



General Assembly

Distr.: General
19 July 2022
English
Original: English and French

**Executive Committee of the
High Commissioner's Programme**
Seventy-third session
10-14 October 2022
Item 4 (a) of the provisional agenda
Consideration of reports on the work of the Standing Committee
International Protection

Note on international protection

Note by the High Commissioner

Summary

Since the beginning of 2021, 60 new emergencies have been declared by the Office of the United Nations High Commissioner for Refugees (UNHCR) in 39 different countries. Conflict, violence and persecution, which at times intersect with disasters and the effects of climate change, have contributed to record numbers of forcibly displaced persons. In often insecure conditions, and despite the coronavirus disease (COVID-19) pandemic, UNHCR and partners were able to “stay and deliver” and to support States in providing protection and assistance to refugees, asylum-seekers, returnees, the internally displaced and stateless persons across the world.

UNHCR strives to promote respect for the rights of these populations on a non-discriminatory basis. This includes the fundamental right to seek and enjoy asylum, adequate standards of treatment and the fulfilment of certain safeguards, as reflected in relevant legal instruments. However, access to rights is hindered for many and exacerbated by factors such as a lack of fair and effective asylum or statelessness determination procedures, the unavailability of legal information, advice and representation, and denial of access to services.

This note outlines the challenges involved and the strategies employed by governments, UNHCR and partners to realize access to rights. It underscores the importance of solutions to displacement and highlights the opportunities created by the Global Compact on Refugees, with its emphasis on international cooperation, burden- and responsibility-sharing, and multi-stakeholder engagement.



I. Introduction

1. International law articulates crucial principles defining the rights of refugees, asylum-seekers, returnees, stateless persons and internally displaced persons. Yet, in practice, access to rights in many locations around the world is frequently hindered or even expressly obstructed.
2. Despite the challenges inherent in securing access to rights, creative strategies are being devised and implemented to overcome them. Expanded partnerships that bridge the humanitarian and development divide and that harness the capacity of the private sector, including through the use of new technologies, are enabling States, UNHCR and partners to uphold the rights of these populations, while also addressing the needs of the countries and communities that host them.
3. The Global Compact on Refugees, affirmed by the General Assembly in 2018, promotes respect for the rights of refugees and provides a sound framework for more predictable and equitable burden- and responsibility-sharing. Crucially, it recognizes the importance of enhanced international cooperation and multi-stakeholder engagement to find solutions to displacement.
4. In the second half of 2021, UNHCR published an indicator report¹ that measures progress towards implementation of the Compact against a set of 15 indicators developed in consultation with States and other stakeholders. The report demonstrates that tangible progress has been made, including increases in official development assistance to host countries with developing economies, more partnerships in support of comprehensive responses and the implementation of policy measures to mitigate poverty and realize solutions. However, it also recognizes that much remains to be done and calls for accelerated implementation of the approach set out in the Compact. The High-Level Officials Meeting, mandated by the Compact to take stock of progress and held two years after every Global Refugee Forum, took place in December 2021. The meeting affirmed the unequivocal commitment of States and other stakeholders and led to 20 key recommendations with accompanying action points that will guide engagement towards the next Global Refugee Forum in 2023.
5. Since its launch in 2014, the UNHCR Global Action Plan to End Statelessness by 2024 has made significant headway in resolving the plight of the world's stateless persons and granting them access to an array of rights. More than 400,000 stateless people in 27 countries have acquired nationality, while tens of thousands of people across the globe have a pathway to citizenship as a result of legislative changes. Twenty-nine States have also acceded to the statelessness conventions, signalling strengthened political will to end statelessness. More broadly, the United Nations Secretary-General's Call to Action for Human Rights and the Secretary-General's report on "Our Common Agenda" are guiding frameworks for the promotion and attainment of rights for stateless persons, as well as refugees, asylum-seekers and internally displaced persons.

II. Access to protection

6. The pursuit of measures designed to deter the arrival of people in need of international protection, including by externalizing legal obligations, challenges core standards of international refugee law and undermines the concept of solidarity and burden- and responsibility-sharing. The right to access asylum and the principle of non-refoulement remain at the heart of the international protection system.

¹ The report is available from https://www.unhcr.org/global-compact-refugees-indicator-report/wp-content/uploads/sites/143/2021/11/2021_GCR-Indicator-Report_spread_web.pdf.

A. Drivers of displacement and impact on rights

7. Conflict is a significant driver of rising displacement in many regions. Between February and May 2022, over 6.3 million people fled Ukraine, making it the largest refugee crisis in Europe since World War II. The outbreak of fighting in the north of Ethiopia, which is a major refugee-hosting country, compelled people to flee and left millions in need of protection and humanitarian assistance. In other parts of the world, generalized violence and human rights violations continue to force people to seek safety within their countries and across borders. Some 2.3 million registered Afghans are now living in neighbouring countries, including the Islamic Republic of Iran, Pakistan, Tajikistan, Turkmenistan and Uzbekistan, while an estimated 3.5 million people are displaced within the country.

8. Political instability and ongoing insecurity are at the root of a number of displacement situations, including in the Central African Republic, the Democratic Republic of the Congo and Myanmar. Meanwhile, protracted crises in Somalia, the Syrian Arab Republic and Yemen continue to restrict access to solutions, and peace processes remain fragile in countries such as Libya and South Sudan.

