

Western Europe

Andorra
Austria
Belgium
Denmark
Finland
France
Germany
Greece
Iceland
Ireland
Italy
Liechtenstein
Luxembourg
Malta
Monaco
Netherlands
Norway
Portugal
San Marino
Spain
Sweden
Switzerland
United Kingdom

Major Developments

In 2001, developments in Western Europe were dominated by legislative and policy changes, both at the domestic and European Union (EU) levels, as well as by events on the international scene. A number of States introduced or reinforced legislation to prevent irregular migration and combat smuggling and trafficking. This was bound to have an impact on refugees' access to the territories and asylum systems of Western Europe. In a number of States, jurisprudence on refugee issues tended to come closer to UNHCR's position on key definitional concepts of the 1951 Convention, whereas in others there was evidence of an erosion of principles and standards.

The terrorist attacks of 11 September raised new security concerns and triggered a spate of measures to control, and in some cases deliberately restrict, the admission and residence of aliens, including asylum-seekers. Regrettably, the reaction to the terrorist threat included some clear signs of xenophobia and was accompanied by increased acts of racism and intolerance towards refugees,

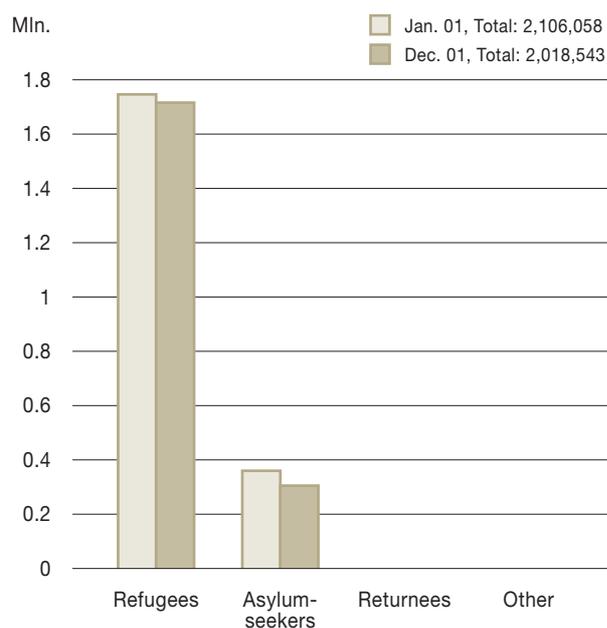


asylum-seekers and non-nationals in general. By the end of the year, all eyes were on the situation in Afghanistan and its impact on the policy and practice of European States. This brought with it a rallying of support for UNHCR's calls for lasting solutions for Afghan refugees.

Western Europe remained a major destination for asylum-seekers in 2001. A total of 419,963 asylum applications were received during 2001 (roughly the same as in 2000). The largest number of asylum claims were received by the United Kingdom, Germany and France, although on a per capita basis the highest numbers were received by Austria (mainly at embassies abroad) and Norway. Finland, Belgium, Italy, the Netherlands and Denmark recorded marked declines in the number of asylum applications, while Liechtenstein, Austria, Sweden, Norway and Spain recorded significant increases. The number of Yugoslav and Iranian applicants declined, while applications from Afghanistan, the Russian Federation, Ukraine, Nigeria and India increased.

Significant progress was made towards the harmonisation of substantive and procedural asylum standards within the EU. The first substantive common instrument, a Directive on Temporary Protection, was adopted in July. By the end of the year, the European Commission had submitted the full package of legislative instruments required for the first phase of the nascent common European asylum system. Negotiations among EU Member States on the various Commission proposals proved laborious, particularly regarding asylum procedures and family reunion. A number of instruments aimed at combating irregular migration were adopted, including a Directive designed to harmonise sanctions against airline carriers. Agreement was reached on legal instruments on migrant smuggling and human trafficking. The Schengen Agreement came into force in Norway and Iceland at the end of March. A Community Regulation set out a list of countries whose nationals would henceforth need a visa to enter any of the EU Member States.

Persons of Concern to UNHCR



During its Presidency of the EU from January to June 2001, the Swedish Government placed asylum issues high on the agenda and successfully integrated UNHCR's concerns into the EU directive on temporary protection. As a result, careful attention was paid to children's rights in the asylum procedure; to harmonising definitions of a refugee and of reception standards; common analysis and exchange of information on migration and asylum statistics; and to addressing root causes of displacement through the EU High-Level Working Group on Asylum and Migration. At the end of the Belgian Presidency in December 2001, the meeting of the European Council at Laeken re-affirmed the EU's commitment to the creation of an area of freedom, security and justice. At the same time it took note of persisting difficulties in harmonising Member States' approaches to asylum and immigration.

