



**Statement by the Director of the Bureau for Europe, Vincent Cochetel**  
**59<sup>th</sup> session of the Standing Committee of the Executive Committee**  
5 March 2014, Palais des Nations, UNOG

Thank you, Your Excellency Ambassador Stauer,  
Distinguished Delegates, Ladies and Gentlemen,

It is a pleasure for me to be at my second Standing Committee as Director of the Bureau for Europe and to introduce my Deputy, Diane Goodman, who is based in Geneva. We would like to reflect on the key developments and challenges in Europe. To start, I refer to the *Overview of UNHCR's Operations in Europe*, dated 19 February 2014, which outlines UNHCR's operational strategies as well as developments in international protection that have occurred since the last Executive Committee meeting in October. While I will try to avoid repeating the *Overview*, I would like to outline key observations on the European region.

The challenges we all face in achieving our objectives were particularly evident in 2013. During the course of the year, nearly half a million persons sought asylum in Europe, lending to a 24% increase since 2012.<sup>1</sup> However, this figure should be assessed with caution, as many asylum-seekers apply successively for asylum in several European countries within the same year.

Both within and beyond the European Union (EU), **quality in asylum procedures** remains a focus for UNHCR. Having previously developed quality initiatives with national authorities in several States, UNHCR is committed to working cooperatively on this issue with international and regional institutions in Eastern Europe and the Western Balkans.

In several **Eastern European countries**, UNHCR is concerned by the lack of tangible progress in building efficient **asylum procedures**. In comparing existing asylum procedure practices with those in place 10-15 years ago, it seems we have regressed, rather than progressed. Renewed efforts are necessary to ensure implementation of the protection standards contained in the *1951 Convention relating to the Status of Refugees*<sup>2</sup>. Thanks to EU funding support, UNHCR continues to implement the Quality Initiative Project in six Eastern European countries, aimed at strengthening their refugee status determination procedures (with the participation of Armenia, Azerbaijan, Belarus, Georgia, Moldova, Ukraine). We hope the partnership strengthened through this interesting and practical project will help States address current gaps and that the Russian Federation will be associated with it.

Some 12,000 persons applied for **asylum in the Western Balkans**, a 92% increase since 2012.<sup>3</sup> UNHCR is concerned, however, about the dysfunctional nature of asylum systems and the lack of adequate reception facilities. It is often argued that asylum-seekers in the Western Balkans are only transiting through the region, but this is only partly true since those who wish to remain have no means to do so. Of 12,000 asylum applications in 2013, nearly 10,000 were closed for reasons that include inadmissibility, withdrawal and abandonment. Further, only 694 applications were decided on substantive grounds and only 93 persons received protection. UNHCR will work with concerned States, the International Organization for Migration (IOM), the EU, and possibly the Organization for Security & Cooperation in Europe (OSCE) and

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<sup>1</sup> There were 358,285 persons who sought asylum in Europe in 2012 compared to 444,997 persons in 2013.

<sup>2</sup> Hereafter "1951 Convention".

<sup>3</sup> There were 5,977 asylum applications submitted in the Western Balkans in 2012 and 11,454 submitted in 2013.

the European Asylum Office (EASO), to address the challenges posed by these movements, as documented in an inter-governmental roundtable organized with IOM in Vienna in December 2013.

Since the adoption of the **recast asylum directives** in the European Union in June 2013, a complete legal framework should be in place for a Common European Asylum System (CEAS) based on full and effective implementation of the *1951 Convention*. The implementation of this common asylum system should lead to a uniform status for refugees across EU Member States and not the lack of predictability we see today. Asylum *à la carte* should gradually disappear, as a legislative transposition process and further practical cooperation on asylum lead to greater harmonization amongst EU Member States.

UNHCR will continue to support EU Member States and work closely with the European Commission (EC) and EASO in these areas. The primary aim, from UNHCR's view, will be to ensure asylum legislation is implemented consistently across the EU in line with high protection standards – enabling decision-making processes to function efficiently and predictably so high-quality, accurate and consistent decisions can be delivered. Last year, emphasis was placed on credibility and vulnerability assessments and on claims from individuals either fearing female genital mutilation or having already been victims of it.

