

Part I - Executive Committee Summary

Executive summary

Given the new environment created by the 11th September 2001 attacks, and the already existing tendency in European countries to lower the standards of their protection regimes, the Liaison Office for Switzerland and Liechtenstein's activities will focus on seeking to ensure the highest protection regime for persons in need in Switzerland and Liechtenstein.

In this context, UNHCR will endeavour to ensure that the lifting of temporary protection for Kosovar minorities, foreseen for 2002, does not result in forced returns and that individual applications for refugee status of newly arrived Kosovars are examined. UNHCR will advocate for an application of the safe third country in accordance with UNHCR standards. In addition, if carrier sanctions are included in the new Aliens Act, UNHCR will seek to ensure that they are applied in a protection sensitive manner. The right to an effective appeal within the airport procedure and the accelerated admissibility procedure (24 hours deadline), as well as keeping the detention of asylum-seekers to a minimum, will be three key subjects of concern to UNHCR during 2003.

The UNHCR Liaison Office for Switzerland and Liechtenstein (LO) will give priority attention in 2003 to the ongoing revision of the Aliens Act and of the Asylum Law. As it seems unlikely that the Swiss Federal Parliament will adopt the new asylum law proposed by the Government, there will be a need for the continued monitoring of the revision process in Parliament by the LO. The LO will continue to advocate for an interpretation of the refugee definition by the Swiss Asylum Appeals Board (AAB) and the Federal Office for Refugees (FOR) in line with that of UNHCR. This means we will advocate, in particular, for the recognition of persecution by non-state agents as falling under the 1951 Convention, as well as for an implementation of the internal relocation alternative in accordance with UNHCR standards. The reactivation of the Swiss resettlement quota – suspended since 1998 and for which UNHCR initiated discussions with the Swiss authorities in April 2000 – will be another priority for the LO. Should political obstruction impede the achievement of this objective, the LO will seek to ensure that Switzerland at least remains open for emergency resettlement cases. Taking into account the importance of protection advocacy and capacity building initiatives, the LO will continue to assist UNHCR's implementing partner, OSAR (Organisation Suisse d'aide aux réfugiés), by funding part of the activities of their legal section. This will allow OSAR to closely monitor asylum practice, promote refugee law and organise training activities throughout Switzerland and take up individual cases submitted to UNHCR. Nevertheless, a reduction of UNHCR's financial assistance to OSAR is envisaged for the coming years in accordance with the Bureau for Europe's overall policy on implementing partners.

With the support of the Associate Public Information Officer, whose post is funded by the Liechtenstein Government, increased action will be taken in raising public awareness in favour of refugees within Switzerland, as well as of UNHCR's programmes throughout the world. Particular attention will be given to public awareness in cantons where, in the view of UNHCR, refugee matters are still perceived negatively.

UNHCR's role and operational environment:

The following summarises the main features of UNHCR's current operational environment in Switzerland:

Despite the decrease in the number of asylum-seekers from the highest number registered in recent years of 46,000 in 1999, to 20,633 in 2001, the refugee issue remains high on the political agenda. 2001 continued to be dominated by the increasingly influential right wing party, UDC/SVP, which came out at the elections in the fall of 1999 as the biggest party and used the asylum theme to criticise the Swiss Government, accusing it of conducting a weak foreigners and refugee policy. In 2001, the UDC/SVP launched a popular initiative that favours a strict application of the safe third country concept and other restrictions of the current asylum regime. If adopted by the Swiss people, this proposal would modify the entire Swiss asylum system by reducing the protection level for refugees and restricting access to the asylum procedure. The referendum will take place on 24 November 2002. OSAR will launch a public campaign against this proposal with appropriate support from LO Switzerland.

The temporary protection regime for minorities from Kosovo has been lifted with effect as of April 2003, which corresponds with the general trend to encourage return movements of the remainder of the former Yugoslav caseloads. Negotiations are on-going to ensure voluntary, safe and durable repatriation of those cases.

Although Switzerland is not an EU Member State, developments linked to the EU harmonisation process in asylum related matters already have an impact on the Swiss asylum legislation and practice. LO Switzerland has defined national objectives in order to ensure that the restrictive trend, which has characterised the Swiss asylum system for the last two years, does not further develop and that it is reversed in some areas. In particular, the LO, in co-operation with OSAR will monitor the implementation of the new provisions of the Swiss Asylum Law aiming at restricting access to the ordinary asylum procedures for undocumented and/or uncooperative asylum-seekers. As the Swiss federal authorities plan new policies for asylum-seekers arriving or transiting at Swiss international airports, the LO will make full use of its role in the airport asylum procedure in seeking to ensure that all asylum-seekers whose case is not deemed manifestly unfounded have access to the territory and to an adequate asylum procedure.

