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**FORTY SEVENTH PLENARY SESSION OF THE PABSEC GENERAL ASSEMBLY
LEGAL AND POLITICAL AFFAIRS COMMITTEE**

REPORT*

**«Problems of Refugees, Displaced Persons and Irregular Migrants in the
BSEC Member States – Political Aspects»**

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I. INTRODUCTION

1. The Forty Sixth Meeting of the Committee, which took place in Varna on 5 October 2015, underlined urgency and complexity of the refugee issue and, in this context, took the decision to take up the problems of refugees in the framework of all three PABSEC committees and to examine economic, social and political aspects¹.
2. In accordance with this decision, the PABSEC Legal and Political Affairs Committee has prepared the Report “Problems of Refugees, Displaced Persons and Irregular Migrants in the BSEC Member States - Political Aspects”. The Report is submitted to the Forty Seventh Meeting of the Committee in Athens on 23-24 May 2016 and to the Forty Seventh Plenary Session of the General Assembly in Moscow on 29-30 June 2016.
3. The plight of refugees has become a critical and distressing problem since it affects the fundamental interests of peoples and states. This issue assumes great significance in foreign and domestic policies of the countries concerned and the proposed solutions measure the level of democratic development in the societies.
4. According to the Global Trends Report of the UN High Commissioner for Refugees (UNHCR) published in Geneva in June, the number of internally displaced persons in the world in 2014 reached 59.5 million people, which is 8.3 million more than in 2013. The experts point to the unprecedented high rate of growth in the number of people leaving their homes due to armed conflict, persecution and natural disasters. These figures impress on their own but the fact that every story and figure implies people’s lives, feelings, woes and sufferings makes the situation even more dramatic.
5. Currently, international migration constitutes a multifaceted phenomenon that affects all aspects of society: economic, political, and demographic processes, as well as national relations. A growing number of law enforcement, police, courts, prosecutors, border forces and other state institutions, as well as representatives of non-governmental organizations (NGOs) in the framework of their mandate are faced with the necessity of solving various problems concerning refugees.
6. The Report uses the information provided by the national delegations of Armenia, Azerbaijan, Bulgaria, Georgia, Greece, Moldova, Romania, Russia, Serbia, Turkey and Ukraine. In addition, the reference material has been obtained by the PABSEC International Secretariat from the relevant sources of the Internet.

II. PROBLEMS OF REFUGEES, DISPLACED PERSONS AND IRREGULAR MIGRANTS IN THE BSEC MEMBER STATES – POLITICAL ASPECTS

7. Problems arising from the current migratory flows imply many aspects that affect political relations between states. Problems of refugees that has become today’s reality have roots in the history – for many centuries people whose life has been threatened in their homeland have fled their countries in search of a more peaceful, prosperous and secure new places of residence.
8. In the context of increasing global threats and security challenges, including a sharp rise of international terrorism, deterioration of the global climate, population growth, resource and food scarcity, as well as the escalation of existing conflicts and the emergence of new

¹ See the Report of the PABSEC Economic, Commercial, Technological and Environmental Affairs Committee “Problems of Refugees, Displaced Persons and Irregular Migrants in the BSEC Member States – Economic Aspects” and the Report of the PABSEC Cultural, Educational and Social Affairs Committee “Problems of Refugees, Displaced Persons and Irregular Migrants in the BSEC Member States – Social Aspects”

conflicts, the number of potential refugees only grows. Established situation does not allow millions of people to carry out one of the basic human rights - the right to a safe and peaceful life at home. Therefore, the international community today is in need to find ways to solve a number of problems of refugees that became particularly acute during the crisis caused by the flow of hundreds of thousands of refugees from Asia and Africa, heading to the EU.

9. In recent decades, the number of persons seeking asylum in Europe has increased significantly. The European governments have started to gradually introduce more stricter rules and regulations in order to prevent unwanted entry of potential asylum-seekers. According to the provisions of EU immigration policy (the Dublin Agreement, with the latest changes in July 2013), the applicants for refugee status have to apply for the asylum in the country of first entrance. In the present circumstances this rule is not working because the refugees enter the EU mainly through Greece and Italy, who are physically unable to accept everyone. In addition, most applicants themselves do not wish to apply in the countries with more stringent legislation and in economically less developed countries with lower benefits, wages and social support for refugees. Tens of thousands of Syrians go to Europe across the Mediterranean Sea through the Balkans.
10. Migration has become an integral part of life in today's society. However, the ineffectiveness of the predominant model of international migration entails big numbers of illegal migrants. Illegal migration flows involve millions of people and are part of today's global migration process, which to a great extent influences the new world order. Growing gap between developed and developing countries, demographic and resource imbalances between developed and developing countries, asynchronous processes of modernization even more increases migration from less developed states.
11. The European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (FRONTEX) has published the annual risk analysis for 2016. This document gives detailed information regarding the current situation and presents possible alternative scenarios, developed in collaboration with the experts from the competent bodies. These scenarios may be used as tools for perspective strategic decision-making. The annual risk analysis also identifies main potential problems at the external border of the European Union: the unprecedented increase in migration flows and increased terrorist threat.
12. The viewpoint that the protection of refugees and resolution of their problems have to be dealt by the international community rather than by individual governments or private charity organizations originates from the times of the League of Nations. In 1945 the League of Nations was replaced by the United Nations and the new phase in the resolution of refugee problems began. In 1948 the UN adopted the Universal Declaration of Human Rights as "the foundation of freedom, justice and peace in the world", according to which all human beings are born free and equal in dignity and rights without distinction of any kind such as race, colour, sex, language, religion, political or other opinion, national or social origin. In this regard, the United Nations General Assembly at its 1st session adopted the resolution laying foundation for the United Nations activities in support of refugees. The new body - the International Refugee Organization (IRO) was established, which in 1951 was replaced by the Office of the UN High Commissioner for Refugees (UNHCR). The Statute of UNHCR sets out the main duties the most important of which is to ensure international refugee protection and to search for durable solutions for refugee problems.

