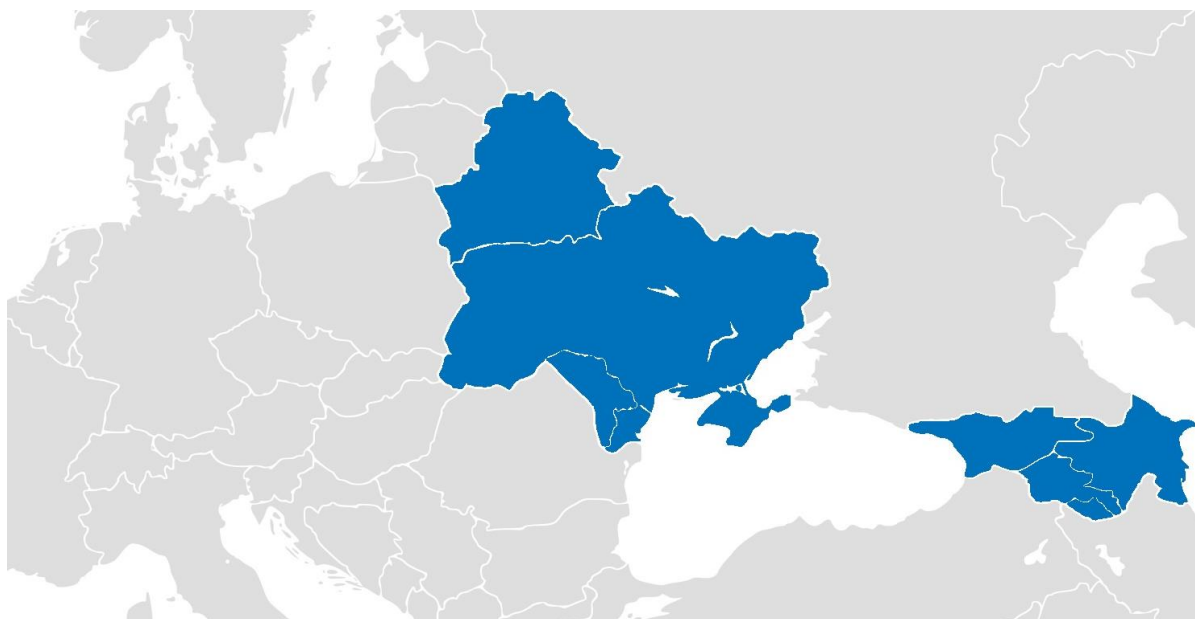


# QIEE NEWSLETTER

Newsletter of the “Quality Initiative of Asylum Systems in Eastern Europe and South Caucasus” (QIEE)

**SEPTEMBER 2017 – JANUARY 2018**



QIEE participating countries

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# The Outcomes of 2017 and Continuation of the QIEE Project in the Region

In 2017 the QIEE had organized:

# 15

*Regional training events for government authorities, border officials, lawyers and judges involving almost 400 participants and more than 30 experts and trainers. In particular, these included:*

- **4** webinars in Russian on Iraq and Afghanistan as Country of Origin and Guidelines 12 organised in the first half of 2017;
- **4** Training-of-Trainers (ToT) on EASO modules, namely Module on Reception (March), Module for Managers (October) and Gender, Gender Identity and Sexual Orientation Module (December) and Module on Inclusion (July).
- two judges from the region (Ukraine and Armenia) attended the EASO ToT or judges in Malta on Qualification for International Protection and subsequently facilitated a regional workshop on this topic in the QIEE;
- **12** judges from QIEE region attended the IARLJ World Conference in Athens, Greece, which included pre-conference training sessions;
- **2** training conferences for border guard officials and legal practitioners involved in delivery of legal assistance to asylum-seekers were held in Chisinau, Moldova in May and November 2017 respectively, gathering some 50 participants each;
- **2** study visits for government authorities and judges to Croatia and Karlsruhe and Mannheim, Germany respectively;
- **2** thematic workshops - – “COI Regional Workshop for COI Researchers and Focal Points on COI” held in April, and “Workshop on Quality of Procedure and RSD Specific Aspects” in late September
- some **26** judges had an opportunity to spend three days in Tbilisi learning about the most relevant topics in adjudicating the refugee claims at courts level in Tbilisi in June

## **RUSSIAN REFWORLD:**

More than **50** relevant UNHCR documents and other sources of country of origin information and relevant policy documents were translated into Russian as part of the Russian Refworld project, among them:

- UNHCR International Protection Considerations with regard to people fleeing the Syrian Arab Republic, Update V;
- Relevant Country of Origin Information to Assist with the Application of UNHCR's Country Guidance on Syria;
- UNAMA's Afghanistan Protection of Civilians in Armed Conflict Annual Report 2016;
- Credibility Assessment in Asylum Procedures - A Multidisciplinary Training Manual of Hungarian Helsinki Committee, Vol.2; etc.

The webpage of the [Russian Refworld](#) has been improved to include:

- section on the QIEE page on **Judicial Updates** which includes 15 issues of the Judicial Engagement Updates for the moment;
- COI infosheets on Syria and Afghanistan for First Contact Officials.

The total number of Refworld users has increased **40 times**, as compared to 2014 with the total of 31,314 individual users registered and using the Russian version of the Refworld, which now contains **nearly 18,500** documents in Russian.

It is important to note, that in response to the request of the participating governments, all parties involved in the project agreed to continue the Regional and National elements of the QIEE project, recognising it as a useful capacity building and quality enhancing tool. Therefore, the [Calendar of Regional Events](#) was introduced in early 2018 and [Concept Note for the Continuous QIEE](#) was adopted and shared between government officials.

The 2018 implementation programme offers a wide range of events and opportunities for this year, which include trainings and study visit for the judiciary, their participation in the IARLJ organised trainings, launch of the EASO/ACCORD COI learning programme with a workshop and study visit to the Austrian authorities and ACCORD COI Centre, RSD Thematic Meeting and Regional Conference for Lawyers, as well as Interview Techniques Learning Programme. QIEE team is also working on the development and launch of a programme on Prevention of Burnout and Vicarious Trauma, development of the regional interpreters' pool. The launch of the online platforms for legal practitioners and COI researchers in the region are expected to take place in the second quarter of 2018, together with the launch of the Russian-language UNHCR RSD Introduction Course.

## Regional Conference for Legal Aid Providers on Providing Legal Assistance to Asylum-Seekers and Refugees was held in Chisinau, Moldova



*Presenters of the Conference, Moldova, October 2017*

UNHCR Regional Protection Support Unit (RPSU), National Legal Assistance Council of Moldova (NLAC) and the UNHCR country office in Moldova jointly held a conference for legal practitioners involved in delivery of legal assistance to asylum-seekers and refugees through state legal aid programmes and those working with the legal NGOs. The role of the legal aid providers is recognised as being crucial to building a sustainable and functioning asylum system in any country. Much emphasis is traditionally put by UNHCR on the development of comprehensive state-run systems of legal aid capable and equipped to provide quality legal aid to asylum-seekers and refugees. This training, consequently, was aimed at showcasing the experience of Moldova in building the capacity and structure for quality legal assistance through the state-run legal aid provider, National Legal Aid Council (NLAC).

