

Young Syrian
refugee just after
crossing the border
into Jordan



Ensuring Protection *for People of* Concern

Protecting the unprecedented numbers of people forcibly displaced around the world remains at the core of UNHCR's work. In 2013, UNHCR focused its efforts on promoting the principles of international protection and looking for ways to offer protection in areas not adequately covered by existing legal frameworks. This chapter presents a summary of UNHCR's achievements in enhancing protection during the year, complemented by commentary on some efforts that merit particular mention. ●●●

Tailoring protection responses and establishing effective systems

UNHCR continued to work with governments to develop, advance and sustain quality protection systems. In 2013, The organization placed special emphasis on the development of a campaign for the eradication of statelessness, while also pursuing complementary durable solutions (see chapters on these topics).

To strengthen its capacity to deliver community-based protection and respond effectively to the needs of marginalized groups, UNHCR provided guidance and training to its partners. It also worked with local

communities to strengthen refugee livelihoods and self-reliance, enhance participatory approaches, reinforce coexistence with host communities, and advocate for refugee participation in peacebuilding and development efforts.

The implementation of global policies on education, child protection and sexual and gender-based violence (SGBV) was pursued. To promote gender equality among people of concern, UNHCR used a community- and rights-based approach. This included the development of guidance on key issues, such as women's leadership.

An encouraging example of effective partnership in supporting education for refugee children is the Educate A Child programme (see special feature) which is providing remarkable support for UNHCR's efforts to meet the needs of refugees through the Education Above All Foundation. UNHCR believes that education and safe-learning environments for displaced children are fundamental protection responses.

Details of significant achievements in different areas of UNHCR's protection work in 2013 are presented in the matrices.

AREAS OF INTERVENTION

ACHIEVEMENTS IN 2013

Favourable protection environment

Law and policy developed or strengthened

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

- In the context of the transposition of recast European Union (EU) directives into national legislation, legislative amendments adopted included those in Belgium, Estonia, Germany, Italy, Luxembourg, Poland and Portugal.
- Outside Europe, the Office engaged with over 50 countries in legislative revision processes through official comments, expert advice and active assistance with drafting as required. Legislative amendments were adopted or entered into force in the Plurinational State of Bolivia, Canada, Israel and New Zealand. Turkey adopted a new law on foreigners and international protection in April 2013.
- A new set of protection guidelines on claims for refugee status relating to military service was issued, complementing UNHCR's *Handbook on Procedures and Criteria for Determining Refugee Status*.
- Following expert meetings in 2012 and 2013, guidelines on temporary protection or stay arrangements were issued, reflecting UNHCR's current thinking based on developments in state practice and doctrine. These guidelines promote temporary protection or stay arrangements particularly for regions where few States are party to the 1951 Convention.
- UNHCR intervened in 16 court cases in 15 jurisdictions to ensure that observations on the interpretation and application of legal standards relevant for the protection of refugees were taken into account.
- A roundtable discussion took place in Uruguay on the interpretation of the definition of refugees in the Cartagena Declaration, with government experts, adjudicators, human rights specialists and academics, as part of the efforts to give more content to that definition in the lead-up to the commemoration of the Declaration's 30th anniversary.

Promote alternatives to detention

- Conditions of detention were monitored in many countries, and public monitoring reports were issued on the conditions for asylum-seekers detained in parts of the Asia-Pacific and Europe regions.
- UNHCR signed a Memorandum of Understanding with the International Detention Coalition (IDC), a network of over 150 NGOs, to collaborate on joint advocacy and campaigning, technical cooperation and capacity-building, research, monitoring, and information sharing (see *Working in Partnership* chapter). The Office supported and participated in four regional workshops.
- UNHCR, in partnership with the Canadian Red Cross and a local NGO, organized a roundtable to explain and expand the use of alternatives to detention in western Canada.
- UNHCR supported the work of the Working Group on Arbitrary Detention established by the former Commission on Human Rights, providing briefing notes for country visits to Azerbaijan, Brazil, Greece and Hungary.
- UNHCR commissioned research into the perspectives of asylum-seekers in Canada and Switzerland, who had been released into the community as an alternative to detention.
- UNHCR's detention guidelines, issued in 2012 in English and French, were translated into a further 8 languages.



