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

**Standing Committee
54th meeting**

Note on international protection

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I. Introduction

1.   At the end of 2011, an estimated 42.5 million persons had unwillingly left their homes or remained in exile due to the threat of persecution, serious human rights violations or conflict. Many countries were affected by events precipitating new forced displacement, including in West Africa, the Horn of Africa, North Africa and the Middle East. In addition, up to 12 million people around the world did not possess a nationality and were denied the enjoyment of rights as citizens. This year's Note on International Protection reviews protection developments around key themes that have emerged over the last year.

II. Emergency response

2.   Dramatic events swept across the Middle East and various parts of Africa in 2011 and into 2012, causing hundreds of thousands of persons to seek sanctuary. Other global hotspots included Afghanistan, Côte d'Ivoire, the Democratic Republic of the Congo, Iraq, Myanmar, Somalia, Sudan and Yemen.

3.   Over one million migrants and refugees escaped the fighting during the Libya crisis. A humanitarian airlift organized jointly by UNHCR and the International Organization for Migration (IOM) – as well as by States – supported the rapid return of some 144,000 migrant workers to their countries of origin. Libya's neighbours generally kept their borders open: Libyans were provided *de facto* temporary protection in Tunisia, where the Government signed a cooperation agreement with UNHCR, while Egypt permitted a significant enhancement of UNHCR's refugee status determination (RSD) and resettlement operation. Tragically, over 1,500 asylum-seekers and migrants lost their lives trying to cross the Mediterranean Sea to Europe. Despite the end of hostilities, third-country nationals in Libya remain at risk of arbitrary arrest and detention.

4.   As of May 2012, UNHCR and countries neighbouring the Syrian Arab Republic (primarily Lebanon, Jordan and Turkey) had registered over 61,000 persons who had left the country since the uprising started there in March 2011, and Turkey announced a formal temporary protection regime in October 2011. In solidarity with host governments, UNHCR has provided material assistance and technical support with registration.

5.   The combined effects of drought and conflict leading to famine in Somalia resulted in large-scale outflows of Somalis into Kenya and Ethiopia in 2011-2012 and displaced more than 360,000 inside the country. In February 2012, the United Nations announced that famine conditions no longer prevail in Somalia. With ongoing fighting in many areas, however, the situation is not conducive to repatriation.

6.   Fighting in northern Mali has created approximately 146,000 refugees and some 132,000 internally displaced persons (IDPs) as of May 2012. UNHCR has called on States to suspend any forcible returns to Mali until the security and human rights situation has stabilized. A number of countries in the region have recognized Malian refugees on a *prima facie* basis.

7.   These multiple emergencies have demanded coordinated international action. UNHCR has had to rapidly mobilize significant numbers of staff and financial resources, re-prioritize existing resources, and source new ones. With support from refugee-hosting and donor governments, and in partnership with United Nations agencies and non-governmental organizations (NGOs), UNHCR was able to respond effectively to these situations. One recent example of such collaboration is the memorandum of understanding with Argentina for the humanitarian deployment of White Helmets in emergency operations. This pool of several thousand professional volunteers, offering diverse expertise, will be made available for deployment, in particular to discharge technical functions related to camp preparation and coordination.

8.   Emergency refugee status determination was a prominent activity for UNHCR during the reporting period, with many operations challenged by sudden large-scale influxes. Egypt registered 1,800 asylum-seekers at the Saloum border in addition to 4,600 new asylum-seekers in Cairo, rendering Egypt UNHCR's fourth largest RSD operation in 2011. UNHCR's operation in Tunisia, which traditionally had registered a very small number of asylum-seekers, became one of UNHCR's larger and more complex mandate operations, conducting RSD for 3,800 asylum-seekers from over 30 countries. The multiple nationalities and countries of origin of the populations registered in Tunisia increased the complexity of the RSD as well as the protection response.

9.   The instrumental role of resettlement providing solutions to refugees in emergency situations was reaffirmed during the Libya crisis, as was its symbolic importance demonstrating solidarity with and support to host States. To ensure timely, flexible and predictable resettlement responses in large-scale emergencies, UNHCR is working with governments to establish a pool of emergency resettlement places. Emergency Transit Facilities in Romania, the Philippines and Slovakia, with the capacity to accommodate 400 persons, have facilitated UNHCR's response to increasingly diversified evacuation needs.

10.   A series of sudden-onset disasters during the reporting period – including the earthquake and tsunami in Japan, floods in Pakistan and Thailand, tropical storm Washi in the southern Philippines, and the earthquake in eastern Turkey – also resulted in displacement, although not all of these disasters required a coordinated international response. At the request of the governments, UNHCR provided operational support, including emergency shelter and relief items, in Pakistan and the Philippines.

III.   Refugee protection

11.   Emergency situations were not the only challenges during the reporting period. Lack of political will – exacerbated by some communities' disenchantment with hosting refugees, as well as increasing government concerns about transnational threats, including terrorism and crime, and broader migration trends – limited progress in some asylum systems. Asylum is often seen as a costly burden unequally distributed; meanwhile refugees, along with other foreigners, have become scapegoats for social ills and are frequently used to invoke polemical debates within and between States. International cooperation in building and maintaining quality asylum systems, and ensuring access to those systems, is a necessary foundation to enable asylum-seekers and refugees to enjoy their rights.