In 2013, some EU Member States witnessed an increase in **asylum claims from citizens of South-Eastern European countries, including members of Roma minority**. The challenges facing Roma minority in many European countries are complex, extending beyond the realm of asylum. UNHCR appreciates that measures, including accelerated procedures, may be warranted to manage significant volumes of asylum claims in this category but emphasizes the need to respect adequate safeguards. Asylum claims must include an individual examination in accordance with international refugee law and EU law – bearing in mind that some persons concerned may have international protection needs, especially those who were displaced from Kosovo<sup>4</sup> in 1999. UNHCR underlines the importance of a holistic approach in addressing the situation of Roma in Europe and will continue to explore this challenge more with relevant organizations, States and other actors, within the limits of its specific mandate.

Generally speaking, **access to protection for those fleeing the conflict in Syria has improved in Europe**. In 2013, the High Commissioner frequently referred to the **treatment of Syrian asylum-seekers** in Europe as a test of the effective implementation of the CEAS. All 48 European countries normally offered some form of protection to Syrian refugees. The quality of protection, however, differed significantly from country to country – ranging from full-fledged refugee status to suspended deportation orders for illegal entry. Considerable differences also exist in terms of access to basic rights (including family reunification) and access to borders, the asylum procedure, and adequate reception support. In some parts of Europe, Syrian asylum-seekers are detained and subjected to orders of expulsion (even if not implemented), a consequence of which is often family separation. It is important to reiterate the High Commissioner's call to all European countries to refrain from sending back Syrian asylum-seekers and refugees to countries neighbouring Syria and to prioritize their access to effective protection.

In response to a request from the Bulgarian authorities, UNHCR had to step in and assume an emergency support role with EASO, NGO partners and UNICEF on 22 November 2013. UNHCR took this decision to address the dire situation prevailing in the seven reception centers/camps in order to provide direct material assistance to refugees and asylum-seekers (the majority of whom were Syrians). As you know, it is not UNHCR's role to be operationally involved in a country within the EU. It is, therefore, hoped that, in the future, the early warning system established under the *Dublin III* Regulation will lead, in practice, to immediate and effective support of any EU Member State facing pressure on its asylum system. Effective support may include training and technical guidance but, to be effective, it must also address without delay the reception needs of refugees and asylum-seekers, including the immediate provision of food, medical assistance and adequate shelter. The need for EU Member States and institutions to think more proactively about multi-faceted contingency planning, early warning and emergency response was made apparent in

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<sup>4</sup> References to Kosovo shall be understood in the context of Security Council Resolution 1244 (1999).

2013 and already in 2014. In this respect, since December 2013, we have also encouraged the EC, EASO, and relevant EU and non-EU States to develop contingency planning in the context of the situation developing in Ukraine. This afternoon, we will be issuing a paper on *International Protection Considerations related to Developments in Ukraine*.

There have been **mass arrivals of asylum-seekers and refugees in Turkey**, which currently hosts around 700,000 displaced Syrians (over 600,000 registered refugees, 200,000 of whom are in refugee camps and nearly 400,000 in urban areas). Excluding Turkey, the rest of Europe is currently hosting 4% of all Syrian refugees in the world. After Turkey, Germany and Sweden are the second and third largest countries of asylum for Syrians. It is less known that Turkey is also the largest recipient of asylum requests for Afghans, Iraqis and Iranians, which are processed by UNHCR. It is hoped that, in 2014, under its newly adopted legislation, Turkey will assume increased responsibilities *vis-à-vis* other asylum applications. Turkey will need financial support as well as burden sharing through, for example, shared responsibility for resettlement and family reunification.

