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## Note on International Protection

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## I. Introduction

1. In this anniversary year, the Note on International Protection reflects on the manifold dimensions of the 1951 Convention relating to the Status of Refugees and the institution of asylum - from both historical and contemporary perspectives. It also reports on the year's protection achievements and challenges, including in relation to situations of internal displacement. Milestones reached in preventing and responding to statelessness will be reported upon separately in this year's Note on Statelessness (EC/62/SC/CRP.13). Documents and papers referred to in the text can all be found at [www.refworld.org](http://www.refworld.org).

## II. Historical dimensions

2. The practice of granting asylum to people fleeing persecution in foreign lands is one of the earliest hallmarks of civilization. The modern institution of asylum, found in the Universal Declaration of Human Rights, was reaffirmed in the 1951 Convention and its 1967 Protocol, alongside a growing number of regional refugee and human rights instruments. The granting of asylum is a humanitarian, non-political and peaceful act, as confirmed by the 1951 Convention and other international agreements. Besides this, displacement is a global problem, requiring global solutions, based on principles of international cooperation, solidarity, and burden and responsibility-sharing.

3. At the heart of the 1951 Convention is the institution of international protection. Originally conceived to replace the diplomatic protection normally provided to citizens abroad, today international protection is better characterized as ensuring that the range of rights and needs of people who are not protected by their own country are met. The preamble to the 1951 Convention underscores its purpose of assuring refugees the widest possible exercise of their fundamental rights and freedoms. Central principles of the 1951 Convention include those of non-discrimination, *non-refoulement*, non-penalization for illegal entry or stay, and the enjoyment of basic human rights. Admission to safe territory is the start of the process which concludes with the attainment of a durable solution, ideally for the refugee to return home. The 1951 Convention also specifically assigns UNHCR the responsibility to supervise States' implementation of their treaty obligations.

4. Together with the 1967 Protocol, the 1951 Convention provides a global charter for refugees, and has proven to be a "dynamic, living instrument" capable of adapting to a wide range of socio-political contexts. Forms of persecution related to gender discrimination, for example, have been accepted as falling within the definition of a "refugee", and in the drafting of the Council of Europe's Convention on Preventing and Combating Violence Against Women and Domestic Violence, adopted in 2011, UNHCR ensured that language on gender-related persecution and gender-sensitive asylum procedures was properly reflected.

5. These interpretations also pave the way for the 1951 refugee definition to be applied to persons fleeing various forms of conflict and violence. Increasingly, individuals and families are taking the decision to leave societies dominated by gangs or criminal networks, where they may face threats to life; extortion; harassment; trafficking in drugs, arms or human beings; or sexual oppression and discrimination. Several countries, including Canada, Costa Rica, Mexico and the United States of America, have recognized victims of gang-related persecution as refugees. Not all national asylum systems accept these interpretations of the refugee definition, however, and this sometimes leads to a fragmented system of protection.

6. Moreover, since 1951, the elaboration of regional instruments in Africa, Latin America and Europe proves that respect for the institution of asylum is strong. The 1969 Convention governing Specific Aspects of Refugee Problems in Africa and the 1984 Cartagena Declaration on Refugees provide broad definitions that matched the realities of mass displacement in those regions, and they continue to be germane today. The recent

granting of refugee status on a group basis to those fleeing conflict in Côte d'Ivoire by several neighboring States is a case in point. While non-binding, the Cartagena Declaration has been applied as a basis for 15 national laws and its principles endorsed multiple times, including in 2010 with the adoption of the Brasilia Declaration on the Protection of Refugees and Stateless Persons in the Americas.

7. The European Union has also clarified its legal commitments to persons in need of international protection, including those who cannot be returned owing to a real risk of serious harm arising from torture or inhuman or degrading treatment, or who face indiscriminate violence in situations of armed conflict. While ratifications of the 1951 Convention remain low in Asia, countries in the region continue to host the largest proportion of the world's refugees, and in doing so, they observe many of the fundamental values of the 1951 Convention, thus reinforcing its relevance.

8. The 1951 Convention is recognized in each of these regional documents as the "basic and universal instrument" and its "refugee" definition is wholly reiterated. Despite this, there is evidence that restrictive interpretations of the definition in several jurisdictions are diverting refugees into subsidiary categories, with fewer rights, or outside the framework of international protection altogether.

### **III. Contemporary dimensions**

9. Displacement remains one of the 21<sup>st</sup> century's most formidable challenges. For sixty years, the 1951 Convention has clearly demonstrated its adaptability in the midst of changing global dynamics. It has proven to be a versatile protection blueprint to match the realities of refugee movements, and many of its guiding principles are still relevant to contemporary forms of displacement.

10. The changing character of post-Cold War conflict and violence has led to an endless flow of people on the move. Since the 1960s, simmering inter-ethnic tensions have erupted into conflict and strife, causing millions to take flight. Deliberate targeting of civilians and their enforced displacement have been used as methods of warfare, or for reasons which fall squarely within the 1951 Convention.

11. Many longstanding conflicts, often fought within fragile States, remain unresolved and continue to be the source of many large-scale movements, stretching from Afghanistan and Iraq to the Central African Republic, the Democratic Republic of the Congo, Somalia and Sudan. Simultaneously they rate among the most impoverished countries and the largest producers of refugees. The reporting period also saw new conflicts erupt in Kyrgyzstan, Côte d'Ivoire and the Libyan Arab Jamahiriya, as well as violence in the Syrian Arab Republic and Yemen. Conflict has become unpredictable, with distinctions between public disorder and armed conflict often blurred. The rules of engagement are also often not clear, involving torture, extrajudicial killing, and sexual and gender-based violence. Within this context, the ability of humanitarian actors to deliver protection is seriously depleted.

