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International Protection

Note on International Protection

Report by the High Commissioner

I. INTRODUCTION

1. The Note on International Protection provides an account of the state of international protection over the year to May 2007. It assesses how States, the Office of the High Commissioner for Refugees (UNHCR) and partners have performed in fulfilling their responsibilities to protect refugees, returnees, stateless persons and others of concern. This year, the Note again follows the framework of the 2002 Agenda for Protection, reporting on progress in meeting its six Goals, as well as on developments regarding statelessness. The protection of internally displaced persons (IDPs) is given greater prominence than in previous Notes.

II. OVERVIEW OF DEVELOPMENTS

2. Over the reporting period, UNHCR strengthened further its protection activities for a greater number of persons of concern. For the first time since 2000, UNHCR statistics showed that the number of refugees increased, rising from 8.7 million at the end of 2005 to 9.9 million at the end of 2006, primarily because of the inclusion in these statistics of 1,220,000 new Iraqi refugees in Jordan, the Syrian Arab Republic and Lebanon. The global number of asylum-seekers fell, however, to 738,000 at the end of 2006: 35,000 fewer than the year before. UNHCR's involvement with IDPs continued to grow, particularly in the context of the inter-

agency cluster approach, leading to an upwards revision in the number of conflict-induced IDPs protected and assisted by UNHCR. Activities to address statelessness were also stepped up during the reporting period and resulted, *inter alia*, in the successful identification of larger numbers of stateless persons.¹

3. Protecting persons of concern presented many challenges in the Middle East. In Iraq, constant insecurity resulting from insurgent attacks, sectarian strife and continued military operations spurred massive population displacement. Attacks and persecution in Iraq were evidently based on factors such as religion, ethnicity, profession, social group and actual or perceived political opinion, indicating that Iraqis claiming asylum could be considered refugees.

4. By early 2007, over 1.9 million people had been displaced within Iraq while up to two million had fled abroad. To highlight the humanitarian dimensions of the crisis, the Office organized a conference in April 2007 attended by over 90 States, which committed to better address the humanitarian crisis, towards which the Government of Iraq itself pledged USD25 million. Inside the country, UNHCR continued to provide protection and assistance via remote management. In neighbouring countries, especially Jordan, Lebanon and the Syrian Arab Republic, the Office worked with national authorities to secure the widest possible protection space for Iraqi refugees. This involved promoting common regional protection standards, using a regionally harmonized registration process to identify and respond to individuals with specific needs, and resettlement.

5. The hostilities between Israel and Hezbollah in Lebanon in mid-2006 displaced around 750,000 Lebanese within the country and some 250,000 abroad, mostly to the Syrian Arab Republic. Despite massive returns when hostilities ceased, up to 200,000 IDPs remained in Lebanon at the end of 2006, their return hampered by the need for reconstruction and demining, especially in the southern part of the country.

6. The plight of 1.9 million persons internally displaced by the violence in Darfur, Sudan, remained extremely precarious. Deteriorating security conditions restricted efforts to protect civilians and caused further displacement, including into Chad and the Central African Republic. In eastern Chad, a rebel uprising curtailed access to refugees and IDPs. Repeated clashes between rebels and the army in northern Central African Republic caused internal displacement and flight to Chad and Cameroon. In Darfur, UNHCR responded to a request by the United Nations Humanitarian Coordinator and in April 2007 agreed with the Sudanese Government to “scale up” its activities in west Darfur, which were expected to include south and eventually north Darfur.

III. IMPLEMENTATION OF THE AGENDA FOR PROTECTION

7. Turning to the Agenda for Protection, the report which follows is based on its six goals. In keeping with the commitment to strengthen age, gender and diversity mainstreaming (AGDM), issues hitherto largely covered under Goal 6 are incorporated throughout the text.²

¹ For further details, see UNHCR, “2006 Global Refugee Trends”, June 2007.

² See also, UNHCR, “Protection of Older Persons and Persons with Disabilities”, EC/58/SC/CRP.14, June 2007.

A. Strengthening implementation of the 1951 Convention and 1967 Protocol

8. The legal framework for the protection of refugees and others of concern contained in the 1951 Convention relating to the Status of Refugees, its 1967 Protocol and relevant international human rights and humanitarian law, continues to provide a solid foundation for more predictable responses to international protection needs. The succession of Montenegro to the Convention and Protocol in October 2006 brought the number of States party to one or both instruments to 147.

9. Two new human rights conventions adopted in December 2006 strengthened the legal framework for protection: the Convention on the Rights of Persons with Disabilities and the International Convention for the Protection of All Persons from Enforced Disappearance. The latter introduces a new *non-refoulement* obligation in Article 16, while Article 5, by stipulating that “widespread or systematic practice of enforced disappearance” constitutes a “crime against humanity”, may have an impact on exclusion assessments.

10. Respect for the principle of non-refoulement is critical to strengthened implementation of the Convention and States have continued consistently to reaffirm their commitment to the principle.³ Yet, in a number of situations, asylum-seekers and even recognized refugees were unable to access safe territory and/or were *refouled*. Violations occurred for various reasons, including concerns that those seeking entry included armed elements or were otherwise a threat to national security; failure to distinguish between asylum-seekers and illegal immigrants; refusal to allow asylum-seekers from particular countries to enter or access asylum procedures; and the existence of legislation or practices allowing asylum applicants or refugees suspected of supporting terrorist activities to be expelled or extradited to their countries of origin in a manner inconsistent with substantive and procedural standards under international law.