The means by which Syrians arrive in Europe are often precarious and risky. There is something fundamentally wrong if Syrian refugees have to cross several countries or resort to perilous journeys by sea just to *try* to obtain protection in Europe. It is hoped that, following the lead of Germany and Sweden, UNHCR's renewed call for **enhanced resettlement** will lead to significant changes both within and beyond the EU. The need for burden sharing cannot just apply to 28 of the 48 European countries. Enhanced and easier access to resettlement, family reunification, and humanitarian visas would reduce the loss of life at sea and help promote credible alternatives to irregular, secondary and risky movements, thereby undermining smuggling, trafficking and exploitation.

**Mixed migration arrivals by sea** have increased with instability in countries of origin, the collapse of law and order in countries of transit/first asylum, civil unrest in countries like Libya and Egypt, and the closure of parts of the EU external land border. The number of people who arrived in Europe in 2013 by traversing the Mediterranean Sea was almost three times the number in 2012, with nearly 60,000 (42,000 in Italy, 11,500 in Greece, 3,235 in Spain, and 2,000 in Malta). Except in Malta, only a small percentage sought asylum in the country where they arrived. Some 62% of new arrivals departed from Libya (27,314 persons) and 21% from Egypt (9,215 persons). Undoubtedly, more will try to reach Europe in this way in 2014.

I think we all agree that asylum-seekers and refugees should not have to resort to such risky means to seek protection. Yet, further closures and restrictions of land and airport borders will only trigger more departures by sea. The argument of some European States that the Italian Navy's rescue-at-sea response called the *Mare Nostrum* operation, constitutes a pull factor overlooks not only how the closures of some land borders redirect these movements, but also the rescue-at-sea obligations of States. Thus, in responding to these arrivals, we must remember that rescue-at-sea is not something new. Legal obligations in this respect date back to the early 20<sup>th</sup> century when the International Court of Justice called it an *elementary consideration of humanity*. Responses can neither be limited to asylum systems nor to Southern European Mediterranean countries.

Italy's implementation of *Mare Nostrum*, moreover, should not be misunderstood as implying that protection at sea is the obligation or exclusive responsibility of Italy. Rather, there is a need for greater collaboration between landlocked and coastal countries. Just as coastal countries facilitate the access of landlocked countries to the sea, landlocked countries must support coastal countries, like Italy, when confronted by challenges due to their seaside location. Coastal countries need support, and European-wide solidarity is essential. Responses must include multi-lateral cooperation and engagement among countries of origin, countries of transit, countries of arrival, and countries north and south of the Mediterranean with migration needs. We must agree upon humanity's **collective responsibility** to arrivals by sea.

Further, given the majority of arrivals by sea in 2013 were not economic migrants but, rather, people fleeing war or human rights violations, returns and containment cannot be the only policy response by

European States. The lines of action, which the Task Force for the Mediterranean proposed and the European Council endorsed in the aftermath of the tragedy in Lampedusa last October, were encouraging. UNHCR hopes States will follow suit and fully implement this strategy. UNHCR is prepared, along with interested countries, IOM and its NGO partners to pilot related initiatives through our **Central Mediterranean Sea Initiative**. We will not succeed in preventing all movements by sea or all losses of life, but it is our collective responsibility to try before additional tragedies arise. It is essential that we create credible alternatives to secondary movements by sea. UNHCR is finalizing specific proposals in this respect and hopes to work with the Greek and Italian EU Presidencies this year to pilot these projects. Toward this end, we welcome the active engagement of States in North Africa and the Horn of Africa.

Many **unaccompanied and separated children** move to, and within, Europe in mixed flows. Their protection needs, thus, cannot be addressed in the asylum context alone. Some are victims of human trafficking while others flee persecution or indiscriminate violence or poverty, and others flee for a combination of these reasons. Some are on the move and refuse to be registered, awaiting an opportunity to move further to join family, while others disappear from care and are exposed to destitution and exploitation. UNHCR is committed to helping States strengthen their responses to this vulnerable group, especially unaccompanied and separated Afghan children. We aim to turn research and discussions on this subject into action through pilot projects with interested States (countries of origin, countries of first asylum, countries of transit, perceived destination countries). We are also developing guidance with UNICEF to help European States operationalize the best interest principle, which is now embedded in regional as well as international law.