AREAS OF INTERVENTION

ACHIEVEMENTS IN 2013

Advocate for the freedom of movement for people of concern

- UNHCR and the International Civil Aviation Organization (ICAO) jointly issued a *Guide for Issuing Machine Readable Convention Travel Documents for Refugees and Stateless Persons*, aimed at helping States to make progress towards machine readability of Convention Travel Documents in line with ICAO standards. UNHCR also issued guidance and advice to offices worldwide on the implementation of the guide.
- Two new States parties to the 1951 Convention converted such documents into machine-readable format.
- UNHCR intervened as *amicus curiae* in two countries to ensure freedom of movement.

Encourage local populations to be receptive towards people of concern

- Through advocacy with UN Human Rights mechanisms, UNHCR encouraged States to ensure a favourable protection environment for people of concern.
- UNHCR and the Stavros Niarchos Foundation in Greece implemented the Symbiosis Project for the promotion of tolerance and the prevention of racism in schools. The project aims to raise awareness among school students and teachers about refugee and migrant rights, tolerance, democratic dialogue and prevention of racism, violence and social exclusion.
- Together with IOM and the City of Johannesburg, UNHCR launched an awareness-raising campaign in which artists participated in a poster competition demonstrating the positive contribution of migration in South Africa.

Promote protection-sensitive migration strategies

- UNHCR provided operational and policy guidance and support on protection-sensitive, comprehensive regional approaches to mixed movements in Africa, the Americas Asia and the Gulf of Aden.
- UNHCR supported regional mixed-migration conferences in Almaty, Sana'a and consultations in Jakarta.
- UNHCR held field consultations on policies, practices and challenges regarding the protection of people of concern within mixed migratory flows across 18 country operations.
- The Office continued to engage with the Global Migration Group (GMG), the Global Forum on Migration and Development (GFMD) and the High Level Segment on Migration and Development.

Fair protection processes and documentation

Quality of registration and profiling improved or maintained

Provide registration assistance

- UNHCR undertook further development of its registration and case management software, *proGres* Version 4, which will include new features and will be stored in a centralized database that will allow data to be shared between operations.
- In 2013, UNHCR defined requirements for a new global biometrics tool for identity management, which comprises the processes, methods, and technologies used to establish and preserve the identity of people of concern. Biometrics are also important in UNHCR operations to confirm identities and facilitate the delivery of protection services and the granting of assistance. Operations received guidance and support for registration activities, including the delivery of registration equipment and supplies; the identification and deployment of registration staff; training in relation to emergency situations; advice on tools and processes for urban registration; and standards for sharing data with partners.

Quality of and access to refugee status determination (RSD) procedures improved

Further develop and implement standards and procedures relating to RSD

- Operational, legal and procedural advice was provided on RSD procedures and decision making, for regular and emergency operations (including those characterized by mixed flows), operations engaged in transferring RSD responsibilities to governments (e.g. in Cameroon, Hong Kong SAR (China) and Morocco) or in building or strengthening State asylum procedures (e.g. in Ireland and Mexico); and for specific groups or profiles (e.g. specific nationalities, religious claims, maritime arrivals), including vulnerable groups (e.g. asylum-seekers in detention, lesbian, gay, bisexual, transgender and intersex (LGBTI) asylum-seekers, and child asylum-seekers).
- Quality Assurance Initiatives (QAI) continued to be rolled out in the Americas and in Eastern Europe.

Further build capacity of RSD staff

- UNHCR provided advice and support on RSD training initiatives.
- RSD trainings were developed and facilitated, including two regional sessions of the RSD Learning Programme and four country sessions of a thematic LGBTI/RSD training for UNHCR staff, as well as four RSD trainings for government staff assuming RSD functions.

Further strengthen RSD staffing in UNHCR operations

- The number of UNHCR staff engaged in mandate RSD procedures increased from 400 to 460, 70 per cent of whom were assigned full-time to RSD work.

Implement RSD expert deployments and missions to UNHCR operations

- Ten RSD consultants were deployed under the UNHCR RSD Deployment Scheme and an RSD expert under the joint MOU with France's refugee affairs office to six operations to support UNHCR and State RSD procedures.
- Five RSD support missions were conducted to Ecuador, Ireland, Mexico and the Russian Federation, as well to Hong Kong SAR (China).

