

(Check against delivery)

**Statement by the Director of the Bureau for Europe, Vincent Cochetel  
68<sup>th</sup> meeting of the Standing Committee of the Executive Committee  
14 March 2017, Palais des Nations, UNOG**

Thank you, your Excellency Ambassador,

Distinguished delegates, Ladies and Gentlemen,

It is a pleasure for me to be with you today, together with my Deputies Ms Diane Goodman, who covers Western, Central, Northern and Southern Europe and Ms. Angela Li Rosi who in charge of UNHCR operations in Eastern and South Eastern Europe. I would like to take this opportunity to update you on UNHCR's activities in Europe, but also to reflect on some of the key developments, challenges and opportunities. I will try not to repeat the information shared with you prior to this meeting in the conference room paper dated 1 March 2017.

**What is the current state of play?**

The persistence and deepening of conflicts in many regions in Europe and its neighbourhood have meant that the number of people forced to flee their homes continued to rise. We also see that displacement is rarely a one-time occurrence. People are displaced internally multiple times, sometimes as a coping mechanism to access services. Many eventually have to seek safety beyond the borders of their own countries as a last resort.

One of the most visible challenges is a significant erosion of the protection space in the European continent, including in some countries of the European Union (EU). This time last year, we called on European States to demonstrate more responsibility, solidarity and trust. Unfortunately, this call has not been heard everywhere. Europe has not yet built a response that is commensurate to the challenges at stake. If we can no longer speak of an emergency in terms of numbers, there is still an emergency in terms of "system-building."

Let me outline some of these challenges:

- Lack and/or limited of access to territory and to protection with push-backs and violence at some borders, giving rise to a potential risk of direct or indirect *refoulement*;
- Inadequate and in some cases substandard reception conditions, exposing asylum seekers and refugees to homelessness and extreme protection risks;
- Non-existent or substandard integration opportunities;
- The introduction of legislation restricting the rights of asylum-seekers and refugees.

These barriers have led to a diversification of the offers by traffickers. Unimaginable abuse by criminal networks continue to take place. This is happening sometimes in broad day light. I am concerned that there is growing gap between the narrative of many States about combatting human trafficking and their total inaction.

The populist narrative of some European leaders suggesting that refugees are terrorists or a threat to their country is also a concern. Hate speech *vis-à-vis* refugees has become in some

European countries the new norm and attacks on reception centres are too common. In 2016, I have seen in some European countries -and not only in the EU- demonstrations of groups advocating the return to ideologies contrary to the goals and principles of the United Nations. Europe has learned painfully how this can end. These ideologies when penetrating power structures have always led to more forced displacement. UNHCR has called leaders across Europe on many occasions last year to show values-based leadership, to contain and fight the anti-refugees rhetoric.

While acknowledging the real security concerns and the new threats posed by terrorism, UNHCR believes that States can adopt policies and measures that both address the safety of host communities and of those fleeing persecution and wars.

UNHCR is equally concerned by the views expressed by a number of states that other countries or regions are better suited to process asylum claims. While with effective safeguards, cooperative arrangements among states to process asylum claims in another country can be envisaged, what UNHCR sees being developed are more attempts to collectively shift responsibility on states which are already overwhelmed by the number of refugees on their territories, or which are in conflict.

In Europe, we often hear the expression “refugees stranded” in one country. I would like to say that this very notion is not consistent with the fundamentals of refugee protection. Asylum-seekers do not have the right to move freely without documentation through several countries to seek protection where they want. Each country has to assume its part of responsibility and implement its obligations. The situation of a growing number of persons refusing to apply for asylum in a given country must be addressed through counseling, support to reception capacity, but also measures that will signal to these populations that they are liable for return to their country of origin or other countries where they came from, if they do not seek asylum.

Building new asylum systems takes time. This is something the EU knows well through its work towards a common European asylum system. Emerging systems in other parts of Europe need to be supported so that they can cope and be sustainable. We cannot change geography and therefore this investment, supported by UNHCR, must be pursued with adequate resources and attention.

Respect for the laws and safeguards that apply to the return of asylum-seekers to safe countries is not only required, it is in the immediate and long term interest of persons of concern to UNHCR and to Europe. However, rushed arrangements carry risks for persons in need of protection and can be detrimental to the integrity of the institution of asylum.

In **South Eastern Europe**, in the absence of fully functioning asylum and migration management systems, asylum-seekers continue to be exposed to abuse by criminal organizations. UNHCR works towards assisting states in establishing fair and efficient asylum procedures and a situation where recognized refugees receive support for integration, gradually shifting the view that West Balkan countries are only transit countries.

In several countries in **Eastern Europe**, UNHCR continues to observe an erosion of the space for asylum. While Ukrainian refugees tend to receive adequate protection, they seem to become a privileged category compared to other refugee populations of different backgrounds equally in need of protection. The recognition rate for some nationalities like Syrians, Iraqis, Afghans are extremely low compared to practices of other states. In several countries, the social safety

nets that existed thanks to local NGOs has suffered setbacks with legislation being passed to curtail their source of funding and operational capacity. UNHCR calls on these states to fund their local NGOs and enable them to provide these basic services that they are currently not able or willing to provide.