A.   Respecting the principle of *non-refoulement*

12.   The principle of *non-refoulement*, which prohibits returning anyone to a territory where they face threats to their life or freedom, is central to the 1951 Convention relating to the Status of Refugees and a norm of customary international law. UNHCR continued to work for its universal observance. Despite this, *refoulement* to certain countries rose in 2011, as did threats of *refoulement* in the context of national security. UNHCR is also concerned about apparent acceptance, by some, of the "safe third country" concept as a basis for removal, without necessary protection safeguards.

13.   The obligation of *non-refoulement* includes non-rejection at the frontier. UNHCR continued to work with States to develop and implement protection-sensitive entry systems, such as that recently introduced in Ecuador, which exempts refugees from certain entry requirements. UNHCR has worked with a number of States in joint border monitoring exercises, training and capacity building of border officials, and the development of standardized procedures for the identification, registration and follow-up of refugees and asylum-seekers. Amendments strengthening respect for human rights standards were made to the regulation of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European

Union (Frontex). Continuing its collaboration with Frontex, UNHCR contributed to the development of a fundamental rights strategy for Frontex's operations and a code of conduct for its staff.

B. Building and maintaining quality asylum systems

14. Building and maintaining quality asylum systems is an essential aspect of the implementation of the 1951 Convention and general migration management. Ensuring access to asylum procedures requires clear allocation of responsibility for determining asylum claims and a fair sharing of such responsibility based on solidarity among States. UNHCR is ready to contribute to an early warning system involving data-gathering and preventive planning to avoid situations of particular pressure developing into crises, under European Union Council Regulation *343/2003/EC* of 18 February 2003 (establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third country national).

15. A number of countries have continued to strengthen their national legislative and institutional frameworks and capacities for the protection of asylum-seekers and refugees. UNHCR remains supportive of these efforts and will enhance its work in countries that pledged to improve their asylum systems at 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 (Ministerial Intergovernmental Event), held in December 2011. These States include Afghanistan, Argentina, the Plurinational State of Bolivia, Papua New Guinea, the Russian Federation, South Sudan and Yemen. In the reporting period, new refugee and asylum laws and regulations were adopted in a number of countries, including Costa Rica, the Dominican Republic, Liechtenstein, Mexico, the Republic of Korea and Uganda; meanwhile Australia, Georgia and Ukraine passed legislation to determine both refugee status and complementary protection needs within a single procedure. In Cameroon, a long awaited presidential decree on the management of refugee affairs was passed in November 2011, providing for the establishment, roles and functions of the National Eligibility Commission and Appeals Commission.

16. Dedicated quality assurance projects on RSD procedures continued in Austria and Sweden with support from UNHCR. In the United Kingdom, UNHCR has maintained its engagement with the Government on longer-term quality actions. The Office continued to work closely with the European Asylum Support Office (EASO), including through a designated liaison officer, and in 2012, will continue to support the consolidation of quality assurance mechanisms in a number of Eastern European countries. In the Americas, UNHCR introduced a framework for the development of a regional quality assurance initiative, which Mexico and Panama have adopted. Likewise, in Australia, UNHCR initiated a quality assurance initiative based on a sample review of first instance RSD decisions. The Office welcomed policy changes in Australia at the end of 2011 to revert to assessing all asylum-seekers, whether they arrived by boat or by air, within a single statutory RSD procedure. Together with the European Commission, the EASO and EU Member States, UNHCR continued to assist Greece in implementing its action plan for migration management and asylum reform, launched in 2010.

17. Quality asylum systems depend upon properly trained officials at all levels. UNHCR conducted training and other activities to build the capacity of asylum adjudicators, judges and others, including UNHCR staff, involved in RSD procedures. UNHCR also continued its partnership with the International Institute of Humanitarian Law to run refugee law courses in San Remo, with training in Arabic, English and Spanish. Meaningful access to asylum further requires available legal aid and representation. In Argentina, for example, UNHCR signed a cooperation agreement with the Ombudsman's Office (Defensoría General de la Nación) and the National Commission for Refugees, which foresees legal advice for asylum-seekers and refugees.

C. Conducting mandate status determination

18.   Several countries took important steps in the development of national asylum systems, and UNHCR worked with others toward their full assumption of responsibilities for the running of their national systems. Nonetheless, UNHCR continued to be the second largest refugee status decision-maker in the world, conducting mandate RSD in 66 countries, and jointly with the relevant governments in an additional 10 countries. The volume of new individual asylum applications lodged with UNHCR decreased from 89,500 in 2010 to 80,050 in 2011, while the Office rendered approximately 52,600 decisions in 2011.

