



COUNTRY OPERATIONS PLAN

Country: Belarus

Planning Year: 2004

BELARUS

Part I: Executive Committee Summary

(a) Context and Beneficiary Population(s)

Situated at another of Europe's crossroads, Belarus' territory is a transit corridor for irregular migration movements from east to west. With the forthcoming expansion of the European Union eastwards, Belarus becomes the "last transit station" on the route of irregular migrants and asylum seekers from the CIS and Asia countries to Western Europe. The Government estimates their total number at 80-110,000 per year and urges the international community (and especially, the EU) to acknowledge the role Belarus plays in preventing illegal migration flows westwards. According to UNHCR's estimation some 15% - 20% among these illegal migrants may have valid claims or recognised protection needs.

Notwithstanding its political differences with western states, with the aim of managing migration flows more effectively and humanely, the Government of Belarus has been cooperating closely with UNHCR in developing a national asylum system and integrating Belarus into the international refugee protection system. The necessary legislative framework has been created as well as an administrative migration service, which is represented both in the capital and in the regional centres. In 2001 Belarus acceded to the 1951 Refugee Convention and 1967 Protocol and began work on revising its refugee legislation accordingly. During 2002 a new national Refugee Law was adopted that is almost entirely in line with the 1951 Refugee Convention, as well a new Citizenship Law that addressed UNHCR's concerns. The Government has also gradually accepted local integration as a durable solution for recognised refugees and in 2001-2002 began working with UNHCR in this area.

Despite the progress that has been achieved, the asylum system in Belarus is still very young and fragile. The Refugee Status Determination Procedure (RSDP) became operational countrywide only at the end of 1998 and, although the number of recognised refugees in Belarus has steadily grown during the last four years (57 persons received refugee status in 2002, the total number at the end of last year reached 656), the denial of access to the RSDP on formal grounds still remains a protection challenge. The implementation of refugee legislation needs to be improved. The general situation is exacerbated by an insufficient level of cross-border and sub-regional cooperation. The most serious protection concern is the extensive application of the "safe third country" concept Belarus aggravated by the absence of readmission agreements with the main transit countries (Russia and Ukraine), which are considered as safe third countries by Belarus. There is an acute need for temporary reception facilities for detained illegal migrants including asylum seekers at the borders, as well as the means to carry out their return/deportation. State funding for these are lacking. Likewise, there are no reception centres in the country in which undocumented asylum seekers can be processed, or facilities where illegal migrants can be detained in humane conditions. The distinction between asylum seekers and irregular migrants is still not as clear as it should be in the public's eye. Furthermore, neither the Government nor local NGOs are able to implement temporary or durable

solutions for asylum seekers and refugees by themselves due to financial constraints and the overall poor economic conditions.

The likelihood that the Department on Migration, with its Refugee Division, will in 2003 be removed from the Ministry of Labour and Social Protection and placed under the Ministry of the Interior also gives grounds for some concern. If this reorganization does take place, BO Minsk will need to ensure that the Ministry of the Internal Affairs (MIA) will not approach asylum and migration management issues purely from the angle of control. Moreover, the relevant officials and staff from the MIA will need to be trained and sensitized to UNHCR's concerns.

From 1997 to March 2003 the Government recognized 663 persons as refugees, mainly from Afghanistan (75%), Georgia (11%), Tajikistan (4,2%), Ethiopia (3,5%), Azerbaijan (3,2%). The authorities report on two categories, which are not mutually exclusive: there are some 13,100 potential asylum seekers (CIS nationals who claimed asylum before the implementation of the refugee legislation had begun), and about 16,894 stateless persons. Since 1995, UNHCR has registered a total of 2,617 asylum seekers: from Afghanistan (76,8%), Georgia (6,6%), Russia (2,5%), Iraq (2,3%), Ethiopia (2,2%), Iran (1,4%), Tajikistan (1,3%) and others from Pakistan, Congo, Sri-Lanka and Somalia. The overwhelming majority of asylum seekers and refugees in Belarus are urban population.

The removal of the Taliban regime in Afghanistan at the end of 2001 opened up the prospect of voluntary repatriation for some of the displaced Afghans in Belarus but in the early part of 2003 the situation in their country of origin was still too uncertain for prognostication. The unresolved conflict between Georgia and the breakaway region of Abkhazia ruled out voluntary repatriation for the majority of Georgian persons of concern. For the time being, therefore, local integration remains the most practical solution for the majority of refugees in Belarus, while resettlement is reserved for cases with acute legal and physical protection needs and family reunification.