While some progress have been achieved in the Cyprus talks, none of the **other protracted situations in Europe** have seen any positive changes; quite the opposite.

UNHCR is concerned by further restrictions imposed on civilians separated across dividing lines, leaving these situations unresolved, “protracted” as we said in our jargon, irrespective of the hardships affecting hundreds of thousands of civilians.

In this context, we commend the efforts of the Governments of Georgia and Azerbaijan to help IDPs with sustainable housing solutions and strengthened social inclusion. The conflict in Ukraine unfortunately already shows some symptoms of “protractedness” with a lack of political progress, problems of freedom of movement for people affected by the conflict, so-called “borderization measures,” intentional disinformation by some media to demonize the “other side” and on-going access issues for aid agencies.

UNHCR calls on the countries that have leverage on these situations to find the necessary political solutions that people have been patiently waiting for more than 20 years. Not finding political solutions runs the risk of fuelling despair, increasing insecurity, extremism and the perception among affected populations that only the use of force can lead to long-awaited meaningful negotiations. In this context, UNHCR is particularly concerned with the new restrictions on freedom of movement imposed by the de facto authorities in Abkhazia, as well as the on-going cease fire violations and lack of progress in the Nagorno-Karabakh and surrounding districts.

Lack of progress on durable solutions for Kosovo<sup>1</sup> continues to be problematic, at a time where UNHCR would like to refocus its attention and limited resources to support asylum-building in the Western Balkans. The lack of commitment of several municipalities needs to be resolutely addressed by the competent authorities and stakeholders. Additional efforts must be made to achieve the return of those who want to avail themselves of this solution and the local integration of the others. Refugees and IDPs cannot be held hostages for decades. I am concerned that the resources available to UNHCR to assist refugees to voluntary return to Kosovo are nothing compared to the support offered by a number of EU countries for failed asylum-seekers of the same origin.

## **Statelessness**

Statelessness continues to feature prominently as both a cause and consequence of displacement. UNHCR estimates that some 600,000 persons are in this situation in the European continent.

Hidden amidst the large number of migrants and asylum seekers who reached Europe in the last two years are tens of thousands of stateless persons. I deliberately use the term “hidden” because we barely took notice. Statistics collected throughout the region do not give a clear

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<sup>1</sup> *This designation is without prejudice to positions on status and is in line with UNSCR 1244/1999 and the ICJ opinion on the Kosovo declaration of independence*

picture of the number of stateless persons among them, as registration practices widely differ. Most stateless persons will have been registered as nationals of the country they left behind or as ‘nationality unknown’. Many of these stateless persons were also fleeing wars and conflict. Others were fleeing discriminatory treatment related to their statelessness. Whether these stateless persons all receive the protection in Europe as refugees remains to be seen. I would like to remind States of their duty and commitment to not only protect refugees, but also stateless persons, on the basis of their statelessness. In order to do that, States must do more and better to identify stateless persons from the onset of the displacement.

More than 25 years after the dissolution of the USSR, former Soviet citizens with only their expired Soviet documents continue to live “under the radar” in some former Soviet Republics. They are stateless. They are often elderly people. They know no other home, but they are told they don’t belong there. They have no or limited access to services, and cannot even receive a meagre pension. In recent years, the Government of Moldova has led nation-wide campaign, to reach out and assist over 220.000 stateless persons to acquire IDs. While other States also have amended their laws or expressed political will to do so, we still don’t see significant impact in terms of numbers of stateless persons acquiring a nationality in all countries concerned. Some countries seem to be more preoccupied by the situation of stateless persons in other countries, than reducing the number of stateless persons in their own territory.

States can and should do more to reach out to these stateless persons who have lived in their territories for decades, if not all their lives. Government-led outreach and support programmes should include simplified procedures to ensure acquisition of nationality. States should be driven by the goal of eradication in Europe set for 2024. Attrition by natural death cannot be the main factor of reduction of statelessness in Europe.

I am concerned that there was no new accessions to the statelessness conventions recorded in 2016. Eight countries: Belarus, Cyprus, Estonia, Iceland, Malta, Poland, and the Russian Federation still need to accede to both statelessness conventions, while eight others only need to accede the 1961 Convention on the Reduction of Statelessness<sup>2</sup>.

## **Looking forward**

Although 2016 saw a reduction in the number of arrivals to Europe, forced displacement will continue in 2017 given the absence of successful political solutions to the conflicts in Europe’s neighbourhood and within Europe.

**With the European Union,** UNHCR continues promoting a Common European Asylum System (CEAS) which respects human rights and refugee law standards, building on the lessons learnt from 2015-2016. UNCHR is ready to continue supporting efforts towards a more coherent, solidarity based, and protection focused system, which in particular takes into the situation of persons with specific needs.