The conference gathered some sixty top and middle managers of state provided free legal aid and NGOs providing legal assistance to UNHCR persons of concern from Armenia, Azerbaijan, Georgia, Belarus, Moldova, Ukraine, Albania, Bosnia and Herzegovina, Kazakhstan, Kyrgyzstan, Tajikistan and Russia.

To reach its purpose, the conference analysed the structure, operating procedures and setup of

legal representation to asylum seekers and refugees provided by the NLAC of Moldova.

The Moldovan NLAC jointly with UNHCR has developed a comprehensive system of selection, specialisation, quality control and training of lawyers involved in the provision of legal aid to asylum-seekers and refugees. The system, as it was described during the conference by Mr. Lilian Dari, Executive Director of the NLAC, ensures relevant lawyers are well specialised in asylum through selection of a pool of lawyers working in this area through the NLAC. Their capacity and quality of their submissions are ensured through a comprehensive system of quality control and relevant training devised and implemented jointly with UNHCR within the auspices of the Standard Operating Procedures for the legal aid providers on asylum cases.

Following the overview of the Moldovan experience, Prof. Dr. Boštjan Zalar, High Court Judge at the Administrative Court of the Republic of Slovenia described the process of developing the legal aid system in Slovenia. The Slovenian model of NGO-run legal aid offers a different solution to asylum cases representation. This option in view of UNHCR also represents a viable solution to state provided legal aid, independent of external donors and international organisations, which ensures fair trial procedures in line with the international obligations of the states. Ms. Julia Zelvenska, Head of Legal Support & Litigation, ELENA Coordinator European Council on Refugees and Exiles (ECRE), spoke in depth about various asylum legal aid systems in Europe in hope that some of these options would be of interest to the participants for replication. Professor Zalar also spent some time going through the available key training materials for refugee law of easy access and relevance to the participants. These included core [judicial training materials of the EASO-IARLJ](#); the European Law Institute's [check-lists on basic standards of](#)

[judicial control in detention cases](#), standards on the use of the COI and due process under European law; [IARLJ's checklist on criteria for assessment of COI](#), criteria for the credibility assessment, etc.

As per the request of the participants, the second day of the conference focused on particular issues pertinent to the representation of asylum-seekers in the court procedures in various countries. The topics selected aimed at demonstrating the key differences of asylum procedures vis-à-vis other areas of administrative law. In particular the participants were invited to look closer into such elements of refugee status determination (RSD), as the structure of RSD and relevant procedural issues, application of standard and burden of proof in asylum cases, use of COI and credibility of sources of COI in asylum process, facilitated by the experts from ECRE and UNHCR. A summary of caselaw of the European Court of relevance to each subject was also included in the agenda.

The event aimed to provide a comprehensive assessment of the role of lawyers in the protection of refugees and asylum-seekers in the participating countries, offer a forum for experience exchange and provision of updated information on developments in international refugee law, relevant jurisprudence and help to identify avenues for enhanced regional cooperation, including in the field of training. The experience obtained at the conference in Chisinau was well received and found as relevant by other countries. As explained by Ms. Irina Bondarenko, Head of the Legal Assistance Department of the Ministry of Justice in Ukraine: "The regional conference held in Chisinau is important because we need other states'

experience concerning access to legal assistance guaranteed by state. For example, we learned that in Slovenia, besides the advocates specialized in the asylum domain, there are consultants, future lawyers, concerned about the refugees and asylum seekers issues. From the very beginning, they are involved in all the asylum procedure and may participate at any stage. Besides the knowledge about the legislation, you need to know obligatory information about the country of origin, sources of information, what materials can assist advocates and lawyers to demonstrate in court that this person is in need of international protection. The experience obtained at the conference will be shared also to other colleagues in Ukraine, dealing with refugee cases."

The conference concluded with an assessment and a discussion of the way forward for similar events in the future. The participants reaffirmed the need for such gatherings and supported the creation of an online legal practitioners space to share experience, maintain contact and ask questions, which will be launched by UNHCR in Russian language in 2018. They have subscribed to a set of recommendations for follow-up and implementation in 2018, which also include among others organisation of regular annual meetings and trainings and development of regional SOPs for legal assistance. In practical terms, the conference led to substantial advancement the legal aid system for the needs of asylum-seekers, IDPs and refugees in Ukraine.

— RPSU

*(THE ARTICLE INCLUDE THE CITATIONS FROM UN IN  
MOLDOVA NEWSFEED)*

# JUDICIAL UPDATES

## Important Decisions by the Courts in the QIEE Region.

### ARMENIA

On 14 December, for the first time since 2009, the Administrative Court of Armenia (first instance court) issued a judgment overruling the decision of the State Migration Service (SMS) to deny refugee status to a family from Iraq and obliging the SMS to recognize the applicants as refugees in Armenia. Among the many positive aspects of the court proceedings and the judgment are hearing of the applicants by the Court and COI research undertaken by the Court in addition to the information presented by the parties. Furthermore, in its assessment of the letter of the National Security Service on the case, the Court concluded that the letter does not contain any information indicating possible applicability of the exclusion clauses, and hence does not have any evidentiary value. The Court stated that according to COI on Iraq, violence targets Shia community in particular, to which the applicants belong. The judgment constitutes a significant achievement in light of the years of reluctance by the administrative courts to overrule SMS decisions.

### RUSSIA

On February 13, 2018, the European Court of Human Rights (ECtHR) made its ruling in the case of “[Mskhiladze v. Russia](#)”, in which it found violations of Article 5 § 1 (right to liberty and security of a person) and Article 5 § 4 (speedily

consideration by the court of the legality of the arrest or detention) of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

The applicant, a stateless person, who had lived in Russia for more than twenty years, was declared by the Justice Ministry in 2014 “undesirable” on the territory of the Russian Federation and, by the court order, was to be expelled. In 2017 the Constitutional Court of the Russian Federation issued a decision in the case of Noé Mskhiladze, who had been held in Saint-Petersburg detention centre about 2 years without the prospect of their cases being resolved. It was the first time when Constitutional Court of the Russian Federation considered the case of stateless person who was detained for future deportation.

The ECtHR found that there has been:

- violation of Article 5 § 1 ECHR ;
- violation of Article 5 § 4 ECHR on account of the lack of a possibility to take proceedings for review of the continued detention.

The rest of the judgement is similar to the decision of the Russian Constitutional Court on the same case, but now it acquires “double force”, so it is hoped that the decision will help to move the situation of all stateless persons in detention in Russia for the better.

## Study Visit for Judges to the German Courts

On 17-19 October 2017 a group of 18 judges from Armenia, Azerbaijan, Georgia, Ukraine, Belarus and Moldova travelled to Germany to visit the Constitutional Court of Germany in

Karlsruhe, and become familiar with the work of the Administrative and Appeals Courts in the Federal Land of Baden-Württemberg in the southwest part of Germany. The study visit was



arranged by Mr. Michael Hoppe, Justice of the Appeals Court of the Federal Land of Baden-Württemberg.