9. Other factors, including climate change and disasters, have exacerbated displacement situations and, in some cases, contributed to further population movements. In Afghanistan, drought is worsening the effects of decades of war, with food and water becoming scarce and acute hunger on the rise. Floods, landslides and severe storms in Bangladesh, South Sudan and the Sudan have caused death and destruction. With many displaced people located in climate vulnerable hotspots and left without the resources to adapt to increasingly inhospitable environments, preventing and resolving cycles of displacement are all the more challenging. Reduced access to food, water and livelihoods are also putting pressure on peaceful co-existence in a number of countries. In Cameroon, conflict over scarce resources, amplified by desertification, swiftly rising temperatures and dropping water levels in Lake Chad, has led to the displacement of approximately 42,000 people to Chad. Across the wider Sahel, competition for resources has empowered armed groups that are exploiting weak governance and ethnic tensions.

10. In some parts of the world, such as the north of Central America, displacement is triggered by multiple interacting factors including violence, a deteriorating human rights situation, poverty and inequality, the devastating socioeconomic impact of the COVID-19 pandemic and the effects of climate change and disasters.

11. Despite the COVID-19 pandemic and insecurity, UNHCR was able to “stay and deliver” and to provide life-saving protection and assistance across the globe rapidly and reliably. An increasing number of partners joined UNHCR in responding to emergencies, bringing vital expertise in technical areas such as water and sanitation, shelter and energy. The High Commissioner’s Strategic Directions 2022-2026 emphasize the organization’s commitment to bolstering preparedness and response capacities, while transitioning from short-term to longer-term approaches that foster resilience, inclusion and, ultimately, access to rights.

B. Non-refoulement

12. Access to territory is central to international protection and to the attainment of rights. A State’s refugee protection obligations are engaged when an asylum-seeker enters their territory or otherwise comes within the State’s responsibility. Failure to provide access to safe territory creates unacceptable risks for those who would otherwise face persecution or other forms of serious harm in their own country, including threats to physical safety, psychological trauma and even death.

13. Refoulement or denial of entry at borders occurred in all parts of the world. Closed borders, arbitrary and collective expulsions, violent pushbacks at land borders and interceptions at sea, among other measures, denied international protection to individuals in need, putting them at risk of refoulement. An evaluation by a global coalition of States and other stakeholders, including UNHCR, concluded that measures adopted to combat the spread of COVID-19 may be, in numerous countries, incompatible with international law.

Over the past year, many countries lifted their COVID-19-related restrictions on access to territory. Nonetheless, as of May 2022, 33 countries maintained closed borders or far-reaching restrictions on entry, without exceptions for asylum-seekers. Such measures cannot be justified on public health grounds, as effective prevention measures, together with increasing vaccine availability, have been successfully employed in many countries to address the risk of COVID-19 infection among arriving refugees and asylum-seekers.

14. European countries provided access to territory and protection to people fleeing Ukraine, while temporary protection measures were accorded to Venezuelan refugees in Colombia and other parts of South America. The European Union activated its Temporary Protection Directive for the first time, requiring Member States to offer international protection without the need for an individual asylum determination procedure. The decision facilitated effective responsibility-sharing by enabling refugees to move freely within the European Union and relieving some of the pressure on Member States closest to Ukraine. The response underscores the importance in all situations of allowing civilians fleeing violence and oppression to have non-discriminatory access to safe territory, receive international protection and enjoy basic rights, irrespective of their nationality, race, ethnicity, religion, political affiliation, sexual orientation or gender identity.

15. Arrangements by States that have sought to transfer refugees and asylum-seekers to third countries in the absence of sufficient safeguards and effective sharing of asylum responsibilities are inconsistent with international obligations and the letter and spirit of the 1951 Convention relating to the Status of Refugees (1951 Convention). Considering the economic difference between developing countries hosting large numbers of the world's refugees and wealthier developed nations, the former need more international support. People fleeing war, violence, oppression and other human rights abuses are the holders of rights that need to be respected, protected and fulfilled.

C. Mixed movements and trafficking in persons

16. In the context of mixed movements of migrants and those seeking international protection, UNHCR promotes respect for the rights of both populations. Engaging with these individuals, who generally cross borders in an irregular manner using similar routes and means of transport or facilitators, but for different reasons, and often with different needs and profiles, is essential for preserving the integrity of asylum systems and ensuring the safety of all. It is crucial to ensure the proper identification of those with international protection needs and their access to asylum procedures, while ensuring the rights of migrants are not infringed. For example, in many North African countries, UNHCR is present in key locations, including disembarkation points, to pursue these efforts. UNHCR also works to reduce onward movements, an ongoing challenge in many regions, by warning people about the dangers of irregular movements and advising that they seek protection and assistance locally.

17. Engaging in mixed movements requires strong partnerships, including with the International Organization for Migration (IOM) and United Nations human rights mechanisms. UNHCR engages with key intergovernmental migration platforms at the global and regional levels, notably the Intergovernmental Consultations on Migration, Asylum and Refugees, and participates in regional consultative processes. It participates in the United Nations Network on Migration and, last year, supported the development of capacity-building tools as well as policy guidance on climate change and migration, pathways for regular migration, and access to services.

18. Many refugees seeking safety undertake perilous voyages by sea and land due to a lack of alternative options. Challenges to providing safety to persons moving irregularly by sea persisted in several regions, including disputes over responsibility for rescue and subsequent disembarkation. Refugees moving irregularly often rely on the services of smugglers and traffickers, exposing themselves to extortion, abuse and violence.

