

Refugees from Myanmar  
in Ban Mae Nai Soi camp,  
Thailand.



# Ensuring protection for People of Concern

**T**HE NUMEROUS AND complex displacement crises that unfolded simultaneously in 2012 presented many different protection challenges for the Office. This gave added impetus to UNHCR's efforts to strengthen the protection dimension of its emergency response capacity. As a result, in 2013, UNHCR will enhance its ability to implement protection programmes more quickly and effectively, tailoring them to specific refugee and internal displacement contexts. The Office will concentrate its efforts on the following areas.

## **GENDER EQUALITY AND THE PROTECTION OF WOMEN AND GIRLS**

THE INTEGRATION OF A GENDER perspective into all programmes at the onset of an emergency is crucial if women and girls are to be provided with full access to protection and assistance. To see this through, UNHCR will call

on its roster of experts to deploy gender and protection specialists, especially in emergency situations. All operations will be provided with technical advice as required, and gender markers developed by UNHCR and the Inter-Agency Standing Committee will help to ensure that humanitarian projects contribute to gender equality.

Following consultations with women and girls in selected country operations, UNHCR has devised new guidelines and technical-support arrangements to help field offices overcome obstacles to including women in decision-making structures, programmes and projects. This will help ensure: effective implementation of UNHCR's Age, Gender and Diversity (AGD) Forward Plan for 2011–2016, which sets targets for leadership and accountability; the integration of AGD considerations into all aspects of programming; the building of organizational knowledge and capacity; and enhanced monitoring to determine the impact of programmes.

Partnerships on protection and gender equality with UN Women and the Women's Refugee Commission will also contribute to these efforts. Common projects with these organizations will focus on leadership and livelihoods, in addition to addressing gender discrimination in nationality laws.

UNHCR will improve ways of measuring how forcibly displaced women and girls are being protected. Evidence-based reports will be produced to track women's participation in community decision making; their access to shelter, health, education, and documentation; and their exposure to sexual and gender-based violence (SGBV). The increased use of gender-specific indicators in all UNHCR operations will help to address identified gaps in assistance. Such efforts are already underway in Ethiopia, where UNHCR is implementing a multi-year project to meet educational needs and provide livelihood opportunities for adolescent girls.

## SECURITY FROM VIOLENCE AND EXPLOITATION

SEXUAL VIOLENCE REMAINS A serious threat to the safety and security of people affected by displacement and conflict. While women and girls are the principal targets, boys and men are also subject to abuse.

A series of regional workshops in Bangkok, Dakar, Nairobi and Panama City in 2012 provided fresh insights into how UNHCR can more effectively implement its revised SGBV strategy. The strategy focuses on six action areas: children at risk; survival sex; the role of men and boys as agents of change; safe access to domestic energy and natural resources; people living with disabilities; and lesbian, gay, bisexual, transgender and intersex (LGBTI) individuals. Country operations implementing the strategy will receive technical support from senior regional protection officers. Special emphasis will be placed on providing legal aid and psychosocial support for SGBV survivors and strengthening community-based prevention and response mechanisms.

To provide survivors of SGBV with access to justice, UNHCR will help local actors and national authorities to fulfil their responsibilities to prevent and investigate incidents of SGBV and to punish perpetrators.

Local partnerships will be important in mobilizing legal aid centres and mobile courts which serve isolated communities, and in training people of concern to become paralegal advisers and court-support workers. Advocacy with government entities will focus on promoting human rights and gender-based approaches and providing expert input to ensure that national asylum legislation and traditional justice systems are in line with international norms.

An assessment of the implementation of a number of projects, including life-saving activities related to SGBV, for which additional resources were made available in 2012, is due to be completed in early 2013. This will provide data for a review of SGBV objectives and indicators in the Results Framework which will help improve the monitoring and evaluation of SGBV programmes globally. Most of these activities have been included in individual country operation budgets for 2013.

Another four refugee operations will be added to the Gender-Based Violence Information Management System in 2013.

## CHILD PROTECTION

CHILDREN MAKE UP ALMOST HALF the number of forcibly displaced people worldwide and they are at greater risk than adults of abuse, neglect, violence and exploitation. In keeping with UNHCR's global strategic priorities, birth registration, targeted programming for adolescents, and best interest determination (BID) procedures for all children will be priorities in both ongoing operations and new emergencies.

UNHCR is working with partners at community and national levels to build strong child protection systems that are accessible to all children of concern without discrimination. Currently 11 countries (Chad, Egypt, Ethiopia, India, Kenya, Mexico, Rwanda, Sudan, Thailand, Uganda and Yemen) are implementing the *Framework for the Protection of Children*, launched in 2012. In 2013, at least five new countries will begin implementing it. The launch in 2013 of a child protection self-learning tool and an e-learning module on BID will aid UNHCR and partner staff in these efforts.