**Respect for the principle of *non-refoulement*** suffered setbacks in Europe in 2013. Some States pushed back asylum-seekers who arrived by boat; some land borders were closed; and unidentified assailants abducted asylum-seekers and refugees in two countries. Respect for *non-refoulement* must be observed not only in law but also in practice, regardless of whether asylum-seekers and refugees originate by land, sea or airport borders. Significant progress also remains necessary to ensure border guards in some European countries understand and accept that seeking asylum with or without a travel document is not a crime.

In a similar vein, the excessive use of **detention** for asylum-seekers, sometimes in inadequate conditions, remains a concern. I have visited several detention centres in Europe and met individuals in need of international protection who are clearly being denied their legal right to access asylum procedures, often due to a lack of interpreters and a lack of assistance to lodge asylum applications. UNHCR aims to work with States to improve this situation and to ensure detention is only a last resort. When detention is necessary, conditions must be sufficient to ensure respect for fundamental rights and human dignity and to allow asylum-seekers to pursue their claims effectively. Alternatives to detention need to be fully explored, and positive developments have been seen in some States. Poland, for instance, is exploring innovative alternatives. Although this is not my preferred argument, States should also consider the cost-benefit of detention, since it strains State resources, and conceive alternative arrangements on these grounds.

In the search for solutions, **integration** remains critical but challenging for all European States within and outside the European Union. UNHCR concluded an EC-funded project aimed to help participating States evaluate and strengthen integration support. We are concerned that many in need of international protection refuse to seek asylum in the European countries they cross – some for reasons of personal preference (assuming, for example, protection is better elsewhere), some because they have relatives in other countries and lack alternative means to join them, and some because they cannot avail themselves of meaningful protection, even as recognized refugees, in places that lack reception capacity and even basic integration support.

This is a cause of significant concern to UNHCR, particularly as **homelessness and destitution among refugees** is on the rise in some European countries. While UNHCR can share good practices with NGO partners, municipal and national authorities in the European Union, it is hoped the EC and EASO will play

stronger roles in this area to ensure States improve the quality of asylum. Outside the EU, and until local integration becomes a reality for all, UNHCR may need to resettle more refugees from Eastern Europe and the Balkans.

The **rise of xenophobia** in certain European countries is also directly affecting refugees and impeding their local integration. I am extremely concerned to see on TV, in both EU and non-EU countries, people demonstrating in streets or stadiums brandishing symbols of totalitarian ideologies and advocating for what they termed a "new order". History has shown that what they advocate is not new and is far from bringing "order". UNHCR sees the need for a stronger leadership and vision among governments, mainstream political parties, the media and civil society leaders in Europe, including faith-based organizations, to effectively tackle these sensitive and fundamental issues. While challenges in combatting xenophobia exceed UNHCR's Mandate and capacity, UNHCR will, within its limited means, continue to contribute to local initiatives that strive to improve hate crime reporting, ensure impunity does not prevail, and work with and through media and youth organizations.

While Europe moved forward in **resettlement** in 2013, much more is needed. UNHCR still resettled more refugees *from* Europe than *to* Europe in 2013: Over 2,500 more refugees were resettled from asylum countries in Europe (mainly Turkey) than were resettled to Europe<sup>5</sup>. In the EC's Asylum Migration Fund, specific resources are foreseen for resettlement, which we hope will strengthen the scale and sustainability of resettlement programmes in EU countries.