Following a large influx of asylum-seekers arriving in Germany over the course of the last few years, German courts have also received a significant number of appeals from asylum-seekers from similar backgrounds as those seeking asylum in the QIEE countries. The study visit provided the delegation with an opportunity to witness the work of the German judges deciding on appeals. The hearings attended by the group of judges from the QIEE countries included those on rejection of status, exclusion decisions at first instance as well as grants of complimentary protection instead of Convention Refugee Status. The judges from both the visiting and the host sides were able to engage in productive discussions on the role, setup, workload and work of the judiciary in Germany. The judges from Eastern Europe were able to find answers to many questions relating to both general administrative law and court practice and asylum court practice in Germany in

particular. The participants visited the Constitutional Court in Karlsruhe and heard about its asylum-related work

Additionally, a visit to the administrative asylum instance in Karlsruhe, the BAMF office, was included in the study visit with the purpose of providing a better understanding of the asylum procedure, age identification, documents and verification processes conducted at the BAMF in view of the recent influx of asylum-seekers in the country.

The programme also featured a separate session on national security considerations in asylum cases in Germany and an overview of relevant provisions and programmes related to integration and the impact they have on the courts in Germany. In the course of the visit, the judges noted a number of useful lessons for further implementation in their home countries and most importantly, became closer friends, capable of supporting each other in their work as the judges in their home countries.

## Delegation to IARLJ World Conference for Judges



*IARLJ World Conference, Athens, Greece, Nov- Dec, 2017*

The delegation of judges from the QIEE countries took part in the IARLJ's (International Association of Refugee Law Judges) 11<sup>th</sup> World Conference from 29 November to 1 December in Athens. Judges from Armenia, Azerbaijan, Georgia, Moldova and Ukraine also joined the pre-conference Training Sessions at

Intermediate and Advanced levels. The participants from QIEE countries were provided with simultaneous interpretation in Russian to fully cover the topics of the pre-Conference training sessions, arranged by the RPSU.

Topics discussed during the conference related to contemporary challenges in the context of the refugee and migration law, security issues/classified information in asylum and migration litigations, statelessness and human rights as well as non-state actors of persecution were addressed during the conference. The judges who attended the pre-conference workshops participated in the round table discussion, at which they had the opportunity to exchange experience and information regarding differences in legislation among their countries. For instance, some participants noted the specific areas in the legislation of their countries

where there are significant gaps. At the same time, the experience of foreign colleagues will be helpful in resolving these issues in the QIEE states.

Also, the participants noted that they had made many friends among the judges participating in the conference and created online groups, so that they can keep in touch on regular basis. the judges unanimously agree that establishment of information sharing mechanisms among the judges from the countries with similar issues is of

key importance and is well served within the context of the QIEE project.

In this regard, the establishment of the online collaborative platform that allows participants to communicate and share the important materials in addition to close cooperation with IARLJ is envisioned within the 2018 plan of the QIEE.

— RPSU

## IN BRIEF

### **Standard Operating Procedures (SOP) on Audio & Video Recording of Eligibility RSD Interviews in Moldova**



The Regulation on the audio / video recording of interviews with beneficiaries of international protection came into force in Moldova in November 2017.

This Regulation establishes the procedure for audio / video recording of interviews of asylum-seekers and other beneficiaries of international protection. It also provides for the standards and regulations for record keeping, filing, reproduction and release of copies of audio and audio-visual recordings in view of ensuring fairness of the process and confidentiality of the applicants and their statements. The recording of interviews assists with ensuring the accuracy of paper files, authenticity of statements made during the interviews and the fullness of the interview transcripts and notes. The Regulation sets that all audio recording of interviews with asylum-seekers and beneficiaries of international protection is mandatory in Moldova. Moreover, the SOP requires that all the interviews carried out on the premises of the Interview Office of the Department for Asylum and Integration of the Bureau for Migration and Asylum (BMA) in Chisinau, are audio-visually recorded. This Regulation was developed within QIEE and represents a major positive development in ensuring transparent, fair and effective procedure for determination of international protection needs, while ensuring confidentiality and privacy of the applicants.





# Updates on Country of Origin Information (COI)

## Workshop on COI in Baku, 20-21 November 2017



*COI workshop in Baku, 20 November 2017*

Workshop dedicated to the country of origin information (COI) in refugee status determination (RSD) process, organised within the framework of the UNHCR Quality Initiative Project for Eastern Europe and South Caucasus, was held in Baku, Azerbaijan. Participants from the State Migration Service, including members of the Refugee Status Determination Commission and the staff of the three Reception Centres (Baku, Yevlakh and Nakhchivan) of the State Migration Service attended the meeting. The workshop was co-organized by UNCHR and ICMPD. It aimed to look at the sources of COI and to identify gaps and best practices in the area.

The first day started with welcome addresses and opening remarks by Mr. Furio De Angelis, Country Representative of UNHCR, Project Manager of EU Delegation in Azerbaijan Mr. Alessandro Budai, Mr. Elnur Nasibov, National Project Manager of ICMPD in Azerbaijan and Mr. Nazim Salmanov, Head of Refugee Status Determination Department of the State Migration Service. Basic principles of COI were discussed during the first session of the workshop

facilitated by Ms. Mirjam Favier's, Senior Advisor of the Department of Immigration and Naturalisation of the Ministry of Security and Justice of the Netherlands, presentation on the role and importance of COI in RSD followed by presentations on importance of COI in decision-making process and on general COI standards. The second session involved presentation by Ms. Mirjam Favier on COI on Afghanistan and followed with the presentation by Ms. Samira Allahverdiyeva, Associate Protection Officer, UNHCR, on COI on Pakistan. The participants were then requested to work in four groups to research COI for cases originating from India, Sri-Lanka, Syria and Iraq to identify the possible risk groups in those countries. The rapporteurs from each group presented research findings during the discussion session.

The second day of the workshop started with a presentation on assessing the credibility in relation to the country of origin of the applicant, types of investigations that can be conducted and country specific policy.

The session continued with the Skype presentation on UNHCR Guidelines on Syria which was presented by Mr. Gabriela Wengert, Regional Research and Information Officer from Legal Unit under MENA Bureau of UNHCR. This Skype session was the first experience within the capacity building activities carried out by the QI project in Azerbaijan during which the participant had unique opportunities to address their questions directly to the colleagues who were most experienced on the specific country. The feedback received from the participants after the session was positive and some even highlighted that they felt themselves in Syria in a real time during the presentation.

The second day ended with a presentation by Ms. Mirjam Favier on COI for Yemen and continued with the presentation by Ms. Samira Allahverdiyeva on COI for Iran. The workshop was closed by UNCHR and ICMPD

representatives wishing smooth implementation of the best practices and realization of ideas discussed.