12. Various human rights abuses, poor economic and social development, as well as a lack of political participation to overcome these problems, continue to lead to coercive and involuntary movements. The extent of displacement is a reflection on the state of the world's governance systems; with refugees numbering 15.4 million at the end of 2010 (including Palestinian refugees) and internal displacement at 27.5 million, it is a poor state of affairs.

13. The rise in global irregular migration is also a challenge to refugee protection. Mixed migration movements can place serious strains on national asylum and reception systems, undermine public support for asylum and generate more restrictive policies and practices. Sophisticated criminal smuggling networks put lives at risk, as does the breakdown of traditional rescue-at-sea codes of conduct. These days, refugees seek sanctuary in increasingly unsafe circumstances.

14. Modern displacement-migration trends are increasingly set within other global mega-trends, including climate change, population pressures and urbanization, as well as food, water and energy insecurity. Globalization has brought many benefits, including greater mobility through the implementation of many regional free movement agreements, from which refugees have benefited. Equally, however, globalization has sometimes widened the disparities between the rich and poor, and mass communication systems give many more people the impression that a better life may be within reach elsewhere. The lack of accessible migration opportunities is one important reason why asylum systems are overburdened. Refugee policies and discourse must become better attuned to these trends if meaningful and effective responses to displacement are to be found.

15. International and national security agendas and the rise of unpredictable terrorist attacks have also led to more restrictive measures against asylum-seekers and refugees, at times ignoring the legitimate protection concerns of individuals. Security-sensitive refugee status determination (RSD) procedures are nonetheless an essential component of modern asylum systems, and were already previewed in the 1951 Convention. Alongside economic crises, there has been a noticeable rise in xenophobia and other forms of discrimination against asylum-seekers and refugees.

16. Climate change-related movements are predicted to be one of the biggest drivers of displacement and migration over the next century. The principles underpinning the 1951 Convention and other protection instruments will be a key source for developing a global guiding framework or instrument on climate change-related, and other modern forms of displacement.

## **IV. Protection systems dimensions**

### **A. Legislative developments**

17. The transposition of the 1951 Convention into national laws is the first step towards the enjoyment of the rights contained therein. UNHCR welcomes the fact that many national legal frameworks have done so and that many countries have also adopted complementary legislation for those who fall outside the 1951 Convention definition but who are nevertheless in need of international protection. As part of its supervisory responsibility, UNHCR has been active in providing advice to Governments as they draft and negotiate their laws and policies.

18. During the reporting period, Chile and Mexico adopted legislation which includes the refugee definition of the 1951 Convention and the Cartagena Declaration. Mexico's law also considers gender as a ground for persecution. Argentina has introduced the granting of temporary protection to non-recognized refugees who might have other international protection needs and has introduced a humanitarian visa for victims of natural disasters. In March this year, Nicaragua approved a migration law consolidating all previous legislation, and including the granting of complementary protection in the form of humanitarian visas. In Canada and Costa Rica, reforms have led to the creation of an appeal procedure for all claimants receiving a negative decision at first instance. In Israel, Kenya, Malawi, Mauritania, Senegal, Sudan and the Syrian Arab Republic, where legislative reforms are under way, UNHCR has provided technical support to the authorities.

### **B. National asylum procedures and procedural safeguards**

19. In addition to legislative frameworks, properly functioning asylum systems are a prerequisite for fulfilling obligations under the 1951 Convention. Supervising the implementation and monitoring the quality of national asylum procedures were central to UNHCR's work in 2010. Many States improved their asylum systems during the reporting period. The Republic of Korea, for example, shortened the RSD period from over one year

to within six months. In early 2010, UNHCR completed its quality assessment projects in eight central European countries, under which problems were identified and addressed. UNHCR also launched a new project on Further Developing Asylum Quality, focusing on four southern and five central European countries. The Office continued to work with Greece on the ongoing reform of its asylum system. In the Bolivarian Republic of Venezuela, UNHCR provided support to the Refugee Department to deal with the backlog of claims.

20. UNHCR trained asylum officials or participated as observers in many national asylum systems. Legal aid providers were also funded to support asylum systems, and closer engagement with the judiciary was pursued in a number of countries.

21. Other systems were marred by poor quality decision making; disproportionately low recognition rates vis-à-vis other countries with similarly profiled individuals and high success rates on appeal; routine use of accelerated procedures without proper safeguards; the automatic application of detention in connection with accelerated procedures; non-suspensive appeals; lack of access to legal advice; and large backlogs.

### **C. Refugee status determination**

22. Refugee status is one of the first entry points to international protection, including the prevention of forced returns, the delivery of assistance and other services, and the implementation of durable solutions. In countries that have not ratified either the 1951 Convention or the 1967 Protocol, or where national asylum procedures are not yet fully functioning, UNHCR continued to conduct RSD under its mandate. In 2010, “mandate RSD” was carried out in 56 countries, sometimes in complex environments, such as countries facing sudden large influxes or other destabilizing factors and insecurity. The Office received 89,100 new individual asylum applications, ranking it as the second largest asylum adjudicator in the world after South Africa, and made 57,300 substantive individual decisions in the same year. Nonetheless, at the end of 2010, 121,300 persons were awaiting RSD decisions by UNHCR.

23. The rising number of applications has caused significant challenges in maintaining adequate capacity. In 2010 UNHCR embarked on important initiatives to assist operations to more accurately anticipate and evaluate staffing needs, and to develop more specialized training for managers of RSD operations as well as for staff who are required to adjudicate complex cases.