11. Confronted with threats of *refoulement*, UNHCR and other actors intervened, sometimes successfully, as in the case of a sizeable group of recognized refugees in one country not party to the 1951 Convention. Sometimes, the Government concerned recognized the national legal framework was lacking and pledged to address the situation. In other situations, UNHCR promoted procedures to identify armed elements among civilians fleeing conflict so that the latter were not refused admission. The Office often worked with border guards, police and immigration officials to raise understanding of their responsibilities towards asylum-seekers and identification of those in need of international protection. Where needed, UNHCR also provided support to increase access to interpreters at borders and make leaflets and posters about asylum procedures available in relevant languages. Through advocacy and dialogue, the Office continued monitoring practices regarding return to third countries considered as “safe”, which raised the danger of *refoulement*, and recommended reforms where necessary. In Latin America, UNHCR worked to establish “Borders of Solidarity”, one of the elements of the 2004 Mexico

³ See, UNHCR, “Advisory Opinion on the Extraterritorial Application of *Non-Refoulement* Obligations under the 1951 Convention relating to the Status of Refugees and its 1967 Protocol”, January 2007.

Plan of Action,⁴ including through initiatives to ensure the proper identification of asylum-seekers at entry points, access to territory and status determination procedures, and enhancement of monitoring capacities at borders.

12. These efforts underlined the importance of reaffirming that the grant of asylum is a peaceful and humanitarian act, not a political one. They stressed the need to base decisions on entry, asylum or extradition on international legal obligations, including in situations where diplomatic assurances are sought.⁵ Similarly, characterizing individuals as illegal migrants does not remove a State's obligation not to return refugees, including asylum-seekers, to persecution or torture, whether or not it is party to the 1951 Convention.

13. UNHCR continued to assist refugee-hosting countries to register and issue identification documentation to asylum-seekers and refugees. A large-scale exercise to register Afghan citizens living in Pakistan was completed in February 2007. Of the 2.15 million Afghans registered, 55 per cent were under 18 years old and 47 per cent were female. Everyone above the age of five received "Proof of Registration" cards valid until December 2009, recognizing them as Afghan citizens living in Pakistan. The intention was to maintain protection space, bring greater predictability to Afghans' lives, and help both Governments develop differentiated population movement policies.

14. Registration and verification exercises sought to improve planning and delivery of protection, assistance and durable solutions in other situations and to build national capacities. Apart from exercises implemented in the Middle East for Iraqi asylum-seekers, similar exercises were also undertaken in Bangladesh, Cameroon, Djibouti and Zimbabwe. UNHCR's registration tool "*proGres*" is now being used in 51 countries and holds records of some 2.5 million persons of concern. To help detect and prevent multiple registrations, the *proGres* biometric fingerprint module has been implemented in five UNHCR country operations and audit trails in *proGres* are increasingly used to investigate fraud. With the mainstreaming of registration activities launched under Project Profile, UNHCR now needs to ensure the sustainability and further development of *proGres*.

15. While many asylum-seekers and refugees enjoyed freedom of movement, this was restricted for refugees in some camps in a number of countries. In some countries, asylum-seekers faced arrest, detention and deportation in the context of migration controls. Asylum-seekers likely to be rejected on safe third country grounds were increasingly frequently detained. By contrast, in other countries, reception conditions for asylum-seekers improved, for instance, with the opening of reception centres for unaccompanied child asylum-seekers in the Czech and Slovak Republics. In the latter country, UNHCR welcomed as good State practice new legislation forbidding the detention of unaccompanied children. In other situations, the Office intervened to secure the release of illegally detained asylum-seekers and visited detention centres to monitor treatment and recommend improvements.

⁴ A/AC.96/1008, 4 July 2005, para. 8.

⁵ See, "UNHCR Note on Diplomatic Assurances and International Refugee Protection", August 2006.

16. The reception and treatment of unaccompanied and separated children during asylum procedures raised concerns. While in some countries, new legislation introduced additional safeguards for children and vulnerable groups, in others, protective legislation, including for the appointment of guardians for such children, was either absent or not implemented. In several States, the different responsibilities of national bodies for such children meant that many disappeared during the procedure. Assessing the age of asylum-seekers claiming to be children also presented problems where physical appearance was overly relied upon. UNHCR therefore worked to raise awareness of cultural factors and country of origin situations with a bearing on the apparent age of young asylum-seekers and worked with authorities to address the particular protection issues raised by unaccompanied and separated children. Overall, UNHCR also promoted child-sensitive asylum procedures as well as child-sensitive application of the refugee definition.

17. Positive developments in establishing and improving legislation on asylum procedures and refugee protection included the entry into force in Kenya for the first time of legislation incorporating core international and regional refugee law obligations, the approval of similar legislation in Sierra Leone, and a commitment by the Government of Kazakhstan to engage in drafting asylum legislation. In Benin, an independent appeal body was established, while UNHCR and a local NGO established a free legal clinic to advise asylum-seekers. Backlogs in determining claims were reduced in several countries. Reasoned decisions for rejections were provided for the first time in Colombia and Georgia.

18. UNHCR continued to urge Governments which had not yet done so to assume full responsibility for refugee status determination (RSD), but continued by default to conduct RSD under its mandate in some 80 countries. Capacity-building and emergency technical support was provided to UNHCR field offices and Governments in 12 countries through 25 RSD deployments in 2006. Three regional RSD officer posts were created to enhance quality and consistency of decision-making by UNHCR and Governments regionally. Partnerships concluded in 2006 with the Canadian Immigration and Refugee Board and the Office Français de Protection des Réfugiés et Apatrides enabled deployment of RSD experts from these bodies to four UNHCR field offices to share expertise and/or help process applications. UNHCR also supported the International Association of Refugee Law Judges in establishing an African chapter to strengthen the capacity of the judiciary there.

19. Regarding the more harmonized interpretation of the 1951 Convention, in 2006 more European States recognized that persecution by non-state agents can come within the refugee definition, as was otherwise generally recognized. This has had a positive effect on the recognition of claims involving gender-based persecution. In Germany, for instance, legislation recognizing this, which came into effect in 2005, was reflected in 2006 in a significantly increased number of cases where girls and women fearing or suffering non-state violence, including persecution related to female genital mutilation, domestic violence and forced marriage, were recognized as refugees. In Ecuador and Panama, eligibility commissions recognized as refugees individuals of indigenous groups from neighbouring countries who sought asylum.