—UNHCR AZERBAIJAN

## Updates on the Russian Refworld



### Latest Refworld Updates

<http://www.refworld.org/updates.html>

**International Protection Considerations with regard to people fleeing the Syrian Arab Republic, Update V**, 3 November 2017:  
<http://www.refworld.org/docid/59f365034.html>

**Afghanistan as Country of Origin for First Contact Officials** (in Russian), 19 December 2017:  
<http://www.refworld.org.ru/docid/5a38e0114.html>

### Judicial Engagement

**Updates** (in Russian)

Issues 1-15:

<http://www.refworld.org.ru/qjee.html>

(*section Judicial Updates*)

## IN BRIEF

## Summary of the EASO Events on the Regional and National Level



At the end of 2017 UNHCR organized three EASO module regional rollouts: Train-of-Trainers Workshop (ToT) on Reception module for reception professionals and border officials, Gender, Gender Identity and Sexual Orientation (SOGI) module EASO Module for Managers.



Overall, in the course of 2017 UNHCR has trained 40 national trainers during the regional ToT workshops for the QIEE region, who then facilitated 14 national rollout seminars for some 250 participants on the EASO modules on **Interviewing Vulnerable Persons (IVP), Evidence Assessment, Reception, Inclusion, Interview Techniques and Exclusion** in their national asylum authorities throughout the year.

## IPSN Tool in Russian

UNHCR has launched the EASO Practical Tool for Identification of Persons with Special Needs in Russian at

<https://ipsn.easo.europa.eu/ru>

The primary objective of this tool is to facilitate the timely identification of persons with special procedural and/or reception needs. The Tool may be used at any stage of the asylum procedure and at any stage of the reception process.

The tool does not prescribe and is not linked to a specific identification mechanism. It is a flexible instrument, which could be incorporated in different mechanisms and practices, and at different stages. The modalities of its use would depend on the national set-up and needs. There are three main components to using the IPSN Tool: indicators of potential special needs; categories of persons with special needs; and support stages. The 'indicators' grouped in seven categories, marking the indicators highlights the potentially relevant category of persons with special needs. The tool includes 14 categories of applicants who may have special procedural and/or reception needs, such as

minors, elderly people, LGBTI, etc. For each category, the tool includes information important for identification, as well as tailored support measures. It also covers four procedural stages: first contact - making an application; lodging the application; personal interview; end of the first-instance asylum procedure; as well as reception support. These stages include brief generic guidance on support measures potentially relevant to each category. In case the special needs of the applicant fall under more than one category, the support measures are tailored to reflect this.



The screenshot shows a web browser window with the URL [ipsn.easo.europa.eu](http://ipsn.easo.europa.eu). The page header features the EASO logo (a globe with the EU flag stars) and the text "EUROPEAN ASYLUM SUPPORT OFFICE". Below the header is a navigation menu with links: "Go to tool", "About EASO", "About this tool", "How to use this tool?", "General remarks", "Contact us", and a language dropdown set to "English". The main content area has a blue background with the text "IPSN TOOL FOR IDENTIFICATION OF PERSONS WITH SPECIAL NEEDS". Below this text are two buttons: "About the tool" and "Go to tool >". A white box contains a paragraph of text: "The primary objective of this tool is to facilitate the timely identification of persons with special procedural and/or reception needs. It may be used at any stage of the asylum procedure and at any stage of the reception process. This is a practical support tool for officials involved in the asylum procedure and reception and does not presuppose expert knowledge in medicine, psychology or other subjects outside the asylum procedure." Below the text is a video player thumbnail titled "EASO IPSN Tool" showing the EASO logo and silhouettes of people. At the bottom of the white box, there is a link: "Learn about other EASO practical tools [here](#)."

Please, learn more about how you can use this tool on EASO website at the link:  
<http://ipsn.easo.europa.eu/how-use-tool>



## Study Visit: From the First Point of Contact to Integration in Croatia



*Participants of the Study Visit, Zagreb, Croatia, 4-7 September, 2017*

Perceived as a transit country by many asylum-seekers, Croatia was chosen as the venue for the study visit due to its similarities with the countries of the QIEE region in terms of the numbers of asylum-seekers, budget allocated to asylum and economic standing of the country.

Until 2013, Croatia had some 1000 asylum-seekers per year, while from September 2015 to April 2016 a total of 658,068 has arrived in Croatia through the Western Balkan route to the EU. The country had difficulties dealing with a large influx and the Croatian Ministry of Interior (MoI), responsible for asylum in the country, UNHCR and its partners (Croatian Red Cross and Jesuit Refugee Service) had to work closely together to devise and implement a comprehensive protection framework in Croatia. After the closure of the Western Balkan route, the Government of Croatia recorded 2,235 asylum-seekers in 2016, which compared to 211 persons recorded in 2015. Given such considerable increase, integration and naturalization framework was developed in order to find durable solutions for persons in need of international protection in Croatia.

In September 2017 ten participants representing the first instance bodies responsible for reception, asylum procedures and integration components of four QIEE countries – Armenia, Belarus, Moldova and Georgia came to Croatia on a study visit organised through the QIEE project. The study visit was designed with a particular focus on the elements of initial reception of asylum-seekers, registration

practices, identification and reception of persons with specific needs and implementation of the Croatian framework on integration and naturalization. Moreover, it showcased the cooperation between the different actors in the field of asylum, including UNHCR, the government and NGOs, responsible for delivery of protection and related services to asylum-seekers and refugees in Croatia.

During the visit the participants visited the Reception Centre for asylum-seekers in Porin (Zagreb) and the Reception Facility for Vulnerable Persons in Kutina. While being explained the setup of the asylum system and RSD procedures in Croatia by the representatives of the MOI-Croatia, they also had an opportunity to experience the life at the reception facilities in the country. Of particular interest were the modalities for ensuring the involvement of the asylum-seekers residing at the accommodation facilities to provide for the daily life and cleanliness of the centre, where the residents are responsible for cleaning, running their own haircutters shop, etc.

The framework of cooperation between different actors involved in the asylum process, all of whom are present in each of the reception centres, provided an interesting example of ensuring access to rights, procedures and services for asylum-seekers. Most noteworthy, where the procedures for identification and care of those with special needs and the willingness of the Croatian government to ensure a fair system with equal access to rights and services for all UNHCR PoCs in the country.

The RPSU would like to thank UNHCR Croatia and the members of the delegation for coordinating the visit and lively and interesting discussions. We would also like to express our hope that the example of cooperation amongst the various actors and the system of identification and caring for those with special needs could serve as examples for replication in some of the QIEE states in the future.

— RPSU, UNHCR

## Workshop on “Applicability of Complimentary Protection and Quality Assurance Mechanisms in Asylum Procedures”

The gathering in Kyiv was the third in the series of thematic workshops devoted to issues of particular importance to the asylum bodies in the QIEE region. Complimentary protection plays an important role in providing international protection regimes in this region and globally. However, it also is often used by the states to provide a lesser status to the applicants for international protection. The workshop was called to ensure that UNHCR position on complimentary protection as a key component of quality asylum systems in Eastern Europe is fully explained and understood by the governments in the region. Moreover, the workshop pursued a second goal—that of looking at the process for assessment of quality within the asylum systems. Hence, the workshop focused on policy on complimentary protection as a quality indicator of an asylum system and then

protection and quality mechanisms in their home countries.