24. However, the current level of RSD applications still exceeds the organization’s capacity to respond in a timely manner and, in some of the larger operations, significant backlogs have accumulated. Formal benchmarks on RSD quotas were developed and after a global analysis, 11 regular RSD positions will be created as part of the High Commissioner’s protection capacity initiative. Nonetheless, UNHCR continues to assume a disproportionate share of responsibility for RSD, despite many of the largest RSD operations being in States that are party to the 1951 Convention; UNHCR is therefore encouraging States to assume more fully their responsibility for RSD.

### **D. Registration and documentation**

25. Being registered and documented is fundamental to refugee protection, in particular as a safeguard against *refoulement* and the basis for access to services. In 2010, UNHCR supported some 40 operations to improve the level and quality of registration, data collection, analysis and documentation. In 30 countries, UNHCR provided identity documentation to asylum-seekers and refugees. In 12 of these, such issuance was conducted jointly with the Government. Field offices were given substantial support to ensure the correct, consistent and systematic use of *ProGres*, the data registration system. In Ecuador, for example, an enhanced registration exercise was undertaken in which a total of 27,740

refugees were recognized, while 1,169 were referred to regular procedures for further examination.

26. Reaching refugees for the purposes of registration is not always straightforward. In 2010, UNHCR established mobile teams to carry out registration in places where access was limited, including for example in the spontaneous refugee settlements in the Democratic Republic of the Congo, in urban areas in Malaysia and in relation to internally displaced persons (IDPs) in Colombia. Verification exercises were also carried out in eastern Sudan, Ethiopia, Kenya and eastern Chad. Birth registration and replacement of civil status documentation lost during the chaos of a major disaster is now included in responses to most major emergencies, and was undertaken in Haiti and Pakistan last year.

27. In 2010, UNHCR issued a policy on the use of biometrics, and is assessing options for aligning its current biometric system with the policy principles. The Office participated in the first African Union Conference of Ministers responsible for civil registration, and increased *ProGres* audits to follow up on data discrepancies. Measures to prevent fraud and/or multiple asylum applications in different countries were also pursued.

## **V. Security dimensions**

### **A. *Non-refoulement***

28. Respect for the principle of *non-refoulement* is absolutely critical to achieving international protection. Many positive examples were observed in the reporting year. Open borders in West Africa and beyond, in response to the outflow of refugees from Côte d'Ivoire, and moratoriums on the return of rejected asylum-seekers elsewhere, permitted thousands of people to reach, or stay in, safety. The humanitarian evacuations from Tunisia and Egypt in early 2011 allowed migrants to return to their countries of origin, while opening up protection space for those unable to do so. UNHCR signed protection and border monitoring agreements with several countries in Europe and continued to cooperate with Frontex, including on the development of a Human Rights Strategy and a Code of Conduct for personnel in Frontex operations.

29. Meanwhile, the denial of access to territory remained a concern. Interception, pushbacks and land border closures were noted in some countries without the necessary protection safeguards. The presence of qualified border guards and use of protection-sensitive border screening procedures is essential to enable identification of those in need of protection. Cooperation with NGOs provides additional capacity for border monitoring and encourages greater transparency on the part of government authorities.

30. Expulsions to countries where violence remained prevalent were observed, including families with young children and other vulnerable persons, such as those belonging to ethnic or religious minorities. There were a number of incidents of collective expulsions of refugees, including at gunpoint or by means of deception. In other situations, systematic interception practices failed to distinguish between those in need of international protection and others. This resulted in asylum-seekers being automatically detained and wrongly returned to their countries of origin. There continued to be examples of bilateral readmission agreements which omit or limit asylum safeguards. In other regions, the deployment of military personnel along borders, often for legitimate reasons to curb conflict and violence, also had the negative consequence of preventing persons seeking safety from getting across the border.

### **B. Freedom of movement**

31. The right of refugees to freedom of movement is explicitly acknowledged in the 1951 Convention. UNHCR has intensified its cooperation with the International Civil

Aviation Organization (ICAO) to introduce machine readable Convention Travel Documents (CTDs); however, many countries have yet to do so. The Office issued a Note on CTDs and ICAO standards, offering legal and practical advice, and a strategy to achieve compliance has been developed in cooperation with Governments. Also, since 2010, China, Namibia, Ukraine and the United States of America have removed restrictions on the entry of people living with HIV. Ecuador and India issued clarifications that they do not have such restrictions.

32. While the rate of administrative detention of asylum-seekers and other migrants was reported to be on the rise in many countries, there were also a number of positive examples of Governments implementing alternatives to detention. For example, Belgium has made a commitment to expand the capacity of its open house programme, in which families with children who arrive at the border can live within the community while their asylum applications are processed. UNHCR has continued to prioritize the issue of alternatives to detention. It organized a regional consultation in Seoul and a workshop in Bangkok, and commissioned a study on the subject for the purposes of a global roundtable held in May 2011.

33. Meanwhile, detention practices in other areas continued to be problematic, in particular concerning the conditions of detention; the detention of unaccompanied and other children; the detention of asylum-seekers in maximum security prisons, including some with psychological illnesses; and the inability of many asylum-seekers to contact lawyers and/or UNHCR.

34. While many countries continued to maintain strict camp-confinement policies, some countries moved towards more open arrangements. In 2010, the Ethiopian Government, for example, granted encamped refugees freedom of movement provided they are able to sustain themselves outside the camps. Some 2,000 refugees have so far been able to benefit from this approach.

