugee reciting a story, and a young man or woman whom Barbara has employed to help out around the house. There are people who want to offer help, people looking for help, and people looking for a mentor, a martyr or a saviour. What stands out to me, looking back at that room, is Barbara's relentless insistence on treating everyone as an equal. She wanted to help the refugees, of course, but she also set them to work, just like she set all of us to work. She treated us all as adults, and she did not wear kid gloves.

The last time I saw her, in Oxford, her living room was once again full of the usual cast of characters, although her eyesight was failing and the eternal cigarette had been replaced, unsatisfactorily, with an electronic

vape pen. I had come from South Sudan, and I was exhausted. Barbara grilled me on the situation in the country and then set me to work, thrusting a case file into my hand. For the next three days, my 'holiday' in Oxford was devoted to working on the case of a Ugandan asylum seeker appealing against a Home Office decision. His story was full of inconsistencies and Barbara, frustrated, asked him to come to her flat. As we listened to his story, and I asked questions, trying to iron out the irregularities, Barbara became exasperated. She had no time to deal with his hesitations and uncertainties; she had to deal urgently with his case, and had to get it right. I know many people who thought Barbara's tone was inappropriate: people who thought refugees should be treated as victims or as if they were from another planet. Not Barbara.

She was as wreathed in contradictions as she was in cigarette smoke. She demanded independence from those around her but surrounded herself with acolytes. She relentlessly criticised those who claimed to help refugees, indeed she often criticised the very idea of help, but her enduring question, posed in that unforgettable drawl, was: *who is going to help them?* In these contradictions there is an ethics. What Barbara has left us is not simply a body of work, or a set of memories, but something more exemplary: a way of being in the world that actively tries to answer the question that Barbara poses in one of her essays: can humanitarian work be humane?<sup>1</sup>

Barbara was always alive to the inhumanity of the humanitarian industry. In article after article, and encounter after encounter, she pilloried UNHCR, and the way that NGOs worked in refugee camps: the delusion and the defensiveness, the flow charts and the counts. Why, I remember Barbara asking time and again, can't people count themselves? Why can't people



distribute aid for themselves? (They do so anyway the moment the aid workers' backs are turned.) What underlined all Barbara's critiques, ultimately, was an awareness of how asymmetric power relations disempowered refugees and created frameworks of dependency in which the agency of the refugees were ignored.

It always felt to me that Barbara's work and life stemmed from the same ethical conviction: that everyone is responsible for themselves. It is that demand for moral seriousness, which she asked of herself as much as she asked of others, that led to her critiques of the humanitarian industry. She was one of the first to realise the problems caused by the fact that NGOs are responsible to donors, rather than to refugees, and one of the first to critique the strange, unaccountable forms of control one finds in refugee camps, where UNHCR assumes de facto sovereignty without any popular mandate. For Barbara, sovereignty could not be imposed, or created elsewhere; it had to come from people seizing control of their own existence.

I often think that for Barbara the solution, if one could be imagined, was an end to 'refugees': not an end to war – she was a hard-headed realist – nor an end to people being displaced but an end to the term 'refugee' insofar as it functions to suspend political rights and infantilise people. Refugees do not, Barbara insisted, go through a miraculous reverse maturation when they leave their country of origin, suddenly becoming children, unable to care for themselves. Rather, people are always adults, always capable of counting themselves, of organising their own distributions of aid. If they fail, or they are late to work, or just confused, then Barbara felt within her rights to be angry. No exceptions. We are all adults, and there is no time for niceties.

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## AMERA: delivering a refugee-centred approach to protection

Sarah Elliott and Megan Denise Smith

**Former AMERA staff and advisers reflect on the impact this NGO had in advancing refugee protection and how it embodied Barbara Harrell-Bond's philosophy.**

Founded by Barbara Harrell-Bond in 2003, the Africa and Middle East Refugee Assistance (AMERA) organisation embodied her philosophies of promoting refugee voices, ensuring accountability among the people and institutions mandated to decide refugees' destinies, and achieving normative change within the refugee protection sector through continuous learning and truth seeking. AMERA paved the way for many other similar organisations, serving as a flagship model to expand integrated legal aid services for refugees in South America, the Middle East, Africa and Southeast Asia.

