



COUNTRY OPERATIONS PLAN

Country: Kyrgyzstan

Planning Year: 2004

Executive Committee Summary

Country Operations Plan 2004 : KYRGYZSTAN

Context

Though newly independent, the Kyrgyz history and people can be traced over thousands of year and includes the rise and fall of empires and ideologies, the movements and intermingling of peoples—some forced, some voluntary—and the looming presence of authoritarian neighbours. These societal and political factors continue to influence Kyrgyzstan today.

The successes of UNHCR's programme in Kyrgyzstan also are unique: each year, UNHCR facilitates the granting of citizenship to long-staying Tajik refugees, therefore significantly *reducing* the number of refugees. In 2002, UNHCR assisted 25% of its Tajik (now former) refugee beneficiaries to acquire citizenship; in 2003 it is expected to assist 53% of the remainder to acquire citizenship.

UNHCR Kyrgyzstan prioritises the identification and realisation of durable solutions for populations of its concern. The progressive achievement of durable solutions allows UNHCR Kyrgyzstan to propose a reduction in its programme and administrative budget. Accordingly, although UNHCR proposes a substantive programme in 2004, significant programme activities will be phased-out during this period.

UNHCR's presence in Kyrgyzstan was the result of instability in neighbouring Tajikistan. A civil war beginning in 1992 forced thousands of people to flee their homes in search of refuge throughout the Central Asia. Many Tajiks fled to the Kyrgyz Republic—most of them of historic Kyrgyz ethnicity. Given its lack of experience in dealing with refugee influxes, Kyrgyzstan sought external assistance and expertise from UNHCR. Since establishing a Liaison Office presence in Kyrgyzstan in 1995, UNHCR has provided care and maintenance to Tajik refugees and later to refugees from other areas of origin such as Afghanistan and Chechnya. Today, the UNHCR presence has expanded to the status of Office of the Chief of Mission (OCOM).

From the outset of its operation in Kyrgyzstan, UNHCR has worked closely with the Kyrgyz Republic to develop a national capacity to manage refugee protection and assistance. In 1996, Kyrgyzstan became a State Party to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. Many years of effort later culminated in the adoption by Parliament of a National Law on Refugees, which was subsequently signed by the President in mid 2002. The law represents a major step forward in the enhancement of the protection of refugees, thus bringing domestic law into compliance with international standards, namely, the 1951 Refugee Convention and its 1967 Protocol.

There is a heightened urgency to UNHCR's protection work following the terrorist attacks in the US of 11 September 2001, the fall of the Taliban regime in Afghanistan later that year and the military intervention in Iraq in 2003. Global terrorism fears complicate UNHCR OCOM Bishkek's protection work. Refugees and asylum-seekers, in particular Afghans and Chechens, are subjected to considerable mistrust and perceived - by some - as a threat to national security. Afghan refugees have been arbitrarily detained, some of whom were recognised refugees and asylum-seekers with official documentation.

The propitious developments in Afghanistan have presented the first real opportunity in decades for Afghans to consider returning home. As the situation in Afghanistan begins to stabilise, OCOM Bishkek envisions that voluntary repatriation may increase in the coming period.

Beneficiary Populations

As of January 2003, UNHCR Kyrgyzstan assists 6,800 Tajiks as part of its commitment to the government to facilitate integration. Seven hundred forty-nine Afghan refugees are recognised in conjunction with DMS and 153 asylum-seekers pending determination. UNHCR extended its mandate to

83 Afghans who were denied access to RSD procedure on the basis of the safe third country principle. There are in addition some 1,000 Afghans in Kyrgyzstan who are either seeking asylum or whose asylum claims have been rejected on formal grounds. Asylum-seekers applications pending with Kyrgyz authorities include 400 Chechens, six Iranians and one Sri Lankan.

UNHCR's Programmes

In 2004, UNHCR will focus on activities falling within UNHCR's core mandate: the achievement of a durable solution (e.g. local integration, voluntary repatriation, resettlement) for the remaining Tajik refugees and protection of refugees and asylum-seekers of all other nationalities through strengthening the refugee protection framework in Kyrgyzstan.

