

Somali girls watching over their siblings in a refugee camp in Yemen.



Ensuring Protection *for People of* Concern

UNHCR's protection work is about people: the individual men, women, boys and girls behind the anonymous and broad term "persons or people of concern". Each one has a story, and each has specific needs. UNHCR's protection work is therefore people-oriented and rights-centred. By virtue of its mandate, UNHCR is the leading protection organization for refugees and stateless people, while also playing an important role in the protection of the internally displaced.

The world is witnessing global displacement on a scale not seen for over a decade. At the end of 2012, more than 45 million people worldwide had been forcibly displaced. Some 35.8 million of them were of concern to UNHCR – the second highest number on record. It is not just the sheer numbers that are alarming: the very nature of forced displacement today is shifting, unpredictable and complex, compelling UNHCR to tailor its responses to meet the demands of this changing environment.

This chapter contains features and articles on just some of the major protection challenges currently facing UNHCR and its partners. They include one on the protection and educational needs of children and young people who are forcibly displaced. A second feature offers insight into how UNHCR works with communities to help reinstate a measure of social stability for displaced people. Shorter articles on other topics explain why these issues are of such importance in UNHCR's work. ●●●

Live, learn and play safe

● Why is registration so important?

Registration is a critical entry point for UNHCR's protection work. Through this direct contact with people of concern, staff can identify individual needs, and design appropriate responses for different groups, including the most vulnerable.

Responses may range from life-saving assistance to legal, physical or socio-economic solutions. Registration may be carried out by national authorities and partners, for whom UNHCR provides registration training and support, or by UNHCR alone if necessary.

The importance of strengthening the management of identity data of people of concern to UNHCR has been highlighted in recent years. The current upgrading of UNHCR's global registration database, *proGres*, will help staff and partners to improve their ability to make use of quality data. A new global tool for biometric registration of all people of concern is also under development.

New tools and procedures are needed to meet the registration challenges

arising from increasingly mixed populations, and those in locations where access is restricted. The years 2014-2015 will see the development of guidance on registration for IDP populations and stateless people, as well as other tools for population data management, that will reflect the specific protection needs of these groups. UNHCR will also take advantage of new technologies for data-sharing and communication, such as "smart" identity documents, in order to aid monitoring and distribution of assistance. The new technologies will also be used to expand the transfer of electronic data between UNHCR and key partners in resettlement and case management. ●

Over the last decade, a proliferation of people-trafficking and smuggling networks has become a very real threat to children fleeing persecution, who are often targeted as a result of their vulnerability. The growing numbers of Afghan children who are making the difficult and dangerous overland journey to Europe without their parents, for instance, are exposed to serious protection risks. The same applies to the thousands of children moving through Central America in search of safety and a secure future.

Unaccompanied and separated children (UASC) are particularly at risk of exploitation by criminal networks. Some of the most active – and brutal – smuggling and trafficking networks operate in the Horn of Africa. UNHCR has witnessed a sharp increase in the trafficking and smuggling of Eritrean refugee children. Many of these children, particularly adolescents, who arrive in Ethiopia and Sudan do not remain in refugee camps for long. Instead, they head for urban centres such as Khartoum, or move on to Egypt or Libya with the objective of reaching Israel or Europe. Many children from Ethiopia and Somalia entrust their lives to smugglers and traffickers to make the dangerous crossing of the Red Sea or Gulf of Aden to reach Yemen.

Since 2008, UNHCR's operations in Ethiopia, Sudan and Egypt have seen a steady influx of Eritrean UASC. Driven by a variety of complex factors, children as young as five have made the perilous journey, only to land in situations very different to what they imagined.

Although child protection programmes aimed at ensuring the safety of Eritrean refugee children are underway in these operations, they are hampered by a wide range of challenges, including the growth in the number of UASC seeking asylum, serious resource shortages among child protection services,

the limited capacity of partners, and a low level of community participation in tackling the issue.

The protection of unaccompanied and separated refugee children at risk of being caught up in dangerous secondary movements requires specially tailored interventions in the areas of education and skills development. Encouraging unaccompanied youth with particular vulnerabilities and out-of-school children into educational institutions – and keeping them there – is an important part of UNHCR's approach to child protection.

In 2014-2015, UNHCR will roll out its *Live, Learn and Play Safe* initiative as a preliminary step towards reducing protection risks for children in Egypt, Ethiopia, Sudan and Yemen. This initiative aims to reduce secondary movements and the attendant protection risks for children by fulfilling their basic subsistence needs, promoting a safe environment, enhancing access to education and livelihoods, providing psychosocial support, and identifying appropriate care arrangements.

