REFUGEES (**) INTERNATIONAL

FIELD REPORT

A POWERFUL VOICE FOR LIFESAVING ACTION

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MEXICO'S UNSEEN VICTIMS

Mexico is in the midst of a hidden humanitarian crisis. Entire rural communities have been viciously emptied by violent drug cartels looking to appropriate their land and natural resources. Residents have fled cities and states where the Mexican military is heavily engaged in armed conflict against organized criminal groups. As a result of targeted assassinations, kidnappings, and extortion, Mexican families have been forced to escape by abandoning their homes and livelihoods.

Hundreds of thousands of Mexicans are internally displaced and in desperate need of documentation, shelter, livelihoods, and psychosocial support. Their existence must be acknowledged by the Mexican government, and a comprehensive humanitarian strategy to promote and protect their rights must be put into effect.

POLICY RECOMMENDATIONS

- ☐ The Mexican government should:
 - Develop a definition of internal displacement that is consistent with the Guiding Principles and incorporated into all government institutions working with the population;
 - Conduct a nationwide survey and needs assessment of those internally displaced due to organized criminal groups;
 - Add specific questions to the 2015 population count and the 2020 census on underlying reasons for movement;
 - Appoint a lead and institutional focal point within the Ministry of Interior and establish an interdepartmental working group for coordinating responses to internal displacement that includes relevant municipal and state offices;
 - Fully fund the 2013 Victim's Law annually and create a specific committee within the Executive Commission for Attention to Victims and an account for IDPs to assist them in securing safe shelter, a sustainable livelihood, compensation for or restoration of lost land, property or housing, and access to justice;

- Build on improvements to civil and birth registration at the national level and provide legal documentation to those internally displaced that can be used to access education, work, shelter, and municipal and state services; and
- Train community-based, municipal, state, and federal police and military personnel on how to identify and protect the rights of IDPs.
- ☐ The U.S. government should provide Mexicans who express a fear of return with an individual hearing before an asylum officer, and extend protection to those individuals who demonstrate a well-founded fear of persecution on account of a protected ground or a likelihood of torture.
- ☐ In accordance with its global IDP policy, the UN Refugee Agency should encourage the Mexican government to take more robust action on internal displacement, and offer technical and financial support to strengthen the Mexican government's capacity to respond.

BACKGROUND

Mexico is an upper-middle income nation in a period of economic and social transition. Among other initiatives, increased taxes on the wealthy and the passage of a 2013 Victim's Law both have the potential to reposition Mexico in terms of its ability to engage with the international community and better fulfill the rights of its citizens. Continuing to run in parallel, however, is the presence and power of organized criminal groups' despite extensive efforts by successive governments to eradicate them.

While the Government of Mexico has successfully arrested or killed the leadership of some of the nation's most dangerous criminal groups, it does not have a contingency plan for those forcibly displaced by these same groups, nor for the inevitable uptick in violence that occurs when leaders are killed and second-string operatives battle to assume control. Kidnappings, extortion, theft, and other crimes have increased alongside the dismantling or disruption of organized criminal groups.

A Refugees International team traveled to Mexico in May and June 2014 to investigate the situation of Mexican nationals internally displaced due to violence associated with organized criminal groups. While the assassinations, disappearances, and extortion of public officials, journalists and investigators have been widely reported, the brutality experienced by Mexico's ordinary people and the massive displacement it has caused are largely missing from the discourse.

There are at least two primary reasons for this absence. First, because much of the displacement is occurring in small groups, with families making decisions to flee individually, it is neither visible nor recorded. Second, Mexico is a highly mobile country, with refugees and economic migrants in transit to the U.S., Mexicans themselves migrating within the country and north, and currently, with tens of thousands of unaccompanied children from Central America making their way to the U.S. border.

Given the amount of movement occurring within Mexico and the different factors that push migration north, it may seem difficult to distinguish between those moving for work or family reunification and those who have protection concerns, including individuals and families who are fleeing the consequences of organized criminal groups.

INTERNAL DISPLACEMENT CAUSED BY ORGANIZED CRIMINAL GROUPS



Indeed, even the agents of violence can be difficult to identify, with some being highly organized and hierarchical structures, while others are small, nimble local gangs, and many a hybrid of the two, sometimes working independently and at other times working in cahoots.

