

Concept Note

Quality Initiative in Eastern Europe and the South Caucasus (QIEE)

2018 and beyond

I. INTRODUCTION AND OBJECTIVE

As part of its supervisory responsibility under Article 35 of the 1951 Convention, UNHCR supports signatory states around the world to develop and improve asylum systems and related legal frameworks. A quality initiative project is one form of UNHCR's collaboration with asylum and other relevant authorities to jointly develop mechanisms to regularly monitor and review asylum decisions and related processes with a view to maintaining high quality standards throughout the entire state asylum system.

The QIEE is one of such projects, aimed at promoting the protection of refugees and asylum-seekers in **Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine** by providing capacity building opportunities to the first instance, judges, border officials and legal practitioners both at the country and regional levels. Although different in the level of achievements, certain structures and legal setup, the QIEE countries continue to share common challenges in regard to asylum, which include, but are not limited to, the impact of national security considerations on asylum decisions, staff turnover and lack of social recognition of asylum personnel, limited exposure of the judiciary to asylum cases and often negative attitudes of the population towards refugees and asylum-seekers. Their common historical background, experience of building asylum systems within a short period since 1992, and remaining political, economic and social ties amongst these states, continue to render their participation in the continuing QIEE relevant.

Phase I of the project, 2013-2015, focused primarily on the improvement of quality, through improved capacity building and better use of Country of Origin (COI) Information in the native languages and Russian by the first instance entities of the participating countries. For the Phase II, 2015-2017, the target groups were expanded to include judiciary, border guards and legal aid providers/lawyers. In 2016, in response to the request of the participating governments to continue the QIEE, as a useful capacity building and quality enhancing tool, recognising the value of the regional experience sharing and competition asylum forum in Eastern Europe and in line with the supervisory role of UNHCR the country offices agreed to continue the Quality Initiative in the region beyond the end of the Phase II.

II. DURATION AND IMPLEMENTATION CYCLES

The project remains an ongoing set of activities implemented under UNHCR supervisory responsibility. The implementation and evaluation of the QIEE will be done based on a multi-year cycle, which, while considering the specific situation of every country, will commence and finish with a comprehensive evaluation of progress and development of revised implementation plans. An interim review, validation and adjustment of implementation plans at national and regional levels will continue taking place periodically. It is envisaged that, depending on the progress made in each participating country, the framework for implementation, will be revised accordingly.

III. AREAS OF IMPLEMENTATION OF QIEE

As noted above, the project will continue being implemented on both country and regional levels. It is widely recognised that the country level implementation allows for the needs for each particular country to be duly assessed and implementation plans and priorities, including the capacity development activities and tools as defined in further sections of this paper, custom-set to address the issues of most relevance for each of the QIEE countries. However, both UNHCR and the participating countries' governments have expressed their support towards the regional-level implementation of the project, which makes the QIEE unique when compared to the numerous quality initiatives undertaken by many governments and UNHCR operations around the world. The regional component not only offers an opportunity to utilise the available limited resources in a more streamlined manner, but permits the countries involved in the project to seek each other's advice, compare achievements and exchange experience. It builds a stronger community of asylum professionals in the region, creates stronger ties and sustains a healthy competition vector, which leads to achievements and sustainable progress in the area of asylum in each of the countries and the region as such.

The project will continue to aim at the development and improvement in three interrelated key thematic areas for all four target audiences: first instance officials, judiciary, border officials and legal aid providers:

Quality Assurance - Improvements in fairness and efficiency through the introduction and/or monitoring of implementation of quality assurance mechanisms, including SOPs, checklists, standardised TORs and learning instruments with measured testing/results for all target audiences involved in the QIEE.

Capacity Building –Improvements in the knowledge and expertise of all target audiences involved in the QIEE through training facilitated by UNHCR on regional and national levels.

Country of Origin Information (COI) - Refworld in Russian was launched in 2013 to provide accurate, impartial and up-to-date COI from a variety of sources and shall continue being developed to ensure access and availability of relevant and quality COI in Russian. Where needed, the relevant COI reports will also be translated into the national languages by UNHCR country offices.

