

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

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Overview of UNHCR's operational strategies in the Americas

A. Situational analysis

Colombia

The last quarter of 2012 saw the formal start of peace talks between the Government of Colombia and the largest rebel group, the Revolutionary Armed Forces of Colombia (FARC), with a view to ending almost 50 years of conflict.

In the meantime, displacement has continued to occur, especially in the western and southern parts of the country. While the final displacement statistics for 2012 are not yet available, the number of newly displaced persons is expected to be higher than in 2011, which stood at over 140,000. Indigenous and Afro-Colombian communities were among those most affected by the conflict.

The Government of Colombia pursued implementation of the Law on Victims and Land Restitution, consolidating institutional reform, primarily through the Special Administrative Unit for Victims Assistance and Reparation. Challenges to this process include: complex legal and administrative procedures, particularly for land restitution; risks that victims face in the process of claiming lands; and opposition from irregular armed actors who do not support land restitution.

UNHCR is working with local communities and Government authorities to bolster solutions, particularly local integration. A joint UNHCR-UNDP Transitional Solutions Initiative (TSI) programme is providing support to host communities and internally displaced persons (IDPs), ensuring that the latter are fully integrated and accepted in their municipalities.

Ecuador

In September 2012, the UNHCR Urban Refugee Steering Group (URSG) deployed a technical support mission to Ecuador. The mission focused on four thematic priority areas, namely: (1) increasing efficiency in reception, communication and attention to urban refugees, (2) promoting self-sufficiency, access to employment and livelihoods, (3) addressing discriminatory and xenophobic attitudes, and (4) finding durable solutions.

Panama and Central America

New displacement patterns due to the activities of transnational organized crime are on the rise in Central America. At the request of UNHCR, CIDEHUM (the International Centre for the Human Rights of Migrants) conducted a study on '*Forced Displacement and Protection Gaps Induced by Violence and Criminality in Central America*,' which was shared with governments and stakeholders in the region. The study confirmed that Central

American countries, such as El Salvador, Guatemala and Honduras, are experiencing displacement due to organized crime. While organized crime is being dealt with from a security angle, such as crime prevention and response, little attention has so far been paid to the impact of this phenomenon from a humanitarian and protection perspective.

UNHCR offered technical support to national and regional institutions involved in monitoring trends and the magnitude of displacement, such as the violence observatories in Guatemala and Honduras, as well as national statistics and census departments. Protection networks and partnerships were also initiated with the aim of identifying and referring cases, with specific attention to women, unaccompanied and separated children and individuals belonging to minority groups.

Haiti

In line with the Office's updated strategy on sexual and gender-based violence (SGBV), UNHCR and its implementing partners in Haiti opened a safe house for LGBTI (lesbian, gay, bisexual, transgender and intersex) survivors of SGBV in Port-au-Prince. This is the third safe house for SGBV survivors established by UNHCR, following those already in place in Port-au-Prince and Petit Goâve. Since their inception, more than 220 persons have been hosted in these safe houses; more than half of them are children.

UNHCR is pursuing third-country solutions for survivors of multiple forms of violence (including collective rape), for whom protection risks of re-exposure to violence are otherwise unavoidable. The first departures started in November 2012.

UNHCR is working with other UN agencies, local partners and national institutions to hand over, by the end of 2013, responsibility for SGBV prevention and protection of survivors.

Cartagena Declaration approaching 30

In November 2012, under the auspices of Brazil's Ministry of Justice, UNHCR launched formal consultations with member and associated States of MERCOSUR¹ on the 30th anniversary of the Cartagena Declaration, which will be commemorated in December 2014. The consultations were held in the city of Fortaleza, with the participation of Argentina, Brazil, Chile, Colombia, Ecuador, Peru and Venezuela (the Bolivarian Republic of). Participating States discussed gaps and challenges in the field of international protection, and agreed to commemorate the 30th anniversary of the Cartagena Declaration by adopting a plan of action to address those challenges.

B. Achieving the Global Strategic Priorities

UNHCR's Global Strategic Priorities (GSPs) in the Americas focus mainly on protection standards for refugees and stateless individuals; the fight against SGBV; and durable solutions. Activities contributing to the GSPs include the following:

Extent to which law and policy are consistent with international standards

The quality assurance initiative (QAI) on strengthening national refugee status determination (RSD) continues to be implemented in Costa Rica, Mexico and Panama, in close collaboration between UNHCR and the respective national Governments. The initial phase has been completed in the three countries, with human resources issues, such as recruitment and retention of RSD staff, having been addressed. The first QAI agreement was signed in Mexico, and UNHCR is looking forward to concluding similar agreements in

¹ The Mercado Común del Sur (Southern Common Market) promotes free trade and the movement of people, goods and currency in the region.

Costa Rica and Panama. In Ecuador, UNHCR continues to work to ensure that those with international protection needs will receive adequate assistance and protection, following the introduction of pre-admissibility requirements in the asylum procedure. UNHCR is monitoring the impact of these requirements on the steady flow of new arrivals from Colombia each month, and will present the results to the Government in the first quarter of 2013.

