



Strengthening Capacity to Protect Refugees in Armenia

National Stakeholders Consultations

7-8 November 2008

Conference report

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OPENING REMARKS

Deputy Prime Minister of Armenia, Mr. Armen Gevorgyan

1. The Deputy Prime Minister highlighted first that the government of Armenia in cooperation with UNHCR has registered significant achievements in providing protection and assistance to refugees and asylum seekers
2. Referring to Armenia's 1993 ratification of the 1951 Convention, 1967 Protocol and other Human Rights instruments, he noted that national legislation still had some gaps compared to international standards. The Deputy Prime Minister expected that a draft amended refugee law, currently under second review and discussions, will be adopted to address gaps.
3. The Deputy Prime Minister welcomed UNHCR's assistance to strengthen protection capacity. He further expressed appreciation for the participation of international participants and extended a special thank you to the NGO representatives for their unwavering active work and contribution.
4. He wished all participants a productive and successful workshop that will identify steps and solutions for refugees in Armenia.

UNHCR Representative, Ms. Bushra Halepota

5. Ms. Halepota welcomed all participants with a special thank you to the Deputy Prime Minister and Government of Armenia (GoA) for their support. She underscored that the government of Armenia has extended hospitality and citizenship to refugees from Azerbaijan as well as provided a safe haven for refugees from other countries. Ms. Halepota stressed that notwithstanding the considerable development challenges faced by Armenia, its commitment to the principles of the 1951 Convention relating to the status of refugees and the 1967 Protocol since their ratification in 1993 remain unwavering.
6. Ms. Halepota explained the objective of the National Consultations, which is to discuss migration and asylum issues of common concern, to identify priority areas with a need for capacity strengthening, and to agree upon next steps to address those unmet needs within the context of the European Neighborhood Policy.
7. She outlined UNHCR's mandate for protection and durable solutions for refugees, noting that UNHCR has been present in Armenia at GoA's invitation since 1992. She emphasized that protection is first and foremost about people and, at its most basic, the protection of their rights, their security and their dignity of person. She explained that while UNHCR's work in the mid-1990s focused on the immediate response to influx of refugees from Azerbaijan, UNHCR's focus have in more recent years gradually shifted to enhancing the institutional capacity of GoA to manage refugee issues while also pursuing full local integration.

8. She noted that important progress had been made on legal integration of naturalized refugees and welcomed the new Refugee Law, which is expected to be passed within this Assembly session. She further noted various achievements such as the shelter programmes that benefited more than 3,000 refugee families and the successful micro credit project.
9. Ms. Halepota highlighted that the full integration of refugees – legal, social and economic – has yet to be fully achieved. She emphasized that sustainable integration requires a multitude of action that depends on the contribution of all stakeholders, and that partnerships are more important than ever. In this regards, she referred to the visit to Armenia of the High Commissioner for refugees, when he stressed that he was well aware of the particular situation prevailing in Armenia, where refugees naturalize without being fully integrated socially and economically in the Armenian society. Therefore, UNHCR seeks to find durable solutions together with its counterparts to continue to assist the most vulnerable refugees including the naturalized former refugees until a durable solution is achieved through their full local integration.
10. Ms. Halepota expressed her hope and expectation that the national consultations will find ways to strengthen state and community protection capacity for the benefit of the refugees in Armenia. She thanked the European Commission once more for the generous funding provided for the Strengthening Protection Capacity Project (SPCP) and emphasized that the opinion, experience and ideas of each stakeholder will contribute to the quality of the meeting and that the recommendations will be the beacon light for the way forward.

EU Representative, Mr. Uffe Holst Jensen

11. Mr. Holst Jensen began by expressing his gratitude for the invitation to the National Consultations. He highlighted that the European Commission has provided financial support to the SPCP projects since the inception of the SPCP process to support governments to strengthen protection capacity. He noted further that the European Commission also supports a British Council project which addresses the needs of Armenian citizens.
12. He explained that with the new Neighborhood Policy, the European Commission will involve more countries in dialogue and an EU-Armenia Action Plan has already been developed incorporating issues such as trade, conflict prevention and respect for Human Rights. He appreciated the attention of the Government of Armenia to building capacity in a sustainable manner, and reiterated the European Commission's commitment to multilateral solutions and cooperation with UNHCR on the Strengthening Protection Capacity Project. He expressed the wish that the SPCP-Armenia would become part of a larger regional cooperation.

MOVIE – REFUGEES IN ARMENIA

13. Participants watched a movie about the plight of refugees in Armenia. The movie documented the personal stories of individual refugees and highlighted that while progress has been made – e.g. through UNHCR Shelter as well as Government’s Housing Project Certificate programmes – the living conditions for many refugees continue to be substandard, and many struggle to sustain themselves.

OBJECTIVES OF THE CONSULTATIONS

Presentation by Camilla Kragelund, Associate Programme Officer UNHCR

14. Camilla Kragelund noted that the SPCP began as a result of the Agenda for Protection, an international programme of action to improve the global response to the refugees problems. It is based on the understanding that meeting responsibilities to refugees is firstly an unconditional state obligation, albeit secondly one where capacity has to be strengthened through international solidarity and committed cooperation.
15. Camilla Kragelund noted that SPCP begins with a detailed analysis of gaps and national consultations to prioritize those gaps and make concrete recommendations to how to remedy them. She gave examples of how SPCP processes in other countries, such as Georgia, Ecuador and Thailand, have led to tangible improvements in the lives of refugees, and that the SPCP process now is part of UNHCR’s world-wide Global Needs Assessment.
16. She highlighted that the aim is to conclude the consultations with an agreed set of priorities and recommendations on concrete actions to be taken over the next years to remedy protection gaps. She gave some examples of the types of activities the participants may agree upon over the next two days. She referred also to the Global Needs Assessment, which has been launched by UNHCR to help UNHCR and its partners to articulate more precisely the resources and interventions necessary to address the needs of those we strive to protect. She underscored that Armenia, with the substantial work that has already been done to identify protection gaps and the commitment to collective action, stands well-equipped for the Global Needs Assessment.
17. She concluded by noting the ambitious goals of the SPCP-Armenia but confidence that they were attainable in partnership noting that good participation in the consultations was a positive sign of potential success.