The German Government tabled a far-reaching immigration bill that introduced some improvements to refugee status and the quality of asylum in that country. Of particular importance to UNHCR is the interpretation of the refugee definition to include potential victims of persecution by non-State agents. Furthermore, the law envisages giving eligibility officers a better legal instrument with which to determine whether persons who might be victims of gender-related persecution

(mainly women) qualify as refugees within the scope of the Convention.

Through a series of rulings by the *Commission de Recours des Réfugiés*, French jurisprudence came closer to UNHCR's position regarding "membership of a particular social group" and "agents of persecution". Switzerland, by contrast, despite its promising official declarations, did not actually change its policy on non-State agents of persecution. A revision of the Swiss Federal Asylum and Aliens Laws was drafted with the implicit aim of restricting asylum applications in Switzerland by instituting carrier sanctions; extending the criteria for detention; introducing a list of safe third countries; continuing the practice of having the airport police conduct asylum interviews; and reducing state expenditure on asylum issues.

In Denmark, UNHCR was concerned by increasing xenophobic rhetoric. Soon after taking office, the new government prepared to introduce new measures aimed at stemming the flow of foreigners into the country, including refugees and asylum-seekers.

A revised aliens law came into force in Spain, with safeguards against refoulement and provisions on statelessness. The law, which is designed to improve the institution of asylum, contains a provision establishing carrier sanctions, which may also have an impact on asylum-seekers. Nevertheless, the law allows aliens who immediately lodge an asylum application to be admitted into the refugee status determination procedure.

Malta – an EU candidate State – lifted its geographical limitation, as well as a number of reservations, to the 1951 Convention on the occasion of the Ministerial Meeting of States Parties to the Convention, which the Government of Switzerland hosted in Geneva in December 2001, as part of the Global Consultations on International Protection.

Challenges and Concerns

The main challenge for UNHCR has remained that of encouraging States preoccupied with security (national and international) and control of migration to respect their obligations towards refugees and persons in need of international protection.

States increasingly used restrictive measures and advanced technology to keep foreigners out (including potential asylum-seekers) or to dismiss asylum claims expeditiously. These included the reinforcement of already tough visa regimes; the imposition of carrier sanctions; pre-boarding and pre-disembarkation document checks; the use of infrared cameras to intercept asylum-seekers at borders; increased use of the “first asylum country” and “safe third country” concepts; digital fingerprinting of asylum seekers; collarbone tests to ascertain the age of unaccompanied minors; and DNA tests for family reunion cases.

UNHCR continued to be concerned by low rates of recognition of refugees under the 1951 Convention and has pursued its efforts to advocate a more liberal and inclusive application of Convention refugee status and a proper balance between migration control and refugee protection in Western Europe. The growing and increasingly complex problem of human trafficking in Western Europe was a major feature of the year, often exacerbating the crude image of asylum-seekers as irregular migrants seeking to circumvent established channels of migration. Regrettably, European States’ legitimate desire to exercise careful control over the admission of refugees was not accompanied by more generous offers of resettlement places, nor in a significant broadening of the “pool” of resettlement countries.

Progress Toward Solutions

UNHCR’s operations in Western Europe took a bi-focal approach to finding durable solutions for refugees: encouraging European States to offer lasting local solutions for refugees, while providing increased support to UNHCR’s efforts to find durable solutions to refugees in the less developed world.

UNHCR pursued the search for permanent solutions for some 24,000 Bosnian refugees remaining in Germany. UNHCR’s advocacy contributed to the decision to grant long-term residency rights to citizens of the former Republic of Yugoslavia. Approximately 70 per cent of this group are expected to receive residency rights, based on the November 2000 decision to grant residency rights to persons

suffering from Post-Traumatic Stress Disorder. Meanwhile, 885 persons repatriated voluntarily to Bosnia and Herzegovina, while approximately 1,700 refugees resettled elsewhere, mainly to the USA. In a related development, the majority of ethnic Albanians from Kosovo, who previously held a “toleration permit” and were obliged to leave Germany, were allowed to return there and regularise their stay.

In October 2001 the Swiss refugee office launched a voluntary return programme for some 1,700 persons from the former Republic of Yugoslavia who had been ordered to leave Switzerland. Persons who filed for asylum before 1 September 2001 and who wish to return to former Yugoslav territories were eligible to participate in the programme, which ended on 31 March 2002.

Nordic authorities were sensitised to the problems of Kosovar minority groups, especially women without male support, following the report of a Nordic consultative meeting on repatriation. A group of 50 Ashkalis from Kosovo threatened with deportation were allowed to remain in Denmark after UNHCR’s intervention. The Nordic countries continued to provide resettlement to those in need, including high-level support for emergency resettlement and vulnerable groups, particularly women at risk. Annual quotas were maintained, except for Finland, which continues to increase its quota annually by 50 places (aiming progressively to achieve a planned fixed quota of 1,000 persons a year).

