

**CZECH REPUBLIC**

**2002 COUNTRY**

**OPERATIONS PLAN**

## **Part I: Executive Committee Summary**

### **(a) Context and Beneficiary Population(s)**

- **Political context**

The year 2000 was marked by political stability and improved performance of the Czech economy. The Social-Democratic (CSSD) minority government, which enjoys support of the right-wing Civic Democrats (ODS), fulfils its socially oriented program, including special attention to human rights issues. Therefore, political climate appeared more favourable to the issues under UNHCR's mandate. The Government succeeded in pushing some major amendments or new legislative pieces through the Parliament, including the major amendment of the Citizenship Law, new Asylum Act (effective as of January 1, 2001), new Aliens Law (effective as of January 1, 2001) and Law on Ombudsman (effective as of February 28, 2000). In December 2000, the Parliament elected the first ombudsman of the Czech Republic.

Elections for one third of the Senate seats and the first ever elections for newly established regional representations (kraj) took place in November 2000. Both the elections marked a clear victory of the newly established right-wing coalition (Christian democrats, Freedom Union, Democratic Union and Civic Alliance). Therefore, the ruling Social Democrats co-operating with the Civic Democrats are no longer able to pass certain constitutional changes, which would further restrict the powers of the President. The creation of the new autonomic region (kraj) is the first step towards a deep reform of the administration of the territory of the republic. The new "kraj" will have large autonomy and the old "okres" of the republic will have less power. The danger of this reform is that some human rights issues in the Czech Republic, such as xenophobia and anti-Roma attitudes and behaviours, may be given a free expression in regions whose authorities will depend upon direct local public opinion for their re-election. This is a point that will call for special attention on the part of the European Union concerning the Copenhagen directives vis-à-vis minority groups – including the Roma.

In 2000, the Czech Republic maintained the trend of a considerable progress in reaching accordance with the EU acquis on asylum. The PHP contributed to strengthen co-operation between governments, EU experts and UNHCR with the objective to promote the adoption of the EU legislative norms.

The Roma issue, together with racism and xenophobia in the country, remained the top issue concerning the human rights standards in the Czech Republic. In June 2000, the Government passed a resolution no. 511 on "the Conception of the Integration of the Roma" which introduces both the long-term strategies for integration (planned for 2001-2020) as well as concrete tasks to be fulfilled immediately or by the end of 2001.

- **Security situation**

The security situation in the Czech Republic must be considered as good. Concerning UNHCR, and following the brief occupation of UNHCR office by a group of Chechen in March 2000, specific security arrangements are now maintained to avoid the recurrence of a similar incident.

- **Protection issues (including reasons for flight, prospects for return, etc.)**

Early in 2001, UNHCR Office in Prague updated the “Guidelines relating to the eligibility of Czech Roma asylum seekers”, already revised the previous year. Most of the Czech Roma applying for asylum in other Western countries are not recognised as refugees. Those who accept to return home (68 persons between March and December 2000) are returned through an IOM project which operates between the Netherlands, Belgium, Finland, Sweden and the Czech Republic, Hungary, Slovakia, Romania. Roma, returning from the U.K. (several hundreds) return under a specific programme between the U.K. and the Czech Republic. It should be noted that the U.K. has a series of excellent social programmes for the Roma in the Czech Republic.

- **UNHCR’s role (protection, assistance, monitoring, co-ordination)**

The overall objective of UNHCR in the Czech Republic is to support the Government efforts to establish a comprehensive, sustainable and self-reliant asylum system enabling the country to deal with asylum-seekers and refugees in accordance with international norms. When reached, this objective will mean that UNHCR has created, as mentioned in the preamble of the 1951 Convention, a “burden sharing instrument” in Europe helping to avoid that asylum places “unduly heavy burdens on certain countries”. In order to achieve this, UNHCR Prague focuses on developing the capacity of local institutions, which deal with asylum issues, including the legal framework, access to the territory, standards of treatment, status determination, integration of refugees and return of rejected applicants:

UNHCR’s capacity building activities focused on three areas: (i) the legislation, procedures and practices regarding asylum-seekers and refugees; (ii) the government bodies dealing with their reception, status determination as well as with return and integration and (iii) the non-governmental agencies providing assistance to asylum-seekers and refugees. In 2000, the UNHCR activities concentrated on three major beneficiary groups: (i) asylum seekers, (ii) recognised refugees and (iii) the Roma.