19. Restrictions on movement, limited livelihood opportunities, fragile or absent social safety nets, insufficient humanitarian aid and competing law enforcement priorities all contribute to increased risks of trafficking in persons, exploitation and abuse. In the United Nations Secretary-General's report on conflict-related sexual violence, the intersecting crises

of conflict, displacement and COVID-19 exposed women and girls in congested refugee and displacement settings to high risk of sexual violence, exploitation and trafficking. Challenges persist in ensuring effective responses to trafficking in persons, with significant gaps in the identification and protection of victims and widespread impunity among perpetrators. Trafficking in persons is a violation of the right to liberty, security and dignity, and needs to be addressed resolutely at global, regional and national levels.

20. Anti-trafficking responses to support displaced and stateless persons were strengthened over the past year, including through research, policy development and information-sharing. Together with the United Nations Office on Drugs and Crime, UNHCR co-chaired the Inter-Agency Coordination Group against Trafficking in Persons in 2021. It also worked with the United Nations Special Rapporteurs on trafficking in persons and on contemporary forms of slavery, contributing to their 2021 report focussed on the nexus between displacement and contemporary forms of slavery, the vulnerability of asylum-seekers, refugees, stateless persons and internally displaced persons, as well as the impact of slavery-like practices, such as forced and bonded labour and domestic servitude. IOM and UNHCR signed an agreement to operationalize their joint 2020 “Framework document on developing standard operating procedures to facilitate the identification and protection of victims of trafficking”². UNHCR also supported the issuance by the Global Protection Cluster of an introductory guide to anti-trafficking action in internal displacement contexts³ to aid protection specialists.

D. Refugee status determination and asylum systems

21. A strong refugee status determination system is critical in ensuring international protection. When refugee status is confirmed, this should provide a secure basis for access to rights, including protection from refoulement, and to national services, including education, health care and social services. For States, having a strong refugee status determination system in place offers security on the one hand and is, on the other hand, a necessary tool for the implementation of obligations under the 1951 Convention and its 1967 Protocol relating to the Status of Refugees, as well as regional refugee protection instruments.

22. As States have primary responsibility to protect those seeking international protection on their territory or within their jurisdiction, UNHCR primarily supports States to undertake refugee status determination. However, where this is not possible, UNHCR conducts refugee status determination under its mandate, which can serve as a good practice example and provide a strong foundation for transition to national State systems. UNHCR’s revised procedural standards for refugee status determination under its mandate⁴, issued in 2020, seek to promote good practices in over 50 countries where the organization is currently undertaking refugee status determination.

23. Access, without discrimination, to fair and efficient asylum procedures is essential to ensure that those in need of international protection can be recognized and protected in line with their international legal rights. Despite the ongoing challenges posed by the COVID-19 pandemic, and new and developing displacement situations, States and UNHCR made strides in implementing innovative practices and keeping asylum systems functioning effectively, including through the use of technology to manage registration, case management and document renewal online. UNHCR continued to monitor the impact of the COVID-19 pandemic, providing timely support to States in adapting their asylum systems, as well as guidance on key displacement situations and fair and efficient case processing.

24. The granting of asylum does not have to be on an individual basis. Moreover, simplified arrangements have long been used to grant immediate access to protection and services as a complement to the asylum regime. Many States have demonstrated that, despite challenging contexts, it was possible to pursue such arrangements on a group basis. In

² The document is available from <https://www.refworld.org/docid/5ee22b4f4.html>.

³ The guide is available from <https://www.globalprotectioncluster.org/2020/11/26/an-introductory-guide-to-anti-trafficking-action-in-internal-displacement-contexts/>.

⁴ The revised procedural standards are available from <https://www.refworld.org/docid/5e870b254.html>.

addition to the Temporary Protection Directive applied in Europe to the Ukraine refugee situation, Sudan used an efficient *prima facie* methodology for recognition of refugee status to process asylum applications for new arrivals fleeing the conflict in northern Ethiopia. Brazil and Mexico continued to implement differentiated case processing modalities, including simplified procedures for certain nationalities such as Hondurans, Salvadorans and Venezuelans, to ensure fair and efficient procedures, despite an increased number of asylum applications.

25. UNHCR gathered good practice examples from States with advanced asylum management approaches and released a publication on effective processing of asylum applications⁵, offering guidance on increasing efficiency, while maintaining a fair process and avoiding backlogs. In line with this effort, South Africa launched an ambitious multi-year project with UNHCR to reduce its appeal backlog and explore ways to improve first instance procedures.

26. Ensuring effective access to asylum requires resilient and adaptable systems, while maintaining procedural fairness and integrity. This is enhanced through close coordination among State actors, including border control, law enforcement and asylum authorities; the participation of legal aid providers and civil society from the onset of the asylum procedure; appropriate processes for registration; and strong emphasis on data collection and data management. Adequate reception, including at borders, and the use of differentiated case processing modalities, while maintaining due process standards, are also key.

27. The online portal for the Asylum Capacity Support Group, a special initiative of the Global Compact on Refugees, was launched in April 2021, assembling 25 good practices in the area of asylum and refugee status determination to support decision-makers around the globe. Two new pledges linked to the strengthening of asylum systems were facilitated through the Asylum Capacity Support Group and made by Eswatini and the Netherlands. In addition, three new matches of support for such initiatives were realized under the Asylum Capacity Support Group: New Zealand with the Philippines, the European Union Agency for Asylum with Niger, and Denmark with Kenya.

