



COUNTRY OPERATIONS PLAN

OVERVIEW

Country: Czech Republic

Planning Year: 2006

2006 COUNTRY OPERATIONS PLAN
THE CZECH REPUBLIC

Part I: OVERVIEW

1. Protection and socio-economic operational environment

The accession to EU in May 2004 was undoubtedly a major development in the Czech Republic in recent years. Subsequently, UNHCR Representation has operated in a rapidly evolving environment. The number of new asylum applications lodged in the Czech Republic declined notably as compared to the previous years. A total of 5,459 new applications were registered in 2004 which represented a 52 per cent decrease from 2003. Shift in the external EU border was one of the contributing factors. With the accession, the Dublin II Regulation entered into force in the new member states including the Czech Republic. As a result, particular attention was given to the impact of implementation of the Dublin II Regulation and the EURODAC fingerprints database in the reception policy at the borders. Approximately 700 Dublin cases were dealt in 2004 in the Czech Republic. 206 persons were transferred from the Czech Republic to another EU member states; the vast majority of transfers occurred to Poland followed by Slovakia and Hungary. Amongst returnees under the Dublin mechanism were mostly citizens of the Russian Federation and Ukraine.

What began with the pre-accession requirements, harmonisation of the EU standards and transposition of EU directives pressed ahead in the Czech Republic including in the field of asylum and refugee protection. Changes being proposed and made in asylum policies and legislation are made within the confines of their own experience which the Czech authorities went through in a number of legislative changes made prior to EU accession; this is combined with observation of practices of other EU member states especially neighbouring countries. The authorities in the Czech Republic recognise that any liberal approach would increase the numbers of asylum applicants while a restrictive approach would decrease the numbers. To illustrate this point, a liberal approach taken in the Asylum Act, which allowed all asylum applicants to work legally in the Czech Republic as of the day their asylum procedures are initiated without any application for a work permit, caused an exponential rise in applications lodged especially by individuals from Ukraine between the years 2001 and 2002 (e.g. an increase of 106% between 2001 and 2002). However, once the possibility to work legally in the country was removed from the Asylum Act, the numbers of applicants declined rapidly. In 2004, two amendments to the Asylum Act were introduced in order to meet the EC Council directives on the minimum standards for the reception of asylum seekers and on the right of family reunification. More restrictive approach has been taken by one of the amendments, derived from the observation and recommendations made by different key players in asylum adjudication in the Czech Republic, inter alia, introduction of the extensive exceptions to the rule of an automatic suspensive effect on appeal against the 1st instance decision including decisions on manifestly unfounded claims.

UNHCR Representation in the Czech Republic has continued its involvement in all stages of the asylum procedure including monitoring and reviewing the first instance asylum decisions and jurisprudence of the regional courts and the Supreme Administrative Court in Brno. Special attention is being paid to decisions concerning refugee women and unaccompanied minors. Analysis of the quality of asylum decisions is systematically carried out and co-ordination is made with the intervention of NGOs in meritorious individual cases. The aims were to ensure better usage of the country of origin information (COI) in the reasoning of decisions, increase the recognition rate of those granted asylum or subsidiary form of protection as well as to improve the

quality of appeals drafted by NGO lawyers. Out of 7,878 decisions made, 140 cases (plus 2 cases from the second instance) were granted asylum in the Czech Republic in 2004. Vast majority of the applicants recognised on Convention grounds originated from Belarus and from the Russian Federation (Chechnya). Notwithstanding a discernible progress in processing of asylum applications, the asylum procedure continues to be a lengthy process in the Czech Republic.

Since 1993, 1,510 individuals were granted asylum in the Czech Republic. As concerns integration of refugees, the Government adopts a Concept of Integration of Recognised Refugees, prepared annually by the Ministry of Interior, as part of the annual State Integration Program (SIP). UNHCR Representation has welcomed the attempts and initiatives by the Czech government to improve the situation of recognised refugees. However, there continues to be structural shortfalls in the refugee integration programme in the Czech Republic—such as the demands for housing (so-called integration apartments) by refugees outnumber the offers made by the municipalities, the individual needs of a given family are not adequately taken into account when offering housing to refugees, the group language courses are often offered by the Ministry of Education instead of individual courses due to financial constraints, which are difficult to co-ordinate and synchronise with asylum decisions made throughout the year, procedures for recognition of diplomas and provision of pension remain cumbersome for refugees—in order for refugees to have an unimpeded access to services and to ease integration process. Given the shortfalls, UNHCR Representation would require to assist and work closely with key government actors together with NGOs to improve the current refugee integration programme in the Czech Republic.

Regular monitoring in asylum facilities and detention centres and attendant provision of legal and social counseling to refugees and asylum seekers remain an essential programme to ensure effective protection in the Czech Republic, which UNHCR Representation continues to undertake through its six NGO implementing partners. As part of effort to maintain its focus and emphasis on issues of gender and age, UNHCR together with its implementing partners has played an active role in developing more responsive structures to enhance special protection needs of refugee women and separated children/unaccompanied minors at asylum and detention facilities in the Czech Republic. A successful SGBV pilot project implemented in 2003 in the asylum facility of Zastavka provided an impetus to similar future projects. Consequently, 2004 saw further progresses made in protection of refugee and asylum seeking women and children.

