General Assembly

Distr.: General
7 July 2017
English
Original: English and French

**Executive Committee of the
High Commissioner's Programme**
Sixty-eighth session
Geneva, 2 to 6 October 2017
Item 5 (a) of the provisional agenda
Consideration of reports on the work of the Standing Committee
International Protection

Note on international protection

Report of the High Commissioner

Summary
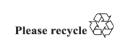
This note reviews developments from June 2016 to June 2017 in the field of international protection, with a particular focus on human mobility. In the New York Declaration for Refugees and Migrants, which was adopted by the General Assembly in September 2016, United Nations Member States recognized the importance of international cooperation to address challenges related to large movements of refugees and migrants. In this context, the note explores how comprehensive and collaborative responses, based on responsibility-sharing and partnership, can help address forced displacement. It discusses the importance of focusing on solutions at the outset of a displacement crisis, addressing the root causes and drivers of displacement, and effectively managing mixed movements. The note also looks at the particular protection needs of refugees, the internally displaced, stateless persons and those impacted by climate change and disasters.

Unless otherwise specified, all documents cited in this note are available from www.refworld.org.

1711433

Please recycle

Contents

I. Introduction

1.   Over the past year, the number of people forced from their homes due to conflict and persecution rose to 65.5 million. Of this number, 10.7 million were newly displaced. The absence of the ability to resolve conflicts meant that more and more people were living in protracted displacement, some for decades, placing immeasurable strains on host communities and countries. Paradoxically, developing regions, and least developed countries in particular, which have the fewest resources to address displacement challenges, hosted the largest number of refugees.

2.   While host countries generally maintained open borders, reflecting remarkable commitment and generosity towards those in need of international protection, their capacities were stretched to the limits. Following several years in which the number of refugees continued to rise and a succession of new emergencies erupted, political and public support for refugees is under pressure. Protection space shrunk in some countries around the world, and serious gaps emerged in asylum and reception systems. In this context, greater synergies are needed to support host countries in the delivery of an adequate response, and strengthened international solidarity and responsibility-sharing are vital. This was reflected in the New York Declaration, adopted by all 193 Member States of the United Nations General Assembly in September 2016, which aimed to address large movements of refugees and migrants.

3.   The increased human mobility of the modern era, characterized by complex, irregular movements of refugees, asylum-seekers and migrants, and the growing use of smuggling and trafficking, is seen to be one of the biggest challenges facing States and societies at large. However, focusing on law enforcement, border control and measures to combat trafficking and smuggling, and punishing victims will not stem or halt these movements. Unless States work together to address the humanitarian and protection dimensions of irregular movements – by addressing the root causes and drivers of displacement, improving protection conditions where people are, and creating safer and more orderly ways of securing long-term solutions – people will continue to move across borders. If properly managed, and accompanied by open, forward-thinking leadership, human mobility can present opportunities for States, host societies and concerned individuals.

4.   This notes describes the challenges and opportunities associated with human mobility and the value of international cooperation. It reflects on the critical moment offered by the New York Declaration and looks ahead to the development of a global compact on refugees in 2018.

II. International cooperation in the context of human mobility

5.   Through the New York Declaration, States unanimously reaffirmed the tenets of refugee protection and the key legal instruments underpinning them. The declaration is an expression of profound solidarity – both for those forced to flee across borders and for the countries that shelter them – and recognizes a shared global duty of care. It calls upon UNHCR to develop a comprehensive refugee response framework (CRRF) for addressing large-scale refugee movements and protracted refugee situations, representing a paradigm shift in the way the international community will collaborate in its response. Recognizing that most countries hosting large populations of refugees receive too little support too late, the CRRF seeks to secure a multi-stakeholder response to address the situation holistically, from reception to solutions, and to address the root causes of displacement. Through a more equitable sharing of responsibilities, the framework ensures greater support for both refugees and host communities. It also engages a wider array of actors, including State and local authorities, financial institutions, development actors, civil society, the private sector, and refugees themselves, in crafting and tailoring a response to each refugee situation.

6.   Building on past practices, notably in response to the Syria refugee situation in Egypt, Iraq, Jordan, Lebanon and Turkey, UNHCR and its partners are advancing a comprehensive approach that addresses both the immediate and long-term needs of forcibly displaced persons and host communities. To further this objective, the CRRF is currently being applied in Costa Rica, Djibouti, Ethiopia, Guatemala, Honduras, Mexico, Somalia, Uganda and the United Republic of

Tanzania. In this regard, UNHCR is working closely with governments to mobilize partners and strengthen support for refugees, while also better responding to the development needs of host communities and expanding third country solutions. In Uganda, the CRRF seeks to support the government's progressive approach to refugees through targeted development aid, improved infrastructure and expanded access to basic services for both host and refugee communities. In March 2017, the Intergovernmental Authority on Development (IGAD) held a special summit on protection and durable solutions for Somali refugees, where it considered the application of the CRRF and adopted the Nairobi Declaration. This document, adopted unanimously by Djibouti, Ethiopia, Kenya, South Sudan, Sudan and Uganda, contains detailed commitments by IGAD Member States on protection and solutions for Somali refugees, while also articulating clear calls for action from the international community to demonstrate international solidarity and responsibility-sharing. Costa Rica, Guatemala, Honduras and Mexico are building on existing regional and sub-regional cooperation mechanisms to address mixed movements affecting Central America and Mexico.