SUMMARY OF GAPS – DAY 1

Presentation by Hanne-Meike Grol, Protection Officer UNHCR

18. Hanne-Meike Grol provided a brief overview of the legal and administrative framework for refugee protection in Armenia. She also explained the mandate of UNHCR and its role in cooperation with the Government of Armenia on refugee issues. She underscored

19. She outlined the key protection gaps related to admission, including risk of refoulement, risk of penalization of refugees who have entered Armenia irregularly, lack of a referral system to assist border guards in identifying persons in need of international protection at the border fort adequate referral. She underlined the importance of the legal reform of the Refugee Law underway. She suggested that administrative guidelines may be needed to supplement the legal reform to effectively address the remaining protection gaps.
20. Hanne-Meike Grol welcomed the new refugee law also on issues pertaining to refugee status determination, as the new refugee law is expected to address many of the gaps in this area. She noted that the next steps should include a review of interpretation and implementation of refugee status determination provisions, and a review of other laws to ensure conformity with the new Law on refugees. She further mentioned that there are protection gaps in the appeal process, for instance when rejection letters are not well-reasoned.
21. She further noted protection gaps related to refugee status where documentation is not provided by law to those who appeal a negative decision on their asylum claim, putting them at risk of detention and refoulement.

INTRODUCTORY STATEMENTS AND QUESTIONS AND ANSWERS

22. The BPRM representative inquired as to whether statistics on refoulement are available and whether UNHCR has noted any difference in the attitudes between Russian and Armenian border guards UNHCR explained that statistics on refoulement are not available. UNHCR further shared that a working group on border management has been established to design a referral mechanism for border authorities and is meeting regularly, with the participation of both Armenian and Russian border guards.
23. The Head of UNIDO highlighted the need for refugees to be fully integrated economically in Armenian society. She referred to the movie about the plight of refugees, noting that some of the refugees have been in Armenia for more than 20 yrs and are still living in substandard conditions. She underscored that refugees bring skills for business, and that support to self-employment – e.g. small grants to start up business – should be considered as part of a strategy for the way forward.
24. UNHCR’s Representative, Ms. Bushra Halepota, acknowledged the importance of targeting the whole community for livelihood support. She mentioned the project proposal that has been sent to the Human Security Trust Fund as a good example of how to target vulnerable communities, and which include both refugees and vulnerable persons in the host community. She emphasized that economic and social integration of refugees requires the cooperation of many stakeholders, including UN agencies, NGOs, civil society and government.

25. The head of the State Migration Agency (SMA) commented that complete integration without economic integration is not possible. He noted that unemployment for refugees is 2.5 times higher than for rest of the population and that per capita income of refugees is 3 times lower than of the rest of the population. He felt that the reason for this inequity is due to a lack of social capital among refugees – e.g. a lack of knowledge about programmes available.
26. The representative from Progress University of Gyumri inquired as to whether UN can assist Iraqi refugees with selling their properties in Iraq. UNHCR explained that conditions in Iraq continue to be difficult, but that the UN will take up the issue of restitution in due course.
27. The BPRM representative inquired as to how many Georgians presently are in Armenia seeking asylum. The Head of SMA stated that while several thousand of Georgians came to Armenia after the conflict – the border traffic increased 6 fold in August - many did not apply for asylum as they hoped to be able to return to Georgia within a short time-frame. The SMA has received 108 asylum applications from Georgians and 9 asylum applications from persons from Ossetia.
28. UNHCR’s Representative credited the border guards of Armenia, who were able to respond well to the increased border flows from Georgia in August. She also noted that UNHCR will consider making the training for border guards even more practical and grounded. She shared that she had recently visited sites in Gori, where a number of reconstruction sites are well underway and expected to be completed by the end of this month.
29. The representative of the Open University of Yerevan inquired whether there is any way to assist refugees in getting bank deposits from Azerbaijan banks. The Head of SMA acknowledged that many have lost deposits but clarified that the government does not have a programme in this regard. He suggested this topic to be taken up during the national consultation.
30. The President of Mission Armenia highlighted that the field workers witness the suffering of refugees on a daily basis. She felt that the substandard living conditions of refugees amount to human right violations and that action needs to be taken urgently. She emphasized that the naturalized refugees may have become citizens but are not yet fully integrated into society and continue to need assistance. She thanked UNHCR for organizing the consultation and expressed the hope that it will bring more attention to the urgent needs.
31. The Head of SMA acknowledged that the need for adequate housing is great, however, the national budget is facing budgetary constraints in addressing this gaps. Addressing the gap requires more funding than the government has at its disposal. UNHCR’s Representative added that the government housing project already have had a positive impact for many vulnerable refugee family. She suggested that the participants will

explore new avenues for the way forward to fund more housing projects. The representative from the Human Rights Defender's Office underscored the need for action to allow refugees to live in dignity.

32. Ministry of Health representative questioned the gap in lack of birth registration for refugee children. UNHCR confirmed that recent cases had been identified, but that more information as to the obstacles to birth registration would be needed. UNHCR also noted the cooperation extended by the Ministry of Health for individual cases, especially for Iraqi refugees who often have stress-related health problems.
33. World Food Programme representative brought up the question of WFP's planned exit from Armenia in light of the increasing food prices and continuing needs of refugees. UNHCR's Representative noted that vulnerable groups suffer the most in times of negative global trends, e.g. climate change, food prices, and that it is alarming that many refugees only get one meal a day. She urged all participants to take these widening gaps into consideration over the next two days.

WORKING GROUP DISCUSSIONS

Working Group 1: Admission

34. The working group discussed that the Criminal Code exempts from criminal prosecution those illegal entrants who seek political asylum as defined by the Constitution. Moreover, the Law on State Border and Border Troops does not refer to the right to asylum and considers any illegal entrant as a transgressor - a person who violates the state border regime.
35. Given the absence of the State Migration Agency at the border as well as the fact that the Border Guards (BG) are guided by the Law on State Border and consider every person illegally entering the country as transgressors, the cases are forwarded to the National Security Services and the criminal investigation is initiated against them. Hence, although the Law on Refugees recognizes the asylum application as a basis for lawful entry, it is not always implemented in practice and thus may cause either criminal prosecution or cases of refoulement. The group raised concerns over the issue of ensuring the national security concerns when admitting asylum seekers illegally entering the country.
36. In addition, the denial of entry of foreigners with certain diseases defined by the Law on Aliens and the respective governmental decision was discussed. On the latter issue the group did not come to a common recommendation given that the person with the defined diseases might be of danger to the community and the public, so part of the group was stressing the need to leave the restriction as it is in the Law. However, arguments such as the need to allow those persons in the country but ensure that proper medical preventive actions should be taken, were also raised and seen as a balanced solution that ensures implementation in accordance with international norms.