D. Respecting the prohibition of arbitrary detention

19.   The fundamental right to liberty and security expressed in all major international and regional human rights instruments applies to all persons, regardless of their immigration or other status. Yet the detention of asylum-seekers and refugees is on the rise, including the detention of children. In a positive development, a number of countries have invested in community-based alternatives to detention in an effort to balance the need for public order with the right to freedom of movement. In 2011, UNHCR co-organized a Global Roundtable on Alternatives to Detention with the Office of the High Commissioner for Human Rights and published research finding an absence of any empirical evidence that detention either deters irregular migration or discourages people from seeking asylum. The study further found that treating asylum-seekers with dignity and humanity improved their cooperation throughout the asylum process, including rates of voluntary return for those found not to be refugees. Screening tools, such as those introduced in the United States of America in the reporting period, possess elements of good practice. National and regional consultations on alternatives to detention organized by UNHCR in partnership with civil society and relevant governments were also held in Australia, Belgium and Latvia. UNHCR participated in the first regional civil society consultation in the Americas on alternatives to detention organized by the International Detention Coalition in Mexico.

20.   Access to detention facilities by both UNHCR and civil society partners provides an important check to better ensure dignified treatment and access to asylum. Limited access, on the other hand, may endanger lives and can result in *refoulement*. A number of countries operate direct hotlines from detention centres to UNHCR or its partners, allowing asylum-seekers to obtain advice about the asylum procedure and about procedures for release.

21.   Clear standards providing for periodic and judicial review of detention, access to detention facilities by independent monitors, including UNHCR, and training of relevant officials have resulted in the release of many asylum-seekers and refugees who were unlawfully detained. In the years ahead, UNHCR will embark on a global campaign to promote alternatives to the detention of asylum-seekers and refugees and humane reception conditions. A number of tools to assist States and other actors are under development.

E. Ensuring safe residence

22.   Many refugees live in camps or settlements where they do not enjoy adequate standards of living and have limited prospects for a dignified life. Despite the elaboration of the *UNHCR Policy on Refugee Protection and Solutions in Urban Areas* in 2009, in many parts of the world refugee camps remain the default response: during the reporting period one-third of refugees resided in camps. While camps may be unavoidable in emergency situations, quickly thereafter they may inadvertently serve to delay the resumption of self-reliance. While some camps and settlements are highly organized villages or cities, others are chaotic and unsafe, posing threats to the security of refugees, particularly the safety and well-being of women and children. Lack of space and

livelihood opportunities puts girls and boys at risk of sexual violence and exploitation and leads to harmful coping strategies.

23.   Precisely to address such crowding and safety risks in existing camps, two additional camps were constructed in 2011 in Ethiopia to accommodate new refugee arrivals from Somalia. Likewise, new camps were added to Dadaab in Kenya. In Mauritania, in close cooperation with the authorities, UNHCR relocated Malian refugees to a camp site some 50 kilometers away from the border. In January 2012, the Mauritanian Government authorized UNHCR to set up a camp within the port area with an enhanced security structure. In response to the fighting in the border area between Sudan and South Sudan, UNHCR moved refugees to newly established sites in Ethiopia and South Sudan at a safe distance away from border areas.

24.   In Kenya, the end of 2011 was marked by a significant worsening of the security environment in the Dadaab camps, including the killing of four Kenyan policemen and two refugee leaders and the abduction of humanitarian workers. To ensure refugees maintained access to assistance and services, UNHCR introduced new measures, including more strongly involving refugee communities in the day-to-day running of the camps; enhancing communication with different groups among the refugee population; providing training, mentoring and capacity building for refugee workers and volunteers; monitoring the health of the refugee population; improving water and sanitation facilities; and exploring livelihood possibilities for refugee youth by enhancing their skills and work experience. In Chad, UNHCR continued to support the United Nations-backed Chadian security force (Détachement Intégré de Sécurité), which has proved to be instrumental in preventing the recruitment of children in armed groups and reducing incidents of sexual and gender-based violence (SGBV) in and around the camps.

25.   While UNHCR's urban refugee policy specifically acknowledges the legitimacy of receiving protection in urban spaces, delivering protection in urban settings has a particular set of challenges. Many refugees remain unregistered and therefore largely "invisible," living on the streets or in slums and shanty towns. Activities to operationalize the urban refugee policy have focused on the right to access public services and livelihood empowerment. UNHCR has issued operational guidance on planning and implementing livelihoods and self-reliance activities, and on ensuring access to health and education.

26.   In Nairobi, Kenya, most refugees now have access to public health services and education. Further, a livelihoods assessment is underway with the objective of supporting the development of a strategy to empower refugees both economically and socially in urban contexts, thereby facilitating long-term solutions. The health insurance scheme for registered refugees developed in 2011 by the Government of the Islamic Republic of Iran is an innovative example of addressing the needs of refugees in urban centres. UNHCR will explore how to replicate this good practice in other major urban refugee situations in the region. Meanwhile, in December 2011 and April 2012, UNHCR and the Government of Rwanda conducted a joint verification exercise of all refugees in the country to assess protection needs. Similarly, in March 2012, UNHCR conducted a census of the refugee population in the Dominican Republic using mobile technology. These exercises will enable UNHCR and its partners to provide more targeted protection and assistance programmes to refugees in urban settings.

F.   Expanding educational opportunities

27.   Expanding access to education remains a priority for UNHCR. In Brazil, refugees may now enrol at the Federal University of São Carlos, beginning or resuming their university education, with a differentiated selection process for refugee candidates. Other initiatives to improve educational opportunities for refugees took place in Brazil, Costa Rica and Venezuela (Bolivarian Republic of). In Central Europe, UNHCR published research recommending action to address gaps in access to education for refugees, stateless persons and IDPs.