7. In line with the partnerships envisaged under the CRRF, UNHCR is pursuing closer collaboration with the World Bank. In 2016, UNHCR contributed to the World Bank's report on forced displacement, which emphasized the importance of complementary partnerships between humanitarian and development actors. This was followed by an allocation of $2 billion by the World Bank's Board of Governors to support refugee host countries as part of its international development association (IDA) financing for the period 2017-2019. The financing will target least developed countries and aims to improve the welfare of refugees and host populations. In 2017, joint World Bank-UNHCR missions are taking place to eligible countries, several of which are CRRF countries, to prepare the programmatic interventions. This also coincides with UNHCR's adoption of a multi-year, multi-partner planning strategy in a number of countries.

8. The New York Declaration commits States to combating xenophobia, racism and discrimination, recognizing that measures to improve inclusion can reduce marginalization and radicalization. It promotes national policies that support integration and inclusion, to be carried out in conjunction with civil society organizations and other relevant stakeholders. While there are many positive examples of integration and inclusion, divisive politics and nationalist rhetoric are also gaining traction and threatening to undermine them. The debates surrounding irregular arrivals of refugees and migrants, who provide an easy scapegoat in uncertain times, resonate with those who are deeply fearful of insecurity. An effective "whole of society" approach is, therefore, needed to stem the rise of xenophobia and populist politics. In this context, UNHCR is engaging with partners at the local and national level around the world to reduce intolerance towards people on the move. This includes a diversity initiative in Ukraine, the "long day of flight" initiative in Austria and the "we breathe inclusion" initiative, which is being implemented in schools in Ecuador. In South Africa, the crowd-sourcing platform Xenowatch tracks xenophobic threats and attacks, with urgent cases verified and relayed to UNHCR for action.

III. Addressing root causes and drivers of displacement

A. Armed conflict and violence

9. The reasons compelling people to flee are complex and multifaceted. Persecution and oppression, combined with inadequate legal systems and an absence of the rule of law, are often precursors to armed conflict and violence, triggering displacement. A seemingly perpetual cycle of violence in many countries in Africa, the Middle East and Central America is having a profound effect on civilians and entire communities, destroying infrastructure and social fabric, disrupting economies and generating humanitarian crises. Insecurity in places such as Afghanistan, Iraq, South Sudan, the Syrian Arab Republic and Yemen continues to cause displacement, both internally and across borders. In Nigeria, kidnappings, rape, the forced recruitment of children and youth, suicide bombings and sexual slavery are among the violent drivers of displacement. In some parts of Central America, gang violence has become entrenched, particularly affecting children and youth, and causing them to flee or face harrowing consequences. Recognizing that

armed conflict and violence are today the major causes of refugee movements, UNHCR has issued new guidelines on the legal principles applicable in such contexts for determining refugee status.[1]

10.   Resolving displacement, as well as preventing it from occurring, hinges on the success of efforts to address the underlying causes, including human rights violations which take place in a climate of impunity.   Such efforts include strengthening the rule of law, promoting good governance systems based on inclusivity, ensuring access to justice, supporting legislative frameworks that are applied fairly and non-arbitrarily, building effective and accountable institutions, and undertaking security sector reform.   UNHCR collaborates with States in many of these areas.   In the Central African Republic, for example, UNHCR facilitated the inclusion of internally displaced persons (IDPs) and returnees in an assessment conducted by the Ministry of Justice on the priorities of the population in the justice and security sectors.   In Myanmar, UNHCR developed the capacity of civil society organizations to provide legal advice on land rights to IDPs and returning refugees.   Implementation of the 2030 Sustainable Development Goals (SDGs), which stress the importance of justice, equality and non-discrimination, will equally contribute to addressing many root causes and drivers of displacement.

B.   Statelessness

11.   Statelessness, which leads to the denial of rights, marginalization and discrimination, can be both a root cause of displacement and a consequence of displacement.   This is recognized in the New York Declaration, where States are encouraged to consider actions to reduce the incidence of statelessness.

12.   Significant progress has been made by many States towards this end, including in the context of UNHCR's #IBelong campaign to end statelessness by 2024.   In 2016, nearly 60,800 stateless persons or persons with undetermined nationality acquired a nationality or had their nationality confirmed, including in Albania, Côte d'Ivoire, Estonia, Iraq, Kazakhstan, Kyrgyzstan, the Philippines, the Russian Federation, Sweden, Tajikistan, Thailand and Turkmenistan.   Moreover, a number of States in these regions took legislative measures to reduce and prevent statelessness, including ensuring that no child is born stateless, removing gender discrimination from nationality laws and facilitating naturalization for stateless persons.   Guinea-Bissau's accession to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness in September 2016 brought the total number of States Parties to 89 and 68 respectively.

13.   In addition to the prevention and eradication of statelessness, UNHCR and partners worked with States to advance civil registration and documentation for stateless persons.   In order to improve the protection afforded to stateless persons, the collection and analysis of data must continue to be prioritized.   In this regard, UNHCR commissioned studies in a number of countries, including Côte d'Ivoire, Serbia and Sweden, which facilitate a better understanding of both the causes of statelessness and the options for resolving it.

14.   UNHCR partners, including United Nations agencies, financial institutions and regional organizations, are also helping accelerate progress towards ending statelessness.   UNHCR worked closely with the World Bank on a new set of "principles on identification" designed to support implementation of SDG 16.9, which calls for legal identity for all, including birth registration, by 2030.   In December 2016, UNHCR and the United Nations Children's Fund (UNICEF) launched a coalition to ensure every child's right to a nationality,[2] which aims to raise awareness about and combat the hidden problem of childhood statelessness.   States engaged as "friends of the #IBelong campaign" supported several initiatives, including the adoption of a resolution on the right to nationality at the June 2016 session of the Human Rights Council.   In May 2017, Ministers from the Economic Community of West African States (ECOWAS) validated a regional action plan to end statelessness in the Gambia.

