

REGIONAL STRATEGIC PRESENTATION SUMMARY
32ND STANDING COMMITTEE MEETING (8-11 March 2005)

Bureau for Europe

Part A: Introduction

In Europe as a whole, asylum application levels in 2004 decreased by 21 per cent as compared to 2003, from 396,800 in 2003 to 314,300 in 2004, while the 25 European Union (EU) countries recorded a slightly lower level of 19 per cent fewer asylum requests in 2004.

UNHCR has welcomed the European Council's new "Hague Programme" with the dual aim of establishing a common EU asylum system by 2010 and simultaneously supporting other countries in regions of origin and transit to strengthen their capacity to protect and assist people fleeing persecution and serious harm.

In UNHCR's view, a common EU asylum system should lead to greater consistency and higher quality in asylum decision-making. The Office has appealed to States to harmonize their policies at a level which offers higher degrees of refugee protection. It therefore welcomes the practical efforts to foster harmonization between and reinforce the quality of asylum systems of member States which were agreed in the Hague Programme. It will be pleased to work with member States on efforts to increase practical cooperation as well as to help improve asylum decision-making among member States. Such efforts should extend, as well, to support to those States which have more fragile systems or risk being overwhelmed by the number of asylum applications.

With regard to the EU Directives on Minimum Standards for Asylum Procedures and Qualification that have been or are about to be finally adopted, UNHCR has published annotated versions outlining the Office's comments. These supplement earlier annotated versions of the Temporary Protection and the Reception Conditions Directives, and should be particularly useful during the transposition period. UNHCR hopes they will be considered by legislators, judges and practitioners alike.

UNHCR has also welcomed the emphasis in the Hague Programme on the external dimension of European asylum policy. The EU could contribute a great deal towards building a more accessible, equitable and effective system of refugee protection and solutions worldwide, which is one of the aims of UNHCR's Convention Plus initiative.

UNHCR notes that such efforts to ensure fair decision-making and improve access to durable solutions should be combined with more efficient systems for returning properly rejected cases to their home countries. UNHCR is therefore following with interest the discussion on an EU directive on minimum standards related to returns, and will be pleased to contribute to the development of such a directive. The Office hopes, however, that distinctions will be made between cases that have been properly rejected on the merits, and cases which have been found to be inadmissible pursuant to arrangements such as the Dublin II Regulation or the 'safe third country' concept.

The implementation of UNHCR's strategy to create **regional representations** throughout Western and Central Europe is officially under way with the opening of a Regional Office in Budapest (which currently covers Hungary, Poland, Slovakia and Slovenia). All regional staff will be in place by 1 July 2005, and the consolidation of country offices is set to begin in early 2006.

The situation in the **Balkans** continues to provide grounds for both optimism and some concern. Regarding the so-called "Post-Dayton situation" (refugees in Serbia and Montenegro, Bosnia and Herzegovina, and Croatia, and internally displaced persons (IDPs) in Bosnia and Herzegovina), steady progress is being achieved in terms of durable solutions. In this respect, UNHCR, the EC and the Organization for Security and Co-operation in Europe (OSCE) have launched the "3x3 Initiative" Conference on Returns that took place in Sarajevo on 31 January with Ministerial Delegations from the

three concerned countries: Serbia and Montenegro, Bosnia and Herzegovina, and Croatia. The three Governments signed the Declaration on Refugee Returns and committed themselves to solving the remaining population displacement by the end of 2006. The situation in **Kosovo** (Serbia and Montenegro) continues to remain volatile after the flare-up of violence of March 2004 and will be affected by the outcome of the June mid-term review of “standards” by the Contact Group which, if positively assessed, may lead to the beginning of final status talks for Kosovo.

In the **Northern Caucasus**, in spite of an ongoing volatile security situation and the continuation of a significant number of Chechens seeking asylum abroad, progress is being made in relation to increased UNHCR operations in the area seeking to address the needs of affected populations in this part of the Russian Federation. Returns to Chechnya from neighbouring Ingushetia have resumed, although at a lower rate than earlier in 2004 and a High-Level Dialogue on Human Security in the Northern Caucasus is scheduled in early spring 2005. The Office hopes that looking at the situation from the “Human Security” perspective will suggest new opportunities and solutions.