Yet, through meetings with dozens of IDPs, government officials, civil society organizations, academics, and journalists, a common profile of those displaced emerged. Almost all had directly experienced extreme violence before flight, through the assassination, kidnapping, or disappearance of at least one family member, and oftentimes more. And all had experienced an acute reduction in their economic status, an inability to secure regular employment in displacement, and a loss of land, property, and housing without any financial remuneration.

The primary responsibility to protect and assist IDPs lies with the Mexican government. This responsibility includes preventing situations that lead to internal displacement, ensuring that an appropriate legal framework and national policy are in place, mitigating the adverse effects of displacement when it occurs, and ensuring durable solutions are identified for those displaced. Where the Mexican government does not have the expertise and/or experience to ensure an effective and coordinated response to internal displacement, the international community has the obligation to reinforce Mexico's efforts toward a multidimensional humanitarian, human rights, development, political and security response.

TYPES OF DISPLACEMENT

Organized criminal groups, including drug cartels and related gangs, have been present in Mexico for decades.

¹ RI is aware of the active discussion among civil society regarding how to best identify the multitude of violent actors causing displacement in Mexico. Some organizations and academics have chosen to use the term "insurgency groups," while others identify Mexico's violent actors as "gangs" or "cartels." While fully acknowledging that the term "organized criminal groups" does not encompass all the agents of violent displacement nor capture their complexity in Mexico, for purposes of this report RI has decided to use it.

Their main business is supplying U.S. consumers with marijuana, methamphetamine, and heroine, with growing side businesses extorting, kidnapping, and appropriating natural resources.² In the last ten years, their willingness to exert vicious control over rural and urban territories in Mexico has created conditions that mirror active conflict in other countries. Officials corrupted or coerced into assisting organized criminal groups may guide the types of actions taken against citizens. The motives and methods vary depending on whether they are operating in rural, semirural, or urban areas, and the experience of displacement varies with it.

Land Appropriation and Rural Displacement

In rural areas, drug cartels exert control over territories that can be used to harvest crops, such as marijuana or poppies, control wood extraction and mining, traffic drugs through, or extend tax levies on other smugglers and traffickers who want to transport contraband through the territory. At times, conflict breaks out when one drug cartel challenges another to territory, and the residents are caught in the crossfire. In this context, displacement is a tactic used to empty ranches and villages of possible collaborators with the opposing cartel, and to quickly appropriate land and natural resources.

RI met with more than twenty families who had fled their ranches in Sinaloa's Sierra Madre mountain range between January and May 2012. At that time two of Mexico's biggest criminal organizations, the Sinaloa Cartel and the Beltran Leyva Organization, were engaged in a fierce battle for control of the mountain range. During the months-long siege, the families reported that people and cattle were killed, houses were robbed or burned down, and entire extended families were run off their land. All reported being given a choice: work for the cartel, leave now, or die.

Women, men, and children fled in cars and on horses with little more than the clothes they wore. Because they lived in remote areas without paved roads, it took many of the families days to reach the nearest city. IDPs interviewed by RI said that a municipal leader "had his throat slit" when he attempted to negotiate with the cartels, and a father, mother, and child who attempted to return to their ranch in June 2012 were killed.

IDPs had requested assistance from the Sinaloa authorities to salvage property left behind, but said "the government couldn't do anything and neither could we." More than two years later, all of the people RI met wanted to go back to

their ranches and homes, and none of them thought it would be possible.

While the Sinaloa state government released a report estimating that 5,000 people had fled their homes during this time period, the Sinaloa Human Rights Commission put the number at 25,000 people. RI met one community made up of 80 families who had all fled together. A community organizer in another area had documented almost 500 displaced residents in a small city outside Culiacán, Sinaloa. She said there were more displaced families in the area but she had not reached out to them yet.

Similar large-scale displacement in rural areas has been recorded in the states of Tamaulipas, Guerrero, Michoacán, and Chihuahua. At times, state and federal officials have acknowledged organized crime groups as a cause of rural displacement, but they have also asserted that the movement is in reaction to drought or decreased agricultural output. RI did not meet with displaced people who referred to a decreased ability to sustain a rural livelihood as one of the reasons for movement. The families RI met had farmed the land for generations and one described leaving it as "his heart being torn apart."

