**Executive Committee of the
High Commissioner's Programme**

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57th meeting**

Note on international protection

Summary

This Note covers major developments affecting the protection of persons of concern to the Office for the period June 2012-June 2013. It examines protection challenges related to new and ongoing emergencies, as well as in the context of mixed migration, and reviews progress towards durable solutions. This report also addresses key themes relating to protection systems including legislative frameworks; the principle of *non-refoulement*; the specific needs of populations through an age, gender and diversity approach; and the prevention of and response to sexual and gender-based violence.

Contents

I.   Introduction

1.   Conflict and persecution drove more than a million people – the highest number in over a decade – to seek safety across international borders in 2012. Another 6.5 million people were newly displaced within their own countries. In a turbulent year, characterized by insecurity and unrest in a number of regions around the world, emergency response was a key focus of UNHCR's protection activities. Against this background, efforts to build, strengthen and sustain protection systems that can cope with different displacement scenarios – from mass flows in emergency contexts to identifying individuals with protection needs in irregular mixed movements – are more timely and relevant than ever.

2.   At their most fundamental, protection systems for the forcibly displaced ensure that individuals can access safety inside their own countries or in foreign territory; for refugees, that their claims to international protection are determined fairly and expeditiously and for IDPs, that their needs are properly assessed; that they are received and treated with dignity and humanity, including the enjoyment of rights; and that opportunities to resume a normal life are available as early as possible. Delivering protection is, first and foremost, a State responsibility. Yet it is most effective when implemented in cooperation and partnership, in a spirit of solidarity, and burden and responsibility sharing, between States, together with UNHCR, other regional and international organizations and civil society.

3.   In practice, protection systems are confronted by issues ranging from security, State capacity, broader migration trends and pressure on economies. Managing these challenges, while ensuring that international obligations are upheld, is not an easy task. At the national level, protection systems require that legal, policy, administrative, institutional, financial and other functions of the State are working coherently. Regional and global burden and responsibility-sharing arrangements can complement and support such national systems. Good governance, ownership and a strong commitment to engagement with and accountability to the people affected by displacement are equally important.

4.   Assisting States to build and strengthen their protection responses and systems is part of UNHCR's core function. UNHCR, together with partners, provides technical and operational assistance to governments; promotes and monitors compliance with international standards; intervenes with governments, as appropriate; directly delivers services in many contexts; provides information and legal advice to persons of concern; and develops and helps implement comprehensive solutions strategies.

5.   This Note examines the endeavours that have been made over the past year to strengthen protection systems for persons of concern to the Office, particularly refugees and internally displaced persons (IDPs), and the continuing challenges facing the international protection regime. It also provides an update on implementation of the pledges made by States at the 2011 Ministerial Intergovernmental Event.[1] Milestones reached in preventing and responding to statelessness are reported upon separately in this year's Note on statelessness (EC/64/SC/CRP.11). Unless otherwise specified, all documents cited in this Note may be accessed from www.refworld.org.

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[1]   This refers to the Intergovernmental event at the ministerial level of Member States of the United Nations on the occasion of the 60th anniversary of the 1951 Convention relating to the Status of Refugees and the 50th anniversary of the 1961 Convention on the Reduction of Statelessness, which was held in Geneva, Switzerland in December 2011 (see www.unhcr.org/ministerial).

II. Protection in emergencies

6.   The reporting period was dominated by a number of complex and massive displacement crises related to conflicts in the Democratic Republic of the Congo, Mali, Sudan/South Sudan and the Syrian Arab Republic. By April 2013, the total number of refugees who fled the crisis in the Syrian Arab Republic since it began two years ago surpassed 1.3 million persons, and the number of internally displaced reached over 4.5 million. The absence of a solution to the conflict in the Syrian Arab Republic, the pace at which displacement continues to escalate and the broader implications for regional security and stability make it one of the most complex conflicts facing the international community today. With thousands of Syrians leaving the country daily in 2013, the humanitarian response capacity is continually being challenged and risks being completely overwhelmed.

7.   Unrest in Myanmar and the Central African Republic also led to thousands of people being uprooted from their homes during the reporting period. The situation in the Central African Republic, in particular, remains highly fluid. At the same time, UNHCR continued to manage the humanitarian consequences of major emergencies in Côte d'Ivoire, the Horn of Africa (Somalia), Libya and Yemen.

8.   The multiplicity of crises, both new and protracted, has tested UNHCR's capacity to deliver both humanitarian assistance and protection. In addition to strains on the Office's operational capacity resulting from large-scale, simultaneous emergencies, the complexity of many operations – involving challenging security and logistical issues – has been significant. Safeguarding protection space and the civilian and humanitarian character of asylum, in particular, have remained key challenges. The relocation of refugees away from volatile border areas was a priority in places such as Burkina Faso, Ethiopia, Mauritania, Niger and South Sudan. Similarly, the delivery of protection and assistance continued to be challenged by a lack of humanitarian access due to insecure conditions, administrative obstacles, and the remoteness and inaccessibility of some locations.

9.   Registration and documentation have remained key components of UNHCR's protection strategies, including in emergencies, as securing the identity of refugees is a safeguard against *refoulement* and the basis for accessing services, including through the early identification of specific needs. Registration is also essential for the achievement of solutions, including resettlement.   In Lebanon, UNHCR set an ambitious target of registering 80,000 Syrian refugees in the month of April 2013 alone which was exceeded using enhanced registration mechanisms. It is, though, challenging in such circumstances to collect comprehensive data, including disaggregated data as part of UNHCR's age, gender and diversity (AGD) approach.

