

## **A HUMAN RIGHTS-BASED APPROACH TO REFUGEE RESETTLEMENT**

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## **Rationale**

I. Refugees in the Wellington region have - as permanent residents, citizens and as human beings in their own right - rights and responsibilities. They are entitled to claim these rights and agencies have a duty to fulfil them.

II. Refugee communities in the Wellington region have expressed their concerns that their rights are compromised: not only are services inaccessible but refugees have reported that their rights are disrespected and they themselves feel belittled.

III. For these reasons, Change Makers Refugee Forum (CRF) decided to think through what a human rights-based approach to resettlement might look like in key areas. The intention is to join with communities and organisations interested in exploring these ideas further. This 'think piece' is aimed at describing the concept and concerns in implementing a rights-based approach; to encourage debate and then decide on ensuing actions.

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## I. Introduction

*“The way we treat, and view, refugees is a test for our fidelity to the principles of universal human rights.”<sup>1</sup>*

All refugees come from situations where their human rights have been grossly violated. In contrast, the resettlement of refugees in countries like New Zealand is expected to provide them with a safe haven and a durable solution. The host country also has to ensure that these individuals become fully integrated into the local human rights framework so that they are able to exercise their rights and responsibilities. Refugees with the status of permanent residents are entitled to the same rights/duties as every other resident.<sup>2</sup>

New Zealand has been committed to the resettlement of refugees for more than sixty years. New Zealanders have developed a general tolerant attitude towards immigration over time<sup>3</sup>. Yet, research finds – for New Zealand and other Western countries – that within the diverse group of migrants, refugees in particular often become economically and socially marginalised members of their host countries.<sup>4</sup> Refugee resettlement programmes in New Zealand have also been criticised as “emergency relief programmes” which support the refugee’s dependency on charity services and not their integration into society as “active participating citizens”.<sup>5</sup> Similarly, refugee communities in the Wellington region have expressed their concerns that government agencies ‘treated them like welfare recipients’ with an underlying perceived message that ‘they should be grateful’. For many this is humiliating and disempowering.<sup>6</sup> Representatives of the Afghani, Assyrian, Cambodian, Ethiopian, Eritrean Community as well as from the Iraqi, Middle Eastern, Oromo, Somali, Sudanese and Rwandan Communities in the Wellington Region have articulated that policy and resourcing should take a rights-based rather than a welfare perspective.<sup>7</sup>

This “think piece” seeks to explore a human rights-based approach to refugee resettlement. By doing so, we like to think forward and enable an informed discussion on an approach to refugee resettlement that is based on human rights – unlike the current resettlement policies and practices which include participatory approaches but, in an overall assessment, are

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<sup>1</sup> Kirby (2005), p. p. vii-ix

<sup>2</sup> This paper discusses individuals with a recognised status as a refugee either through quota or in NZ asylum system who consequentially live in New Zealand as permanent residents and therefore are subject to the resettlement process; it is not in the scope of this paper to analyse the complex procedures and the rights framework regarding the refugee determination process but it is acknowledged as an equally crucial topic that needs further investigation.

<sup>3</sup> Nash, Wong, and Trlin (2006), p. 347

<sup>4</sup> Colic-Peisker (2005), p. xvi-xvii

<sup>5</sup> Chile (2005), p. 270

<sup>6</sup> ChangeMakers Refugee Forum (2005)

<sup>7</sup> ChangeMakers Refugee Forum (2005), p.7

principally needs-based. This paper is linked to the *Standards for Engagement. Guidelines for Central and Local Government, and NGOs working with refugee background communities* developed by ChangeMakers Refugee Forum in March 2008. These standards propose that “human rights are the basis for policy development and services” – in the document presented here we like to look at what this might mean<sup>8</sup>.