The first day of the workshop provided a detailed overview of the UNHCR Guidelines on International Protection No. 12: Claims for refugee status related to situations of armed conflict and violence under Article 1A(2) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees and the regional refugee definitions, offered by Mr. Cornelis Wouters, Senior Refugee Law Advisor, Protection Policy and Legal Advice Unit, DIP, Geneva, UNHCR. The participants were provided with an opportunity to practice the policy through the case studies that were also used to provide more in-depth information on the situations in the countries of origin of the asylum applicants in the region, such as Iraq, Syria and



proceeded with a practical overview of tools and structures to ensure internal quality within the RSD systems in the region.

The workshop was designed for the staff of government RSD Units, responsible for implementation of the policy on complimentary

Afghanistan. The participants were also encouraged and actively exchanged their opinions and skills in implementing the policy and applying it within their domestic systems about various cases from these countries.

Exchange of experience in development and implementation of quality assurance systems



within the first instance authorities (including, but not limited to, review procedures, internal training capacity, performance evaluation, etc.) followed during the second day of the workshop. Georgia, the leader on quality assurance in the region was provided with a spotlight within the programme of the second day of the workshop. During their presentation the Georgian officials described the unit on quality control within the Georgian Ministry on Refugee Affairs, its staffing, structure, tools and methodology used. The Austrian system of quality assurance and the work recently done by the EASO to develop

and promote systematic approach towards evaluation of quality within the scope of the asylum processes were offered as best practices to the participants by Ms. Maria Albertinelli, Asylum Support Unit, Department of Asylum Support, EASO and Mr. Markus Kainradl, Sr. Protection Assistant, UNHCR-Austria.

Following the presentations the participants agreed on a set of recommendations for implementation that included:

## Recommendations for Implementation

- The asylum authorities of QIEE countries would benefit from systematic implementation of the positions of Guidelines on International Protection no 12 and intend to systematically implement the Guideline in our daily practice.
- Additional training on Guidelines no 12 are needed for the migration authorities, judges and lawyers in the QIEE countries.
- Introduction/update of comprehensive database on all the aspects of asylum procedure from first point of entry to last court decision would be of use in QIEE countries where such databases still do not exist or require significant updates and the participants in the workshop are eager to undertake such an endeavor in collaboration with UNHCR.
- Improvement of quality standards through development and comprehensive implementation of quality tools, such as checklists, shadowing of interviews, peer review, induction programmes, would be of use in my country and we stand ready to develop and implement such together with UNHCR.

*Drafted and endorsed by  
the workshop participants in  
Kyiv, Ukraine  
21 September 2017*

— RPSU, UNHCR

## National Events Moldova

### WORKSHOP ON INTERNATIONAL LEGAL FRAMEWORK ON ASYLUM AND ACCESS TO THE ASYLUM PROCEDURE

Workshop on International Legal framework on Asylum and Access to the Asylum Procedure/National referral mechanism, was organized on 27 November 2017 in Ungheni city targeting 25 students of Border Police College of Excellence. The event was organized in cooperation with the GIBP (General Inspectorate of the Border Police) and “Law Center for Advocates” NGO, UNHCR IP within the "Quality Initiative in Eastern Europe and South Caucasus" (QIEE) project funded by UNHCR. The future border guards was familiarized with international and national legal framework on asylum, UNHCR position related to the access to the asylum procedure and national referral mechanism of the asylum seekers from the



Participants of the

border crossing points to the BMA (Bureau for Migration and Asylum).

### LEGAL STATUS OF BENEFICIARIES OF INTERNATIONAL PROTECTION IN THE REPUBLIC OF MOLDOVA



25 judges from the Republic of Moldova and Romania participated in a training course on 'legal status of beneficiaries of international protection in the Republic of Moldova'. The event organised by the National Institute of Justice, UNHCR Moldova and the “Law Centre for Advocates” NGO, UNHCR IP, within QIEE project, covered the topics related to the national and international standard in the examination of the asylum cases. Ms. Mariana Feldioreanu -

head of the 4th District Court of Bucharest shared her vast experience in examination of the asylum cases in the court, including the credibility assessment in the area of asylum and standard of proof. One of the challenge emphasized by the judges from the both countries is difficulty to identify qualified interpreters in the area of asylum in the court.

— UNHCR MOLDOVA

## National Events in Armenia

### WORKSHOP ON ENSURING ACCESS TO FAIR AND EFFICIENT ASYLUM PROCEDURES AND NON-PENALISATION OF ASYLUM-SEEKERS

On 5 December 2017, UNHCR Armenia organised a workshop for legal practitioners on Ensuring Access to Fair and Efficient Asylum Procedures and Non-Penalization of Asylum Seekers.

Around 30 participants, including public defenders, NGO representatives, academics, and private lawyers from the Refugee Legal Network attended the workshop. The event was facilitated by Mr. Flip Schuller and Mr. Wil Eikelboom, lawyers/international consultants from the Netherlands. Below is a brief summary of the sessions. The workshop featured three separate sessions: on access to territory and asylum procedures; on exhaustion of national remedies prior to applying to ECtHR and on assessing the national security and public order considerations without undermining refugee protection.

A session on access to territory and to asylum procedures focused on extra-territorial application of the prohibition of non-refoulement (Article 3 ECHR) and collective expulsion (Article 4 of Protocol 4 ECHR); requirements the State needs to abide by in the context of prohibition of collective expulsion, namely an analysis of each individual's situation and their protection needs and obligation to create an environment conducive to indicating protection needs (i.e. individual interview, adequate linguistic and information support); sufficient time to be given to a [potential] applicant for lodging an asylum claim; the requirement to assess the actual situation with respect to application of asylum legislation in practice in the context of safe third country concept; access to legal assistance in the context of ensuring an effective remedy and in particular positive obligation of the State to facilitate such access proactively for arrested/detained applicants.

The case study on non-penalisation clause of the 1951 Refugee Convention, which followed, paved the ground for discussion on the most



problematic issues of the relevant practice in Armenia. These included:

- interpretation of the clause as not extending protection to asylum-seekers;
- emphasizing or questioning the genuineness of the initial intention of the asylum-seeker to seek asylum in Armenia;
- issues of interpretation of 'without delay' and importance of linguistic and information support
- due respect given to the individual circumstances of each case;
- the notion of 'coming directly';
- invoking unknown identity and related national security/interests considerations
- applicability of criminal prosecution in the absence of alien detention mechanisms in Armenia.

Discussions for possible strategic litigation or legislative amendments to bring the relevant practice in Armenia in line with international obligations were analysed.

