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Update on UNHCR's operations in the Americas

A. Situational analysis including new developments

Cartagena +30 process

The year 2014 marks the 30th anniversary of the 1984 Cartagena Declaration on Refugees. Throughout the year, a consultative process, "Cartagena +30," is engaging the governments of Latin America and the Caribbean to adopt a new strategic framework, based on measurable results, to drive and strengthen protection and durable solutions for refugees, stateless and internally displaced persons, as well as other vulnerable groups that need security in the region. Since the official launch of the Cartagena +30 process in February 2014, four consultations have taken place with governments and civil society from each subregion, along with observer countries and international organizations.

The first meeting took place in Buenos Aires, Argentina in March of this year, bringing together representatives from all South American countries. States renewed their commitments to upholding protection standards, harmonizing regional procedures and practices, and reviewing the solidarity programmes that were set out in the 2004 Mexico Plan of Action. They also agreed to consider the extension of regional migration frameworks under MERCOSUR¹ to benefit refugees, particularly in regard to labour mobility.

The second meeting convened Andean countries in Quito, Ecuador in June. The consultation focused on durable solutions and deepened the debate on comprehensive solutions frameworks. In view of a possible peace agreement in Colombia, voluntary repatriation may become a viable solution. Labour migration programmes with protection safeguards will be part of an enhanced regional cooperation and burden-sharing response.

The third subregion, Central America States and Mexico, held its consultation in Managua, Nicaragua in July. Participants explored the humanitarian impact and response to the protection needs of Hondurans, Salvadorans and Guatemalans, particularly unaccompanied and separated children (UASC), adolescents and women, as a result of violence from transnational organized crime. This situation remains a priority topic for governments and civil society partners in the broader Cartagena +30 process.

The last subregional consultation convened Caribbean States in Grand Cayman, Cayman Islands at the beginning of September. The discussions concentrated on the scale and impact of mixed migratory movements with a view to enhance national asylum systems and promote durable solutions for refugees and stateless persons, while exploring new opportunities for regional cooperation, technical assistance and financial support.

In December 2014, States in the region will gather in Brasilia to renew commitment to the 1984 Cartagena Declaration and aim to adopt, through a new Declaration, a Plan of Action that will guide the regional protection and solutions strategy for the next decade. It is

¹ *Mercado Común del Sur* (Southern Common Market)

expected that the new Plan of Action 2015-2024 will be adopted by as many as 30 Latin American and Caribbean countries, which would make it one of the most ambitious international protection strategic frameworks.

Displacement due to criminal violence in Central America

More than 60,000 unaccompanied and separated children and an equal number of children with family members travelled through Mexico and were apprehended at the southern border of the United States of America in the last 12 months. Since May 2014, the United States of America has experienced a spike in arrivals of children and families. While the reasons for flight are multifaceted, many of them are escaping violence caused by transnational organized crime or other illegal armed groups in Central America.

This influx puts pressure on transit and receiving authorities, who are called upon to ensure child-sensitive reception, shelter and referral mechanisms for those in need of international protection. Particular care is given to ensure that risks of *refoulement* are avoided in expedited removals; that alternatives to detention are explored and implemented; that the best interest of each child is respected; and that all affected individuals have access to procedures and due process of law.

Colombia situation

In the first seven months of 2014, more than 13,000 persons were newly displaced by the conflict in Colombia. The main drivers of displacement were activities of the various illegal armed actors operating in Colombia, including illegal mining, fighting for social and territorial control, harassment, threats and armed clashes with the army and police. Afro-descendant and indigenous communities were the most affected populations.

The re-election of the incumbent President in June 2014 reflected the desire of the majority of the electorate for the peace talks to continue between the Government and FARC to end more than five decades of conflict. Election results enabled the next chapter of negotiations to begin, focusing on the observance and restoration of victims' rights, namely those of the millions of Colombians who have been forcibly displaced. It is hoped that discussions will pave the way for national reconciliation, and there are indications that the parties are increasingly contemplating a cease-fire. The authorities are hopeful that an agreement can be signed by the end of the year or in early 2015, and that it will be subsequently accepted through a national referendum.

The focus on victims' rights is crucial to bring the negotiating parties closer to the signature of an agreement. The parties agreed that victims must be able to voice their concerns and to propose ways in which their human rights be protected, including transitional justice, fighting impunity and reparation. At the request of the parties, a National Forum on Victims was organized in Colombia from July to August 2014. UNHCR supported the participation of diverse victims groups and representatives from the more remote areas of the country. In addition, UNHCR was asked to facilitate refugee participation by chairing a special session to enable refugees on the American and European continents to join remotely. UNHCR further assisted with the process of garnering and compiling proposals from refugees for the negotiating parties and the subsequent identification of community representatives living in Colombia, who travelled to Havana to meet with the parties.