---

[1]   See http://www.unhcr.org/publications/legal/58359afe7/unhcr-guidelines-international-protection-12-claims-refugee-status-related.html.

[2]   See http://www.unhcr.org/ibelong/unicef-unhcr-coalition-child-right-nationality/.

C. Climate change and disasters

15.   Climate change exacerbates the scale and complexity of human displacement. Many people also leave their homes in the context of slow-onset hazards, such as coastal erosion linked to rising sea levels. Humanitarian crises linked to a combination of conflict and the effects of climate change are unfolding in a number of countries, notably in the Lake Chad Basin region, Nigeria, Somalia, South Sudan and Yemen, generating internal and cross-border displacement. Food insecurity and famine are also linked to climate change, affecting the ability of States with fragile governance structures and institutional weaknesses to respond to the needs of their populations. Conflict and violence can impede physical and economic access to food, particularly through the disruption of livelihoods and markets. Against this background, people displaced by a combination of the consequences of conflict and the effects of climate change are often in need of protection and may be considered refugees.

16.   Conscious of the need to respond to internal and cross-border displacement relating to climate change and disasters, UNHCR provides protection and assistance, when appropriate and feasible. Such was the case in Ecuador in response to the 2016 earthquake. UNHCR leads the protection cluster in Ethiopia as part of its humanitarian response to the drought. In Somalia, where drought has displaced more than 135,000 people since November 2016, UNHCR has strengthened its protection monitoring and is providing shelter and humanitarian aid to IDPs in the worst affected areas. In 2017, UNHCR joined the Task Force on Displacement established under the Paris Agreement to develop recommendations for integrated approaches to avert, minimize and address displacement related to the adverse impacts of climate change. UNHCR is also a member of the Platform on Disaster Displacement, established in July 2016 to implement the Nansen Initiative Protection Agenda, which addresses the protection gaps related to cross-border disaster-related displacement.

IV. Ensuring access to protection

A. Addressing mixed movements in the asylum and migration context

17.   Although most refugees around the world sought protection in neighbouring countries, many continued to move further afield, alongside migrants. The routes they used were fraught with danger, including travel on unseaworthy boats and through scorching deserts. Both refugees and migrants are often separated from family members and face similar risks, such as kidnapping, long periods of detention in extremely poor conditions, physical and sexual abuse, and torture and extortion by smugglers and criminal gangs. Mixed flows occurred in many regions, including across the Mediterranean, from the Great Lakes and Horn of Africa towards southern Africa, and across the Red Sea and the Gulf of Aden to Yemen. When people are found in distress at sea, the first priority is to save lives by ensuring timely rescue and safe disembarkation, regardless of the legal status of those on board. In recent years, UNHCR has stepped up its advocacy and capacity-building activities, liaising with the European Union Naval Force ATALANTA (EU NAVFOR) operations in and around Somalia and the Mediterranean, and providing training for coast guards and immigration authorities. Health posts at disembarkation points in Libya were multiplied to provide emergency assistance to rescued persons.

18.   To assist States and other actors in addressing mixed movements, UNHCR updated its 10 Point Plan in Action,[3] providing tools and practical guidance for identifying and responding to the needs of people on the move who are at risk or have special needs. It includes best practices from Europe, Morocco, Sudan and Thailand on responding to the needs of victims of trafficking, as well as guidance on the identification and protection of victims. UNHCR, together with UNICEF, the International Committee of the Red Cross (ICRC) and other partners, established protection support hubs along the most frequently used routes in Europe for refugee and migrant children and

---

[3] See http://www.unhcr.org/the-10-point-plan-in-action.html.

their families. Known as "blue dots", they provide access to safe, child-friendly spaces, private rooms for psychosocial support, legal counselling, services to restore family links and an information desk. UNHCR provided support to civil society organizations in Bolivia (the Plurinational State of), Chile and Peru to undertake border monitoring activities, reinforce access to territory and raise awareness of the risks faced by refugees and migrants. In early 2017, UNHCR launched a new campaign to raise awareness about the dangers of crossing the Gulf of Aden and the Red Sea from Africa to Yemen, highlighting the dangers and insecurity upon arrival. Following the Brazil Plan of Action, and as part of the San José Action Statement, border monitoring and reception arrangements have been strengthened in Belize, Costa Rica, Mexico and other asylum countries for persons fleeing violence and insecurity.

19.   As a member of the Inter-Agency Coordination Group against Trafficking in Persons (ICAT), UNHCR contributed to the development of a toolkit for designing and evaluating counter-trafficking programmes. In October 2016, UNHCR developed a module on trafficking and gender as part of its sexual and gender-based violence (SGBV) prevention and response training package.

20.   The Office engages with partners on the collection of data on mixed flows and provides policy guidance and support in inter-governmental, inter-agency and regional consultative processes, ensuring protection concerns are addressed. In November 2016, States in South-East Asia agreed to set up a task force on planning and preparedness to respond to large movements of migrants and refugees across borders. The task force will operate in the framework of the Bali process consultation mechanism, supporting States in the development of early warning mechanisms and ensuring their capacity to coordinate an operational response in the event of a large influx. The task force will also promote the sharing of best practices at the national and regional levels, including measures to harmonize detection, search and rescue, disembarkation and shelter management.

21.   The New York Declaration envisages that stakeholders with expertise on migration, including UNHCR, would contribute to developing the global compact for safe, orderly and regular migration, as well as to the elaboration of non-binding principles on the treatment of migrants in vulnerable situations. UNHCR supports this endeavour and is working with the Office of the Special Representative of the Secretary-General for International Migration, the International Organization for Migration (IOM) and other partners to ensure that the two compacts are complementary, despite being elaborated by distinct and independent processes.