In 2004, the Europe Bureau participated in the development of UNHCR’s organizational gender/age mainstreaming strategy by testing the programming tools, a multifunctional team approach and an accountability framework in two operations: Greece and Northern Caucasus. The implementation of a **gender/age mainstreaming roll-out plan for Europe** will start with a regional workshop for the Mediterranean countries of Portugal, Spain, Italy, Malta, Albania, Cyprus, Greece and Turkey in April 2005. The roll-out is expected to be undertaken within an inter-agency cooperative framework.

Part B: Progress on Strategic Objectives and Implementation of the Agenda for Protection

Strengthening the refugee protection framework (Strategic Goal 1, AfP 1)

- UNHCR will be particularly attentive to the transposition of the **EU Directives** into national law, as well as to their application in practice. As transposition takes place, UNHCR will be urging member States to keep in mind that the Directives are intended to set minimum standards only, not to be a prescription for convergence around the lowest common denominator of existing national practice.
- In South-Eastern Europe, a new Framework Law on Asylum for Serbia and Montenegro is being examined by the State Union Parliament. The next step will be to have it adopted, with necessary modifications, by the constituent Republics (i.e. Serbia and Montenegro). This will bring Serbia and Montenegro in line with the other countries in the region that have already adopted new asylum laws in 2003. Serbia and Montenegro has recently completed a re-registration of the refugee population and early findings suggest a significant reduction in numbers.
- Along the enlarged EU eastern border, the **Western Commonwealth of Independent States (CIS)** - Belarus, the Republic of Moldova and Ukraine - face challenges regarding establishing comprehensive migration policies, building national asylum systems that meet international standards, as well as finding durable solutions for refugees including local integration. UNHCR is actively involved in developing reception facilities in the three countries as well as capacity-building initiatives through partnerships with other actors, in particular the EC through its Technical Assistance to the CIS countries (TACIS) programme. Much work needs to be done and UNHCR, through its Regional Representation in Ukraine, which also covers Belarus and the Republic of Moldova, will continue its support while also furthering sub-regional and cross-border dialogue and cooperation on asylum and migration issues. The Cross-Border Cooperation Process (“Soderkopning Process”) has proven to be an important forum and vehicle for such dialogue amongst the States of the Western CIS, and between them and the EU. UNHCR will continue to foster such cross-border linkages, in cooperation with the International Organization for Migration (IOM) and the Swedish Migration Board, and with the EC’s support. UNHCR has also taken initial steps towards the planning of the concluding meeting of the CIS Conference Follow-Up Process in line with the

conclusions from the High-Level Review Meeting in Minsk in May 2004. This meeting, which will take place towards the end of the year, will also consider the possible coming framework for practical consultations, including on the number of outstanding issues in the implementation of asylum systems in the region.

Emergency preparedness and response (Strategic Goal 2)

- A review of the contingency plans in **Georgia** has been completed and UNHCR has now been assigned to take the lead role within the national Disaster Management Team in case of renewed displacement of populations.
- In view of the still uncertain situation in the **Kosovo** province of Serbia and Montenegro, the Office is ensuring its cross-border early warning activities and capacity to provide an appropriate emergency response in the event of future displacement. This need was demonstrated by the events of March 2004, when UNHCR was tasked by UNMIK/UNCT to coordinate the humanitarian assistance effort for the 4,100 newly displaced persons. Furthermore, UNHCR has accepted the role of United Nations Designated Official for Serbia and Montenegro. UNHCR has posted a Field Security Advisor to support field operations.