20. Concerns remained, however, regarding continuing restrictive interpretation of the refugee definition in many countries, coupled with a broader interpretation and use of the exclusion clauses, especially given many Governments' preoccupation with national security. Other issues concerned the many claims declared inadmissible in several countries on grounds of manifest unfoundedness; fast-track procedures in some countries without an effective right of appeal; a tendency in some regions for RSD to be subject to political interests; and reluctance by some Latin American Governments to apply the broader refugee definition of the 1984 Cartagena Declaration, even where it is part of the national legal framework. In the European Union (EU), despite efforts to harmonize decision making through agreed minimum standards, wide differences remained, for instance, vis-à-vis recognition rates for claims from certain countries of origin; standards of reception; use of detention; access to legal advice; and procedures for dealing with women and children. UNHCR was also concerned about a tendency towards restrictive transposition of EU minimum standards into national law.

21. In response, UNHCR worked with Governments to build institutional capacity on asylum matters and to secure adoption of legislation consistent with international standards so that States could assume full responsibility for RSD and strengthen the quality and consistency of decision-making. UNHCR advised on the interpretation of international refugee law, intervening in precedent-setting cases before national and regional courts.

22. Strengthening implementation of the 1951 Convention also involved enhancing refugees' access to justice. In this respect, the Committee on the Elimination of Racial Discrimination's General Recommendation XXXI on the prevention of racial discrimination in the administration and functioning of the criminal justice system specifically refers to arrangements such as mobile courts for displaced persons, providing a useful lobbying tool. In Thailand, one initiative involved working with refugee camp communities, including women's committees, to increase awareness of their rights and options; securing agreement between government officials and refugee community leaders on a framework for administering justice; and helping the authorities bring traditional justice systems in compliance with international norms. It focused in particular on supporting victims/survivors of sexual and gender-based violence (SGBV) and bringing perpetrators to justice, including by agreeing and implementing SGBV standard operating procedures, establishing legal aid centres and strengthening child protection committees in camps.

23. Securing access to welfare programmes, including housing, healthcare, social security and public relief posed problems in many countries. UNHCR and other organizations often had to support limited State capacity. At the same time, austerity measures in UNHCR in 2006 affected the provision of basic services, which were sometimes already below minimum standards. Re-allocation of resources within UNHCR helped address acute situations arising, but healthcare, nutrition, education, water and sanitation were especially problematic in several regions, with a consequent deterioration in protection conditions.

24. Action undertaken to address some of these challenges included nutritional assessments with the World Food Programme (WFP) resulting in the development of a joint strategy; the enhancement of supplementary feeding programmes in Chad, Ethiopia and eastern Sudan; the provision of fortified food in Kenya; and the allocation of additional resources to meet international minimum standards in nutrition and health in various operations. In the Islamic

Republic of Iran, an agreement signed with the Government in October 2006 provided greater economic and social support to vulnerable Afghan refugee families. In Kazakhstan, an October 2006 decree granted foreigners and stateless people residing in the country access to free public healthcare on an equal basis with citizens. In Austria, the Office successfully lobbied for at least certain persons with subsidiary (complementary) protection once again to be entitled to receive childcare and family allowances.

25. Regarding efforts to combat HIV and AIDS, underfunding of refugee programmes remained a challenge. By early 2007, however, seven countries in southern Africa had included refugees in their national anti-retroviral therapy (ART) programmes. Asylum-seekers and refugees were also included in the national HIV and AIDS strategic plans of other countries. UNHCR's January 2007 anti-retroviral medication policy for refugees highlighted the need for equity in, and access to, programmes to prevent HIV transmission from mother to child and provide post-exposure prophylaxis after rape and therapeutic ART.

26. Access to employment remained limited in several countries, including because of restrictions on freedom of movement, lack of language or other skills or non-recognition of diplomas. Asylum-seekers faced particular difficulties securing the right to work and, like refugees, were often forced into the informal labour market to survive, exposing themselves to exploitation including child labour, or obliged to resort to other negative coping strategies, such as prostitution and child marriage. UNHCR therefore worked in many operations to promote vocational training and self-reliance initiatives. In Ecuador, the Office negotiated refugees' exemption from work permit fees otherwise required of foreigners. In several Latin America countries, including most recently in Argentina, asylum-seekers were permitted to work.

27. Strengthening implementation of the Convention also requires enhanced access to education. Austerity measures in 2006 severely affected educational services for refugee children. Pupil-to-teacher ratios increased and the overall quality of education decreased. Reduced support for refugees' secondary education and vocational training in numerous countries left adolescents more exposed to abuse and exploitation. Advances were nevertheless achieved. In Malaysia, for instance, Acehenese with temporary permits were granted access to public education and support was provided to community-based schooling projects. In Central Asia, UNHCR managed to integrate most refugee children into local schools with some after-school education on their mother tongue and country of origin. In South America, the "Group of Montevideo" network of "solidarity universities" cooperated to enhance refugees' access to tertiary education. Some 1,000 refugee students continued to receive university scholarships through the Albert Einstein German Academic Refugee Initiative Fund (DAFI).

28. Enhancing tolerance and respect for asylum-seekers and refugees in an often hostile political and media climate formed an integral part of initiatives to secure their protection. These included a provocative poster, radio and television advertising campaign launched in Canada in May 2007 using shock tactics to raise awareness of UNHCR's work and increase empathy and

support for refugees. Also widely acclaimed was an interactive web game to raise teenagers' awareness of refugees' experiences.⁶ In the United Republic of Tanzania, UNHCR worked with a local NGO and radio station to promote positive attitudes towards refugees.