### **C. Sexual and gender-based violence**

35. Sexual and gender-based violence (SGBV) continues to be one of the most serious threats to the safety and security of refugees, particularly refugee women and girls. During the reporting period, UNHCR provided medical, psycho-social and community services, as well as access to legal advice and justice mechanisms, for victims in many countries. Mobile courts continued to function in Kenya's refugee camps, as well as in the east of the Democratic Republic of the Congo, while four advice centres for victims and an SGBV network were set up in Georgia.

36. Despite UNHCR's efforts to prevent SGBV, it continued at alarming rates in some areas. In Chad, for example, following the institution of a protection monitoring and referral mechanism, UNHCR documented over 1,000 cases of SGBV in 2010 alone. Rape was a major issue in many conflict zones, not least in the Democratic Republic of the Congo where 32 additional protection staff were deployed to respond to this and other protection challenges. In Colombia and Ecuador, high levels of SGBV continue to affect women and girls in particular. In Haiti, the displacement caused by the earthquake, combined with the loss of livelihoods and impunity for perpetrators of SGBV increased the vulnerability of many women and girls. UNHCR helped a limited number of SGBV survivors to relocate to safe areas and assisted them with livelihood solutions. Furthermore, millions of children were exposed to widespread rape and other sexual violence, attacks on schools and other human rights abuses, and robbed of an education. Early marriages and pregnancies, and related deaths, have been reported widely in refugee communities around the world, pointing to the need to strengthen and expand multifaceted action to address this.

## D. Humanitarian action

37. The last decade rates as one of the most dangerous periods in history for the staff of humanitarian organizations. Many emergency situations in which UNHCR operates are often typified by fragile Governments, active non-state armed groups, widespread corruption and exploitation, and isolated locations. For example, the withdrawal of the United Nations Mission in the Central African Republic, and the progressive drawdown of the United Nations Stabilization Mission in the Democratic Republic of the Congo, have had destabilizing repercussions on humanitarian operations. In Chad, in response to the withdrawal of the United Nations Mission, and following a request from the Chadian Government, UNHCR and the United Nations Development Programme (UNDP) agreed to implement a joint programme to extend direct support to the *Détachement Intégré de Sécurité*, a UN-trained Chadian national police force created to ensure the protection of refugees and IDPs in camps, as well as humanitarian staff.

38. Sudan remained the largest humanitarian operation in Africa. However, a series of expulsions and kidnappings of aid workers had a negative impact on the functioning of humanitarian programmes. In February 2011, a UNHCR staff member was killed in the country. Meanwhile, the Comprehensive Peace Agreement entered a crucial phase with the referendum on Southern Sudan's independence held in January 2011, resulting in a vote for independence. UNHCR is watching developments closely and has put in train preparedness measures, including engagement with relevant actors to prevent statelessness in the context of the secession of Southern Sudan in July 2011.

39. While the overall security situation in Iraq has improved significantly since 2008, the situation remains volatile, particularly in Baghdad. In 2010, the number of incidents recorded was higher than in 2009, with the greatest numbers of deaths and injuries amongst civilians. UNHCR worked to strengthen its capacity on return management and monitoring, as well as on protection and assistance programmes for IDPs.

40. In the highly complex political and security environment in Central Asia, UNHCR successfully mobilized a timely emergency response following the displacement of 375,000 people within and outside Kyrgyzstan. Despite an end to the violence, 80,000 persons remain internally displaced.

41. In late 2010, political instability in Côte d'Ivoire led to the mass flight of more than 100,000 refugees into Liberia, Ghana, Guinea and Togo. Several countries in the region quickly recognized these refugees on a *prima facie* basis. Popular uprisings across North Africa and the Middle East have caused individual as well as mass departures, in particular from the Libyan Arab Jamahiriya into Tunisia and Egypt, and also more limited, albeit significant, movements across the Mediterranean into Italy and Malta. UNHCR has deployed additional staff to the region and has collaborated with the International Organization for Migration (IOM) and Governments in undertaking a massive humanitarian evacuation, assisting tens of thousands of migrants from many different countries to return home.

42. Catastrophic floods in Pakistan in 2010 affected an estimated 20 million people, including refugees and IDPs. UNHCR, together with the Government of Pakistan and the humanitarian community, responded quickly to the emergency, providing assistance to some 2.7 million of the flood-affected people. The Office was also involved in the humanitarian inter-agency response to severe flooding in Rakhine State in Myanmar.

## E. Counterterrorism measures and impact on protection

43. Over the past decade, security considerations have increasingly affected UNHCR's policy responses on a wide range of issues. The Office advocates for approaches which balance security and refugee protection. While staying abreast of the latest developments through various multilateral counterterrorism entities, UNHCR is taking steps to safeguard



its own processes and operations from terrorism-related threats. Specific guidance has been issued to sensitize RSD and resettlement staff to potential exclusion issues and to assist them in interviewing applicants from the countries concerned. UNHCR has also reinforced its staffing structure and exclusion expertise in certain regions, and provides technical assistance to government authorities responsible for RSD.

## **F. Refugee protection in the context of international migration**

44. In the context of mixed migration movements, including irregular secondary movements, problems of access to asylum can be compounded. Migration policies and practices do not always take sufficient account of the needs of asylum-seekers and refugees moving within larger groups. Yet increasing awareness of this phenomenon can offer new opportunities for refugee protection, as well as for other vulnerable persons, such as victims of trafficking and unaccompanied/separated minors. Regional free movement and labour migration schemes have, for example, opened up protection space for refugees in some countries and regions. UNHCR was actively involved in developing the “Regional Cooperation Framework” adopted by the Ministerial Meeting of the “Bali Process” in March 2011.