10.   UNHCR has also worked to play a more predictable role in the planning, coordination and delivery of protection in refugee emergencies together with its partners. The sharing of information has been crucial in this effort, and the Office has launched a number of initiatives to this end. UNHCR has, for example, launched information-sharing web portals on the Horn of Africa; Liberia; Mali; South Sudan; the Syrian Arab Republic; and Sudanese in Ethiopia (www.data.unhcr.org).

11.   The international protection regime is fundamentally dependent on the commitment of host countries and their populations. In the four major emergencies during the reporting period – the Democratic Republic of the Congo, Mali, South Sudan/Sudan and the Syrian Arab Republic - neighbouring States largely kept their borders open, respected the principle of *non-refoulement* and provided sanctuary for massive numbers of refugees, despite the significant social and economic implications this has had for their own countries. In February 2013, *prima facie* recognition was granted by the Democratic Republic of the Congo to refugees from the Central Africa Republic who fled in 2010 and in 2012. Turkey has formally provided Syrian refugees with temporary protection based on Executive Committee Conclusion No. 22 (1981)[2] and recently incorporated temporary protection into

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[2] Available from http://unhcr.org/conclusions.

its new national asylum law. The efforts of host countries have saved countless lives and underscore a common commitment to the institution of asylum.

12. Host States cannot assume burdens and responsibilities alone. Donor State funding is essential to maintaining an adequate protection and assistance response in emergencies. International solidarity and cooperation also require practical responses by destination countries further removed from crisis regions, including allowing access to territory and asylum procedures. Decisions taken by destination States to refrain from returning people not only to their countries of origin, but also to overburdened countries in regions affected by crises were an important contribution in this regard. UNHCR issued a number of advisories, calling on governments not to return persons to such countries and/or regions. Resettlement also continued to be an important life-saving tool in the context of emergencies. UNHCR is also looking at ways to develop more predictable international cooperative arrangements to share burdens and responsibilities.

13. It is equally important that emergency planning not only takes into account immediate assistance, but that it also lays the foundation for sustainable solutions to avoid creating protracted situations. Efforts were made during the reporting period to explore alternatives to camps in emergencies and, where this is unavoidable, to facilitate refugees' freedom of movement. A number of host States adopted measures to enable refugees to become self-reliant and make a contribution to their host communities during their stay in exile. For instance, in the Kurdistan region of Iraq, Syrian refugees have been provided with residency permits which allow them to access services and employment, and to enjoy freedom of movement. In light of the number of refugees arriving in urban areas, UNHCR has also placed greater emphasis on the use of cash-based assistance.

14. In internal displacement emergencies, the protection challenges are compounded, including targeted armed attacks, killings, sexual and gender-based violence and forced recruitment, particularly of children. Along with partners active in emergency contexts, UNHCR is continuously reflecting on its role in war-stricken countries, where one or more parties to the conflict impose constraints on the humanitarian space, impeding delivery of protection. Limited access to IDP communities has made protection monitoring and assessing needs accurately extremely difficult in some countries. In some cases, outreach to communities in the midst of armed conflict is only possible if facilitated by that community itself. Community-based population tracking systems for situations with limited access, initiated in Somalia, are being adopted in Afghanistan and Sudan's Darfur region. In Afghanistan and the Democratic Republic of the Congo, and together with partners in the protection cluster, UNHCR is planning to replace technically demanding monitoring systems with simpler, community-based tools. In the Syrian Arab Republic, UNHCR is diversifying its partnerships with local organizations, forming an outreach volunteer programme and opening a network of community centres offering counselling, community psychosocial support and other services for persons with specific needs, including the elderly and those with disabilities.

15. At the policy level, 2012 has seen important efforts by humanitarian actors, through the Inter-Agency Standing Committee's (IASC) Transformative Agenda[3], to enhance the effectiveness of their response through better leadership, accountability and coordination of cluster systems – particularly in large-scale emergencies. As lead agency for the global protection cluster for IDPs, UNHCR has taken steps to improve the quality of protection programming, mainstream protection perspectives throughout the humanitarian response and support the adoption of needs-based planning. This is particularly relevant in the wake of the Report of the Secretary-General's Internal Review Panel on United Nations Action in Sri Lanka. Simultaneously, UNHCR launched its own internal process aimed at strengthening, adapting and aligning its emergency response systems with those under development by the IASC.

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[3] More information on the Transformative Agenda is available from: www.humanitarianinfo.org/iasc/.

III. Protection of refugees

16.   The 1951 Convention relating to the Status of Refugees (1951 Convention) and its 1967 Protocol are two of the most widely ratified international treaties. They are complemented by human rights and regional refugee instruments. During the reporting period, a sizeable number of countries adopted new legislative standards. Nonetheless, challenges persist including with respect to State concerns about security, overburdened asylum procedures and economic constraints. It is vital that measures taken to respond to such concerns strengthen, rather than undermine, the institution of asylum. Another trend has been the over-complication of national refugee status determination through technical and legalistic bars to recognition. These bars are as much a disservice to the purpose and spirit of the refugee protection regime as are underdeveloped systems. Both over-complication and non-assumption of responsibilities have been problems during the reporting period.

A.   Legislative frameworks

17.   The international protection regime functions best when the necessary legislative, administrative, judicial and other elements are in place for States to receive and protect asylum-seekers and refugees. Global, regional and national legal frameworks are an important first step in that process.