Field research conducted by Columbia University, with support from UNHCR, will provide important inputs to help strengthen community-based child protection mechanisms. In 2013, UNHCR will improve data collection on child protection and make the monitoring of child protection programmes more efficient. Standby partners will be called upon to provide qualified personnel as necessary.

#### MAINSTREAMING AGE, GENDER AND DIVERSITY CONSIDERATIONS INTO ALL OPERATIONS

AMONG THE DISPLACED ARE people who suffer high levels of discrimination and social exclusion and who are therefore at greater risk of their needs for protection and assistance being overlooked. They include people living with disabilities; the elderly; ethnic, religious or linguistic minorities; and LGBTI individuals.

In 2013, at least 55 country operations will provide targeted support to the elderly and people living with disabilities. Work on developing awareness of the circumstances of LGBTI individuals and groups, and tailored protection and assistance measures for them, will continue in a number of UNHCR operations around the world.

A self-study package on socially excluded groups will be made available to all staff, while UNHCR personnel in selected operations will receive training on how to address country-specific concerns. Building on the UN Convention on the Rights of Persons with Disabilities, operations in Ethiopia, India, Nepal, Uganda and Thailand in particular will take measures to improve the protection of people living with disabilities. Regional sensitization and protection training on LGBTI issues is planned for Africa, Asia and the Pacific, and the Middle East and North Africa. All countries in the Americas will integrate the protection of LGBTI individuals into their programmes, with a pilot being launched in Brazil.

Through the Age, Gender, and Diversity (AGD) approach, UNHCR aims to make protection and assistance accessible to all people of concern without discrimination. This commitment is being fulfilled throughout the organization and is monitored globally through the AGD Mainstreaming Accountability Framework. UNHCR will incorporate the AGD approach in emergency response, in the development of regional strategies and in training, so that the relevant principles are internalized by every staff member.

CHILDREN MAKE UP ALMOST HALF THE NUMBER OF FORCIBLY DISPLACED PEOPLE WORLDWIDE AND THEY ARE AT GREATER RISK THAN ADULTS

#### REGIONAL STRATEGIES ON MIXED MOVEMENTS

ASSISTING STATES AND PARTNERS to develop protection-sensitive regional migration strategies will continue to be a key priority for UNHCR in 2013. UNHCR will continue to promote the implementation of regional cooperation frameworks adopted in 2011 by the Bali Ministerial Conference for the Asia-Pacific Region and the Almaty Process covering Central Asia (see *Asia and the Pacific* chapter).

UNHCR is assisting the African Union to develop border-management training materials and to implement an anti-trafficking campaign. In the Horn of Africa, technical advice and support are geared towards combating trafficking and smuggling, particularly in the Sinai and the Gulf of Aden. In Southern Africa, where States

have restricted access to asylum in response to mixed migratory flows, UNHCR will advocate for a more protection-sensitive approach at the national and subregional levels. In West Africa, UNHCR is engaged in the Regional Group on Protection in Mixed Migration, together with IOM and OHCHR, and working to build migration management capacity.

Maritime protection, including responses to situations of distress-at-sea, will be an area of special focus for UNHCR in 2013. Practical tools, such as standard operating procedures for shipmasters, will be developed to ensure that protection principles are respected in maritime-rescue situations.

UNHCR will participate in various inter-agency fora on migration issues, including the Inter-Agency Coordination Group against Trafficking in Persons, the Global Migration Group and the Global Forum on Migration and Development.

### IN 2013, UNHCR WILL WORK WITH NATIONAL AUTHORITIES TO ENSURE THAT NEWBORN CHILDREN ARE REGISTERED AND ISSUED WITH BIRTH CERTIFICATES

#### FAIR PROTECTION PROCESSES AND DOCUMENTATION

SINCE THE ISSUANCE OF the “Nansen Passport” in the first part of the 20th century, Convention Travel Documents (CTDs) for refugees and stateless people have constituted a key protection tool, making possible family reunification; access to medical care, education and work; and the realization of durable solutions. Under standards elaborated by the International Civil Aviation

Organization (ICAO), all travel documents will need to be machine readable by November 2015. In order to meet this deadline, UNHCR will assist governments issuing the documents to make sure that CTDs conform to the new ICAO standards. In late 2012, UNHCR and the ICAO issued a technical guide on the production of machine-readable CTDs. UNHCR will work to ensure that as many States as possible issue machine-readable CTDs by 2015.