28.   As access to quality education is a core component of protection for refugee children, UNHCR released a new education strategy for 2012-2016. Adolescents face specific protection risks and lack of access to secondary education or vocational training will further exacerbate these risks. Providing such opportunities to adolescents is not a luxury but an essential protection intervention. The strategy focuses on providing access to quality education for refugees by developing strong working relations with ministries of education, strengthening national partner capacity, collecting and managing data, and making use of innovative information and communication technology.[1]

G.   Sexual and gender-based violence

29.   Situations of forced displacement are not gender-neutral. Women and girls are disproportionately targeted in violent situations and constitute the majority of civilian victims of armed conflict. As part of the commemorations of the 60th anniversary of the 1951 Convention, UNHCR conducted regional dialogues with over 1,000 displaced women and girls to better understand the problems they and their families faced. A particular obstacle emphasized by the women was their lack of actual or meaningful representation in family and community decision-making. Women requested support to develop their leadership and advocacy skills. Some UNHCR operations are supporting childcare centres, to facilitate mothers' access to education; other operations have bolstered scholarships for girls. The outcomes of the regional dialogues are reported in UNHCR's publication *Survivors, Providers, Protectors: Refugee Women Speak Out*.

30.   Violence against women and girls continues to be a major problem in most displacement contexts. *UNHCR Action against Sexual and Gender-Based Violence: An Updated Strategy*, adopted in 2011, emphasizes the need for inclusive SGBV prevention and response mechanisms to fully integrate an age, gender and diversity approach. The strategy prioritizes for action: (1) risks of specific groups, including children and persons with disabilities, (2) risks related to unsafe environments and survival sex, and (3) the role of men and boys in combating SGBV, as well as their own exposure to SGBV.

31.   A variety of prevention and response activities were supported throughout UNHCR's operations, including the establishment of community-based protection networks, training for male and female community leaders, and the provision of safe shelter through community networks. More efforts were undertaken to engage men and boys in the prevention of SGBV, resulting in numerous trainings and discussions with men and boys among refugee communities in Jordan, Nepal, and Uganda. In Haiti, UNHCR's Safe House programme was established in June 2011, providing legal, medical and psycho-social support; livelihood opportunities; financial support for long-term housing; and a 24-hour call centre. In the Bolivarian Republic of Venezuela, the Office continued to work as a part of the Committee for the Co-ordination and Follow-Up on SGBV in Zulia State, which has set up a system of referrals to ensure effective and efficient attention to individual cases. The Democratic Republic of the Congo and Ethiopia have promoted better access to domestic energy and natural resources, while the gender-based violence information management system has been expanded in IDP operations in Colombia and Pakistan. The use of mobile courts in North Kivu, South Kivu and Province Orientale, in the Democratic Republic of the Congo, has enhanced survivors' access to justice, as mobile courts reinforce judicial structures within isolated and remote communities. In addition, their existence can act as a strong deterrent to crime.

32.   As of January 2012, eight UNHCR operations had elaborated five-year strategies to prevent and respond to SGBV. Implementation of the global SGBV strategy has been enhanced through additional funding to 15 prioritized operations. Projects in Afghanistan, Burundi, the Democratic Republic of the Congo, Ethiopia, and Georgia

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[1] For other educational issues, see Standing Committee paper *Children of concern, including education* (EC/63/SC/CRP.13).

emphasize engagement with men and boys in prevention, while Bosnia and Herzegovina will provide psychosocial support for male survivors of sexual violence. Projects in Ecuador, Ethiopia, Haiti, Georgia, Nepal and the Bolivarian Republic of Venezuela will construct or renovate safe houses for survivors that integrate psychosocial, legal and medical services. In Chad, Ethiopia, India and Nepal projects are implemented to improve the protection of children through educational activities and the provision of child-friendly spaces at community centres. Jordan's focus is to redress the risk of early marriage among refugee children.[2]

IV. Mixed movements: refugee protection and international migration

33. Modern migration trends confirm that complex, irregular mixed movements will continue to be a challenge for States. Such mixed migration involves not only those with international protection needs traveling irregularly alongside other groups, using the same routes and methods of transport, but also individuals themselves having multiple and mixed motivations for movement, including economic, social and political vulnerabilities and opportunities.

34. More innovative approaches to migration policies and strategies are needed to maintain the integrity of asylum, to identify those in need of international protection, as well as to address the needs of many undocumented migrants and others with specific needs, including unaccompanied and separated children. This requires new thinking, partnership and leadership. UNHCR has been engaged in regional and global discussions and initiatives on the interface between refugee protection and international migration for many years. The *UNHCR 10-Point Plan of Action on Refugee Protection and Mixed Migration* and the complementary *10-Point Plan in Action*, launched in 2011, were developed to assist States to establish comprehensive and protection-sensitive migration strategies. UNHCR continued to play an active role in the Global Migration Group, the Global Forum on Migration and Development, and the Inter-Agency Coordination Group against Trafficking in Persons.