18.   At the global level, there were no new accessions to the international or regional refugee instruments during the reporting period. In April 2013, Honduras withdrew its reservations to Articles 24, 26 and 31 of the 1951 Convention. However, almost 70 States continue to retain reservations to the 1951 Convention or its 1967 Protocol. UNHCR encourages States to consider accession and to remove reservations to these instruments.

19.   Regional protection systems that seek to harmonize standards and encourage cooperation and information sharing between States were strengthened during the reporting period. The Organization of American States adopted a resolution on refugees in June 2012, underlining a number of important international principles for the protection of refugees including *non-refoulement*. In Asia, the Member States of the Association of Southeast Asian Nations (ASEAN) adopted the ASEAN Human Rights Declaration on 18 November 2012, recognizing the right to seek and receive asylum. The European Asylum Support Office has continued intensive work to facilitate practical cooperation among European Union Member States, particularly in the fields of training, country-of-origin information and quality assurance, as well as in preparation for a new "early warning mechanism". Many European Union Member States started legislative review processes following the entry into force of the recast Qualification Directive in early 2012, while the recast process on other asylum-related directives and regulations continued. Regional courts have also been active in strengthening the international protection system. For example, the Court of Justice of the European Union handed down judgments on the protection of Palestinian refugees in Europe under the 1951 Convention and on religious persecution.

20.   States have also advanced their domestic laws and policies. New or amended laws relating to asylum-seekers and refugees have been enacted in a number of countries, including Bolivia (the Plurinational State of), China, Kyrgyzstan, Mexico, South Sudan and Turkey. A number of States made pledges at the Ministerial Intergovernmental Event to revise or amend national asylum legislation, or to adopt new laws. With very few exceptions, States that made such pledges have begun, or even completed, this process. While complementary protection was also expanded in some States, a few countries embarked upon legislative reforms leading to a retraction of past good standards.

21.   UNHCR supported a range of the above government-led legislative reform processes. The Office also organized in 2012 many training courses on refugee law, the law of internal displacement and legal protection in natural disasters. UNHCR convened two global expert roundtables dealing with different aspects of protection: one dealt with the interpretation and application of international and regional refugee instruments for

persons fleeing armed conflict and other situations of violence; and the other explored the scope, meaning and application of temporary protection in addressing the contemporary challenges of mixed population movements and complex humanitarian crises. UNHCR launched a new and enhanced version of its online protection information database, Refworld (www.refworld.org), in April 2013.

B.   Fair and efficient asylum procedures

22.   Asylum procedures that are fair and efficient are a core component of any international protection system. They are essential for the full and inclusive application of the 1951 Convention, its 1967 Protocol and other instruments, and enable States to identify those who should benefit from international protection and those who should not. Efforts have been made by several States to improve their asylum procedures, in line with pledges made at the Ministerial Intergovernmental Event, including Costa Rica, the Dominican Republic and Greece. By contrast, some countries moved away from previous good practices or left otherwise strong laws and policies without effective implementation mechanisms. Recognition rates remain variable between and among regions for the same caseloads. Some nationalities are also summarily screened out of processes without necessary due process guarantees. One positive trend is the growing awareness that people fleeing persecution on account of their sexual orientation and/or gender identity can qualify as refugees under the 1951 Convention. Some 40 countries around the world grant asylum on such grounds, and UNHCR released legal guidelines on this issue in October 2012.

23.   During the reporting period, UNHCR engaged closely with State authorities and civil society to support fair and efficient national asylum procedures. The Office issued guidance on eligibility and protection considerations for asylum-seekers from a number of countries. Commitments by some States in the Americas and Europe to participate in regional quality assurance initiatives with UNHCR were welcome developments. Joint UNHCR-government quality audit mechanisms are operational in several countries in Central Europe. UNHCR has also focused on expanding its engagement with judicial and legal communities, including through intervention in courts as *amicus curiae* or expert, training and continued partnership with the International Association of Refugee Law Judges. It has also supported legal aid service providers, including in Argentina, Brazil and the Philippines.

24.   In the absence of functioning State asylum procedures, UNHCR carried out refugee status determination (RSD) under its mandate in 66 countries and territories in 2012, and registered approximately 113,600 applications, often in complex circumstances. UNHCR mandate RSD fulfils an important protection function, providing the basis for subsequent interventions such as the prevention of *refoulement*, the provision of humanitarian assistance and the implementation of durable solutions. At the same time, it also represents an anomaly: the Office's involvement in RSD should be the exception rather than the rule as UNHCR should not, and indeed cannot satisfactorily, replace State structures. Despite this, many of UNHCR's largest RSD operations are in States that have signed the 1951 Convention. Some countries refrain from *refoulement* but otherwise take little responsibility for identifying refugees on their territory or according them relevant rights, which remains a serious concern. In 2012, the Democratic Republic of the Congo assumed responsibility for RSD. Where States are unable to assume responsibility for RSD, the support of national authorities for UNHCR's RSD operations remains crucial.