45. In 2010, UNHCR continued to intensify its cooperation with Governments and other partners in this area, including through co-hosting the fourth regional conference in Dar es Salaam on mixed migratory movements to South Africa; a workshop on Regional Cooperation on Refugees and Irregular Movement in Manila; and a regional conference on refugee protection and international migration in Central Asia in Almaty in March 2011. A compilation of practical examples, *Refugee Protection and Mixed Migration: The 10-Point Plan in action* was released at the beginning of 2011.

46. The interlinkage between international protection and human trafficking is another dimension of this phenomenon. The Office advised Governments on national laws and regulations, provided training, and advocated for victims of trafficking to have access to asylum procedures. In particular, UNHCR pursued a joint project with IOM to enhance inter-agency cooperation on the identification and referral of trafficked persons. The Office also contributed to a number of tools developed by the United Nations Office on Drugs and Crime.

## **G. Boat departures and rescue at sea**

47. Deaths of asylum-seekers and other migrants at sea have reached drastic proportions, leading to renewed measures by UNHCR in response. Unseaworthy vessels carrying asylum-seekers have exploded, been shipwrecked, or simply disappeared; for example, over 1,000 people died trying to cross the Mediterranean in the space of only a few weeks. Other hot spots include the Indian and Pacific Oceans, and the Gulf of Aden. In 2010, UNHCR issued a policy paper, *Maritime Interception Operations and the Processing of International Protection Claims*, outlining a number of options for asylum processing after disembarkation. The Office has collaborated with the International Maritime Organization, to explore ways to minimize protection disasters at sea. UNHCR is encouraged by measures taken by Governments to receive and provide assistance for boats carrying people and ensure safe disembarkation, reception and other care, yet gaps in rescue-at-sea regimes have left persons abandoned to their fate by bureaucratic line-drawing. In this context, it is also important to ensure that any individuals who may seek asylum have their claims properly assessed. Furthermore, UNHCR is promoting comprehensive regional approaches and has, for instance, established a monthly forum for exchange among members of the Mixed Migration Task Force and other relevant actors in the Gulf of Aden region.

## VI. Human dignity dimensions

48. All too often refugees and asylum-seekers are perceived as powerless, and as objects of charity, rather than as individuals with dignity, who have frequently weathered enormous adversity and suffered great loss, including of home, family and country. Racism and xenophobia, fuelled at times by populist politics, have led to a resurgence of intolerance, violence, hate crimes and related tensions against refugees in host communities in many countries around the world. UNHCR has made combating racism and related xenophobia a key protection priority, and launched a number of public awareness campaigns and solidarity initiatives.

49. Destitution and homelessness among refugees and asylum-seekers remained a serious problem in many countries, including in the world's wealthiest States. Supporting refugees to access their rights to health care, work and secure livelihoods was an important component of UNHCR's advocacy in 2010. A workshop was organized in July 2010 to launch the development of guidelines on strategic planning for urban livelihoods. UNHCR also liaised with the Women's Refugee Commission to carry out a number of livelihood assessments. Johannesburg, Kampala and New Delhi were selected as test cities for these assessments. UNHCR was actively engaged in discussions around recast proposals on reception at the European Union level. In several countries in the Americas, many steps were taken towards community self-management and representation, including through the expansion of microfinance projects and safe community networks. In Ecuador, the Ombudsman's Office initiated judicial proceedings to ensure access to banking and financial services for refugees. In Colombia, the Government continued to offer training courses and job placement programmes for IDPs and refugees, and Brazil has established agreements with universities to facilitate refugees' access to higher education.

50. Comprehensive profiling to identify skills and education levels was carried out in refugee camps in Bangladesh to further opportunities for self-reliance. Together with UNICEF, six local schools near refugee camps were rehabilitated. UNHCR welcomes the Comprehensive Regulation Plan for foreign nationals announced by the Government of the Islamic Republic of Iran, which includes Afghans residing there. Finally, Lebanon adopted a law granting Palestinian refugees the opportunity to work in professions previously not open to them. Several regulations to implement the new legislation have already been approved.

51. While some improvements in camp standards were noted in Djibouti, Ethiopia, eastern Sudan, Chad and Kenya, thanks to the identification of new sites or the expansion of existing camps, and the construction of new infrastructure, too many refugees continue to live in sub-standard conditions, often for protracted periods of time.

52. Another crucial aspect of human dignity is the enjoyment of family life. Refugee flight often results in family dispersal and hence efforts were made wherever possible to restore family unity in the country of refuge pending a durable solution. When the whereabouts of relatives was unknown, UNHCR worked closely with the International Committee of the Red Cross to facilitate tracing. The Office continued to advocate for a flexible approach to family relationships, to include same-sex and common-law partnerships. Besides resettlement submissions under the family reunification criterion, UNHCR's interventions to facilitate family reunification included obtainment of travel documents and entry/exit visas, support with travel arrangements and financial assistance. Under the Confidence Building Measures programme, family visits by air between Sahrawi refugees living in the Tindouf camps and their families in the Western Sahara successfully resumed in January 2011, after months of suspension.

## VII. Age, gender and diversity dimensions

53. UNHCR recognizes that its goal of safeguarding the rights and well-being of refugees will only be met when the needs, capacities, constraints and resources of all persons of concern are understood, and action is tailored accordingly. The Age, Gender and Diversity Mainstreaming (AGDM) initiative, launched in 2004, aims to ensure that age, gender and diversity concerns are reflected in all organizational practices, policies and programmes. All beneficiary groups should be able to participate in programme planning, implementation, monitoring and evaluation. Leveraging the rich range of capacities that exist within refugee communities is part of the process of bringing about positive change and enhancing protection options. AGDM is supported by targeted actions that aim to enhance the protection of women, children (including adolescents), and other groups that may have specific needs. Older persons and persons with disabilities are often marginalized in refugee communities and face particular challenges. The 2010 Executive Committee Conclusion on persons of concern with disabilities now serves as a platform for UNHCR's interventions on behalf of persons with disabilities.