A session on exhaustion of national remedies emphasized the important role of national lawyers, as well as those working as public defenders, in ensuring the individuals admissibility by the ECtHR in cases of non-exhaustion of national remedies. It was

elaborated that for a remedy to be effective, it needs to provide for automatic suspensive effect accessible in law and practice and a close, rigorous and *ex nunc* assessment of the claim. It is also possible that excessive length of the proceedings may render a remedy inadequate. In addition, arguments invoking a breach of the relevant provision of ECHR must be made at national level either expressly or at least in essence in order to adhere to the admissibility requirements of the ECtHR submissions.

The session on national security provided an overview of the relevant jurisprudence of the ECtHR, first and foremost emphasizing the absolute nature of prohibition against refoulement under Article 3 ECHR, including on grounds of public order or national security. Article 2 (right to life), as well as Article 5 (flagrant denial of the right to liberty and security) and Article 6 ECHR (flagrant denial of the right to fair trial) also provide for protection against refoulement.

The activities of the individual in question, however undesirable or dangerous, cannot be a material consideration. The protection afforded by Article 3 is thus wider than that provided by Articles 32 and 33 of the 1951 Refugee Convention.

Reference was made to the practice of the ECtHR with respect to diplomatic assurances received from the country of origin whereby the Court has emphasized on a number of occasions that the diplomatic assurances would not absolve the government from the obligation to examine whether such assurances provided a sufficient guarantee that the applicant would be protected against the risk of treatment contrary to Article 3 of the ECHR.

Even where an allegation of a threat to national security has been made, the guarantee of an effective remedy requires as a minimum that the competent appeals authority be informed of the reasons grounding the expulsion decision, even if such reasons are not publicly available. (...) There must be some form of adversarial proceedings, if need be through a special representative following a security clearance.

The participants discussed the relevant challenges in Armenia whereby the notion of a [potential] threat to security is defined very broadly to include any national interest and non-disclosure of any information to the individual, his/her lawyer or the courts. Possible avenues for addressing the shortcomings through further capacity building of the judiciary and strategic litigation were outlined.

#### WORKSHOPS FOR JUDGES ON ELEMENTS OF REFUGEE LAW AND REFUGEE STATUS DETERMINATION PROCEDURES AND NON-PENALIZATION CLAUSE OF THE 1951 REFUGEE CONVENTION

The UNHCR Representation in the Republic of Armenia organised a two workshops for judges of administrative and criminal courts on the elements of Refugee Law and Refugee Status Determination procedures. The workshop was co-facilitated by Ms. Katelijne Declerck, Judge of

the Council of Alien Law Litigations, Brussels, Belgium and IARLJ President, and Mr. Michael Hoppe, Judge of the Higher Administrative Court of Baden-Wuerttemberg, Mannheim, Germany and a member of IARLJ.





*Participants of the*

The objectives of the workshops were to enhance the judges' knowledge on international standards governing refugee status determination procedures and non-penalisation of asylum-seekers and refugees for illegal entry or stay, as well as to facilitate the exchange on international good practices.

In the opening remarks, UNHCR Armenia Representative thanked the judges for their growing interest in refugee law and underlined the important role of the judiciaries in ensuring the protection of the rights of asylum-seekers and refugees. The Chairman of the Civil and Administrative Chamber of the Court of Cassation of Armenia expressed readiness to continue facilitating discussions on the following main issues relevant to the examination of asylum appeals: (i) addressing national security concerns; (ii) standard of proof; (iii) burden of proof; and (iv) the role of COI.

Around 23 judges of administrative courts attended the one and half day workshop covering the topics of COI, specificities of a risk assessment, the standard and burden of proof, prosecution vs. persecution and addressing legitimate security concerns within the framework of asylum procedures. The judges were particularly active during the half day session on national security and refugee protection, where the questions addressed to the representative of the National Security Service (NSS) on their understanding and definition of a threat to national security and their stance on disclosing classified information triggered thought-provoking exchanges among the judges. During these debates, the expert from Belgium

emphasized the role of the judiciary in preserving the rule of law in a democratic society and shared her experience on tackling similar issues. The recent experience of Georgia was shared by Ms. Salome Kusikashvili, Assistant Protection Officer, UNHCR Regional Representation in the South Caucasus. She referred to the decision of a Georgian court where the refugee status was awarded to the applicants, whose presence was initially indicated as non-desirable by the national security service advisory in Georgia. Since the advisory was recognised by the court as being insufficiently substantiated, the case proved to be particularly of interest and inspiring for the Armenian judges at the workshop.

Nine criminal law judges attended the half-day session on the non-penalisation clause of the 1951 Convention on Refugees, which covered the key definitions as well as practice in other countries, particularly Germany, Belgium and Georgia. The discussions revealed that while the judges capture the logic behind the non-penalisation clause and its theoretical and doctrinal aspects, they still struggle with its interpretation and implementation in practice. They particularly believe that it is the task of the criminal law judge to look into the substance of a refugee claim to find out if its valid in order to be able to apply the non-penalisation clause. They also question the genuine interest of the applicants to seek protection in Armenia, referring to short-term transit in another country before reaching Armenia and to (perceived) gaps between being arrested and filing of a formal asylum application. Security concerns, especially when the applicants are

undocumented and identity is not established, were also raised in discussions. UNHCR Representation in Armenia will continue addressing this protection gap in practice, including through introducing regular standardized training for criminal law judges in the curriculum of the Academy of Justice.

A checklist for reviewing the use of COI developed by IARLJ was presented to the participants. The judges evaluated the workshops as useful and wished to focus more on practical exercises and discussion of case law during the future trainings.

## WORKING WITH PERSONS OF DIVERSE SEX, SEXUAL ORIENTATION AND GENDER IDENTITY IN FORCED DISPLACEMENT



UNHCR Representation in Armenia conducted a one-day Briefing Session “Working with Persons of Diverse Sex, Sexual Orientation and Gender Identity in Forced Displacement” which was organized in cooperation with Public Information and Need of Knowledge (PINK) NGO on 8 September 2017 at the UN Conference Hall in Yerevan.

The briefing session targeted UNHCR and partners’ staff who work directly with persons of concern to UNHCR to enhance their knowledge and skills in working with LGBTI persons. Total 27 staff members, including staff from the State Migration Service (SMS), the Reception Centre for asylum-seekers, the Human Rights Defender’s Office, the Mission Armenia NGO, the Armenian Red Cross Society, KASA Swiss Humanitarian Foundation and UNHCR, participated in the session (see the list of participants). It should be noted that the number of participants who attended the training was more than it was initially planned, since some staff members from UNHCR, SMS and partner NGOs expressed their interest in joining the

training and they were allowed to do so, in addition to those staff who were nominated by their management to attend the training.

The session was prepared based on the comprehensive training package on the protection of LGBTI persons of concern for staff members as well as the broader humanitarian community developed jointly by UNHCR and IOM. It was organized as a follow-up to the SSOGI LP, the face-to face session of which was held in April 2017 in Tbilisi, Georgia. Ms. Naira Marutyan and Ms. Marine Antonyan were facilitating the event from UNHCR, and Ms. Nvard Margaryan, the Chairperson of PINK NGO provided support in facilitating discussions on treatment of LGBTI persons in Armenia.