III. Access to rights and services

28. Displaced and stateless persons should be able to enjoy the widest possible exercise of their rights and freedoms, without discrimination. Xenophobia and negative perceptions of people on the move jeopardize access to rights and services. UNHCR is committed to combatting racism, intolerance and discrimination against displaced and stateless populations, whether for racial, ethnic, religious or other reasons. Displaced and stateless persons, like everyone else, should have access to education and health care. They should be empowered, given the opportunity to become active members of their societies and be protected from gender-based violence. They should have the opportunity to earn a living that is free from exploitation, and sufficient safeguards should be put in place to reduce and prevent poverty, vulnerability and social exclusion. States are encouraged to include the displaced in national policies and programmes, allowing the displaced to contribute positively to their host communities and fostering peaceful coexistence.

29. UNHCR continued to build on its long-standing commitment to integrating age, gender and diversity into its policies, programmes and advocacy across all its operations. Use of disaggregated data continues to be promoted in all UNHCR operations, including to support the systematic identification of persons with disabilities in all data collection. Participatory approaches, through which the views of refugee, displaced and stateless people are sought and acted upon, remained central in informing UNHCR's plans and interventions in various sectors, with almost 900 participatory assessments conducted by operations worldwide. UNHCR also sought to reinforce support for organizations representing the persons it works for, including those with disabilities, involving them in addressing specific needs in their communities. Opportunities to communicate and receive feedback from communities were expanded through wider use of technologies and digital platforms. Gender

⁵ This publication is available from <https://www.refworld.org/docid/6241b39b4.html>.

equality remained core to UNHCR's action, including through promoting participation of displaced and stateless women in community leadership and management structures and prioritized direct access for women to cash-based and other forms of assistance, including accessible gender-based violence services.

A. Health care

30. Equitable access to health care for displaced and stateless persons remains a significant challenge in many parts of the world. UNHCR addressed this by promoting the inclusion of refugees in national policies and plans. Preliminary results from UNHCR research indicate that 41 out of 46 host countries surveyed have a national health plan, of which 78 per cent cover refugees, up from 68 per cent in 2019. All 46 countries granted refugees access to national primary health care facilities, and 45 countries provided access to national secondary (specialist) health care facilities. This access was under the same conditions as nationals in 43 countries (93 per cent) for primary health care and in 38 countries (83 per cent) for secondary health care. UNHCR has continued to advocate the inclusion of refugees and stateless persons in national health insurance schemes. In Burundi, refugees have been included in the country's health scheme. In Nepal, in the context of efforts to enhance self-reliance in line with the Global Compact on Refugees, over 600 Bhutanese refugee families were enrolled in the national health insurance scheme by the end of 2021.

31. Efforts to advance inclusion in national health systems faced particular challenges in low-income settings. Health expenditure has decreased in many refugee-hosting countries over recent years, falling far short of the recommendations of the World Health Organization of an annual threshold of \$86 per capita for basic health interventions in low-income countries. In many countries, external donors provide the majority of resources in the health sector, and public funding has decreased, resulting in higher household health costs, including for displaced and stateless persons.

32. The COVID-19 pandemic continues to disproportionately affect displaced and stateless populations, resulting in unemployment, food insecurity, poverty and expulsions. Worldwide, many refugees face barriers to accessing vaccines, although several countries have taken steps to ensure that displaced and stateless persons are included in national vaccination programmes. In Bangladesh, for example, some 88 per cent of the 910,000 Rohingya refugees have been vaccinated. In the Americas region, COVID-19 has had a devastating impact on refugees and migrants, many of whom were economically vulnerable before the start of the pandemic. In response, UNHCR has ramped up its support for the most vulnerable, mostly through cash transfers, and promoted the inclusion of refugees and migrants in national systems, including COVID-19 vaccination plans, and the labour market. Globally, UNHCR and partners advocated access to secondary health care, including mental health and psychosocial support. In Lebanon, for example, where an increase in mental health and psychosocial distress was reported, UNHCR is building community capacities to deliver psychosocial support that will improve wellbeing and strengthen resilience.

B. Education

33. Education remains a key priority for UNHCR. However, securing access to education for displaced and stateless children and youth posed a significant challenge in many locations. Many face barriers to enrolment, including lack of documentation. In addition, local schools may not have adequate capacity to enrol additional students or may be located too far from where displaced and stateless families are living. The quality of learning in some schools may be inadequate because teachers do not have the required qualifications or lack basic teaching materials. The language of instruction in the country of asylum may also represent a serious obstacle, and cultural norms, especially around girls' access to schooling, keep many displaced and stateless children and youth away from school.

34. Poverty forces many secondary-age children and youth to seek work rather than to go to school. For those who complete secondary studies, accessing higher education is an even greater challenge. There are few courses available, costs are prohibitive, and scholarships limited. The COVID-19 pandemic continued to exacerbate poverty, pre-existing inequities and protection risks, offsetting prior educational gains for the displaced. During the pandemic, digital learning solutions were rapidly scaled up by many countries and deployed to support learning continuity during school closures. However, refugees were largely left out due to funding constraints and the prioritization of nationals. In some countries, remote learning modalities were inhibited by the lack of hardware and connectivity. Parents and teachers had limited capacity to support online learning, and displaced children with disabilities faced particular difficulty.

35. The partnership between UNHCR and Educate A Child was key in minimizing disruption to schooling, supporting the return to school and promoting the enrolment of displaced children in 14 countries in the Americas, Africa, Asia and the Middle East. Targeted support was provided to refugee girls and refugee children with disabilities who were at increased risk of dropping out of school because of economic pressures and other factors emerging during the pandemic. In the Middle East and North Africa, such support was essential. An estimated 15 million children in the region between the ages of 5 and 14 were out of school, and an additional 10 million children were at risk of dropping out, due to poverty, social marginalization, displacement and disruption caused by multiple conflicts.