37. In view of the above mentioned the group concluded the following:

- There is a need to harmonize asylum related legislation including the Criminal Code, Refugee Law, Law on State Border and Border Troops, Law on Aliens etc., to ensure proper reflection of international principles as well as access to the asylum procedure for illegally entering asylum seekers. The group stressed that the Criminal Code should ensure the application of the exemption for the persons seeking political asylum to every asylum seekers.
- The group stressed the need for intensive and continuous training of BGs as well as law enforcement bodies on international law and the application of those norms through the norms provided by the national legislation. As an example the group mentioned that the Criminal Procedural Code in its article 37 defines the so-called “Prosecutorial discretion” provision which allows the prosecutor to decide whether to consider the person as accused or not. This provision would allow preventing criminal prosecution of those persons who are asylum seekers - illegal entrants and would ensure implementation of international principles.
- The group recommended establishing a (NSS/SMA) Task Force both in Yerevan and in the locations of the border crossing points (BCPs) to ensure quick and proper joint investigation of cases of illegally entering asylum seekers.
- To proceed with demilitarization of BGs either through placement of the BGs under the SMA structure or any other not military structures within the government.
- The group also recommended to assign the border monitoring functions of the SMA to the NGO through social partnership and to facilitate UNHCR’s access to BCPs.

Working Group 2: Refugee Status Determination

38. The working group started the discussion on identified gaps in the RSD procedure, emphasizing the lack of information regarding the difference between TA status and refugee status and the respective rights. A woman from Iraq that holds TA status described their plight and uncertainty of their future. The UNHCR Protection Officer from Moscow explained her that in case of delay of stabilization of the situation in Iraq they would qualify for refugee status. The group came to the conclusion that the asylum seekers should be given the opportunity to apply either for TA or refugee status. Asylum seekers should be well informed about the difference between these two regimes and their rights and obligations.

39. However, after adoption of the new law this gap will be addressed. The representative from the Human Rights Defender’s office stated the need for training for judges, reasoning that their knowledge in refugee related issues is not sufficient. Since the court of cassation sets precedent, it is of huge importance to develop an effective system for citing the cases. The group agreed that trainings should be provided for judges to ensure that they have good knowledge on refugee law. The development of guidelines and of a user friendly and well structured jurisprudence system for precedent setting and uniform application of the law is paramount for judges. In this context, the negative decisions on asylum claims should be well substantiated.

40. The group further considered the creation of a protection mechanism in case of mass influx. The representative from the Human Rights Defender's office affirmed that the government must develop a contingency plan specifying the obligation of each agency that is involved in refugee issues. The UNHCR representative described the situation at the border during the Georgia conflict emphasizing the need for a presence of SMA on border crossing points.
41. It was also discussed that after the adoption of the new law there will be contradictions with other legislation. The representative from the Human Rights Defender's office placed the responsibility for resolving this problem on the standing committees of the National Assembly and the government. The participants agreed that the Ministry of Justice is the main stakeholder to undertake a comparative study, addressing potential contradictions in the legislation.

Working Group 3: Status related issues

42. The working group agreed that it is problematic that asylum seekers do not have documentation during appeal, and a detailed discussion on how best to remedy this gap ensued. A representative from Progress University suggested that documentation should be extended for the entire appeal process, rather than a preset timeframe, as appeal cases take different amounts of time. A representative from Ministry of Justice advised on the pros and cons of amending the law on this aspect. It was agreed that issuing the documentation is a state responsibility and that the documentation should be valid for the duration of the appeal process.
43. The group further discussed the benefits of improved dissemination of information to refugees and asylum seekers about their rights and obligations. A representative from Progress University shared that refugees can benefit from coming to the free legal clinics sooner rather than later, but many are not aware of the existence of the legal clinics. The representative from Mission Armenia highlighted that refugees in rural areas do not have access to legal clinics, and the Progress university representative responded that they are planning to establish mobile legal clinics to cover rural areas.
44. On the gaps pertaining to travel documents and derivative refugee status for family members, the group welcomed the new Refugee Law which is expected to resolve these gaps. The group also discussed family tracing mechanisms and how both government and international organizations have a role to play in family tracing.
45. The Group discussed different obstacles to birth registration. A representative from Mission Armenia highlighted that persons living in rural areas may not have access to the local government facilities where registration takes place. A representative from the Progress University felt that the lack of birth registration was due to insufficient information available to the families. The group agreed that it was necessary to identify the obstacles to birth registration and on this basis, design a strategy to overcome them with the involvement of government and child protection agencies.

PLENARY DISCUSSION – DAY 1

46. The representative from the Office of the Human Rights Defender expressed the wish that international organizations should be able to grant an alternative refugee status. UNHCR explained that granting of refugee status is a state responsibility and one that the Government of Armenia has assumed fully. UNHCR provides technical advice to support the efforts of the Government of Armenia to ensure that the policies and procedures are in line with international standards.
47. The Representative of UNHCR highlighted that some of the current gaps in the legislative framework pertaining to refugees are expected to be amended with the new Refugee Law. She further explained that some gaps had been brought to the forefront by the recent crisis in Georgia, for instance that border guards can benefit from a more practical training with concrete tools at their disposal for identifying asylum seekers.
48. A representative from Mission Armenia noted the importance of capacitating Armenia NGOs, given that international organizations will not stay in Armenia indefinitely.

