



**Seminar on Practical Cooperation in the field of Asylum and Protection  
Stockholm, Sweden  
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“The role of UNHCR in EU practical cooperation”  
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I would like to thank the Swedish Presidency for convening this conference, and for inviting UNHCR to participate.

UNHCR has consistently welcomed initiatives for increased practical cooperation among Member States in the field of international protection. Practical co-operation can encompass a very wide range of actions in both the internal and external dimensions of EU asylum policy. UNHCR has a keen interest in both dimensions. However, in these remarks, I will limit myself to the internal dimension and, within the internal dimension, to UNHCR's experiences to date with practical co-operation to improve the quality and consistency of decision-making within the European Union on applications for international protection.

In 2008, in comments on the Commission's Green Paper on a Common European Asylum System, UNHCR welcomed the proposal to establish an office which would gather information on Member States' practices, and help them to fulfil their responsibilities in the asylum field. We expressed our readiness to work with a European Asylum Support Office in an advisory capacity, based on our long experience of collaboration with States in the practical development and operation of asylum systems.

Last month, when High Commissioner for Refugees António Guterres addressed Justice and Home Affairs Ministers in Brussels, he underlined that it is not possible to have an area of free movement – the Schengen space – within which the assessment of protection needs differs as much as it does today. This situation leads to what he called 'asylum à la carte'.

The draft Stockholm Programme calls for efforts to ensure, regardless of the Member State in which an individual's application is lodged, that he or she receives the same level of treatment as regards reception conditions, procedural arrangements and status determination. The High Commissioner said that he counts on the new European Asylum Support Office to help to bring about a Common European Asylum System which provides these guarantees.

We are therefore very pleased that this Office is on the verge of being set up, and that the proposed Regulation for its establishment takes account of UNHCR's supervisory role and responsibilities based on our mandate, the 1951 Convention and Declaration 17 to the Amsterdam Treaty. We welcome the proposal that a UNHCR Representative should sit as a non-voting member on the Management Board. This will help us to discharge our responsibilities at EU and national levels, and to provide constructive input to the important discussions which will take place within the Board.

The Lisbon Treaty speaks of a 'uniform status of asylum', a 'uniform status of subsidiary protection' as well as a 'common procedure' throughout the European Union. While the precise features of such uniform status and common procedures are not spelled out in the text of the Treaty, we understand these provisions to support the objective of more consistency in the provision of protection throughout the Union. Indeed, it is clear that a common system can only be credible if the decisions taken by Member States on requests for international protection are of high quality and are comparable in outcome.

There are several other provisions of the Lisbon Treaty which may help to ensure more consistency. These include the planned expansion of the jurisdiction of the European Court of Justice (ECJ), to enable national courts at different levels, and not merely courts of last instance, to refer cases to the ECJ when guidance is needed. Further elements would be the conferral of binding legal effect on the EU Charter of Fundamental Rights (including Article 18 guaranteeing the right to asylum and Article 19 stating the principle of non-refoulement) and the requirement for the EU to accede to the European Convention on Human Rights.

But it is probably practical co-operation which can make the greatest contribution to achieving better quality and more consistency in asylum decision-making, and this is what I would like to speak about now – including the role which UNHCR can play.

As you know, UNHCR staff work in 120 countries around the world – from major capitals to remote, difficult locations. We are present throughout the European Union. In some EU countries (France, Italy and Spain, for example) we play a formal role in the national asylum procedure. In others, we are involved in a variety of ways in observing practice, providing information and supporting improvements.

In our daily work across Europe we observe vast differences both in the quality of asylum procedures and in outcomes, including for nationalities and groups where there are obviously serious protection considerations. Average protection rates (by which I mean the percentage of first instance decisions which resulted in refugee status or subsidiary protection) varied from zero to 61% in the top eight receiving countries in the EU in 2007, the last year for which complete statistical data is available. We are convinced that practical co-operation among Member States, including with the engagement of UNHCR, can help to address these very wide differences.