B.   Access to territory

22.   UNHCR recognizes the legitimate security concerns of States in managing their borders. Protecting refugees and ensuring security are compatible and even complementary goals. Protection-sensitive border management systems and effective screening and referral mechanisms allow those persons in mixed flows who need international protection to be detected and referred to the appropriate services, while simultaneously advancing national security. The orderly processing of asylum claims, either in an individualized procedure or through group-based processes, enables States to be confident about who is on their territory and, at the same time, safeguard the rights of refugees and asylum-seekers. This includes prompt registration of new arrivals and appropriate status determination mechanisms.

23.   Further improvements to enhance protection-sensitive border controls have taken place in many States. For example, regional guidelines on identification and referral mechanisms for asylum-seekers and refugees at borders in Central Asia were jointly developed by Kazakhstan, Kyrgyzstan, Tajikistan and Turkmenistan under the auspices of the Almaty Process. In North Africa and northern Europe, UNHCR continued work to improve protection-sensitive entry systems through training and capacity-building for authorities involved in border monitoring. UNHCR maintained its advocacy efforts to ensure that international protection standards were reflected in the European Union border management policy, including through the Frontex[4]

---

[4]   The European Border and Coast Guard Agency.

Consultative Forum on Fundamental Rights. In 2016, UNHCR issued a paper on "Better protecting refugees in the EU and globally", focusing on rebuilding trust and solidarity among Member States through a well-managed asylum system, preparedness mechanisms and greater emphasis on integration, as well as engagement beyond European Union borders.

24.   While many countries ensured access to protection by keeping their borders open, particularly in Africa, restrictive approaches to cross-border movements in some regions resulted in asylum-seekers and refugees being turned away. UNHCR continued to observe pushbacks in Central Europe and the western Balkans, but also in other parts of the world, which are at variance with the principle of non-refoulement. Furthermore, the use of national laws and policies penalizing irregular entry, as seen in some countries, carry the risk that refugees may not have access to fair procedures or to protection. Under the collaborative approach outlined in the CRRF, UNHCR will expand efforts to support States in ensuring admission, in accordance with international law, and in establishing adequate, safe and dignified reception conditions.

C.   Status determination

25.   UNHCR continues to engage with States on building and strengthening national systems for refugee status determination (RSD) and statelessness determination. This occurs in the context of States assuming their responsibilities to undertake RSD and, therefore, transitioning away from UNHCR procedures, as well as through projects to improve RSD decision-making and to develop quality assurance systems. In 2016, UNHCR undertook quality assurance projects with many States, including Benin and Trinidad and Tobago. The quality initiative for eastern Europe provided a regional forum for States, including Armenia, Azerbaijan, Belarus, Georgia, the Republic of Moldova and Ukraine to discuss challenges in asylum systems and to facilitate partnerships and strengthen procedures. Cameroon and Kenya's sustained efforts to assume responsibility for RSD are to be commended, as is Thailand's pledge to establish a screening mechanism. In Turkey, the Government and UNHCR continued the process of transitioning from UNHCR mandate-RSD for non-Syrian asylum-seekers to a government-led system. Regarding statelessness, UNHCR issued a paper on good practices for establishing statelessness determination procedures. In 2016, Bulgaria and Costa Rica adopted dedicated procedures for addressing statelessness.

26.   In 2016, UNHCR registered 208,100 individual asylum requests. Numerous operations introduced diversified case-processing modalities to optimize efficiency, while maintaining quality decision-making. Nevertheless, asylum backlogs have continued to grow, requiring a review of how they are managed, taking a "whole of systems" review approach. In a number of its mandate RSD operations, UNHCR prioritizes the strategic use of RSD as a protection intervention, which also contributes to better access to rights, services and solutions.

D.   Alternatives to detention

27.   Despite progress in a number of countries, UNHCR remains deeply concerned about the increased detention of asylum-seekers in some States. The Office continued to advocate the use of alternatives to detention for refugees and asylum-seekers, and worked with States within the framework of its global strategy, "Beyond detention (2014-2019)". The strategy incorporated eight new focus countries in 2016 (Belgium, Botswana, Bulgaria, Czechia, Japan, South Africa, the former Yugoslav Republic of Macedonia and Zimbabwe), bringing the total to 20. UNHCR maintains that children should not be detained for immigration-related purposes, irrespective of their legal and migratory status. Instead appropriate care arrangements and community-based programmes need to be in place to ensure the adequate reception of children and their families. In this regard, UNHCR is collaborating on the UN-commissioned global study on children deprived of liberty. UNHCR has also launched a project in collaboration with the European Instrument for Democracy and Human Rights to implement immigration detention monitoring and capacity-building programmes focusing on children, families and other persons at risk in detention in the Balkans, the Middle East, North America and South-East Asia.

V. Providing protection responses

A. Reception

28.   Providing adequate reception conditions proved challenging in many locations. For example, UNHCR urged the Burundian refugee host countries to urgently provide more land for a large influx of new arrivals to ensure shelter and avert a drastic deterioration in conditions. Uganda's reception of refugees and their exceptional efforts to accommodate them in settlements is commendable. Nevertheless, the scale of the influx from South Sudan, with a daily average of several thousand arrivals, has begun to overwhelm transit and reception facilities. In Greece, UNHCR and partners completed the winterization of sites, replacing tents with pre-fabricated housing units and providing heating. UNHCR carried out reception standards assessments in Serbia and helped refurbish facilities with adequate lighting, gender-segregated sanitation facilities and safe sleeping areas to accommodate the increasing number of women and children. Elsewhere in Europe, UNHCR helped secure alternative accommodation in rented apartments, hotels, with host families and in government accommodation. UNHCR continues to advocate the maintenance of existing reception facilities and the continued improvement of reception conditions where needed. In Costa Rica, Guatemala, Honduras and Mexico, new shelters and safe spaces were established, with arrangements for persons with specific needs.