With the entry into EU, the NGO community in the Czech Republic was presented with greater opportunities to access EU funding sources. However, judging from the initial period, securing alternative and sustainable funding for our implementing partners remains a difficult task. Moreover, it was observed that the Czech government authorities struggled to manage and assist NGOs to secure EU funding in 2004. It would be premature to drastically reduce the support of UNHCR to its implementing partners with the argument that the latter has now access to EU financial resources. Critical question of how NGOs will become adaptable to access EU funds remains unanswered. Thus, UNHCR Representation would require to be engaged and assist NGOs to secure alternative funding to sustain their indispensable protection work in the Czech Republic in 2006.

The Representation has continued to strengthen its partnership with the Czech government and regularly consulted with the Ministry of Foreign Affairs to increase the involvement of the Czech Republic in UNHCR global operations including consideration of the Czech Republic to become a member of the EXCOM. As a result, the Czech Government contributed 332,672 USD to UNHCR in 2004 as compared to 82,685 USD in 2003. The majority of the contribution was earmarked to Eastern Chad/Darfur where the Czech Foreign Minister paid a visit in early December 2004. The overall contribution of the Czech Republic to UNHCR reached the record

of 417,220 USD in 2004. The Czech Government has so far pledged 26,000 USD for UNHCR global operation in 2005.

Here are some major constraints/challenges still confronted by UNHCR Representation in the Czech Republic:

- Despite the notable progress made in processing of claims, the asylum procedure is still a lengthy process. This creates a negative impact on the integration process of *bona fide* refugees, while delaying return of rejected applicants.
- General inclination by Czech asylum adjudicators to grant asylum on humanitarian grounds rather than to meritoriously consider claims on Convention grounds.
- Relative inexperience of regional court judges involved in asylum appeal (2nd instance).
- Structural impediments and continuous shortfalls in the refugee integration programme to enable full integration of recognised refugees.
- Insecure alternative funding sources for NGOs.
- Reduction in the annual budget resulting from the exchange rate losses.
- The Czech Republic to become a global partner to UNHCR.

2. Operational goals and potential for durable solutions

Based on the progresses made and remaining challenges, the operational goals and objectives of UNHCR Representation in the Czech Republic for 2006 have been re-formulated within the Strategic Framework of 2005 – 2010 for the Bureau for Europe and around its three major themes. In particular, they have been re-adjusted and aligned with the regionalisation process of Europe, specifically with Berlin in 2007.

With the accession to EU, the overall objective of UNHCR in the Czech Republic for 2006 will be to support the establishment of a comprehensive and sustainable asylum system which would enable the Czech Republic to provide effective protection to refugees and asylum seekers in accordance with international norms and the EU Acquis within the effort to develop a common EU asylum system by 2010. The initial phase of its membership to EU including 2006 and 2007 will be a critical period for the Czech Republic in the harmonisation process and transposition of EU directives to the national legislation. These formative years will lay the foundation and set the trend in the Czech Republic in which way she would take—to adopt restrictive measures and standards in its asylum system or to retain current better practices despite the restrictive practices and approaches taken by some EU member states. Therefore, the work of UNHCR Representation in the Czech Republic in 2006 and 2007 will be critical to the overall effort in Europe to promote a high protection standard in the EU harmonisation process. Moreover, it has become more critical for UNHCR Representation to establish a solid base to secure the gains and progresses made so far to facilitate the regionalisation process and the regional office in Berlin to eventually oversee the situation in the Czech Republic.

The overall goal to strengthen the asylum system in the Czech Republic will be pursued using the tools of legislative/legal and policy advocacy, monitoring of legislative development as well as its actual implementation, capacity building through targeted training, and strengthening NGOs and their competencies. Within the overarching theme of strengthening asylum, UNHCR will place a greater emphasis on integration of recognised refugees in order for the Government to develop a comprehensive protection regime in the Czech Republic.

Another operational priority for UNHCR Representation in 2006, which has gained its significance following EU accession, will be strengthening of the role of the Czech Republic as a strategic partner of UNHCR under the regional theme of ‘Securing Support for UNHCR

Worldwide". This is being pursued with an increasing view of the Czech Republic as a 'standard donor country' and within the promotion to reach the 30 per cent baseline funding level as agreed by most of the newly member states.

Based on the above outlined parameters for the operational goals, the main objectives for 2006 in the Czech Republic will be:

- To ensure refugees and asylum-seekers have unimpeded access to the Czech Republic and reception arrangement and treatment are in conformity with international norms;
- To enhance the reception arrangement and asylum procedure in the Prague-Ruzyne airport given its importance as a major entry point to the Czech Republic following the EU accession and shifting of the external EU borders;
- To ensure all asylum-seekers have access to a fair and effective asylum procedure in conformity with international and European standards and concurrently assist the Czech Republic to effectively tackle the problem of misuse of asylum procedures;
- To ensure that claims lodged by female and minor asylum seekers are properly taken into account by asylum adjudication and gender and age specificities are considered;
- To closely monitor the process of harmonisation and transposition of the EU asylum directives and advocate whenever possible to establish an asylum system which offers high protection standards;
- To advocate the rights and needs of vulnerable women and children are given due consideration in law and practice;
- To enhance the quality in asylum-decision making through systematically monitor and analyze decisions at all stages and provide training of practitioners in asylum adjudication;
- To promote the integration of recognised refugees in the Czech Republic through advocacy and by actively supporting the efforts of government and NGOs particularly in the area of employment and education;
- To generate greater public understanding of protection needs of refugees and asylum-seekers and promote the integration of refugees through public information campaign and education programmes and activities;
- To strengthen the global role of the Czech Republic as a strategic partner of UNHCR by increasing her political and financial support to UNHCR worldwide.