C.   Safety, security and enjoyment of rights

25.   The principle of *non-refoulement* – that no one is to be sent, in any manner whatsoever, to any territory where their life or freedom is at risk – rests at the centre of the institution of asylum. The Court of Final Appeal in Hong Kong SAR, China, for example, found that even though not a party to the 1951 Convention or its 1967 Protocol, there is nonetheless a duty of independent inquiry to ensure respect for the principle of *non-refoulement*. Although they remained exceptional, 2012 did see a number of instances of direct and indirect *refoulement*. *Refoulement* sometimes results from obstructed access to

territory or to the asylum procedure, but it also occurs when "safe-third-country" concepts are applied inappropriately in asylum procedures, or when extradition requests are granted without due safeguards for asylum-seekers and refugees. Among the cases of *refoulement* known to UNHCR during the reporting period, the Office is concerned by the situation of some asylum-seekers or refugees who were reportedly abducted in their country of first asylum and reappeared a few days later in their countries of origin. Some of these cases occurred in spite of interim measures ordered by the European Court of Human Rights. Documented cases of *refoulement* also occurred in parts of Africa, Asia and the Middle East. Compounding the risk of *refoulement* are: a lack of screening systems in many countries, legal admissibility bars to asylum procedures, readmission agreements implemented without protection safeguards, "pushbacks" of vessels carrying asylum-seekers at sea, and border closures. To address some of these issues, UNHCR contributed to numerous training and other activities for border officials in several regions, including with the European Border Agency, Frontex. In Central Europe, the Border Management and Protection of Refugees process has continued to have a positive impact on access to territory.

26.   Birth registration is fundamental to the protection of persons of concern to UNHCR, the avoidance of statelessness and to the achievement of durable solutions. States in Central Asia, along with the Central African Republic, the Congo, the Democratic Republic of the Congo, Kenya, Pakistan and Thailand were among the countries that took steps to improve birth registration, including pursuant to pledges made at the Ministerial Intergovernmental Event. The Philippines passed legislation providing for free birth registration in the Autonomous Region in Muslim Mindanao. Mobile birth registration campaigns to reach refugee settlements in Kenya and Zambia have had encouraging results. As part of its child protection strategy, UNHCR established a task force in Djibouti to campaign for children's rights and ensure that newborn refugees receive birth certificates. In Lebanon, UNHCR produced explanatory documents for relevant ministries to address the growing problems facing many Syrian refugee children in having their births registered.

27.   Efforts to improve documentation integrity for refugees more generally were also ongoing during the reporting period. In line with pledges made at the Ministerial Intergovernmental Event, some 10 States parties to the 1951 Convention began issuing Machine Readable Convention Travel Documents (MRCTDs) for refugees - taking the total number of countries from 34 to 44. UNHCR intensified its cooperation with the International Civil Aviation Organization (ICAO) and launched a technical guide for issuing MRCTDs at ICAO's annual Machine Readable Travel Document Symposium in October 2012.

28.   Restrictions on freedom of movement and the detention of asylum-seekers and refugees – often in substandard or prison-like conditions – continued to be a concern in many countries in the reporting period. Mandatory or automatic detention policies, including at borders and in places of offshore relocation, were particularly problematic. Detention as a deterrent to future arrivals, while unlawful as a matter of international law, was also a stated policy of a few governments. UNHCR was alarmed at the decision in one country to relocate all refugees previously residing in urban areas to camps where their freedom of movement would be restricted. New UNHCR *Guidelines on the Applicable Criteria and Standards relating to the Detention of Asylum-Seekers and Alternatives to Detention* were launched in October 2012. Regarding alternatives to detention, an electronic screening system was introduced in the United States of America to ensure that only those who need to be detained are in fact detained; while several pilot initiatives for rejected asylum-seekers were found to be generally successful in the Netherlands. A number of bilateral discussions between governments around good practices on alternatives to detention were organized by UNHCR in several regions. UNHCR has also continued to make representations to governments in many instances of unlawful or arbitrary detention, and intervened as *amicus curiae* in two cases before the European Court of Human Rights, which affirmed that an asylum-seeker cannot be detained for the purpose of expulsion while his or her claim is being examined.

29.   UNHCR's policy on refugee protection and solutions in urban areas strongly supports the right of refugees to exercise freedom of movement and settle in urban areas.

The Office encourages countries to move away from strict encampment policies for refugees. Some States have taken steps to address the issue of urban refugees in a positive manner. In Uganda, for example, registered asylum-seekers and refugees are free to live in settlements or urban areas as long as they have the means to support themselves. The Islamic Republic of Iran has incorporated Afghan refugees into its national insurance system, while India is providing refugees with long-stay visas and extending the range of services which they can access. In the Middle East, most Iraqi and Syrian refugees have found accommodation in urban areas or have settled with host communities, and have not been obliged to live in camps. Ethiopia has also experimented with an out-of-camp initiative that has enabled some Eritrean refugees to move to Addis Ababa. During the reporting period, UNHCR has taken a variety of steps to ensure the effective implementation of its urban refugee policy, overseen and coordinated by an Urban Refugee Steering Group.

30.   Intolerance, xenophobia and racism can affect not only the physical security of asylum-seekers and refugees, but also lead to restrictive laws, policies and practices. This was recognized by many States through pledges at the Ministerial Intergovernmental Event. UNHCR is seriously concerned by incidents of racially motivated violence in many countries and regions. In South Africa, UNHCR and the National Police Service have cooperated to put in place measures to respond to xenophobic violence, including a 24-hour hotline and a national index of potential violence hotspots. In Greece, at the initiative of UNHCR and the National Commission for Human Rights, a mechanism has been established to monitor racist attacks by recording incidents through voluntary testimonies of victims. The High Commissioner's 2012 Dialogue on Protection Challenges: Faith and Protection made headway in this area, confirming the convergence and complementarity between international protection and humanitarian principles on the one hand, and fundamental religious values and traditions on the other. More, however, needs to be done by governments and politicians to make it clear that xenophobia and hate crimes are not acceptable in any circumstances.