AREAS OF INTERVENTION

ACHIEVEMENTS IN 2013

Level of individual documentation increased

Advocate for progress on civil registration

- UNHCR supported the process of adoption of Executive Committee Conclusion No. 111 (LXIV) on Civil Registration, covering birth, death and marriage registration.

Provision of protection information enhanced

Enhance the provision of protection information

- Country-specific guidance (in the form of eligibility guidelines, protection consideration papers, non-return advisories or court interventions) was published for key countries and population groups, including Afghanistan, the Central African Republic, and northern Nigeria.
- Discussion and familiarization sessions on Afghanistan eligibility guidelines were organized for UNHCR and external audiences.
- Training on research and use of country of origin information (COI) was provided for mixed stakeholder groups (including in Bosnia and Herzegovina, Estonia and France, as well as in East and West Africa and South-East Asia).
- COI compilation reports and query responses were commissioned from protection information partner organizations, including on the Democratic Republic of the Congo, Iraq, the Islamic Republic of Iran, Libya, Pakistan and South Sudan.
- *Refworld* database was relaunched and revamped, including in Russian.
- Internal online community-of-practice was revived to facilitate better exchange of experience and information among UNHCR protection staff.

Strengthening the quality of refugee status determination

Throughout its existence, UNHCR has collaborated with States to help them improve their national refugee status determination (RSD) systems. In recent years, this work has increasingly taken the form of “Quality Initiatives” (QI), or “Quality Assurance Initiatives” (QAI), designed to help States ensure that their national RSD systems are fair and efficient, and that RSD decision makers arrive at correct determinations. Typically consisting of joint monitoring and analysis of RSD procedures and decision making, coupled with joint training and other capacity-building efforts, QIs/QAIs often bring a fresh perspective to RSD and allow for a valuable exchange of ideas and experiences.

Some good examples of this kind of cross-fertilization can be seen in UNHCR’s work with governments in the Americas. In 2011, the Governments of Costa Rica, Mexico and Panama began to collaborate with UNHCR in an effort to develop a QAI

tailored to the Americas region. The following year, UNHCR deployed a senior RSD expert to the region to help design this framework. The goal was to identify the challenges and opportunities facing each national RSD system and formulate and implement appropriate strategies.

A particular feature of the QAI in the Americas region is its alignment with the Mexico Plan of Action, adopted by 20 Latin American countries in 2004 during the commemoration of the 20th anniversary of the 1984 Cartagena Declaration on Refugees. Following the earlier signing of formal cooperation agreements with Costa Rica, Mexico and Panama, the QAI was expanded in 2013 to include Argentina and Brazil.

The commemoration of the 30th anniversary of the Cartagena Declaration in 2014 will give governments in the Americas an opportunity to analyse the main challenges in the current protection regime and devise innovative and pragmatic ways to respond to them.

Advancing protection responses for smuggled and trafficked people

In 2013, UNHCR pursued efforts to strengthen protection-sensitive migration strategies, notably in relation to the problems of smuggled and trafficked human beings.

In 2011, an internal UNHCR working group began to examine a growing number of reports of human rights abuses in relation to the smuggling and trafficking of human beings, in particular along routes from the East and Horn of Africa to the Middle East, North Africa and Europe. The aim was to explore a predictable and broad-based collaborative approach - one which

would bring together UNHCR's partners as well as other concerned actors, to address this phenomenon.

The smuggling and trafficking of human beings takes place in complex and multifaceted ways, with national, regional and inter-regional dimensions. While Eritrean, Ethiopian, Somali and Sudanese asylum-seekers and refugees, as well as migrants, are the groups that have been primarily affected up to now, individuals in Djibouti, Egypt, Ethiopia, Sudan, Yemen and, increasingly, Libya, also report incidents of torture and rape linked to smuggling, trafficking and kidnapping.

During the year, UNHCR disseminated a strategy and plan of action to help its offices in the field coordinate responses to the main protection concerns. The plan included measures to identify solutions for refugees, promote alternatives to the use of smugglers, enhance inter-State cooperation, build governments' capacities to provide protection, strengthen partnerships to address the problem of smuggling and trafficking and provide effective responses for those affected, and raise awareness of, and disseminate information about, the dangers.