Although it is critical to focus our attention on asylum-seekers as they arrive, we must not forget those who remain affected by conflicts of the past. While 2013 brought progress in the dialogue between Pristina and Belgrade, several **frozen conflicts** or, shall I say, "frozen peace processes" remain unresolved in Europe – namely in Cyprus, Moldova (Transnistria), Georgia (South Ossetia and Abkhazia), Azerbaijan and Armenia. Hundreds of thousands of displaced persons remain affected by these past conflicts. It is critical that their humanitarian needs are addressed and that their situation is not exploited for political gain. We hope that some of the progress, as witnessed in Georgia and Abkhazia in 2013, in terms of housing solutions, can be pursued in 2014 and extended to other situations.

During the *Intergovernmental event at the ministerial-level of Member States of the United Nations to commemorate the 60<sup>th</sup> anniversary of the 1951 Convention relating to the Status of Refugees and the 50<sup>th</sup> anniversary of the 1961 Convention on the Reduction of Statelessness*, in December 2011, the High Commissioner drew attention to several **protracted refugee situations** which he deemed priorities for UNHCR and the international community. One such situation, with both refugee and IDP protracted situations, is that of **persons displaced during the 1991-95 conflicts in the former Yugoslavia**. During these conflicts, more than three million people were displaced both internally and outside the former Yugoslavia, thereby becoming IDPs and refugees. In addition, an estimated 120,000 people were killed and over half a million houses destroyed. It has been nearly 18 years since the Dayton Peace Agreement; yet, some 150,000 remain displaced, including 65,658 refugees and 84,500 IDPs. Such individuals, who are still awaiting solutions, are often the most destitute and vulnerable. Those who should have been first assisted are the last to receive appropriate solutions. In looking at the various humanitarian aspects of the of the Syrian displacement, we must not forget this lesson.

On 7 November 2011, Bosnia and Herzegovina, Croatia, Montenegro and Serbia adopted the Belgrade Declaration, reaffirming the principles of the Sarajevo Declaration of January 2005 and establishing the Regional Housing Programme (RHP). More recently, housing projects valued at EUR 61 million were approved in these countries with the aim of providing housing to some 8,000 individuals. The RHP enables responsible, efficient and gradual disengagement. UNHCR urges stakeholders to accelerate its implementation until the end of 2017 and to ensure effective solutions for those still awaiting them.

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<sup>5</sup> 5,473 were resettled to Europe in 2013 and 8,040 were resettled from Europe (90% of which were from Turkey).

An integral component of the durable solutions process is the cessation of refugee status for those displaced during the 1991-95 conflicts. Given the significant advances made by States in the region, these refugee groups are generally able to access effective State protection and no longer need international protection. UNHCR, therefore, initiated consultations with refugees, concerned States and other stakeholders. UNHCR anticipates recommending that host States invoke the cessation of refugee status according to the ceased circumstances cessation clauses<sup>6</sup> of the *1951 Convention*. This recommendation, including the possible use of the exception provided in article 1.C.5 of the *1951 Convention*<sup>7</sup>, will allow for flexibility when implementing cessation in order to ensure it supports, and does not undermine, the durable solutions process. While it is clear to UNHCR that the majority of these displaced persons are no longer fearing persecution, it is equally clear that many still need solutions. This requires firm commitments from all participating States and donors to pursue the RHP through the end of 2017 and to address all remaining challenges to facilitate return and/or access to nationality/civil documentation.

Similarly, in the Western Balkans, UNHCR is concerned about the **lack of regional solutions strategy for the approximately 240,000 persons displaced by the conflict in Kosovo<sup>8</sup> in 1999**. UNHCR welcomes the new Strategy on Communities and Returns for 2014–2018, announced by the authorities in Pristina on 7 February 2014. Yet, these efforts must translate into effective and sustainable voluntary returns to Kosovo<sup>9</sup>, while keeping in mind that a majority of displaced persons do not wish to return to Kosovo<sup>10</sup> and will not do so, given their experiences or profiles.

In strategizing a response to long-term displacement, particularly for those who cannot return home, it is important to keep in mind the potential for **statelessness**. The commemorations of the *1951 Refugee Convention* and the *1961 Convention on the Reduction of Statelessness* in December 2011 constituted a turning point in addressing statelessness globally and in Europe.