B. Emergency response

29.   Ongoing and worsening conflict in Iraq, Nigeria, South Sudan, the Syrian Arab Republic and Yemen continued to displace people internally and across borders. UNHCR is deeply concerned about gross and systematic violations of human rights and international humanitarian law in numerous emergency contexts. Other challenges included the obstruction of humanitarian assistance and other life-saving interventions, as well as the lack of safe and unimpeded access to persons of concern, exacerbating protection problems. In the Syrian Arab Republic, 4.72 million people in need of humanitarian assistance are in besieged and hard-to-reach areas. The safety of humanitarian workers is also a concern, exemplified by the bombing of the Rann IDP settlement in north-eastern Nigeria, in which six aid workers were killed, and by the abduction of three UNHCR staff members in Sudan in November 2016, who were later released.

30.   A number of complex situations also required significant engagement from UNHCR, including mixed movements in Libya and North Africa, ongoing movements towards Europe, Mali and Ukraine, and protection challenges in Central America. In response to the latter, UNHCR strengthened its cooperation with governments in the sub-region including Guatemala. Unlike previous years, where rising numbers of asylum-seekers were recorded mainly in Canada and the United States of America, the steepest relative increase in 2016 was in neighbouring countries, particularly Costa Rica and Mexico. Food insecurity and the risk of famine, particularly in the East and Horn of Africa, also called for major relief efforts. In 2016, approximately 2.29 million refugees across 9 countries experienced food cuts greater than 50 per cent, of which 99 per cent were in Africa.

31.   UNHCR continued to work closely with its partners to strengthen the response to emergencies, including through emergency response agreements with non-governmental organizations (NGOs) and the global and national IDP clusters. In recent years, UNHCR and partners have invested considerably in enhancing child protection and SGBV prevention and response capacity in emergencies. In 2016, experts were deployed to 19 countries for child protection and 9 countries for SGBV prevention and response. Through these deployments, UNHCR and its partners were able to substantially increase the extent to which these and other key, recurrent protection risks were addressed early on in emergencies.

C. Internal displacement

32.   The number of people displaced within their own country remained over 40 million. In Afghanistan, an estimated 623,200 people were newly displaced and close to a million IDPs remained in a protracted situation. In Iraq, there were over 3 million IDPs, with close to 370,000 displaced due to the Mosul operation. The estimated number of IDPs in the Syrian Arab Republic stood at 6.3 million persons. Elsewhere, ongoing and worsening conflict, at times coupled with slow-onset hazards and sudden disasters has led to significant internal displacement. This is notable in the Central African Republic, the Democratic Republic of the Congo, Nigeria and South Sudan.

33.   Leading national protection clusters and cluster-like mechanisms in 25 countries, UNHCR coordinates and delivers protection to IDPs and others affected by conflict and violence. In Nigeria, UNHCR and its protection partners undertook detention visits, engaged in dispute resolution and provided legal aid, reaching some 1.73 million people in need. In Iraq and Yemen, UNHCR led the delivery of emergency shelter and non-food items, while providing legal assistance and psychosocial care to those displaced by the recent hostilities. Through outreach volunteers and community centres, UNHCR provided protection services to almost half a million people in the Syrian Arab Republic in the first half of 2017. Through protection monitoring in IDP situations, UNHCR maintains an up-to-date analysis of protection and assistance needs. This allows the Office to inform inter-agency decision-making and to provide an immediate response, either through its own programmes or by referring individuals to partners or to the appropriate local or national entity.

34.   UNHCR supports States in developing national laws and policies on internal displacement, and in bringing existing laws and policies in line with international standards. In Ukraine, for example, UNHCR and its partners successfully advocated access by IDPs to free legal aid. In Mali, a technical committee supported by UNHCR to incorporate the obligations contained in the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) into national law was validated and led to the first draft of a national law on IDPs. The committee is composed of members of parliament as well as representatives from key ministries, civil society and the African Union Mission for Mali and the Sahel.

D. Specific needs

35.   A community-based approach, which ensures effective communication with persons of concern, engages the community as a whole and establishes targeted interventions to identify and address specific needs, is critical to positive protection outcomes. Feedback mechanisms are being used to ensure that the priorities and views of the communities concerned directly inform planning and programming, leading people to make informed decisions and better access their rights. Underpinning the community-based approach is UNHCR's age, gender and diversity policy.

36.   Ensuring protection for children and youth remained a priority worldwide. Large numbers of children continued to arrive in Europe, with 63,300 unaccompanied and separated minors registered in the European Union in 2016. UNHCR supported the authorities in several European countries to strengthen protection systems for unaccompanied and separated children, and provided direct assistance, together with partners, in Greece and along the western Balkans route, including psychosocial assistance. Together with UNICEF and the International Rescue Committee, UNHCR provided concrete recommendations on how to better operationalize child protection standards in Europe. In response to the surge in arrivals of unaccompanied children from El Salvador, Honduras and Guatemala in neighbouring countries and the region, UNHCR promoted the establishment of best interest procedures for children and safe space networks. In the Middle East, the International Labour Organization (ILO), UNICEF and UNHCR, in consultation with the "No Lost Generation" partners, are working on a regional strategy to address child labour among refugees in the context of the Syria crisis.