It should be stated at the outset that it is not the intention of this paper either to name all the shortcomings of refugee resettlement or to analyse public attitudes towards refugees in New Zealand and the Wellington Region in particular. We are also well aware that a human rights-based approach can only be implemented progressively and understandings of what it means are still emerging. However, we hope to encourage debate on what could become a new approach to resettlement – a debate that includes past and present experiences in the field. Ideally this will result in change leading towards what refugee communities have expressed as their vision: to be able to “live their lives like every other New Zealand citizen”.<sup>9</sup>

In this light, the need for a better appreciation of the nature and effectiveness of the resettlement process becomes evident. Informed debate is also required as the problem is not likely to diminish – current figures show that refugee numbers are on the rise for the second consecutive year<sup>10</sup>. It is also of great importance to acknowledge the central role that migration generally plays in New Zealand’s social and economic development, which means that “settlement policy will become increasingly important as a means of ensuring integration”.<sup>11</sup> Even though there is a clear connection between the integration of migrants and refugees, this paper seeks to stress that the (re-) settlement of forced migrants or refugees needs a specific understanding due to its particular complexity. Refugees all too often run the risk of becoming invisible in the analysis of migration processes.

New Zealand, standing for a seat in the UN Human Rights Council in 2009 and renown for its leadership role in the development of the United Nations human rights framework provides the positive environment for fresh thinking regarding the exercise and interpretation of human rights – and the opportunities they bear for an inclusive society in Wellington and beyond.

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<sup>8</sup> ChangeMakers Refugee Forum (2008a)

<sup>9</sup> ChangeMakers Refugee Forum (2008b)

<sup>10</sup> For details on recent statistics regarding causes and numbers of displaced people refer to UNHCR (2008)

<sup>11</sup> Department of Labour (2006), p. 4

## II. Developing a Human Rights-based Approach to Refugee Resettlement

### 2.1 Human Rights, Refugee Rights and Resettlement

Before embarking on the adventure of developing a rights-based approach to refugee resettlement, it is essential to define the concept of human rights. For the purpose of this paper we adopt a broad understanding of human rights treating them not only as the extensive body of laws created by the United Nations since the *Universal Declaration of Human Rights* (UDHR) in 1948 but also as an internationally shared and accepted legal framework that reflects global moral and political values. International human rights law evolved to protect and safeguard the integrity and dignity of each individual. An often narrow legalistic interpretation of this framework must be complimented by the equally important political, social and economic processes in securing human rights. In fact, human rights represent an “ethical framework for human relations, applicable to all and rights-based approaches target laws and regulations, but also beliefs and public opinion”.<sup>12</sup> Locating rights and the corresponding responsibilities in this light is epitomizing reality where the legal mechanism contains only a last resort of rights enforcement. In this comprehensive understanding, human rights law ideally frames the interaction of rights-holders and duty-bearers reinventing and contesting human rights in everyday life,<sup>13</sup> e.g. in the daily interactions between people, service providers, local government, community members etc. In this respect New Zealand’s bicultural society is an advantage as it offers a unique expression of human dignity represented in the idea of *mana*: “In respecting a person’s mana, we recognise the humanity, prestige, dignity and *wairua*, or spirit, of that person”.<sup>14</sup> Another original Maori concept highly relevant to refugee life is “*turangawaewae* – the right to belong or [...]`the standing place from where one gains the authority to belong”.

Critical to developing a rights-based approach to refugee resettlement is the assessment of the origins of duties and rights in this field of practice. The key documents that need consideration in this context are the *1951 Convention on the Status of Refugees* and the additional *1967 Protocol to the Status of Refugees* which are still widely recognised as the cornerstones of international refugee law. According to both documents a refugee is someone who:

“owing to well-founded fear of being persecuted for reasons of race, religion nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, unwilling to avail himself of the protection of that country”<sup>15</sup>.