In December 2012, a new bill in Canada - 'Protecting Canada's Immigration System Act' - entered into force, bringing about changes to the country's asylum system. The new system introduced the notion of "safe country of origin" and appeal procedures for certain categories of asylum-seekers and refugees. Disincentives to human smuggling schemes are also foreseen by the new provisions. UNHCR recognizes Canada's efforts to uphold the integrity of asylum from abusive claims and will continue offering the required support to ensure that international standards for those deserving international protection are met.

With Presidential Decree No. 1440 of December 2012, a new national law on refugee protection came into effect in the Plurinational State of Bolivia. The regulation is an important step forward in bringing the country's national legislation into compliance with international standards, in particular with respect to the prohibition of *refoulement*, as well as child protection.

In January 2013, Mexico passed a general law on victims, putting into place a wide range of rights, principles and protection and reparation standards for victims of crimes and human rights abuses. While presenting some constitutional challenges, the law would reinforce Mexico's legal protection framework and access to protection.

Extent to which law and policy are consistent with international standards for the prevention of statelessness

In fulfilment of pledges made during the 2011 Ministerial Intergovernmental Event on Refugees and Stateless Persons², Ecuador ratified the 1961 Convention on the Reduction of Statelessness on 24 September 2012; Honduras ratified the 1954 Convention relating to the Status of Stateless Persons on 1 October 2012 and the 1961 Statelessness Convention on 18 December 2012; and Jamaica deposited its instrument of accession to the 1961 Statelessness Convention on 17 December 2012. UNHCR remains committed to assist those countries in the Americas that made pledges to ratify the Statelessness Conventions, such as Argentina, Colombia, Haiti, Paraguay and Peru, or pledges to adopt national statelessness determination procedures such as Brazil, Costa Rica, Peru, the United States of America, and Uruguay.

In June 2012, changes in the Haitian Constitution took effect, enabling Haitians to hold dual nationality and introducing the possibility for those who had lost nationality in the past to reacquire it. Following these fundamental changes, the Government is currently drafting a revised nationality law that will help prevent Haitians from becoming stateless in the future.

In the United States of America, UNHCR and the Open Society Foundations launched a report in December 2012 entitled, "Citizens of Nowhere: Solutions for the Stateless in the U.S."³ The report focuses primarily on stateless individuals residing in the United States, who are particularly vulnerable with no path to acquire lawful status or become naturalized U.S. citizens. It discusses some of the key issues faced by this group of stateless individuals and concludes with recommended measures to solve their plight.

² See *Pledges 2011: Ministerial Intergovernmental Event on Refugees and Stateless Persons*; available from <http://www.unhcr.org/refworld/docid/50aca6112.html>.

³ Available from <http://www.unhcr.org/refworld/docid/50c620f62.html>.

Extent to which known SGBV survivors receive support

In the Americas, UNHCR continued to ensure the mainstreaming of age, gender and diversity into all aspects of its programming including protection, durable solutions and prevention and response to SGBV.

Almost all operations in the region adopted SGBV standard operating procedures, and all of them are working on the SGBV multi-year country strategy to be finalized by June 2013. In the framework of its SGBV strategy, the office in Colombia continues to utilize an information management system intended to ensure that case reports reach appropriate service providers, allowing for information to be shared and standardized statistics reports to be produced.

Offices in the region substantially contributed to strengthening existing networks of safe houses and/or supported the creation of new ones. Capacity building, awareness raising and training on SGBV prevention and access to services, with an emphasis on women and girls, were carried out in Bolivia (the Plurinational State of), Brazil, Colombia, Costa Rica, the Dominican Republic, Ecuador, Mexico, Panama and Peru. Similar capacity-building and training initiatives targeting law enforcement officers, the judiciary, border officers and service providers were carried out in Canada, Colombia, Peru, the United States of America, and Venezuela (the Bolivarian Republic of).

UNHCR is also committed to ensuring that LGBTI persons of concern are protected against SGBV. Sensitization activities and advocacy efforts focused on the rights of these populations have been carried out, in conjunction with Government and civil society partners, in Brazil, Canada, Chile, Haiti, Panama, the United States of America, and Venezuela (the Bolivarian Republic of).

Extent to which a best interest process has been initiated or completed for unaccompanied and separated children (UASC)

In Costa Rica, UNHCR signed a letter of collaboration with the Immigration Office and the National Children's Welfare Office, with the aim of improving the protective environment for asylum-seeker, refugee, and stateless children. In Mexico, UNHCR continues to support the Government in strengthening the child protection system through the deployment of a child-protection expert to help identify and assist with cases of migrant children in need of international protection. UNHCR also continues to closely collaborate with the Regional Conference on Migration⁴ to strengthen child protection mechanisms in the region.

C. Financial information

During the course of 2012, the initial budget for the Americas approved by the Executive Committee rose from \$95.5 million to \$101.2 million. The adjustments related to activities to prevent and respond to SGBV and improve HIV prevention. For 2013, the budget remains at \$101.7 million.

⁴ The Regional Conference on Migration is an intergovernmental forum of 11 countries in North and Central America devoted to sharing information and promoting dialogue on migration (<http://www.rcmvs.org/>).