35. In order to address the complex challenges of mixed movements, UNHCR has continued to work with partners to promote global and regional processes. In 2011, UNHCR convened two expert meetings. The first, held in Amman, Jordan, addressed international cooperation to share burdens and responsibilities and endorsed the development of a common framework. The second, held in Djibouti, drafted a *Model Framework for Cooperation in Rescue at Sea Operations involving Asylum-Seekers and Refugees,* which is currently being adapted to regional contexts. The Djibouti meeting was part of broader work by UNHCR, together with the International Maritime Organization, to support States to better respond to distress at sea, including through more predictable mechanisms for rescue and disembarkation. The 2011 Nansen Refugee Award was presented to a Yemeni non-governmental organization, the Society for Humanitarian Solidarity, for their dedication to saving the lives of those arriving by sea.

36. UNHCR has been working closely with relevant partners to monitor mixed movements on a regional basis. UNHCR's establishment of identification and referral mechanisms for asylum-seekers and refugees in southern Mexico is an example of good practice, including active monitoring, capacity building and collaboration with partners. In Southern Africa, the number of migrants and refugees travelling towards South Africa from the East and Horn of Africa, and the Great Lakes region, grew in 2011, with governments in the region adopting increasingly restrictive policies. UNHCR has continued to work with governments and other partners to address, in a protection-sensitive manner, the operational and policy challenges posed by these mixed flows. In West Africa, UNHCR serves as Secretariat for the Regional Group on Protection in

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[2] For protection of children more generally, see Standing Committee paper *Children of concern, including education* (EC/63/SC/CRP.13).

Mixed Migration, which was established in April 2009 following the 2008 Dakar Conference on Refugee Protection and International Migration.

37.   In South-Eastern Europe, UNHCR has initiated a regional process for managing mixed movements based on the *10-Point Plan*, with an emphasis on establishing early profiling and referral mechanisms, differentiated procedures, managed returns, and quality initiatives to support States in enhancing their asylum systems. In Eastern Europe, the newly-established Panel on Migration and Asylum, under the auspices of the EU Eastern Partnership, will build on the achievements and experiences of the Söderköping Process, presenting a new opportunity to strengthen regional cooperation. States in the Asia-Pacific region have moved closer to the operationalization of the regional cooperation framework endorsed by the Bali Process, with the forthcoming opening of a Regional Support Office (RSO) in Thailand. UNHCR will second a senior level asylum-migration specialist to the RSO.

38.   Despair often leads to people taking dire measures to escape their plight. Migrants as well as refugees are susceptible to the abuse of traffickers and smugglers, including at the most extreme, kidnapping, organ removals and rape. UNHCR continued to work with IOM to improve cooperation on the identification and protection of victims of trafficking. In 2011, UNHCR and IOM conducted joint-monitoring missions to Costa Rica, Ethiopia and Indonesia. In Africa, Ghana's immigration service has set up human trafficking units at three of Ghana's major entry points.   In Europe, UNHCR contributed to a joint commentary by six UN agencies on the European Union Anti-Trafficking Directive. The Office has also embarked on a one-year project for the identification and protection of victims of trafficking within the German asylum system, together with IOM and the Federal Office for Migration and Refugees.

V.   Protection of internally displaced persons

A.   Local and community-based protection

39.   The most effective protection mechanisms for IDPs often exist at the local level. IDP communities themselves, as well as host communities, function as a first port of call to address the needs of the displaced.   UNHCR has increasingly supported the empowerment of IDPs and displacement-affected communities to develop self-protection mechanisms and to assert their rights with relevant authorities. In 2011, UNHCR undertook a study of humanitarian actors' engagement with IDPs living with host families and in host communities in 11 countries, including Colombia, the Philippines, Sri Lanka and Yemen, in order to better support such protection mechanisms in ways that are culturally and conflict-sensitive.   UNHCR field operations are already drawing upon lessons learned in the design of their programming.

40.   Support for self-organization and empowerment is equally important in conflict areas where populations are at risk of displacement.   UNHCR has, for example, reinforced creative and low-cost protection initiatives taken at the grassroots level in the Philippines, such as the designation of the village of Nalapaan as a "zone of peace" – an agreed area where none of the parties would fight. UNHCR has facilitated peer-to-peer contacts between Nalapaan and other communities in Mindanao similarly desiring to establish zones of peace. Communities from other countries, including Colombia and Uganda, have visited Nalapaan to learn from its successful experience. In the Western Balkans, a regional project on social inclusion provided vulnerable Roma, Ashkali and Egyptian populations, including the non-displaced, with free legal assistance and birth registration documents.

B.   Legal developments

41.   The reporting period has been rich in positive legal developments, and UNHCR has played a part in promoting laws and policies for IDPs at both regional and national levels.

42.   Between January 2011 and May 2012, 10 States newly ratified the African Union Convention for the Protection and Assistance to Internally Displaced Persons in Africa (Kampala Convention): Benin, the Central African Republic, Chad, Gabon, the Gambia, Guinea-Bissau, Lesotho, Nigeria, Togo and Zambia. UNHCR supports the ratification and implementation of the Kampala Convention, for example by chairing an inter-agency forum addressed to this purpose, and assisting the African Union to develop a model IDP law for use at the national level. At the 2011 Ministerial Intergovernmental Event, Burundi, Côte d'Ivoire, Guinea, Liberia, Senegal, Somalia, South Sudan and the United Republic of Tanzania all pledged to ratify the Kampala Convention.