13. A key role in the activities of the UNHCR is played by the 1951 Convention relating to the Status of Refugees. All 12 BSEC Member States are parties to this Convention. It is a legally binding document and is the basis of the international law on refugees. With the emergence of new groups of refugees the Protocol relating to the Status of Refugees entered into force in 1967 (all 12 BSEC Member States are also parties to the Protocol).
14. The activities of UNHCR, twice awarded with the Nobel Peace Prize, is important for the world community and includes: promoting access of refugees to the conventions and legislation on refugees and implementation of their provisions; guarantee the treatment of refugees in accordance with recognized international legal standards; guaranteeing asylum to refugees and excluding the possibility of forced return to the country from which they fled; assisting refugees in finding solutions to their problems through voluntary repatriation, local integration or resettlement in a third country; reintegration assistance to returnees upon arrival home; providing protection and assistance to internally displaced persons in case they apply.
15. The map of UNHCR's presence in the world is changing rapidly as new situations appear involving refugees or in case of finding solutions regarding the problems of refugees. In its efforts to ensure refugee protection the UNHCR cooperates with governments and regional organizations, as well as international and non-governmental organizations. The UNHCR widely uses the experience of other UN organizations in the issues as the food supply (FAO), healthcare (WHO), education (UNESCO), the social welfare of children (UNICEF) and vocational training (ILO). Also UNHCR cooperates with the organizations outside the United Nations system: International Organization for Migration (IOM), the International Committee of the Red Cross (ICRC), International Federation of Red Cross and Red Crescent Societies (IFRC)
16. The rights of refugees mainly are implied in the international documents that define the basic standards of treatment of refugees. International protection of refugees is action of states or UNHCR on behalf of asylum seekers or on behalf of the refugees in order to ensure their rights, their safety and well-being in accordance with the recognized international standards. In addition to the rights granted by the international protection in the framework of the UNHCR Statute, the 1951 Convention and 1967 Protocol all refugees have the basic human rights as reflected in the UN Charter and the Universal Declaration of Human Rights. These are: the right to life, liberty and personal security, the right to legal protection, the right to freedom of thought, conscience and religion, the right to obtain property, the right to free movement. However, during a mass influx of refugees the concerns for security and protection of indigenous rights may cause introduction of certain restrictions. At the same time, refugees and displaced persons have responsibilities in respect of the country where they are harboured: they have to observe the laws and regulations of the country with respect to the maintenance of public order.
17. Refugees as any other citizens have basic human rights. These rights are set out in various international documents, including a number of regional conventions that have been signed and ratified by many states, including the BSEC Member States. The most important of these documents are: the International Convention on the Elimination of All Forms of Racial Discrimination (1965); International Covenant on Civil and Political Rights (1966); International Covenant on Economic, Social and Cultural Rights (1966); The UN Convention on the Elimination of All Forms of Discrimination against Women (1979); The UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984); and the UN Convention on the Rights of the Child (1989).

18. The Council of Europe has adopted a number of documents on refugee protection issues. The most important of these are the European Agreement on the Abolition of Visas for Refugees; European Agreement on Transfer of Responsibility for Refugees; Recommendation 773 (1976) of de facto refugees; Recommendation 817 (1977) on the right to asylum; Declaration on Territorial Asylum; Resolution 14 (1967) to grant asylum to persons who are at risk; Recommendation number R16 (1981) on the harmonization of national procedures relating to asylum; Recommendation (1984) on the protection of persons who are not formally recognized as refugees; Recommendation (1994) on the guidelines on the arrival of asylum seekers at European airports.
19. By granting asylum to a refugee any country undertakes the responsibility to protect this refugee from deportation, to respect and guarantee the protection of the human rights of refugees, as well as to ensure stay in its territory until optimal solution is found. In case when refugees appear both asylum granting states and other states have to work together to resolve the causes of refugee flows and to assume joint responsibility for refugee protection. In cases when internal disputes cause the appearance of an international refugee problem, the responsibility of all countries and especially the neighbouring ones is important for restoration of peace and security in the conflicting country. In refugee crisis the countries of asylum take upon their shoulders the heaviest burden while other countries - both in the region and beyond - can share the responsibility by providing financial and material assistance in order to support and protect refugees upon necessity.
20. By virtue of their independent status, NGOs are often the first on the site and are helpful in case of complications. They can also use their presence and directly affect the fate of individuals, helping refugees in need to get protection by bringing the issues to the attention of national or international organizations or other NGOs; alert the public and the media about these needs; dissemination of information on international standards among individuals, state and local authorities and the public; consultations for refugees on legal and social issues; education and training programs; observance of human rights in the countries of origin and the country of asylum. NGOs can provide these valuable services no matter what kind of activities they generally exercise.

Situation in the BSEC Member States

21. In **Armenia** until 1999 protection of the rights of refugees was observed by the Council of Ministers of the Republic of Armenia and the Government of the Republic of Armenia in the framework of about 150 Resolutions aiming at providing refugees with housing, food, employment, pensions, allowances and solution of other urgent issues. On 3 March 1999 the National Assembly of the Republic of Armenia adopted the “Law on Refugees”, which established procedure and conditions for temporary settlement on the territory of the Republic of Armenia of persons seeking refugee status, granting of refugee status or refusing it, loss of refugee status, as well as the competences of the state body in charge of refugee issues, rights and obligations of the applicant for refugee status, guarantees of their legal and social protection.
22. In order to expand the rights of refugees in accordance with international standards the National Assembly of the Republic of Armenia adopted a new law “On Refugees and Asylum” on 27 November 2008. This law grants the asylum-seekers in the Republic of Armenia, as well as foreign nationals, recognized refugees and persons without citizenship broader social and cultural rights within the international standards. Furthermore, in matters of labour law they are granted the rights equivalent to the rights of the citizens of the Republic of Armenia, except for the jobs requiring the citizenship of the Republic of Armenia.