The objectives have been pursued using the following tools: (i) monitoring relevant legislation and its implementation; legislative and policy advocacy; (ii) training activities, brainstorming sessions and country of origin information; (iii) support of the NGO-partners, both on funding issues and in the form of coaching, training and mediation between the Government and the NGOs.

In 2000, UNHCR has been actively following recent legislative developments, especially the implementation of new Asylum Act. Particular attention was also given to the new Aliens Law, mainly with regard to the articles regulating the toleration status.

The work of the Office has been accompanied by an on-going co-operation with UNHCR’s implementing partners – locally based NGOs, which help to carry out procedural, legal, psychological and social counselling to asylum-seekers as well as integration assistance to recognised refugees.

The Office has also paid increased attention to the Roma issues and the relevant government initiatives. UNHCR welcomes the positive steps taken by the authorities to combat discriminatory attitudes and racism, especially The Concept of Roma Integration prepared by the Human Rights Commissioner and adopted by the Government in June 2000.

## **Public information/ External relations**

*Objective: To raise public awareness of refugee issues and to combat racism and xenophobia in the Czech society, to develop youth awareness of the refugee issue and human rights and to further raise media interest in UNHCR and refugee issues.*

The Office continued to raise public awareness of the refugee issue and media interest in asylum issues, promoting refugee law and human rights education. The Office continued to provide a special programme "Media & Refugees" for students of the Faculty of Journalism, Charles University. In 2000, the Office organised for the third time a journalist competition "Best Refugee Story". By the end of the year, the Office focused on the events commemorating the 50<sup>th</sup> Anniversary of UNHCR: Ms. Jelena Silajdzic, the BO nominee, was awarded the 2000 Nansen Medal on December 14. In co-operation with the Czech Directorate of Postal Services, UNHCR designed and produced two special seals commemorating the Anniversary. Therefore, around 7 million mail items sent from Prague were stamped by the seal. To mark the Anniversary, the New Year's Prague Philharmonic Concert was given on January 1, 2001 under the auspices of UNHCR. Other public awareness activities included various lectures and presentations on UNHCR issues, delivered to the police, the local authorities and different university departments, especially Charles University in Prague and Masaryk University in Brno. The colouring book promoting integration of refugee children has been distributed to primary schools and kindergartens. The public information activities also involved consultations on a number of theses and papers dealing with the refugee and immigration issues. The Office supported Khamoro 2000 - festival of Roma culture held under the auspices of the Czech president.

UNHCR will pursue its efforts aiming at improving the implementation of refugee status determination procedures and narrowing the remaining protection gaps. The process by which the Branch Office will further its disengagement from direct assistance to refugees will be continued as all assistance to asylum seekers will be streamlined into two sub-projects covering one region each - Bohemia and Moravia. Prevention work related to the Roma question will be implemented in a pragmatic manner either through NGOs or through assistance to specific projects presented to the Branch Office. Activities related to the Roma issue will be co-ordinated with interested Embassies so that UNHCR funding be properly perceived as "seed money". New venues involving new partners will be actively explored notably with the IMF World Bank sponsored Microfinance Centre based in Warsaw with whom we would like to try and develop microfinance projects aiming at giving access to small entrepreneurial projects for the poorest categories of the population living in the Czech Republic: the poor, the Roma, the refugees. As was done in the past UNHCR will support the Czech Republic and the Czech NGOs endeavour to make maximum benefit of all the programs of assistance of the European Union. Finally, the Office will pursue Public information activities with the objective of further raising public awareness and interest in asylum, human rights and minority issues. In this endeavour, the BO will continue its preparatory work for the Art exhibition "Flight and the Exile in the Art" for which we have already obtained one of the best exhibition halls located in the Prague Castle, the well known "Konirna" and which should exhibit 30-50 major visual art pieces showing flight and exile as perceived by major artist of all times and originating from various countries of the world.

