



Statement by the Director of the Bureau for Europe, Vincent Cochetel

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Thank you, Your Excellency Ambassador Stauer,

Distinguished Delegates, Ladies and Gentlemen,

It is a pleasure for me to be with you today, together with my Deputy, Diane Goodman. I would like to take this opportunity to update you on UNHCR's activities in Europe but also to reflect on key developments, as well as on old and new challenges in the countries covered by the Regional Bureau.

A written update on the situation in Europe is part of the documentation that has been shared with you and I will try not to repeat what is said there already.

Instead, I propose to review some key concerns related to international protection in Europe, namely, first **access to protection**, second **quality of protection** and third **solutions**.

Beginning with Access: The ever growing levels of displacement by conflict and persecution have resulted in unprecedented numbers of persons seeking international protection in Europe. This should be no surprise with three wars in Europe's neighborhood (Syria, Iraq and Libya) and one in Europe (Ukraine). It should, however, be noted that the vast majority of those forcibly displaced continue to be largely hosted by developing countries.

What is surprising is not only the scale of the situation but also the risks that individuals are willing to take. Last year alone over 218,500 refugees and migrants arrived by sea having crossed the Mediterranean. Whole families, often with infants or pregnant women, are crossing the Mediterranean on rickety vessels in search of refuge and it is estimated that over 3,500 persons died last year trying to do so. This is not only telling on what sort of conditions and despair they must be leaving behind, but it also indicates that no better alternatives exist to gain access to effective protection where they are and in Europe.

In the wake of the increased numbers of arrivals, many European countries have resorted to stricter land border control measures, which also contributed to re-directing the movements through the Central & Eastern Mediterranean. Unfortunately, these control measures have too often translated into no access at all, extensive use of detention at the border and "push-backs". If access to the territory is obtained, it is access to the asylum system which may become illusive in some countries.

Many countries, within and outside the EU, still see themselves as countries of transit, and do not identify/register those arriving, so as to avoid assuming the responsibility for examining their asylum claim or finding solutions for those in need of international protection. I call on States to renew their commitments in this regard and work towards ending practices that are inconsistent with the letter and spirit of international refugee protection and which feed into trafficking and smuggling of human beings on the European continent. We are also indeed aware that the majority of persons arriving by sea refuse to cooperate in their identification and to seek asylum in the

country where they disembarked because of the presence of relatives abroad or the perception that the country of disembarkation cannot offer the same protection than is available elsewhere.

As regards the particular situation in the Mediterranean Sea, saving lives should be our top priority and Europe cannot afford to continue doing too little too late. I strongly urge the European Union to put in place a solid Search and Rescue operation. Italy's Mare Nostrum operation has rescued more than 164,000 persons in 2014, but has stopped operating in November of last year. This year the trend on sea arrivals continues without a viable replacement to Mare Nostrum. Larger numbers have arrived in Italy in the first two months of 2015 compared to 2014.

At a management board meeting of the European Asylum Support Office in Malta last Monday, I have asked three questions:

- Have States put in place measures to manage arrivals better than in 2014?
- Have we learnt anything from last year experience?
- Are we ready for when the boats start arriving in larger numbers in April?

A new tragedy last night and new arrivals over the last two days to Romania via the Black Sea and through the Mediterranean in Italy suggest a negative response to these three questions.

We clearly cannot afford to wait until reports of more and more casualties emerge to start planning our responses. Action has to be taken now.

In 2013 UNHCR has tabled a comprehensive proposal called Central Mediterranean Sea Initiative¹ (CMSI), which, in addition to calling for a predictable Search and Rescue operation, includes suggestions for disembarkation, first-line reception, profiling and referral mechanisms and access to protection and durable solutions. In addition, it also provides some suggestions on cooperation with third countries outside the European Union, such as looking into root causes of displacement and

¹ UN High Commissioner for Refugees (UNHCR), *UNHCR Central Mediterranean Sea Initiative (CMSI) – Action Plan*, December 2014, available at: <http://www.unhcr.org/531990199.html>

improved responses in countries of first asylum or transit. Renewed engagement with countries in North Africa and Eastern/Western Africa cannot, however, be the sole response and will not provide any significant “quick-fixes” in the short-term.

Concerned that Europe has not done enough to prepare itself for the sea arrivals in April, the High Commissioner has proposed to the leadership of the EU last Monday a set of comprehensive proposals, within the framework of CMSI, aimed at strengthening rescue-at-sea, improving reception conditions (including identification in the context of increased security concerns), organizing intra-EU solidarity and improving return policies for people not in need of international protection. UNHCR has repeatedly called for innovative approaches that would bring EU Member States closer together to become true models of solidarity and responsibility-sharing. These could include special support to Member States under high migratory pressure, a more pro-active use of “take-charge” requests under the Dublin Regulation, or even exceptional relocation programmes of Syrian refugees and beneficiaries of subsidiary protection from Greece and Italy among EU Member States.