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<sup>12</sup> Gready and Ensor (2005), p. 9-10

<sup>13</sup> Gready and Ensor (2005), p. 12

<sup>14</sup> Human Rights Commission (2004), p.3

<sup>15</sup> UNHCR (2007), p.16

The document further states that every country assigned to the Convention:

“shall accord to refugees lawfully staying in their territory the same treatment with respect to public relief and assistance as is accorded to their nationals.”<sup>16</sup>

In the more recent *Agenda for Protection* the UNHCR identifies the “strategic use of resettlement as a tool for protection, a durable solution and tangible form of burden-sharing”<sup>17</sup> and a priority area of the “Convention Plus” process. This process takes account of the increasing concerns Western countries have raised in relation to immigration particularly since the 9/11 attacks in the United States and that have resulted in tighter immigration law in many countries. Hence, the urgency of rethinking these solutions is prevailing and their promotion and realisation needed:

“It is not acceptable, former High Commissioner Ruud Lubbers said in 2001, that refugees spend years of their lives in confined areas. Yet the political failure to find durable solutions for refugees leads to precisely the kinds of protracted situations that degrade the displaced. Unable to return to their homeland, settle permanently in their country of first asylum or move to a third state, many refugees find themselves confined indefinitely to camps or holding areas, often in volatile border zones. Such restrictive conditions are a denial of rights under the 1951 UN Refugee Convention and a waste of human talent. Furthermore, the prevalence in prolonged refugee situations of idleness, aid-dependency, and a legacy of conflict and weak rule of law can induce fresh cycles of violence, threatening human security. With more than 6 million refugees stranded in a ‘long-lasting and intractable state of limbo’ at the end of 2004, it is imperative that the search for durable solutions be intensified”.<sup>18</sup>

This situation requires another important aspect in the promotion of a rights-based approach to refugee resettlement to be considered: the responsibility of the West, at least indirectly, for some of the root causes that are motivating the current violent conflicts mainly in Africa and the Middle East which then produce massive flights of people. Iraq, Somalia and Afghanistan are just the most obvious examples. If fully understood, information on the refugee causes, the international relations between country of origin and the host country and refugee rights can positively enhance the everyday relationships between service providers, governmental agencies and the public. This also touches on the notion of “justice” as it calls for humbleness and the acknowledgement that the West does not stand on moral high ground when it comes to good governance and the implementation of human rights in policy practice as will be demonstrated below in the case of New Zealand.<sup>19</sup>

New Zealand, standing for a seat in the UN Human Rights Council next year, prides itself for its “groundbreaking human rights legislation....”<sup>20</sup> and has had a long history of commitment

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<sup>16</sup> UNHCR (2007), p.16

<sup>17</sup> UNHCR (2002), p.1

<sup>18</sup> High Commissioner for Refugees (2006)

<sup>19</sup> Das (2004), p.117

<sup>20</sup> Ministry of Foreign Affairs and Trade (2008)

and involvement in the development of the international human rights framework. It is also one of the few countries worldwide that accept a fixed annual quota of refugees. Refugee rights are mainly dealt with in the *Bill of Rights Act 1990 (BoRA)* that applies the *International Covenant of Civil and Political Rights (ICCPR)* to New Zealand and more specifically, in the *Immigration Act 1987*, recently reviewed. Interestingly, the *1951 Convention* itself was incorporated into the *Immigration Act* as an appendix. Consequently, a breach of the Convention could not be processed in New Zealand courts. Another safeguard against discrimination in relation to refugee rights is the *Human Rights Act 1993* which particularly protects employment, provision of goods and services and access to housing and education.<sup>21</sup>

Despite New Zealand's widely recognised international performance in the promotion of human rights there are concerns on the "culture of human rights" at the local level: "There are numerous human rights issues and concerns arising in the asylum seeker and refugee sector and this is a critical time for such matters given announcements for legislative change and the international climate which is eroding the rights of asylum seekers and refugees. It is essential that a human rights approach is followed in any policy framework concerning refugees and asylum seekers. Basic human rights such as the right to liberty, access to counsel, access to justice, the right to a nationality, the right not to be refouled, all need to be strongly advocated in any policy framework."<sup>22</sup>