## **Overview of each beneficiary population (numbers, origin, demographic composition)**

### **Beneficiary Population: Asylum-seekers**

The number of asylum-seekers keeps increasing: With 8787 asylum seekers registered in the Czech Republic in 2000, the number more than doubled compared to 1998 (4089 applications in 1998 and 7219 applications in 1999). These figures place the Czech Republic among the average-sized receiving countries in Europe. This rise had to be counterbalanced by the recruitment of new government staff, new NGO staff (most of whom are financed by new donors, which UNHCR helped the NGO to mobilise, the creation of additional asylum centres (we have now 11 centres compare to 6 in 1999) and the development of the policy of accommodation of asylum seekers in municipality flats. Therefore, UNHCR focused in its activities on the quality of the RSD procedure, provision of country of origin information, review and comments of decisions, field visits, and appropriate interventions with the authorities and NGOs on specific issues. One key element of the office's policy is the monthly protection meeting with its partners during which an external visitor is regularly invited for the "second part of the meeting" to openly debate specific asylum issues. For obvious reasons, most of these external visitors, so far, are civil servants of the Ministry of Interior including the Civil Police with whom active co-operation is being developed in the neutral atmosphere that UNHCR is able to provide.

UNHCR closely followed the implementation of the Czech Asylum Act that has come into effect as of January 1, 2000. Regarding the asylum-seekers, the major innovations introduced by the Act include (i) creation of a toleration regime for persons who do not fall under the Convention criteria but are still in need of protection, (ii) introduction of humanitarian grounds for granting refugee status, (iii) the right of an asylum-seeker to receive legal assistance covered by State funding, (iv) an unrestricted definition of the term refugee and a broad spectrum of situations where the non-refoulement principle must be observed. Further social, psychological, legal and procedural counselling was provided to asylum-seekers by both the Office and its partner institutions. Given the fragility of the NGO sector in the Czech Republic, UNHCR is still needed to assist the civil society in building its capacity to perform refugee assistance activities: in the Czech Republic, the NGOs cannot as yet receive much funding from the public who is not used to respond to private fundraising initiatives. The situation is slightly better with the larger companies: Skoda, Czech Telecom, large banking corporations. It is also better with the big international enterprises. But as a result, these donors are enormously solicited. As a consequence, UNHCR has to provide support and assistance to its local partners in order to accede to new donors. At times this double dependency leads to situations in which UNHCR money is used as seed money to show to a donor that it can complement the funding: for example the European Union usually asks the NGO to contribute 10% or more of its own to the project presented to their funding.

UNHCR have been undertaking a series of demarches in order to evaluate the quality of decisions made by the Czech authorities. More specifically, during the year 2000 UNHCR conducted a two-month research consisting in monitoring the asylum decisions made by the authorities of the Ministry of the Interior on ICs originating from Iraq, Afghanistan, DRC, and FRY-Kosovo. As a result, the necessity to further concentrate on COI prior to reaching a decision was pointed out. The research had also the merit of identifying individual cases who were in need of receiving adequate assistance from the implementing partners.

Throughout 2000, legal, psychological and general social assistance to asylum-seekers was provided in two sub-projects covering one region each (Bohemia and Moravia), while integration related assistance continued to be entrusted to one single partner. Another sub-project provided special programs for women, youth and children. Further, capacity building activities focused on advocating the adoption of the new asylum legislation, on training the

concerned practitioners on its implementation and on reducing the dependency of the NGO partners on UNHCR's funding. In this connection, UNHCR supported the Czech Republic endeavour to take maximum benefit of the ongoing Phare Horizontal Programme and its Joint Support Project on the Application of the *EU Acquis* on Asylum and related Standards, the Asylum Judges Support Programme and EU grant possibilities. Finally, the Office pursued its public information activities with the objective of further raising public awareness and interest in asylum, human rights and minority issues with a special focus on good working relations with the local media and their increased awareness of the refugee issue.

Exceptional assistance covering food, accommodation and other basic needs was provided to vulnerable applicants including women and children as well as to asylum-seekers not receiving State assistance. UNHCR also provided counselling and, when necessary, shared with the authorities the travel costs for rejected cases who expressed the wish to return to their country of origin. UNHCR and the Czech authorities have been contributing to cover the expenditures of family reunion cases.

A new detention facility was opened in September 2000 in Poštorná. This detention facility is located in an area relatively close to both, the Czech-Slovak and the Czech-Austrian borders. In the year 2001, the MOI is planning to start to operate the other two facilities in Javorník and Frydek-Mistek for person readmitted under the Czech-Slovak agreement.