Durable solutions (Strategic Goal 5)

- In the **Balkans**, refugees in Serbia and Montenegro are finding durable solutions through repatriation and local integration, while returns to and within Bosnia and Herzegovina reached the landmark figure of 1 million in the summer of 2004. UNHCR has developed partnerships with institutions such as the Council of Europe Development Bank (CEB) that, after providing grants to UNHCR in Bosnia and Herzegovina and Serbia and Montenegro for the provision of alternative accommodation for refugees and IDPs, has agreed to provide a significant loan to the Government of Bosnia and Herzegovina. The CARDS programme of the EC is also contributing to the closure of collective centers in Serbia and Montenegro.
- In **Georgia**, the first component of the verification exercise of the IDP population started in late autumn 2004 and is continuing. Additional funding for the remaining two components of the exercise, including the one focusing on the Gali District in Abkhazia, is still desperately lacking, but UNHCR remains confident that the international donor community will respond favourably in view of the positive impact this exercise will have on the conditions of IDPs in Georgia. UNHCR is currently reviewing its strategy regarding its involvement into the Abkhaz situation, with more emphasis on protection monitoring and confidence-building activities. UNHCR will continue to provide full support to the office of the Special Representative of the Secretary-General. UNHCR has strengthened its supportive role to the “Friends of Georgia” Forum.
- In the **Northern Caucasus**, following a June 2004 inter-agency mission to North Ossetia and Ingushetia, a three-year recovery programme targeting some 30,000 beneficiaries in North Ossetia-Alania will develop activities in the areas of livelihoods, shelter, co-existence and community resilience, as well as capacity building. Based on this first collaborative and participatory initiative, great expectations are placed on further application of the concept of “Human Security” benefiting the whole of Northern Caucasus region. To this effect, a High-Level Dialogue on Human Security is due to take place in Moscow in April 2005, gathering prominent stakeholders from the international humanitarian community and national Russian civil society, as well as high governmental officials. Meanwhile, funding and security conditions permitting, UNHCR, along with other partners within the Consolidated Humanitarian Appeal Process for Chechnya and neighbouring republics, will continue increasing its level of activities and presence inside Chechnya.

- In the **Southern Caucasus**, UNHCR will support the efforts of the Government of Armenia regarding an integrated approach to refugee solutions through an increased allocation of state resources. In Azerbaijan, UNHCR, together with OCHA, will undertake joint efforts with the Government to assess the needs and plans related to IDP vulnerability and eventual solutions. In addition, UNHCR is concerned the basic needs of Azerbaijan's urban refugee population are not met.

Meeting the protection needs of refugee women and children (Strategic Goal 4, AIF 6)

- A Europe-wide regional analysis of gender-related persecution in national laws and practice has detected a number of protection gaps, especially in regard to restricted recognition of gender-specific persecution as grounds for asylum, lack of training of refugee status determination (RSD) authorities and lack of sex-aggregated statistics and data on asylum-seekers and asylum applications/decisions.
- UNHCR has initiated a consultative process with the CEDAW (Committee on the Elimination of all forms of Discrimination Against Women) and CRC (Committee on the Rights of the Child) for a more effective use of these human rights instruments for the protection of refugee women and refugee children. This entails mainstreaming refugee issues into country and NGO reporting, UNHCR assessments of the reports, involvement of UNHCR in the country reporting teams, and training for UNHCR staff and refugees on the use of these instruments.
- A regional programme on gender and age has focused on equipping UNHCR country offices with improved skills to prevent and respond to sexual and gender-based violence (SGBV), to include gender-related persecution in the overall RSD training and to provide gender and age-sensitive tools for monitoring of reception facilities in Europe. Training of 23 country offices in Eastern and Central Europe and South-Eastern Europe has been completed and the offices are now developing national plans for SGBV prevention and response. Such plans have already been established for a number of countries, including the Russian Federation, Greece, Romania, Belarus, and Serbia and Montenegro. A National Conference on SGBV was held in Belgrade on 15 November 2004, and the SGBV guidelines were translated into Croatian and Albanian. An International Refugee Committee (IRC) gender advisor was deployed in The former Yugoslav Republic of Macedonia with regional coverage for South-Eastern Europe.
- Cooperation with the Separated Children Programme in Europe on issues such as the (forced) return of rejected asylum-seeking children, improved reception and care arrangements and child-friendly asylum procedures were at the centre of joint programming, position development and advocacy. The Statement of Good Practice for the Protection and Care of Separated Children has been published. It covers all asylum stages from access to territory to durable solutions.