23. 11 normative legal acts were adopted in 2009-2010 out of which 8 are Resolutions of the decision of the Government of the Republic of Armenia, and 3 - departmental normative acts on recognition of the authorized state body on migration, settlement of asylum-seekers in temporary accommodation centres, providing living conditions, issuing a asylum-seeker certificate, providing the persons with refugee status conventional travel documents, registration of applications for granting asylum in border crossing points of the Republic of Armenia.
24. On 26 September 2001 the National Assembly the Republic of Armenia adopted the “Law on Political Asylum” of the Republic of Armenia and respective government resolutions that set the relations with foreign nationals and well-known public and political figures under political persecution, legal mechanisms for the implementation of the constitutional right of the President of the Republic of Armenia associated with the solution of the question of granting political asylum to them in the Republic of Armenia. This law regulates the basis for granting the right to political asylum to foreign citizens and stateless persons, the procedure, terms of termination of such rights, as well as other associated relations. By the Resolutions of the Government of the Republic of Armenia the authorized state body was established which considers the application for asylum (the Migration State Service of the Ministry of Territorial Administration and Emergency Situations), applications for asylum, a list attached to these papers, registration and case management, as well as providing temporary shelter and necessary living conditions of asylum seekers and persons with political asylum, the procedure for issuing certificates on the right to political asylum and travel documents to persons seeking political asylum.
25. The Government of the Republic of Armenia approved and currently implements measures aimed at solving the problems of refugees concerning the harmonization of national legislation of the Republic of Armenia with international standards (in order to expand the rights) and to ensure their effective integration into the society. In 1993 by the Resolution of the Supreme Council the Republic of Armenia acceded to the main international instruments on the rights of refugees - the 1951 Geneva Convention relating to the Status of Refugees and in its framework undertook international commitments relating to the protection of the rights of refugees.
26. At present in **Azerbaijan** there are more than 1 million 200 thousand refugees and IDPs forcibly expelled in 1988-1994. Azerbaijan is one of the countries with the highest numbers of internally displaced persons (IDPs) per capita. If one person of every 120 people is a refugee in the world, every ninth citizen of Azerbaijan is a refugee.
27. With the aim to ensure operational management of solving social problems of refugees, internally displaced persons and asylum-seekers in November of 1998 within the structure of the Cabinet of Ministers of the Republic of Azerbaijan was established the post of Chairman of the State Commission for Refugees and Internally Displaced Persons undertaken by Deputy Prime Minister of the country. During the past years the necessary legal framework for the resolution of social problems of refugees, internally displaced persons and asylum-seekers was established in accordance with international standards; President of the country signed 96 decrees and orders, the Cabinet of ministers adopted 368 decisions and orders and the Milli Majlis adopted 34 laws. Among them are the Law “On Citizenship of the Republic of Azerbaijan” adopted in 1998; the Law “On status of refugees and internally displaced persons” adopted in 1999; and the Law “On social protection of internally displaced persons and persons equated to them”.
28. By the Decrees of the President of the country the state programs were launched to improve the living conditions and to increase employment rate of refugees and IDPs. As

a result of these measures state programs were successfully implemented and implementation of new measures continues. In 2001, the first resources of the Oil Fund were channelled to improving the living conditions of refugees and IDPs. In 2007 the 12 refugee camps were eliminated. As a whole, with the resources allocated by the State Oil Fund and other sources of financing until today in more than 30 cities and districts were built 94 modern residential complexes with complete socio-technical infrastructure totalling to 2.9 million square meters.

29. The President of Azerbaijan issued a Decree on the establishment of the Republican International Humanitarian Aid Commission with the aim to coordinate from the single centre the activities designed for the refugees and displaced persons, to ensure comprehensive and timely analysis of the social problems together with relevant government agencies, international humanitarian organizations, donor countries and financial institutions, as well as to determine the methods of resolution of the issues and taking urgent measures.
30. At present the Commission coordinates the activities of 21 international and 14 local humanitarian organizations (before the numbers were: 59 international and 43 local organizations), through which various projects are implemented aimed at solving social problems of internally displaced persons and the poor segments of population.
31. With the participation of representatives of donor countries and international organizations a number of international conferences was held in Azerbaijan dedicated to the problems of refugees and IDPs (24 November 1994, 16 October 1996, 18 May 2000, 17 February 2004).
32. In **Bulgaria** the increased number of migrants entering the territory of the EU Member States and in particular the territory of the Republic of Bulgaria has created risks leading to the occurrence of a humanitarian crisis. The specific geographical location of Bulgaria and the fact that it is situated close to the region with growing crisis makes it rather vulnerable. Therefore, it is important to take responsibility in dealing with migration pressure by all Member States. The latest steps of the European Commission aimed at establishing a European Border and Coast Guard Agency are in this direction; the Agency will have significantly expanded powers compared to the current Frontex; and steps have been also taken to change some of the rules in the Schengen Borders Code.
33. The legal framework related to refugee issues includes legislative acts at international, European and national level. The European Union regulates the refugee law by directives and regulations, such as: Directive 2011/95/EU on standards for the qualification of third country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection and for the content of the protection granted. Directive 2013/33/EU laying down standards for the reception of applicants for international protection. Directive 2013/32/EU on common procedures for granting and withdrawing international protection. Directive 2003/86/EU on the right to family reunification. Directive 2001/55/EU on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof. Regulation (EU) 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States third-country national or a stateless person (Dublin Regulation). Regulation (EC) No 1560/2003 (implementing the Dublin Regulation). Regulation (EU) No 118/2014 (implementing Dublin Regulation). Regulation (EC) No 603/2013 on the establishment of Eurodac