UNHCR together with CARITAS have been in the process of setting-up the basis for a regular presence at the airport in Prague. Considering the number of asylum-seekers who enter the procedure through a request submitted at the airport the full implementation of such a project (whose completion is anticipated during the year 2002) remains crucial. Furthermore, it is foreseen that within a few years the Czech Republic will not longer have any common land border with a non-Schengen country. The airport of Prague may then become one main gateway to asylum. In view of the above, it is of particular relevance to develop humanitarian working habits with the airport police, before the pressure of events give them the opportunity to develop restrictive attitudes, as it has been observed elsewhere in Western Europe. UNHCR would be also in favour of envisaging a small provision of funds for emergency and short-term accommodation, before asylum-seekers are transferred to an asylum centre. At the end of 2000, initial discussions with the authorities in order to establish a humanitarian presence at the airport are still ongoing although the first reactions observed have been relatively positive.

In the future and as a result of the progress made by the authorities in setting-up an asylum system, the Office tends to get further involved in quality monitoring. Consequently, during the year 2001, the Office is planning to further focus on monitoring the situation of women and children. Particular attention is going to be paid to the process of integration.

### Temporary Protected Persons

The end of temporary protection regime for Kosovo refugees (December 31, 1999) was followed by the voluntary repatriation of those Kosovars who were willing to return. Since the end of the temporary protection regime granted to Refugees from Kosovo, the Czech authorities have not granted this temporary regime to any other group of individuals.

### Vulnerable groups requiring special attention

#### *1. Women asylum-seekers*

According to the statistics of the Ministry of the Interior (hereinafter "MOI"), a total of 1.643 women were in the asylum procedure during the year 2000 (including the female applicants who are together with their spouses). 22,43% of these women are from Afghanistan, 33,33% originate from Angola, 44,06% from Armenia and 55,56% from Azerbaijan.

There is no reported discrimination against refugee women. Women, including those arriving with spouses, are given separate status determination interviews, and the great majority of interviewers are female. Furthermore, a female interviewer and interpreter can be requested by the asylum-seeker. Based on the new Asylum Act, this practice has been implemented since 2000. The new Aliens Act recognises sexual violence as a one of the grounds for granting the temporary protection. In the Czech Republic, there is a number of NGOs dealing with gender discrimination and women trafficking. Nevertheless through contact with NGO and recent discussions with the Police, the Office is convinced that more must be done in favour of women and children and these two groups will constitute its priorities for 2001 and 2002.

In May 2000, the Office in co-operation with the Swiss Federal Office for Refugees organised in Prague one-day seminar on Refugee women. This seminar, attended by some 30 participants from the MOI, NGOs and the Law School in Prague, was the second of a series of UNHCR seminars dealing with the gender related persecution and women issues. The objective was to familiarise and sensitise the target group by introducing them to the special protection needs of refugee women coming from the different Muslim societies. Furthermore, through discussion on real protocols from interviews with women asylum-seekers in Switzerland, the participants were given an opportunity to be introduced to a variety of interviewing techniques. In co-operation with two experts from the Swiss Federal Office for Refugees, a manual on the techniques was prepared, and distributed in 2000.

One of UNHCR implementing partners, local NGO Organisation for Help to Refugees (thereinafter OPU), started a special project in 1999 to provide specific assistance to women asylum-seekers. Throughout 2000, female employees from OPU regularly visited women applicants accommodated in the refugee facilities in order to establish interaction with them and to identify their specific needs. They also organised informative sessions on various topics. Psychological counselling is provided as well as counselling for pregnant women. Stress is the most frequent problem faced by female asylum-seekers. Therefore, OPU as well as HELCOM organise often cultural activities oriented mainly to help refugee women to better understand the particularities of the Czech society. In general terms and as a first step towards integration, asylum-seekers and recognised refugees are encouraged to take Czech language lessons provided by HELCOM. Recreational activities are also regularly organised by the partner organisations. Nevertheless, this beneficiary group requires a continuous attention, with special focus on possible danger of trafficking and other forms of violence against women.

## 2. *Children asylum-seekers*

In compliance with the new Asylum Act, the asylum claims submitted by children under 18 years will not be considered as manifestly unfounded even when these claims meet the criteria for being channelled as such. Refugee children are given free education to elementary and secondary level, and if alone, receive extra attention from social workers in refugee centres.

In 2000, 1336 children under 18 years of age were among the newly registered asylum-seekers, forming 15,2% of the total of all the asylum-seekers in the country.

One of the UNHCR implementing partners, OPU has continued in its programs, which also included a children component. The organisation provided various sport events, outings, cultural events and summer camps for children asylum-seekers. In the future we want to improve the activities of our partners for what concerns women and children.