B. Protecting refugees within broader migration movements

29. Asylum-seekers and refugees continued to be obliged to move within larger irregular movements of people often risking their lives and becoming exposed to smugglers and traffickers. The sometimes dramatic circumstances of maritime migration, particularly in the Mediterranean, eastern Atlantic, Gulf of Aden and Pacific attracted media attention, but migration overland also exposed migrants to great danger.

30. Confronted with rising numbers of irregular arrivals, some States have resorted to undifferentiated interception practices resulting in *refoulement*. Many industrialized countries have increasingly "externalized" their border controls, including through interception in the territorial waters or territory of third States with the latter's permission and/or involvement. In some regions, asylum policies became increasingly control-oriented and seen as a sub-set of migration policies.

31. Faced with increasingly complex patterns of human mobility in recent years UNHCR has engaged at international, regional and national levels with broader migration issues with direct implications for its mandate.⁷ The Office actively participates in the Global Migration Group, which provides a consultative forum for the heads of 10 intergovernmental organizations with an interest and involvement in migration-related issues. The Office also participated in the General Assembly's first High-level Dialogue on Migration and Development in September 2006 and has contributed to preparations for the Global Forum on Migration and Development scheduled for July 2007. In these consultations, the Office has sought to underline the linkage between forced migration and development and the need for the discourse to incorporate protection and human rights perspectives and ensure that initiatives to combat irregular migration do not jeopardize the right to seek and enjoy asylum.

32. Acknowledging the challenges of assuring protection and regulating migration, UNHCR presented a 10-Point Plan of Action on refugee protection and mixed migration at a Euro-African ministerial conference in Rabat, Morocco, in July 2006. The Plan outlines key areas in which comprehensive action is required to address protection issues arising in mixed movements coherently and practically in countries of origin, transit and destination. Although first launched in the Mediterranean region, it is not specific to one region.⁸

33. The Plan builds on examples of good State practice, including cooperation between UNHCR, the Government of Italy, the International Organization for Migration (IOM) and a local NGO to profile illegal entrants, identify asylum-seekers and individuals with specific needs, and channel them into appropriate procedures. In Hungary, a tripartite memorandum of

⁶ See www.LastExitFlucht.org (in German, Norwegian and Swedish).

⁷ UNHCR, "Refugee Protection and International Migration", rev. 1, January 2007.

⁸ UNHCR, "UNHCR'S Activities in Relation to the Asylum-Migration Nexus", EC/58/SC/CRP.12, June 2007.

understanding (MOU) on border management between UNHCR, border guards and an NGO defined the applicable international framework and protection responsibilities of the State and border guards and established a monitoring framework.

34. In Africa, in response to increasing migratory pressure on North African States, UNHCR worked to strengthen protection capacities there, increased its presence and advocated greater government engagement in RSD and providing durable solutions. In Mauritania and Morocco, the 10-Point Plan framework is helping the Office work towards a comprehensive approach with all stakeholders. In north-east Somalia (“Puntland”), when a November 2006 crackdown on smugglers led to arrests, detentions and deportations, UNHCR and other United Nations Country Team partners implemented a questionnaire for people facing deportation to identify those needing international protection and groups with specific needs and channel them into appropriate response mechanisms.

35. In the Americas, delegates at the November 2006 Regional Consultation Group on Migration of the Regional Migration Conference known as the Puebla Process and the Ibero-American Summit in Montevideo, Uruguay, agreed on key safeguards to identify asylum-seekers and refugees within mixed migration flows. In Mexico, UNHCR worked with relevant authorities to promote proper reception, identification and referral mechanisms at border crossings, a focus in 2006 being the protection needs of unaccompanied and separated children within mixed migration movements.

36. The question of rescue at sea remained prominent and was the subject of a Mediterranean State representatives’ conference in Madrid, Spain, in May 2006. UNHCR and the International Maritime Organization published a leaflet in September 2006 providing guidance to shipmasters and others on the principles and practices applying to those rescued at sea. The Office continued to facilitate disembarkation and resolution of individual cases, but this remained an ongoing challenge.

37. Regarding international efforts to combat trafficking in persons, UNHCR continued to collaborate with United Nations agencies, other organizations and NGO partners at the global policy level and in the Field. The aim was to ensure efforts were comprehensive and included safeguards enabling trafficked persons to secure international protection where needed. Numerous gaps in this regard included limited recognition of the protection risks which victims of trafficking may face if returned to their homes, in particular for children sold to traffickers by their parents. Systematic mechanisms were often lacking to determine trafficked children’s best interests and identify and refer victims, including children, arriving within mixed flows.

38. Responses to these challenges included steps in Bosnia and Herzegovina to extend the existing mechanism for profiling and referring persons in need of international protection to include victims of trafficking. As part of the Puebla Process, UNHCR contributed to the preparation of Regional Guidelines for Special Protection in Cases of the Repatriation of Child Victims of Trafficking. Approved in April 2007, they established protection safeguards for victims of trafficking, including the right to seek asylum.

C. Sharing burdens and responsibilities more equitably and building capacities
to receive and protect refugees

39. In an increasingly interdependent world where conflict and displacement in some areas can threaten peace and stability in others, the rationale behind more equitable burden and responsibility sharing and capacity building should be evident. Yet, the restrictive asylum and migration policies of many States sometimes appeared designed rather to deflect asylum-seekers and refugees.

40. There were nevertheless some good examples of burden and responsibility sharing during the reporting period, including the regional registration and protection intervention strategy launched by UNHCR in countries neighbouring Iraq as mentioned earlier. This involved relevant government authorities and civil society in the region; other countries which provided funds, staff expertise and resettlement places; and UNHCR which committed substantial financial support and created over 120 new protection posts in the region. Another example concerned 51 people rescued by a Spanish trawler in international waters in the Mediterranean, who were disembarked in Malta in July 2006, thanks to a commitment by the Spanish and other European Governments to assume responsibility for most of them.