- Regulation (EU) No 1077/2011 establishing a European Agency for the operational management of large-scale IT systems.
34. The Law on Asylum and Refugees (LAR) sets conditions and order for granting asylum. In 2013, by Order of the Prime Minister of the Republic of Bulgaria, National Operational Headquarters (NOH) were established to address the crisis situation arising as a result of increased migratory pressure. In 2014, the National Strategy on Integration of Persons Granted International Protection in the Republic of Bulgaria for the period 2014-2020 was adopted. By decree of the Council of Ministers, the National Council on Migration and Integration was established at the Council of Ministers.
 35. On 10 June 2015 the Government adopted a National Strategy on Migration, Asylum and Integration (2015-2020). The document brings together three strategies adopted in the period 2008-2014, including the National Strategy on the integration of beneficiaries of international protection in Bulgaria (2014-2020). The main objective of the strategy is to create a political framework for building comprehensive and sustainable legal and institutional basis for successful management of legal migration and integration as well as for preventing and counteracting illegal migration, identifying and providing the necessary care to persons seeking and receiving international protection in Bulgaria. In November 2015 the Ordinance on the responsibility and coordination of the state authorities exercising enforcement actions in relation to the Dublin Regulation and the Eurodac Regulation was updated. This Ordinance governs the responsibilities, procedures and ways of interaction between the Ministry of Interior and the State Agency for Refugees (SAR).
 36. In **Georgia** under the national legislation and international obligations asylum-seekers, refugees and humanitarian status holders have right to work. In this regard they have the same social rights as the aliens in case of self-employment, as for the hired work – they enjoy the same rights as the citizens of Georgia. The asylum-seekers, refugees and humanitarian status holders are involved in the State Health Program. The refugee issues are included in the Migration Strategy of Georgia for 2016-2020 and the respective Action Plan, which was approved in 2015. The Migration Strategy of Georgia for 2016-2020 encompasses comprehensive state policies regarding the migration related issues, while its Action Plan further comprehends detailed activities for the successful implementation of state policy on migration. The Migration Strategy for 2016-2020 reflects integrated state migration policy. The Plan of Action defines more detailed actions for successful implementation the migration policy. Migration strategy includes such issues of the asylum seekers, refugee and humanitarian status holders as: providing integration programs and state services (education, healthcare, etc.) for the asylum seekers, refugees and humanitarian status holders in the capital as well as in the regions; further development of the intensive program about the language, culture and legislation basics and offering courses; providing accommodation for asylum-seekers by establishing additional reception centre in Martkopi.
 37. The asylum related issues are also enshrined in the National Action Plan of Georgia within the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Georgia, of the other part. The Action Plan of the Government of Georgia also enshrines the asylum related issues including enhancement institutional and legal framework of asylum system in Georgia as well as protection of asylum-seekers, refugees and humanitarian status holders.

38. Georgia has faced several challenges in the process of enhancement the asylum system on the way of fulfilling its international obligations encompassed under the international instruments. It has to be stressed that Georgia has begun active cooperation with the European Union and it is responsible for the approximation of its legislation with the EU in the framework of Association Agreement, Visa Liberalization Action Plan as well as under the Agreements between the EU and Georgia on Visa Facilitation and Readmission. On the way of enhancing its legislation Georgia mobilized its efforts for improving asylum procedures, dealing with mass influx situations, strengthening Status Determination Procedures, as well as guaranteeing integration rights for the beneficiaries.
39. Georgia is an active member in several international panels and processes, such as Prague Process, Eastern Partnership, Mobility Partnership, etc. Georgia dynamically cooperates with the International Centre for the Migration Policy Development (ICMPD) and with its support has held Cooperation Agreement with Lithuania regarding the exchange of information about the asylum-related issues. In 2015 Georgia held Cooperation Agreement with the Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD).
40. Georgia has been suffering from the forced displacement for over two decades now. The first wave of internal displacement took place in Georgia in 1992-93 followed by the second largest wave in 2008. As for today, the total number of registered IDPs from Abkhazia (Georgia) and Tskhinvali region/South Ossetia (Georgia) is 269 157. The UN Secretary General emphasized in his latest report on the “Status of internally displaced persons and refugees from Abkhazia, Georgia and the Tskhinvali region/South Ossetia, Georgia” that “the right of return and its exercise by an internally displaced person cannot therefore be directly linked to political questions or the conclusion of peace agreements. It is essential to recognize return as both a human right and a humanitarian issue that must be addressed irrespective of any solution to an underlying conflict.” Despite these calls the displaced population continue to be deprived of the right to return.
41. In 2015 **Greece** has received mixed-refugee and migrant- flows of over one million people, while in 2016, just for the months of January-February, flows have amounted to about 130.000 persons. The related cost for receiving and managing these flows is over 1,8 billion euros so far. The Greek position from the start has been the management of mixed flows through burden sharing at the European level, on the basis of solidarity and humanitarian principles and abiding by the European and International law, avoiding unilateral actions by m-s, which could result in burdening asymmetrically our country as first country of reception. The current circumstances call for active EU and member states’ support in managing the humanitarian crisis in the country, as well as in implementing the EU-Turkey Agreement of 18 March 2016 and accelerating the relocation process. The return of new irregular migrants from the Greek islands, on the basis of the EU-Turkey Agreement is in full accordance with EU and international law, and with respect to the principle of non-refoulement. Greece and Turkey have activated accelerated readmission procedures aiming at the return of irregular migrants directly from the Greek islands to the Turkish coast in the framework of the readmission agreement between Greece and Turkey. The applications for asylum in Greece are handled on a case by case basis. Greece has engaged in all necessary legal-administrative arrangements in order to enable swift implementation at a practical level.
42. Resettlement procedures are expected to apply to an estimated number of 72.000 persons. Turkey will take any necessary measures to prevent new sea or land routes for irregular migration from Turkey to the EU. Greece has always emphasized that the effective implementation of the resettlement program can help break the smuggling business and