36. To support virtual access to learning and digital inclusion, UNHCR released a report on connected education for refugees, which contains recommendations to address the digital divide and a call to action. It also launched the “refugee connected education challenge” at the High-Level Officials Meeting and at the RewirED Summit, both of which took place in December 2021. The challenge aims to mobilize further commitments and partnerships for digital initiatives that meaningfully include displaced communities.

37. Ensuring the enrolment of refugee children and youth in national education systems within three months of their arrival, in line with the Global Compact on Refugees, remained a challenge. This was mainly due to ongoing conflict and instability in emergency contexts. On-site and remote support was provided to foster the inclusion of refugees from Ethiopia living in Sudan in the national education system. In countries with complex protracted displacement situations, such as Iraq, the adoption of UNHCR’s refugee education integration policy has helped advance the participation of refugees in formal education and facilitate other educational opportunities.

38. The Albert Einstein German Academic Refugee Initiative (known as the DAFI programme) underwent independent evaluation in 2021. The evaluation assessed that the programme is 96 per cent effective in ensuring refugee students complete a higher education qualification. In 2021, the DAFI programme supported over 8,400 refugee youth to access higher education in 55 countries, including in the newly participating countries of Kazakhstan and Serbia. Demand for scholarships exceeds supply, with scholarships available to meet only 50 per cent of requests, which only account for a fraction of the actual needs.

C. Development assistance

39. Developing States that host large numbers of displaced persons are also most affected by fragility, conflict, violence and climate change. They are also likely to be economically impacted by the war in Ukraine, particularly due to increased commodity prices and food insecurity. In this context, the principles of cooperation enshrined in the 1951 Convention and the Global Compact on Refugees related to equitable and predictable burden- and responsibility-sharing are vitally important. Low and middle-income host countries are in need of increased and sustained development financing to increase their absorption and response capacity, allowing them to provide refugees with access to public services, economic opportunities and other rights.

40. UNHCR further reinforced and strengthened partnerships with multilateral development actors. The World Bank continues to make a vital contribution to funding socioeconomic opportunities for refugees and the communities that host them. This includes

a policy commitment to ensure that, by the end of the new funding cycle, at least 60 per cent of eligible countries will have implemented significant policy reforms to advance refugee access to socioeconomic development. The World Bank and the Inter-American Development Bank provided financial support to Colombia's strategy for the social and economic integration of Venezuelan refugees and migrants. Other actors, including the German Development Cooperation (known as BMZ) and the Asian Development Bank, have provided funding to support the inclusion of refugees in the national and local systems, services and development plans of host countries. BMZ also supported national technical and vocational education for host and refugee communities in Ethiopia, the integration of refugees into the development plans of local administrations in Uganda, and refugee access to the labour market and health services in Mauritania. In line with its development approach to address forced displacement, the European Union supported protection, inclusion and solutions across all regions by implementing its ten per cent spending target for displacement and migration from its external action budget 2021-2027. Similarly, the Netherlands spearheaded a new partnership initiative to improve prospects for displaced persons and host communities. Among other efforts, the initiative is helping to strengthen national child protection capacities with support from the United Nations Children's Fund (UNICEF) in Egypt, Ethiopia, Iraq, Jordan, Kenya, Lebanon, Uganda and Sudan. Joint action plans with the United Nations Development Programme, UNICEF, the United Nations Relief and Works Agency and International Labour Organization (ILO) were renewed in 2022, reinforcing collaboration on protection and solutions for displaced and stateless populations.

D. Meaningful participation

41. The New York Declaration for Refugees and Migrants and the Global Compact on Refugees highlight the importance of direct engagement with displaced persons. Meaningful participation is also rooted in the community-based protection approach of UNHCR, through which the organization commits to put displaced and stateless persons at the centre of decisions affecting their lives and to ensure accountability to affected people.

42. In 2021, UNHCR developed a plan composed of four pillars for strengthening accountability to affected people. This plan incorporates elements of organizational resources, capacity and tools, and advocacy, coordination and leadership. It aims to build on efforts to engage with, listen to and consult the people with and for whom UNHCR works, including through diverse channels of communication such as messaging applications and social media.

43. The second Global Disability Summit was held virtually in February 2022, hosted by the International Disability Alliance and the Governments of Ghana and Norway. UNHCR made ten new commitments on disability inclusion, building on those shared during the first summit and its Disability Action Plan 2020-2024. As of 2021, the question sets of the Washington Group on Disability Statistics were integrated into the registration system of UNHCR to better identify persons with disabilities at the registration stage and at other data collection points. To support these efforts, a series of capacity-building sessions were organized for the workforce, and training materials were developed.

E. Services for children and youth

44. In situations of crisis and displacement, children and youth are at risk of various forms of abuse and neglect, resulting in violations of their rights. To address this, unaccompanied and separated children should have adequate care; displaced and stateless children should have access to national child protection systems and services; child-friendly procedures should be put in place; and targeted, timely, systematic and coordinated support should be provided. UNHCR published guidance on assessing and determining the best interests of the child, guidance on child-friendly procedures and guidelines on supervised independent living for unaccompanied children.

45. Progress was also made at the regional level. In Europe, in response to displacement from Ukraine, UNHCR and UNICEF set up “Blue Dot” support hubs for children and families. Professional, trained case workers, mental health and psychosocial support experts and legal aid providers offered advice and protection services aimed at addressing and responding to risks, including gender-based violence, violence against children, distress and separation from family. In the Americas, UNHCR, together with UNICEF, IOM and ILO, offered technical assistance and supported the adoption by the Regional Conference on Migration of an operational guide for applying the best interests of the child in contexts of human mobility. In South Sudan, training and mentorship of community outreach workers increased best interests of the child assessments and referrals to child service providers. Advancements were also made in the inclusion of refugee and other displaced children in national child protection systems, including in Mali, Niger, Peru and Venezuela (Bolivarian Republic of).