AREAS OF INTERVENTION

ACHIEVEMENTS IN 2013

Security from violence and exploitation

Protect people with specific needs

- Together with the Organization for Refugees, Asylum and Migration (ORAM), UNHCR held training events on LGBTI asylum-seeker and refugee protection in India, Jordan, Malaysia and Senegal.
- In Nepal, UNHCR collaborated with a national LGBTI organization to provide training on the rights of LGBTI individuals in the camps.
- UNHCR partnered with the Women's Refugee Commission on the global roll-out of UNHCR's guidance on *Working with Persons with Disabilities in Forced Displacement*, conducting field assessments and providing technical support and training to UNHCR country offices, its implementing partners and disability organizations.

Age, Gender and Diversity Policy

- The Age, Gender and Diversity (AGD) Accountability Framework was incorporated into UNHCR's online planning and reporting system under the title AGD Accountability Report.
- The Results Framework was revised to include 52 AGD impact indicators, which will allow UNHCR to plan, programme and report according to AGD principles.
- A survey was conducted on staff capacity and knowledge of AGD, revealing that this approach to protection is increasingly used and appreciated in the organization.

Strengthen participatory assessments

- A review of participatory assessments in more than 40 operations reaffirmed UNHCR's strong engagement in working directly with communities of concern, despite many challenges.

Empower communities

- UNHCR issued a policy paper, *Understanding Community-Based Protection*, including essential elements and best practices for successful community-based protection interventions. This is the initial step of a multi-year process – launched in June 2013 – to support the transition of the community services function to community-based protection.

Gender equality and the protection of women

Prevent and respond to sexual and gender-based violence (SGBV)

- UNHCR assisted 22 country operations to develop country-level strategies as part of the roll-out of its *Action against Sexual and Gender-Based Violence: An Updated Strategy*.
- To strengthen the capacity of UNHCR staff, partners and government actors, UNHCR held three regional workshops for over 100 participants in Amman, Dakar and Tunis, as well as various country-level training and awareness-raising campaigns.
- Safe spaces were provided for SGBV survivors, including community-based safe homes, to protect women and girls in Kenya.
- Psychosocial support and medical assistance were integrated in country operations. In Ecuador, UNHCR provided psychosocial support for SGBV survivors through art therapy. In Uganda, female and male survivors received tailored medical attention.
- In line with the Access to Justice policy released in 2012, UNHCR strengthened its efforts to ensure that legal remedies were more accessible to SGBV survivors; as a result of targeted action, 15 perpetrators were convicted and sentenced in Kiziba, Rwanda.



AREAS OF INTERVENTION

ACHIEVEMENTS IN 2013

Strengthen partnerships with UNFPA and UNICEF through UN Action

- A gender-based violence information-management system (GBVIMS) consultant provided technical support for 10 country operations, including Jordan and Lebanon, in different regions.
- UNHCR contributed to inter-agency assessments, guidelines, and reports through UN Action. Upon request of the Special Representative of the Secretary-General on Sexual Violence in Conflict, UNHCR joined an inter-agency mission to the Democratic Republic of the Congo (DRC) with UNICEF, UNFPA and UN Action Against Sexual Violence in Conflict to improve the coordination and implementation of the country's national SGBV strategy.

Protection of children strengthened

Strengthen child protection capacity in the field

- UNHCR deployed 19 child protection specialists to field operations, with the assistance of standby partners.
- Training workshops on child protection in emergencies and on best interest determination were conducted in Addis Ababa, Amman and Dakar to update the skills and knowledge of front-line and field-based protection and community services staff who deal with child protection in their daily work. The workshops also facilitated sharing of good practices between operations.
- Emergency operations received particular attention through joint UNHCR/UNICEF regional training held for operations in Egypt, Iraq, Jordan, Lebanon and Turkey.

Empower children to address child protection issues

- The You Can Do It initiative was piloted in four countries, engaging children and adolescents to design and implement activities to address child protection issues in their own refugee communities. For example, in Ethiopia a drawing competition involved 150 children in mapping child-protection risks in the Gambella area and encouraged children to join the local child protection club to work on community-awareness raising around these issues.
- See also article on *Youth Initiative Fund gives a voice to refugees*.