In December, the High Commissioner launched a series of proposals to rebuild trust through better management, partnership and solidarity. The paper titled “*Better protecting refugees in*

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<sup>2</sup> France, Greece, fYROM, Luxembourg (though the Parliament recently adopted the law paving the way for accession), Slovenia, Spain, Switzerland and Turkey.

*the EU and globally,*”<sup>3</sup> as well as our comments on the amendments to reform the CEAS, are attempts to propose alternatives to the current approaches and to demonstrate the situation is manageable and that solutions are within reach.

The number of children arriving in Western Europe remains high, with 25,000 **unaccompanied and separated children** (UASCs) arriving in Italy alone in 2016. Detention practices should end and guardians need to be quickly appointed, family tracing initiated, and multi-disciplinary best interests assessments (BIA) undertaken. In 2017 we look forward to working with States and partners to better ensure the protection of all children, building on already established programmes such as the ‘Blue Dots,’ and the safe family spaces which exist in a number of refugee reception centres.

**Across the European continent,** high prevalence of **sexual and gender based violence** (SGBV) both on the route to Europe and also within Europe remains a major concern. The reports on sexual abuse and violence that UNHCR receives on a regular basis demonstrate the pervasiveness and severity of the risks that girls, boys, women, and men face while they try to seek international protection in Europe. The sub-standard living conditions, the lengthy asylum procedures, the limited possibility for family reunification, and the lack of integration support further expose refugees to risk of sexual exploitation and violence. UNHCR is ready to support a concerted and reinforced response to the risks by national and regional actors.

Working towards a better **integration** of refugees and ensuring that host communities fully recognise the capacities of newcomers are essential for the future of asylum in Europe. Integration represents both a key challenge and an opportunity. We encourage more targeted investments in employment, housing, and robust language acquisition programmes. Integration support should also include structured cultural orientation that fosters a greater balance in terms of information on rights and obligations, and aims at managing expectations in the context of a **restored social contract** between host communities and refugees.

Improved and quicker **return programmes** for those not in need of international protection are also part of the better management of asylum in Europe.

UNHCR is encouraged by the many grassroots initiatives which have been taking place throughout Europe to welcome and integrate refugees. **New partners**, civil society groups, corporations, and municipalities play a critical role in this respect. Civil society’s capacity and willingness to assist and welcome refugees remain in many European countries underestimated and untapped.

**Complementary safe pathways** to access protection across the European continent are a core element of solidarity. New avenues should be maximized, including in countries outside the EU, such as the refugee student visas, to support increased opportunities for refugees to undertake or complete higher education and labor mobility opportunities for refugees (including potentially through the revision of the EU Blue Card scheme in the EU). 2016 has also shown the potential for innovative private sponsorship programs in cooperation with civil society and municipalities.

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<sup>3</sup> Document available on: <http://www.refworld.org/pdfid/58385d4e4.pdf>

Efforts need to be made to increase **resettlement** opportunities. As reflected by the European Commission (EC), through their proposal for a Union resettlement framework, a more structured and strategic approach could provide a common vision to safe and legal arrivals in the EU for refugees. The number of refugees resettled in the Europe remains very modest. Unfortunately, not having received the statistics from some states, I am not in a position to tell you what was the total number of refugees resettled in 2016. We estimate that the number of resettlement submissions went up by 60% compared to last year to reach 28,300. The 2011-2015 data shows that Europe has been resettling in average 7,278 persons per year. Last year, 25 European countries provided resettlement solutions compared to 18 in 2015. 23 European countries, including all Eastern European countries, are still not using this protection tool that saves lives.

Eligibility for **family reunification** could be extended beyond spouses and minor unmarried children to take into consideration the reality of today's family decisions in the search for protection. Beneficiaries of subsidiary protection status need to have the same access to family reunification as refugees. Unfortunately, I regret that data related to the family reunion of refugees towards Europe is not available. These numbers are not tracked at the European level (in the EU or outside). UNHCR Offices are witnessing on a daily basis that relatives of refugees continue to face serious obstacles to access this right, making them easy targets for smugglers. We hope that in the context of the design of the pilot Comprehensive Refugee Response Frameworks (CRRFs), access to family reunion will be facilitated.

States are encouraged to act on their commitments in the **New York Declaration** to build on existing cooperation and partnership mechanisms, for facilitating migration in line with the 2030 Agenda for Sustainable Development. Failure to develop comprehensive migration schemes can further encourage economic migrants to use the "asylum channel" as the only way to try to stay in Europe.

Only through sustained international cooperation and greater solidarity can these transnational challenges be addressed adequately. This is a pressing priority to ensure global stability, restore public confidence, and ensure that the rights of individuals are protected.

I would like to thank you for all your support and commitment. I look forward to our continued engagement in a spirit of solidarity and shared purpose.

Thank you for your attention.