F. Prevention and response to gender-based violence

46. Gender-based violence is a serious and under-reported human rights violation. Displaced and stateless women and girls in humanitarian crises and conflict situations are at heightened risk. Access to essential services, including psychosocial counselling, security, and medical and legal assistance, is lifesaving for survivors and those at risk of gender-based violence. It remains crucial to scale up prevention, risk mitigation and response to gender-based violence and to include displaced and stateless women in national systems. To this end, UNHCR prioritized implementation of its policy on prevention, risk mitigation and response to gender-based violence.

47. To ensure safe, adequate and timely access to lifesaving, quality services for survivors and persons at risk of gender-based violence, UNHCR expanded mobile and remote service provision, including around the clock access to hotlines, and updated referral pathways. Survivors of gender-based violence were provided with psychosocial support, access to health care, security and legal services, and cash assistance. Safe spaces for women and girls helped establish trust and empower displaced women and girls. As a result, more survivors have sought help, while support has contributed to reducing further risks of violence, such as child marriage and trafficking for the purpose of sexual exploitation. However, services for male survivors of gender-based violence are scarce. While the COVID-19 pandemic hampered these efforts in many regions, some challenges were overcome by relying on extended community networks and introducing remote services. Addressing all forms of violence against displaced and stateless people because of their sexual orientation or gender identity remains an integral part of the commitment of UNHCR to non-discrimination.

48. As part of the UNHCR deployment scheme funded by the Government of the United States of America, through the Safe from the Start initiative, specialists provided support to emergency operations, including in Afghanistan, Burkina Faso, Burundi, the Central African Republic, Chad, Mali, Pakistan, Sudan and the Syrian Arab Republic. The initiative also funded activities in Brazil, Costa Rica, Colombia, Guatemala, Mexico, Guyana, Peru and Trinidad and Tobago, as well as Aruba and Curaçao. Engagement with governments and civil society, particularly women-led organizations, was strengthened. In Mali, a new one-stop centre providing critical care and support to survivors and persons at-risk of gender-based violence was handed over to the authorities, reinforcing their capacity to address this serious challenge.

49. UNHCR continued to mainstream gender-based violence risk mitigation across technical sectors. In Yemen, solar lightening was installed in the informal settlements for internally displaced persons. In Ethiopia a grinding mill was built in the Tsore refugee camp, obviating the need for refugees to travel far to use another mill and, consequently, reducing the risk of gender-based violence en route. To prevent gender-based violence, UNHCR implemented programmes with the Uganda-based organization Raising Voices, helping to prevent violence through community activism in Bangladesh, Ethiopia, South Sudan and Uganda. UNHCR also partnered with the International Rescue Committee on a programme to engage men in accountable practices in Kenya, Rwanda, South Sudan, Uganda, the United Republic of Tanzania and Zimbabwe.

IV. Access to safety within one's country: internal displacement

50. In 2021, the number of persons internally displaced by conflict, violence and human rights violations increased to unprecedented levels, reaching some 50.9 million. Protection and solutions remained major challenges, with numerous countries in Africa and Asia witnessing new conflict-related displacements.

51. The protection of civilians in cities and other populated areas was identified in 2022 as a priority for the United Nations Security Council. UNHCR is undertaking advocacy on the protection of civilians at the global, regional and country levels and is boosting efforts to protect civilians from explosive ordnance and weaponry in populated areas.

52. UNHCR is engaged in situations of internal displacement in 33 countries, including Afghanistan, Cameroon, the Congo (Republic of), the Democratic Republic of the Congo, Ethiopia, Mozambique, Myanmar and Ukraine. In South Sudan, UNHCR supported community-based structures to identify and respond to critical, life-saving protection needs, and to help create the conditions for the return of internally displaced persons. In Afghanistan, UNHCR and partners delivered life-saving assistance and worked to ensure the continuity of protection for internally displaced persons. In Yemen, cash assistance was vital for internally displaced persons in districts with high food insecurity and for individuals facing specific protection risks, such as female-headed households, children, persons with disabilities and older persons. In various operations, including Iraq, efforts to ensure that internally displaced persons have access to civil documentation helped reduce the risk of statelessness. In Colombia, UNHCR led a comprehensive protection analysis of the internal displacement situation, including in isolated areas of the country affected by conflict and violence, and convened consultations with communities in order to identify those at risk for follow-up with the national and local authorities and partners.

53. UNHCR leads the global protection cluster in 29 out of 32 cluster and cluster-like mechanisms worldwide and advocated the rights of internally displaced persons in need of protection. The global protection cluster supports strengthened coordination capacity and timely and evidence-based protection analysis. It also galvanizes partners on priorities such as the centrality of protection, localization, accountability to affected populations, mental health and psychosocial support, disability inclusion, law and policy, human rights, advocacy and collective protection outcomes. In addition to field support missions, the global protection cluster has defined a minimum operational footprint for effectiveness and developed a collective protection analytical framework that enables coherent analysis. At the 2021 Global Protection Forum, the global protection cluster brought together over 5,000 humanitarian workers and peace and development partners in public and closed-door sessions with Member States and other donors to discuss ways to strengthen responses to internal displacement.