43.   At the national level and sub-national levels, Colombia and the State of Chiapas in Mexico adopted legal texts relevant to internal displacement. Colombia's Victims and Land Restitution Law is a landmark instrument which, by regulating compensation to victims of forced displacement and land restitution to dispossessed IDPs, addresses some of the legacy issues preventing return. UNHCR has provided support to Afghanistan, Kenya and Yemen in the development of national laws and policies on internal displacement, and has commented on the draft constitution for Somalia, which contains a number of provisions on displacement as well as asylum. As with the refugee law course, UNHCR continues to co-organize, together with the International Institute of Humanitarian Law and the Brookings-LSE Project on Internal Displacement, the annual Course on the Law of Internal Displacement in San Remo for government representatives.

C.   Global humanitarian and operational solidarity

44.   As the lead agency of the Global Protection Cluster (GPC), UNHCR has a particular responsibility to reinforce the humanitarian community's protection response to complex emergencies, including situations of internal displacement. At the global level, the Office provided leadership in setting the protection agenda for IDPs, establishing strategic priorities and coordinating operational support for the field. The GPC provided inter-agency support as well as policy advice and guidance on the implementation of the cluster approach to 28 active protection clusters in the field. Field protection clusters also provided an inter-agency platform for coordinating the protection response in emergencies.   During the reporting period, the GPC conducted field missions to Afghanistan, Côte d'Ivoire and Haiti.

45.   Five years following the implementation of the United Nations humanitarian reform, UNHCR initiated in 2011 a year-long consultation among the more than three dozen partner members of the GPC. This culminated in the elaboration of a new mission statement and three-year strategy for the GPC, *inter alia*, to provide strengthened field operational support to IDP operations. The strategy establishes the broad framework under which the cluster will operate, prioritizing the following seven areas for support to the field as well as engagement at the global level: (1) development and dissemination of protection coordination guidance and tools; (2) a panel of expert practitioners to provide practical guidance to the field upon request; (3) rapid deployment capacity in support of field protection clusters; (4) training and capacity building on cluster coordination skills and attitudes; (5) advocacy furthering the protection imperatives of field operations at the global level; (6) mainstreaming of protection in the humanitarian response at both global and field levels; and (7) engagement with donor partners to encourage adequate support for protection.

VI. Durable solutions for refugees and IDPs

46.   Millions of refugees and IDPs worldwide remain without access to timely and durable solutions to their displacement – the ultimate goal of international and national protection alike. Such solutions require sustained cooperation and concerted action. It is only through efforts made in solidarity by all stakeholders – including refugees, countries of origin and host countries; as well as IDPs, communities of origin and host communities – that solutions can be achieved. This section focuses on the durable solutions of voluntary repatriation (for refugees) and return (for IDPs), as well as local integration.[3]

A. Solving protracted refugee and IDP situations

47.   Serious efforts to find solutions for refugees in protracted situations have continued in 2011. In Africa, three of the most protracted refugee situations are drawing to a close in 2012-2013, as the final phases of comprehensive solutions strategies for Angolan, Liberian and Rwandan refugees are implemented along with the cessation of refugee status.

48.   Through a regional initiative, Bosnia and Herzegovina, Croatia, Montenegro and Serbia agreed to resolve displacement stemming from the 1991-1995 conflict. They also agreed to provide housing for the most vulnerable among the displaced, many of whom still live in collective centres. This regional housing project, supported by funds generated at an April 2012 conference, will offer a permanent housing solution to those who opt for either voluntary return and reintegration in their place of origin, or local integration in their current place of residence. It is hoped that this project will serve as a catalyst for enhanced social integration to end protracted displacement.

49.   Afghans still constitute the largest protracted refugee population in the world. There are close to three million registered Afghan refugees, some of whom have been residing in neighbouring Pakistan and the Islamic Republic of Iran for over 30 years. A multi-year solutions strategy has been developed, the result of intense consultations between the three governments and UNHCR. Underlying the strategy is the imperative of enabling conditions conducive to voluntary repatriation and sustainable reintegration through community-based investments in areas of high return in Afghanistan – notably the promotion of livelihood activities – while preserving asylum space in neighbouring host countries. In countries of asylum, this includes enhanced support to refugee-hosting communities, alternative temporary-stay arrangements and opportunities for resettlement. An international conference on Afghan refugees, held in Geneva on 3 May 2012 and co-hosted by UNHCR and the Government of Switzerland, drafted and endorsed this new solutions agenda.

50.   In Nepal, UNHCR continued mainstreaming services in areas hosting refugees from Bhutan. A joint needs assessment conducted by the Government of Nepal and United Nations agencies was validated through stakeholder meetings which included host community representatives. Progress has been achieved in Uganda, where the return of more than 1.8 million IDPs enabled the closure of UNHCR's office in Gulu at the end of 2011.