INTRODUCTORY REMARKS – DAY 2

49. UNHCR's Representative, Ms. Halepota, welcomed the participants to day 2 of the national consultations and noted with satisfaction the high attendance. She invited participants to share their views.
50. A Refugee Representative, a woman from Azerbaijan, spoke about her life as a refugee in Armenia. She explained that throughout the 20 years she has been a refugee in Armenia she has lived in poor and inadequate living conditions, in a remote village where only refugees live. Conditions are especially harsh during the winter, when temperatures can drop to minus 35 degrees. The closest village with school, grocery store and pharmacy is fourteen kilometers away, making children's continued education a daily challenge.
51. The refugee representative expressed her thankfulness to Mission Armenia who had provided moral and material support to the refugee community up to 2006. She highlighted that the year after Mission Armenia had stopped working in the village, 19 people in the community died as they could not afford medication. She noted that the community was frustrated with the lack of attention that their dire living conditions received and especially with the visits by agencies, which did not lead to provision of assistance. She thanked UNHCR for inviting refugee representatives to the consultations and expressed the hope that it would lead to improvements in the lives of refugees.
52. A refugee representative from the Iraqi refugee population inquired into which criteria are used to provide assistance. The Armenian Red Cross Society representative, Mr. Haik

Hayrapetyan, clarified that assistance is provided based on vulnerability criteria. Families with young children, female-headed households and elderly without support qualify automatically for assistance, while assistance to other families is provided on a case-by-case basis.

53. UNHCR's Representative added that UNHCR had provided winterization assistance for three months last winter, e.g. items such as winter clothes and food items. She further introduced the General Manager of Viva Cell Company, Mr. Ralf Yerikyan and expressed her appreciation of his attendance, despite his busy schedule.
54. Mr. Yerikyan outlined the background of Viva Cell as a socially responsible company. He highlighted that the company is based on people living in Armenia and therefore has an obligation to use profit in a socially responsible manner. For instance, Viva Cell has set up programmes in education and health, as part of the corporate social responsibility. He emphasized that corporate social responsibility can help address the challenges faced by this society and building a better country in doing so.

SUMMARY OF GAPS – DAY 2

Presentation by Ms. Bushra Halepota, UNHCR Representative

55. Ms. Halepota provided an overview of the achievements to date and noted that the Government of Armenia has been receptive to the needs of refugees.
56. She noted that many refugee families continue to live in sub-standard shelter. She emphasized that provision of adequate shelter should be considered a life-saving measure in refugee protection, due to the harsh weather conditions in winter in Armenia.
57. Ms. Halepota highlighted gaps in the education sector, where school drop out rates of children from refugee families is 2-3 times higher than the national average. She also made reference to refugees not having access to higher education due to their inability to pay the fees.
58. Ms. Halepota emphasized that refugees have limited access to income generating opportunities and face high unemployment rates. She noted that the lack of capacity to organize refugee specific vocational training opportunities further hampers access to the labour market. She explained that refugees suffer from a variety of health problems, in part due to poverty and poor living conditions. A recent survey has shown that many refugee families are in dire need of essential humanitarian assistance.

WORKING GROUP DISCUSSIONS

Working Group 4: Health and Sexual and Gender-Based Violence (SGBV)

59. The working group had a lively discussion on the provision of health care to refugees. The representative from the Ministry of Health highlighted that refugees have access to the health system on equal terms as Armenian nationals, while representatives from Mission Armenia felt that this was not always the case in practice. The working group agreed that provision of health care for refugees is a state responsibility under Armenian law, which should be fully implemented. It was also agreed that if there are cases where NGOs intervene to ensure access to the health system, an effective referral system should be in place.
60. The group discussed assistance to traumatized refugees, who may have different mental health issues than Armenians. There was a general agreement on a suggestion from UNHCR that there is a need for a more integrated response to the needs of traumatized refugees.
61. The working group agreed that there is a lack of capacity in prevention of and response to Sexual and Gender Based Violence (SGBV) and that the response could benefit from a more multi-sectoral approach. A representative from the Police highlighted that there is no training on how to deal with SGBV cases at the police academy, and he also felt that cross-border cooperation could help prevent cases of trafficking. The working group agreed that there is a need to develop a strategy to enhance the multi-sectoral prevention and response mechanisms to SGBV, in addition to targeted capacity building through training and sharing of international best practices among key stakeholders. It was further agreed to explore possibilities for increased cross-border cooperation with a view to prevention of trafficking.

Working Group 5: Social Integration

62. The working group started the discussion addressing the basic needs of refugees. The representatives of the legal clinic in Gyumri and ACHE stated that it is better to teach refugees how to help themselves rather than providing humanitarian assistance. The representative from UNHCR and Mission Armenia agreed with this statement and added that among UNHCR's people of concern there are also vulnerable groups such as elderly and disabled who are not able to help themselves to meet their basic needs but largely depend on external support.
63. Mission Armenia stated that currently the state welfare system provides only pensions and family allowances while no social counseling, outreach and support is provided by the state institutions or local authorities. It was recommended that the state institutions and local authorities should have more responsibility to identify the needs and to provide proper social counseling and support to vulnerable refugees at the community level. This can be achieved through decentralization of the services and ensuring funding for the communities to address their needs.

64. UNFPA representative recommended incorporating refugee issues in the new social security policy. Additionally, the capacity building of the state institutions would be of importance as suggested by the representatives of Mission Armenia and WFP.
65. With regard to the gap concerning access to shelter, the need of strengthening the social housing system by the government was emphasized. In addition, Mission Armenia raised the issue of communal centers that are in very bad shape. Renovation of communal centers, including privatized ones, has been suggested by Mission Armenia through increased partnership with the government, private sector and international organizations.
66. As an alternative solution, the representative of the legal clinic in Gyumri suggested to design favorable loan conditions for refugees enabling them to take loans for the procurement of houses and completion of unfinished private houses. Mission Armenia recommended further promoting the cooperation with the public sector in provision of shelter to refugees. BPRM representative added that private sector investments in refugee shelter might be motivated through introducing favorable tax policy.
67. For the persons holding TA status, the group made a recommendation to develop a renting scheme and provide individual support to extremely vulnerable TA holders for renting houses. The importance of refugee participation in design and implementation of shelter projects was highlighted by the group.
68. The group also discussed the gaps in primary education. Mission Armenia and ACHE mentioned that many Iraqi children drop out of school or have high level of absences due to language difficulties and differences in school programs compared with Iraq. It was suggested to organize preparatory courses and Armenia language training jointly by the government and NGOs.
69. In addition, ACHE stressed the importance of psycho-social counseling in schools that involves children, parents and teachers and aims at promoting local integration. Other social events at the community level will address the cultural barriers that children face in the school and community at large.
70. The group recommended supporting vulnerable communities to improve access to school, including improvement of school facilities, providing transportation support and provision of school supplies. Mission Armenia also recommended carrying out a survey through UNICEF, UNHCR, NGOs and the Ministry of Education aiming at identification of the level and reasons of school drop outs among refugees.