IV. PROJECT FORMAT

Notwithstanding, different country conditions and issues at hand, the following elements of the project are believed to be of relevance to all six countries of QIEE. Specific tailoring to the needs of each country will be individually performed through country assessment and progress analysis drafting, with individual country implementation plans that will feed into the regional implementation plan for the next cycle of the QIEE. (Please refer to the Next Steps section of this paper for more details on this)

- 1. National RSD Experts (NRSD):** are embedded in the first instance authorities of each country and remain a crucial element of the implementation of QIEE. Although some diversity in the format of involvement is envisioned in line with the national structure of the asylum authority, and in some instances the NRSDs are expected to closely work with the existent government Quality Assurance Units, the NRSDs will continue their work in: (a) on-going monitoring of access to procedure and quality of RSD decisions, as well as follow up with constructive feedback and mentoring; (b) organisation of national-level trainings, which could be delivered with support from the RPSU; and

(c) development of quality assurance tools with support from the RPSU. It is considered for the positions to be incorporated in the regular staffing structures as of 2019, depending on the national context.

2. **Development of Quality Framework for First Instance, Border Officials, Judges and Lawyers:** to include (A) First Instance Level: Creation and monitoring of Quality Assurance Units; Development and implementation of Induction and regular ongoing training; Mentoring programmes for the new eligibility staff; Guidelines, information and evaluation checklists, instructions, and SOPs; Regular staff meetings to discuss cases or particular topics; Judicial updates; structure and checklists for the management review; (B) Border Officials: checklists on identification of asylum-seekers and most vulnerable cases, referral procedures, training activities embedded in the national systems; (C) Judiciary: checklists for judges working on asylum cases; control mechanism to respond to judicial guidance which will develop once judges are more knowledgeable and pro-active in their review of first instance decisions, workshops and exchanges; (D) Lawyers: SOPs for representing asylum cases in the court; quality standards and checklist for court appeal, training programmes and activities related to asylum.
3. **Training curriculum:** UNHCR expects that the project will experience a shift within its implementation towards the establishment of sustainable national training mechanisms for first instance professionals, judiciary, border guards and legal aid providers. UNHCR will continue being closely involved with monitoring quality and training the trainers, as well as curriculum development. UNHCR will also continue regional and national trainings and exchanges with international experts in the relevant areas and continue using EASO training curriculum in the region as the current basis for the training, while other relevant materials and programmes are being developed.
4. **Internal Audit Mechanisms:** setup of joint internal audit mechanisms at first instance level, where both UNHCR and government counterparts may participate in decision-making process will be considered in some countries of the QIEE, while creation and/or support of QA internal units/focal points and structures will remain the focus of the project in the others.
5. **Intraregional cooperation:** more focus on intraregional developments through study visits and exchanges as well as involvement of experts from the six QIEE countries in trainings within the region is expected to follow in the nearest future, as opposed to the visits outside the QIEE region. While regional conferences will continue, these will be used as a forum for exchange of experience and challenges for a limited number of target audiences present or as training activities.
6. **Improved access to quality COI:** within the auspices of the Russian Refworld, RPSU will continue translating, disseminating and training on relevant COI in the region. Additionally, the RPSU will share the lists of most relevant documents with the UNHCR country offices, which will, where relevant, ensure the availability of these materials in the national languages. Study visits, exchanges, trainings and webinars on relevant COI topics of relevance will also continue throughout the duration of the QIEE.

V. PROJECT PARTICIPANTS

- (a) **Judges:** As the safeguard of the fair and efficient procedure, **judges** will remain the main target of the regional activities of the QIEE. Since the regional activities for the judiciary have only

started a year ago, the field for exchanges and experience sharing among the judges from the region remains only somewhat explored. UNHCR will, therefore, retain the focus on organising regional activities for the judges to ensure such forum remains and widens, in addition to the national level judicial trainings and development of training curricula on asylum in the participating countries. Regionally, UNHCR will organise EASO trainings (ToT) for judges, study visits to countries in and outside of the region and ensure that the judges of the QIEE countries have an opportunity to attend the events of the IARLJ and become members of the association. This will continue to be implemented through translation and dissemination of IARLJ materials, financial and otherwise support for joining the Association, involvement of IARLJ trainers in national activities, development of national training curricular with the involvement and support of the IARLJ judges, etc.