B. Voluntary Repatriation

51.   Year-on-year voluntary repatriation figures worldwide have dropped, highlighting the intractable and often cyclical nature of many modern conflicts, often based in deep-seated ethnic divisions and distrust. While voluntary repatriation remains the preferred durable solution in many situations, the number of persons repatriating has continually

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[3] For resettlement, see Standing Committee paper *Update on Resettlement* (EC/63/SC/CPR.12).

decreased since 2004, and 2011 followed the pattern of recent years. Where country-of-origin conditions were conducive to return, UNHCR facilitated tripartite agreements with countries of origin and asylum, and worked with partners to enhance reintegration support.

52.   In 2011, some conflict situations were resolved, allowing both refugees and persons arriving as part of mixed movements to return home in safety and dignity. In Côte d'Ivoire, a gradual stabilization following early 2011 violence led to the repatriation of over 100,000 refugees. UNHCR and the Ivorian authorities signed tripartite voluntary repatriation agreements with the Governments of Ghana, Guinea, Liberia and Togo. The repatriation of Mauritanian refugees residing in northern Senegal resumed in November 2011 and was completed in March 2012, with nearly 24,500 persons returning since the operation commenced in 2008. The cessation situations in Africa, mentioned above, will also result in the return of thousands of refugees in 2012 and 2013.

C.   Self-reliance and local solutions

53.   The commemorations provided an opportunity to generate additional interest and commitment to local integration as a durable solution. Many countries indicated a willingness to consider some form of local integration – from alternative legal status to naturalization – in their pledges at the 2011 Ministerial Intergovernmental Event.

54.   In Africa, UNHCR is assisting several States with local integration initiatives. The Government of Zambia pledged to integrate locally up to 10,000 Angolan refugees, some of whom have been in exile for decades, and has called on the international community for support. Residence permits were issued to more than 3,000 former refugees from the Republic of the Congo following the Government of Gabon's declaration ending their refugee status.

55.   In the United Republic of Tanzania, the Government had previously undertaken to naturalize more than 162,000 Burundian refugees who had been living in what were known as the "old settlements" since 1972. The Government has, however, yet to approve the related integration programme. Supporting this generous integration programme remains a UNHCR priority. In Eastern Sudan, the Transitional Solutions Initiative provides for close collaboration between UNHCR, the United Nations Development Programme (UNDP) and the World Bank to bring economic self-sufficiency to 12 refugee camps that have hosted Eritrean refugees for four decades, and to allow for their gradual conversion into village communities.

56.   Where solutions are not immediately available, support for refugee self-reliance and mobility has led to additional opportunities. For example, the Ethiopian "out-of-camp" policy allows Eritrean refugees who can financially support themselves to live outside the camps. In 2011, the Government augmented this programme with educational scholarships. In this way, refugees are offered an alternative to protracted displacement and long-term dependency. Activities of this type will be further encouraged and supported elsewhere. In Darfur, Sudan, UNHCR is shifting from a camp-based approach to a stronger focus on solutions, building on the progressive integration of IDPs in urban areas. Local integration opportunities are also being explored for some 14,000 Mauritanian refugees who have chosen to remain in Senegal.

57.   In the Middle East, the Kuwaiti Government recently announced that it will allow for the naturalization of some 34,000 Bidouns. Concrete steps are yet to be taken to effect the decision, and UNHCR has offered assistance and technical expertise to support the Government's efforts.

58.   In the Americas, legislation passed in Panama in October 2011 allowed for the regularization of approximately 900 Colombian nationals, previously under a temporary protection regime. Meanwhile the Bolivarian Republic of Venezuela adopted a joint plan of action in 2012 to address the situation of Colombian refugees, based on three pillars: (1) implementing pledges made by the Government at the 2011 Ministerial

Intergovernmental Event, (2) establishing a refugee database, and (3) capacity-building and advocacy activities.

59.   The "Solidarity Cities" Programme, part of the 2004 *Mexico Declaration and Plan of Action to Strengthen International Protection of Refugees in Latin America*, provides a framework to promote inclusion and solidarity towards refugees, asylum-seekers and IDPs. Under this initiative, over 50 formal and informal agreements have been signed to promote and facilitate access to education, health and employment for persons of concern. Additionally, to combat xenophobia and discrimination, UNHCR is implementing public information campaigns in Ecuador and the Dominican Republic, as well as the "put yourselves in the shoes of a refugee" campaign in all countries in the region.

60.   At the policy level, UNHCR has sought to systematize its approach towards peaceful coexistence and community reconciliation.   The *UNHCR Provisional Programme Guide on Coexistence Projects* will be finalized in 2012, and a training programme will be developed. These developments are already having an impact in the field: in Kyrgyzstan, UNHCR implemented 129 small-scale coexistence projects between 2010 and 2011.