AMERA positively affected the lives of every refugee and caseworker working with or served by it during its 11 years of operation in Cairo.<sup>1</sup> Too often the subjects of daily xenophobic harassment and attacks, refugees found a safe space in AMERA where they were treated with respect. Hosting one of the largest urban refugee populations in the developing world, Cairo presented an enormous and challenging workload for AMERA staff and volunteers. At AMERA, protection for refugees focused not just on obtaining refugee status but also on enhancing their safety and dignity in Cairo, and it was the first and only organisation in Egypt to provide legal, social and mental health services to refugees under one roof.

Barbara's emphasis on empowering refugees to direct their own cases was embedded in the ethos of AMERA and its staff. She exposed the silencing of refugees in institutional frameworks, challenging humanitarians to examine the roles of 'victim' and 'saviour' in their work and to regularly and critically reflect on the inherent asymmetrical nature of their relationships.

This self-reflection also underpinned AMERA's exceptional training programme.

All staff and volunteers received an induction in relevant Egyptian national law, the role of UNHCR (the UN Refugee Agency) and the main nationalities of asylum seekers. Training in case management, referral between units (to ensure continuity of care), psychosocial support, data storage and interviewing – involving several weeks of shadowing and on-the-job feedback – were mandatory. By doing this AMERA emphasised the development of soft skills and interdisciplinary approaches to refugee protection. Importantly, AMERA sensitised local Egyptian volunteers on an otherwise largely invisible population.

Barbara's understanding of the intersections between gender-based violence (GBV) and claims for international protection also led to the establishment of a dedicated GBV team at AMERA, whose work included LGBTI refugees and male survivors of sexual violence. Barbara also saw a need for a special focus on the rights of refugee children, particularly in relation to birth registration, education, nutrition and appropriate accommodation. Every child referred to AMERA was assigned a child specialist caseworker who would involve them in therapeutic group activities and provide regular one-to-one counselling.

### Community-based protection

Barbara focused on improving social realities for refugees, acknowledging the protracted nature of their situation in many camp and urban settings. According to Barbara: "UNHCR was never intended to become the world's largest welfare agency for displaced people: it was established to protect the rights of refugees.... and the protection of those rights necessitates an international effort to build a new infrastructure in the South."<sup>2</sup> This understanding led to a critique of

Refugee Status Determination (RSD) in some contexts like Egypt where recognition enables permanent residency but does not grant to refugees other rights laid out in the 1951 Refugee Convention, such as the right to work. For this reason, community-based protection and everyday activism became critical to the survival of Cairo's refugees and a core component of AMERA's activities.

AMERA's community outreach team supported community leaders to be seen and heard by UNHCR, in order to raise concerns or seek updates on cases. Meanwhile AMERA assisted community-based organisations (CBOs) – who provided emergency shelter and humanitarian assistance – to become as self-sufficient and resourceful as possible, including by supporting them in seeking independent financing. AMERA community outreach officers linked up to share best practices and carry out joint trainings for smaller and less-organised communities.

AMERA also recognised the value in learning from those with lived experience in order to improve its service. Refugee staff connected AMERA to the communities it served; they worked as interpreters, caseworkers and community outreach officers. Refugee staff were also able to flag difficult cases from their communities who were unable to reach the organisation. This sparked the idea of mobile clinics that would reach those refugees who could not reach AMERA, including persons with disabilities, the elderly and other at-risk groups living at the margins of Cairo's heaving metropolis.

