

**REGIONAL STRATEGIC PRESENTATION SUMMARY**  
**41<sup>ST</sup> MEETING OF THE STANDING COMMITTEE**  
**(4-6 March 2008)**

**Bureau for Europe**

**Part A: Introduction**

This summary provides an update on key developments in Europe since the publication of UNHCR's 2008-2009 Global Appeal. The reporting will focus on selected situations, making reference as appropriate to the Office's Global Strategic Objectives for 2008-2009 (see Part B).

UNHCR continued its advocacy, capacity-building, promotional and fund-raising activities in Europe.

- At the annual meeting of European Representatives in February, it was reiterated that UNHCR's added value in Europe derives from the scope of its core mandate, the Office's supervisory function of the 1951 Convention, technical expertise and access to authoritative information on the situation in countries affected by conflict, as well as in countries of asylum.
- Close interaction with governments in the region at all levels underpins UNHCR's strategy to be the provider of key information and policy advice, thus ensuring the Office's mandate responsibility for overseeing refugee protection.
- Despite reduced resources, UNHCR's objectives in the region remain to promote and maintain international standards, to assist governments in designing comprehensive strategies aimed at sharing responsibilities and identifying solutions in the complex situations of mixed migration flows. They also include the identification of solutions for protracted refugee and internally displaced populations' situations in Europe.

**Part B: Major challenges**

- In Eastern and Central Europe, capacity-building efforts continue to be geared towards the support or establishment of functioning national asylum procedures and adequate administrative and institutional capacities.
- Offices in the Southern and Eastern border countries are faced with the challenges emanating from mixed flows of asylum-seekers and migrants in terms of assisting governments to maintain or establish protection-sensitive entry systems, and redefining UNHCR's contribution in areas such as interception and rescue-at-sea in the Mediterranean.
- In Western Europe, UNHCR's work with the member States and institutions of the European Union focuses on cooperating in the creation of a Common European Asylum System (CEAS) in respect of international standards and best practices, and formalizing UNHCR's advisory role in the second phase of its implementation.
- UNHCR also faces the challenge of States' prioritizing their political interests with regard to the management of mixed migration flows, and seeks to inject protection safeguards in such developing policies in order to ensure that people in need of international protection have access to safe territory and status determination procedures.

- In the Caucasus and the western Balkans challenges remain to identify durable solutions for refugee and internally displaced populations.

Priorities in 2008-2009 for the Bureau for Europe in response to these challenges, include the following:

*Ensuring international standards of protection (GSO1)*

The high numbers of casualties in the **Mediterranean** continue to reflect the need for concerted international action based on humanitarian principles in mixed migration flows.

- UNHCR has maintained its presence at the **Lampedusa** and **Sicily** reception centres for migrants to provide information on asylum procedures for people arriving by sea and to monitor these procedures. The project also covers **Sardinia** and other locations in the Adriatic.
- A field visit of **Italian** non-governmental organizations (NGOs) to meet with **Libyan** counterparts was organized as a confidence-building measure. This is also intended to enlarge the pool of partners engaged in the implementation of UNHCR's 10-Point Plan of Action.
- A cooperation agreement will be concluded with **Malta** in 2008 to formalize UNHCR's presence in the country. Some 200 refugees from Malta were accepted for resettlement as a burden-sharing measure. However, reception and detention conditions on the island remain of concern; further burden sharing by European Union member States, as well as local integration options, are being envisaged.
- With funding from the European Union, UNHCR has strengthened its monitoring and counselling presence on four Aegean islands in **Greece** which are exposed to steady migratory flows from Turkey. Further humanitarian presence at entry points and sensitization of border guards to prevent loss of life and *refoulement* is urgently required. With Greece being challenged by an increase of asylum-seekers to some 20,000 in 2007 and an insufficient number of status determination staff, UNHCR stands ready to enhance its operational cooperation with the Greek authorities to ensure that effective protection is provided to asylum-seekers.
- UNHCR seeks to cooperate with the Government of **Turkey** to provide access to determination procedures for asylum-seekers intercepted by authorities. The large numbers of irregular migrants entering the European Union is another concern to be addressed through border monitoring activities.
- UNHCR has adopted a situational public advocacy approach focusing on the South-Eastern European migration route via Turkey, Greece and Italy in order to address the recurring protection problems more consistently through engaging governments and civil society across the region in UNHCR's 10-Point Plan of Action.
- UNHCR has established a full-time liaison position at **FRONTEX** Headquarters in Warsaw since July 2007. This has facilitated greater information exchange, bringing protection concerns on to the agenda of the European Union agency. UNHCR and FRONTEX are working on a cooperation agreement, which is expected to be signed in 2008.
- UNHCR is advocating with States to use UNHCR's 10-Point Plan of Action as a strategic tool for designing protection and solution strategies in the context of mixed-migration flows. UNHCR, together with its partners, has implemented the Plan both in the Mediterranean

