

SWITZERLAND

2002 COUNTRY

OPERATIONS PLAN

Part I: (a) Executive summary

In 2002, the UNHCR Liaison Office for Switzerland and Liechtenstein (LO) expects to focus on the ongoing revision of the Aliens Act and the planned revision of the Asylum Law, provided it is not adopted during the second half of 2001. The main aims of these activities are to ensure that persons in need of protection, which are currently granted “admission provisoire individuelle”, (“temporary and individual entry”) may, at least after some time, benefit from a better status; to maintain a liberal safe third country notion; to avoid expansion of the detention of asylum-seekers and, if carrier sanctions are introduced, to ensure that they are applied in a protection sensitive manner. The reactivation of the Swiss resettlement policy - suspended since 1998 and for which UNHCR initiated discussions with the Swiss department for justice and police in April 2000 - will be another priority for LO. Advocacy actions towards the Swiss Asylum Appeals Commission and the Federal Office for Refugees will continue to be initiated by the LO with regard to the two main differences of approach regarding the interpretation of the refugee definition, relating to non-state agents of persecution and the internal flight alternative.

In view of the importance of the advocacy regarding protection, LO will continue to assist UNHCR’s implementing partner, OSAR, so as to allow them to closely follow the asylum practice and vet individual cases submitted to UNHCR, by funding part of the activities of the legal section as well as partly fund promotion of refugee law and training performed throughout Switzerland. Nevertheless a progressive reduction of UNHCR's financial assistance will take place during the coming years.

LO will increase its lobbying capacity in order to reach increased financial support and political commitment in favour of refugees through the support of UNHCR’s programmes world-wide. All federal government actors involved in refugee related activities will be approached in liaison with HQs donor relations section. When more PI staff becomes available with the LO, more actions will be developed in Switzerland raising public awareness both in favour of refugees within Switzerland and of UNHCR's programmes throughout the World. Although many NGOs and other actors use private sector fundraising, there are sufficient financial opportunities to initiate specific actions towards the private sector in Switzerland.

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(a) Overview

• UNHCR’s role and operational environment:

The following are the main features of UNHCR's current operational environment in Switzerland:

- Although no longer considered a serious concern, the refugee issue remains high on the political agenda. The number of asylum-seekers decreased from the highest number registered in recent years of 46,000 in 1999, to 17,600 in 2000;
- However, and perhaps even more than before, the pressure remains for a reduction of the budget of the Swiss Federal Office for Refugees.

- Successful implementation of the three-phase return program for Kosovo Albanians;
- The authorities are keen to encourage persons benefiting from subsidiary and temporary protection - such as the remainder of the former Yugoslav caseloads (including minorities) to return;
- Switzerland is gradually harmonising its asylum policy with those of the EU countries and also with the harmonised policies of the EU resulting from the implementation of the Amsterdam Treaty;
- Swiss refugee legislation lacks provisions regarding transformation of temporary stay permits into more favourable and stable statuses;
- There has been a continuous growth in GNP and in the surplus of the federal budget and it has been suggested to use the interest on the profit from the sale of the national gold reserve to establish a "Solidarity Fund" which could be used for humanitarian purposes;
- 2000 continued to be dominated by the more and more influential right wing party, UDC or SVP, which came out at the elections in the Autumn of 1999 as the biggest party and used the asylum theme to criticise the Swiss Government, accusing it of conducting a too weak foreigners and refugee policy.
- The revised Swiss Asylum Law foresees UNHCR's formal intervention at different levels: UNHCR can be consulted by the Federal Council on any refugee policy issue; there is a formal requirement for the Federal Council to consult UNHCR when deciding to introduce or lift temporary protection for groups; by law UNHCR is consulted and has a right to veto decisions denying the admission of asylum-seekers to the territory and to the ordinary asylum procedure.

In this environment, UNHCR's objectives are to:

- ensure access to the territory and to the asylum procedures for asylum-seekers, and also a correct application of the Geneva Convention, including the refugee definition and the provisions concerning socio-economic rights of refugees;
- continue lobbying for a change of the Swiss practice of not recognising as refugees certain persons victims of non-state agents of persecution, be it at the level of the Federal Office for Refugees, of the Refugee Appeals Board, at the political level (Federal Council, MPs), or through the media. Other elements of the Swiss eligibility practice, such as the application of the concept of internal flight alternative will also be targeted by UNHCR's advocacy-strategy;
- rely on its implementing partner, OSAR (Swiss Refugee Council) - an umbrella organisation comprising all the major NGOs dealing with asylum matters in Switzerland - with a view to providing an accurate analysis of legal developments and developing and implementing activities relating to the promotion of refugee law;

- continue to be engaged in a constructive dialogue with the federal authorities, and possibly cantonal authorities, with a view to developing and implementing voluntary repatriation programmes. The Federal Office for Refugees in close association with the Development and Humanitarian Assistance Department of the Ministry of Foreign Affairs has developed imaginative return programmes targeting the large groups who applied for asylum in the nineties, such as persons originating from Bosnia-Herzegovina and Kosovo. UNHCR has traditionally played a role with regard to the development of these programmes by 1) indicating the categories of persons who are still in need of protection and 2) providing country of origin information with the aim of ensuring that return is safe and that the reintegration of returnees viable. A pilot project involving UNHCR's role in the passive monitoring of rejected cases in the country of origin was developed with regard to rejected cases originating from Sri Lanka;
- increase its engagement in public awareness and activities in order to favour the protection and integration of refugees in Switzerland through media campaigns and direct lobbying of MP's and cantonal authorities. The expected "calmer" environment surrounding the asylum debate in Switzerland in 2002 is propitious to enhancing the results of those activities. To this effect: it is essential that the LO is able to fill the post of Associate Public Information Officer with a qualified person and in this manner benefit from UNHCR's positive image in Switzerland.

- **NGOs, PARinAC and capacity building:**

LO is engaged in a constant dialogue with all NGOs involved in asylum related issues in Switzerland and has concluded an agreement with OSAR with a view to providing information, and offering training on refugee law and country of origin information to NGO's and lawyers dealing with asylum issues.

- **Inter-Agency co-operation:**

As LO Switzerland is located with UNHCR at Headquarters, no specific co-operation is foreseen with other UN or other international organisations in Geneva, which is undertaken by other units.

- **Linkage with other country operations:**

The LO will continue to liaise closely with other UNHCR Offices on issues of common concern, including, in particular, the Branch Offices in Berlin and Vienna.

(b) Country Management Issues

A number of activities related to country management issues are organised or co-ordinated by the Europe Bureau in Headquarters. As the Liaison Office is co-located at HQs, its staff and management benefits from the direct advice and programs implemented within HQs.

Post of Associate Public Information Officer

Following interest expressed at government level by Liechtenstein during LO's mission to Vaduz, demarches are being pursued for Liechtenstein to confirm its interest and commit to funding this post.

- **Staff safety, security, health and welfare:**

All above-mentioned issues are managed by Headquarters' structure. Issues relating to the security of the counselling assistant and interviewers of asylum-seekers and refugees were solved in 1999.