The number of States parties to the Statelessness Conventions increased with Lithuania and Montenegro acceding to the *1961 Convention* and Ukraine acceding to both Conventions. In addition, UNHCR welcomed the EU pledge of September 2012 to ensure the four remaining EU Union States which had not yet acceded to the *1954 Convention relating to the Status of Stateless Persons*, namely, Cyprus, Estonia, Malta and Poland, would do so. I am sorry to report that, to date, only Poland has demonstrated its commitment to follow through on this pledge; Cyprus, Estonia and Malta remain.

Also in 2012, the EU pledged to ensure Member States that were not yet party to the *1961 Convention* would consider acceding. Of these countries – namely Belgium, Cyprus, Estonia, France, Greece, Italy, Lithuania, Malta, Poland, Slovenia and Spain – only Lithuania can be acknowledged for its accession to the *1961 Convention* since this pledge. Positive signs have been noted with Belgium and Italy, and we look forward to moving further toward accession by these countries. However, we also hope Cyprus, Estonia, France, Greece, Malta, Poland, Slovenia and Spain will take steps toward accession this year.

Outside the EU, only Andorra, Belarus, the Vatican City State, Iceland, Monaco, Russian Federation, San Marino and Turkey have not acceded to either of the Conventions.

UNHCR looks forward to the accession to the *1954* and *1961 Conventions* by all European countries. This year presents the opportunity for accession, as it marks the 60<sup>th</sup> anniversary of the *1954 Convention*. UNHCR commemorates this anniversary through a renewed call for action to reduce statelessness and to protect stateless persons worldwide.

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<sup>6</sup> Article 1 C (5) and 1 C (6).

<sup>7</sup> Article 1 C (5), second sentence: Cessation “shall not apply to a refugee...who is able to invoke compelling reasons arising out of previous persecution for refusing to avail himself of the protection of the country of nationality”.

<sup>8</sup> References to Kosovo shall be understood in the context of Security Council Resolution 1244 (1999).

<sup>9</sup> References to Kosovo shall be understood in the context of Security Council Resolution 1244 (1999).

<sup>10</sup> References to Kosovo shall be understood in the context of Security Council Resolution 1244 (1999).

The identification and protection of stateless persons in Europe improved with three States establishing formal procedures for determining statelessness between 2012 and 2013 – namely Moldova and Georgia in 2012 and the UK in 2013. Comprehensive studies of stateless populations in the Baltic States, Malta and the Nordics are ongoing, and a study on the reduction of statelessness in the Ukraine was completed. UNHCR further developed its partnership with the European Network on Statelessness (ENS), the first such regional NGO, which carries out cooperative data collection, training, research and advocacy. Legislative, administrative and practical measures were taken throughout South Eastern Europe to reduce statelessness. The achievements and remaining challenges were described in a report prepared for the regional conference on civil registration and documentation in Podgorica in October 2013, organized with the OSCE High Commissioner for National Minorities and the EC. Some legislative, administrative changes, as well as attitudinal changes in practice among local authorities and cross-border collaboration, remain necessary to make further progress.

Twenty years after the break-up of the Soviet Union and the dissolution of the Socialist Federal Republic of Yugoslavia, most stateless persons in Europe, especially those belonging to the Roma minority, live in the successor States, and some remain stateless. Efforts to facilitate their acquisition of a nationality are ongoing but need strengthening to achieve the goal of statelessness eradication by 2020. UNHCR strongly encourages all States in Europe to ensure that long-term stateless habitual residents in successor States acquire a nationality and all stateless persons are identified as such and enjoy their rights under the *1954 Convention*, including a path to nationality. Along with the adoption of strong safeguards against statelessness at birth and upon loss of nationality, let us collectively show that the eradication of statelessness in Europe can be a reality in 2020.

Thank you for your attention and thank you again for the support and protection you ensure to the forcibly displaced in and around Europe and for your commitment to collaboratively address the issues of forced displacement and statelessness at and within Europe's borders.