41. Activities continued under UNHCR's Strengthening Protection Capacity Project (SPCP) to develop and expand protection capacity on the ground. Since its launch in 2004, this methodology has been applied in Benin, Burkina Faso, Kenya, Tanzania, Thailand and Zambia. Projects developed with Governments, national and international partners and refugees have encompassed interventions including legislative and administrative capacity building; strengthened protection mechanisms, including SGBV prevention and response; enhanced self-reliance opportunities; and preparation for return.

42. Partnerships at regional and national levels remained critical to capacity building. For example, in July 2006, the European Union and UNHCR inaugurated joint activities to strengthen asylum systems in four Central Asian countries. A fourth regional course in Quito, Ecuador, on international refugee law, attended by 28 participants from 14 Latin American countries, focused on reinforcing national eligibility commissions. At national level, the Office promoted the involvement of national human rights commissions, ombudspersons, NGOs, academics and other civil society members to raise awareness of refugee protection, creating protection networks. A key initiative involved strengthening partnerships with municipalities and NGOs under the Mexico Plan of Action's "Cities of Solidarity" programme and promoting their engagement in the Plan. Framework agreements signed, with cities and towns from Argentina and Chile to Venezuela expanded protection networks, strengthened reception capacity for asylum-seekers and refugees and facilitated access to services and self reliance.

43. Self-reliance initiatives formed an integral part of efforts to empower communities to meet their own protection needs and reduce vulnerability to exploitation and abuse. For instance, UNHCR and partners worked with refugees in Mozambique, Swaziland, and Zambia to increase skills and yields on allocated farmland, thereby supplementing rations and increasing self reliance. In Angola, UNHCR and the International Labour Organization (ILO) worked with returnees to establish community development centres and empower women, thereby helping economic rehabilitation and improving sustainability of return. In Belarus and Georgia, UNHCR

and partners supported community enterprises run by refugees and employing refugees and locals. In Nepal, the introduction of secret balloting for camp committee elections resulted in increased participation of women in camp management positions and aid distribution.

44. In order to strengthen UNHCR's own protection capacity, the Office continued to improve the quality of protection staffing and to benefit from deployment schemes administered by NGOs. For example, the Protection Surge Capacity deployment scheme made 54 deployments to 31 field locations in 2006. Deployments from the resettlement roster and of community services and child protection officers were likewise invaluable in strengthening UNHCR's capacity. In addition, operationally-oriented training included the mandatory Protection Induction Programme launched in mid-2006 as an accessible, interactive introduction to international protection. By May 2007, around 5,800 people had completed the programme.

D. Addressing security-related concerns more effectively

45. The increasingly insecure and violent situations in which people displaced by conflict and human rights abuses are obliged to live frequently threaten their very survival. Ensuring protection in insecure environments presented major challenges during the reporting period, hampering humanitarian access and severely restricting monitoring and delivery of protection and assistance.

46. In eastern Chad, for instance, continued fighting placed up to 120,000 IDPs and 230,000 Sudanese refugees at great risk. In neighbouring Darfur, deteriorating security conditions seriously hampered efforts to protect civilians and caused further displacement. Among the 50,000 refugees in Iraq, an estimated 15,000 Palestinians were particularly vulnerable to attacks and serious violations of their rights. Of grave concern were reports of forced military recruitment of refugees and IDPs, including children, for instance, in Chad and Sri Lanka. Landmines and unexploded ordnance posed serious threats to IDPs and returnees, notably in Colombia, Lebanon, Myanmar, Somalia and Sri Lanka.

47. In response, UNHCR made strong interventions regarding the situation in Chad, advocating that the United Nations take appropriate measures to prevent further deterioration in the protection situation of civilians. The Department of Peacekeeping Operations fielded three missions during the reporting period to assess the possibility of deploying a civil police force and military contingent. Pending such deployment, UNHCR expanded the existing MOU with the Chadian Government to enhance security in and around camps and prevent their militarization. Educational campaigns in all Chadian camps helped raise awareness of the dangers of military recruitment, including among children. In Nepal, the Office sought to engage adolescents in seven refugee camps in more productive activities, including through the establishment of Youth Friendly Centres during 2006, so that they were not left idle and therefore rendered more vulnerable to the influence of radical elements, and worked to secure assurances of non-interference from such elements. Order in the camps depended primarily on Community Watch

Teams, comprising refugee volunteers of whom 27 per cent were women. The Nepalese police could return to the camps after almost three years' absence, providing a crucial element in the creation of a secure environment, inter alia, to enable refugees to avail themselves freely of a durable solution.

48. Building on Executive Committee Conclusion No. 94 (LIII) of 2002, UNHCR also issued Operational Guidelines on Maintaining the Civilian and Humanitarian Character of Asylum in September 2006. On the issue of landmines and cluster munitions, UNHCR increased cooperation with partners, such as the United Nations Mine Action Service. Advocacy efforts focused on the Norwegian initiative launched in February 2007 to agree on an international instrument banning cluster munitions causing unacceptable harm to civilians. UNHCR and the International Committee of the Red Cross (ICRC) strengthened cooperation through high-level meetings over the year allowing closer consultation on operational questions and preparation of a roadmap for collaboration on policy issues of mutual concern.

49. Regarding sexual and gender-based violence, the 2006 United Nations Study on Violence against Children highlighted that displaced children are especially vulnerable to violence, reporting that in "cases of forced displacement, women and girls in particular can be exposed to protection problems related to their sex, gender issues, including their cultural and socio-economic position, and their legal status, which means that they may be less likely than men and boys to be able to exercise their rights."⁹

50. To strengthen prevention and response to SGBV, UNHCR issued instructions in July 2006 to all country offices to establish standard operating procedures for SGBV, where not already in place. Specific initiatives included a regional project in Côte d'Ivoire, Guinea and Sierra Leone providing literacy, vocational and HIV/AIDS awareness training for Liberian refugee adolescents. In Ghana, UNHCR helped develop a refugee action committee and a peer counsellor network for preventive action and psychosocial support. In Tanzania, reports of severe police brutality against a refugee woman led UNHCR to renegotiate and sign a new MOU with the Government in April 2007 under which the latter undertook to ensure professionalism among police deployed in camps, including by introducing training measures and a police code of conduct, and to discipline offenders.