### **AMERA's everyday activism**

Cairo's dehumanising environment for refugees – despite their legal right to remain – propelled a daily activism among

AMERA staff in order to overcome regulatory or practical hurdles. This might entail accompaniment to health facilities to seek psychosocial support or to police stations

to seek a waiver to the common practice of not registering the births of children born to unmarried refugee mothers. For the most vulnerable, AMERA arranged for direct resettlement referrals to foreign embassies. Indeed, AMERA's behind-the-scenes work on detention, providing counselling and representation via telephone, provided a lifeline for many. Michael Kagan was right when he wrote: "AMERA tends not to bring high-profile cases in court, it rarely publishes reports, and its website is rudimentary. ...AMERA focuses instead on defending

human rights in practical terms, by helping refugees get recognized legal status, get a medical referral in an emergency, helping their children get into school, and so on."<sup>3</sup>

Through its advocacy, AMERA succeeded in influencing UNHCR's Cairo office to accept the accompaniment of AMERA legal advisors to RSD interviews at a time when many other UNHCR offices rejected it. The relationship between AMERA and UNHCR Cairo was a critical basis for UNHCR's eventual global recognition of the right to representation in its RSD procedures.<sup>4</sup>

Perhaps one of AMERA's greatest achievements was how it helped steer a multi-agency partnership with UNHCR, the International Organization for Migration (IOM), the Psycho-Social Services and Training Institute in Cairo (PSTIC) and Caritas in identifying and responding to the needs of victims of human trafficking – a phenomenon that affected thousands of mostly Eritrean nationals from 2009–14. This multi-agency approach – widely



considered to be best practice in the counter-trafficking sector – included a common protocol for sharing information and data, and the establishment of standard operating procedures designed to identify, refer, protect and seek solutions for victims over a defined time period. With AMERA's support, UNHCR and IOM Cairo managed to resettle around 400 refugee victims of human trafficking to Australia and the US.

While AMERA embodied many of Barbara's personal philosophies, after she left Cairo it became a force in its own right. This small NGO managed to carve out a new path for refugee advocacy and case management and demonstrated how platforms for innovative practice can drive and influence policy and institutional change. The story of AMERA also reminds us that the structures designed – and people employed – to provide refugee protection require constant

re-examination and self-reflection that must be informed by refugees' lived experience.

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This article is written in a personal capacity and does not necessarily represent the views of the agencies for which the authors now work.

1. This article is written in tribute to all AMERA staff and to the AMERA spirit that lives on in all of us, and we thank those colleagues and friends who supported its development.
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## From a critique of camps to better forms of aid

Alyscia D'Onofrio

**What insights can the pre-eminent critic of camp-based aid provision, Barbara Harrell-Bond, offer contemporary practitioners?**

Barbara Harrell-Bond's major works *Imposing Aid* and *Rights in Exile* (the latter co-authored with Guglielmo Verdirame) examine aid modalities in two different eras: Southern Sudan in the early 1980s, and Kenya and Uganda in the late 1990s. They are rich in detail and insights, devastating in their critique of the policies and practices of UNHCR (the UN Refugee Agency) and international non-governmental organisations (NGOs), and yet anchored in hope for different, better forms of humanitarian action. With a humanitarian aid industry struggling to adapt to changing patterns of displacement and settlement in a world in which the majority of displaced people do not reside in camps, can Harrell-Bond's analysis help inform current approaches to assistance?

*Rights in Exile*<sup>1</sup> presents a litany of cases in which the rights of refugees

were metaphorically exiled through the provision of aid. The authors detail multiple instances in which the basic rights that form constituent elements of refugee and human rights conventions were curtailed, and sometimes actively abused, by the very systems of protection and assistance that host governments and the international community had established. The groundbreaking critique made for devastating reading at the time. However, three aspects of its analysis frustrate any attempt to garner useful guidance for thinking through contemporary arguments about the relative merits and failings of camp-based versus other forms of assistance.

The first of these relates to scale. The authors' organising frame of reference is the list of rights against which they documented at least one violation, and in most cases multiple violations. However, this does not

really give a sense of relative importance or likelihood of future violations under similar conditions. As a humanitarian professional in a world of scarce resources and tough managerial decisions, I need to know the scale and importance of specific rights violations. This may be at odds with a purist view of the inalienable nature of each and every human right but the pragmatics of resource allocation and intervention selection require a better sense of relative incidence and importance.

Second, there are few comparative references to rights violations outside a camp setting. Those that are mentioned relate primarily to processes which drive refugees into camps in the first place. There is no equivalent treatment of rights violations in rural or urban communities. While largely outside the scope of her analysis, this remains an important dimension for any comparative evaluation of camps as sites of aid provision.