Prevention and reduction of statelessness

The Americas continued to make progress on the prevention and reduction of statelessness. Paraguay adopted the 1954 Convention relating to the Status of Stateless Persons in July 2014, while Argentina is about to ratify the 1954 Convention and El Salvador moving towards ratification. Colombia is in an advanced stage of adoption of both the 1954 Convention and the 1961 Convention on the Reduction of Statelessness. In Brazil, the Government is discussing a bill that aims to create a stateless status determination procedure, providing those individuals recognized as stateless with the option to acquire Brazilian nationality.

UNHCR continued to work closely with the Government of Haiti on the new nationality law. The Bahamas amended national legislation to strengthen gender equality in the passing of nationality by women, which is expected to enter into force following a national referendum in November 2014.

In May 2014, the Dominican Republic adopted Law 169-14 regarding naturalization and establishing a special regime for individuals who were born on Dominican territory and were irregularly registered in the civil registry. The law aims to provide a solution for tens of thousands of Dominicans, the vast majority of Haitian descent, restoring nationality to those who were irregularly registered and providing a path to naturalization for those who were born in the country but were never registered. UNHCR, as part of the United Nations Country Team, remains available to support the authorities to undertake these efforts or suggest additional solutions for those individuals whose nationality may remain undetermined.

B. Progress made and challenges encountered in achieving strategic priorities

Protection at sea

In recent months, an increasing number of asylum-seekers were registered in a few Caribbean countries, with the sharpest rise in applications in Trinidad and Tobago, with over one hundred new asylum claims. While the majority of asylum-seekers originate from States in the Americas region, the Caribbean subregion has also faced a growing number of new arrivals from further afield, particularly from the Middle East.

Protection challenges remain acute throughout the subregion, particularly in the context of irregular maritime movements. There are few safeguards to prevent *refoulement* in the context of mixed migration and the practice of systematic and prolonged detention of asylum-seekers in several countries is of major concern. The refugee status determination (RSD) procedures in place are limited, as are opportunities for local integration. In view of the increase of persons in need of international protection in the Caribbean region, UNHCR's RSD capacity needs to be strengthened. Increased resettlement needs have also overstretched UNHCR's capacity to provide solutions. UNHCR is thus working to fill existing protection gaps in close coordination with Caribbean States.

Enhancing child protection

Given the complex nature of the movement and the rising number of unaccompanied and separated children traveling from Central America and Mexico, UNHCR is developing protection strategies for the region and working with national authorities to ensure child protection standards are upheld.

UNHCR's regional response to address the forced displacement of children focuses on: (i) strengthening border monitoring and protection networks; (ii) identifying alternatives to detention and improving reception conditions of shelters for children with protection concerns; and (iii) strengthening protection mechanisms at the national level. For example, UNHCR is supporting the National Commission for the Protection of Displaced Persons in Honduras in its work to monitor the situation of returnee children and other cases of displaced populations with protection concerns.

In addition to supporting concerned governments, UNHCR is coordinating regional interventions on child protection with other United Nations organizations and IOM, civil society, as well as with regional organisations, such as the Inter-American System and the Central American Integration System.

Comprehensive solutions

Operations for refugees and IDPs in protracted situations are implementing comprehensive solutions strategies to end displacement, particularly in Ecuador, Colombia and Costa Rica. More focus on solutions for refugees in the Caribbean is required, especially for those who lack local integration options.

Age, Gender and Diversity

Several operations in the region finalized their sexual and gender-based violence (SGBV) prevention and response strategies with particular focus on strengthening registration systems for survivors. In Panama, the heightened risk identification tool was tailored to regional needs to strengthen registration and monitoring of SGBV cases and their follow-up. UNHCR identified SGBV protection risks in border areas, for which various participatory assessments were undertaken, including between Colombia and Panama; Colombia and Ecuador; Guatemala and Mexico; Chile and Bolivia; as well as between El Salvador, Guatemala and Honduras.

In the context of ongoing conflict in Colombia, the Gender-Based Violence Information Management System (GBVIMS) is a new tool that has allowed for the registration and referral of a significant number of SGBV survivors. The implementation of GBVIMS is currently under consideration in Ecuador.

In close collaboration with partners in the region, UNHCR is working to strengthen protection networks, and in urban areas, UNHCR is supporting local community workers who are helping to protect and assist refugee women and youth. A pilot project supported by UNHCR aims to develop a network of shelters for persons who fear persecution due to their sexual orientation or gender identity in Costa Rica, El Salvador, Honduras, and Nicaragua. In Ecuador, UNHCR is developing response capacities of local partners to assist survivors of SGBV.

C. Financial information

The Executive Committee approved the budget for the Americas of \$110.3 million for 2014. The current budget is \$110.7 million. The slight increase is due to the creation of five additional positions under the Capacity Building Initiative to strengthen UNHCR's effectiveness in various operations throughout the region.