With the aim of enhancing the quality of asylum in the context of mixed migration flows, the primary role of the UNHCR office in Belarus will continue to be to assist the Belarusian authorities to establish a humane system for managing irregular migration flows with an emphasis on ensuring that the rights of asylum seekers and refugees are respected in compliance with international norms and standards and that durable solutions are found for them. Building the capacity of the Government of Belarus and local non-governmental organisations to deal with refugee and migration related issues generally remains the main means of advancing these goals.

The beneficiaries of UNHCR's protection and assistance programmes will continue to be in assisting refugees recognised as such by the Belarusian authorities and the asylum seekers registered with UNHCR and/or the authorities. While increasingly shifting the emphasis away from care and maintenance, UNHCR will seek durable solutions for these populations of concern, particularly through local integration, and continue to provide legal, material and social assistance to those among them who

require it. Where appropriate UNHCR will also assist with resettlement and voluntary repatriation.

A second related theme, corresponding with UNHCR's mandate, will be that of addressing the problem of statelessness and, while working towards its reduction and elimination, ensuring that stateless people acquire citizenship. Priority will be given to the simplification of acquisition of the Belarusian citizenship for recognized refugees and lobbying for Belarus' accession to the international instruments in the field of statelessness, in particular to the 1961 Convention on the Reduction of Statelessness.

The changing political geography on Belarus's western borders with the EU's new frontier has brought forth the EU's greater involvement in border management and asylum-system building issues. UNDP and IOM are also becoming more visible in migration management related work funded by the EC in the sub-region. In this fluid environment, UNHCR will continue to ensure that the central role of asylum in a national migration system is recognised.

Despite its small office and modest operational budget, BO Minsk makes a difference in Belarus in terms of impact, because our intervention remains strategically very cost-effective. UNHCR's continued presence in Belarus remains necessary in the foreseeable future to ensure that the progress made so far is consolidated and movement in the right direction is sustained for greater development.

(b) Selected Programme Goals and Objectives

Name of Theme # 1: <i>Strengthening Asylum</i>	
Main Goal(s): <i>Persons in need of international protection have access to the territory of Belarus</i>	
Principal Objectives	Related Outputs
<ul style="list-style-type: none"> Measures to combat irregular migration and smuggling include adequate safeguards against direct or indirect refoulement 	<ul style="list-style-type: none"> Border/law enforcement officials are trained and are aware of international protection standards. Smooth cooperation with externally funded migration management projects ensures asylum aspect is taken into account.
<ul style="list-style-type: none"> Comprehensive migration policies are developed and implemented 	<ul style="list-style-type: none"> The central role of asylum in a national migration system is recognised. Coordination of government institutions dealing with migration issues is strengthened both at local, national and regional levels. Cross-border sharing of information and experience, joint meetings, study visits, etc, are organised. Sub-regional readmission arrangements and agreement on ‘safe third country’ concept are promoted and meet international standards and burden-sharing concepts.
Main Goal(s): <i>Asylum seekers have access to fair, efficient and effective procedures and are treated in accordance with international standards</i>	
Principal Objectives	Related Outputs
<ul style="list-style-type: none"> Asylum-seekers have access to procedures in which their claims are heard fairly and promptly 	<ul style="list-style-type: none"> MIA management is sensitised on difference between refugees and illegal migrants. Mechanisms for referring of asylum seekers by the Border Troops (BTs) and Ministry of Internal Affairs (MIA) are further strengthened. Reception centres/facilities established to accommodate asylum seekers and process undocumented ones. System is established for monitoring borders and the airport to ensure that refoulement is not taking place. System for monitoring RSD process is operational and adequate legal and social assistance is provided.