Targeted Assassinations, Disappearances, Kidnappings

According to the Council on Foreign Relations, between 2007 and 2012, 70,000 Mexican people died as a result of the "war on drugs." More than 1,300 people were beheaded during the same period. Since President Enrique Peña Nieto took office in December 2012, murders have continued unabated with more than 20,000 people killed in his first 12 months.³ Other violent activities that generate income, including kidnappings and extortions, have also increased to their highest levels in more than 15 years.⁴ Forced disappearances, when people are abducted for information but a ransom is not demanded, also remain common and without a remedy.

Although likely the greatest in number, families who flee targeted threats, assassinations, disappearances, and kidnappings are also the most difficult to identify and locate because they don't report their decisions to flee or their location of displacement – indeed to do either could put them in more danger. To a great extent, they are trying to

² Briana Lee, *Mexico's Drug War*, Council on Foreign Relations (March 5, 2014) available at: http://www.cfr.org/mexico/mexicos-drug-war/p13689

³ Alejandro Hope, *Un Año, Siete Apuntes*, Animal Politico (November 27, 2013) available at: http://www.animalpolitico.com/blogueros-plata-o-plomo/2013/11/27/un-ano/#axzz2pXoxJyjo

⁴ Incidencia Delictiva del Fuero Común 2013, Centro Nacional de Información (November 2013) available at: http://www.secretariadoejecutivosnsp.gob.mx/work/models/SecretariadoEjecutivo/Resource/131/1/images/OCTUBRE_CIEISP.pdf

make themselves invisible and thereby reduce the likelihood that they will be identified and violent threats against them carried out. They originate from urban, semi-rural, and rural areas, and they are more likely to seek safety in urban areas.

RI went to five different locations throughout Mexico and spoke to families who originated from seven states including Baja California, Sinaloa, Chihuahua, Tamaulipas, Veracruz, Nuevo Leon, and Michoacán. Almost all were displaced to locations outside the state from which they had fled. None had been able to establish themselves in their location of displacement, through sustainable livelihoods or satisfactory accommodations.

Families had fled their homes after receiving escalating threats and suffering the assassinations of children or spouses, the disappearance of siblings, kidnappings and/or extortion. One mother was still trying to find her four sons two years after they had disappeared without a trace. A father was trying to support his remaining children after the assassination of his 13 and 33-year-old sons. Two teenagers were finding it hard to accept that their father had been gunned down at their family business during business hours a year before. A sister was advocating for the rights of the displaced after three of her siblings and four other family members had been murdered.

Prior to their flight, many reported the kidnapping or assassination of a family member to the municipal and/or state police. All of those who pursued investigations against the perpetrators were warned by the authorities that they were putting their lives at risk by doing so. None of the investigations at the municipal or state levels had resulted in an arrest, much less a charge or conviction.

Some of the IDPs interviewed by RI were told by the police that they had four to eight protected hours to pack their bags and flee the municipality or state. In this respect, displacement is being used as an official protection mechanism by some government actors. While displacement by the authorities is acceptable in limited circumstances, it cannot occur absent conditions that protect the safety and dignity of individuals and families. In these situations, families fled the location without any official plan in place for their shelter, livelihood, or security.

The involvement of local, state, and federal public officials and police or military officers in some of these events has caused victims and survivors to distrust the government, however, some of the displaced were hopeful that the federal Attorney General's office would help them.

Self-Defense Groups and Military Offenses

Demonstrating a complete lack of faith in the government's ability to protect them, in 2013 citizen vigilantes known as "autodefensas," or self-defense groups, spread rapidly across nine Mexican states. Originally made up primarily of farmers in rural areas, many inside and outside the communities impacted are concerned that they have been infiltrated by members of organized criminal groups.

Thousands of people successfully participated in offenses against the Knights Templar cartel in Michoacán, battling them to regain control of municipalities. Working in cooperation with the federal government in 2014, by midyear most of the cartel's leadership had been killed or arrested. While successful, the loss of so much leadership in the Knights Templar has left a power vacuum resulting in continued violent conflict between competing enterprises, and military operations took a heavy toll on ordinary citizens, many of whom have fled north to the U.S. In Tijuana, RI met with shelter staff and individuals who had fled Michoacán between September 2013 and April 2014. Shelter staff described a surge of people from Michoacán who had tried to seek safety in the U.S. but were denied, or had been deported from the U.S. but could not safely return to Michoacán, Tamaulipas, Guerrero, or Veracruz. Unlike other parts of Mexico, the internally displaced in Tijuana are a highly visible and often homeless population. Thousands may live in the Tijuana River canal without any government assistance and among individuals addicted to drugs and alcohol.