## 3. *Unaccompanied minors*

According to the statistics issued by the MOI, a total of 298 unaccompanied minors were registered in the Czech Republic in 2000. This figure refers to both the asylum-seekers and recognised refugees. About 1/5 of them (64 children) originated from Afghanistan, while India (67 UAM) and Sri-Lanka (28 UAM) are the second most represented countries of origin of the unaccompanied children. While only 26 children have been younger than 14 years of age, the rest of the 272-registered UAM were in between 15 and 18 years of age. Although the total figure of registered UAM remains quite high, it should be noted that the total number has decreased, with respect to the year 1999, when a total number of 336 UAM were registered.

According to the Asylum Act, the asylum claim submitted by the unaccompanied child cannot be rejected as manifestly unfounded. The responsible body for the procedures to expedite family reunification and trace the family members of unaccompanied children is the Department of Asylum and Migration Policies.

In the Czech Republic, the unaccompanied minors are entitled to two guardians. The first guardian is appointed by the MOI Department of Asylum and Migration Policies for the purposes of the asylum proceeding. In practice, the guardian is often a representative from one of UNHCR's implementing partners such as SOZE or HELCOM. The second guardian is appointed by the local district court to protect the child's rights and legally protected interests related to his/her stay in the Czech Republic. If there is no relative to represent the child, another suitable legal entity, a private individual, or an employee of a district council is appointed the child's guardian.

A special unit for unaccompanied minors has been established in one asylum facilities in Zastavka, and an art therapy program, including a ceramics workshop, is attended by a number of youths. Those below the age of 15 are placed, upon a court decision, together with Czech children in special facilities called *diagnostic institutions*, which are under the jurisdiction of the Czech Ministry of Education, Youth and Sports. There are no reported problems regarding physical safety in the Czech facilities, or birth registration. However we are worried about reports of disappearances of UAM that, allegedly, leave the Czech Republic to reunite with relative elsewhere in Europe. UNHCR tries systematically to trace these children. This is also a priority issue for UNHCR for 2001 and 2002.

Age determination has been one of the most problematic issues within the protection of UAMs. The real age of an asylum-seeker is of significant importance as those under the age of 18 benefit from a certain number of special provisions offered only to children. The Czech



authorities like some other countries use the x-ray of the bones of the hand as a means of verifying the age of an asylum-seeker. This method is used only in cases where doctors express their doubt concerning the stated age. According to the MOI, out of all the cases where the age was tested by x-ray, 98 % children turned to be older than they had claimed to be, while only 2% were younger. However, the issue of reliability of these tests remains opened. In line of the above, the Czech MOI in co-operation with UNHCR and the Finish Embassy in Prague is taking demarches in order to organise a seminar on the subject of age determination in 2001.

### **Beneficiary Population: Recognised Refugees**

In 2000, 134 persons were granted refugee status in the Czech Republic, including 24 persons from Belarus, 22 persons from Afghanistan, 16 persons from Armenia, 7 from Ukraine and the same number of persons from Iraq, 6 from Yugoslavia (Kosovo) and the same number of persons from Azerbaijan. Other countries of origin include Russia (Chechnya – 5), Sri Lanka (5), Turkmenistan (5), Bulgaria (4), DR Congo (4) and others. 38,8% of all the refugees recognised in 2000 were children under the age of 18. In comparison with 1999, a slight increase in the percentage of granted asylums could be perceived (1,1% out of all applicants granted in 1999 while 1,5% in 2000).

Recognised refugees have the same status as the foreigners with permanent residency in the Czech Republic except the right to vote and certain conditions on owning real property or operating businesses. Refugees are not subject to military service. Refugees can be employed without work permit, a fact that creates confusion with economic migration. Education is provided free of charge to the refugees up to the level of compulsory attendance. Recognised refugees are issued travel documents by the Police. According to the Asylum Act, the travel document shall be valid for 2 years and may be repeatedly extended. Exceptionally, the travel document can be issued upon request also by the Czech diplomatic mission or consulate abroad for the purpose of the return of the refugee to the Czech Republic. In 2000, the Office assisted a limited number of recognised refugees with family reunion. The Office's involvement in those cases included assistance with issuing of the alternative travel documents (usually the ICRC provisional one), entry visa and contribution to the travel expenses.