Third, while the approach is impressively forensic in establishing that multiple rights were violated, it lacks a framework to help sort through the assembled cases to determine what was specific to a certain confluence of events, policies, resource constraints and managerial choices, as distinct from an unavoidable, essential consequence of creating and managing refugee camps or settlements. This makes it extremely difficult to evaluate the conditions under which such rights violations are likely to (re)occur. There are important clues in Harrell-Bond's books that allow the reconstruction of some sort of a hierarchy of rights, the violation of which provides the context in which a whole host of abuses can follow. Foremost among these relate to the absence of choice for displaced persons in camps (relating to freedom of movement, and the ability to work, generate income and participate in formal labour markets) and the absence of voice (relating to freedom of expression and to self-organise). Without these basic rights, any sense of resilience, self-reliance or agency is rapidly removed, and the risk of de facto collective punishment increases dramatically. While there has been progress in some settings at certain times towards more open camps and greater economic opportunities, it is by no

means commonplace that such rights coexist with contemporary camp-based aid provision.

### The continuation of camps

Many of Harrell-Bond and Verdirame's arguments are now part of mainstream discourse about the importance of aid provision within and beyond camps: the importance of the right to work, freedom of movement, safety from sexual violence and so on. UNHCR's policies on out-of-camp assistance have shifted, and new modalities for providing assistance to self-settled refugees (primarily in urban contexts) are of increasing importance. Nevertheless, camps persist, and we appear to be in a mixed – sometimes contested – phase of aid delivery, in which the primacy of camps as aid provision sites has been challenged but in which camps continue to play a major role in responses to forced migration. Harrell-Bond provides three reasons why the international aid industry continues to favour camps.

First there is the issue of resource mobilisation: "To attract money, refugees must be visible."<sup>2</sup> Camp-based responses facilitate the quantification of beneficiaries, the calculation of resourcing requirements, and the presentation of physical results: people fed, latrines dug, water supplied, shelters erected, activities conducted. All of this information is essential to attract and renew donor funding. Donor and media visits are easier to structure around a single, easily identifiable site, and camps provide a persistent reminder of continued need. While accepted practices for aid communications have shifted over the intervening years, with a greater emphasis on highlighting self-reliance and empowerment, camps still provide an important part of the stories the aid industry tells about itself.

Second there is the relative ease of beneficiary targeting in camps:

*"It is difficult to count the numbers of self-settled refugees, and even if they could be identified, the policies of most refugee agencies are too inflexible to allow them to devise a programme which would assist a target population which is 'mixed up' with the local community."*<sup>3</sup>

This view from the 1980s is a little dated, since donor and implementing agencies

now routinely target both displaced and host populations. Nevertheless, targeting remains a challenge for humanitarian agencies in urban settings, with so-called 'area-based' interventions sufficiently unusual as to be still regarded as innovative within the sector. Camps undoubtedly simplify matters by giving the camp authorities the power to count, register and organise people (with all the attendant risks of rights-violation that Harrell-Bond identifies).

Third, and related to the above, donors tend to earmark funding for direct refugee response rather than for "expanding the economic and social infrastructure which would cope with such dramatic demographic changes".<sup>4</sup> While there are potentially significant changes afoot, with the World Bank and other development actors beginning to commit resources to meet the challenges of forced displacement both in terms of policy change and infrastructure support, these remain the exception. Humanitarian and development funding streams remain separate in most donor agencies, which in turn fuels distinct humanitarian implementation responses which are short-term in focus and execution. With some caveats, Harrell-Bond's observation holds true today: pouring money into humanitarian responses, including camps, is easier for donor and implementing agencies than thinking through long-term infrastructure and employment challenges in partnership with host governments.

There are, however, other reasons why camps might exist and persist in different contexts: political expediency for the host government, lack of absorption capacity in existing settlements, lack of necessary services at the scale required, and so on. Defining and measuring the relative benefits of how aid is provided remains a challenging question for the contemporary practitioner and researcher alike.