The lack of appropriate documentation, including birth certificates, land and property titles and civil-status documentation, continues to be one of the primary obstacles to achieving equal rights for internally displaced persons (IDPs). In situations of armed conflict, a lack of documentation among IDPs and local populations alike may increase the risk of them being targeted by armed actors.

UNHCR will address this important protection problem in cooperation with partners such as UNICEF. Advocacy, training and sensitization campaigns will target local and national authorities. Technical assistance will be provided to improve registration systems. In situations where the cost of documentation and distance to registration centres are the primary obstacles to securing documents, such as in Colombia and the Democratic Republic of the Congo (DRC), UNHCR will support mobile registration campaigns to bring services closer to IDP and host communities.

Many people are at risk of becoming stateless because they have difficulties proving that they have links to a particular State. The lack of birth certificates and personal identification documents can generate such a risk (see *Addressing statelessness* chapter). In implementing its Framework for the Protection of Children in 2013, UNHCR will work with national authorities to ensure that newborn children are registered and issued with birth certificates and that procedures

are in place for late birth registration.

In addition, UNHCR will work with UNICEF and UNFPA, as well as NGOs such as Plan International (see *Working in partnership* chapter), to promote universal birth registration and, where possible, reduce barriers to registration. UNHCR will also follow up with States (including the Central African Republic, the DRC, Rwanda and Thailand) that made pledges at the Intergovernmental commemorative event in December 2011 to implement or improve their domestic systems, allowing for the registration of all children born in their territories.

#### REGISTRATION AND PROFILING

UNHCR WILL CONTINUE TO support the registration and documentation of asylum-seekers and refugees in all operations around the globe. “Profiling” is a special technique that aids the gathering of population data in situations where comprehensive individual registration may not be feasible or advisable. UNHCR will continue to employ five regional registration officers in Asia and in the Middle East and Africa to assist with this endeavour.

In 2013, UNHCR will complete a major review of the current refugee registration and case management database (“proGres in Partnership”) – prior to rolling out Version 4 of proGres to field offices and partners. This web-based tool will allow UNHCR to share specific data with partners and thus improve case management and statistical analysis. In the year ahead, UNHCR will begin to develop a new biometric identification system and will introduce new registration processes and tools in all operations.

Established in 2009, the Joint IDP Profiling Service (JIPS) provides both onsite and remote support to country offices. To date, JIPS has worked in more than 30 countries and is currently supporting operations

in Afghanistan, Colombia, the DRC, Mali and Somalia. JIPS is hosted at UNHCR Headquarters and run by a Steering Committee made up of the Danish Refugee Council, the Norwegian Refugee Council’s Internal Displacement Monitoring Centre, UNHCR, UNFPA, IOM and OCHA. The service is funded by several major donors who believe that this is a vital contribution to inter-agency efforts to protect IDPs.

Spurred on by a new resolution on the *Human rights of internally displaced persons* adopted by the Human Rights Council on 5 July 2012, JIPS will help collect data on IDPs, according to different criteria. The resolution emphasizes the importance of appropriate displacement assessments, including the “effective collection of data, disaggregated by age, sex, diversity and location” in order to protect the human rights of IDPs, find durable solutions for them and understand their specific needs and vulnerabilities. The resolution represents recognition by UN Member States of their role in promoting and protecting the human rights of IDPs.

In 2013, JIPS will support data collection and coordination in several field operations, including by conducting urban-displacement profiling missions. At the global level, JIPS will build capacity through training that covers both the management of profiling processes and the development of technical skills. It will also share profiling tools and offer guidance for field use through an online database, the Profiling and Assessment Resource Kit.

#### REFUGEE STATUS DETERMINATION

STATES HAVE THE PRIMARY responsibility for refugee status determination (RSD). However, where States are unable or unwilling to do so, they may request UNHCR to conduct RSD under its mandate; last year (2011),

UNHCR did so in 67 countries and registered 80,100 individual asylum applications, or 11 per cent of the global total.

UNHCR's goal is to strengthen international protection by enhancing the quality and efficiency of State-run and UNHCR's own RSD procedures and decision making. In 2013, UNHCR will continue to support RSD by means of legal and procedural advice, expert missions and deployments, and training. Strategic partnerships with several governmental bodies, including the Canadian Immigration and Refugee Board and the *Office français de protection des réfugiés et apatrides*, will be pursued and expanded.

In 2013, UNHCR will update its *Procedural Standards for RSD under UNHCR's Mandate* and related tools, information sources and training programmes, including on LGBTI, trafficking and smuggling, and national capacity building. It will also work to promote the sharing by States of expertise and resources with countries with emerging or strained RSD systems, as well as to support the implementation of regional quality assurance initiatives to strengthen asylum. UNHCR will focus on reducing its RSD backlogs, particularly by increasing staffing levels, implementing case management strategies and identifying alternatives to RSD where conditions permit.