offer migrants an alternative to putting their lives at risk. Greece supports a broad resettlement program for refugees in Syria-bordering countries. It must be noted that until mid-March 4.555 persons were resettled in EU and Schengen member states. The implementation of a uniform European Return Policy is of utmost importance, as persons not in need of international protections must return to their countries of origin. It is absolutely necessary to implement the existing readmission agreements, as well as to step up the conclusion of new ones with economic migrants' countries of origin (e.g. Morocco). Greece takes measures against migrant smuggling and human trafficking, especially in the current circumstances when vulnerable groups - refugees, migrants and unaccompanied minors - can be an easy target for exploitation.

43. The EU Anti-trafficking Coordinator Office operates at the Foreign Ministry and reports directly to the European Commissioner for Migration. To effectively combat human trafficking, the EU member states were called upon to adopt and implement the new European Directive 2011/36 (EU Directive on Trafficking in Human Beings) and the 2012-2016 EU Strategy towards the eradication of Trafficking in Human Beings, which derives from the Directive and ensures coordinated EU action. In implementation of EU Directive 2011/36, as well as of the relevant, ratified conventions of the Council of Europe (The Council of Europe Convention on Action against Trafficking in Human Beings) and the United Nations (The UN Convention against Transnational Organized Crime and its Protocols – the “Palermo Protocol”), the Greek Foreign Ministry performs the role of National Coordinator, through the Office of the National Rapporteur on Trafficking in Human Beings.
44. The Office of the National Rapporteur on Trafficking in Human Beings capitalizes on cooperation with state and non-governmental organizations active in the combating of Human Trafficking, is implementing a comprehensive and multi-sector National Action Plan, and coordinates actions for the Prevention of human Trafficking, Protection of and Care for victims, and crackdown on the crime
45. In **Moldova**, the Division for refugees of the Bureau for migration and asylum is a subdivision of the Ministry of Internal Affairs and is responsible for the administration and settlement of issues of asylum seekers, refugees and of the beneficiaries of humanitarian or temporary protection. The Division for refugees of the Bureau for migration and asylum: a) registers the applications of asylum seekers, conducts interviews with them, collects data and evidence necessary to complete the file for each application for asylum; b) undertakes protection and assistance measures offered to asylum seekers and to beneficiaries of a form of protection; c) proposes the establishment, if necessary, of accommodation centres for asylum seekers and refugees and manages these centres; d) is responsible for the management of the funds allotted thereto, of other aid, as well as the financial assistance granted to asylum seekers and refugees by national and international organisations; e) carries out other duties in the field of refugees and asylum as provided by the legislation of the Republic of Moldova. Other authorities competent to receive applications for asylum: Border police; Police authorities; Units of the Department of Penitentiary Institutions of the Ministry of Justice or the subunits of provisional detention within the law enforcement authorities.
46. The Republic of Moldova cooperates with the United Nations High Commissioner for Refugees (UNHCR) based on the collaboration agreement signed between the Government of the Republic of Moldova and the UNHCR. The Republic of Moldova is part to international migration partnerships: Prague Process, Eastern Partnership Panel on Migration and Asylum, Budapest Process. On 15-16 December 2015 in Stockholm, Sweden the second phase of Asylum Systems Quality Initiative in Eastern Europe and

South Caucasus implemented by UNHCR was launched. The project beneficiaries are the authorities responsible for asylum applications examination in the administrative phase, border control authorities and state courts in Armenia, Azerbaijan, Belarus, Georgia, the Republic of Moldova and Ukraine. The project is focused on institutional capacity building and improvement of the asylum procedures quality within the states involved in the project.

47. Although the analysis and data collected by the authorized services of the Republic of Moldova do not indicate risks of an immediate inflow of foreigners in the Republic of Moldova, the Prime Minister ordered the creation of two working groups for the development of the Contingency Plan (plan of activities and structures responsible for the implementation of the measures of reception, identification, status granting and potential assistance measures for refugees). The first group includes the representatives of the Ministry of Internal Affairs: Bureau for migration and asylum, Border Police Department, Carabineer Troops Department, etc. The second group is an inter-ministerial one and includes the representatives of the Ministry of Internal Affairs, Ministry of Defence, Ministry of Health, Ministry of Labour, Social Protection and Family, Ministry of Education, Ministry of External Affairs and European Integration, Ministry of Culture, Intelligence and Security Service, General Directorate for decentralisation policies and local administration within the State Chancellery.
48. The main threat for **Romania** is represented by the foreigners coming to Turkey, Bulgaria and Greece from Syria, Middle East and North Africa due to the country's geographical position on the main routes used by illegal immigrants. On 16 September 2015 the Government of Romania approved the National Strategy on Immigration for 2015-2018 and the Action Plan 2015 in view to ensure access to asylum for those who need protection, a better quality of according it and faster and more reliable decisions on asylum.
49. The Strategy aims at effective management of immigration and includes strategic objectives, targets and actions which reflect the policies adopted at European level, harmonized with the national realities. The effective management of immigration will be pursued by addressing gaps in specific skills and attracting highly skilled workers, a more robust approach to illegal immigration and readmission, including better cooperation with third countries, to protect those who need help through a firm asylum policy.
50. On 25 October 2015, the President of European Commission gathered the Heads of State or Government Albania, Austria, Bulgaria, Croatia, the former Yugoslav Republic of Macedonia, Germany, Greece, Hungary, Romania, Serbia and Slovenia and the President of European Parliament, present and future presidencies of the EU Council and the high Commissioner U.N. for Refugees to discuss the situation in the region. The 17-point plan of action was adopted targeting solutions to improve cooperation and coordination and shared objectives in particular as regards the reception capacities and border management: permanent exchange of information and effective cooperation, limiting secondary movements, supporting refugees and providing shelter and rest, managing the migration flows together, border management, tackling smuggling and trafficking, information campaigns on the rights and obligations of refugees and migrants, regular monitoring of progress measures ordered. Monitoring the implementation of these commitments and developments in the Balkans is realized in the form of video conferences in coordination of European Commission.
51. Based on the Action Plan Romania has participated in the implementation of a series of measures such as: Deploying in Slovenia, on its request, a total of 30 police officers with