The Czech MOI continued funding the State housing and Czech language schemes for recognised refugees and contributed to NGOs involvement in this sector. Under the new Asylum Act, full freedom of movement is guaranteed to asylum seekers staying in the government run asylum facilities and the possibility to live privately for those asylum seekers with their own resources are extended. If those living privately do not have sufficient financial means, the financial assistance up to the living minimum (approximately 110 USD/per adult/per month) is provided to them upon request by the local district offices. The government sponsored integration programme in co-operation with local governments provides housing to recognised refugees who, until housing becomes available, stay in the state facilities. Refugees accepted by local communities are provided with housing for a period of ten year and often receive other assistance or support from local governments. There is no doubt that the government should be commented for its general efforts to implement very decent programmes aiming at the integration of refugees. However, objective lack of means and personnel create in some sectors hardship to the burnout government personnel and hardship to the refugees themselves. For example, during a round table discussion that UNHCR staff had with the person in charge of the payments of social benefits to refugees, it was mentioned that two persons only are in charge of this sector that has to provide an assistance to a theoretical number of 2025 refugees recognised in the Czech Republic between 1990 and 2001.

UNHCR's integration activities were implemented by its partner organisation, Prague based NGO *Counselling Centre for Integration* (hereinafter PPI). Its activities included promotion of social contacts between refugees and the local community, assistance with identifying suitable housing, provision of move-in-allowance to help the refugee family settle in the new dwellings, organisation of advanced Czech language courses, assistance with finding employment, and extending specific assistance to socially vulnerable cases. Entrusting PPI with the delivery of most integration related aid has helped to enhance and streamline integration activities. PPI's contract with the MOI that is in charge of the State Integration Programme has also helped in strengthening their relationship with government institutions and serves as a test case for future NGO-government joint ventures. A recently recruited lawyer has enabled PPI to improve its policy in helping recognised refugees to obtain the Czech citizenship. Between 1996 and 2000, 462 refugees including 34 stateless have received Czech citizenship.

### **Beneficiary Population: Roma**

Based on some of the outcomes of the Citizenship project, financially supported by the Office from 1996 till 1999, as well as in view of the alarming number of Roma leaving the Czech Republic since late 1996, the Office has paid increased attention to the Roma issue.

The office also participated in the discussions concerning the draft "*The Concept of the government policy towards members of the Romany Community*" (approved by the government on 14 June 2000) and other documents prepared by both the Czech government and other authorities. The office translated into English "*The Concept of the government policy towards members of the Romany Community, supporting their integration into society*", to which UNHCR expressed its support and ensured distribution to the embassies and to the representation of the EU in Prague. Special attention was given to the views and policies of embassies based in the Czech Republic. At the same time, in its Roma focal point capacity, the Representative of the BO took part in various round-tables and debates organised by both the local and international NGOs, as well as member states of the EU. The Office also supported and participated to Khamoro 2000, an international festival of Roma culture, held under the auspices of the Czech president.

Through 2000, the Office drafted its Roma program to be implemented in 2001 and 2002. This program intends to support especially the capacity building strategies of various Roma and pro-Roma organisations and in such way prevent further outflow of Roma asylum seekers from the country. UNHCR limited and local funding capacity enables the office to participate to various donors meeting during which opportunity is given to UNHCR to present and explain its "preventive policies" vis-à-vis the Roma question. This policy seems to be more and more appreciated by the donors and by the EU.

- **Policy issues**

The new Asylum Act introduced fundamental changes in the asylum policy. The new Act is generous and covers not only the Czech Republic's international commitments and practical requirements but primarily the EU legal standards, including access to the procedure, the introduction of the safe third country/safe country of origin and the regulation of the manifestly unfounded cases. Furthermore, the new Asylum Act provides social assistance for those asylum seekers whose applications have been rejected and who have filed a complaint to the High Court. The EU evaluation report for 2000 was positive concerning the efforts made by the Czech Republic to develop its institutional framework in the field of human rights. On the other hand, the lack of independence of the second instance remains a problem for the implementation of the *Acquis*.

The new Act on the Stay of Foreigners in the Czech Republic (hereinafter “Aliens Act”), which came into effect as of January 1, 2000, contains only a few provisions regarding the issues of concern for UNHCR office, including the temporary protection concept and the toleration status that allows one year stay for those unable to return due to objective reasons.