D.   Addressing specific needs

31.   An AGD-inclusive approach recognizes that displaced persons are not one homogenous group: they include individuals who have specific needs and capabilities that must be taken into account. UNHCR issued two new "need to know" guides: *Working with Older Persons in Forced Displacement,* and *Working with Men and Boy Survivors of Sexual and Gender-based Violence in Forced Displacement.* A compilation of best practices in AGD mainstreaming was issued for the Americas, highlighting the achievements in the region, in addition to a checklist for the implementation of an ADG-sensitive protection strategy. UNHCR has developed a project to strengthen the identification of vulnerabilities in asylum procedures in Europe. Some governments have shown interest in using AGD analysis and screening checklists in their asylum programmes. The Government of Nepal, UNHCR and partners have, for example, designed a communication toolkit for use by hearing and speech impaired refugees in camps (many of whom are women and girls), and have implemented sign language training for these refugees, their family members and service providers.

32.   Approximately 50 per cent of all persons of concern to UNHCR are children under the age of 18, including 13 per cent under the age of 5. Their protection remained a key challenge in 2012. UNHCR is working with a number of governments in the Americas to improve child protection, including on follow up to the pledges made at the Ministerial Intergovernmental Event, such as in Colombia, Costa Rica, Ecuador, Mexico, the United States of America and Venezuela (the Bolivarian Republic of). In Brazil, the National Immigration Council has granted permanent visas to unaccompanied or separated children who have demonstrated that they do not have relatives in their country of origin or elsewhere. UNHCR also launched its new global *Framework for the Protection of Children* in June 2012. Eleven countries in Africa and Asia were part of the first roll-out of the strategy, representing a range of geographic and camp/urban contexts. Together with a number of partners, UNHCR carried out a project on "Protecting Children on the Move,"

with the aim of strengthening interventions that addressed the protection needs of unaccompanied children covering one of the most frequently travelled routes in Europe through France, Greece and Italy. Also, the Office issued a new tool - *Listen and Learn: Participatory Assessment with Children and Adolescents* - which provides practical, "how-to" guidance on conducting participatory assessments in a more child-friendly way.

33. While global enrolment rates for refugee children are still low, there has been progress on education in many settings. In 2012, UNHCR's new education strategy was launched in twenty countries which together host approximately 60 per cent of school-age refugee children. It is already yielding positive results after its first year of implementation. One new partnership has enabled over 176,000 refugee children to enrol in primary school in 2012 alone. The strategy has also strengthened collaboration with ministries of education leading to the mainstreaming of refugees within national education systems in several countries, including Rwanda and Yemen. UNHCR signed an agreement with the Jesuit Refugee Service to enhance higher education opportunities for refugees and others of concern through online and onsite courses. The enrolment of children in schools has increased in Dadaab and Kakuma refugee camps in Kenya, as well as in the Kyangwali settlement in Uganda. Nairobi's Kenyatta University has also opened a campus in Dadaab, with courses open to Kenyan citizens and refugees. The expansion of Ethiopia's scholarship programme for all refugee students (beyond Eritrean refugees) has been a welcome development. In Ecuador, a new regulation facilitates access by refugees to public education based in part on their particular vulnerabilities. The significance of education has also been demonstrated in the context of emergencies, where it can play a part in stabilizing communities and pave the way for durable solutions. Achieving gender parity remains a challenge, but successes are on the increase, including in Chad, Pakistan and Yemen.

34. Sexual and gender-based violence (SGBV)[4] remains a serious problem for many refugees and asylum-seekers. UNHCR continued to implement its *Action against Sexual and Gender-Based Violence: An Updated Strategy*, which was issued in 2011. By the end of 2012, 15 country operations had used this strategy as a basis for developing their own SGBV strategies tailored to local needs. In 2012, a mobile court system was set up with the Somali Regional State Supreme Court, and in Uganda a pilot mobile court scheme was established in mid-April 2013 to improve access to justice for refugees who have been victims of crime, including SGBV. UNHCR undertook training and sensitization of law enforcement officials in India and Kenya; conducted awareness raising targeting populations of concern in Azerbaijan and Jordan; and established data collection systems in Colombia. UNHCR and its implementing partners opened a third safe house for lesbian, gay, bisexual, transgender and intersex (LGBTI) survivors of SGBV in Port au Prince, Haiti. In February 2013, UNHCR issued the publication *Too Much Pain: Female Genital Mutilation & Asylum in the European Union - A Statistical Overview,* which provides data from countries of origin and asylum to highlight the scope of the problem and strengthen asylum adjudication.

IV. Refugee protection and international migration

35. UNHCR has remained actively engaged in broader asylum and migration debates, both at the policy and operational levels, ensuring that international protection principles are reflected in the development of responses to migration.

36. The value of State-led regional cooperation in responding to the complexities of irregular mixed movements was confirmed during this reporting period. In the context of

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[4] More information on this issue may be found in UNHCR's *Update on refugee women: promoting gender equality and eliminating sexual and gender-based violence*, EC/64/SC/CRP.12 (4 June 2013), available from http://unhcr.org/standingcommittee.

operationalizing the "Regional Cooperation Framework" endorsed at the Ministerial Meeting of the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime in 2011, and in line with the pledges made by Australia and Indonesia at the Ministerial Intergovernmental Event, a Regional Support Office was opened in Bangkok in September 2012. Several projects were initiated by the Regional Support Office, including on irregular maritime movements; voluntary return and reintegration assistance; and unaccompanied and separated children in Indonesia, Malaysia and Thailand. In Central Asia, a first meeting of senior National Coordinators from the region who deal with the complex issue of mixed migration endorsed a draft Regional Cooperation Framework and Regional Action Plan for operationalization of the "Almaty Process". In the Horn of Africa and Yemen sub-region, the Regional Mixed Migration Secretariat has greatly improved inter-agency cooperation and information sharing, and is a good model that could be replicated elsewhere. The decision of the authorities in Sana'a, Yemen to host a regional conference on irregular mixed movements in 2013, in line with a pledge made at the Ministerial Intergovernmental Event, is welcome.