VII.   Statelessness

61.   Several substantial breakthroughs on statelessness were due, in part, to the increased global attention to the problem brought by the 50th anniversary commemorations of the 1961 Convention on the Reduction of Statelessness.   A noteworthy success in 2011 was the accession of eleven States – Benin, Bulgaria, Burkina Faso, Croatia, Georgia, Nigeria, Panama, the Philippines, the Republic of Moldova, Serbia and Turkmenistan – to either or both the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention. This is the highest number of accessions to the Statelessness Conventions in a single year since they were adopted, bringing to 74 the number of States parties to the 1954 Convention, and to 44 the number of States parties to the 1961 Convention, as of May 2012.   Meanwhile, at the 2011 Ministerial Intergovernmental Event, a further 33 States pledged either to accede or to examine the possibility of doing so (4 of whom have since acceded), while 61 States either made statements on statelessness or pledged concrete action to address statelessness.

62.   During the anniversary year, UNHCR sought to raise awareness of statelessness and mobilize responses. Letters on accession were sent to all States not yet party to the 1954 and 1961 Conventions, and 60,000 information brochures were disseminated in nine languages.   Regional conferences and seminars were held in the western Balkans, Western Europe, South-East Asia, the Americas, West and Southern Africa, while country-level events were organized in locations as diverse as Abidjan, Almaty, Bishkek, Batumi, Cotonou, Jakarta, Juba, London, Manila, Maputo, Mexico City, Quito and Windhoek.   A regional conference on civil documentation and registration in South-Eastern Europe highlighted issues related to civil registration and statelessness in the region.   Participating States adopted a declaration reiterating their commitment to fundamental human rights obligations and international instruments on statelessness. During an August 2011 media campaign, hundreds of stories on statelessness were released in print and electronic media around the globe. UNHCR also raised awareness of the human impact of statelessness through a photo exhibition that has been displayed at UN Headquarters in New York and Geneva, as well as in Kyiv, London, Manila and Nairobi.

63.   UNHCR advised on legal safeguards to prevent and reduce statelessness in 14 States that were in the process of reviewing their nationality legislation. Kenya achieved a breakthrough with its 2011 Citizenship and Immigration Act, which provides that stateless persons who have resided in Kenya since independence may register as citizens if they do so within five years of the Act's adoption.

64.   States have expressed growing interest in establishing formal statelessness determination procedures, with ten States having formally pledged to do so. In the

Americas, UNHCR developed a model law for the implementation of the 1954 Convention, which is being considered by Brazil, Ecuador and Panama. Studies commissioned by UNHCR mapped stateless populations in several industrialized States, including the number and profile of stateless individuals, as well causes and possible solutions to their predicament. Studies published on Canada, the Netherlands and the United Kingdom of Great Britain and Northern Ireland also recommended that these governments establish statelessness determination procedures. To assist States and others, UNHCR released guidelines on the definition of a "stateless person," as expressed in the 1954 Convention, and on stateless determination procedures.

65.   Decisive progress was also made toward the resolution of some protracted statelessness situations. As a result of the April 2011 decree offering citizenship to one group of stateless Kurds in the Syrian Arab Republic, official sources indicate that some 69,000 of the approximately 150,000 people who could benefit from the decree had received citizenship documents by the end of 2011, while another 37,000 applications were being processed. In Turkmenistan, two presidential decrees granted citizenship to 3,318 stateless persons in 2011. The decrees followed the completion of the second registration drive since 2007, organized by the Turkmen Government with UNHCR support, to identify undocumented individuals throughout the country. Progress in resolving statelessness continued in Kyrgyzstan, where more than 28,000 holders of expired Soviet passports received Kyrgyz passports, and 2,094 stateless persons were granted citizenship by decree between 2009 and 2011.

66.   At the same time, the independence of South Sudan in July 2011 led to concerns that a new statelessness situation might emerge, following the pattern of other recent State successions. In the months immediately preceding and following independence, UNHCR provided the Government of South Sudan with technical support in the drafting of legislation, including an interim constitution and a nationality act. It advocated for an inclusive definition of who is a national of the new State, for gender equality in all nationality matters, and for safeguards against statelessness. The Office welcomed the fact that the new nationality legislation reflected most of these recommendations, thereby reducing the risk of statelessness. Concerns persist that many individuals could still be deprived of Sudanese nationality, while remaining unable to acquire proof of South Sudanese nationality. As a result, following independence, UNHCR continued advocacy on behalf of and provided assistance to persons of southern Sudanese origin in the Republic of Sudan, including operational support for the issuance of identity documentation to citizens of the new State and technical advice to the civil registry of Sudan to facilitate the issuance of documentation to persons at risk of statelessness.

VIII.   Conclusion

67.   Human mobility, including both cross-border and internal displacement, have been key features of almost all major world events in 2011, especially in the Middle East and in North, West and East Africa. Large-scale refugee and IDP movements have demanded the support and solidarity of the international community. The goodwill shown by host and donor governments has been remarkable. More, however, is needed.

68.   The scale and complexity of forced displacement is such that it cannot be solved by one State alone. Hence, the principles of solidarity and cooperation are at the core of the international protection regime. The 50th and 60th anniversary commemorations of the key refugee and statelessness instruments in 2011 saw the international community renew its commitment to persons in need of international protection, including through the Ministerial Communiqué and State pledges at the Ministerial Intergovernmental Event in December 2011. Taken as a whole, as reaffirmation of international cooperation and partnership, these pledges pave the way for substantial achievements in protection and solutions for refugees, stateless and internally displaced persons in the decade to come.