PROTECTION CONCERNS

Identity Documentation

Whether displaced from rural communities, villages, or cities, many displaced families are not in possession of birth certificates or other officially recognized identity documents. In 2012, it was estimated that up to 30% of Mexican children were not registered, mostly in rural and/or indigenous communities, although the government has initiated programs to increase the documentation of births. Some had been born at home so their births had never been registered and they had never needed them because their families had lived in the community for generations. Others had lost their documents when their houses were burned down or they had not carried their documents with them when they fled.

⁵ Karen Asencio, *The Under-Registration of Births in Mexico: Consequences for Children, Adults , and Migrants*, Migration Policy Institute (April 12, 2012) available at: http://www.migrationpolicy.org/article/under-registration-births-mexico-consequences-children-adults-and-migrants

In Mexico, identity documentation is critical for at least three reasons. First, it is needed to register and attend school. RI met with three generations of a family that had been displaced almost two years before – 12 of their schoolage children were not attending school because they did not have birth certificates or other identity documents. While Mexico's Department of Family Services (Desarrollo Integral de La Familia) had met with them months before, they were awaiting an update on the status of school enrollment. In Tijuana, RI was informed that 12 children at a shelter had not been attending school since they arrived in February because they did not have birth certificates. Shelter staff was working with the families to secure official documents, but the process would take three to six months.

Second, it is estimated that 20,000 to 30,000 Mexican children are associated with organized criminal groups, and children who are without documentation and displaced are at a heightened risk of recruitment. According to former Sinaloa State Attorney General Oscar Gonzalez Mendivil, "Invisible children are the perfect recruits to organized crime as the criminal activities committed by them can go unacknowledged because there are no [identifiable] fingerprints left in crime scenes."

Finally, without identity documentation Mexican people cannot work legally. As a result, individuals skilled in carpentry, electricity, or another trade cannot secure employment in their area of specialization, thereby creating more challenges in displacement.

Shelter and Security

Mexico's displaced live in a variety of accommodations, and many of them are precarious. Some families RI met had savings and were able to rent decent housing while others were staying with friends or family. Many were living in groups of four to six families in two-bedroom houses, with no guarantee that they would be able to make the rent each month. RI met dozens of people who were squatting on private land without any guarantee that they would be able to stay. Their shacks were made with plastic sheeting, wood, corrugated tin, and scraps that they had found. They had no running water or source of electricity. On more than one occasion, RI met three generations of families who had been living in these conditions for two years or more without any government intervention to assess and improve their situation. In one location a local cooperative leader had documented 150 families living in the squatter community.

6 Auxiliadora Martin, ed., Revista Documentación (April 2013), 88, available at: http://issuu.com/fundacioncd/docs/rd31

People were not necessarily safe in their locations of displacement. RI met one family whose three sons had been murdered after arriving in their location of displacement. A man had just been displaced again because his shelter was burned down after a dispute. He asked for police assistance but it did not arrive. Many were afraid to discuss security conditions at all.

Livelihood

Without exception, the IDPs who RI met had suffered extreme economic hardship due to organized criminal groups. To the extent they were able to secure work it was low-paid, temporary, and did not enable IDPs to meet their basic needs. Before flight, many IDPs paid tens of thousands of dollars in ransom for family members who were not always returned. To secure the funds, families had taken out loans from businesses or friends and remained in debt. Some of the IDPs left behind hundreds of cattle and acres of land that their families had cultivated and harvested for generations. Others were forced to abandon their businesses and jobs.

Men from rural communities explained that their ranching skills were not transferable and they were generally surviving through day jobs at construction sites, picking crops, or taking up other odd jobs. Women were making food to sell on the streets and working in homes. In one community they had been able to take out credit in shops so that they could buy food and other necessities. All wanted to return to their ranches and would do so if they were safe.

In Mexico City, RI met with some families who had the means to sustain themselves through savings, and others who were being supported entirely by friends or family because they did not know what they would do next or where they would live. Those who had lost their businesses hoped to begin again, but they didn't have the resources to do so.