Before passing to the main topics of the training, the participants were asked to fill anonymously a perception test which allowed to understand the attitude of the UNHCR and partners’ staff towards LGBTI persons. According to the test results, overall, the majority of the participants have good attitudes towards LGBTI persons. Nevertheless, some stereotypes emerged in almost all the questions related to non-



conformity with traditional sex and gender. While none of those who filled the test believe that homosexuality is the result of the wrong upbringing, however, two third of the respondents believe that homosexuality is a person's choice. Half of the respondents think that God has created only two sexes, and the vast majority of them disagreed that the LGBTI rights are protected in our country. Responding to the question if s/he would feel comfortable if an employee in his/her office is an LGBTI person, 9 persons responded positively, 9 persons were neutral and 4 persons disagreed with the statement. For more details, please see the summary of the perception test attached to this report.

The terminology exercise helped the participants to improve their understanding and proper use of terms when working with LGBTI persons. The session in particular covered the key concepts of [diverse] sex, sexual orientation and gender identity as well as LGBTI. Most of the participants had difficulties defining the key concepts in the beginning of the session which started with a term-matching exercise. Moreover, some of them were obviously confusing the concepts of sexual orientation and gender identity, considering that one is necessarily conditioned by the other. SSOGI spectrums and correlation of each term in the LGBTI acronym with the notions of sex, sexual orientation and gender identity were explained. Thinking of gender outside of the gender binary system was another key message of the session. As a result of the exercise, explanations were given and concrete examples brought and discussed. Most of the participants seemed to have acquired a better understanding of the key concepts at the end of the session.

The training curriculum included interview exercises in groups between an LGBTI person and a staff member to practice skills for successful communication. The participants were asked to observe the conversation and highlight points where the staff member could have phrased the question better or asked an inappropriate question. Emphasis was made on basic communication skills, including importance of finding a private/safe space, practicing active listening, acknowledging what you have heard,

recalling key terms, avoiding concepts and stereotypes.

The notion of a 'safe space' was introduced to the participants together with key elements for creating one, such as confidentiality, respect, open communication, supportive atmosphere. Common risk points and steps to be undertaken to address the risk points such as training of staff and different types of audio-visual material were discussed. The participants were asked to reflect in their offices on what might be the risk points and what can be done to improve and ensure safe space and inclusive workplace in their organizations.

During the training the participants watched "*Listen To Me: Untold Stories Beyond Hatred*" documentary about LGBTI persons in Armenia. The screening of the movie was forbidden during the 14th Golden Apricot International Film Festival in July 2017 in Yerevan. In the film, 10 LGBTI persons talk about their experiences in front of the camera, coming out of the closet and speaking about their childhood, their existence, self-recognition, relationships with family members and other difficulties they face in their life. After watching the movie, a discussion session was facilitated by the Chairperson of PINK NGO.

Key messages delivered during the discussions included the importance of rights based approach when providing services to LGBTI persons, discriminatory/harmful laws and practices as a result of which LGBTI persons may seek international protection, including in Armenia. As mentioned by the participants, a key thing they took from the film is that being LGBTI is not a choice of a person, particularly noting the extremely difficult experiences of internal homophobia/transphobia and self-recognition and acceptance that most of LGBTI persons go through.

Difference, Stigma, Shame, Harm (DSSH) model was presented which is an alternative means of interviewing individuals and assessing credibility within the asylum context. Although the model is most applicable to RSD interviews, the themes it contains (realizations of difference which may be accompanied by stigma and by harm from a

wide range of sources) are useful for a wide range of interviews, including protection interviews.

An exercise on Myths and Realities helped the participants overcome certain stereotypes about LGBTI people such as, by way of example, that persons of diverse sexual orientations do not usually marry different-sex partners, or that someone cannot know what their sexual orientation is before they have had a sexual experience.

UNHCR Tool on Working with Lesbian, Gay, Bisexual, Transgender and Intersex persons in forced displacement was presented with specific focus on distinct vulnerabilities of LGBTI refugees. The participants were asked to read the tool before the training to ensure their active participation in the discussion of key messages presented there, namely non-discrimination when providing services to LGBTI persons (like housing, employment, health, psychological and

other services in the host countries), participation of LGBTI people, information sharing about how and where LGBTI individuals can seek assistance, safe and welcoming environment, higher risk of SGBV they may face, resettlement as a durable solution for LGBTI refugees at heightened risk.

In their feedback on the training, the vast majority of the participants noted that they found the training relevant for their work as it informed them on the nuances and specific issues related to the protection of LGBTI persons of concern. They found DSSH model, interviewing techniques in general and questions to avoid particularly helpful, noting also that the knowledge and skills acquired will help them be more sensitive towards identification of the specific needs LGBTI persons may have. Some of the participants expressed a wish to be part of similar sessions regularly.

— UNHCR ARMENIA

## Protection Monitoring Missions in Belarus



During the period from August to December 2018 UNHCR representation in Belarus organized one protection monitoring missions to the site of State Border Committee of the Republic of Belarus (SBC) and one to the site of Ministry of Internal Affairs of the Republic of Belarus (the MIA). Together with monitoring of detention facilities, the overall objective of the missions was to inform personnel of state authorities of the Republic of Belarus dealing with detained foreigner nationals and stateless persons alongside with foreigners applying for international protection in the Republic of Belarus of international standards of refugees' protection, the rights and obligations of these categories of foreigners, the competencies of organizations directly working with them.

On 30 – 31 August representatives of the SBC, the MIA, UNHCR, Representation of the International Organization for Migration in the Republic of Belarus (the IOM), Republican Public Association "Belarusian Red Cross Society" (the BRC) and Public Association "Belarusian Movement of Medical Workers" (the BMMW) participated in the protection monitoring mission to the sites of Smorgon border group

and Lida border unit. During the sensitization session SBC personnel was provided with information on core issues related to protection monitoring. Also, members of the protection monitoring team had a chance to visit temporary detention facilities, to examine conditions of detention and treatment of detained foreigners in order to ensure that personnel are aware of their responsibilities in connection with the right of foreigners to seek asylum in Belarus.

On 25 – 26 October all members of the protection monitoring team except SBC participated in mission to Mogilev. Sensitization session for MIA officers responsible for supervision of detention facilities of the region was carried out on the site of Citizenship and Migration Board of the Department of Interior of Mogilev Regional Executive Committee. Subsequently, the team visited temporary detention facility, checked conditions of detentions and had a discussion with staff about international standards of detention and access of foreigners to the international protection in the Republic of Belarus.

— UNHCR BELARUS

## QIEE National Activities in Azerbaijan

REGIONAL TRAINING EVENTS ON “IMPROVEMENT OF THE ASYLUM REFERRAL MECHANISMS” AND JOINT BORDER MONITORING MISSION IN NAKHCHIVAN, 10-13 OCTOBER 2017



UNHCR Representation in Azerbaijan in cooperation with the Ombudsman Office and the RSD Department of State Migration Service with the support of the Cabinet of Ministers of the Republic of Azerbaijan provided joint training events for border-guards and other representatives of the law-enforcement bodies, such as relevant staff of Ministry of Internal Affairs, State Security Service, judges and prosecutors, in the Nakhchivan Autonomous Republic and payed visits to the border checkpoints there.