51. Other initiatives included the deployment of female police officers to patrol refugee settlements in Uganda and Zambia; increased policing and firewood distribution in Kenyan refugee camps; mobile courts in Zambia; intensive awareness campaigns and a more effective referral system in Chad; and a micro-credit programme in Venezuela for women at risk of SGBV promoting income-generating activities to reduce vulnerability to SGBV. In displaced and returnee communities, UNHCR identified key community members, including men, for training and awareness-raising activities. At institutional level, it focused on training and joint planning with public institutions and health centres to establish holistic systems.

52. The involvement of UNHCR and other humanitarian agencies in increasingly dangerous situations resulted in heightened security risks to humanitarian staff. The importance of compliance with Minimum Operational Security Standards was recognized but entailed heavy

⁹ A/61/299, 29 August 2006, paragraph 78.

financial costs. Due to shooting, theft and hijacking of vehicles, numerous agencies evacuated staff from eastern Chad several times. In Darfur, several UNHCR staff were temporarily kidnapped when their vehicles were hijacked. In Somalia, the security situation and open threats against the United Nations meant staff had to be relocated in September 2006. In May 2007, a UNHCR driver was shot dead in Kandahar, Afghanistan. A growing number of other humanitarian staff in locations from Darfur to Sri Lanka were attacked or killed.

E. Redoubling the search for durable solutions

53. Creating conditions for the achievement of sustainable durable solutions demanded initiatives at all levels. It involved coordinating closely with United Nations counterparts, including the newly-formed Peacebuilding Commission; devising comprehensive solutions with Governments; and strengthening cooperation with donor and resettlement countries to build support for comprehensive solutions.

54. Recognizing that a successful transition from conflict to peace and development is essential if refugees and IDPs are to achieve durable solutions, UNHCR supported the establishment of the Peacebuilding Commission by seconding a senior staff member to the Peacebuilding Support Office of the United Nations Secretariat. UNHCR offices in Burundi and Sierra Leone – the two countries selected by the Commission for particular focus – also participated actively in establishing national peacebuilding strategies, working to ensure the impact of significant numbers of returns was taken into account in strategies to reestablish good governance, rebuild the rule of law, resolve land and property issues and build self reliance. UNHCR also welcomed the Security Council's renewed stress on the "importance of [women's] equal participation and full involvement in all efforts for the maintenance and promotion of peace and security, and the need to increase their role in decision-making with regard to conflict prevention and resolution."¹⁰

55. With regard to protracted situations of displacement, millions of people continued to remain for years in conditions which often violated their rights, while the political issues and insecurities that had prompted flight showed, at best, limited prospects of resolution. Some advances towards comprehensive solutions to such situations were nevertheless made.

56. In Asia, for instance, support by a "core group" of donor countries in Nepal gave impetus to a joint Government-UNHCR census in 2007 of some 108,000 people who had left Bhutan 16 years earlier; enabled the resettlement of small groups of vulnerable individuals for the first time; and offered group resettlement for most of this population. In Thailand, the situation of 132,000 Myanmar refugees living in camps, sometimes for over 20 years, improved following a visit by the High Commissioner in August 2006. The Government not only began to issue identity cards to refugees in the camps, providing documents to 88,000 refugees aged over 12 by May 2007, but also agreed to income-generating projects being established in the camps by UNHCR and ILO. A multilateral group resettlement programme resulted in the departure from Thailand of 4,700 refugees primarily from Myanmar by the end of 2006.

¹⁰ S/PRST/2007/5, 7 March 2007, reaffirming commitment to SC/RES 1325 (2000).

57. During 2006, 745,000 refugees repatriated voluntarily, as compared with 1.1 million in 2005, mainly to Afghanistan (388,000), Liberia (109,000), Sudan (54,000), Burundi (48,000), Angola (47,000) and the Democratic Republic of the Congo (41,000). An estimated 1.9 million IDPs of concern to UNHCR returned in 2006, notably in Lebanon (550,000), DRC (490,000), Uganda (300,000) and Liberia (238,000).

58. Over 4.8 million Afghan refugees have repatriated since 2002, although returns in 2006 were fewer than in previous years. This reflected not least deteriorating security and challenging economic and social conditions in Afghanistan and left 3.2 million Afghans still living in Pakistan and the Islamic Republic of Iran. The inclusion in 2006 in the international strategy for Afghanistan (the “Afghanistan Compact 2006–2010”) of provisions for return and reintegration and for managing broader population movements, including temporary labour migration, marked a recognition of the potential for more flexible solutions, reflecting the complex functioning of regional labour markets, reintegration challenges and the high proportion of Afghans born in exile.

59. In Africa, about half the 109,000 returnees to Liberia in 2006 were assisted by UNHCR, while some 238,000 IDPs also returned to their places of origin after almost 15 years of civil war. With repatriation operations scheduled to end in June 2007, UNHCR worked with Country Team partners to ensure a successful shift from relief to development on the basis of a Joint Action Plan for community-based recovery and restoration of social services. Objectives included ensuring sustainable rebuilding of micro-economies; restoring basic services, protection, human rights and rule of law; supporting community empowerment; building the authorities’ leadership and capacity at all levels; and establishing linkages with medium-to-long-term development programmes.