#### FAMILY REUNIFICATION

DISPLACEMENT CAN OFTEN RESULT IN the separation of family members. UNHCR works with partners to assist families to be reunited in their country of refuge by taking part in family tracing – with the help of the ICRC – as well as by helping persons of concern to obtain travel documents and entry and exit visas. The Office also supports new and emerging resettlement countries, for example, by working with IOM to cover transport costs to reunite

close family members with resettled refugees, notably in South America. UNHCR expects to continue providing this support in 2013, in particular for families facing special protection needs.

#### PROTECTION INFORMATION

QUALITY ADJUDICATION OF international protection claims and the assurance of predictable, consistent legal decisions are of primary concern to UNHCR. In 2013 UNHCR will aim to achieve this by providing thoroughly researched country-of-origin information and publishing associated reports. Information will be assessed in accordance with standard procedures, following which eligibility guidelines will be disseminated. The choice of countries of origin for these assessments will be based on trends which show a significant divergence in protection rates, or the non-availability of reliable information in the public domain.

Special attention will be given to the situation of LGBTI asylum-seekers. Working with specialized partners, UNHCR will train the staff of relevant State authorities, judges and legal-aid providers in the collection, use and assessment of country-of-origin information. Cooperation with the European Asylum Support Office and several academic institutions will be expanded. UNHCR will also continue to enhance *Refworld*, its platform for protection information dissemination, to ensure that appropriate data are readily accessible to underpin decision making.

#### PROMOTING A FAVOURABLE PROTECTION ENVIRONMENT

IN 2013, UNHCR WILL UNDERTAKE a number of initiatives to address intolerance, negative public attitudes, xenophobia and racism against refugees. As a member of the recently established UN Network on Racial Discrimination and Minorities, UNHCR will collaborate with other UN agencies in developing guidance on

combating racial discrimination. It will continue to raise issues related to racism and xenophobia with the OHCHR's Anti-Discrimination Unit and through its contributions to the UN human rights mechanisms. The latter include the Universal Periodic Review, which assesses UN Member States' human rights records; the Committee on the Elimination of Racial Discrimination; and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance.

Throughout the year, UNHCR will intensify its cooperation with the OSCE's Office for Democratic Institutions and Human Rights in collecting data on racist and xenophobic crimes and developing policies and programmes that address racially motivated incidents, as well as in monitoring the effectiveness of such policies and programmes in relevant countries.

Other aspects of UNHCR's work to enhance protection for diverse populations of concern are presented elsewhere in this Appeal. The *Addressing Statelessness* chapter describes how strengthened collaboration with governments and civil-society networks helps UNHCR to promote a protective environment for stateless people. The *Engaging with the Internally Displaced* chapter explains why UNHCR considers it crucial that local communities and host families receive support to help IDPs integrate locally.

#### HELPING SET DOMESTIC AND INTERNATIONAL LEGAL STANDARDS

PROMOTING THE RATIFICATION OF the international conventions for the protection of refugees and stateless people, as well as monitoring their application, is part of UNHCR's core mandate. At the 2011 ministerial-level meeting of UN Member States, 25 countries pledged to revise and

amend national refugee legislation or adopt new laws to improve the implementation of the 1951 Refugee Convention.

UNHCR is already engaged in helping States to develop or review asylum legislation. In Afghanistan, for instance, UNHCR is a member of a Government-led working group that is developing a draft refugee law. In Kazakhstan, UNHCR has presented key proposals for a revised refugee law; and in Senegal, after supporting the drafting of a new asylum and nationality law, it remains fully involved in monitoring the legislative process.

#### ALTERNATIVES TO DETENTION

Detention of asylum-seekers on immigration grounds should in principle be avoided. The arbitrary detention of asylum-seekers and refugees, State policies requiring automatic detention, and the incarceration of asylum-seekers for prolonged periods or in substandard conditions, are of great concern to UNHCR. In 2012, the Office issued new guidelines on the applicable criteria and standards relating to the detention of asylum-seekers and alternatives to detention. In 2013, UNHCR will cooperate with the Association for the Prevention of Torture and the International Detention Coalition to produce a guide on the monitoring of detention conditions, and will continue to work with governments to prevent arbitrary detention.

Encouraged by countries that have pledged to seek alternatives to detention, in 2013 UNHCR will deploy efforts and resources to implement alternatives, such as community-supervised programmes. Alternative forms of detention create a more positive reception environment in which asylum-seekers are treated with dignity, while also reducing costs and increasing cooperation in managing asylum and migration processes. ■