The objective of the training events was to further develop skills, knowledge and expertise of the government officials involved in asylum/migration matters and working in the border regions of the country. The training sessions were facilitated by the representatives of UNHCR and the Ombudsman Office, as well as the RSD Department of the State Migration Service.

The representative of the SMS presented the asylum system in the country, including the legal framework, the history and provided some statistical data concerning asylum applications, such as: 1) Applications received in 2016; 2)

Applications received in 2017; 3) Convention refugees presently in the country. He also provided information on the particular rules and regulations governing processing of asylum seekers at the border.

The UNHCR RSD Consultant delivered a presentation on UNHCR Mandate, global activities and role in Azerbaijan.

Moderated discussion covered national security issues, roles of different government agencies, ways to deal with abuse of the system, and legal status and entitlements of asylum seekers and refugees in Azerbaijan.

The UNHCR Protection Officer gave concluding remarks overviewing the discussions at the event and stressing the need for government agencies to be sensitive to the particular vulnerabilities of asylum seekers.

During the mission, UNHCR and co-organizers visited Shahtakhti, Sederek, Julfa checkpoints, Nakhchivan International Airport and Nakhchivan border garrison and had meeting with border guards. The objective of such visits was to familiarize with the extent of work covered by the border guards, as well as to strengthen cooperation with respect to refugees and asylum seekers. During visits there were disseminated informative brochure “Asylum in Azerbaijan” jointly developed by the State Migration Service and UNHCR Representation in Azerbaijan. Meeting at the border checkpoints and border garrisons serves as a good opportunity to share opinion between border guards, UNHCR colleagues and State Migration Service on the spot. Based on the observations on the ground there have been provided inputs and recommendations meant to strengthen the asylum system of the Republic of Azerbaijan.



## WORKSHOP ON QUALITY ASSURANCE MECHANISMS IN ASYLUM PROCEDURE, BAKU 6-7 NOVEMBER 2017

The workshop was organized within the framework of the UNHCR Quality Initiative Project for Eastern Europe and South Caucasus, as well as MOBILAZE Project (Support to the Implementation of the Mobile Partnership with Azerbaijan) of the International Centre for Migration Policy Department (ICMPD) funded by the European Union in accordance with its component on improvement of the asylum decision making procedure.

The objective of the workshop was to build the capacity of the local authorities through creating a platform to share the diverse and successful experience and provide expertise in developing a standard operating procedure for adjudication of the asylum cases.

Ms. Anna Gekht Davis, Coordinator of QIEE project facilitated the workshop and shared the experience of UNHCR in this context. Key discussions, such as Refugee status determination under UNHCR mandate and group works of participants were facilitated by Ms. Anna Kirvas, Assistant Protection Officer, UNHCR and Samira Allahverdiyeva, Associate Protection Officer, UNHCR.



The training was provided for the State Migration Service staff involved in the refugee status determination procedure, including RSD Department personnel, relevant staff of the Main Department for Organizational Control, the Law Department and the International Cooperation Department, as well as relevant staff of the Detention Centres for Illegal Migrants in Baku and Yevlakh cities.

— UNHCR AZERBAIJAN

## QIEE National Activities in Georgia

### TRAINING FOR JUDGES ON REFUGEE LAW

The High School of Justice in cooperation with the UNHCR Regional Representation in the South Caucasus (Armenia, Azerbaijan, Georgia) organized a training for judges on refugee law on 30 September – 1 October 2017 in Borjomi, Georgia.

The main goal of the training was to increase the knowledge of the Georgian judges about International Refugee Law principles and the novelties introduced by the new legal framework, the Law of Georgia on International Protection and relevant by-laws. Judges from both the

Tbilisi City Court and the Tbilisi Court of Appeals, as well as the regional courts attended the training (21 judges in total).

The training was conducted by the judges of Tbilisi Court of Appeals. UNHCR protection staff was also present and contributed to the training with providing information on different relevant topics: research into the country of origin information, IARLJ checklist for judges, and novelties of the new law of Georgia on International Protection.

### WORKSHOP FOR LEGAL PRACTITIONERS: NATIONAL SECURITY AND ACCESS TO FAIR AND EFFICIENT ASYLUM PROCEDURES



On 8-9 December 2017 the UNHCR Regional Representation in the South Caucasus (Armenia, Azerbaijan, Georgia) organized a workshop for legal practitioners on national security and access to fair and efficient asylum procedures. The workshop, organised upon request of the Legal Aid Service (LAS) of Georgia, took place in Lopota, Georgia. As the lawyers are facing an increased number of cases rejected on the basis of the national security, the training aimed to facilitate better understanding of the relevant ECtHR case-law

which would greatly benefit their performance during litigation. The participants benefitted from the presence of two international experts - Mr. Flip Schuller and Mr. Wil Eikelboom from the Dutch law firm, Prakken d'Oliveira. Both are well recognised human rights lawyers with a wealth of experience in litigation of asylum cases before the ECtHR. The workshop was attended by 23 participants from various agencies: the Legal Aid Service, the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia, the Office of the Public Defender, and NGO UNAG.

The experts provided substantial presentations on issues of national security and public order limiting rights of asylum-seekers. In addition, a special session was devoted to the overview of the ECtHR case-law on Articles 3, 5, 13 and Article 4 of Protocol No 4. Due to the interest of the participants, experts also provided an overview of the Dutch asylum system with a special focus on assessing the national security related cases.

— UNHCR GEORGIA



# QIEE: the Key Facts

The Quality Initiative of Asylum Systems in Eastern Europe and South Caucasus (QIEE) project is being implemented by UNHCR in the six countries of Eastern Europe since 2013. The project is one way of implementing the UNHCR core mandate of monitoring the asylum systems and engaging in capacity building to assist the countries in meeting and maintaining the international standards on asylum. To achieve its goals the project implements capacity building initiatives focusing on access and fairness of the asylum procedure, legal aspects of refugee law and, practical skills related to refugee status determination (RSD) case processing and training on country of origin information (COI). The project also provides Russian language COI and assists with the development of quality assurance tools.

## Participating Countries

-  Armenia
-  Azerbaijan
-  Belarus
-  Georgia
-  Moldova
-  Ukraine

## Tree pillars of the QIEE

Improving the ability to correctly identify, use and analyse COI remains one of the three pillars of the QIEE. QIEE focused on the development of COI tools from its onset, with the launch of Russian language COI database (Russian Refworld). During the first phase of the project, the participating governments initiated the creation of COI research units or focal points within the administrative first instance authorities of their countries. The availability of Russian-language materials and internal government structures mandated with providing COI research resulted in the wider use of better quality COI and overall improved the quality of COI utilized in the RSD procedures.

The participating countries of the QIEE include Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine. The project is coordinated by the Regional Protection Support Unit (RPSU) part of the UNHCR Bureau for Europe (BE), located in Tbilisi, Georgia.

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