37.   In 2012, thousands of people, including refugees, were subjected to serious abuse at the hands of criminal smuggling networks as they moved from the East and Horn of Africa through Egypt and Israel. In response, UNHCR has developed a comprehensive regional strategy and action plan to address smuggling and trafficking from the East and Horn of Africa (including routes through the Sinai, between Djibouti and Yemen, and from North Africa to Europe). In other regions, the intersection between refugee protection and responses to human trafficking also received increasing attention. Bolivia (the Plurinational State of), Costa Rica, Honduras and Mexico have adopted progressive legislation to combat trafficking in persons. Brazil and Canada have initiated policies to increase protection for victims of trafficking, and anti-trafficking legislation has also been drafted in Benin, Guinea and Togo. It remains a concern that a number of "safe country of origin" lists include countries or territories where trafficking is common and which may fail to take into account that victims may be in need of international protection on this basis. UNHCR continued to ensure that victims of trafficking with international protection needs are identified and assisted (including in the context of asylum procedures) through cooperation with States and regional organizations including the African Union, Brazil, Costa Rica, Germany, Mexico, Switzerland, Yemen and Zambia.

38.   The *10-Point Plan of Action on Refugee Protection and Mixed Migration* remains the primary tool for UNHCR's engagement in the area of refugee protection and international migration. UNHCR developed a compilation of practical examples in 2012, entitled the *10-Point Plan in Action*. In the Pacific region, UNHCR adapted the 10-Point Plan to the cultural and specific context of small island States. In Tajikistan, the Border Management Strategy and its implementation plan are good examples of the inclusion of refugee protection considerations within a broader migration strategy. A number of joint projects, notably between UNHCR and the International Organization for Migration, to address irregular mixed movements and human trafficking are also underway in Africa, the Americas and the Middle East.

39.   Refugees, asylum-seekers and migrants took to the seas in 2012-2013 at unprecedented levels, embarking on risky journeys on overcrowded, unseaworthy vessels. There was a particularly dramatic increase in irregular maritime movements in Asia, leading to hundreds of deaths at sea. There were also record numbers of maritime movements across the Gulf of Aden in 2012. Other affected sub-regions included the Caribbean, the East and Southern Horn of Africa and the Mediterranean. Efforts by some coastal States, including the United Arab Emirates, to rescue persons in distress, and to facilitate their disembarkation have saved countless lives. However, there were also cases where rescuing boats in distress or reaching agreement on a country for disembarkation proved extremely difficult. These challenges highlight the urgent need for coordinated regional responses. Indonesia and UNHCR co-hosted a regional roundtable on irregular movements by sea in the Asia-Pacific region in March 2013, under the auspices of the Regional Support Office.

40.   At the policy level, UNHCR continued to participate in regional and global processes on migration and development, to the extent that they are linked to the Office's

international protection mandate. One example is the Nansen Initiative, co-chaired by Norway and Switzerland and formally launched in October 2012, which aims to build consensus on how best to address cross-border displacement in the context of sudden and slow-onset disasters. UNHCR is providing input in preparation for the United Nations High Level Dialogue on International Migration and Development, which will take place in October 2013, including through ongoing engagement with the Global Migration Group and the Global Forum on Migration and Development.

V. Protection of internally displaced persons

41.   Protection systems for IDPs require the establishment of mechanisms to address the needs of the populations, and the adoption of a solutions-orientation from the outset of the response. While States have full responsibility for protecting their own citizens, other actors, including UNHCR, may assist them in discharging this responsibility. In emergency and non-emergency internal displacement situations, UNHCR and its protection partners continued to address, through monitoring, advocacy/awareness-raising, capacity-building and protection interventions, issues such as family separation, multiple displacements, mine risks, SGBV, child protection, housing, land and property rights, and social cohesion.

A.   Legislative frameworks

42.   The year 2012 marked the twentieth anniversary of the creation of the mandate of the United Nations Special Rapporteur on the human rights of IDPs, and corresponding efforts by the international community to build protection systems for this population. The main achievement during this period has been the progressive acceptance by States of the validity of international standards for IDPs. This is exemplified by growing recognition of the Guiding Principles on Internal Displacement by States as well as by the adoption and entry into force of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), and their respective incorporation into national laws and policies. It is also reflected in a number of pledges made by States at the Ministerial Intergovernmental Event.

43.   The Kampala Convention, the first treaty specifically dealing with internal displacement, entered into force in December 2012. Seventeen African States have ratified the Kampala Convention to date, eight of them doing so in 2012 including as a follow-up to pledges made at Ministerial Intergovernmental Event. The Kampala Convention sets out specific obligations of States for the protection of IDPs, including the adoption of national legislation, and establishes a system for monitoring compliance. The African Union organized a legal experts meeting on the implementation of the Kampala Convention in 2012, including review of a draft model law. UNHCR led the "Friends of Kampala" Group, bringing together United Nations and NGO partners to advocate for ratification and implementation of the Kampala Convention. More broadly, over 25 countries and territories have adopted laws or policies on internal displacement. In 2012, these included Kenya, as well as Puntland (Somalia).

