

REGIONAL STRATEGIC PRESENTATION SUMMARY
32ND STANDING COMMITTEE MEETING (8-11 March 2005)

Bureau for the Americas

Part A: Introduction

Mexico, Central and South America: During the 20th Commemoration of the Cartagena Declaration in Mexico on 16 November 2004, 20 Latin American Governments committed themselves to uphold high protection standards. These countries adopted a Declaration and Plan of Action to enhance refugee protection and redouble efforts to find durable solutions. The Plan of Action represents the implementation of the Agenda for Protection in Latin America. It addresses new protection challenges, including the strengthening of eligibility commissions and protection networks. It promotes the local integration of refugees in urban areas and hosting communities in border areas affected by the conflict in Colombia. The increased use of resettlement opportunities in Brazil, Chile, Argentina and Uruguay as a response to protection needs in the region is also strongly supported by the States concerned.

Colombia situation: The internal conflict has continued to produce new internally displaced persons (IDPs). Although the official figures for new IDPs in 2004 (138,000) are lower than NGO estimated figures (287,000), there is general agreement that the cumulative total of its IDPs is now well above 2 million. The conflict also has **regional implications** and produces refugee movements to the surrounding countries (mainly in Costa Rica, Ecuador, Panama and Venezuela). The number of recorded refugees and asylum-seekers in surrounding countries is growing (well above 40,000), but only represents a small percentage of the total Colombian population crossing the borders in search of protection. In the affected border areas security continues to be problematic, causing serious protection concerns. UNHCR is therefore reinforcing its field presence in these areas and further promoting the strategic use of resettlement for providing protection and durable solutions and for sharing responsibility.

North America: In the USA and Canada, UNHCR continues to focus on refugee protection and refugee resettlement, as well as to enhance political support for UNHCR's global operations. UNHCR also continues to seek to mobilize financial resources in the public and private sectors. Both countries continue to maintain traditionally generous resettlement programmes. An important development in North America has been the coming into force on 29 December 2004 of the bilateral "Agreement for Cooperation in the Examination of Refugee Status Claims from Nationals of Third Countries" signed by the US and Canadian Governments on 2 December 2002. At the invitation of both States, UNHCR has reviewed and is ready to monitor the Agreement.

The Caribbean: This region continues to experience significant mixed migratory movements which include economic migrants as well as individuals seeking protection. UNHCR's work continues to support the existing ad hoc procedures and to build capacity for dealing with population movements out of Haiti. In the aftermath of the February/March 2004 crisis in Haiti, UNHCR is now assisting the authorities in Jamaica in dealing with the protection needs of a residual caseload of some 278 persons. An appeals review procedure is currently under way. In the meantime, the Office has organized, in cooperation with the International Organization for Migration (IOM) and other agencies, the voluntary return of some 299 Haitians from Jamaica and is preparing to conclude this programme in 2005.

Part B: Progress on Strategic Objectives and Implementation of the Agenda for Protection

Strengthening the refugee protection framework (Strategic Goal 1, Agenda for Protection Goal 1)

- In **North America**, UNHCR's work will remain focused on ensuring access to protection; promoting the quality of refugee status determination (RSD) procedures; the protection needs of refugee women and children; and the use of international standards in detention. In the USA, UNHCR actively supports legislation, currently before the US Senate, to improve access to legal

counsel and guardians for separated children. UNHCR will also further monitor detention practices and anti-terrorism legislation, and will comment on evolving legislation that tends to expand terrorism-related grounds of inadmissibility. In Canada, UNHCR is working with the authorities on matters relating to the quality of the RSD procedure as well as on conditions of detention and access to refugee rights.

- UNHCR's cooperation with the US and Canadian authorities will be further enhanced on cross-border issues as a result of the ongoing implementation of the "Safe Third Country Agreement". The Office will monitor the implementation of the Agreement at ports-of-entry through the compilation and analysis of statistics, and will review and report on its findings.
- In **Latin America**, the implementation of the protection segment of the Mexico Plan of Action includes commitments for the enhancement of protection through the adoption of asylum legislation and the strengthening of national eligibility commissions. Moreover, the Plan also foresees a number of research and doctrinal initiatives that aim to promote the use of the Cartagena refugee definition as a key protection tool (e.g. through the issuance of a Handbook on procedures and criteria for the application of this refugee definition) and to enhance the use of human rights instruments as a complementary tool of refugee protection (within the cooperation framework established with the Organization of American States (OAS) and its human rights bodies).
- The Office intends to continue to work with the legislators of several Latin American countries which are in the process of adopting or revising their asylum laws. National asylum laws are expected to adopt the Cartagena refugee definition, particularly in those countries that already apply Cartagena in practice (Argentina, Chile, Nicaragua and Uruguay). We will also reinforce our cooperation with the authorities in charge of RSD procedures throughout the region and have recently issued an updated version of Eligibility Guidelines for Colombians in need of protection. Basic eligibility requirements and best practices with regard to the provision of basic information on the RSD procedures, appropriate registration/documentation, access to legal counselling and use of country of origin databases (e.g. the Spanish language website) will be promoted and shared within the whole region.
- The underlining of asylum and RSD issues in the broader migration debate is carried out through UNHCR's participation as an observer at both the Regional Conference on Migration and the South American Conference on Migration. In the Caribbean, UNHCR and IOM will continue to organize an annual meeting with the Caribbean States in order to address migratory movements in the region and their impact on refugee protection.
- In Colombia, UNHCR recently published a review of the national IDP policy and will continue stressing the need for the Government to comply with existing legislation and to make its response to the internal displacement crisis more effective. The Office has collaborated with other United Nations agencies in finalizing the Humanitarian Plan of Action, which is now being discussed with the Government. After a mission of the Internal Displacement Division, it has been suggested that UNHCR, in coordination with the Office for the Coordination of Humanitarian Affairs (OCHA), reactivate the United Nations Thematic Group on Displacement. The latter could further reinforce the *collaborative approach* for IDPs in Colombia.