54. Globally, UNHCR played a central role in supporting States to develop and implement national laws and policies on internal displacement. It also tracked global developments through its global database and chaired the global protection cluster Task Team on Law and Policy, bringing together humanitarian, human rights and development partners. Regionally, UNHCR collaborated with the African Union, as well as the Economic Community of West African States, the Intergovernmental Authority on Development and the Southern African Development Community on the ratification, domestication and implementation of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa. Domestication processes were initiated in Burkina Faso and Mozambique. UNHCR also supported law-making processes in El Salvador, Honduras and Mexico for the protection and assistance of internally displaced persons, including through the Comprehensive Regional Protection and Solutions Framework (known as MIRPS) Working Group on Internal Displacement. Within the Working Group, UNHCR supported the development of a framework to protect housing, land and property rights, and the recovery of physical and community assets. In Ethiopia, UNHCR and partners provided legal information and aid to internally displaced persons.

V. Access to citizenship: statelessness

55. Stateless people often lack legal protection and have difficulty accessing basic rights. Strengthening protection frameworks, in line with the 1954 Convention relating to the Status of Stateless Persons (1954 Convention), is therefore of critical importance and a considerable number of States made positive steps in this regard. Legislative developments include the enactment of a law in Colombia that established a statelessness determination procedure and enabled recognized stateless persons to obtain travel documents and access facilitated naturalization. Similarly, amendments to the Armenian citizenship law allow stateless refugees to benefit from a simplified naturalization procedure. In Thailand, a Cabinet resolution adopted in 2021 provides access to legal immigration status and permanent residency for certain registered stateless residents in the country, ultimately facilitating their access to Thai nationality. Rwanda adopted a new nationality law in July 2021, providing for the simplified naturalization of stateless persons, in line with its pledge made at the high-level segment on statelessness during the seventieth plenary session of the Executive Committee of the High Commissioner's Programme in 2019. Georgia introduced amendments to a governmental decree allowing applicants for stateless status to access emergency healthcare. To ensure that stateless migrants are identified and granted protection, the governments of Albania and Turkmenistan adopted legislative provisions to establish statelessness determination procedures in November 2021, bringing the total number of States with such procedures to 29. The Government of Togo acceded to the 1954 Convention in July 2021.

56. Despite this noticeable momentum in 2021 and 2022, the lack of reliable data on statelessness continues to hamper progress on identifying and reducing statelessness, as well as on protecting stateless persons. Current statistics cover only 96 countries, with a total number of 4.3 million stateless persons. Several initiatives are underway to address this, including the development of international recommendations on statelessness statistics by UNHCR, the United Nations Statistical Commission's Expert Group on Refugee and Internally Displaced Persons Statistics, and the United Nations Population Fund. The recommendations are expected to be presented to the United Nations Statistical Commission for adoption by States in 2023.

57. A number of legal safeguards to prevent statelessness in accordance with the 1961 Convention on the Reduction of Statelessness (1961 Convention) have also been adopted by States in 2021 and 2022. In the Philippines, the Foundling Welfare Act was adopted and prevents statelessness among foundlings, including for those who have reached adulthood. This follows a 2016 landmark ruling determining that foundlings are considered citizens. A similar judicial decision was issued in Côte d'Ivoire, clarifying that individuals born to unknown parents and found as a child on the territory can obtain the country's nationality, even in adulthood. In Colombia, an important resolution was extended making it possible for children born in Colombia to Venezuelan parents to obtain birth certificates and, crucially, to acquire Colombian nationality, reflecting the obligation to grant nationality to children born in the country if they would otherwise be stateless. Continued efforts by States and partners have led to the reduction of Syrian refugee children born without birth documentation in the major host countries from 35 per cent in 2012 to 4 per cent in 2021. The number of States parties to the 1961 Convention increased to 78 with the accession of the Philippines and Togo.

58. Progress was also made in resolving statelessness among stateless populations in situ, including in Azerbaijan and Kenya. Kazakhstan embarked on a country-wide statelessness identification and documentation campaign, providing for a pathway to citizenship. In Uzbekistan, some 62,000 registered stateless persons have been granted Uzbek nationality or had their nationality confirmed.

59. Despite significant advances on the Global Action Plan to End Statelessness since the launch of the #IBelong Campaign by UNHCR in 2014, more needs to be done. Discrimination based on gender and ethnicity in legislative frameworks and in procedures is a major cause of statelessness, and many countries are yet to take steps to address this.

VI. Access to solutions

A. Local integration

60. Local solutions to displacement can often be found when refugees are allowed to become self-reliant, contributing to their host communities and host countries. They may be further advanced by lawful residency, socioeconomic inclusion and the facilitation of naturalization, in line with the 1951 Convention and other legal instruments. Microcredit loans can enable refugees to establish businesses and become self-reliant. The document renewal and information verification exercise launched by the Government of Pakistan and UNHCR in April 2021 was completed by the end of the year. This exercise verified or registered comprehensive socioeconomic data for 1.28 million Afghan refugees and resulted in the issuance of biometric smart cards to all verified “proof of registration” cardholders over five years old, facilitating programming for resilience for Afghan refugees while in Pakistan, as well as for eventual voluntary return and sustainable reintegration. The Government of Peru recognized educational degrees of refugees in several professional fields, including health, allowing them to resume their professional careers and make valuable contributions to their host countries and communities. Several countries have facilitated the naturalization of refugees in accordance with Article 34 of the 1951 Convention, including Albania, Armenia, Georgia, the Republic of Moldova and Senegal.