44.   UNHCR has continued to work with government authorities and partners in various countries to encourage adoption or enhancement of national laws and policies on IDPs and to build institutional capacity, including in: Afghanistan, Chad, Côte d'Ivoire, Georgia, Somalia and Yemen. UNHCR has provided technical advice and support on internal displacement issues, including through close collaboration with the United Nations Special Rapporteur on the human rights of IDPs. The Office is also strengthening its global capacity to promote law and policy on IDPs at the national and regional levels. In 2012, UNHCR initiated a project on IDP law and institution building funded by the United States of America. The project has helped bring support and technical advice to IDP operations in Afghanistan, Nigeria and Somalia. UNHCR is also collaborating with the Inter-Parliamentary Union to develop the first handbook for parliamentarians on internal displacement.

B.   Institutional and operational challenges

45.   International, regional and national standards for IDPs are meaningful only if effectively implemented in practice. This requires coordinated action by a range of actors within a State, including parliaments, local, regional and national authorities, judicial institutions, and civil society. Several good examples exist in this regard. For instance, in Colombia, UNHCR has forged a partnership with the Controller's Officer to follow up on financial commitments by line ministries on housing and essential services for IDPs. In Asia, UNHCR established an agreement with the Commission on Human Rights of the Philippines to reinforce its monitoring capacities in the Autonomous Region in Muslim Mindanao. Reducing potential tensions between IDPs and host communities is also essential. In the Democratic Republic of the Congo, UNHCR's partnership with Search for Common Ground, an international NGO, helps communities work on non-violent conflict resolution and develop peaceful coexistence.

46.   Inter-agency coordination for IDPs is undertaken by UNHCR in 26 countries around the world. UNHCR and its partners in the protection cluster are working with many State actors and civil society groups to identify priority needs. Protection activities and approaches need to be anchored in international standards, and yet be delivered with a deep awareness of circumstances and context. In Côte d'Ivoire, for example, UNHCR and the United Nations Children's Fund (UNICEF) worked with various government ministries, the Norwegian Refugee Council, the Danish Refugee Council and other national and international members of the protection cluster, to advocate for extension of the birth registration deadline beyond 90 days to accommodate the needs of children born since the closure of civil registries during the 2010–2011 post-election crisis. Other joint actions, including in Côte d'Ivoire and Nepal, reinforced the concept of the rule of law among the army and security forces, generated awareness of the local authorities on humanitarian principles and contributed to land and property restitution. Such partnerships are continuing in different forms, including through government-led initiatives to include protection concerns in their contingency planning and various collaborative approaches to social cohesion and protection monitoring and advocacy. In Pakistan, the protection cluster collaborated with the Gender and Child Cell of the National Disaster Management Authority on the formulation of a social protection policy in the context of emergencies, which emphasized the protection of populations with specific needs. Activities are already underway to implement this policy, including the design of specialized activities for older persons and persons with disabilities in the worst flood-affected districts.

47.   In active armed conflict scenarios, where these challenges are compounded, interventions on the protection of civilians by the protection cluster have seen results. For example, in Afghanistan joint *démarches* were made with the military and other armed forces on civilian protection following fatalities due to air strikes.

VI.   Comprehensive solutions for refugees and internally displaced persons

A.   Solutions for refugees

48.   The protracted nature of many refugee situations, the limited number of refugees accessing resettlement and local integration, and the impact of globalization on human mobility have prompted States and UNHCR to develop comprehensive approaches to solutions for refugees. A regional comprehensive solutions strategy for refugees from the Democratic Republic of the Congo in the Great Lakes and Central Africa region foresees the use of resettlement for 50,000 Congolese refugees, in combination with local integration opportunities and information-sharing to support voluntary repatriation decisions. UNHCR is also developing comprehensive strategies aimed at addressing protracted refugee situations in West Africa and Ecuador. In Asia, the *Solutions Strategy for Afghan Refugees to support Voluntary Repatriation, Sustainable Reintegration and*

Assistance to Host Countries was launched at an international stakeholder's conference in May 2012.

49.   In 2012, 526,000 refugees repatriated voluntarily.   Voluntary repatriation agreements provided frameworks for the return of refugees from Chad and the Democratic Republic of the Congo, while the voluntary repatriation of Sri Lankan refugees, mainly from India, also continued at a steady pace. Also, a large number of Angolan, Liberian and Rwandan refugees returned home in 2012, including in the context of the application of the cessation clauses for refugees from Liberia and Angola which took effect on 30 June 2012. The cessation of refugee status formed part of broader multi-year comprehensive solutions strategies for these situations, and UNHCR continues to work with governments of countries of origin and asylum (both within and beyond the region).

50.   Efforts to achieve local solutions for refugees were pursued in several operations. Particular areas of focus included establishing self-reliance and livelihood opportunities; promoting peaceful coexistence among refugee and host communities; and ensuring access to land, housing and basic services, including education and healthcare. UNHCR continued to engage in the Sarajevo Process on refugees and displaced persons and the Regional Housing Programme, which supports durable solutions for those displaced by the 1991-1995 conflicts in the former Yugoslavia. UNHCR supported the Government of Brazil to fulfil its pledge at the Ministerial Intergovernmental Event to continue efforts aimed at the local integration of refugees. There were a number of welcome developments related to the facilitation of naturalization for refugees in 2012, including in Bolivia (the Plurinational State of) and Ecuador.   UNHCR issued new operational guidelines on livelihood programming in May 2012.

51.   Together with States, UNHCR continued to explore how migration opportunities could act as a pathway to solutions.   Freedom of movement under the Economic Community of West African States (ECOWAS) protocols, for example, allows refugees to take up the protection of their country of origin while continuing to live and work in another country in the region. Other countries, including India and the Islamic Republic of Iran, have regularized the status of refugees through the provision of work and residence permits.   A workshop was convened by UNHCR and the International Labour Organization, under the auspices of the Global Forum on Migration and Development, in September 2012 to explore enhanced labour mobility for refugees.