Boosting capacity to receive and protect refugees (Strategic Goal 1, 4, 7; AfP 2, 3)

- Since the adoption of the Mexico Declaration and Plan of Action UNHCR has worked with the respective Governments and other partners on its implementation. An allocation from UNHCR's Operational Reserve has allowed the initiation of the most urgent activities within the Plan. Likewise, the Office's staffing structures at both field and headquarters levels have been adapted to respond better to the challenges. At the same time, the Office is defining a fund raising strategy to obtain additional donor support to convert the Mexico Plan of Action into concrete activities. As

regards its protection segment, such activities foresee a number of capacity-building measures that should strengthen both governmental and non-governmental counterparts' ability to protect asylum-seekers, refugees, IDPs and other persons of concern to the Office.

- A regional training programme on refugee protection is under preparation on the basis of a needs assessment analysis being carried out at the national level. This programme will support the ongoing work of UNHCR in various eligibility commissions in Latin America and further complement the training being provided to eligibility officials, as well as existing RSD capacity-building projects, with the aim of addressing persistent backlog problems in a number of countries. Provision will also be made to guarantee both training and the issuance of instructions guiding border/immigration officials on the appropriate standards of treatment of asylum-seekers, including the obligation to refer cases to the national refugee authority (e.g. as per the 2004 UNHCR Mexico initiative with border officials in the context of the Puebla Process). In a South-South cooperation context, UNHCR envisages the participation of the refugee authorities of Brazil and Mexico in the implementation of this programme.
- Capacity-building projects will also address the material needs of UNHCR's counterparts (e.g. equipment and internet access) and seek to promote further the creation and consolidation of national protection networks in Mexico and Central America (e.g. through the *Ombudsman* institution), in the Andean region and in the Southern Cone (e.g. through the Bishops' Conference and other civil society organizations). Such projects should assist in strengthening field protection in sensitive border areas, monitoring cross-border movements, collecting country of origin information and facilitating refugee access to basic social rights while addressing needs of hosting communities.
- Participatory planning with civil society partners did take place throughout the region before and after the adoption of the Mexico Plan of Action as well as during the preparation of UNHCR's Country Operations Plan. In Ecuador, UNHCR is also working with other United Nations agencies in the follow-up to the joint United Nations assessment of the Northern Border Area, which was recently presented to the Ecuadorian Government. A *Development Assistance for Refugees (DAR)* project proposal will soon be presented to the international community.

Gender and age mainstreaming (Strategic Goal 4; AfP 6)

- As part of the Pilot Project, UNHCR and its partners have made progress with the mainstreaming of gender and age in their activities on behalf of refugees and IDPs in Colombia, Ecuador and Venezuela. Efforts have been made to implement situation analyses in refugee-hosting areas in order to come up with detailed gender and age-disaggregated statistics. Action has been taken to assist refugee/IDP women, girls and children with projects in areas such as: legal aid centres, child nurseries, micro-credit, reproductive health and education.
- Other efforts made in preventing and responding to sexual and gender-based violence (SGBV), included promotion of the incorporation of regulations on refugee women and refugee children in national enactment legislation. Gender-based persecution is duly recognized in the national legislation of various countries such as Guatemala, El Salvador, Honduras, Panama, Paraguay, Peru and Venezuela and was included in the draft legislation of Nicaragua.
- **In the Americas**, refugee women are granted individual documentation as asylum-seekers and upon refugee recognition (i.e. identity cards, Convention travel documents, work permits). Victims of SGBV are provided with legal counseling and special medical treatment. Training activities include rights awareness about SGBV. Women and children's issues were highlighted in UNHCR's Spanish language website, a key protection tool for the dissemination of international refugee law in the region which is visited by more than 100,000 users every month.

Durable solutions (Strategic Goal 5; AfP 1, 3, 5)

- The Mexico Plan of Action segment on durable solutions promotes refugee self-reliance in both urban centres (*'ciudades solidarias'*) and border areas (*'fronteras solidarias'*) affected by the Colombian conflict. It foresees the enhancement of local integration through the simplification of procedures for certifying and recognizing diplomas, employment and the development of micro-credit schemes. In this context, UNHCR works in partnership with local development agencies.
- The Plan also proposes the development of an intraregional resettlement programme for Latin American refugees, within the framework of an international (South-South) solidarity and responsibility-sharing mechanism that should ease pressure in the main countries of asylum and help solve refugee situations in the region of origin.
- The Bureau has therefore made plans to expand the existing self-reliance schemes that have been implemented throughout Latin America. The accumulated experience from these schemes should enable the promotion of similar programmes in the most affected border areas.
- As regards resettlement, the resettlement units in Ecuador and Costa Rica have submitted an increasing number of Colombian refugees for resettlement both in and outside the region (more than 900 persons in 2004). In 2004, a growing number of refugees (156) were resettled to the emerging resettlement countries in Latin America (e.g. Brazil and Chile). Expectedly, these numbers will further grow in 2005 and additional support will be needed not only for continuing the programme in Brazil and Chile, but for starting a similar programme in Argentina and Uruguay. Discussions with concerned government authorities are ongoing to agree on local support for resettled refugees, including UNHCR's contribution of basic humanitarian assistance during the initial installation period.