**EDUCATIONAL
AND VOCATIONAL
TRAINING
OPPORTUNITIES...
ARE A KEY
PROTECTION TOOL**

Educational and vocational training opportunities, in particular, are a key protection tool. Providing such opportunities requires a comprehensive response by all actors – governments, other UN agencies, non-governmental organizations (NGOs) and local communities. Children need to be offered quality teaching, a certified curriculum with examinations, and the ability to acquire basic skills in order to enhance their self-reliance and help them become valued members of their community. The goal is effective protection of UASC, particularly in the Horn of Africa.

Identifying those at risk of violations of their rights, providing safe spaces for learning and introducing a stable routine in the asylum country are critical to ensuring the safety and psychosocial support that are the greatest needs of children separated from their families.

The importance of community

Displaced communities are often fractured and insecure, and located not only in camps or settlements, as in the past, but also in villages, cities and the countryside. Even in such difficult circumstances, elders, religious leaders and community heads provide a measure of social stability that aids protection. For more than a decade, UNHCR has used community-based approaches to strengthen the protection of displaced women, men, girls and boys of concern.

Based on an internal assessment of its work with communities, a UNHCR policy paper, *Understanding Community-Based Protection*, outlines the steps needed to improve and sustain protection outcomes. Community services will be more strongly integrated with other protection mechanisms, and the expected synergies will make UNHCR more effective in fulfilling its protection mandate, as communities of concern will apply their own skills, knowledge and experience in finding solutions.

UNHCR's revitalization of community-based approaches to protection will build on the foundations of the organization's age, gender and diversity (AGD) policy using participatory assessments and planning, and partnerships. The 2012-2013 *AGD Accountability Framework Report* found that such as-

sessments were being conducted systematically in country operations and that the results were influencing protection work plans. However, there is still room for improvement. The Regional Dialogues with refugee women and girls in 2011 already pointed to the need to develop new ways of conducting participatory assessments, and of finding community-based solutions.

In 2014, UNHCR will continue strengthening women's leadership in the communities with which it works. Offices will be guided by field-tested best practices and a "Need to Know" guidance note, building upon existing resources and the capabilities of displaced women. UNHCR will also support outreach centres in refugee-hosting areas that will nurture leadership skills among women, in addition to providing social and protection services.

Refugee communities will be at the heart of these efforts to enhance women's leadership roles, and to achieve greater gender parity in leadership structures. Projects to increase the percentage of women participating in leadership and management functions will be evaluated according to UNHCR's AGD policy. In addition to enhancing the protection of women and their communities, this work is intended to have a broader, transformative effect on their societies.

● Seeking asylum is not a criminal act

UNHCR opposes the detention of people seeking international protection. Seeking asylum is not a criminal act, and it is disappointing that many countries continue to hold asylum-seekers in detention, sometimes for long periods and in poor conditions. In some cases, asylum-seekers are held in prisons along with common criminals.

In response to the worrying trend of widespread and increasing use of immigration detention

for asylum-seekers and others of concern, in 2014-2015 UNHCR will roll out a global detention strategy. The strategy will provide guidance to operations on how to intervene in cases of detention and conduct advocacy in this area. UNHCR offices and partners in selected countries and regions where detention

practices are particularly problematic will spearhead these initiatives.

UNHCR's advocacy campaign to improve detention conditions will include enhanced monitoring of detention practices and places of detention, and the provision of technical cooperation and capacity-building assistance, including training, research and information on alternatives to detention.

Work already undertaken in this area includes the launching in October 2012 of the *Guidelines on the Applicable Criteria and Standards relating to the Detention of Asylum-seekers and Alternatives to Detention*. This is a compilation of 10 interrelated guidelines that touch on different facets of the right to liberty and the prohibition of the arbitrary detention of asylum-seekers. In June 2013, UNHCR and the

International Detention Coalition signed a memorandum of understanding to strengthen their collaboration. UNHCR is also working with the Association for the Prevention of Torture on a detention monitoring guide, to assist staff visiting or inspecting places where people of concern are being held. ●

Rescue efforts focus on survivors of Lampedusa boat tragedy as search suspended

ROME, OCTOBER 2013 | The UN refugee agency on Friday reported that rescue efforts on southern Italy's Lampedusa Island are now focused on helping people who survived the sinking a day earlier of the flimsy boat on which they were trying to reach Europe from North Africa.