54. A high-level accountability framework clarifies minimum standards of practice related to AGDM, and senior managers report on progress achieved to the High Commissioner and to UNHCR's Executive Committee, as well as through UNHCR's public website. In 2010, a comprehensive study, *Changing the Way UNHCR Does Business - An Evaluation of the Age, Gender, Diversity Mainstreaming Strategy 2004-2009*, was undertaken to take stock of where UNHCR stands on implementation in order to help plan the next steps.

55. In too many situations, women and girls continue to be treated as inferior human beings, deprived of education, decent work and free movement, or subjected to early marriages and violence, significantly reducing their chances in life. As part of the AGDM strategy, displaced women in many countries have received vocational training, literacy classes, access to microfinance, and support in opening small businesses. UNHCR is committed to ensuring that women are equally and meaningfully represented in camp leadership and decision-making forums. Sensitization campaigns and SGBV monitoring are starting to have a positive impact: in Chad, for example, some women have reported feeling more able to report protection problems and more inclined to seek support from legal and other response mechanisms.<sup>1</sup>

56. Of the millions of people of concern to UNHCR, almost half are children and adolescents. Childhood and adolescence in displacement are often characterized by threats of violence, forced recruitment, under-age marriages, trafficking, inadequate subsistence, exploitative labour, lack of and/or interrupted education, and loss of or missing family members and friends. The protection of unaccompanied children moving across borders has remained a serious preoccupation for UNHCR and Governments, in particular in Europe, in the East and Horn of Africa, and across the Gulf of Aden into Yemen. 2010 also witnessed an increasing number of unaccompanied minors being identified and documented in the southern border area between Mexico and Guatemala. UNHCR is looking for ways to address these movements in cooperation with Governments and other partners.

57. All activities involving children require their best interests to be a primary consideration. UNHCR has worked to increase its capacity through a joint project with the International Rescue Committee (IRC) that included five regional best interest determination (BID) workshops and several country-level workshops, as well as the deployment of two BID experts to four country operations. As a follow-up, UNHCR and IRC developed a field handbook for the implementation of UNHCR BID Guidelines. Elsewhere, UNHCR promoted a child-sensitive approach to the assessment of asylum

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<sup>1</sup> For more information, see Standing Committee paper *Protecting refugee women: promoting gender equality* (EC/62/SC/CRP.14)

applications and appropriate safeguards in the context of eventual returns. The inter-agency Working Group on Unaccompanied Minors, which UNHCR set up with IOM and the United Nations Children's Fund (UNICEF), offers a framework for coordinated work on these issues. In June 2010, UNHCR published a study on the challenges and motivations of unaccompanied Afghan children travelling to Europe, based on interviews with over 200 children. Also in 2010, UNHCR produced an *Aide-Memoire* on Special Measures applicable to the return of unaccompanied and separated children to Afghanistan. These included: measures on BID; tracing; guardianship; reception and services required upon return; sustainable reintegration plans; post-return evaluation. The *Aide-Memoire* underlines that return of a child to a childcare institution ought only to be considered as a last resort. Building on this, UNHCR launched an initiative in Europe to develop standards for BID in countries with mature child protection and asylum systems.

## **VIII. Solutions dimensions**

58. While the granting of asylum to refugees is a fundamental component of international protection, it is not a long-term solution. Durable solutions remain centred around voluntary repatriation, local integration and resettlement, and are best pursued within comprehensive solutions strategies. In addition to these classical solutions, UNHCR has begun to explore the possibility of refugees accessing migration opportunities, including through existing or new employment and education schemes.

### **A. Comprehensive solutions strategies**

59. Strategic solutions roadmaps to conclude long-term refugee situations were pursued in various countries. The roadmaps targeting Angolan, Liberian and Rwandan refugees concentrate on voluntary repatriation and local integration; they also include the invocation of cessation of status at the appropriate time. In Europe, the High Commissioner appointed a Personal Envoy to facilitate closure of the displacement chapter generated by conflicts in the Balkans (1991-1995), together with Governments and other international organizations. Efforts to implement the Government of Pakistan's comprehensive Management and Repatriation Strategy for Afghan refugees continued. Worth highlighting is the possibility of establishing alternative stay arrangements for different categories of Afghan refugees in Pakistan, including for business owners, skilled and unskilled workers and their families. A population profiling exercise and the continuation of the Refugee-Affected and Hosting Areas programme also form part of the strategy. For urban-based refugees, such as those in Baku, Azerbaijan, socio-economic profiling and intention surveys were conducted, leading to the enhancement of livelihood strategies for many, as well as renewed focus on voluntary repatriation and resettlement.

### **B. Voluntary repatriation**

60. In 2010, a number of major voluntary repatriation operations drew to a close, including for some 40,000 Congolese refugees in Zambia since 2007. This accounts for the drop in overall repatriation figures from 2009 and 2008. In total, 197,600 refugees repatriated during 2010, mainly to Afghanistan, Iraq and the Democratic Republic of the Congo. Meanwhile, other repatriation operations were ongoing or have resumed, while some new operations were launched.

61. The voluntary repatriation of the remaining 5,000 Mauritanian refugees from Senegal resumed in October 2010. Together with the Governments of the Democratic Republic of the Congo and the United Republic of Tanzania, UNHCR agreed to re-launch the facilitation of the voluntary repatriation programme of Congolese refugees following the improvement of the security situation in some return areas, which are being constantly monitored.