	<ul style="list-style-type: none"> Minimal material and protection assistance is provided for asylum seekers pending identification of a durable solution.
<ul style="list-style-type: none"> Legal frameworks for asylum are established in line with international standards and practice 	<ul style="list-style-type: none"> Legal assistance with amendment of Belarusian refugee legislation and relevant by-laws is provided. Temporary protection regime is introduced in the Rules of Stay of Foreigners in Belarus. Government officials dealing with refugee issues and parliamentarians are lobbied and trained.
<ul style="list-style-type: none"> Asylum-relevant institutions and services develop to become effective and increasingly independent of external support 	<ul style="list-style-type: none"> The achievements of the former RSD system, including trained staff and existing procedures are retained, if there is a shift to the MIA. Computerised registration system that will allow processing of refugee related information in the MIA and Border Troops and exchange between the agencies is established. Country of Origin Information (COI) and interviewing facilities are established at the central and regional levels in a new Department on Migration of the MIA. New RSD staff are trained on refugee issues and on COI. NGO sector is further enhanced through provision of operational support, training and access to information. Coordination among institutions dealing with asylum issues is promoted and enhanced.
<p>Main Goal(s): <i>Refugees rights are respected and effective durable solutions are found for them</i></p>	
Principal Objectives	Related Outputs
<ul style="list-style-type: none"> Refugees have real opportunities to integrate 	<ul style="list-style-type: none"> Recognised refugees receive propiska and residence permits. Permanent accommodation facilities are rehabilitated for a limited number of vulnerable recognised refugees. Refugee children are helped to obtain access to secondary education. Russian and native language education, as well as vocational skills training programs, are supported. Schemes for income-generating activities (job placement, etc) are developed while a

	hand over of this activity to development agencies is promoted.
<ul style="list-style-type: none"> Refugees have real opportunities for voluntary repatriation 	<ul style="list-style-type: none"> Up to date information on the situation in the countries of origin is shared with refugees. Travel documents and visas are provided and VolRep departures are arranged.
<ul style="list-style-type: none"> Refugees benefit from flexible resettlement programmes 	<ul style="list-style-type: none"> Refugees in need of resettlement are identified and granted mandate refugee status.

Main Goal(s): <i>Public opinion is receptive to the protection and solution needs of refugees</i>	
Principal Objectives	Related Outputs
<ul style="list-style-type: none"> UNHCR's standing as the international authority on refugee protection is understood and acknowledged 	<ul style="list-style-type: none"> Media/television/radio programs feature relevant refugee issues. Decision making bodies, donor missions, NGOs, Government institutions are targeted with information on human rights and refugee issues. Academic publications covering refugee issues, human rights manuals, courses on refugees, and lectures in schools are supported.
<ul style="list-style-type: none"> Xenophobic trends diminish in favour of increased protection, and the public at large understands the relevance of refugee protection, and the difference between economic migrants and refugees 	<ul style="list-style-type: none"> Cross cultural/tolerance education projects are strengthened in schools, colleges, universities. PA activities through participation of refugees (national holidays, a refugee day) and joint social activities with local children are organised. Posters, calendars, etc, dedicated to refugees and their positive inputs into local communities are distributed. Cooperation is developed with cultural institutions and State Committee for National Minorities and Religion.

Name of Theme # 2: Reduction of Statelessness	
Main Goal(s): <i>Statelessness will decrease in the Republic of Belarus; stateless persons will enjoy, at a minimum, a status equal with the 1954 Convention standards</i>	
Principal Objectives	Related Outputs
<ul style="list-style-type: none"> Belarus accedes to 1954 Convention relating to the Status of Stateless Persons and 1961 Convention on the Reduction of Statelessness 	<ul style="list-style-type: none"> Officials are trained on the international instruments relating to statelessness; Discussion on accession to the Conventions among Governmental agencies and MPs; UNHCR submits comments on the by-

	<p>laws related to citizenship</p> <ul style="list-style-type: none"> • Belarus participates in regional efforts to reduce statelessness.
<ul style="list-style-type: none"> • National laws are amended and implemented in line with the above international instruments 	<ul style="list-style-type: none"> • Lobbying leads to understanding of UNHCR's concerns by the authorities and MPs • Implementation of revised citizenship law is monitored • UNHCR is provided the opportunity to comment on by-laws and practice relevant to statelessness • MIA is able to provide detailed information on stateless persons • Government begins taking coherent steps to reduce statelessness
<ul style="list-style-type: none"> • Belarus authorities meet standards in practice concerning the rights of stateless persons 	<ul style="list-style-type: none"> • Central and regional authorities are informed about the concerns related to the treatment of stateless persons • Stateless persons are informed about their rights and encouraged to obtain citizenship • Discussion on the problem of statelessness is initiated in Belarusian media