This article is an adapted version of a UNHCR news story

4 OCTOBER 2013

"A colleague in Lampedusa, who we spoke to an hour ago, is reporting 155 survivors, all but one of whom is Eritrean – the other is Tunisian," UNHCR spokesperson

Some 111 bodies have been recovered so far, but with a reported 500 people on board and the boat on which they were travelling having now sunk, it is

feared that many bodies remain trapped in the wreckage on the sea floor.

Fleming said that **among the survivors were 40 unaccompanied boys aged between 14 and 17, and six women.** "They are exhausted and in a state of shock," she said,

adding: "Others are still missing, presumed trapped inside the boat. Those who died presumably either could not swim

or were trapped in the boat's cramped lower deck."

High Commissioner for Refugees,

António Guterres, commented today: "There is something fundamentally wrong in a world where people in need of protection have to resort to these perilous journeys. This tragedy should serve as a wake-up call."

In closing remarks to this week's annual meeting of UNHCR's Executive Committee, he called on States to come together "to find ways to be able to effectively crack down on smugglers and traffickers and other criminals that do those horrible things

we are witnessing... but also to find the ways to protect victims and to allow everybody to have access to where protection can be granted without having to risk their lives and to suffer such brutal violations of their human rights." ○

"THERE IS SOMETHING FUNDAMENTALLY WRONG IN A WORLD WHERE PEOPLE IN NEED OF PROTECTION HAVE TO RESORT TO THESE PERILOUS JOURNEYS. THIS TRAGEDY SHOULD SERVE AS A WAKE-UP CALL"

Melissa Fleming said in Geneva on Friday morning.

inside the boat. Those who died presumably either could not swim

Survivors of Thursday's boat tragedy off the coast of Lampedusa shelter in an area of the tiny island's port.



UNHCR / B. MOLINARIO

UNHCR's wide range of protection activities includes: helping set domestic and international legal standards; advocating for gender equality and the protection of women and girls; ensuring that protection safeguards are built into regional strategies on mixed movements; and carrying out refugee status determination.

Improving the protection environ-

ment for people of concern often involves challenging deep-seated attitudes. This takes time, patience and persistence - whether through advocating with governments for better legal standards and more favourable reception conditions for asylum-seekers or promoting equality and challenging harmful traditional practices within displaced communities. Although some protection outcomes -

such as the number of refugees resettled - can be easily quantified, the nature of other protection activities - such as protection advocacy - seldom yield instant results, although their long-term impact is invaluable and life-changing.

The matrix in this chapter provides examples of some of the targeted protection activities that UNHCR will undertake in 2014-2015.

ANTICIPATED AREAS OF INTERVENTION IN 2014

EXAMPLES

FAVOURABLE PROTECTION ENVIRONMENT

Law and policy developed or strengthened

Advocate for the adoption or revision of refugee laws consistent with international standards

- Countries, in particular those that have pledged to do so, will be encouraged to enact new or revised legislation with improved protection standards.

FAIR PROTECTION PROCESSES AND DOCUMENTATION

Quality of registration and profiling improved or maintained

Improve registration software

- A new version (V.4) of the *proGres* refugee registration and case management database will be finalized and rolled out to four operations, allowing UNHCR to share specific data with partners and thus improve statistical analysis and case management.

Enhance capacity to register populations

- 5 regional registration officers will continue to function in Asia, the Middle East and Africa.
- Standards and procedures for registration and population data management for IDP and stateless populations will be established.
- A roster of registration specialists will be established to respond to urgent requirements.
- New learning initiatives in registration and data management will be developed.

Improve identity management

- A biometrics tool will be rolled out in at least 6 operations and provided in 4 new emergency operations.
- Identity management innovation initiatives will be delivered in the context of assistance distribution and collaboration with partners such as WFP will be strengthened.

Provide field support for registration to field locations

- A stockpile of registration materials needed to support field registration activities will be maintained and upgraded.

Number of individual documents issued increased

Advocate for the issuance of ICAO-compliant Machine Readable Convention Travel Documents (MRCTDs)

- More States will issue MRCTDs, providing more people of concern with travel documents, thereby facilitating their freedom of movement.

Quality of and access to status determination procedures improved

Further develop and implement standards and procedures relating to refugee status determination (RSD)

- The *Procedural Standards for RSD under UNHCR's Mandate* and the *Manual on Mandate RSD* will be completely revised. Advice on the updated manual will be provided regularly and at least 4 training sessions for regional RSD officers and supervisors delivered.