The Swiss Asylum Law foresees UNHCR's formal intervention at different levels: UNHCR can be consulted by the Federal Council on any refugee policy issue; there is a formal requirement for the Federal Council to consult UNHCR when deciding to introduce or lift temporary protection for groups; and UNHCR must - by virtue of the Swiss Asylum Law - be formally consulted within the airport procedure on cases which have been deemed manifestly unfounded by the Federal Office for Refugees.

c) In this environment, UNHCR's objectives are to:

- ensure access to the territory and to asylum procedures for those seeking asylum, as well as a fair application of the 1951 Geneva Convention, including the refugee definition and the provisions concerning socio-economic rights for refugees;
- continue lobbying for the recognition of persecution by non-state agents in the Swiss eligibility practice, be it at the executive (FOR), legislative (Federal Council, MPs) or judicial (AAB) level. Equally, the non-recognition of the reasonableness criterion in the application of the concept of an internal flight alternative remains a target of UNHCR's advocacy-strategy;

- rely on OSAR providing an accurate analysis of legal developments and in organising activities related to the promotion of refugee law;
- continue a constructive dialogue with the authorities at the federal, and possibly cantonal level, with a view to developing and implementing voluntary repatriation programmes. The FOR in close association with the Swiss Agency for Development and Co-operation Affairs has developed innovative return programmes targeting large groups of refugees and asylum-seekers, for instance those originating from Bosnia-Herzegovina and Kosovo. UNHCR's role in the development of these programmes is (1) to indicate the categories of persons still in need of international protection and (2) to provide country of origin information to ensure a safe return and reintegration of returnees.
- increase its emphasis on public awareness in order to encourage the protection and integration of refugees in Switzerland, in particular in areas where there is a need for a better understanding of the refugee cause, through media campaigns and direct lobbying of MP's and cantonal authorities. The expected "calmer" environment surrounding the asylum debate in Switzerland in 2003 is propitious to building on the results of these activities. To this effect, the post of Associate Public Information Officer will be key in attaining these objectives.
- continue to promote the World Refugee Day in association with OSAR by merging the Swiss Refugee Day into a week of special events throughout Switzerland starting around 16 June and ending on 20 June.

Strategy for Achieving Goals:

Close co-ordination between protection and public information will be central to the Liaison Office's strategy for achieving the goals within the three main themes of: (1) Strengthening asylum, (2) Partnership, and (3) Preparedness and Solutions.

Broadly outlined, the strategy for achieving goals will revolve around four main aspirations that are closely inter-linked: to maintain and enhance UNHCR's credibility, to directly lobby key government officials and decision-makers on matters of concern, to empower NGOs and to influence public attitudes.

Maintaining and enhancing UNHCR's credibility will entail the delivery of training, as well as impartial and reliable advice that reaffirms the relevance and value of both the 1951 Convention and UNHCR as an organisation. Credibility will be further reinforced if public endorsement of government initiatives having a positive impact on refugees is coupled with robust defence of the rights of asylum-seekers and refugees in Switzerland. With UNHCR's credibility reinforced, the Liaison Office will be in a position to maximise direct lobbying of key actors. This will entail cultivating regular contacts with senior government officials, parliamentarians and lawyers as well as members of the Swiss AAB. Emphasis will be placed on the systematic expansion of UNHCR's allies in the media, the political arena, religious institutions, the education sector, cantonal and municipal authorities. As relationships are cultivated with these actors on the basis of mutual respect, direct lobbying will have a greater chance of success. Empowering NGOs will take place through enhancing refugee co-ordinating bodies and lobbying for the establishment of a national refugee

association in order to keep them informed of the latest developments in asylum. Influencing public attitudes on refugee issues and so countering xenophobia and racism, will involve the targeted distribution of information items, well-timed interventions in the electronic and print media as well as utilising the vehicle of “info-tainment” such as World Refugee Day exhibitions and media events (such as Geneva’s Jet d’eau coloured in blue during the World Refugee Day in order to generate public general interest on refugee matters), to promote positive images of refugees. It will also include providing our Liaison Office with the necessary information tools to enhance our fundraising capacity.

Implementation Strategy:

With regard to the Government, ongoing dialogue and sharing of information will continue at ministerial and senior official level with the FOR and Foreign Affairs Department in order to discuss, influence and clarify policy, regularly exchange and update information, provide UNHCR positions on EU issues as well as making presentations on selected issues.

Ongoing dialogue will be maintained and strengthened with all key actors (FOR staff, airport immigration staff etc.) and the Head of LO will ensure the co-ordination of “Les Amis du HCR à Genève” as an influential forum of intellectual, business and political individuals who support UNHCR’s cause.

In addition, frequent contacts will be maintained with the relevant Departments within Headquarters in order to ensure consistency of approach and information in the areas of protection, public information and private sector fund raising as well as public affairs.