One of the first Member States to recognize the value of practical co-operation with UNHCR to improve the quality of asylum decisions was the United Kingdom. In 2003, UNHCR and the Home Office launched an ambitious joint venture called the “Quality Initiative Project” -- which is funded by the Home Office. The legal basis for UNHCR’s involvement in this project is Article 35 of the 1951 Convention. The aim of the project is to improve the quality of first instance asylum decisions through the monitoring of procedures, assessment of the application of 1951 Convention criteria, analysis of how credibility is assessed and how interviews are conducted, the use of country of origin information, and collaboration to address areas of concern identified by UNHCR staff. (More information on this project can be found on <http://www.unhcr.org.uk/what-we-do/Quality-Initiative.html> ).

The project benefits from the transparency of the United Kingdom authorities. UNHCR’s Quality Initiative teams have access to information from -- and indeed work “embedded” within -- the U.K. Border Agency. It also benefits from a high level of political commitment, two-way communication and joint implementation. UNHCR’s reports and the responses of the authorities are available on the U.K. Border Agency’s website at: <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/aboutus/reports/unhcrreports/>

The U.K. Quality Initiative was the inspiration for a further project which we have been implementing since September 2008, with support from the European Refugee Fund, in eight countries (Austria, Bulgaria, Germany, Hungary, Poland, Romania, Slovakia and Slovenia). This project is called the “Asylum Systems Quality Assurance and Evaluation Mechanism Project.” Its aim is to support the development of fair and efficient asylum procedures, and it is the first multinational project of its kind. (Information about this project is available on the web at [www.unhcr-budapest.org](http://www.unhcr-budapest.org)).

The need for the Project arose precisely because – as mentioned earlier -- the quality and outcome of decisions made on claims for international protection was observed to vary widely from one country to another. This was seen to be due to different approaches taken to the interpretation of the 1951 Convention criteria, other relevant human rights instruments and the EU asylum directives. Procedural standards and safeguards were also seen differ or to be differently applied.

The project is directed at both first and second instance decision-making and focuses on five areas: Evaluation, trans-national partnerships, individual coaching and training, thematic training and the development of sustainable national quality assurance mechanisms. The project coordinator is himself a seasoned asylum judge and the President of the International Association of Refugee Law Judges serves as outside evaluator.

The project reached its mid-term in the summer of this year. Any initial hesitation on the part of participants has evaporated, as national decision makers realized that the project staff are not simply auditors but fellow experts whose advice is constructive and helpful.

Based on the positive experience of the Central European Project we presented a new project proposal for ERF funding. I am delighted to report that funding has been granted and that the project will start in early 2010. It will launch a further 'Quality Initiative' in four Mediterranean countries (Cyprus, Greece, Italy and Portugal) and will implement a second phase of work in Bulgaria, Hungary, Poland, Romania, Slovakia and Slovenia. Three countries – Austria, Germany and the UK – will participate as mentors providing practical advice.

I would like also to mention that we are in the final stages of our research into the application of the Asylum Procedures Directive in 12 countries, a project which is also funded by the European Refugee Fund. We expect to publish the results of this research in early 2010. While this project does not involve practical co-operation per se, we hope that the research will highlight areas where practical co-operation in future could contribute to improvement of asylum decision-making through the Union.

Researchers at national level are looking at the application of key aspects of the Asylum Procedures Directive in: Belgium, Bulgaria, Czech Republic, Finland, France, Germany, Greece, Italy, the Netherlands, Slovenia, Spain and the U.K. Areas being studied include among others the use of country-of-origin information, personal interviews, border processes and accelerated procedures, and effective remedies.

We expect that the results of this research will provide a more informed basis for work toward more harmonized approaches, including for discussion of the Commission's proposed recast of the Asylum Procedures Directive.

Looking ahead, it is our firm hope that all of these initiatives will provide you with some inspiration for the type of practical co-operation which in future could be undertaken in the framework of a European Asylum Support Office.

I look forward to our discussion and thank you for your attention.