Population has optimal access to education

- UNHCR provided support in 20 countries to develop and implement a multi-year education strategy in collaboration with Ministries of Education, UNICEF, NGOs and refugee teachers. Over 300 people were thus capacitated to develop education strategies and action plans, emergency education response and girls' education.
- In-depth support and capacity development strengthened education programme planning, implementation and monitoring in 23 countries in Africa, Asia and MENA.
- 40 countries were involved in the DAFI tertiary scholarship programme, which enabled 2,000 students to enrol at university.
- Emphasis was placed on mainstreaming refugee education needs within national education systems, with broad-based partnerships to support education for both host community and refugee children. Significant progress in this regard was noted in Chad, Rwanda, Uganda and Yemen.
- An additional 200,000 out-of-school children were enrolled and retained in primary school in 12 countries in Africa, Asia, the Middle East and North Africa (see also special feature on *Educate A Child*).
- Based on a global study of refugee teachers, a strategy for improved teacher management was developed and implementation is underway in Djibouti, Ethiopia and Kenya.
- Partner capacity was enriched through a series of innovation webinars and information technology training at four regional education workshops, reaching over 100 individuals.
- Collaboration with new partners in formal and non-formal education has led to the development of innovative tools such as the *IdeasBox*, *Worldreader Kits* and mobile information and communications technology labs.
- UNHCR established eight international positions and increased national education positions in the field to 25.
- Significant support was provided to education emergency response as a critical component of protection, supporting education access for refugees from the Central African Republic, the DRC, Mali and the Syrian Arab Republic (Syria).
- UNHCR organized a regional education conference on Syrian refugees, jointly with UNESCO and NGO partners, to identify gaps and plan a response for the five main countries hosting Syrian refugees.

Building capacity to prevent and respond to SGBV

UNHCR took several new steps in 2013 to improve its organizational response to SGBV and address the needs of SGBV survivors.

The report on the High Commissioner's Special Projects to strengthen SGBV prevention and response in 14 countries was released at the start of the year. With the aim of establishing an organization-wide approach to addressing SGBV, the findings of the report were introduced in sectoral programming, including interventions related to self-reliance and education as well as services for people with specific needs.

Through the *Safe from the Start* initiative launched in 2013,

in partnership with the Bureau of Population, Refugees and Migration of the U.S. Department of State, UNHCR is strengthening its SGBV response in emergency situations. Over the next three years, this initiative will help address gaps in technical expertise in current emergencies, augment internal capacity in SGBV prevention and response, develop evidence-based impact assessment methodologies, and implement community-based projects and livelihood programmes, targeting women and girls at risk of SGBV as well as SGBV survivors.

In order to strengthen UNHCR's

capacity to develop and implement country-level multisectoral SGBV strategies across the world, four Senior Regional Protection Officers (SGBV) took up their posts in February 2013 in Beirut, Dakar, Nairobi and Panama City. Since 2012, UNHCR has also been supporting initiatives to fight impunity for perpetrators of SGBV, notably through its engagement in the Preventing Sexual Violence in Conflict initiative launched by the United Kingdom. This included providing substantive feedback to the International Protocol on the Investigation and Documentation of Sexual Violence in Conflict. ■

● *Youth Initiative Fund gives a voice to refugees*

Magda (name changed) is a quiet young Afghan woman living in Mashhad, in the Islamic Republic of Iran, who used to find communication with others very difficult and struggled to become involved in her community. The Islamic Republic of Iran hosts one of the largest refugee populations in the world, and sexual and gender-based violence (SGBV), particularly domestic violence, is a big challenge within Magda's community.

UNHCR and its partners were looking for ways to help refugees cope better and stay resilient. In the course of 2013, the Association for the Protection of Refugee Women and Children (HAMI), a national NGO working with Afghan community facilitators, identified the need to help young refugees in Tehran and Mashhad combat SGBV within their communities. Funding to start such a programme was made available through UNHCR's Youth Initiative Fund.

Through this Fund, HAMI trained and mentored 100 young Afghans,

including Magda, to become community peer educators and facilitators. The aim of the project was to address domestic violence in the refugee communities. This was to be achieved by developing awareness and self-esteem, a deeper understanding of SGBV-related issues within their communities, a network for the exchange of knowledge with other Afghan refugees working in this area, and practical life skills. The project was designed with a multiplier effect in mind: Magda and the other 99 trainees went on to coach others within their communities. As a result, more than 1,800 young people were

trained.