Working Group 6: Economic Integration

71. In the field of refugee protection, unemployment has been identified as one of the major obstacles for refugees' economic integration. With regard to this, SMA representative suggested that refugees from Iraq and Azerbaijan be looked upon separately when discussing the unemployment issue. NC participants from the Ministry mentioned that there are 10 marz and 41 territorial 'State employment services' in the republic which can

be approached by any employment seeker. According to article 7 of RA law on 'Social protection of population in the event of employment and unemployment', refugees can apply to marz or territorial centre of 'State employment services', available in their areas of residence, receive a status of an unemployed, and according to article 29 of the above law, also get allowance for unemployment - a sum equivalent to the 60% of the minimum salary. Further, refugees, considered as unemployed or/and persons with poor chances in labour market, can be involved on the following programs realized by 'State employment services':

1. Vocational training, including student' s scholarship in the course of the entire training
2. Salary compensation program (for every employed person, the employer is given compensation which makes 50% of the salary defined by the employer, bearing in mind that the sum should not exceed the minimal monthly salary.
3. Program on financial assistance for state registration in order for the involvement in business activities
4. Program of covering expenses for persons working more than 30 km away from their places of residence
5. Program of payable public jobs.

It is due to mention that the number of refugees that have expressed interest in the programs carried out by State employment service, is quite low, one of the main reasons for which is the lack of public awareness. All group participants confirmed the significance of dissemination of information on such programs among refugee communities.

72. Closely related to unemployment is improvement of the skills of refugees to be eligible for better job opportunities. The head of the refugee department of SMA mentioned that refugees' skills for fuel production are not relevant in Armenia. Also those arriving from urban areas may face job problems if they are resettled in rural areas. The representative from "Mission Armenia" concluded that it is obvious that the knowledge and skills of refugees should be improved and adjusted to the local conditions. The trainings provided by Mission Armenia are not enough to cover the variety of job opportunities. The representative from the Ministry of Labor and Social Affairs replied that the ministry offers such training courses for improvement of the skills of refugees but again they receive only few applications. The group agreed that donors and other national and international partners as well as NGOs, should ensure different projects targeting vocational training needs for refugees while widening the choices of professions.
73. The group also discussed the possibility of getting micro credits or funds with minimum collaterals. The representative of SMA replied that banks will not be willing to provide funds without being satisfied of business plans of applicants. The representative from 'Our home is Armenia' NGO suggested developing projects on small businesses taking into account the realization of the produced products. The NGO resources should be directed to the training of refugees for making business plans and purposely using the received funds. The representative of SMA stated that currently the state implements certain programs that can increase the self-reliance of refugees but they are few in

number and regions. The group recommended increasing the number of self-reliance projects both in rural and urban areas and their geographic scope of implementation.

74. Within the context of economic integration there is an existing gap in the field of higher education. The group concluded that the rights of refugees and locals to higher education benefits should be equal.

PLENARY DISCUSSION

75. The Deputy Head of SMA highlighted housing as the most pressing need. He noted that with the current government budgets, only 80 households a year can be assisted through government funding, implying that it will take over 20 years to assist refugee families. He felt that support from the international community is greatly needed to resolve the housing needs. He further noted that some of the communal centers which accommodate refugees are in dire conditions. He encouraged funding to be made available for renovation of the communal centers.
76. UNHCR's Representative noted that shelter had been brought up as a pressing problem in the discussions. She emphasized that the problem has persisted for more than 20 years since the arrival of refugees from Azerbaijan and that it is first and foremost a state responsibility to address it. She further suggested that the shelter gap is addressed collectively through the involvement of all stakeholders. She conveyed that it will not be realistic to expect UNHCR to have funds to continue to provide shelter for naturalized refugee who have been in Armenia for more than 20 years. She encouraged stakeholders to look at innovative ways to address shelter needs.
77. The representative of UNIDO encouraged the government to continue the housing strategy while at the same time look for alternative approaches. She suggested involving the private sector for assistance, e.g. through tax incentives.
78. A representative from Mission Armenia highlighted that some of the communal centers are in such dire state that they cannot be renovated. He suggested that rather than renovating communal centers, a more strategic approach should focus on solving the housing problem by getting apartments to refugees – e.g. through allocation of a set number of apartments for refugees in large newly constructed housing complexes.
79. A representative from UNHCR also highlighted gaps in the education sector as pressing issues to be resolved. Mission Armenia's representative agreed with this and noted that Mission Armenia has successfully carried out projects to support children from refugee families in their education, e.g. through tutoring.
80. A representative of WFP emphasized the need for expanding employment opportunities for refugees. She suggested that paid public work programmes, such as work for unemployed to undertake road renovations or creation of parks, would help both individual refugees as well as communities. The Employment State Services (ESS)

additionally informed that in order to provide temporary jobs to unemployed persons, paid public services jobs are offered and refugees who are registered in the ESS can benefit from this as well.

81. The president of Our Home Armenia reiterated that socio-economic integration should be at the top of the priority list, as well as addressing legal and rights-based issues. He highlighted that many social problems are also shared by Armenians, but that refugees are more vulnerable and not included in government policies as a priority group. He noted that refugees should have free of charge access to judiciaries and state administration entities to facilitate local integration in Armenia. He further encouraged other states to facilitate the movement of refugees residing in Armenia who want to travel to other countries using the Convention Travel Document.
82. UNHCR's Representative added that refugees arriving from different cultures and with different languages than the host population are likely to experience difficulties in integration. She suggested that host communities are sensitized to reduce stigma on refugees and that schools integrate activities to promote tolerance.
83. UNHCR's Representative presented a summary of final recommendations.