60. In the Great Lakes region, voluntary repatriation to Burundi peaked in the second half of 2006 after UNHCR began promoting rather than facilitating returns, but declined in early 2007 amid concerns about lack of reintegration opportunities and scarcity of food in return areas. Modest repatriations to the Democratic Republic of the Congo reflected uncertainty regarding the electoral process there and continuing insecurity in the east of the Democratic Republic of the Congo. When it was found that some refugee foster children in the United Republic of Tanzania had been abandoned after repatriation to the Democratic Republic of the Congo, UNHCR and partners introduced best interest determination procedures in 2006 for all foster children in camps in north-western Tanzania whose families were repatriating, and carried out campaigns on effective fostering. In the Democratic Republic of the Congo, the International Committee of the Red Cross was able to reunify abandoned children with their families. UNHCR also helped 27,000 refugees repatriate to Southern Sudan in 2006 despite significant security, logistical, and operational constraints. Organized repatriations to Angola were formally closed in March 2007.

61. Executive Committee Conclusion No. 104 (LVI) of 2005 on local integration reaffirmed the latter’s proper place within comprehensive solutions strategies. Progress was achieved in Turkmenistan, for instance, where over 10,000 Tajik refugees had received citizenship by end 2006, while some 8,700 Tajik refugees had been naturalized in Kyrgyzstan. In Ukraine, 92 refugees gained citizenship in 2006, although challenges remained regarding their socio-economic integration. In Africa, Liberia, Sierra Leone, Guinea, Côte d’Ivoire, Ghana and

Nigeria were identified for strengthened local integration activities. Government receptivity to this solution was strong in most of these countries, including for achieving an alternative legal status under either domestic or regional law and potentially using free movement protocols of the Economic Community of West African States.

62. Resettlement opportunities were expanded during the reporting period with Romania, Paraguay and Uruguay deciding to become resettlement countries and the latter two committing to join the Mexico Plan of Action's "Solidarity Resettlement Initiative". Resettlement was used as a strategic protection tool in Benin, Ghana, India, Kyrgyzstan and Tajikistan and as a responsibility- and burden-sharing tool for most Afghans remaining in India, Uzbekistan and Kazakhstan. To improve protection against *refoulement* of individuals awaiting resettlement, UNHCR continued to develop the concept of an evacuation transit facility and aimed to have two functioning facilities by the end of 2008.

63. Global resettlement referrals increased by 13 per cent in 2006 rising to over 54,200, although national security concerns and related security screening contributed to a 24 per cent fall to some 29,600 in the number of refugees departing for resettlement. UNHCR welcomed announcements by the United States Government that it would exercise its discretionary authority to waive the broad "material support" to "terrorist organizations" bar in certain cases. The exercise of this authority was expected to have positive consequences for some specific refugee populations needing resettlement. Some resettlement countries continued, however, to make excessive use of integration potential in their resettlement assessments. While States' concern to ensure proper settlement outcomes for resettled refugees was understandable, resettlement should remain a humanitarian protection tool, not a migration programme.

F. Meeting the protection needs of refugee women and refugee children

64. As indicated earlier, initiatives to strengthen the protection of refugee women and children are mainstreamed in earlier sections of the Note. Several issues nevertheless deserve mention here.

65. Executive Committee Conclusion No. 105 (LVI) of 2006 established an important framework for identification and response to the situation of women and girls at risk. A mission to refugee camps in Bangladesh in March 2007 allowed UNHCR and two Australian partners to pilot a tool to identify women and girls at risk, adapting and broadening its scope to identify, across age, gender and diversity, individuals at heightened risk and to propose individual and broader responses.

66. Best interest determinations and assessments represented another important tool to assure the rights of children of concern. UNHCR focused on implementing its May 2006 Guidelines on Formal Determination of the Best Interests of the Child, providing technical support and guidance to operations.

67. The AGDM strategy was further rolled out to 41 countries during 2006, bringing the total to 97. An Accountability Framework was introduced in mid-2006 to strengthen Representatives' and senior managers' accountability for AGDM. An assessment of a pilot project in field locations and at Headquarters recommended in early 2007 that the Framework be rolled out throughout UNHCR once necessary modifications were incorporated.

IV. STATELESSNESS

68. Pursuant to its mandate, UNHCR stepped up efforts to address statelessness during the reporting period. Governments showed increased interest in this issue through growing willingness to fund UNHCR programmes, provide diplomatic support to resolve protracted situations and to accede to the 1954 and 1961 statelessness conventions.¹¹ An estimated 15 million people nevertheless remained stateless worldwide, including many in protracted situations of statelessness.¹²

69. Executive Committee Conclusion No. 106 (LVI) of 2006 on the identification, prevention and reduction of statelessness and protection of stateless persons provided a blueprint for action by UNHCR, States and other actors. Positive developments included nationality legislation amendments in countries including Bahrain, Indonesia, the Islamic Republic of Iran, Morocco and Nepal. In Nepal, the Interim Constitution and a new Citizenship Act helped resolve the nationality of approximately 2.6 million stateless persons through an exceptional citizenship campaign in early 2007, although changes only partially addressed statelessness arising from women's inability to confer nationality on their children.

70. Steps to reduce statelessness included the naturalization of significant numbers of people in Estonia, Kuwait, Latvia and Ukraine, though many remained stateless in these countries. In Bangladesh, UNHCR promoted measures to fully include Biharis in society on the basis that they are citizens under Bangladeshi law as interpreted by national courts. In Vietnam, the authorities agreed in principle to a census of thousands of stateless persons resident in Vietnam for over 30 years as a first step towards naturalization.

71. Limited or no progress was made in addressing statelessness in several countries. In Zimbabwe, for instance, significant numbers of Zimbabweans risked statelessness through deprivation of their nationality. In Slovenia, so-called "erased" persons resident in the country at independence remained unable to acquire Slovene nationality. In Côte d'Ivoire, progress was slow despite renewed Government commitment to organizing mobile judicial hearings to issue documentation to up to four million persons of undetermined nationality. In Syria, the status of approximately 300,000 stateless Kurds remained unresolved.

¹¹ During the reporting period, Belize, Montenegro and Rwanda acceded to the 1954 Convention relating to the Status of Stateless Persons, while New Zealand and Rwanda acceded to the 1961 Convention on the Reduction of Statelessness, bringing the number of States parties to 62 and 33 respectively.