37.   In December 2016, the High Commissioner's Dialogue on Protection Challenges focused on children on the move, during which the importance of treating children first and foremost as children, in accordance with their specific rights and needs, and regardless of their legal status, was

reaffirmed. Recommendations included urgent action to end immigration detention and statelessness, to ensure documentation and birth registration for all children, to enhance family reunification and complementary pathways to solutions for children and youth, and to enhance access to quality education and learning opportunities. Other recommendations included strengthening inclusive national child protection systems; expanding regional and cross-national cooperation in relation to child protection; and enhancing international cooperation and sustained multi-year financing for States and NGOs to better protect and serve children on the move.

38. In November 2016, UNHCR published its final report[5] on the global refugee youth consultations (GRYC), which took place from October 2015 to June 2016 and included nearly 1,500 youth participating in 65 consultations in 23 countries. Through these consultations, the youth involved identified 10 key challenges and 7 core actions to address them. The latter serve as a framework for action for humanitarian actors, including UNHCR. In particular, they stressed the need for youth voices to be heard. While children and youth demonstrate exceptional resilience in displacement, they must be afforded all possible opportunities for continued growth. In response, UNHCR is ensuring meaningful engagement with youth, notably by consulting the national youth groups established for the GRYC on the Office's engagement with the World Humanitarian Summit Global Compact for Young People in Humanitarian Action and on the application of the CRRF.

39. UNHCR remains committed to strengthening protection for women and girls, including through the promotion of gender equality. In 2016, the Office finalized a review of gender equality in its operations, which looks at the challenges and good practices to improve gender equality integration. Gender equality technical assistance has been provided to operations, including through a comprehensive gender equality needs assessment in Rwanda.

40. Preventing and responding to SGBV is also a priority for the Office, including in the context of people on the move. During their flight, whether at sea or on land, women and children are often faced with sexual assault and physical violence and other forms of abuse, including rape, exploitation and abduction. The majority of women and girls arriving by sea in Italy reported having suffered abuse, particularly when transiting through Libya. Some women and girls reported preparing for their journey by taking contraception to prevent unwanted pregnancy in case of assault, an indication of how dangerous the situation has become. During their flight, some women and unaccompanied children were forced into transactional sex to secure passage, pay for travel documents, cover the costs of food, hygiene products and other necessities, and pay for onward movement. Identification, referral and case management remain significant challenges, and coordination of SGBV responses along transit routes and across borders continues to be insufficient. In this regard, stronger linkages are needed with national systems and local civil society organizations.

41. UNHCR uses outreach programmes to identify persons at risk of SGBV, provide relevant information, conduct risk mitigation and ensure links to existing services. UNHCR has continued to roll out the Inter-Agency Standing Committee (IASC) "Guidelines for integrating gender-based violence interventions in humanitarian actions", which assist affected communities and humanitarian actors in coordinating, planning, implementing, monitoring and evaluating essential actions for the prevention and mitigation of SGBV. UNHCR completed a study on sexual violence against refugee men and boys in the Syria conflict to better understand the problem and strengthen interventions by humanitarian actors. In support of the "Regional refugee and resilience plan 2016-2017" (3RP), the safe collection and management of data on SGBV incidents improved through use of the gender-based violence information management system (GBVIMS).

42. UNHCR has enhanced its support to SGBV survivors in 25 refugee situations and 7 IDP situations globally and maintained levels of support in 52 refugee situations. In Rwanda, for example, through the government-run "one stop centres" supported by UNHCR, survivors accessed comprehensive response services, including health care, counselling and legal advice. In the United Republic of Tanzania, UNHCR worked with medical staff to improve health and protection screening at border entry points, allowing for the timely identification of SGBV survivors and

---

[5] See http://www.unhcr.org/protection/globalconsult/57e1126e7/final-report.html.

accelerating referrals to health services and psychosocial counselling. However, similar efforts for people on the move are more challenging given the short time they spend in transit countries. UNHCR raises awareness about SGBV prevention and response through advocacy, training and educational initiatives, such as an International Rescue Committee programme on "Engaging men in accountable practices" which helps bring about behavioural changes in conflict-affected communities. Such initiatives have also led to improved reporting by survivors through community efforts in several operations. In Iraq, for example, UNHCR and partners conducted regular information and awareness sessions, leading to nearly 10,000 women, men, and children receiving psychosocial and legal support.

E. Self-reliance and inclusion

43.   Most of the world's refugees are unable to earn sufficient income to meet their basic needs. With growing demands placed on the humanitarian response system and a widening gap between humanitarian needs and resources available to address them, enabling refugees to be productive and self-reliant has never been more crucial. It also allows refugees to live lawfully, peacefully and productively alongside their host communities.

44.   Through its policy on alternatives to camps, UNHCR is driving initiatives such as facilitating integrated settlement planning in Chad, Malawi and Rwanda. At the end of 2016, an estimated 70 per cent of refugees in these countries were living outside of planned settlements. A "master plan" approach to refugee settlements in Chad, Kenya, Malawi, Mozambique and Nepal is being pursued, exploring how infrastructure development and service provision in refugee settlements, including through cooperation with development actors, can better serve the interests and needs of both refugee and host communities, and help develop a sustainable integrated community.

45.   Research by UNHCR and its partners has shown that cash, and particularly unrestricted multipurpose grants, can help refugees and IDPs avoid the most dangerous negative coping strategies, such as survival sex and child labour. Cash-based interventions help support access to health services, including maternity care for pregnant refugee women. The Office continued to mainstream cash-based interventions into its operations and to pursue work with partners in this area, including the World Food Programme (WFP) and civil society actors. In 2016, UNHCR transferred more than $688 million in cash assistance to persons of concern. In Jordan, a common cash facility allows different agencies to transfer cash through the same banking arrangements, ensuring efficiency in costs and capacity. In Iraq, UNHCR piloted a mobile money solution for refugees and IDPs, ensuring safe and reliable delivery of cash, coupled with robust financial tracking and reporting.