The current *Immigration Policy on Refugees (2005)* does not make any mention of "human rights" whatsoever; likewise *The Wellington Regional Settlement Strategy (2008)* talks about "rights" simply under New Zealand law. However, in the recently introduced NZ Immigration Bill (2007)<sup>23</sup> the scope of the protection regime has been widened by incorporating the Convention Against Torture (CAT), the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant of Civil and Political Rights (ICCPR). Yet, no mention is made of an explicit human rights-based approach to immigration or settlement policy. Nonetheless, Geiringer and Palmer affirm that a rights-based approach to policy making has not been completely absent from New Zealand politics:

"Over the last few years there has been increased interest from both within and outside government in the impact of human rights on the policy-making process. There is, however, considerable uncertainty about what a rights-based approach to social policy might require."<sup>24</sup>

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<sup>21</sup> Human Rights Commission (2004b), p.4

<sup>22</sup> Manning (2005), p.8

<sup>23</sup> NZ Parliament (2008)

<sup>24</sup> Geiringer and Palmer (2005), p.12

Equally, the assessment of New Zealand's human rights culture undertaken by the Human Rights Commission identifies gaps "between New Zealand's international human rights obligations and the development of policy. It noted that there is room for improvement in the ways in which government agencies incorporate human rights standards into daily practice."<sup>25</sup> Yet, it does not suggest the development of explicit rights-based approaches to social policy and refugee resettlement policy in particular. Finally though, the Wellington *Regional Action Plan for Refugee Health and Wellbeing (2006)* aims to take a rights-based approach for its actions and adopts the definition of CARE as a starting point:<sup>26</sup>

"A rights-based approach deliberately and explicitly focuses on people achieving the minimum conditions for living with dignity. It does so by exposing the root causes of vulnerability and expanding the range of responses. It empowers people to claim and exercise their rights and fulfil their responsibilities. A rights-based approach recognises poor people as having inherent rights essential to livelihood security – rights that are validated by international standards and laws".<sup>27</sup>

The origin of this definition suggests that a rights-based approach specifically for refugee resettlement has not been formulated yet. It is in the field of international development and aid where significant progress has been made to formulate rights-based approaches. The following chapters will demonstrate what learnings from the development field we can use for the context of refugee resettlement.

## **2.2 Concepts, assessment and barriers of a rights-based approach to refugee resettlement**

As we have seen in the case of New Zealand there is no evidence that suggests an explicit rights-based approach to refugee resettlement already in place. Likewise, research undertaken for this discussion paper did not identify such an explicit approach on the international level either. However, the interdependency of the refugee existence and the protection of their human rights has been analysed extensively and was pointed out briefly above.

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<sup>25</sup> Human Rights Commission (2005), p.38. In this respect, it is of outmost concern that "in absence of specific statutory reference there is similarly nothing to compel the New Zealand government to give effect to international law. It is a fundamental principle of international law, however, that the obligations contained in an international treaty bind the parties to the treaty, who are accordingly obliged to modify their domestic legal orders to give effect to them. [...] Failure to do so will render New Zealand in breach of its binding international obligations." (Geiringer and Palmer (2005), p.8)

<sup>26</sup> To develop a Rights-based approach to Refugee Resettlement is one of the activities laid out in this plan of action.

<sup>27</sup> ChangeMakers Refugee Forum (2006), p.15

At a first glance, needs-based/welfare<sup>28</sup> and rights-based approaches have much in common. Claiming needs is often a contextualised way of expressing rights. Yet, the emphasis on `needs´ or `rights´ has major implications for the representation of interests and deeply changes the relationship from the notion of ‘welfare service – beneficiary’ to one of ‘duty bearer - rights-holder’. In a simple example this can be explained as follows:

“«John needs food» tells us nothing about the moral and legal obligations of others in relation to John’s need. In contrast, the statement «John has the right to food» means that someone else (in the case of international human rights, the state) has a *duty* to ensure that John’s right is protected”<sup>29</sup>

This clearly shows that the language of rights is the language of entitlement, demand and empowerment. The basic principle of a rights-based approach is therefore the relationship between the rights-holder – who is autonomous and does not have to “earn” his rights as these are owed to him by virtue of his humanity – and the duty-bearer. Thus, “the concept of «deserving» and «undeserving» poor is completely absent from human rights thinking”.<sup>30</sup> Following UNESCO’s proposition, there are six key principles in a rights-based approach that provide a valuable initial base for developing policy and programmes:

- an emphasis on the *participation* of individuals and groups in decision-making
- *accountability* for actions and decisions, which allows individuals and groups to complain about decisions that affect them adversely
- *non-discrimination* among individuals and groups through the equal enjoyment of rights and obligations by all
- *empowerment* of individuals and groups by allowing them to use rights as leverage for action and to legitimise their voice in decision-making
- the *linking* of decision-making at every level to the agreed human rights norms
- *identification of all the relevant human rights of all involved and, in case of conflict, the balancing of the various rights to maximise respect for all rights and rights-holders*<sup>31</sup>

However, the last point indicates that the relationship between rights-holder and duty-bearer is not unilateral but rather a reciprocal relationship. The rights-holder is entitled to rights, to claim rights, to hold the duty bearer accountable but at the same time has a responsibility to respect the rights of others.<sup>32</sup>

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<sup>28</sup> In general terms, the NZ government is moving from a “social welfare” to a “social development” approach to social policy. (Geiringer and Palmer (2005), p. 2)

<sup>29</sup> Geiringer and Palmer (2005), p. 4

<sup>30</sup> Geiringer and Palmer (2005), p. 4

<sup>31</sup> UNESCO (2003) in Human Rights Commission (2004a), p. 7

<sup>32</sup> NZAID (2008)

International development is the field of practice where rights-based approaches have been pressed forward substantially since the *Vienna Declaration* in 1993<sup>33</sup>, particularly under the leadership of the United Nations. Nevertheless, for the most part there is no difference in principle between a rights-based approach to development and refugee rights programming. Parallels can be drawn between the evolution of the rights-based approach to development and the resettlement of refugees in terms of the transitional processes of dominant paradigms. Since the 1950ies, a shift can be observed from purely “aid” measures towards the more quality focussed “development” (1960ies to 1980ies) and now, in the case of some driving development agencies like Oxfam, Save the Children and UNICEF, to “human rights approaches to development”. Central to these conceptual changes and highly relevant to refugee resettlement processes is the position of the human person. The meaning of development changed this perception in so far as it clearly described the human being as the *subject*, not the *object* of development.<sup>34</sup> As a result, participation and empowerment became key concepts in development and have equally informed policy-making on refugee resettlement. Yet, the re-conceptualisation by organisations mentioned above and others demonstrate that incorporating these concepts into strategic planning has not been sufficient for the achievement of their goals.

As suggested earlier in this paper, the effectiveness of human rights implementation is dependant to a large extent on the quality of communication between stakeholders. In regard to rights-based approaches this is fuelled by

“an interaction between claim holders and duty bearers that admits the former into the decision making process. Communication of this sort is characterized as empowering, two-way, interactive process that enables claim holders to identify desired changes, and is contrasted with «behaviour change strategies» that are designed to persuade marginalized people to adopt desired practices”<sup>35</sup>

The box below gives an example of some representations used by and for refugees and illustrates the problems of communication between them and the receiving community. The lack of communication and the complexity of refugee identities affect their ability to integrate, and their capacity to claim rights and accomplish their responsibilities. This in turn, will necessarily inform the perception of duty bearers towards refugees.

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<sup>33</sup> United Nations World Conference on Human Rights, Vienna, 1993

<sup>34</sup> UN Secretary General on the meaning of development in 1979, (Gready and Ensor (2005), p. 18)

<sup>35</sup> Gready and Ensor (2005), p. 23

### Spotlight: Refugee representation and communication

**Imagining the realities of the “other”, the “stranger” is a mutual challenge.**

*“I think both parties are just scared of each other” - young refugee woman from Somalia about her non-existing relationships with “Kiwis”*

*“Usually people use it negatively” - young refugee woman from Somalia on the use of the term `refugee`<sup>36</sup>*