In Ireland, 69 persons were reunited with refugees in a new family reunification procedure. 16 of 20 cases accepted under the Irish resettlement quota arrived in 2000/01. Ireland also committed to accept refugees stranded on the island of Nauru, if requested by UNHCR (this would be over and above its annual resettlement quota). The Irish Refugee Council (IRC) restructured its services, shifting its focus from assistance to advocacy.

Operations

UNHCR’s operations in Western Europe pursued the dual objectives of: firstly, improving the quality of asylum in an enlarging EU (by promoting refu-

gee protection regimes in conformity with international protection standards) and secondly, increasing support for refugees and UNHCR (by promoting access for persons in need of international protection and gaining the support of public opinion for refugees in their efforts to find durable solutions).

Access to Asylum Procedures and Reception

UNHCR increased its border monitoring mechanisms to ensure access by asylum-seekers to the appropriate procedures, and continued to co-operate with first instance decision-makers to combat negative attitudes towards asylum-seekers and improve the quality of eligibility decisions. In response to UNHCR's lobbying efforts, some States improved reception arrangements in transit centres and at the main points of entry of asylum-seekers. Specific problem areas included the lengthy and cumbersome registration process at French airports and prefectures; screening at borders under so-called "manifestly unfounded" procedures; and the inadequate treatment of unaccompanied minors.

In **Italy**, following the signing of a Memorandum of Understanding between the Government and UNHCR, a National Asylum Programme was developed with the aim of creating a nation-wide mechanism for the reception of asylum-seekers and the integration of refugees.

Greece also took measures to improve and strengthen its reception procedures. An allocation from the European Refugee Fund allowed for the opening of two new reception centres, the co-ordination of referrals to centres operated by NGOs, and in certain cases the provision of temporary hotel accommodation and protected apartments for vulnerable groups. However, access to the asylum procedure was hampered by the fact that the same Greek police units charged with removing irregular migrants are also responsible for registering new asylum-seekers. Greece and Turkey also signed a bilateral Protocol on readmission, which neither refers to the 1951 Geneva Convention, nor excludes asylum-seekers from its scope.

In spite of UNHCR's close monitoring and interventions, some States continued to detain asylum-seekers, including women and children. The **UK**

Government continued its detention practices, and announced plans to detain families and children as well. One area of progress, however, due mainly to UNHCR's public stand, was the move by the Government to stop detaining asylum-seekers in ordinary prisons. An amendment to the Danish Aliens Act now makes it possible to detain asylum-seekers involved in petty crimes, pending the outcome of their asylum applications.

Strengthening Asylum Systems

UNHCR monitored asylum law and practice and maintained pressure on governments and stakeholders to ensure adherence to legal standards and principles. Written and oral submissions were provided in precedent-setting court cases and in accelerated admissibility procedures. States were urged to ensure that measures to combat illegal migration conform to international standards and do not unduly hinder the access of asylum-seekers to protection. UNHCR expressed support for the multilateral campaign against terror but also encouraged states to build in safeguards to ensure that refugees do not find themselves caught up in efforts to sift out suspected criminals and terrorists.

Western European countries recorded an increasing number of trafficked children and children who disappear, and also encountered problems related to age assessment methods, and the issue of detention in some countries. The Separated Children in Europe Programme implemented activities designed to address failings in the reception and care of separated children, their treatment in law, and the long-term solutions offered them.

UNHCR intervened in all known cases where the authorities tried to return ethnic minorities to Kosovo against their will, and in most instances succeeded in preventing such returns. The UNHCR position paper on the Continued Protection Needs of Individuals from Kosovo was frequently referred to by decision-makers. UNHCR's position on the protection needs of Iraqis, Afghans and other groups was sought by several countries. UNHCR and the asylum authorities of the Netherlands tried to iron out differences of approach on the evaluation of security conditions in certain countries of origin (with respect to the return of unsuccessful asylum applicants), as well

as the concepts of “group-based protection” and “internal flight/relocation alternative”.

Sweden announced plans to review its asylum law to upgrade the scope of protection granted to persons claiming persecution on grounds of gender or homosexuality, from subsidiary protection to full Convention status. UNHCR’s collaborative efforts with the Danish authorities led to the provision of legal counsel for separated children at the appeal level (though the Office had recommended that lawyers be provided at all stages of the asylum procedure).

With the entry into force of the 1996 Refugee Act in **Ireland**, the Government embarked on a drive to put in place the asylum institutions now statutorily required and to staff them with over 700 new recruits. UNHCR conducted 38 refugee law seminars for various Irish institutions, including 856 eligibility and support staff. This led to a reduction of “manifestly unfounded” decisions (from 46 per cent to 4.5 per cent) and a general improvement in the quality of decisions. UNHCR’s guidelines formed the basis for a special procedure for separated children and the Government is drafting a bill on sanctions for airlines carrying passengers without proper documentation. Ireland also signed readmission agreements with Poland, Romania, and Nigeria, and plans to do the same with Bulgaria.