In Tijuana, individuals were in need of certification for their U.S.-based qualifications as carpenters, electricians, and for other trades, and were looking for opportunities to acquire job skills. One government program in particular, BECATE, was positively reviewed. BECATE is a job training and employment placement program that trains participants and then matches them with an employer. A young man who was afraid of being forcibly recruited into a cartel hoped that the program would help him to escape by providing livelihood opportunities in Tijuana, far away from his home state.

Health Care

Although not in a state of war, hundreds of thousands of Mexicans have suffered similar horrors and are in need of psychosocial and medical care. Living with the uncertainty of a child's whereabouts or fate, the assassination of a sibling or spouse, and being ripped from one's family land all likely decreased the family's ability to prevent and respond to health-related risks.

IDPs rely on Mexico's public health insurance, Seguro Popular, but because it requires months-long waits, they don't have access to ongoing and chronic care. In the meantime, the IDPs with whom RI spoke could not afford support for trauma, high blood pressure, and other health concerns. Many could not afford the cost of transportation to see a doctor.

TOWARD A HUMANITARIAN RESPONSE

While those displaced due to organized criminal groups are not monolithic, they share many of the same protection concerns and hardships that are readily amenable to a humanitarian response. Mexico's government has experience leading humanitarian responses in the context of natural disasters, and a variety of mechanisms already exist that should be supported and bolstered though a sustained commitment to IDPs, the appropriation of sufficient funds, and international support.

The National System for Civil Protection (SINAPROC) was created to prevent natural disasters and assist and rehabilitate populations endangered or displaced by them. The agency has experience in assisting those displaced by flooding, earthquakes, and droughts, and is capable of deploying armed forces and coordinating municipal, state, and federal actors. One of the displaced people RI met knew about the government's capacity in this regard and said, "The hurricane didn't hit us, but violence did and we also need help." The agency could play a lead role in formulating a response to those displaced due to organized criminal groups.

Through a program set-up by the government in 2006 (PAID), the government has gained some experience responding to the forced displacement of indigenous communities. The program is focused on ensuring that indigenous people displaced by violence, armed conflicts, or discrimination on protected grounds have the ability to restore their material and cultural heritage in the location of displacement or upon return. PAID has assisted over 1,300 IDPs in five states, and provided materials to build houses.

A department within the Ministry of Interior, SEGOB includes an Interdepartmental Working Group on Internally Displaced Persons made up of relevant ministries including Agriculture, Defense, Social Development, and the Attorney General's Office. While perhaps ideal in its interdisciplinary makeup, reportedly, the Working Group does not meet regularly.

The National Population Council (CONAPO), well regarded within the country and internationally, is charged with regulating issues affecting the population with the goal of achieving fair and equitable participation in the benefits of social and economic development. The agency is currently developing a legal definition of IDPs and is engaged in determining the size and scope of the government's response to internal displacement due to organized criminal groups. CONAPO's work will be critical to ensuring that IDPs are identified and assisted.

The 2013 General Victims' Law (Ley General de Víctimas) has the potential to bolster the protection of IDPs. Brought about after years of sustained pressure by civil society actors, the General Victims' Law put in place a number of judicial, administrative, social, and economic measures to safeguard the human rights of victims of crime, the establishment of a fund to provide medical support and reparations, and the development of a national registry of victims.

Those displaced as a result of organized criminal groups are included, and currently seven appointed commissioners are engaged in developing regulations to guide the implementation of the law. The Executive Commission for Attention to Victims, a key office mandated by the law, has great potential to assist and protect IDPs. Staff members should be trained and empowered to identify and assert their protection concerns.

Since 1998, attempts to pass national IDP legislation have been put forward by Members of Congress and defeated, however, in 2012, the State of Chiapas passed legislation on internal displacement caused by the Zapatista uprising. Based on the Guiding Principles on Internal Displacement, the legislation puts those displaced at the center of the state government's response, and focuses on preventing new cases of displacement, addressing long-term protection needs, and the right to durable solutions. The law has not been implemented yet as it is awaiting the issuance of regulations, but it provides a striking chance at the state and municipal level to partner with IDPs in determining how to best secure their rights. The federal government should encourage this process and view it as an occasion to learn about the opportunities and challenges facing implementation of IDP rights across the states.