region and in the eastern neighbouring countries of the European Union. Implementation matrices are in place for the Southern and Eastern European border regions, providing concrete operational guidance.

- Within the **European Union**, complex converging and waiting areas of mixed migration groups exist in Patras (Greece) and on the northern coasts of France and Belgium, where migrants transit with the help of smugglers. Often, these people endure pitiful conditions in the hope of reaching their final target country. UNHCR works to ensure the protection of vulnerable individuals who may be in need of international protection, such as women and children, and to provide counseling in order to ensure that existing protection procedures are fully understood.
- In **Central Europe**, UNHCR has concluded formal border monitoring agreements with Hungary, Slovakia and Bulgaria, while conclusion of similar agreements with Poland, Romania and Slovenia are pending. UNHCR sees such monitoring, in cooperation with national authorities at the external European Union borders, as essential to ensure that persons of concern have access to territory. Focus on the external borders appears all the more important since the accession of most of Central Europe to Europe's "Schengen space" in December 2007. In Poland, the Czech Republic and Hungary, UNHCR produced multilingual information leaflets in view of an observed westward movement of hundreds of asylum-seekers who mistakenly believed that abolition of border controls would also entail a right for asylum-seekers to choose residence in any Schengen country.
- In the **Western Balkans**, UNHCR is faced with new political developments which directly affect populations of concern in the region. In an extraordinary session on 17 February, Kosovo's Parliamentary Assembly unanimously endorsed a declaration of independence from Serbia. UNHCR elaborated a contingency plan for any unrest and potential population movements that might occur following the declaration of an eventual independence. Three additional staff have been deployed on mission to Pristina and Belgrade to coordinate the Office's preparedness and possible emergency response, as well as public information activities in the region. Currently, UNHCR continues to carry out its humanitarian work in Kosovo for the existing displaced population in line with UNHCR's mandated activities and in accordance with UN Security Council Resolution 1244.
- The Lisbon Treaty, which was adopted in December 2007, will, once in force, give legal enforceability to the European Union Charter of Fundamental Rights, including the right to asylum, and will enhance the jurisdiction of the European Court of Justice on asylum matters. Moreover, it explicitly mentions the establishment of a Common European Asylum System in accordance with the 1951 Convention, which is much welcomed by UNHCR as it provides a solid legal basis for upholding international protection standards.
- The agreement on the establishment of an Emergency Transit Facility in **Romania** was finalized in early 2008, and is in the process of being signed. The Facility will be used for persons of concern under threat of *refoulement* and other serious protection problems to be temporarily evacuated to a third country for resettlement processing. The High Commissioner's Special Project on Sexual and Gender-based Violence (SGBV) has been successfully implemented in Azerbaijan, Bosnia and Herzegovina, Georgia and Malta where significant steps were made in setting up procedures for identification and referral of SGBV survivors, the establishment of safe shelters and provision of livelihood opportunities.

*Advocating for and supporting governments in the development and maintenance of an international protection regime(GSO2)*

UNHCR is closely monitoring and providing technical advice on the revision of new national legislation and transposition of European Union directives into national law, both in European Union member States and in candidate and accession countries.