The main policy issues UNHCR foresees for the period 2001 and 2002 and possibly further on are the following:

- (i) In order to permit that the quality of asylum is preserved in Uniting Europe, UNHCR wishes to ensure that the implementation of the new Asylum and Aliens legislation is fully compatible with the international and European standards. This will entail, inter alia, the creation of an independent second instance of appeal as admitted by everybody.
- (ii) UNHCR wishes to reduce and prevent statelessness and encourage the acquisition by the persons concerned (mainly Roma and recognised refugees) of the full rights associated with citizenship. This is also a way to favour the stability of the population in order to avoid forced movements of people.
- (iii) UNHCR will have to clarify the confusion that has been created by the simultaneity of a liberal asylum law and a strict aliens law, which seems to have had the effect that traditional labour migrants in the Czech Republic such as Ukrainians and Moldavians seem now to apply for refugee status in order to, at least temporarily, legalise their stay in the Czech Republic.
- (iv) In order to ensure that the integration of refugees becomes a real possibility in the Czech Republic we shall promote the successful integration of recognised refugees.

- **Linkages to other countries within a defined “situation”;**
- **Capacity and presence of implementing partners**

UNHCR Branch Office in Prague co-operates with five NGOs, which are working in the field of refugee protection and integration, and it should be noted that, for the time being these are the only available NGOs working in the fields of refugee related issues. A series of meetings comprising the Czech Government bodies, NGOs and UNHCR personnel have been organised by the Office to share action plans, co-ordinate activities and interventions and enhance partnership. Individual NGOs focus on various types of activities: Helsinki Committee provides social and legal counselling as well and psychological services to asylum seeker in the Czech lands, OPU focuses on support to women, children and vulnerable individuals, SOZE provides legal, social and psychological counselling to asylum seekers in the main reception centre and in other establishments in the Moravian region, Caritas is active at the Prague airport where a number of asylum seekers arrives, and Integration Counselling Centre (PPI) concentrates on provision of assistance to recognised refugees. In spite of the fact that these organisations have been actively working in this field for nearly a decade, the still rising number of asylum seekers put great demands on the NGOs flexibility.

In order to prepare a possible phasing out, UNHCR BO organises seminars and workshops on project proposal techniques, project management and fundraising for NGO staff. Unfortunately, there are objective limitations that prevent UNHCR from thinking in terms of a quick phasing out:

- (i) the more than doubling of caseload within a couple of years has meant a recruitment of a new staff that needs training

- (ii) in general, NGOs operate with young professionals for whom NGO work is a first opportunity to acquire a professional experience. On average, brilliant young professional will not remain in the NGO sector in the Czech Republic for more than 2-3 years, after which, accrued professional experience will enable this staff to secure a new position. In the case of lawyers (and 40-50% of the workers are young lawyers), there is no way that the humanitarian NGO sector can ever compete with the salaries that private legal practise can offer. However the personnel that is lost through this natural process is also gained as future supporters of humanitarian activities in their country. It is therefore positive that UNHCR contributes to the creation of the civil society of the Czech Republic through favouring the first access to a job and the training of young lawyers, as well as to the survivals of NGOs which without UNHCR assistance as providers of „seed money“ may easily disappear.

The new asylum law, which came into effect on 1 January 2000, gave rise to new issues and problems, which, in combination with the continuous increase of asylum seekers and a still fragile NGO sector, show the continuing need for further advocacy, assistance and monitoring work by UNHCR. Considering the fact that in the year 2000, UNHCR has been relatively successful in fundraising efforts in favour of its partners (on average: 40% of the monies spent by NGOs in favour of asylum seekers and refugees in the Czech Republic do not come from UNHCR but has been generated, one way or another, through UNHCR). And considering the growing importance of UNHCR's caseload, the per capita expenditure per asylum seeker, refugee is very reasonable. The evolution of the caseload has been as followed: 2211 asylum seekers in 1996; 8787 in 2000 and already 4 088 received during the first quarter of 2001. To which 2025 recognised refugees (cumulative) must be added.