- (b) **First instance** authorities remain integral to the development and implementation of quality RSD procedure and will remain at the heart of the project as such. After participating in more than 30 regional activities organised under the auspices of QIEE since 2013, 2018 will mark a year for more national-centred monitoring, on-the-job training and capacity building of the asylum systems. The National RSD Experts working with the first instance authorities will remain crucial for this element of the project. Additionally, there will be some regional activities to continue to target particular areas of concern to the region as a whole. These will include thematic RSD-related meetings or roundtables involving first instance and other authorities of relevance, on the topics of particular relevance to the region as a whole will be jointly decided by RPSU with the national offices. The implementation of EASO curriculum will also continue on the national level. The main focus of regional activities for first instance, in addition to these trainings, will be creation and implementation of sustainable quality tools and training programmes on national and regional levels, such as the induction programme for the new recruits. Additionally, UNHCR will continue organising regular end of cycle conferences to take stock of the achievements and discuss the ways to tackle remaining issues at the regional and national levels.
- (c) **Border guards** from the region will have an opportunity to meet again at the annual regional training and study events. In 2018 such event will take place in Batumi, Georgia and will pilot a training curriculum for the border officials developed in collaboration with Frontex certified trainers to be replicated in the national context in regard to access to territory and procedure. Additionally, a set of focused national-level training activities will continue being implemented throughout the countries of the QIEE with the involvement of Frontex trainers and experts. Further possibilities of closer collaboration with Frontex are currently being explored in order to ensure a more comprehensive and sustainable regional QIEE for border guards to include tools, publications, joint monitoring, along with other related activities.
- (d) **Legal professionals** will benefit from regional and national rollouts of EASO trainings in each of the countries, as well as continued focused trainings on the national level. The need for experience exchange and access to key refugee law professionals will continue being developed through regular yearly conferences for legal aid professionals of the region. In addition, a Russian-language exchange platform moderated by a lawyer from the region to foster training/exchange/advice will be launched towards the middle of 2018, as well as quality and standards for legal assistance in the area of asylum.

VI. PARTNERSHIPS

- (i) **Partner Countries Exchanges:** Sweden and Germany will continue their partnership with the six QIEE countries. UNHCR intends to look for options for closer twinning relations and experts exchanges with these two countries as well as larger involvement of UNHCR experts in different fields of relevance. More emphasis on internal exchange within the region will also be pursued.
- (ii) **European Asylum Support Office (EASO):** EASO remains the main training partner for the QIEE through the translation of its RSD-related modules into Russian and some of the national languages and implementation of blended learning modules for various target groups, including those of judiciary and first instance authorities, on the regional and national level. Selection of the relevant modules for regional activities will be done in close consultation with the UNHCR country offices and participating governments. RPSU will also continue negotiating with EASO on ensuring the availability of the relevant modules in some of the national languages of the region, in addition to Russian, as well as UNHCR's involvement in commenting on relevant modules.
- (iii) **International Association of Refugee Law Judges (IARLJ):** IARLJ has been the main judicial partner of QIEE in organizing national and regional workshops and conferences for judges. The collaboration will continue to include: (a) training-of-trainers for judges on refugee law and jurisprudence; (b) providing guidelines and checklists for judges reviewing appeals on first-instance RSD decisions; (c) providing a forum for experience-sharing with counterparts from other judicial systems; and (d) participation in IARLJ European and world conferences.
- (iv) **European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex):** Frontex will continue partnering with UNHCR in provision of experts and co-organisation of trainings for the first contact officials in the region. Further collaboration through translation of relevant materials, development of checklists and tools, and learning initiatives, will be further pursued for the region.
- (v) **Law Firms:** QIEE organised a pilot project on legal training for legal representatives working on asylum cases with DLA Piper Pro Bono Department. National trainings on soft skills were offered in a number of QIEE countries by international legal experts in order to improve the quality of legal representation for asylum cases in the region. Similar initiatives for the legal professionals with the aim of improving legal representation skills in the region are being contemplated for further replication.
- (vi) **ECRE/ELENA:** UNHCR will continue working with ECRE/ELENA network of lawyers to organize relevant seminars and trainings for the legal professionals representing asylum-seekers and refugees, including state free legal aid service providers. Additionally, a platform for lawyers from the region, who speak Russian, would be developed and launched in early 2018 to facilitate exchange of experience in the region and outside its borders.