Magda, who participated in the project for six months, says she is a changed person. Talking to the facilitators from HAMI, she described how she has "found her voice and self-esteem."

Now she has become very involved in helping to form several local Afghan refugee community groups that work to address this and other community challenges. Magda is no longer the shy, withdrawn girl she was before her participation in the project. She has gained confidence and is now able to represent her community and report to large groups of facilitators, voicing

the community's concerns. She is now regarded as a "go-to" person by her community, and plays an active role in reducing domestic violence, in consultation with the Iranian experts who trained her.

The project has had an impact on the host community, too. The workshops were held at local municipal authority premises, which helped raise awareness about the situation in the Afghan refugee community and the issue of SGBV. The Youth Initiative Fund has been successful in strengthening the voices of the Afghan refugees on SGBV. ●

Birth certificate opens the door to school in Côte d'Ivoire

This article is an adapted version of a UNHCR news story

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UNHCR / K. MAHONEY

Proud fathers in Goya, western Côte d'Ivoire, hold up the birth certificates that will allow their children to start school.

GOYA, Côte d'Ivoire, September 2013 | *Last week, hundreds of thousands of children went back to school across Côte d'Ivoire as a new academic year got under way. Like most Ivorian parents, Simon Konan Kouassé wants his five children to get a proper education.*

Until recently, getting into school seemed almost impossible for Simon's youngest daughter, three-year-old Agath, who was forcibly displaced along with her family by the conflict that tore through this West African country following the November 2010 presidential election.

"I wanted my girl to be able to go to school, but she was born 10 days before the war," says Simon, explaining that Agath's birth was never registered because the family was on the run from their village, Goya, in western Côte d'Ivoire.

For Agath, this left her in limbo: without an identification document or proof of nationality the child could not enrol in pre-school or access many other basic rights. Like her, many children in Côte d'Ivoire displaced

by violence have never been registered at birth, while others lost their birth certificates because they had to flee for their lives.

For the past two decades, the deepest roots of once prosperous Côte d'Ivoire's devastating and ruinous civil war have been linked to the question of identity: the conflict over who is a "real" citizen of the country. Documentation, such as birth certificates and identity cards, has therefore been vital to prove who "belongs."

But as peace and stability return to Côte d'Ivoire, and thousands continue returning home, the Government is actively addressing the issue. To help people like Agath and her parents, UNHCR and its government refugee protection partner, SAARA (*Service d'Aide et d'Assistance aux Réfugiés et Apatridiés*), have

been working to ensure that people without documentation not only understand the importance of having proper identification, but also how to get it.

Fortunately, Simon participated in these sessions and took the necessary steps to register Agath. And one month later, he had her birth certificate in hand. These steps will not only benefit hundreds of thousands of undocumented people in Côte d'Ivoire but will also help resolve identity questions, which will ultimately facilitate reconciliation and social cohesion.

"A birth certificate is crucial for education," says Simon. For him, this document is so much more than a piece of paper. It's a means to secure his child's future. ○

CHILD PROTECTION

To help overcome negative perceptions of teenage refugees from the Central African Republic in **Chad** who were being considered as idle, UNHCR and UNICEF rehabilitated and equipped several child-friendly spaces (CFS) to create recreational or educational opportunities. A local NGO provided support for refugee management committees in the CFS centres in Goré which catered for 555 children (220 girls and 335 boys). Community child-protection networks were established under the supervision of CARE, and two training sessions on child protection helped reinforce the services provided through these structures. Furthermore, through recreational activities, a peaceful coexistence initiative was run for 350 adolescent participants from both refugee and host communities. Committees of teenagers helped to mobilize their peers during activities marking the “Day of the African Child”. The percentage of out-of-school adolescents who participated in targeted programmes rose from 5 per cent to 8.6 per cent.

In **Kenya**, limited resources and a lack of capacity often forced operations to prioritize primary education over activities targeting out-of-school adolescents. Here too, UNHCR reinforced its efforts to mitigate the impact of displacement on the lives of young people and their communities through different initiatives. In Dadaab, 30 per cent of out-of-school adolescents were expected to participate in targeted programmes in 2013. However, owing to persistent cultural attitudes, only some 1,000 adolescents aged 12-17 years (approximately 7 per cent) actually participated in youth programmes offered by partners in life-skills training and girls’ mentorships.