Further build capacity of RSD staff

- A new RSD Induction Training will be launched for new UNHCR RSD staff.
- The updated RSD Learning Programme will be introduced, for 130 UNHCR RSD staff across 4 regions. 4 training sessions will be held at regional and country levels.
- Advice and/or materials will be provided for UNHCR operations involved in developing RSD training for UNHCR, government or NGO RSD staff in up to 20 UNHCR operations.

Strengthen RSD through additional staffing expert deployments

- 10 new RSD positions will be created at regional and country levels to manage the largest UNHCR RSD operations and to build government capacity.
- 10 RSD consultants will be deployed under the UNHCR RSD deployment scheme and roster to support UNHCR mandate RSD work and national capacity building.

Publish and disseminate updated and revised guidelines on exclusion from international protection based on Article 1F of the 1951 Convention relating to the Status of Refugees

- Governments, UNHCR staff and other stakeholders in asylum/RSD procedures will benefit from clearer guidance on how to apply the exclusion criteria in the 1951 Refugee Convention, leading to fairer and more consistent refugee status determination for asylum-seekers.

PROTECTION-SENSITIVE MIGRATION STRATEGIES

Promote systems for managing arrivals that facilitate protection and access to asylum for refugees and stateless people in mixed migratory flows

- Support for regional and national initiatives will continue to ensure that entry management processes include safeguards for asylum-seekers, refugees and stateless people (South Africa, South-east Asia, Yemen and the Caribbean).
- Work with States on development of reception arrangements will continue (with particular focus on: the East and Horn of Africa, the Sinai, the western Balkans, Central America and the Asia-Pacific).

Maintain new initiatives for international cooperation on refugee protection

- UNHCR will continue to engage in key global fora on international migration such as the Global Migration Group and the Global Forum on Migration and Development.
- Specific support will continue to be provided for regional frameworks and processes on addressing mixed migration, such as the Bali and Almaty processes. New initiatives will be launched to resolve contentious mixed migration challenges in subregions (with particular focus on the Caribbean, the East and Horn of Africa and the Mediterranean).

Strengthen maritime-protection initiatives to reduce the loss of lives of refugees and asylum-seekers at sea

Work with States and other stakeholders towards implementing the outcomes of the 2011 Djibouti Conference on Rescue at Sea

- The development of standard operating procedures for shipmasters faced with distress-at-sea situations involving asylum-seekers, refugees or undocumented migrants will be facilitated.
- Tools for responding to mixed migration by sea, including the model framework for regional cooperation and mobile response teams, will be promoted.

Facilitate regional and sub-regional cooperation to address irregular mixed migration by sea and reduce loss of life

- States and regions will be supported in strengthening burden-sharing arrangements between coastal and other States, to ensure that asylum-seekers, refugees and others travelling irregularly by sea are disembarked safely and their protection needs assessed and addressed.

Develop evidence base on distress-at-sea and mixed migration

- Research on maritime protection issues in key regions will be carried out.

OPTIMAL ACCESS TO EDUCATION

Provide technical support to countries

- At least 20 countries will receive technical support in the development and roll-out of their education strategies, as well as emergency operations.
- Efforts to ensure access to safe and quality education for out-of-school children, particularly for girls, will be expanded.

Strengthen data management and monitoring of learning outcomes

- Monitoring of education programmes and education information management will be improved with a focus on learning outcomes.

Promote the use of technology in education

- Use of information communication technology (ICT) will be expanded to extend educational opportunities and quality.

Enhance access to tertiary education

- Scholarships will be provided for 3,000 refugees through the DAFI scholarship programme and opportunities for access to higher education will be increased through other partnerships.

SECURITY FROM VIOLENCE AND EXPLOITATION

Protection of children strengthened

Carry out best interest determination (BID) for unaccompanied and separated children

- The proportion of unaccompanied or separated refugee children for whom a BID process has been completed or initiated will be maintained or increased in 40 refugee situations.

Children of concern have non-discriminatory access to national child protection and social services

- Non-discriminatory access to national child protection and social services will be maintained or increased in 7 refugee situations.

Provide targeted support to operations leading to stronger child protection programmes

- Child protection strategies will be developed by the end of 2014 for at least 3 additional UNHCR operations.
- At least 14 operations will receive targeted support such as the deployment of child protection specialists, coaching on strategy development, and training opportunities.