- The Office provided its input to the upcoming Slovenian Presidency of the European Union in December. This included amendments to the Eurodac and Dublin II Regulations, the draft Returns Directive, and the proposed amendment to the Directive on long-term residence.
- UNHCR has been invited by the European Union to contribute to the second phase of the Common European Asylum System including evaluating the implementation of the first phase. Comments on the Green Paper on the Common European Asylum System were provided in September 2007, and a study assessing the transposition of the Qualification Directive in selected Member States was issued in November.
- Direct and indirect judicial interventions, at national, subregional and international levels, have had far-reaching consequences. In the past year, a number of key issues were addressed through these case-based interventions, resulting, in some instances, in the modification of State practice in asylum matters, bringing it more in line with international protection standards.
- The Quality Assurance Initiative which was successfully implemented in the United Kingdom and Austria will be expanded with funding from the European Refugee Fund to another eight member States in Western and Central Europe during 2008, if confirmed.
- UNHCR has highlighted the lack of harmonization in the provision of refugee status in European Union member States, notably in the situation of Iraqis, which has attracted major media coverage, and is being reflected at the highest levels of the European Union.
- UNHCR remains involved in providing support to refugee status determination (RSD) decision-making in many countries, exercising its mandated supervisory role. In the Western Balkans and Eastern Europe, States are taking increasing responsibility and improving their RSD decision-making capacity.
- In the Southern Caucasus, UNHCR is implementing a project aimed at strengthening the protection capacities of the countries with regard to refugees and internally displaced persons (IDPs). UNHCR is currently engaged in drafting a gaps analysis in preparation of national consultations later in the year and designing livelihood projects to complement the foreseen action plans.

*Attaining durable solutions for refugees, IDPs and stateless persons (GSO 2.6,5)*

The enhancement of **local integration** as a viable durable solution remains high on the agenda of UNHCR. The Office participated in a study commissioned by the European Community on local integration of refugees in Belarus, Moldova and Ukraine to explore further the legal and practical constraints to integration in the region.

Serbia was selected as a **protracted refugee situation** to be prioritized for durable solutions in 2008 and 2009. The strategy includes the identification and removal of obstacles to return to Croatia, including a resolution of the tenancy rights issue, as well as naturalization and the provision of incentives to increase local integration in Serbia.

UNHCR has facilitated a number of discussions on **resettlement** within the European Union, with the focus on increasing collaboration between existing resettlement countries and countries that aspire to have a resettlement programme, as well as the establishment of integration programmes for resettled refugees. Moreover, UNHCR continues to advocate for the implementation of burden-sharing mechanisms for governments experiencing difficulties in upholding their Convention responsibilities to provide asylum.

UNHCR continues to work on the prevention and reduction of **statelessness** as a priority, in particular in the Western Balkans, the Southern Caucasus and the Baltic States. A conference on statelessness will be organized in Montenegro once all concerned parties identify a convenient timing. A project on civil registration in the Western Balkans, funded by the European Commission, will endeavour to remedy the gaps in the registration of the Roma population across the region.

Approximately 3 million **internally displaced persons** (IDPs) in Europe, notably in the Southern Caucasus and the Western Balkans, remain in protracted situations. UNHCR is developing national strategies with local authorities and finalizing implementation plans for IDPs in the Caucasus region. In Bosnia and Herzegovina, the Office participated in the discussions on the revision of the Dayton Agreement's Annex VII strategy concerning sustainability for people who have already returned. UNHCR is also working to identify and prioritize those most in need of future return assistance. There is an urgent need to develop a comprehensive and effective social welfare system for all citizens of Bosnia Herzegovina, including IDPs, refugees and returnees.

### **Part C: Conclusion**

Key remaining challenges include restrictive national asylum and immigration policies, frequent revisions of legislation coupled with protracted and politicized debates. Efforts to understand the trends, the intricacy of bilateral cooperation involving returns and readmissions, and to pre-empt negative developments need to be pursued. Eastern Europe is increasingly looking at how asylum develops in Western and Central Europe, while continuing to engage in cooperation agreements on migration management. It will remain imperative for UNHCR to ensure that protection space is preserved *vis-à-vis* States' interests in the management of external borders.

*UNHCR*  
*28 February 2008*