Promotion and Advocacy: Mobilising Public Opinion

On the occasion of the first annual World Refugee Day, a number of media events were staged, putting refugee and asylum issues in the spotlight to sensitise the public to xenophobic and discriminatory tendencies, and to increase awareness of and tolerance for refugees. In **France**, a “Refugee Parliament” adopted the *Appel de Paris*, calling on States to abide by the principles of the 1951 Convention. Concerts and debates on the theme “Respect” were organised to bring home the implications of UNHCR’s mandate and raise funds for refugee programmes in different parts of the world. The 50th anniversaries of UNHCR and of the 1951 Convention were commemorated through a broad range of public events throughout Europe.

Partnerships and Networking

UNHCR reinforced its partnerships in the region

and sought to expand its support network of NGOs providing legal advice, counselling and pro bono services to refugees and asylum-seekers, especially in precedent-setting cases. UNHCR’s partnership with the EU was further strengthened, both in asylum matters and funding. UNHCR continued its involvement and contribution to the works of EU bodies such as the *Centre d’information, de réflexion et d’échange en matière d’asile* (CIREA – a think-tank and resource centre on asylum issues) and the EU High-Level Working Group on Asylum and Migration. UNHCR maintained its observer status and unhindered access to the internal deliberations of the OSCE Permanent Council in Vienna, and intensified its co-operation with the OSCE High Commissioner for National Minorities.

Western European governments provided technical and material support for UNHCR’s Global Consultations on International Protection. The Parliamentary Assembly of the Council of Europe in



Germany: Resettled refugees receiving regular medical check up. UNHCR / S. Omebody

Strasbourg unanimously adopted a recommendation related to the 50th Anniversary of the 1951 Convention, urging member States of the Council to ensure the full and effective implementation of the Convention and to co-operate with UNHCR in the Global Consultations process.

Resource Mobilisation

Countries in Western Europe in 2001 provided half of the total contributions to UNHCR. Donor rela-

tions with European Institutions were re-inforced. For the first time since 1996, the decline in financial support from the European Commission was reversed, primarily through an increase in contributions from the two Directorates general for External Relations and for Development.

UNHCR offices in Western Europe, alone or in collaboration with national associations, laid down several milestones in private sector fund raising. Innovative methods of resource mobilisation led to increased funding from the Private Sector, with an emphasis on private individuals. A memorable success was the “**Pavarotti and Friends**” for Afghanistan charity concert, which raised funds for Afghan refugee women and children. The Italian private sector again topped the list of UNHCR’s private donors. UNHCR also raised funds from the private sector in Spain, the Netherlands, Germany, the UK and France and signed a groundbreaking agreement with an oil conglomerate in Norway, the first of its kind in the Nordic countries. On the occasion of the first World Refugee Day in Greece, a fund raising concert featuring respected Greek composer Thingummyopoulos proved very successful.

Funding

Most country programmes in the region suffered from the impact of the funding shortfall and were compelled to revise budgets downwards. This was followed by a further limit on the funds that programmes could obligate. The shortfall between initial budgets and the level of funds available led to reprioritisation and scaling down – and sometimes outright cancelling – of planned programme activities. The funding shortfall also led to the loss of posts in small offices already full stretched, necessitating major and painful adjustments. The tight funding situation in 2001 also influenced planning by country offices for the 2002 programme.

Voluntary Contributions – Restricted (USD)			
Country	Earmarking ¹	Annual Programme Budget	
		Revised Budget	Expenditure
Belgium	Belgium	92,114	92,114
France	France	467,225	467,225
Private Donors Greece	Greece	42,687	42,687
Private Donors Switzerland	Switzerland	6,211	6,211
Spain	Spain	123,398	123,398
Switzerland	Switzerland	100,320	100,320
United States of America	Western Europe	843,000	843,000
TOTAL		1,674,955	1,674,955

¹ For more information on the various earmarkings, please refer to the Donor Profiles.

² Total funds available for obligation in the region also included unrestricted voluntary contributions, lightly restricted contributions, opening balances and adjustments.

Budget and Expenditure (USD)		
Country	Revised Budget	Expenditure
	Annual Programme Budget	
Austria	1,452,762	1,319,847
Belgium	2,233,651	2,156,026
France	1,875,876	1,800,101
Germany	1,810,158	1,694,175
Greece	1,230,553	1,185,600
Ireland	341,876	238,220
Italy	1,381,089	1,358,682
Malta	190,126	175,638
Netherlands	224,596	165,504
Portugal	85,615	85,615
Spain	850,668	824,082
Sweden	1,066,041	1,034,735
Switzerland	564,777	519,828
United Kingdom	1,221,436	1,168,042
TOTAL	14,529,224	13,726,095