responsibilities both to ensure order and public safety and also to combat migration flows; and the granting of emergency humanitarian aid for Serbia worth 220,000 EUR within the Civil Protection Mechanism. In addition, Romania participates with experts during Joint Operations organized by FRONTEX in countries that are on this path (border Greece/Macedonia, Bulgaria/Turkey, Bulgaria/Serbia). According to the commitments Romania will be a permanent partner in the Frontex Joint Operation Coordination Points in the period March-December 2016 in Tabanovce at the border FYROM – Serbia.

52. Asylum in Romania is defined in the Law no. 122/2006 (amended and supplemented in 2007) which establishes the legal regime for foreigners seeking protection in Romania, the legal regime for foreigners who have been granted protection in Romania, the provisions on the procedure for granting and withdrawing protection, as well as the procedures concerning the liability of the EU member states. Law on Asylum contains provisions on such issues as: the principles and procedural guarantees; access to asylum procedures; the principle of non-discrimination and the principle of non-refoulement; family unity; rights and obligations of asylum-seekers; the rights and obligations of persons enjoying state protection; procedure for submission and consideration of asylum applications; accelerated procedure; unaccompanied children; the procedure relating to the responsible Member State.
53. The provisions of the Law on Asylum are applied without discrimination of any kind, regardless of race, nationality, ethnicity, language, religion, social status, beliefs, gender, sexual orientation, age, disability, status at birth or acquired status. During the asylum procedure, foreigners who apply for protection they are entitled to remain in the territory of Romania until the expiration of 15 days after the completion of the application procedure. Exceptions are those cases where the asylum application has been rejected in the accelerated procedure or consideration during the procedure, carried out at border checkpoints. In this case, the asylum-seeker whose application has been rejected must leave the territory of Romania immediately after the procedure is completed. In the case of the Member State procedures for determining who is responsible for examining the application for asylum, the person loses the right to remain in the territory of Romania from the date of receipt of the notification of the decision not to allow his application for the procedure, which is decided by the Romanian Immigration Control (RIC).
54. **Russia** gradually has formed an integral system of asylum to foreign nationals based on the universally recognized norms of international law. At present an integral part of the national asylum system is the Federal Law № 4528-1 “On Refugees”. It defines the grounds and procedure for recognition of refugee status on the territory of the Russian Federation, establishes economic, social and legal guarantees for the protection of rights and legitimate interests of refugees. The Law stipulates that the regulation of relations in the field of refugee status, implementation and protection of the rights and freedoms of refugees are carried out in accordance with the Constitution, generally recognized principles and norms of international law and international treaties of the Russian Federation.
55. In the context of escalation of migration problem the Russian Federation improves its migration legislation, including granting asylum to foreign nationals on its territory. The necessary infrastructure to work with migrants is developed also including the asylum-seekers in the Russian Federation. For example, at the present on the territory of 57 subjects of the Russian Federation 236 temporary accommodation centres (TAC) are deployed in which almost 9 thousand people live, including more than 2.6 thousand children.

56. These problems of refugees can be solved within the framework of the Action Plan for implementation of the state migration policy concept for the period until 2025 and other social programs. An integrated system of granting asylum to foreign nationals is established in the Russian Federation and is constantly developing. In accordance with its international obligations and national legislation the Russian Federation in its territory provides foreign nationals three forms of shelter: political asylum; recognition as a refugee; and temporary shelter, allowing to provide protection in the territory of the Russian Federation to foreign citizens in need, regardless of their country of origin, religion, nationality or race.
57. An important element of the asylum system is temporary accommodation centres for asylum seekers. The Main Directorate for Migration Affairs of Ministry of Interior of Russia (MDMA) currently has four temporary accommodation centers for persons applying for refugee status, with the capacity of 500 places. An important activity in the process of the implementation of State Migration Strategy of the Russian Federation is to promote international cooperation of the Russian MDMA in the sphere of migration, both on a bilateral basis as well as with relevant foreign agencies, leading international integration organizations, platforms and forums.
58. Today about 11 million foreign citizens and stateless persons live on the territory of the Russian Federation with different purposes. Given the current situation and due to migration crisis in Europe there is increased attention of foreign partners to the effective experience of the Russian Federation in the sphere of regulation of migration flows, combating illegal migration and international protection. Within the framework of the practical implementation of the Migration Strategy in the period until 2025 the opportunities for legal stay of migrants have been extended and the work is undertaken to increase efficiency of measures to combat illegal migration. The system for the temporary detention of foreign citizens and stateless persons, subject to administrative expulsion from the Russian Federation, deportation or readmission successfully operates. As a result of the legislative measures significant increase is noted in the numbers of legally employed workers (in Russia for the last three years, their number has increased by more than 1 million), and decrease of number of violators is noted that is a significant measure for ensuring stability of general migration climate.
59. **In Serbia** the Law on Migration Management (2012) establishes a coordinated system for migration management, as well as horizontal and vertical coordination between the central and local levels of government. The Law on Asylum of the Republic of Serbia (2008) and the Law on Foreigners (2008) are among important legal instruments.
60. Although the Republic of Serbia it is not the final destination for the largest number of migrants and refugees it found itself in the very centre of the Western Balkans migration route with migrants and refugees from Syria, Afghanistan, Iraq and other unstable regions in the Middle East heading towards the EU Member States - Greece and Bulgaria. The situation changes daily, making planning and coordination extremely difficult. In 2015 the Republic of Serbia registered, accepted and took care of 580,000 migrants, which is almost 35 times more than in 2014. In the first two months of 2016, 94,605 certificates of entry into the territory of the Republic of Serbia for migrants were issued, while 1,187 foreign citizens expressed an intention to seek asylum.
61. With a view to creating comprehensive migration policies, the Republic of Serbia developed the strategic, legal and institutional framework for joint migration management and creation of conditions for integration and social inclusion of migrants. Republic of Serbia meets all standards regarding the protection of migrants. Enormous efforts are