62. In terms of new operations, UNHCR, the Government of Angola and other countries in the region, are preparing for the repatriation of the estimated 120,000 refugees residing in the region. In the Russian Federation a comprehensive review of the so-called “legacy cases” is under way in cooperation with the Government. In Kosovo (Security Council Resolution 1244), UNHCR is promoting sustainable reintegration together with the Organization for Security and Co-operation in Europe (OSCE) and other international organizations.

63. Spontaneous returns included close to 6,200 refugees who returned to the Democratic Republic of the Congo from Uganda. In Sudan, in the context of the referendum, between November 2010 and the end of January 2011, 200,000 southerners living in the north moved to the south, most of them with the assistance of the Southern Sudanese authorities.

64. Despite these successes, political instability and violence, including against civilians, and instances of sexual and gender-based violence, combined with the absence or limited presence of State authorities, United Nations agencies and development actors in return areas, continue to pose serious challenges to sustaining the return of refugees.

### **C. Self-reliance and local integration**

65. One of the main challenges for UNHCR is to strengthen self-reliance and local integration opportunities for refugees, especially refugees living in protracted exile. To this end, a total of 23 major protracted refugee situations have been identified and prioritized by UNHCR. In 2010, evaluations were conducted of protracted situations in eastern Sudan, Serbia and the United Republic of Tanzania, with the aim of assessing progress towards solutions for refugees in these situations. As part of this initiative, a “National Strategy for Community Integration” was agreed upon with the Tanzanian Government. The project aims to address the relocation and integration of 162,000 former Burundian refugees who became Tanzanian citizens through land acquisition and livelihood assistance. In eastern Sudan, UNHCR has started to implement a multi-year self-reliance project for long-staying Eritrean refugees, targeting the most vulnerable. In Nepal, a “Community Based Development Programme” was concluded with relevant partners, which targets the protection and assistance needs of the remaining refugees from Bhutan as well as the host population.

66. Integration, in particular in urban areas, continued to be a challenge. Efforts to meet the standards set out in UNHCR’s 2009 “Policy on Protection and Solutions in Urban Areas” continued. In order to include refugees and asylum-seekers in existing national social services, a “House of Rights” model was replicated in several countries in the Americas, including Costa Rica, Ecuador, Mexico and Chile. The model consists of a communal centre that provides a wide range of services to migrants and refugees alike, including reception services, legal counselling, social support, language courses, educational and vocational training, job opportunities and integration advice. In July 2010, representatives of the “Cities of Solidarity” initiative gathered in Ecuador to discuss the challenges and possibilities of integration in urban areas. As a result, 20 municipalities signed the “Declaration of Respect for the Dignity and Human Rights of People on the Move in Urban Areas”. Participatory assessments were undertaken in Argentina, Panama and Uruguay to better address and understand the necessities and challenges related to integration. In Colombia, increased attention and assistance is being paid to efforts by municipal authorities to integrate IDPs.

67. UNHCR also initiated four real-time evaluations of the urban refugee policy, and issued two reports, on Nairobi, Kenya and Dushanbe, Tajikistan. A lessons-learned workshop was held to feed into the development of more specific operational guidance on education, livelihoods, medical referrals, and community outreach in urban settings. A note on “working with communities and local actors for the enhanced protection of refugees in

urban areas” is under preparation. UNHCR has also launched a revamped “livelihoods and self-reliance” page on its website.

68. Sustainable integration requires long-term collaborative efforts. In South Africa the moratorium on deportations of Zimbabwean nationals ended and in its place, the Government launched a regularization process for those working, studying and conducting business in the country. In Armenia, UNHCR is supporting efforts to mobilize resources for the integration of naturalized former refugees. Elsewhere in Europe, agreements with 20 municipalities in Serbia were concluded on housing and employment. In Belarus, the Republic of Moldova and Ukraine, UNHCR is finalizing the first phase of an EU-funded local integration project which will benefit some 3,000 refugees.

69. Local integration needs to be secured in the long term by legal stay and permanent residency and/or naturalization. In West Africa, for example, efforts were pursued to secure legal status for long-staying Liberian and Sierra Leonean refugees. Sierra Leonean former refugees affected by the 2008 Declaration of Cessation of Status were provided with national passports and countries of asylum agreed to regularize their stay with long-term residency permits, within the legal framework established by the Economic Community of West African States (ECOWAS).

#### **D. Resettlement**

70. Resettlement remained one of the three principal solutions for refugees, especially for those facing particular protection risks in countries of asylum, or as a means of ending protracted displacement. Diversifying the nationalities of refugees considered for resettlement as well as the number of resettlement countries, were key goals in 2010. While the number of countries with regular programmes expanded to 25, the need for resettlement places outstripped supply. Bulgaria, Hungary, Paraguay and Spain established new programmes, while Japan and Romania have started pilot programmes. Efforts were pursued to achieve greater European engagement in resettlement. A total of 21 European countries, the largest number to date, took part in the Annual Tripartite Consultations on Resettlement in July 2010.

71. Last year, UNHCR submitted some 108,000 refugees for resettlement, the main beneficiaries being refugees from Iraq (26,746), Myanmar (24,420) and Bhutan (20,617). In the Middle East and North Africa region, resettlement has been used not only as a protection tool but also strategically, as an instrument of burden sharing, in particular with regard to Iraqi refugees. Nine per cent of all resettlement submissions were for women and girls at risk, the highest percentage achieved in the last five years. The global acceptance rate of UNHCR submissions by resettlement countries reached 92 per cent. With a threefold increase in resettlement submissions over the past few years, resettlement countries’ processing pipelines faced mounting backlogs. In addition, owing to certain security clearance requirements, the number of departures dropped by 16 per cent to around 73,000 in 2010. The largest numbers of refugees were resettled, with UNHCR’s assistance, to the United States of America (54,077), Canada (6,706), Australia (5,636), Sweden (1,789) and Norway (1,088). By 2010, over 40,000 refugees from Bhutan had been resettled from Nepal since the programme started. In 2010 a Contact Group was established by resettlement countries and chaired by Norway, with a view to enhancing resettlement efforts and humanitarian assistance in support of Afghan refugees in the Islamic Republic of Iran.