CLOSING REMARKS

84. The representative of SMA thanked UNHCR for organizing the consultations and extended his gratitude to the international community for the relentless work in addressing the needs of refugees. He expressed his hope and expectations that the consultations will lead to a successful outcome and even more positive results in the efforts to fully integrate refugees into Armenian society.
85. UNHCR's Representative thanked all participants for their contributions towards the rich and fruitful discussions. She noted with satisfaction that the participants had shown much interest in finding concrete recommendations to address gaps, with discussions continuing during coffee breaks and over lunch and further demonstrated with high attendance over the two-day meeting. She emphasized the importance of partnerships in the holistic and collaborative approach, requiring the commitment and continuous support of all present.

ANNEXES

- Annex 1: Matrix of gaps and recommendations**
- Annex 2: Participants list**
- Annex 3: Agenda**

Annex 1: Gaps and Recommendations Matrix

Admission	
Gaps	Recommendations
Strengthening national legislation	
Asylum seekers are not clearly exempt from prosecution for illegal entry into the territory of the Republic of Armenia (RA) by Criminal Code and risk to be refouled.	<p>The Government of Armenia (GoA), with support of UNHCR and other relevant partners, including academic legal specialists, to analyse the legal framework relating to aliens and refugees (beyond the Law on Refugees) with a view of harmonizing legislation pertaining to rights of refugees and asylum seekers, specifically introducing amendments that ensure that the principle of non-penalisation is consistently recognised in legislation and administrative practice.</p> <p>The GoA, with support of UNHCR, to develop knowledge of prosecutors on refugee protection in relation to criminal legislation for cases of unlawful entry.</p>
Identification and referral of asylum seekers	
There are no clear obligations and procedures for border guards for the identification of asylum seekers and no mechanism has been established regarding the referral of asylum seekers. Border guards have inadequate knowledge about asylum law, RSD procedure and the role of SMA.	<p>UNHCR and other relevant partners to continue training programmes for border officials to enable them to effectively and efficiently identify persons seeking international protection and refer them to the appropriate protection processes.</p> <p>UNHCR to provide technical assistance to the GoA in the drafting of clear standard operating procedures and guidelines governing those responsible for receiving and admitting refugees and asylum seekers. The guidelines, among other things, to indicate:</p> <ul style="list-style-type: none"> • respective roles and responsibilities of the various authorities including NSS and SMA; • establishment of Response Team consisting of National Security Service and SMA representatives operating in border areas to enable a prompt response to cases of unlawful entry; • GoA to consider establishment of migration services (SMA's)

<p>UNHCR has limited information on the situation in the border.</p>	<p>presence at the main border crossing points.</p> <ul style="list-style-type: none"> • access to border crossing points by UNHCR and humanitarian partners. <p>The Law on Refugees as well as the Law on Aliens includes the right of <i>non refoulement</i>. This right is however not included in the Law on State Borders or in the Law on Border Guards. A legal amendment is needed to establish a link between asylum law and border regulations.</p>
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Refugee Status Determination	
Gaps	Recommendations
Improving the legal framework and procedures governing RSD	
<p>The duality of processing asylum claims (temporary asylum status (TA) & refugee status).</p> <p>Complementary form of protection is used separately from the main RSD procedure. Those who were granted TA status could qualify for refugee status. There is a lack of transparency and information on the different statuses and related rights when applying for asylum.</p> <p>The negative decision on an asylum seeker's claim is not well-reasoned, hampering their effective appeal.</p>	<p>Although the draft Law on Refugees addresses this gap by abolishing the distinction between TA status and refugee status, other legal frameworks will need to be amended after adoption of the Law on Refugees. GoA with the assistance of UNHCR to conduct comparative study of legal provisions affecting asylum, and propose amendments to address all legal contradictions that affect refugee and asylum seekers rights.</p> <p>SMA should give asylum seekers the possibility to apply for TA status or refugee status and should duly inform them about the difference, their rights and obligations.</p> <p>GoA to ensure that negative decisions on asylum claims should be justified and well substantiated. A standard format to be elaborated and annexed to the relevant bylaw. UNHCR to provide technical advice.</p> <p>GoA, with the support of UNHCR and other relevant partners, to strengthen capacity of the judiciary, through training of judges, development of guidelines and</p>

Absence of group recognition mechanisms for prima facie refugees in mass influxes.	development of user friendly, well structured jurisprudence system for precedent setting and uniform application of the law. Preparation of emergency plan in case of mass influx under the coordination of the government, involving all relevant stakeholders. The plan to include group recognition for prima facie refugees.
Strengthening the capacity of the SMA	
Absence of standard operating procedures and guidelines that eligibility and registration staff can refer to.	GoA, with the support of UNHCR and other relevant partners, to strengthen the capacity of SMA, through training of SMA staff on human interaction and the elaboration of guidelines on standard operating procedures for SMA staff responsible for registration and determination of refugee status.

Status Related Issues	
Gaps	Recommendations
Status Related Issues	
<p>Absence of ID card for asylum seekers during the appeal process.</p> <p>TA holders are not entitled to Convention Travel Document (CTD). Absence of the provision for derivative status for refugees' family members.</p> <p>Cases of unregistered births.</p>	<p>GoA to ensure that asylum seekers are provided with identity documents during the consideration of appeal in order to be protected against removal pending a final decision on their case, through the extension of the validity of the asylum seekers' ID card. Provide a leaflet with the ID card indicating the rights and obligations of asylum seekers.</p> <p>The new amendments to the Law on Refugees, if successfully incorporated, will eliminate the distinction between TA holders and refugees. Those currently having TA status will obtain refugee status after adoption of the law and thus be entitled to a CTD. Furthermore, the draft law provides for derivative status for family members of refugees.</p> <p>GoA with support of child protection agencies, to document obstacles to birth registration, design and implement strategy to resolve the issue of non registration.</p>