made to provide adequate support to migrants during their stay in Serbia, to enable the appropriate acceptance, temporary shelter, health care, food and medicine aid, as well as all information about the asylum procedure, with full respect for their human rights. At the same time efforts are made to enhance border control and prevent criminal activities of human smuggling and trafficking.

62. On 18 June 2015 the Government of the Republic of Serbia established a Working Group for Resolving Problems of Mixed Migration Flows consisting of Minister for Labour, Employment, Veteran and Social Affairs, who is also chairman of the Working Group, Minister of Interior, Minister of Defence, Minister of Health, Minister without portfolio in charge of European integration and the Commissioner for Refugees and Migration. The mandate of the Working Group is to monitor, analyse and discuss questions of mixed migration flows in the Republic of Serbia with a special overview of problems in this area, to provide analyses of the situation and propose measures to solve the identified problems and harmonise positions of competent state bodies and other organisations and institutions addressing the issue of mixed migration flows.
63. On 8 July 2015 Reception-Transit Centre was opened in Presevo in order to provide one-stop security check, registration, medical screening, food and water aid and accommodation. On 4 September 2015 the Government of the Republic of Serbia adopted a Response Plan in Case of Mass Influx of Migrants. Purpose of the Plan is providing adequate capacities and measures to be undertaken in case of mass influx of migrants into the Republic of Serbia.
64. For the Republic of Serbia, as a candidate country for EU membership and a much burdened transit country on the Balkans route, it is of utmost importance that the European Union reaches a united position and agrees on a comprehensive solution, which would include joint measures and activities in order to properly and efficiently respond to this challenge. Serbia, for its part, expressed its willingness to take part and make a contribution to this process, and to accept and follow through with any comprehensive, sustainable solution that would be mutually agreed and in the interest of all. Although not an EU Member State, Serbia is ready to participate in the quota system and to accept a number of migrants.
65. In **Turkey** one of the topical issues now is to solve the problem of refugees from Syria and to ensure border security. Within the framework of the international law Syrians seeking asylum in Turkey are given “temporary protection”. Since April 2011 the Syrian citizens are treated by “open door” principle. Turkey has been steadily fulfilling its obligations under the principle of “non-refoulement” in the framework of the UN Geneva Convention. Voluntary return of Syrian citizens to their homeland is coordinated by the Office of the UN High Commissioner for Refugees (UNHCR).
66. On 22 October 2014 the document “Regulations on temporary protection” was enacted in order to determine the legal status of the Syrians under temporary protection in the territory of Turkey, as well as ensure their access to health, education, employment, and social and translation services. On 15 January 2016 the Regulation on the provision of work permits for a certain quota (10%) of the Syrians who are under temporary protection was adopted.
67. As of 3 March 2016 in 26 temporary accommodation centres for refugees in 10 provinces of Turkey there were 272,820 Syrian citizens. The total number of Syrians staying in Turkey in temporary accommodation centres and outside it exceeds 2.7 mln. people (2,715,789 persons are officially registered). On 1 February 2016 the 26th Centre for

temporary accommodation of refugees accepted first refugees in the village of Cuvecci in Hatay. Syrians living outside the centres of temporary accommodation of refugees are concentrated in 10 provinces of Turkey (Sanliurfa, Hatay, Istanbul, Izmir, Adana, Mersin, Kilis, Mardin, Izmir, Bursa). All registered refugees from Syria have passed a medical examination. The citizens of Syria, on the territory of Turkey under temporary protection, who are not staying in the centres of temporary accommodation of refugees, have the right to receive free medical services in state hospitals.