IMPROVING LAW AND POLICY FOR PROTECTION

With the adoption of a new migration law in 2013, the **Plurinational State of Bolivia** has made great progress in setting up a comprehensive refugee domestic legal framework. This new legislation has led to improvements in protection safeguards for asylum-seekers and refugees in key areas, such as access to territory, access to residence permits and documentation. Refugees now receive permanent residence permits, whereas in the past, the permits had to be periodically renewed, which affected local integration prospects. Furthermore, the new migration law includes safeguards to exempt refugees

from expulsion provisions in order to prevent cases of *refoulement* at the border. The situation of people in need of international assistance, who do not meet the criteria set under the refugee definition, is also addressed. According to the new law, temporary resident permits can be granted on humanitarian grounds. This has recently been applied to address the situation of a stateless person.

In 2013, **Estonia’s** Act on Granting International Protection to Aliens was amended to include a number of new standards prohibiting automatic detention and stipulating the requisite safeguards against arbitrary or unlawful detention. These amendments came into force on 1 October 2013. Estonia also adopted amendments to its Act on Victim Support, with the aim of ensuring transposition of the EU anti-trafficking directive. The amendments regulate, for instance, the process of appointing representatives for unaccompanied and separated children (UASC) and individuals with limited legal capacity, as well as specifying application procedures involving these two groups. UNHCR particularly welcomed the inclusion of a new provision that provided for the application of the principle of best interest of the child with regard to the place of residence. It also stipulated the provision of services for UASC.

One particular challenge that arose during 2013 was when **Australia’s** migration legislation was amended so that all asylum-seekers who arrive in the country by sea without a visa cannot make a valid application for a visa in Australia, unless the Minister exercises a personal discretion that it is in the public interest to do so. Such asylum-seekers are all subject to mandatory immigration detention and transfer to a designated country for the processing of their claims for protection (currently Nauru and Papua New Guinea). The legislative amendment also effectively “excises” all of Australia for asylum-seekers arriving by sea. On 19 July 2013, a new policy was introduced that any asylum-seeker who arrived by boat on or after that date, if found to be a refugee, would not be settled in Australia.

ISSUANCE OF BIRTH CERTIFICATES

In **Thailand**, according to the 2008 Civil Registration Act, all children born on the Kingdom’s territory can be registered. UNHCR continued to advocate for universal birth registration for children born to camp residents, and provided technical and material support to the Government.

In 2013, some 2,600 birth certificates were issued to newborn children in the nine temporary shelters: 14 per cent were birth certificates issued to children born before 2013, and 86 per cent were for children born in 2013. Despite a backlog of unregistered births, major progress has been made, especially on birth registration in the camps in Tak province. Towards the end of the year the authorities decided to expedite the clearing of the backlog. Dialogue on registration issues, including civil status documentation, continued between UNHCR and the Ministry of the Interior, with clarification on procedure and implementation. The Office pursued information campaigns providing procedural information to refugees on birth registration and highlighting its importance in the refugee camps.

While the Governments of **Jordan** and **Lebanon** permit Syrian refugees to register children born in their countries, many births remain unregistered. A major barrier in both countries is a lack of awareness of the importance of birth registration, and also of the registration procedure itself. When asked whether he would register his newborn child, Radwan, a new father in Za’atari camp, showed his son’s birth notification document from the hospital in the mistaken belief that this was a birth certificate.

In Lebanon, some refugees were overwhelmed by the complexity of the birth registration process and resorted to risky practices to obtain a birth certificate. This included returning to Syria in the late stages of pregnancy to give birth there. Another significant barrier was that some refugees were unable to provide the documents required to register births. A single mother in Mafraq, Jordan, told UNHCR that she was unable to register her child because her family booklet had been destroyed when her home was bombed. Her husband was still in Syria, which complicated the process of verifying her marriage in Jordan.

UNHCR and partners have been working with the authorities in both countries to ease the requirements for Syrian refugees to register births and significant progress has been made. In Jordan, the civil status department agreed that Syrian refugees can provide copies of their identification documents if they do not have the originals. In Lebanon, the personal status directorate agreed in May 2013 to accept the family booklet as proof of parental identity and marriage. ●