We remain convinced that the parallel implementation of these proposals remain key to any comprehensive response to the situation in the Mediterranean Sea. Without more responsibility and solidarity among European States, trust cannot be rebuilt in the area of asylum and migration management, and public support will further diminish even in countries with functioning asylum systems. UNHCR stands ready to work with all partners in finding practical implementation mechanisms.

UNHCR is also urging European states (not just the EU) to consider the increased use of legal “avenues”, so that persons in need of international protection do not have to resort to dangerous irregular movements and the use of smugglers. Such programmes could include a strategic use of resettlement along mixed migration routes as suggested by Austria in its “Save lives” initiative last

year, humanitarian visa schemes, extended and facilitated family reunification, private sponsorship programmes, as well as study and labour migration schemes.

While Europe has witnessed less incidents of refoulement in 2014, we remain concerned by reports of refoulement of asylum-seekers and refugees in some European countries and by the reports of a number of cases of abductions on the territory of the Russian Federation.

Turkey is the largest country of asylum in Europe hosting more than 1.6 million persons of concern, the vast majority being Syrians. Yet, despite this large-scale influx, Turkey has adopted new asylum legislation and put in place a temporary protection regime for Syrians. Both measures further strengthening Turkey's commitment to international protection standards and I would like to use this opportunity to acknowledge Turkey's efforts.

My second point is on the **Quality of Protection**. The Common European Asylum System, but also other European Countries in South Eastern and Eastern Europe, have all committed to share the responsibility of providing protection in accordance with well-established European and international standards. What we have across Europe today is, with a few exceptions, generally improved legal and normative frameworks. But this is contrasted by very divergent applications and practices of these standards, leading to an asylum system *a la carte* in and outside the EU.

Restrictive interpretations of asylum laws and procedures form real barriers for refugees to find protection in certain countries. This is for example the case with regard to applications from certain nationalities. According to Eurostat, recognition rates in the EU for Afghan asylum-seekers varying from 1% to 100% and for Eritreans between 27% and 100%. Although not always dealing with the same caseloads, some EU countries have an overall protection rate in the first three quarters of 2014 of 11% or 12%, while others have overall protection rates of 30% to 60%.

Other barriers to finding protection are general shortcomings in the system, such as a lack of predictability of the refugee status determination process, or the uneven quality of the legal, social and economic components of the protection status.

These unequal practices fuel onward irregular movements, feed the “human smuggling industry” in Europe and create huge discrepancies in terms of distribution of asylum-seekers and refugees. Russia and Turkey, not least because of their proximity to conflict areas, receive by far the largest number of asylum-seekers and refugees in Europe. But also inside the EU, only two countries, Germany and Sweden, account already for around 46% of all asylum applications in the EU in 2014. This situation is clearly abnormal and not sustainable.

Responsible leadership and a good-faith interpretation of a country’s international obligations dictates that international protection does not exist on paper alone and those fleeing conflict and persecution can find effective protection in the truest sense of the word.

Outside of the EU, we continue working through UNHCR-led Quality Initiatives supported by the European Commission in six Eastern European countries. Positive developments in certain areas have been seen, but progress remains painstakingly slow in others. Financial constraints faced by the Organization may unfortunately affect our ability to pursue some of these programmes in the future.

Let me now turn to the third aspect of international protection, which is **Solutions**. UNHCR is concerned by the lack of progress in several protracted refugee and IDP situations in Europe, in particular in the Caucasus, where new measures introduced by non-State entities are curtailing the freedom of movement of people affected by conflicts. Slow, but more visible progress is being achieved in the Balkans with the completion of the long awaited first housing units of the Refugee Housing Programme in Croatia and Serbia. However, persons displaced by the conflict in Kosovo (UNSC Res 1244) remain in need of solutions in their former or current places of residence.

At a time where humanitarian actors face increasingly difficult financial situations and may no longer be able to maintain long and drawn-out displacement situations, relevant stakeholders should focus on removing all remaining practical obstacles that hamper finding solutions for affected populations.

For refugees who have found protection in Europe, local integration must be strengthened. Homelessness and destitution among refugees have been reported in a number of countries. Together with more general anti-foreigner rhetoric on the rise, this is not only of concern for the affected persons themselves, but it could ultimately also lead to a loss of public support and a consequent shrinking of the protection space in Europe. In September 2013, UNHCR has launched its report on Refugee Integration in Europe (RICE) which showed that refugees face some very particular challenges, warranting specific and targeting measures and processes. Without integration support, refugee protection is not effective.