52.   The increase in the number of resettlement places available globally, from 80,000 to 86,000, was a positive trend. Australia doubled its quota to 12,000 places, while Belgium became the twenty-seventh country to establish a regular annual resettlement programme. Further positive developments included the start of resettlement programmes in Germany and Spain, and progress by several States in implementing their resettlement-related pledges made at the Ministerial Intergovernmental Event.

53.   Resettlement departures also increased by 15 per cent in 2012, benefiting some 71,300 persons – although this was still a shortfall compared to the number of places available globally. Successful efforts were made to facilitate departures by some States through expedited security clearances and the use of videoconferencing to interview refugees in inaccessible areas, including in Kenya and the Syrian Arab Republic. Emergency resettlement was also effective in facilitating rapid departures of particularly vulnerable refugees, as well as for refugees who fled Libya in 2011 and for Iraqis in the Syrian Arab Republic. Emergency Transit Centres were increasingly used by resettlement countries facing obstacles in expediting departures of vulnerable cases.

54.   UNHCR's resettlement submissions decreased by 18 per cent, bringing the total submissions to 74,800 persons in 2012.   However, more than eleven per cent of submissions benefited women and girls at risk, surpassing for a second consecutive year the 10 per cent target set out in Executive Committee Conclusion No. 105 (2006).[5]

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[5] Available from http://unhcr.org/conclusions.

Resettlement submissions also increased significantly for refugee populations in protracted situations who were prioritized for the strategic use of resettlement.

55.   The Annual Tripartite Consultations on Resettlement, chaired by Australia, remained the principal forum for consultation and collaboration to promote resettlement as a durable solution and protection tool. A Joint Resettlement Programme was established by the European Union, with a view to increasing the resettlement intake for targeted refugee populations and vulnerable groups, including in emergency situations. A European resettlement network and web-based platform have been established to support this programme. Collaboration was essential in helping both new and traditional resettlement countries develop more sustainable reception and integration programmes for resettled refugees, including through twinning arrangements.

B.   Solutions for internally displaced persons

56.   Progress towards durable solutions for IDPs has been tentative during the reporting period. While 2.1 million IDPs were reported to have returned in 2012, this is the lowest number since 2003. Large numbers of these returns also took place to countries or areas where ongoing instability, renewed violence or lack of livelihoods may threaten sustainability, including in the Democratic Republic of the Congo, the Philippines, Pakistan, Sudan (Darfur) and Yemen. IDP returns in Côte d'Ivoire and Libya were positive developments during the reporting period. In Kyrgyzstan, the sustainable return of IDPs was facilitated, in part through cooperation with the Government on the restoration of homes and lands and the issuance of property documents. In other areas, unresolved conflict, instability or limited ability to integrate IDPs locally have been obstacles to solutions, including in Afghanistan, the Balkans, the Caucasus, Colombia and Iraq.

57.   Together with its partners, UNHCR worked to facilitate the return or local settlement of IDPs during the reporting period. In Somalia, UNHCR has established a return consortium with humanitarian partners to assist with the sustainable return of IDPs from Mogadishu to rural areas of the country. In Côte d'Ivoire, the UNHCR-led protection cluster played a key role in establishing a protection-sensitive inter-agency strategy for the return of IDPs to the western part of the country. In Georgia, UNHCR continued to provide IDPs with access to housing and livelihood opportunities, together with the United Nations Development Programme (UNDP).

C.   Partnerships for solutions

58.   More generally, partnerships with development and humanitarian actors remained a feature of UNHCR's work in promoting solutions for refugees and IDPs. In Sudan, UNHCR, the World Bank and UNDP are collaborating on the Transitional Solutions Initiative to build self-reliance among refugee populations. A similar pilot programme has been undertaken by UNHCR and UNDP in Colombia, expanding the Transitional Solutions Initiative to 13 sites in 2013, including rural return and urban local integration sites. UNHCR has sought to promote solutions for persons of concern through the framework of the United Nations "Delivering as One" approach, including in Rwanda. Three pilot countries (Afghanistan, Côte d'Ivoire and Kyrgyzstan) have also been selected to implement the decision of the Secretary-General's Policy Committee on durable solutions, which establishes priorities and responsibilities to support durable solutions for IDPs and refugees returning to their country of origin.

VIII.   Conclusion

59.   Conflict, violence and human rights abuses continue to uproot a rapidly increasing number of people around the world. The newly displaced added to the large number of those already affected by unresolved situations for whom no solutions are in sight. Meanwhile, conflicts have been exacerbated by the simultaneous impact of population

growth, urbanization, climate change and food, water and energy insecurity. Growing levels of poverty and unemployment have proven to be sources of social and political unrest. In this environment, functioning protection systems – which respect the right to access asylum and safety, allow for the identification of needs and the fair and expeditious determination of asylum claims, ensure fair treatment and pave the way for the resumption of normal lives – are crucial.

60.   Building, strengthening and sustaining such systems for all displaced persons, including refugees, asylum-seekers and IDPs, is and must remain a common goal. Protection systems are grounded in the commitment of States to assume their responsibilities, but they are also dependent on genuine solidarity, international cooperation, burden and responsibility sharing between States, together with UNHCR and other partners. This was recognized through the many State pledges at the Ministerial Intergovernmental Event. UNHCR looks forward to continued collaboration with States on the implementation of these pledges and the strengthening of protection systems.