Part A: Major developments

• In August 2008, the situation in the Georgian breakaway province of South Ossetia escalated into open hostilities. The conflict resulted in the displacement of more than 158,000 people, mostly within Georgia, adding to the 220,000 displaced by previous conflicts over the territories of Abkhazia and South Ossetia. The United Nations Country Team activated an inter-agency contingency plan, wherein UNHCR took a leading role in the sectors of protection, non-food items, shelter, and telecoms. In the immediate aftermath of the hostilities, the High Commissioner went to Georgia and the Russian Federation, as well as South Ossetia, to secure a humanitarian space for displaced civilians.

• In June 2008, UNHCR and Frontex (the border management agency of the European Union) signed an Exchange of Letters establishing a framework for cooperation. The overall aim is to strike a balance between the different remits of Frontex and UNHCR by promoting an efficient integrated border management system which is fully compliant with human rights, including the right to seek asylum. UNHCR will be particularly involved in specific training on international human rights and refugee law applicable in the context of border management.

• There is still a lack of harmonization in asylum procedures and reception conditions amongst the 27 EU Member States and UNHCR remains concerned about the different recognition practices, e.g. applied to Iraqi asylum-seekers. The Office welcomes the focus of the French Presidency of the European Union on further harmonization of the quality of asylum. Proposals have been made to strengthen practical cooperation among Member States and to create a European Asylum Support Office.

• On 1 August, a revision of the Legislative Decree on Asylum was approved by the Italian Council of Ministers together with two other decrees on Family Reunification and on Circulation of Citizens of the European Union. In May, UNHCR had expressed concerns over the amendments to the legislative decree on asylum approved as part of the "security package". In the latest text of the asylum decree, however, some safeguards for asylum-seekers have been reintroduced. As part of overall harmonization efforts, the text of the three decrees was also shared with the European Committee for comments before final approval in September-October.

• Finland acceded to the 1961 Convention on the Reduction of Statelessness, making it the 35th State Party to that Convention. Austria acceded to the 1954 Convention relating to the Status of Stateless Persons.

• In recent months, traditional refugee-receiving countries in Western Europe have recorded the lowest number of asylum applications in years. At the same time, Southern Europe and the Nordic countries have seen significant increases, including a sharp rise in the number of unaccompanied minors seeking asylum. Close to 63,000 individuals applied for international protection in Southern Europe alone last year, reflecting an increase of 63 per cent compared to 2006, with the largest numbers recorded in Greece and Italy. The Nordic countries registered more than 46,400 asylum-seekers, a 37 per cent increase from 2006. Sweden was the main destination of asylum-seekers in Europe in 2007 (36,400 claims).
Attempts to reach Europe across the Mediterranean sea continued in 2008. Arrivals by sea in Italy increased by 81 per cent compared to the same period in 2007. Both Greece and Malta faced challenges in upgrading their reception and asylum systems, which further complicated access to effective protection for people of concern to UNHCR.

In South-Eastern Europe, the number of refugees and internally displaced persons (IDPs) remains high. The protracted refugee situation in the region, particularly in Serbia, has been included in the High Commissioner’s initiative to resolve situations of protracted displacement.

The unilateral declaration of independence by Kosovo did not result in any further displacement; nevertheless, UNHCR had prepared contingency plans and additional resources for any eventualities.

In the Russian Federation, following the strengthening of the Federal Migration Service (FMS), the authorities have taken significant steps to facilitate access to the asylum procedure for all asylum-seekers. In addition, the FMS now provides documentation that formalizes asylum-seekers’ stay in the Russian Federation, protecting them from deportation/refoulement and allowing them to seek employment. Other important developments include a reduction in the time needed to process asylum claims and a gradual improvement in recognition rates.

UNHCR completed a local integration study for Ukraine, Belarus and Moldova in 2008. The study was funded by the Söderkoping Process and includes inputs from governmental sources, refugees, civil society and the international community.

In the Caucasus, seeking durable solutions for refugees and IDPs is a substantial part of UNHCR’s work. Prior to the conflict, progress had been made in Georgia with the adoption by Parliament of the Action Plan for Internally Displaced Persons. The Plan provides a framework for pursuing solutions, including local integration of the displaced in areas other than their places of origin while not infringing on their right to return.

Part B. Progress on strategic objectives and the Agenda for Protection

Ensuring protection for all people of concern (GSO 1)

Tight border management has been high on the agenda of States in Europe since 2001. Instances of refoulement and forced return to a country where there may be a risk of torture or inhuman or degrading treatment are still taking place. This phenomenon is compounded by asylum-seekers’ difficulties in accessing territory and asylum procedures. UNHCR has spoken out against the deportation of several Iranian mandate refugees to Iraq from where they could then face deportation to the Islamic Republic of Iran. Others have been deported without having access to the asylum procedure in their country of first asylum.