- **Presence and roles of other UN agencies and international organisations, and efforts made to co-ordinate activities for the implementation of protection and assistance activities for populations of concern.**

UNHCR has established contacts and co-operation with the IOM Liaison Office in Prague focusing in particular on the subject of the return of rejected asylum seekers. Unfortunately due to budget restrictions, UNHCR will not be able to implement in 2001 the projects envisaged with IOM for the return of rejected cases. It is hoped that the financial situation in 2002 will permit to initiate this project. Since the Czech Republic began its process of accession to the European Union, the Branch Office has developed and maintains good co-operation with the EU Delegation in Prague either directly or through the ambassador of the country that has the presidency of the EU. With the exception of UNIC, other UN agencies (UNICEF, WHO and UNDP) have small local offices in Prague and do not implement any sizeable programme. Nevertheless, since UNHCR is moving to the premises of “a common UN house”, there may have opportunities to develop closer ties with the sister UN agencies.

**(b) Selected Programme Goals and Objectives**

Name of Theme: <b>Quality Asylum in a Uniting Europe</b>	
<u>Main Goals:</u> 1) Persons in need of international protection have access to the Czech territory 2) The Czech Republic maintains, develops and harmonises its asylum system in conformity with international standards	
<b>Principal Objectives</b>	<b>Related Outputs</b>
<ul style="list-style-type: none"><li>• Adequate protection safeguards exist for refugees and asylum-seekers</li><li>• Asylum-seekers have their claims heard fairly and promptly</li><li>• The gradual harmonisation of legal and procedural standards preserve current better practices</li><li>• All refugees have real opportunities to integrate</li></ul>	<ul style="list-style-type: none"><li>• border authorities, including at the airport, are better prepared to act in conformity with the principle of <i>non-refoulement</i> and provisions of the national laws</li><li>• existing and potential asylum-seekers kept at border points, airport including, have access to legal advice and counselling by NGOs and lawyers</li><li>• creation of a really independent second instance level of appeal to negative first instance decisions</li><li>• better reasoning of decisions in the first and second instance through <i>inter alia</i> increased reference by RSD authorities, to country of origin information/documents/ sources and international instruments in the process of taking decisions upon asylum claims</li><li>• improved capacity of NGO partners to provide legal counselling</li><li>• co-ordination and co-operation relationships between assisting NGOs and the relevant authorities are further developed</li><li>• measures to facilitate refugee integration are adequately implemented, administrative changes are made when needed</li><li>• special assistance and protection is provided by the Government to vulnerable asylum seekers as well as children, women and elderly refugees with special needs</li></ul>

Name of the Theme: <b>Statelessness</b>	
<u>Main Goals</u> : 1) Statelessness will decrease 2) Stateless people enjoy, at a minimum, a status consonant with the 1954 Convention standards. 3) Once Czech citizenship is received, the former stateless person has the capacity to, de facto, benefitate from the rights attached to full citizenship	
<b>Principal Objectives</b>	<b>Related Outputs</b>
<ul style="list-style-type: none"> <li>• The Czech Republic accedes to universal and regional instruments for prevention and reduction of statelessness</li> <li>• Stateless persons granted refugee status, and other stateless persons in the Czech Republic acquire Czech citizenship</li> <li>• Through the acquisition and exercise of their normal rights as citizens, the Czech Roma stabilise in the Czech Republic thus reducing the number of those who ask for asylum abroad</li> </ul>	<ul style="list-style-type: none"> <li>• Accession of the Czech Republic to the international instruments relating to statelessness</li> <li>• increased awareness of statelessness-related issues</li> <li>• Continuation of monitoring and support to the implementation of the new citizenship law (as amended in 1999 following inter alia UNHCR intervention)</li> <li>• active involvement in the Roma issue</li> </ul>
Name of Theme: <b>Support to UNHCR and refugees world wide</b>	
<u>Main Goals</u> : 1) the Czech people will give more and better support to UNHCR and its work all over the world 2) The Czech government will uphold UNHCR protection concerns and support UNHCR operations internationally	
<b>Principal Objectives</b>	<b>Related Outputs</b>
<ul style="list-style-type: none"> <li>• Develop public information campaigns in the Czech Republic, as joint ventures with other human rights bodies when possible</li> <li>• Develop public awareness initiatives whenever feasible</li> </ul>	<ul style="list-style-type: none"> <li>• Continuation of special programme “Media and refugees” for students of Faculty of Journalism in Prague</li> <li>• Continuation our special sessions with students of law at the University of Prague and Brno</li> <li>• Continuation of the Best refugee story for journalists.</li> <li>• Various activities in the frame work of the 50<sup>th</sup> Anniversary (Schoenberg concert, art exhibition etc.)</li> <li>• Participation to national and International festivals in Prague</li> </ul>