72. Despite these positive developments, the number of resettlement places offered - approximately 80,000 - still left a large gap in meeting the resettlement needs. In 2010, an estimated 200,000 places were needed, and for 2011, it is anticipated that some 172,300 people will need resettlement. To advocate for further places, UNHCR and Governments launched the “10 in 100” initiative at the 2010 Annual Tripartite Consultations on Resettlement.

73. With the outbreak of the crisis in the Libyan Arab Jamahiriya, resettlement became part of the emergency response package. UNHCR launched the Global Resettlement Solidarity Initiative to gather support for additional resettlement places for non-Libyan refugees fleeing the country to Tunisia and Egypt, and put additional resources to process cases out of the border areas.

74. The three Evacuation Transit Facilities (ETFs) in Romania, the Philippines and Slovakia continued to play a key role in evacuating refugees in emergency situations. In December 2010, an agreement was signed with the Slovak Government to extend the use of the ETF in Humenne for refugees of all nationalities.

## **IX. In-country dimensions**

75. The number of conflict IDPs continued to dwarf that of refugees, reaching 27.5 million in 2010. Tens of millions more are also displaced every year by natural disasters. Since 2005, IDPs have remained the most populous group receiving protection and assistance from UNHCR, totalling nearly 15 million persons in 2010. This number is slightly lower than in 2009, primarily due to IDP returns in Pakistan (1.2 million) and in the Democratic Republic of the Congo (461,000).

76. UNHCR is operationally engaged with IDPs in 28 countries. It supports a coordinated inter-agency response, including through leadership of the protection cluster in 22 of these countries. During the reporting period, UNHCR's engagement with IDPs was marked by diverse situations, including the Haiti earthquake, the monsoon floods in Pakistan and inter-communal violence in Kyrgyzstan. In Yemen, despite the 2010 peace agreement, nearly 300,000 Yemeni civilians remained displaced, often in dire living conditions.

77. In its operations, UNHCR focused on outreach to IDPs, working with local partners in Iraq and Yemen, and operating protection helplines to reach IDPs at risk in Kyrgyzstan. A combination of community-based quick impact projects (QIPs) and targeted assistance for persons with special needs have been implemented in Haiti to respond to social vulnerability caused by the 2010 earthquake. The Somalia-based population movement tracking system, which uses a network of community-based organizations to follow population movements and to allow for proper programme planning, is being replicated in other countries where lack of access impedes the delivery of protection and assistance to IDPs.

78. The reporting period also brought a number of notable legislative triumphs at the national level: Colombia prepared a draft law on victims and land restitution, and the Parliament of Bosnia and Herzegovina approved a revised strategy for implementation of Annex VII of the Dayton Peace Agreement, signalling the Government's commitment to closing the chapter of displacement in that region. UNHCR also supported national Governments in their efforts to adopt appropriate legislative and administrative frameworks to prevent, address and resolve internal displacement. The Central African Republic, in cooperation with UNHCR and the Brookings Institution, conducted a detailed analysis of the current legal framework with a view to its revision; while UNHCR supported the Government of Yemen to prepare a national strategy on IDPs.

79. Moreover, UNHCR has supported the African Union's Plan of Action for the implementation of the 2009 African Union Convention for the Protection and Assistance of Internally Displaced Persons, through activities with Governments and civil society at both the regional and national levels. By the end of April 2011, the Convention had secured 31 signatures and 6 ratifications. The Organization of American States adopts an annual resolution on internal displacement to address the causes of displacement and to develop programmes for protection, assistance and solutions.

## X. Conclusion

80. At this 60<sup>th</sup> anniversary juncture, the principles underlying the 1951 Convention and its 1967 Protocol remain steadfast, not least by being reinforced through regional refugee instruments, and within the broader human rights framework. The principles of non-discrimination, *non-refoulement*, non-penalization and basic human rights were reflected in a number of achievements throughout the world in 2010. Yet many problems of implementation and political commitment, and the environment in which protection must be secured today is increasingly complex. These principles, therefore, must be continuously reaffirmed.

81. 2011 provides an important opportunity to build on the foundations of the past 60 years; to reflect on achievements to date; to identify protection gaps and responses; and, most importantly, to strategize legal, policy and practical solutions to the looming challenges of the 21<sup>st</sup> century. It will be vital for UNHCR to consolidate and expand its partnerships and alliances; to reach out to displaced communities in ways that help empower them; to safeguard the needs of the most marginalized and vulnerable within those communities; and to capacitate a wide range of actors to meet the realities of these new working environments.

82. The intergovernmental event at ministerial level in December 2011 offers an opportunity for States to reaffirm their commitment to the international protection regime; to make concrete, forward-looking pledges to improve the protection afforded to refugees and stateless persons at the domestic or regional levels; to accede, where relevant, to the international refugee and statelessness instruments or to remove any continuing reservations; and to make other measurable promises that uphold the spirit of the 1951 Convention and its original protection-oriented design. UNHCR looks forward to honouring this anniversary year, by engaging with all stakeholders on the challenges ahead and ensuring that the very people affected remain at the centre of attention.

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