Health Care/SGBV	
Gaps	Recommendations
Prevention from violence	

<p>Absence of effective reporting and response mechanisms on SGBV.</p> <p>Insufficient knowledge of stakeholders dealing with asylum and refugee issues about SGBV.</p>	<p>GoA, with the assistance of UNHCR, donors and other relevant partners to develop a strategy for elaborating an effective reporting and response mechanism.</p> <p>GoA with relevant partners to strengthen the capacity to respond to and prevent SGBV, of all actors involved in the multi-sectoral response.</p> <p>UNHCR to share relevant international best practices.</p> <p>UNHCR and specialized agencies to disseminate information to the population of concern on smuggling, trafficking, SGBV and other form of abuse.</p> <p>GoA, supported by international agencies, to explore possibility of establishing enhanced cross-border cooperation to prevent trafficking.</p>
Health care	
<p>Access to free health care services is not sufficient.</p> <p>There are clear indications that many refugees face post trauma syndrome and display signs of serious distress, that have been left unanswered.</p>	<p>GoA to ensure proper implementation of the Law on Health Care for health care providers, by which refugees and asylum seekers have access to free health care on the same terms as nationals.</p> <p>UNHCR, donors and other relevant partners to assist the GoA in the provision of health care to the population of concern through a rights-based advocacy approach and jointly elaborated effective referral mechanisms.</p> <p>Refugee statistics to be incorporated into government health statistics to reflect the specific needs of refugees, and integrate refugees into all ongoing health programmes.</p> <p>Governmental institutions, civil society and international organizations to design educational tools to increase tolerance towards different ethnic groups/refugees. Additionally, to develop coordinated response to improve psycho social support mechanisms provided to both the refugee and the local population.</p>
Social integration	
Gaps	Recommendations

Basic needs	
<p>Basic needs (social and community services) of the vulnerable refugees are not met. There is no funding available to ensure delivery of sufficient assistance by both the GoA and UNHCR.</p>	<p>Refugees in rural areas and those living in dormitories are generally in a much more vulnerable situation. GoA with the assistance of relevant partners to develop mechanisms to identify the most vulnerable persons and address their needs through the community based approach.</p> <p>The GoA to increase responsibilities of local self-governance bodies through legislative changes enabling them to identify basic community needs and address those needs through the funds ensured for the community.</p> <p>The GoA, civil society and international organizations to further develop the institute of social work through capacity building and training of social workers.</p> <p>GoA to incorporate refugee issues in the new draft social welfare policy.</p> <p>Promote community participation in social/community activities.</p>
Access to shelter	
<p>Lack of shelter is a life threatening issue in Armenia characterized by a very harsh climate. The legal provisions are not clear about provision of housing to individually registered refugees and TA holders. In addition, in practice the government lacks capacity to provide housing to those in need of housing.</p>	<p>UN agencies, NGOs and other relevant partners to support the government's social housing system and explore innovative avenues to address the gap in housing for refugees, e.g. consider designing favorable loan conditions for refugees to meet their shelter needs, motivate local investments through tax policy, explore prospects for assistance through the private sector and develop the system of rental subsidies for TA holders and provide support to extremely vulnerable.</p> <p>GoA with the support of relevant partners, to explore possibilities for improvement of living conditions in communal centers aimed at future privatization.</p> <p>Social and legal counseling for refugees to explain their rights to shelter/property rights and facilitate the exercise of these rights.</p>
School attendance	
<p>School drop out rate of children from refugee families is 2-3 times higher than that of nationals. The need to do seasonal work</p>	<p>GoA, UNHCR and child protection agencies to identify obstacles to school attendance and propose measures to overcome them through participatory assessments.</p>

<p>(particularly in rural areas), poor heating, lack of text books and clothing and stigmatization are among the key causes of the dropout. In some cases, children fail in school because of a language barrier, and parents are unable to supervise their home work for the same reason. Schools suffer from a scarcity of furniture, lack of learning/teaching materials, and insufficient laboratory equipment.</p>	<p>GoA with the support of UNHCR, international and national partners, to develop pre-school training programs, including language training, for refugee and asylum seeking children and adolescents.</p> <p>GoA, supported by relevant stakeholders, to promote social integration projects in schools and implementing community based projects to address cultural barriers in school and tolerance education to encounter stigmatization.</p>
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Economic Integration	
Gaps	Recommendations
Access to employment	
<p>One of the main obstacles to refugee integration is the lack of economic opportunities; unemployment rate is particularly high in all age and gender groups. Refugees have few opportunities to improve their skills through vocational training and have also few opportunities to benefit from income generating projects.</p> <p>Refugees do not have the possibility for reimbursement of funds lost after the collapse of the USSR.</p>	<p>UNHCR and relevant NGO partners to disseminate information to refugees about employment projects that refugees could benefit from through the Ministry of Social and Labour Issues.</p> <p>GoA, with the support of UNHCR and other partners, to consider increasing access of refugees to vocational training and subsequently micro-credit.</p> <p>GoA, UNHCR and other international and national partners to develop strategy to increase the self-reliance of refugees, for example through increasing the availability of micro credit projects. The effective participation of refugees (including women and adolescents) and host communities in the design and development of self-reliance and vocational training programmes must be ensured.</p> <p>GoA to consider increasing allocated resources to public paid works in refugee-populated communities based on previous positive experiences.</p> <p>GoA, in particular the Ministry of Social and Labor Affairs, to include refugees in the priority list for the reimbursement of funds lost after the collapse of the USSR.</p>
Access to higher education	

<p>Refugees as well as persons granted with temporary asylum status are considered as foreigners in the RA and are not entitled to higher education on the same terms as nationals. There are limited opportunities for scholarships offered by the local higher educational institutions.</p>	<p>The GoA with the support of UNHCR and international partners to review its legislation and develop mechanisms so that refugees are considered on equal footing with nationals and to provide mechanisms for its implementation.</p>
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Annex 2