International Protection

RI met with Mexican IDPs from Michoacán, Sinaloa, Jalisco, Chihuahua, and Veracruz who had tried and been denied or wanted to apply for protection in the U.S. Many of the deported Mexicans who RI met said that they were not given an opportunity to request protection before being deported. All of the individuals from Michoacán, as well as individuals from Guerrero, Jalisco, and Sinaloa, said that they could not return home safely. Some had family members killed, while others were afraid of being forcibly recruited into organized criminal groups.

According to the U.S. Drug Enforcement Administration, Mexican cartels use children between the ages of 11 and 17 to traffic drugs across the border, work as *sicaritos*, or child assassins, to kill and torture people, and take up other duties such as acting as lookouts. In 2011, the UN Committee on Children's Rights expressed concern and made recommendations to Mexico regarding the use of children by non-state actors, including organized criminal groups, and the Mexican government recently agreed that it had an obligation to battle child recruitment.

The U.S. has long declared that the use of children in conflict is unacceptable, and many children have received asylum protection in the U.S. specifically because of this experience (although bars to asylum can complicate the case). Mexican children entering the U.S. who pursue claims based on a fear of forced recruitment or as former child combatants have the right to be considered for protection on those grounds.

While Mexican claims for asylum increased from 2,490 in 2009 to 8,569 in 2013, only two percent of Mexicans were granted protection in either year (56/155).8 To some, a request for protection based on persecution by organized criminal groups may seem improbable, and this assumption is certainly reflected in much of the U.S. case law. But in reality, a lot of the violence perpetrated against individuals and families in Mexico is organized, purposeful, and motivated by their particular characteristics – certainly family members are targeted routinely because of their association to each other. As such, asylum adjudicators must look beyond the surface, fairly apply the elements of asylum law, and extend protection to those individuals who demonstrate a well-founded fear of persecution on account of a protected ground.

At his December 2013 Dialogue on Protection Challenges, the UN High Commissioner for Refugees recognized "the need to make sure that internal displacement is put higher on the international agenda" and observed that UNHCR would "strengthen its commitment to internal displacement as an operational actor." These statements are not reflected in the UNHCR program for Mexico, which focuses solely on the situation of refugees, asylum seekers, and transmigrants in the country. UNHCR should reconsider this approach and play a more active role in encouraging and supporting the government to take more robust action in bringing protection and solutions to the country's IDPs.

CONCLUSION

Despite the fact that Mexico has multiple mechanisms in place to assist IDPs in specific circumstances, the federal government has not demonstrated willingness to fully admit to and robustly support those displaced by organized criminal groups. In the absence of assistance, Mexico's IDPs have demonstrated an extraordinary degree of resilience that should be strengthened by appropriate government and international mechanisms.

The Mexican government has the financial and technical capacity to collect data on the number of people displaced by organized criminal groups, implement the Victims' Law, allocate sufficient resources to address the needs of IDPs, and ensure that the military, police, and policy makers at all levels are adequately trained on the rights of IDPs and the government's responsibilities toward them. The U.S. is in the unique position of being able to support Mexico's government through the protection of Mexicans who qualify for asylum, and by offering financial and technical assistance in humanitarian responses to the needs of IDPs. Consistent with its publicly stated commitment to IDPs, the UN Refugee Agency should motivate the Mexican government on the needs of IDPs and offer its expertise in developing a response.

Sarnata Reynolds and Garrett Bradford traveled to the Mexican states of Aguascalientes, Baja California, Sinaloa, and Veracruz as well as Mexico City to assess the humanitarian needs of Mexicans displaced by organized criminal groups in May and June 2014.

⁷ Edward Fox, Why Children are Low-Risk Labor for Latin America's Drug Gangs, In Sight Crime (May 15, 2012) available at: http://www.insightcrime.org/news-analysis/why-children-are-low-risk-labor-for-latin-americas-druq-qangs

⁸ Asylum Statistics by Nationality, U.S. Department of Justice, Executive Office for Immigration Review (April, 2014) available at: http://www.justice.gov/eoir/efoia/FY2009-FY2013AsylumStatisticsbyNationality.pdf

⁹ António Guterres, *High Commissioner's Dialogue on Protection Challenges*, United Nations High Commission for Refugees (December, 12, 2013) available at: http://www.unhcr.org/52b7f8d29.html