46.   To enhance livelihoods, UNHCR has engaged with private sector and development actors to integrate or enhance the role of refugees within value chains that have potential for growth and employment creation. UNHCR assisted refugee artisans, pastoralists and farmers in Burkina Faso, Chad, Ethiopia, Kenya, Rwanda and Zambia to participate in the economy of their host communities. In many countries, refugees have demonstrated their capacity to thrive as entrepreneurs, trading and providing services to host communities where national laws, policies and economic conditions permit. In Ecuador, for example, UNHCR developed a "business incubator" model with the Pontifical Catholic University. The initiative fosters private sector activity with a social component through the development of small enterprises that create employment and income for refugees and the local community.

47.   UNHCR has implemented the "graduation approach" to engender sustainable livelihoods in Burkina Faso, Costa Rica, Ecuador, Egypt, Zambia and Zimbabwe. This approach seeks to graduate people out of poverty through structured interventions that meet their basic needs, while giving them the skills, assets and capacities needed to build sustainable livelihoods. Costa Rica has included the graduation approach in its national development plan, having recognized it as being of national interest.

48.   UNHCR and ILO updated their memorandum of understanding in 2016 aimed at expanding cooperation in the promotion of employment opportunities for refugees and other forcibly displaced persons. The ILO has been instrumental in supporting UNHCR with the introduction of a data-driven, market-oriented approach to livelihoods, through market and value chain analyses at the country level, beginning in Costa Rica, Egypt, Mexico, Pakistan, South Africa and Zambia. The "Guiding principles on the access to labour markets of refugees and other displaced persons", supported by the ILO Governing Board, were adopted in 2016 and demonstrate how the international community can support host governments, employers and workers to build labour markets capable of absorbing refugees when they arrive. UNHCR, the ILO and other partners are collaborating on the roll-out and implementation of the guiding principles, with the goal of opening up opportunities that help refugees maintain and develop the skills they need to rebuild their lives and to contribute to their communities, whether upon return or wherever they eventually settle.

49.   In many countries, progress was made to gradually integrate refugees into national systems. In Brazil, a new migration bill addresses social and labour inclusion, access to public health care and welfare services for foreigners, including asylum-seekers and refugees. In Ecuador and Mexico, refugees and asylum-seekers have been included in city and nationwide social policies and programmes. Many States are providing access to their national health insurance systems, with schemes covering refugees being implemented in Benin, Burkina Faso, Guinea, Mali, Senegal and Togo. In Egypt, the Government has permitted registered refugees to access primary health care services at the same level as Egyptian citizens. In Ghana, management of refugee health facilities was transferred from UNHCR to the national authorities, and refugees are now included in the national health insurance scheme. Inclusion of refugees in immunization campaigns continued to be an important area of focus, for example to prevent meningitis in Ethiopia and cholera in Malawi.

50.   To ensure the sustainability of quality education, the inclusion of refugee children and youth in national education systems is crucial. To this end, UNHCR engages in advocacy and works closely with the Global Partnership for Education to support the inclusion of refugee children in national education plans and systems. This led to positive results, whereby, in 2016, refugees had access to national education systems in 20 out of 25 priority countries. Higher education plays a central role in protecting young refugees and preparing them to support their communities in achieving solutions. To enhance access to tertiary education for refugee youth, UNHCR implemented a scholarship programme in 37 countries in 2016, enabling over 4,300 students to attend university. The Albert Einstein German Academic Refugee Initiative (DAFI) not only provides financial aid but offers additional support for students, taking protection and psychosocial needs into consideration. In more than 15 countries, including Ecuador, Pakistan and South Africa, students benefiting from the DAFI programme have equal access to universities as national students.

VI. Solutions

51.   A solution is achieved when a durable legal status is obtained which ensures national protection for civil, cultural, economic, political and social rights. Over the past year, for example, 151,000 former Burundian refugees were issued citizenship certificates in the United Republic of Tanzania, while 50,000 more were being processed. In Bolivia (the Plurinational State of), Ecuador, Italy and Ukraine, access to facilitated naturalization was improved for stateless persons. With a view to seeking solutions from the beginning of a crisis, UNHCR is committed to collaborating with national institutions and international development actors in host communities so that they include refugees in their national development planning for all sectors, as is envisaged by the New York Declaration and the CRRF.

52.   Returning home in safety and dignity to one's country or area of origin remains the preferred solution for most displaced persons. In 2016, UNHCR facilitated voluntary repatriation to some 40 countries, including for refugees from Myanmar in Thailand, as well as for Ivorian, Rwandan and Sri Lankan refugees. In other locations, security and protection challenges meant that conditions were not yet conducive to return. In such circumstances, UNHCR worked to encourage a safe return environment, such as by supporting State and civil society institutions responsible for ensuring the rights of returning populations. For example, work is currently

underway in the Central African Republic to support the peaceful resolution of land conflicts, facilitating the link between traditional and formal dispute resolution systems.

53.   In 2016, there was a sharp increase in returns of Afghans from Pakistan, including 370,100 registered refugees as well as 248,054[6] undocumented Afghans. UNHCR's monitoring activities showed multiple factors influencing decisions to return from Pakistan, including tighter control at the Torkham border crossing, enhanced implementation of the National Action Plan against Terrorism in Pakistan and advocacy by Afghanistan encouraging returns. During the same period, 2,300 registered refugees and 443,527[7] undocumented Afghans returned from the Islamic Republic of Iran. Given the strain on Afghanistan's absorption capacity, UNHCR continues to work closely with the authorities and other partners to contribute to improved conditions in Afghanistan, counsel and assist returning refugees, and monitor returns.