68. The United Nations Regional Refugee and Resilience Plan (3RP) was jointly developed by the UN Office for the Coordination of Humanitarian Affairs (OCHA), United Nations Development Programme (UNDP), the Office of the UN High Commissioner for Refugees (UNHCR). The plan is focused on five main countries hosting Syrian refugees (Turkey, Lebanon, Jordan, Iraq, Egypt). Its task is to contribute to improve the sustainability of refugees from Syria and their host communities along with delivery of humanitarian aid. The original plan was designed for the period 2015-2016 but at the end of 2015 it has been updated and will be implemented in 2016-2017.
69. As part of the Plan “3RP” in 2015 Turkey has been allocated the sum of \$ 624 million USD to ensure protection, basic needs, education, health, food, employment. However, Turkey has received 286 million USD which constitutes only 46% of the targeted amount. In 2015, the Plan was designed for 62% of the fixed amount. According to the Regional Strategic Review in 2016 under the Plan “3RP” in 2016-2017 amount of 806 million USD will be allocated for the Syrian refugees in Turkey.
70. On 20 November 2015 at the 70th UN General Assembly upon the initiative of Turkey the issue of Syrian refugees (“Global awareness of the tragedy of irregular migrants in the Mediterranean basin with a specific emphasis on Syrian asylum-seekers”) was discussed. Debate of this issue at the UN General Assembly has provided an opportunity to inform the international community about the policy of Turkey in relation to the Syrian refugees, the costs for the reception and protection of refugees and the need for sharing the burden. At the same time the UN Secretary General presented the program of activities for 2016, which implies organisation of high-level meetings on the issues of refugees and migrants. This program of activities includes the following important meetings: on 4 February 2016 - the High-Level Conference on Syria (London); on 30 March 2016 - the High-Level Conference on the issue of resettlement for Syrian refugees (Geneva); on 24-25 May 2016 – the World Humanitarian Summit (Istanbul); and on 19 September 2016 – the High-level Plenary Meeting of the General Assembly on addressing large movements of refugees and migrants.
71. **Ukraine** due to its geopolitical position in the centre of migration flows is widely involved in global migration processes as a country of reception, transfer and transit of migrants. Despite the undoubted successes in shaping the legislative framework in the field of migration, until recently, there were no well-defined areas of the State Migration Policy of Ukraine, its strategic goals and objectives, and, in fact, the most important link was missing - the migration service focusing on the core issues of this sphere. Now such a body is created, it started to operate and the process of mobilising necessary resources and personnel is going on.
72. In 2001 the new version of the Law of Ukraine “On Refugees” was adopted which is in full conformity with the international practice and in which the procedure for obtaining refugee status by foreigners and stateless persons is significantly changed. In order to strengthen the control over the decision-making process a two-tier system of reviewing applications was introduced which allowed improved efficiency in decision-making on

the granting refugee status and strengthen the responsibility of officials at all levels in issuing recommendations on granting refugee status.

73. In order to ensure the implementation of the Action Plan on visa liberalization by the European Union to Ukraine and to implement the Migration Policy of Ukraine the national system of asylum granting has been improved. The problem was the absence in Ukraine, unlike in other European countries, of the legal institutions for assistance and temporary protection, which was out of the framework of human rights protection principles. A significant number of foreigners and stateless persons, who were in Ukraine, could not be granted refugee status because of non-compliance with the terms stipulated in the law “On Refugees”. At the same time, their return to the state of their nationality or former residence was impossible because of environmental, technological or other emergency circumstances.
74. The foreigners and stateless persons were staying in Ukraine without any status exposed to all the negative consequences arising from this situation. In May 2011 by the Decree of the President of Ukraine the Concept of Migration Policy of Ukraine was approved. It is important that this strategic document not only determines the state priorities in the field of migration but also formulates specific tasks of the public authorities for the implementation of this concept.
75. One of the objectives of the concept is sustainable improvement of legislation on refugees, preparation and adoption of legislation on the provision of additional or temporary protection or asylum in Ukraine to foreigners and stateless persons.
76. The main countries of origin of refugees are Afghanistan (1142), Armenia (195), Azerbaijan (129), Russian Federation (102), Syria (59), Sudan and the Democratic Republic of the Congo (55 each), Iran, Iraq (45 each). Persons identified as needing additional protection in Ukraine - Syria (352), Afghanistan (82), Somalia (50) and Iraq (22).
77. In accordance with Article 14 of the Law of Ukraine “On refugees and persons in need of additional or temporary protection” persons recognized as refugees or as people who needs additional protection enjoy the same rights and freedoms and take the same duties as the citizens of Ukraine, except in cases established by the Constitution and the laws of Ukraine, as well as international treaties against which Ukraine has responsibilities by the decision of the Verkhovna Rada of Ukraine.
78. According to the Ministry of Social Policy of Ukraine as of 1 February 2016 there are 1,704,937 displaced persons or 1,346,276 displaced families from the Donbas and Crimea. 714,867 families have applied for the assistance, 669,487 of which already got it. Internally displaced persons (IDPs) are often referred to as refugees since they also fled from the war.
79. The Law of Ukraine “On ensuring the rights and freedoms of internally displaced persons” ensures realization of Ukraine’s constitutionally guaranteed rights and freedoms of citizens of Ukraine, creation of appropriate conditions of social adaptation, provision of temporary settlement, assistance in finding employment, continuing education for the internally displaced persons. In addition, it is envisaged to protect them from discrimination and forced returns and to provide assistance in case of voluntary return

III. CONCLUDING REMARKS

80. International community in the XXI century has to address one of the complex global challenges: to ensure that the peoples of the world can live in freedom and security.

People leave their home countries because of violation of their political, economic, social or cultural rights, escaping natural disasters and wars where human rights cannot be observed in proper manner.

81. Dynamically changing situation in the world brings the necessity to seek new approaches and solutions to the refugee problems. The basic concepts of the migration policies of the countries in the world should be protection and multiplication of their own citizens along with the organization of a decent reception and settlement of migrants.
82. The necessary steps to set up the conditions for resolution of the refugee problems include measures to strengthen national legislation and democratic institutions, to reconsider or if necessary to abolish laws or regulations that are incompatible with the generally accepted principles and norms.
83. Migration policy of the countries should include measures to effectively control the influx of migrants and their socio-economic adaptation and integration. It is necessary to be ready to really help refugees and displaced persons, as well as the communities that are affected by the presence of these people. The refugee problem will be solved if there is a strong political will and if respective societies and regions contribute with high level of resolve.
84. In order to strengthen the political will aimed at achieving greater coherence and synergy, parliamentarians of the Black Sea countries should have a complete picture of the rapidly changing situation in the region. In this context, the Assembly can contribute to the organization of consultations on topical issues in the region, as well as to use the mechanism of fact-finding missions to increase awareness of the members of the Assembly.
85. In the search for resolution of refugee problems regional organizations should be actively involved along the states. Success in this process also requires vigorous efforts on the part of international organizations and NGOs.
86. Protection of refugees is a shared objective. Only by working together and complementing strong points of each other individual countries and international organizations in cooperation with NGOs can provide effective protection necessary for the refugees.