61. The Intergovernmental Authority on Development and its member States, including the Sudanese and South Sudanese Governments, together with UNHCR, refugees, internally displaced persons and returnees advanced discussions to articulate a common vision for investing in solutions for displaced persons across the two countries and the region. A durable solutions strategy and plan of action was drafted in 2021 and includes key objectives, such as the socioeconomic inclusion of at least 50 per cent of those wishing to do so within the plan’s five-year horizon.

B. Voluntary repatriation

62. While ongoing conflict and insecurity continues to limit large-scale prospects for return to countries such as Afghanistan, Myanmar and the Syrian Arab Republic, progress on repatriation is taking place elsewhere. In Burundi, more than 23,500 Burundian refugees returned home from Rwanda in recent months, bring the total repatriated to some 190,000 since 2017. UNHCR is supporting the voluntary repatriation of refugees to Burundi, from the Democratic Republic of the Congo, Kenya, Mozambique, Rwanda, Uganda and the United Republic of Tanzania. In the Democratic Republic of the Congo, nearly 5,000 refugees who fled violence four years ago are opting to head home voluntarily from Zambia. Based on fundamental and durable changes in Côte d’Ivoire, UNHCR has recommended that States hosting Ivorian refugees apply the cessation clause to refugees who fled violence and persecution related to political events between 1999 and 2021, and facilitate their voluntary repatriation and reintegration, or acquisition of permanent residency or naturalization for those wishing to remain in their host countries. UNHCR has organized transportation to help Ivorians wishing to return. In 2021, some 22,400 refugees returned home, followed by over 9,600 in the first quarter of 2022. UNHCR is also providing financial support to returning refugees to facilitate their reintegration. As of April 2022, some 306,000 refugees had returned to Côte d’Ivoire since 2011 (some 92 per cent of those displaced from the country).

C. Resettlement and other third-country solutions

63. Less than 1 per cent of the world’s refugee population has access to third-country solutions, and the gap between resettlement needs and resettlement places, and particularly resettlement departures, is widening. While there are positive examples of States increasing their refugee resettlement targets, such as the United States of America, the scope of those in

need far exceeds the willingness of States to resettle them. From the Middle East and North Africa region alone, some 717,000 refugees are considered to be in need of resettlement in 2022. Over 610,000 of them are Syrian refugees, representing the population with the highest global resettlement needs. The gap between resettlement needs and places is starker in the East and Horn of Africa and Great Lakes region. Though this region hosts more than 4.9 million refugees and asylum-seekers, only 22,500 resettlement places were allocated to the entire region. In 2021, UNHCR submitted the cases of over 63,000 refugees to 23 countries for resettlement consideration, a 60 per cent increase from 2020. Additionally, over 39,000 refugees departed on resettlement to 20 different countries, an increase of 72 per cent from 2020. Women and girls represented 50 per cent of the submissions, while 52 per cent were children.

64. While family reunification helps guarantee the right to family life, processing costs and documentation requirements continue to present obstacles. These can, however, be addressed by innovative remote processing and alternatives to documentary evidence. In the Americas for example, Chile, the United States of America and Uruguay are progressing on expanding family reunification through these means. The global Family Reunification Network, which draws together key stakeholders, experts and academics with the collective purpose of promoting and facilitating greater access to family reunification procedures, has provided a platform to share good practices and ongoing challenges. UNHCR's commitment to family reunification continued through support to programmes such as the regional family reunification project with the International Refugee Assistance Project. More recently, a project was piloted with the Netherlands, through which UNHCR operations facilitate remote family reunification interviews to reduce prolonged waiting periods.

65. Heightened interest and support for educational pathways and labour mobility are emerging, with new programmes in various countries such as Canada, France and the United Kingdom of Great Britain and Northern Ireland. Safe labour pathways with protection safeguards help refugees realize their human right to decent work, while enhancing vibrant and diverse workforces, and meeting the economic and labour market needs in the receiving communities. The legal and administrative landscape is, however, complex and tends to limit swift and visible change. UNHCR recommended that the European Union and its Member States adopt a common and holistic approach on labour mobility to address current and future labour needs in the European Union, enabling equitable access to refugees.

66. In the Middle East and North Africa, complementary pathways have been a strategic priority, including through educational programmes, employment opportunities and family reunification. Third country employment and educational programmes have been scaled up in the region through a wide network of States and partners. UNHCR is working on mapping and showcasing the profiles and needs of the refugee population to better match demand in third countries and advocate expanded opportunities.

VII. Conclusion

67. Conflict, violence, discrimination and oppression have accelerated global displacement over the past year, challenging the multilateral system and the fundamental principles of international protection and human rights. Yet crucial principles, initiatives and partnerships are evident at the international, regional and national levels that seek to reverse this trend and give hope to displaced and stateless persons. While access to rights and to protection and solutions ultimately depends on the commitments and actions of States, there are multiple ways in which favourable conditions for the enjoyment of those rights can be fostered. These include efforts to promote international cooperation and effective burden- and responsibility-sharing, to employ multi-stakeholder approaches in addressing the global displacement situation and to support implementation of commitments and legal obligations in good faith, in line with the Global Compact on Refugees. It is also crucial to ensure that the persons for and with whom UNHCR works remain at the centre of the response. Ongoing challenges, including COVID-19, and new displacement situations such as Ukraine, clearly

illustrate the central importance of the Compact. UNHCR looks forward to working closely with States and other partners in the lead-up to the 2023 Global Refugee Forum; and urges all stakeholders to use the opportunity afforded by the next 18 months to advance progress in its implementation, including through reinforced access to rights.