COMMUNITY EMPOWERMENT AND SELF-RELIANCE

Community mobilization strengthened and expanded

Increase percentage of female participants active in leadership/management structures

- The proportion of female participants active in leadership/management structures will be increased in at least 80% of operations.
- Guidance will be provided to operations to promote and increase women's participation in leadership/management structures through the development of a "Need to Know Guidance" on *Women in displacement: leadership, participation and equality*.

ANTICIPATED AREAS OF INTERVENTION IN 2014

EXAMPLES

Operations receive support to enhance community-based protection

- UNHCR's field-based protection workforce's capacity to deliver community-based protection will be strengthened through the streamlining of field-based community services and protection functions into a single function: protection officer (community-based protection).
- At least 6 operations will receive targeted support to enhance the implementation of community based protection.

BASIC NEEDS AND ESSENTIAL SERVICES

Services for people with specific needs strengthened

UNHCR and partner staff strengthen their capacity to address specific protection needs of LGBTI people of concern

- At least 75 UNHCR staff and partners from geographically and contextually diverse operations will receive sensitization trainings on the protection of LGBTI people of concern.
- At least 8 operations will receive targeted support to strengthen the protection of LGBTI people of concern and to improve their access to services to address their specific needs.

● What is refugee status determination?

Refugee status determination (RSD) is the administrative process undertaken by States or UNHCR to determine if a person seeking protection should be recognized as a refugee under national or international law.

States have the primary responsibility for determining the status of asylum-seekers on their own territory. Where States are unable or unwilling to do so, UNHCR may conduct RSD under its mandate to ensure the protection and assistance of people in need of international protection.

Why is it important for a refugee?

RSD provides the basis for subsequent protection and assistance interventions,

so that a recognized refugee is not forced to return to a country where he or she would be at risk of persecution or serious harm. RSD also paves the way for a refugee to receive legal or material support while seeking a durable solution to his or her situation.

Why is RSD a challenge for UNHCR?

Over the past decade, changes in the patterns of displacement have forced UNHCR to conduct RSD in a greater

number of countries, and for a greater number of people than in the past. Meanwhile, the pressures arising from the higher numbers of asylum-seekers, and the presence of economic migrants within mixed migration flows have led many States to tighten their immigration and asylum policies. Improvements in UNHCR's RSD capacity have not succeeded in stemming the growing RSD backlog, which in 2012 stood at an all-time high of 146,800

applications. Indeed, the number of RSD applications registered by UNHCR consistently exceeds the organization's processing capacity. This has significant implications for protecting and assisting people of concern.

For 2014, UNHCR renews its call for States to assume greater responsibility for RSD, and to work with UNHCR to strengthen national RSD systems. ●

● The Nansen Initiative

The Nansen Initiative on Natural Disasters and Cross-Border Displacement, officially launched in Geneva and New York in October 2012, is a State-led consultative process. It aims to build consensus on a global protection agenda to address the needs of people displaced across borders by natural disasters, including those linked to the effects of climate change. It derives from commitments made by several countries, including Norway and Switzerland, at a UNHCR ministerial conference in December 2011.

The Initiative was named after the renowned Norwegian scientist, Arctic explorer, diplomat and first High Commissioner for Refugees under the League of Nations, Fridtjof Nansen, in whose memory an annual medal is awarded for outstanding service to refugees.

WHY IS IT IMPORTANT?

Individuals displaced by natural disasters within their own countries are protected by their national authorities, as well as international human rights instruments -- including the Guiding Principles on Internal Displacement. Refugees who seek asylum in a new country are protected by international refugee law.

But the refugee convention would not normally apply to people who cross international borders as a result of natural disasters and climate change. The Nansen Initiative is crucial today to encourage States to agree on how to approach the needs of people affected by disaster-induced cross-border movements.

HOW IS UNHCR INVOLVED?

Climate change is often portrayed in the media by the image of a polar bear

stranded on a drifting ice floe. Until very recently, less attention has been given to the potential consequences of climate change on people. Yet every year, millions of people are forcibly displaced by floods, hurricanes, earthquakes, droughts and other natural disasters. Experts now agree that climate-related natural disasters will increase in frequency and intensity as climate change intensifies, and will drive human migration and displacement.

In recent years, UNHCR has encouraged States to begin to consider the consequences of climate change as a driver of displacement. A generous grant to UNHCR and the Norwegian Refugee Council from the European Commission has enabled both organizations to provide technical support and fund the Nansen Initiative's programme of activities. ■