In UNHCR's view, it is also important that asylum systems are coupled with clear and functioning return policies for those persons not in need of protection. While existing in theory, in many countries under migratory pressures these return policies are, for various reasons, largely ineffective. UNHCR is suggesting building on good practice examples and existing expertise to work towards workable and humane arrangements to this end, which will further strengthen trust and cooperation amongst asylum countries in Europe.

Furthermore, I would like to also briefly touch on our concerns for finding solutions for refugees outside of Europe. The Syrian crisis has shown the stark needs for additional solidarity in providing solutions to persons fleeing their countries due to war, generalized violence or persecution. Since the start of the conflict, over 217,000 Syrians have sought asylum in 38 European countries, excluding Turkey. This number represents just around 6% of Syrians who have fled their country (some 3.8 million refugee and an additional 7.6 million IDPs). Similar or even lower numbers are also true for other large scale displacement situations. UNHCR is calling for larger commitments to

receive refugees through sustained resettlement programmes. A milestone target has been set of providing 130,000 of the most vulnerable Syrian refugees with solutions through resettlement and other forms of admission by the end of 2016. So far, 19 European States have offered 46,000 places. Other European countries should start engaging in this protection and solution activity.

Finding **solutions for statelessness** situations also remains a priority. As you may know, the launch of the global Campaign to End Statelessness drew widespread attention throughout the region. While statelessness remains a concern for hundreds of thousands of people in Europe who did not acquire a nationality after the dissolution of the Soviet Union and of the former Yugoslavia, we notice positive changes and collaborative efforts to prevent and reduce statelessness in the countries concerned. I want to point out here the legislative amendments adopted in Estonia and Latvia in recent years that will contribute to ending the perpetuation of statelessness in those countries by facilitating the acquisition of a nationality for children born stateless in the country.

While fewer in numbers, statelessness is also a concern in other EU Member States. Stateless people, some of whom have been in the EU for years or decades, find themselves in a legal limbo, unable to find a way out of their unlawful presence in the countries of the EU, and unable to be returned to any other country. Maybe even worse: children are still born stateless in the EU, simply because of gaps in nationality laws.

I would like to take this opportunity to urge Belarus, Cyprus, Estonia, Iceland, Malta, Poland, Russia and Turkey to ratify the international instruments relating to statelessness.

Lastly, I would like to express UNHCR's grave concern regarding the further deterioration of the humanitarian situation in **Ukraine**. Today in Ukraine, thousands of persons are waking up in basements, bomb shelters or under the rubble of their houses and apartment buildings. They lack food, medicine and heating. In fact, they lack almost everything. Many feel just abandoned. In

particular in non-Government controlled areas, the humanitarian needs are dire and humanitarian actors urgently need to scale-up their presence.

There are now more than one million internally and some 700.000 externally displaced Ukrainians. Ukraine's neighbours have been very welcoming to receive and host Ukrainians displaced by the conflict and the Russian Federation alone has taken in over 264,000 Ukrainians who have applied for refugee status or temporary asylum during the course of last year. At the same time swift and sustained action is needed in Ukraine to address acute needs. Amongst the key issues are: full freedom of movement and facilitated access to safety; the respect of humanitarian principles and full and unhindered humanitarian access; restoring the rule of law throughout the country; and the full implementation of the IDP law, including on access to housing, taxation of humanitarian aid and registration-related issues. Recent developments give rise to some hope, but our fear is that without a full end to the conflict and a political solution, humanitarian needs will continue to grow. When the European continent still has so many protracted displacement situations, we face the risk to have one more. I would like thank countries which have provided us or our partners support for our operation in Ukraine. I am convinced that a strong humanitarian response will help addressing the needs of the displaced persons and affected host communities, that it will pave the way for the voluntary return of some IDPs and refugees and that it will contribute to the stabilization of population movements. I also take this opportunity to encourage countries providing assistance to Ukraine – or part of Ukraine - on a bilateral basis to coordinate their activities with the cluster leads established under the leadership of the Humanitarian Coordinator, so that the assistance brought in matches the needs and is distributed in a targeted manner and in accordance with humanitarian principles.

As I have just pointed out, many challenges remain to respond to forced displacement, persecution and statelessness in Europe. But let me end by expressing my sincere appreciation for all your

support, commitment and hard work in overcoming these challenges in a spirit of collaboration and shared purpose. I look forward to our continued engagement.

Thank you.