(VII) NEXT STEPS

Needs Assessment and Progress Analysis: the next stage of the QIEE implementation will commence at the end of 2017 with an assessment of current gaps within the asylum systems in the region and drafting of implementation plans for the regional and national activities by UNHCR (national offices and RPSU jointly). The draft assessments and plans will then be shared and discussed with the relevant stakeholders participating in the project (1st instance, judges, border officials) and endorsed by all participating parties. The particular timelines will be developed for each country individually, to allow

for flexibility required by each of the asylum systems involved. The discussion and endorsement of plans may be done within the framework of the Project Implementation Board (PIB), depending on the needs and setup of QIEE implementation in each of the participating countries. It is expected that the progress analysis and implementation plans are finalised and endorsed by all parties concerned by the end of February 2018.

Regional Assessment of Progress: At the regional level, the RPSU will develop tools for assessing the progress of both the individual stages of the asylum procedure, as well as the asylum systems as a whole. The results of these tools will serve as the basis for comprehensive assessment of the QIEE impact on national and regional level and promote a synchronized approach to monitoring and evaluation of asylum systems in the region. The first set of tools to include tools for assessing quality of interviews, 1st and 2nd instance decisions, legal representation, identification of vulnerable persons and quality of interpretation will be made available before the end of the first quarter of 2018, while the comprehensive systems assessment tool and additional measuring tools will remain in development. Additionally, RPSU is working with the UNHCR proGres v.4 team to finalise the data collection via the means of proGres v.4 database and expects to have in place all the necessary technical elements necessary for regional monitoring of QIEE implementation by the end of the first quarter of 2018.

(VIII) ASSESSMENT AND MONITORING

UNHCR will continue assessing the progress and suggesting ways of improving quality of asylum system through development of comprehensive assessment tools with clear benchmarks and progress indicators. The outcomes of such assessments will be used for determining the direction of the QI in the future. Set of regional tools will be made available to the authorities and UNHCR offices in the field in 2018. Currently, a standard set of events to monitor the results of the QIEE by the national teams is about to be launched through the use customised module for government processes of proGres v.4 in the region. This is done in two ways: (a) development of systematised event tracking tool, that would be the same for the 7 countries (QIEE+RF); and (b) development and launch of a customised modules for these countries that will track all of the government activities in a systematic manner. This module should be available this upcoming March and is developed by the development team in Copenhagen in close collaboration and consultation with RPSU and the DIP. Similarly, UNHCR will offer quality assessment tools legal professionals, RSD at first instance and checklists for the judges throughout the next cycle of the project.

(IX) COMMUNICATIONS AND INFORMATION MANAGEMENT

The project will continue issuing publically available newsletters (3 times per year), maintaining regular updates of the QIEE and asylum-related news on its website: www.refworld.org.ru/qiee.htm, and Facebook site: <https://www.facebook.com/UNHCRQIEE/>, issuing analytical and statistical factsheets on the trends in the region, and regional progress assessments for the QIEE implementation. Exchange of materials and tools between the countries will be elaborated through creation of an online platform (internal and external), development of print materials containing checklists and instruments for each of the target audiences, featuring best practices existent in the QIEE countries and the experience of other QI projects in Europe and Latin America. It will be assessed how these communication tools are contributing to meeting the overall objectives of the QIEE and further improvements will be made accordingly.

(X) IMPLEMENTATION TEAM

The project will continue being implemented by UNHCR offices in the participating countries and coordinated through the UNHCR Regional Protection Support Unit (RPSU) of the Bureau for Europe.