54.   In a complex context of ongoing challenges and emerging opportunities, including following the IGAD's adoption of the Nairobi Declaration, UNHCR and States sustained their efforts to reinforce protection space for Somali refugees in the region. The Office seeks to ensure that returns to Somalia, which many refugees are undertaking, are fully informed and voluntary, and appropriately supported, and that the consequences of return are monitored. In light of the current drought in Somalia, which adds to the fragility of some return areas, UNHCR is enhancing efforts, where feasible, to foster the sustainability of reintegration and is continuing to collaborate with local authorities, leaders and communities which are directly supporting the reintegration of returnees and IDPs. UNHCR is a member of the United Nations Somalia team and the Durable Solutions Initiative. The Office supports the National Development Plan and appointed a Special Envoy for the Somali refugee situation in September 2016.

55.   In 2016, resettlement held global attention. In the New York Declaration, States committed to work towards increasing resettlement places on a scale that would match the annual needs identified by UNHCR. Throughout 2016, a number of States with existing programmes increased the number of places offered, and others developed new resettlement schemes. In response to increased opportunities, UNHCR scaled up its resettlement activities in 2016 with more than 162,600 submissions, up from 134,000 the previous year. This represented a 20-year high. Over 125,600 refugees departed for resettlement in 2016, including to the United States of America (78,300), Canada (21,800), Australia (7,500) and the United Kingdom of Great Britain and Northern Ireland (5,000). Resettlement activities increased in the European context, with some 18,200 arrivals to European Union Member States, as well as Iceland, Liechtenstein, Norway and Switzerland. The proposed European Union resettlement framework is a welcome step towards providing a common approach to the safe and managed arrival of refugees and ensuring a more robust and sustainable contribution to global resettlement.

56.   The emerging resettlement country mechanism, which was launched at the Leaders' Summit on Refugees in September 2016, provides an important platform to facilitate strategic support and capacity-building for new resettlement countries. UNHCR works with States and partners to broaden engagement and support for resettlement, leveraging new approaches, such as through the Annual Tripartite Consultations on Resettlement (ATCR) and through the Global Refugee Sponsorship Initiative.

57.   While opportunities for resettlement increased in 2016, available quotas continue to fall short of reaching the 1.2 million refugees that UNHCR estimates are in need of resettlement. In 2016, only 14 per cent of those in need were submitted to States for resettlement. Meeting the commitments in the New York Declaration is key to ensuring that resettlement can continue to serve as a critical protection tool and to advancing more equitable responsibility-sharing for protecting refugees. Despite these commitments, UNHCR is concerned that the number of places available for resettlement will decrease in 2017. In this context, UNHCR will continue to advocate increased and more flexible resettlement programmes that are robust and sustainable.

---

[6] See http://afghanistan.iom.int/sites/default/files/Reports/iom_afghanistan_-_return_of_undocumented_afghans_from_pakistan_and_iran_-_2016_overview.pdf .
[7] Ibid.

58.   UNHCR continues to advocate the expansion of complementary pathways to protection and solutions, in collaboration with States and other partners. When durable solutions are not achievable for all members of a refugee population, particularly in large-scale and protracted situations, non-traditional pathways can help refugees access protection and sustainable solutions. Complementary pathways are not meant to substitute the protection afforded to refugees under the international protection regime; they complement it and serve as an important expression of solidarity and responsibility-sharing. These pathways may include opportunities for family reunification, labour mobility schemes and education programmes.

59.   Family reunification opportunities can offer safe pathways for family members who do not fall within resettlement or humanitarian admission criteria to find solutions without resorting to dangerous journeys over land and sea. In addition, the maintenance of family unity in countries of asylum enables better integration. Restrictive policies on family reunification and practical barriers for accessing these opportunities need to be addressed, for example, by simplifying procedures and increasing the eligibility criteria for family members to be admitted to third countries. In addition to its resettlement and humanitarian admission programmes, the German government is funding a project that facilitates the family reunification of Syrian refugees located in Lebanon and Turkey with their family members in Germany, addressing existing practical, administrative and legal obstacles.

60.   Many States have demonstrated a willingness to bolster and expand pathways to solutions by adapting existing mobility routes for persons in need of international protection. In Jordan and Lebanon, a civil society-based initiative is developing a "talent register" to facilitate employment for refugees in third countries, through labour mobility schemes, with over 4,000 refugees registered by December 2016. This initiative is yielding commitments by employers in Australia and Canada to work within their respective skilled migration frameworks to employ qualified refugees from the talent register. Argentina and Brazil have continued to issue special visas to persons affected by the Syria conflict, enabling them to travel and subsequently apply for asylum.

VII.   Conclusion

61.   The international community has before it a crucial opportunity. Having acknowledged the pressing need to respond more effectively to large movements of refugees and migrants, the United Nations and its Member States need to translate the commitments of the New York Declaration into action. Far-sighted leadership and collaborative, comprehensive approaches are needed to overcome the challenges, and to seize the opportunities associated with human mobility today. International protection for refugees must be ensured, as well as respect more broadly for the human rights of all people on the move. UNHCR has sought to deepen its work in partnership with States, other international organizations and civil society, among others, and to ensure more effective responses to emergencies, strengthened international protection for those in need, and a renewed focus on solutions for refugees, IDPs and stateless persons. This is reflected in UNHCR's work to implement and develop the CRRF in ongoing consultation with States and other partners, laying the foundation for a global compact on refugees to be adopted in 2018.