### Pathways to better aid

So how do we decide where resources are best allocated and what aid modalities are most supportive of refugee needs and aspirations? Harrell-Bond concludes

*Rights in Exile* with a statement that is tantalising and frustrating in equal measure:

*"Further research is called for. In particular, cost-assessment studies of encampment are much needed. If, as we would hypothesise, camps are more expensive than interventions aimed at local integration and development, then there should be no obstacle to making the pursuit of the latter the primary objective of humanitarian assistance programmes for refugees."*<sup>5</sup>

Very little progress has been made in the cost-benefit analysis of different aid modalities over the decade and a half since publication. This is perhaps with good reason: costing camps is relatively simple but costing service provision in urban settings is significantly more challenging, given the range of service providers and potential funding streams. And there is a still more complex set of conceptual problems to resolve: the need for a framework of equivalence in individual and collective outcomes in the different settings. Despite these challenges, progress is being made in bringing agencies together to use similar costing methods, a small but by no means insignificant step towards greater cost transparency and comparability. It is conceivable that in a few years we might answer Harrell-Bond's hypothesis with a degree of accuracy.

At that point, we will confront her other, rather optimistic hypothesis that better information will lead to better interventions. This hope underpins both books and stands in stark contrast to her analysis of agency self-interest in perpetuating camps as the primary location for aid provision. Time will tell whether her hope will be realised.

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# Resist injustice

Olivier Rukundo

**The assistance that I, as a refugee, received from Barbara Harrell-Bond shows that her defence of refugees went far beyond the preparation of asylum applications.**

I first made contact with Barbara in October 2011, after hearing a BBC radio interview with her in which she denounced as premature the planned invocation of the cessation clause for Rwandan refugees. Her defence of Rwandan refugees of different ethnicities encouraged me to think she might be able to help me, and her words gave me hope that I might find a way out of my ordeal.

I was at that time a PhD student living in China on a programme supported by the Government of Rwanda. After I had refused a request to return to Rwanda to make false testimony against the Rwandan opposition leader ahead of the 2010 presidential elections, the Rwandan government had refused to re-issue my passport and stopped my student bursary. The Rwandan embassy in China had also refused to officiate my marriage, and my son – born in China in 2011 – and I were left undocumented.

When I contacted Barbara the first time, I did not expect a response because we did not know each other. But Barbara did reply to my email and she guided me in preparing my case for an asylum application in China. First she shared with me a sample application to help me create my first draft, and then she went through my story with me many times, asking questions until it was complete, and reviewing and proofreading the application over and over again. We communicated by email, instant messenger, Skype and telephone.

Barbara was used to working with Rwandan refugees and had access to all the necessary country of origin information. She was very sympathetic because she even told me about her early life and the difficulties she had encountered. Barbara also sent us money and

contacted UNHCR's Beijing office frequently and persistently to stir them into action, copying her other contacts at UNHCR.

Barbara also ensured that I was able to further develop my career in academia. She proofread my computer science academic papers, introduced me to many scientists in the UK and US working in my area of expertise and, after I completed my PhD, wrote me a recommendation for the US-based Scholars at Risk organisation,<sup>1</sup> who arranged temporary faculty positions for me at universities in the Netherlands and Belgium.

In June 2012 I was granted mandate refugee status in China and in February 2013 I was resettled to Sweden, where I still have refugee status and am waiting for my recent application for Swedish citizenship to be considered. The success of my application for me would mean the possibility of integration and full protection.

During the six and a half years that I knew Barbara, I learned that her defence of refugees went far beyond facilitating asylum claims. She defended us like a mother defending her own children and grandchildren, not only to find a way out of our ordeals but also to become successful in our careers. Her legacy to me is to resist injustice – something everyone could learn from her. The advice I would like to share with other refugees is simply: defend what is right, despite the costs. The easy way out of my situation would have been to bow to the pressure to do what was wrong. I resisted and, ultimately, thanks to Barbara's help, found a way out of my ordeal.

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1. [www.scholarsatrisk.org/](http://www.scholarsatrisk.org/)

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