UNHCR’s consistent advocacy for protection-sensitive border procedures has started to bear fruit in several countries. In a context exploited by human smugglers and traffickers, States need to be able to adjudicate claims fairly and effectively, and if people are found not to be in need of international protection, return must remain a feasible option. As the ongoing operations in Lampedusa, Sicily and Sardinia have shown, ensuring observance of procedural safeguards and basic human rights helps to manage migration movements effectively. UNHCR’s cooperation with the Spanish authorities is another example of pragmatic, yet protection-sensitive management of migration movements.
In April, UNHCR issued a position calling upon Member States of the European Union to suspend the return of asylum-seekers to Greece under the "Dublin Regulation". Member States responded in different ways, but most stressed the need for Greece to abide by its obligations as a European Union country. In the meantime, the Government of Greece has welcomed UNHCR's offer to provide specific advice by identifying critical gaps and working on realistic solutions.

In Eastern and South-Eastern Europe, capacity-building efforts are geared towards supporting or establishing national asylum procedures and adequate administrative and institutional capacities. Key challenges include restrictive national asylum and immigration policies: a tendency to regard asylum as part of migration and security control mechanisms; and frequent changes in asylum structures. The strengthening of partnerships and regional processes, border monitoring agreements with governments and the use of tools such as the 10-Point Plan are part of the strategy to address these challenges.

Overall, UNHCR notes a continuing trend towards a more security-oriented approach to asylum-seekers’ quest for protection, including a more systematic use of detention, particularly when asylum-seekers arrive as part of mixed population movements.

Affirming and developing an international protection regime (GSO 2)

It is important that the EU remains a region of asylum and protection for all who need it. There is therefore a need to build a Common European Asylum System that is fully compatible with international law and based on best practices.

With the financial assistance of the European Commission, UNHCR has launched an Asylum System Assurance and Evaluation Mechanism Project that will be implemented in: Austria, Bulgaria, Germany, Hungary, Poland, Romania, Slovakia and Slovenia. The purpose of the project is to promote further harmonization and adherence to established common international protection standards. The project will take stock of lessons learned from a similar “quality initiative” which has been undertaken in the United Kingdom since 2004.

A new Asylum Law was adopted in Belarus incorporating provisions for complementary forms of protection, refugees’ right to family reunification, as well as the right of asylum-seekers to contact UNHCR.

As of April, Serbia officially assumed its competencies for the protection of asylum-seekers and refugees originating from outside the territory of the former Yugoslavia. The first and second instance bodies have only recently been established, and there is a need for staff training. With the exception of the airport, a referral system at the borders is still lacking.

Attaining durable solutions (GSO 5)

Long-term displacement in Europe remains a serious concern. Comprehensive solutions are needed for large numbers of people living in inhumane and overcrowded conditions and who are unable and/or unwilling to return to their former places of residence. These include measures to facilitate integration through housing assistance, income-generating activities and the provision of adequate health care, education, and public utilities.

In Bosnia and Herzegovina, in order to reflect the current displacement challenges and to address the remaining needs more effectively, the Government is revising its national strategy to implement Annex VII of the Dayton Peace Agreement. The first draft includes:
the recognition that many of the remaining vulnerable IDPs require solutions at the place of
displacement; reference to the needs of the de facto displaced population (those without
formal IDP status); an emphasis on the sustainability of return; and general
recommendations on the right to compensation for destroyed property. UNHCR is actively
supporting enhanced national responses and local capacity development. It is also drawing
greater attention to all possible durable solutions for displaced persons and to the
development of proposals with United Nations Agencies and development actors.

• UNHCR commends the increased focus by the European Union on resettlement and looks
forward to continuing the discussions on steps needed to enhance the participation of
Members States in refugee resettlement efforts. At present, only a minority of countries
have a regular resettlement programme, with the European Union currently providing six
per cent of the places available worldwide for refugee resettlement.

• Portugal and France made a formal commitment to resettle refugees, while other
countries have expressed interest. In Central Europe, UNHCR’s advocacy efforts focus on
the development of legal and policy frameworks and infrastructure for the successful
reception and integration of refugees, including resettled refugees.

• In May 2008, Romania entered into an agreement with UNHCR and the International
Organization for Migration on the establishment of an Emergency Transit Centre for
emergency resettlement processing. The facility, located in Timisoara, has a capacity of
200 people. The centre will host refugees identified by UNHCR who need emergency
resettlement, as they cannot remain in their first country of asylum until formalities are
completed.

• Malta remains the only country in the European Union where UNHCR and partners have
been pursuing resettlement for recognized refugees.

• In Eastern Europe, resettlement of refugees from the Russian Federation, Turkey, Ukraine
and Azerbaijan is continuing because of the lack of local integration alternatives. At the
same time, UNHCR is working with governments to develop effective national asylum
systems. Resettlement from Turkey has met with some difficulties given the limitations set
by the Turkish authorities and potential resettlement countries alike. In the absence of other
durable solutions for non-European refugees in Turkey, UNHCR has called for increased
flexibility with regard to resettlement.

• Concerning the current limited capacity in Europe to process resettlement cases, UNHCR
has been relying heavily on additional contributions and staffing support through the
deployment of consultants.

Developing dynamic partnerships (GSO 6)

• Half of UNHCR’s needs in 2007 were funded by individual contributions of European
Union Member States and the European Commission. The donors who provided more than
USD 20 million to the Office included five new countries in 2007, while private donors
from Europe constituted nearly 60 per cent of total private sector contributions. Strategic
partnerships were enhanced through open dialogue and close cooperation with civil society
and regional institutions.

UNHCR
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