¹² Reliable data was only available for a limited number of countries, while estimates varied widely in others and therefore could not be recorded in statistical tables. UNHCR nevertheless noted a significant increase to 5.8 million in the number of stateless persons in its official statistics for end 2006 and continued efforts to identify other stateless populations more precisely.

V. UNHCR'S PROTECTION ACTIVITIES ON BEHALF OF INTERNALLY DISPLACED PERSONS

72. UNHCR continued to strengthen collaboration and build partnerships in the context of the inter-agency cluster approach adopted in 2005, working with other agencies, States and NGO partners to promote a more predictable, accountable and effective humanitarian response.¹³

73. At global level, this involved chairing the Inter-Agency Standing Committee (IASC) Protection Cluster Working Group and, at country level, leading the protection cluster for IDPs and affected populations in complex emergencies. Of the other clusters, globally the Office co-chaired the camp coordination/management and emergency shelter clusters for conflict-affected IDPs and contributed actively to the other clusters¹⁴ to ensure protection issues were mainstreamed. UNHCR's close cooperation with the Representative of the Secretary-General on the Human Rights of IDPs also continued to prove invaluable, as confirmed in a MOU signed in July 2006.

74. At regional level, the Office worked with the African Union, advising on the drafting of a Convention for the Protection and Assistance of IDPs in Africa.

75. Significant advances were made in increasing capacity to support protection activities in operations, notably, through the inter-agency Protection Standby Capacity Project ("ProCap") and the "Surge" project already mentioned, which began to be used in IDP situations. UNHCR and partners also worked to develop protection guidance and training tools for IDP operations and to develop inter-agency response capacity on the issue of IDP profiling.

76. At country level, by May 2007 UNHCR was involved in 24 IDP operations. A growing number of these had adopted the cluster approach, as agreed by the IASC Principals in December 2006. By May 2007, UNHCR led or co-led the protection cluster at country level in Colombia, Côte d'Ivoire, the Democratic Republic of the Congo, Ethiopia, Liberia, Somalia and Uganda. It led the emergency shelter cluster in Somalia, the camp coordination/management cluster in Uganda and Liberia, and co-chaired the early recovery cluster in the Democratic Republic of the Congo with the United Nations Development Programme.¹⁵ The Office is currently evaluating UNHCR's experience with the cluster approach in Chad, the Democratic Republic of the Congo, Liberia, Somalia and Uganda.

¹³ See, in respect of UNHCR's Role in Support of an Enhanced Humanitarian Response to Situations of Internal Displacement: "Update on UNHCR's Leadership Role within the Cluster Approach and IDP Operational Workplans", Informal Consultative Meeting of the Standing Committee, 25 May 2007; and "Policy Framework and Implementation Strategy", EC/58/SC/CRP.18, June 2007. See also, the Secretary-General's High-Level Panel report, "Delivering as One", A/61/583, November 2006, which acknowledged that the "cluster lead agency" approach had helped identify organizational leaders in different areas of humanitarian response.

¹⁴ Agriculture, early recovery, education, emergency telecommunications, health, logistics, nutrition, water/sanitation/hygiene.

¹⁵ The cluster approach was also activated in Lebanon during the 2006 emergency and in Pakistan after the 2005 South Asia earthquake.

77. In Somalia, for instance, the security situation in southern and central parts of the country severely restricted humanitarian access and the provision of emergency assistance, especially following the armed confrontations of late 2006. As part of its protection cluster activities, UNHCR was able to continue monitoring displacements through a network of national partners. In some areas, the Office was also able to undertake participatory assessments which revealed serious protection concerns for women, children and individuals from minority clans, including exploitation and abuse by landlords, gangs and police, and widespread child labour to pay rent. Under these difficult circumstances, operating within the cluster framework provided a better chance of establishing a unified inter-agency presence more able to strengthen the protection of persons of concern.

78. As another example, in Uganda, UNHCR worked with members of the Protection Cluster, continuing to advocate freedom of movement outside IDP camps and to develop protection monitoring systems within them. In the Democratic Republic of the Congo, the cluster approach faced major challenges including as a result of continuing forced displacement and lack of infrastructure in remote regions. Seven protection working groups established in major areas of displacement and a national protection working group helped enhance coordination among humanitarian actors and with the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) and to strengthen protection and assistance interventions. The deployment of mobile teams of peacekeepers helped improve security in areas where IDPs lived in the east of the Democratic Republic of the Congo.

79. The IDP operation in Colombia adopted elements of the cluster approach from late 2006. Through three “working groups”, of which the protection group was led by UNHCR, agencies sought to strengthen coordination and ensure a coherent and strategic response to the situation of the country’s estimated three million IDPs. Of these, the numbers of indigenous people, Afro-descendants, female-headed households and pregnant adolescents were noticeably higher than the national average, as were rates of abortion, rape and domestic violence. Access to housing, healthcare and education was significantly lower.

80. IDP operations not yet adopting the cluster approach included Sri Lanka, where UNHCR continued to lead the collective humanitarian response. In Nepal, UNHCR worked collaboratively, following a November 2006 peace accord, to support IDP returns with the agreement of all concerned and in February 2007 a national IDP policy was adopted. In Georgia, a national strategy for more than 220,000 IDPs was also adopted in February 2007. Drafted by the Government in consultation with UNHCR, local actors and IDPs, it sought to improve IDPs’ living conditions and integration and reaffirmed their right to return to their original homes.

VI. CONCLUSION

81. The Agenda for Protection has provided a clear framework for UNHCR and States’ response to international protection challenges. Progress has been made in its implementation over the last five years. At the same time, UNHCR’s increasing involvement with IDPs,

including particularly through the cluster approach, raises challenges for the organization, the international community and States. Through collaborative initiatives with States and partners, increased financial and political investment by the international community would help to achieve a more coherent and predictable humanitarian response to situations of forced displacement.