The list of participants

H.E. Armen Gevorgyan-Deputy Prime Minister
Mr. Uffe Holst Jensen-Head of Operations and European Neighborhood Policy Section, Delegation of the European Commission to Armenia
Mr. Gagik Yeganyan-Head of State Migration Agency
Mr. David Hakobyan-Deputy Head of State Migration Agency
Mr. Ara Harutyunyan- State Migration Agency
Mr. Petros Aghababyan- State Migration Agency
Mr. Mkhitar Mnatsakanyan- Chairman of the NA Standing Committee on Protection of Human Rights and Public Affairs
Mr. David Melkonyan-Adviser to the Speaker of National Assembly
Ms. Dziunik Aghajanyan-Head of UN and International Organizations Department, Ministry of Foreign Affairs
Ms. Hasmik Simonyan-Ministry of Foreign Affairs
Ms. Ani Kocharian- Ministry of Foreign Affairs
Mr. Arthur Sargsyan-Consulate Department, Ministry of Foreign Affairs
Mr. Armen Sanoyan-Ministry of Justice
Mr. Rolan Yuzbashyan-Ministry of Justice
Ms. Naira Bubushyan-Ministry of Labor and Social Affairs
Ms. Liza Ghiasyan-Ministry of Labor and Social Affairs
Mr. Grisha Mnatsakanyan-Ministry of Health
Mr. Artur Tsaturyan-Judge of Administrative Court
Mr. Stepan Vardanyan-Police of Republic of Armenia
Mr. Karen Avetisyan-National Security Service
Mr. Arman Khachatryan-Office of Human Rights Defender
Mr. Eduard Polatov- Office of Human Rights Defender
Mr. Vahan Bournazian- Assistant Dean of Law Department American University of Armenia
Ms. Qnarik Vardanyan-Yerevan State University
Ms. Tamara Yayloyan- Lecturer of Law Department, Progress University of Gyumri
Ms. Anahit Stamboltsyan- Dean of Law Department Progress University of Gyumri
Ms. Azniv Grigoryan- Open University of Armenia
Ms. Geghetsik Grigoryan- Dean of Law Department, Open University of Armenia
Mr. Hayk Hayrapetyan-Armenian Red Cross Society
Ms. Hripsime Kirakosyan-President of Mission Armenia NGO
Ms. Inesa Balughyan-Board Member of CRINGO
Ms. Susanna Vardanyan-President of Women's Rights Centre NGO
Ms. Alla Harutyunyan-Mission Armenia NGO
Ms. Tanya Dashyan-Mission Armenia NGO
Mr. Armen Bejanyan-President of Armenian Center for Health and Education NGO

Ms. Narine Poghosyan- Psychologist, Armenian Centre of Health and Education NGO
Ms. Narine Nersisyan-YMCA Shelter NGO
Mr. Nikolay Babajanyan- Novoe Vremya, Newspaper reporter
Ms. Marta Akhnazaryan- Golos Armenii, Newspaper reporter
Ms. Anna Sargsyan
Ms. Galina Barkhudaryan
Ms. Liza Daniel Toros
Mr. Ralph Yirikian-VivaCell, General Manager
Ms. Lisa Kierans-US Department of State, BPRM
Mr. Karen Nahapetyan-Project Management Assistant USAID/Armenia
Mr. James Reynolds-ICRC Head of Delegation
Ms. Naira Sargsyan-UNAIDS Officer-in-Charge
Ms. Alla Bakunc-UNDP, Portfolio Manager
Ms. Armine Haladjian-UNDPI Officer-in-Charge
Ms. Consuelo Vidal-UN Resident Co-ordinator
UNDP Resident Representative
Ms. Aida Ghazaryan-UNFPA Program Assistant
Ms. Gayane Nasoyan-FAO
Ms. Nune Hovhannisyan-ILO National Co-ordinator
Mr. Tigran Avagyan-WHO
Ms. Lola Castro-WFP Representative/Country Director
Ms. Ilona Ter-Minasyan-IOM Head of Office
Ms. Anahit Simonyan-Head of UNIDO Operations
Mr. Hayk Khemchyan-Child Protection Officer, UNICEF
Ms. Dietrun Gunther-Senior Protection Officer, UNHCR Moscow
Ms. Camilla Kragelund-Associate Programme Officer, UNHCR Geneva
Ms. Zalina Kochenova-Programme Assistant, UNHCR Vladikavkaz
Ms. Bushra Halepota- UNHCR Representative, Armenia
Ms. Hanne-Meike Grol- Protection Officer, UNHCR Armenia
Ms. Armine Karakhanyan-UNHCR Armenia
Ms. Susanna Grigoryan-UNHCR Armenia
Ms. Lilit Harutunyan-UNHCR Armenia
Ms. Anahit Hayrapetyan-UNHCR Armenia
Ms. Marine Shahbazyan-UNHCR Armenia
Ms. Rosa Minasyan- UNHCR Armenia
Mr. Mher Arshakyan- UNHCR Armenia
Mr. Tigran Kuchukyan- UNHCR Armenia

Strengthening Capacity to Protect Refugees in Armenia

National Stakeholders Consultation
(Hotel Marriott Armenia, Yerevan)

November 6-7, 2008

Objectives: The consultations shall serve to analyze achievements and remaining gaps in the Armenian refugee protection system, identify suitable actions to be taken and the need for support mechanisms.

Agenda

Day 1

09:00–09:30 Registration

09:30–10:10 Opening remarks (with media coverage)
Deputy Prime Minister *Mr. Armen Gevorgyan*
UNHCR Representative *Ms. Bushra Halepota*
EU Representative *Mr. Uffe Holst Jensen*

10:10-10:30 UNHCR Armenia video

10:30-10:50 Coffee break

10:50–11:10 Objectives of the Consultations, overview of the work and lessons learned in the implementation of the Strengthening Protection Capacity Project in other countries

11:10–11:20 Organizational matters

11:20–11:45 UNHCR observations on progress made and key remaining gaps in the national legislative and administrative framework governing the admission and granting of asylum to refugees in Armenia

11:45–12:30 Discussions

12:30–13:30 *Lunch*

13:30–15:30 Working groups on the national asylum system

Working Group 1: Admission

Working Group 2: Refugee Status Determination

Working Group 3: Status Related Issues

Coffee break served during the working groups

15:30–16:30 Working groups report back to plenary and discussion

16:30–16:45 Wrap up and recommendations from Day 1

17:00 *Reception*

Day 2

09:30–09:40 Introduction of the day's proceedings

09:40–10:10 UNHCR observations on progress made and key remaining protection gaps in the national asylum system as related to the local integration of refugees

10:10–11:00 Discussions

11:00–13:00 Working groups on integration challenges

Working Group 1: Health and Protection from Violence

Working Group 2: Social Integration

Working Group 3: Economic Integration

Coffee break served during the working groups

13:00–14:30 *Lunch*

14:30–15:30 Working groups report back to plenary and discussion

15:30–16:00 Presentation of final recommendations and closing remarks