Refugees are largely seen as *“a deficit or a cost and not as an asset”* - Refugee Policy Forum<sup>37</sup>

*“The rights of refugees are also dependent upon their complex and often conflicting responsibilities. Refugees are torn in several directions when it comes to responsibilities, with obligations to, inter alia, their country of origin, the global Diaspora and the new community often all needing to be satisfied. This places refugees in a unique predicament, particularly when compared to UK citizens, but also compared to other groups of migrants, and has implications for determining the civic rights of refugees, how refugees construct their identity and also for their social and economic integration.” - Information Centre about Refugees and Asylum Seekers (ICAR), UK<sup>38</sup>*

*“Arendt observed over fifty years ago that where refugees are regarded as political actors then their rights are more likely to be respected than if they are not. Her analysis suggests problems for realising refugee rights when refugees are regarded in medical as opposed to political terms. Representing refugees in a “sick role” may have been inspired by compassion, however, as Parsons’ analysis of the sick role indicates, the capacity of the sick to determine their own interests is problematised. The exaggeration of refugees’ incapacity has dangerous consequences which helps legitimise decisions being taken away from refugees.”<sup>39</sup>*

*“A bi-cultural refugee worker recently observed to an NZIS employee that older refugees in New Zealand lived their lives like `birds in a gilded cage`”<sup>40</sup>*

The concept of rights-holders and duty-bearers also introduces the element of accountability to refugee resettlement. It therefore emphasises the *realising of rights* as opposed to *meeting needs*. There are a number of additional distinctions between a needs-approach and a rights-based approach that are highlighted in the table below:

<sup>36</sup> Global Education Centre (2008), p.18

<sup>37</sup> Council for International Development (2005), p.4

<sup>38</sup> Department of Labour (2008), p.24

<sup>39</sup> Pupavac, Vanessa, Refugees in the `sick role`: stereotyping refugees and eroding refugee rights. UNHCR, Research Paper No. 128, August 2006

<sup>40</sup> Altankaya (undated)

<b>Needs-approach</b>	<b>Rights-based approach</b>
Focus on input and outcome	Focus on process and outcome
Emphasises meeting needs	Emphasises realising rights
Recognises need as valid claims	Recognises individual and group rights as claims towards legal and moral duty-bearers
Individuals are objects of development intervention	Individuals and groups are empowered to claim their rights
Individuals deserve assistance	Individuals are entitled to assistance
Focuses on immediate causes of problems	Focuses on structural causes and their manifestations <sup>41</sup>

As this comparison demonstrates, the rights-based approach engages in a holistic mode with the people involved e.g. in development or in refugee resettlement. In contrast, the scope of the needs-based approach is much narrower and therefore cannot attain the same results as the rights-based approach in terms of the sustainability of outcome. As Ife points out in his critique of the definition of need, the “tendency of professionals to appropriate the right of individuals, families or communities to define their own needs” leads to the disempowerment of these persons and the abuse of their human right to define what their needs are.<sup>42</sup>

Yet, the wider scope of the rights-based approach consequently runs the risk of more comprehensive barriers to its implementation as will be discussed below.

Rights-based approaches as opposed to needs-based approaches encompass a challenge to existing power relations even though the structural factors sustaining these relations are often beyond the capacity for change of the relevant actors involved. Another obstacle may consist in its dependency on the political climate favouring or cautioning the further development of a human rights culture in the country.

On a practitioner’s level, applying a rights-based approach to refugee resettlement needs to take the capacities of the stakeholders involved in refugee resettlement into account as this relatively new terrain requires substantial re-thinking and learning processes. An additional factor here is the challenge of institutional borders; in other words, the divisiveness between

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<sup>41</sup> Kirkemann Boesen and Martin (2007), p.10

<sup>42</sup> Ife (2008), p.92

the governmental/public and the non-governmental/human rights sector. Even though, as Gready and Ensor point out, “NGOs have embraced human rights as politics”<sup>43</sup> this does not mean that civil society organisations on the whole operate from a rights-based approach. In any case, implementing a human rights-based approach can still reinforce the existing gap between civil society organisations and the state sector where, as described above in the case of New Zealand, human rights have not been incorporated in organisational minds and cultures in the same way. Both the national and the organisational context demonstrate that it needs long-term and determined moves towards the realisation of a rights-based approach.

Another barrier to the implementation of a rights-based approach to refugee resettlement is what can be described as the “rhetoric – reality gap”. The risk for this approach to be used only for transforming an agency’s image is substantial and genuinely related to the accountability system. Only an effective accountability system with clear indicator can prevent the performance of the rights-based approach be limited to a level of “rhetorical feel good change”<sup>44</sup>. Otherwise, the human rights objectives and policies set out to be realised nourish false hope.

Finally, a cultural dimension to human rights needs to be considered when a rights-based approach is put into practice. Although one of the fundamental principles of the United Nations framework is the inalienability and indivisibility of human rights it must be acknowledged that this is an entirely Western concept deriving from Western tradition and philosophy. Refugees, coming from non-western countries with often very different human rights traditions and practices in place (or their absences) will have their own understanding of rights dependent on their individual background and experience. They might either be well aware or uninformed of “human rights standards” or have no trust in such principles due to their experiences in their country of origin. Whatever their standing on these issues, it will influence their position as rights bearers but also as duty-bearers, e.g. when it comes to enforcing the education of their children. It needs to be bared in mind that human rights are recognised as universal but that there is also a common understanding that they will be implemented differently.

The above risks and barriers illustrate the holistic character of rights-based programming and implementation. They may constitute major challenges to the host community including service providers and policy-makers. At the same time they entail the chance for everyone involved in refugee resettlement to define and affirm their values grounding them in human

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<sup>43</sup> Gready and Ensor (2005), p.33

<sup>44</sup> Gready and Ensor (2005), p.39

rights in a noticeable way. In regards to refugees and refugee communities, reversing the barriers mentioned above into positive change could lead to more asserted individuals and communities being profoundly knowledgeable about their rights and responsibilities. This re-positioning of the refugee in the host society could lead to a more balanced relationship between host and refugee.

### **2.3 Implications for practitioners and policy makers**

Implementing a rights-based approach to the process of refugee resettlement requires the adjustment of all operations and practices of relevant stakeholders to the principles laid out in this approach; consequently, not only policies, strategies and programming are affected but also the organisational culture of the agencies involved in the resettlement of refugees.<sup>45</sup> This implies that successful rights-based programming calls for a long-term approach and progressive realisation.

To get started, first steps include:

- The establishment and promotion of a “learning culture”<sup>46</sup> within refugee resettlement and support organisations. This includes the coordination of efforts across agencies in the governmental and non-governmental sector.
- Capacity-building with an emphasis on intercultural communication skills and relationships as well as ways to strengthen the knowledge and understanding of the interdependency between human rights and refugees. A creative combination of resourced material and face-to-face group encounters of stakeholders involved could be useful for this end.
- Research of good practice case studies in rights-based programming and its applicability to refugee resettlement.
- Review of refugee resettlement policies considering their compliance to human rights standards and to identify specific gaps.<sup>47</sup>

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<sup>45</sup> NZAid (2004), p.1

<sup>46</sup> Elliott (2004), p. 11

**Towards human rights-based programming. Measures to be taken involve<sup>48</sup>:**

- Human Rights Situation Analysis with a focus on the most vulnerable groups, root causes, rights-holders and duty-bearers and empowerment
- Rights-focussed budgeting
- Indicators for the measurement of human rights performance to ensure clear accountability mechanisms
- Implementation, Monitoring and Evaluation in human rights terms
- Orientation on process and outcome

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<sup>47</sup> The Department of Labour is currently leading the cross-departmental research project on refugee related policies “Refugees plus ten: perspectives on integration, identity and community”  
<http://www.immigration.govt.nz/migrant/general/generalinformation/research/>

<sup>48</sup> NZAID (2008); Kirkemann Boesen and Martin (2007)

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