UNHCR expects to achieve durable solutions for all Tajik refugees by the end of 2004, primarily through local integration in Kyrgyzstan, which is the wish of more than 90% of Tajik refugees in Kyrgyzstan. By end-2004, only a very small residual population wishing to return to Tajikistan is expected to remain. Thus, the primary activity in 2004 related to Tajiks will be citizenship acquisition. At the same time, UNHCR will cease its local integration programming (unrelated to the acquisition of citizenship) for Tajik refugees as of end 2003.

Given the evolving situation in Afghanistan, funds have been allocated to support refugees who may wish to voluntarily return to Afghanistan. Emphasis will be placed on activities designed to prepare Afghans for an eventual return home, including vocational training to provide short-term opportunities for Afghans to develop a marketable skill and support of Women's Support Centre. In a number of exceptional cases, resettlement may continue to be the only feasible durable solution.

For other groups, UNHCR's activities will be solutions-oriented—strengthening refugees' capacity to attain self-sufficiency in Kyrgyzstan including the opportunity for their children to gain an education. In exceptional cases, resettlement will be pursued.

In 2004, UNHCR will invest financial and human resources to strengthen the protection framework in Kyrgyzstan. The adoption of the Refugee Law by Parliament in February 2002 and the signature of the law by the President in March 2002 constitutes a major achievement. Additional significant effort will be needed to ensure the legislation's effective implementation of the law, its by-Laws and the recently-signed interdepartmental agreement between DMS and the Border Guards Service regarding asylum application procedures at border points.

UNHCR will continue its efforts to provide effective protection of individual refugees and asylum-seekers. This will be made easier by the passage of the Refugee Law which contains a stronger appeal process and eliminates the reference to safe third country concept contained in the prior Temporary Provision on Refugees (TPR). The restructured legal clinic for refugees will play a key role in providing this protection. In exceptional cases, resettlement may be required.

UNHCR will continue initiatives—independently as well as with relevant partners—to improve the government's emergency preparedness. Efforts will include the maintenance of an emergency stockpile in Osh and participation within the inter-agency framework that has been established at the UN Country Team level.

Partnerships

In 2004, UNHCR will further consolidate and working with decreasing numbers of local and international NGOs, while strengthening its direct relationship to several Government agencies.

With NGOs, UNHCR will continue to work with the strong network of implementing partners, primarily for legal support to Tajik refugees applying for citizenship but also for general protection matters involving other refugees and asylum-seekers. Some of these NGOs were initially created with UNHCR support in past years. One notable success has been the establishment of a network of refugee NGOs in Northern Kyrgyzstan working with refugees on issues as diverse as citizenship acquisition, micro-credit,

family planning and agricultural consultation. The capacity of these NGOs has grown noticeably over the past two years. This network of NGOs will play a key role in the transition of refugees to fully integrated citizens of Kyrgyzstan. Over the past five years, the capacity of non-refugee local NGOs, particularly in the legal assistance sector (Legal Clinic Adilet and the Foundation for Support of Legal and Social Reform) has grown substantially. In addition, local NGOs with whom UNHCR is co-operating for the development of NGO Support Centres (Alga and Foundation Tolerance International) have also matured considerably over the past few years.

In 2004, UNHCR will continue its work and financial/technical support to selected Government partners, including DMS, Ministry of Interior, Citizenship Commission, with respect to citizenship acquisition and implementation of the refugee law. The Ministry of Health will also be a key partner in providing medical services to refugees.

UNHCR support and advocacy on behalf of NGOs in 2002 and 2003 has successfully broadened their donor support. A number of achievements are already in place including diverse UN agency funding for the Legal Clinic Adilet, EU and USAID financing of NGO Support Centres, Counterpart Consortium support of refugee initiated infrastructure rehabilitation projects, USAID's financing of Afghan refugee women initiatives and its contribution towards a tolerance news bulletin in the Ferghana Valley.

UNHCR Kyrgyzstan's own application to the Global Fund with a proposal on HIV/AIDS, Tuberculosis and Malaria awareness has now been approved for funding in 2004. The Global Fund will provide \$17m for a five-year programme for the Kyrgyz Republic. The programme submitted by Kyrgyzstan includes extensive refugee component throughout the whole duration of the project, which is expected to be implemented by UNHCR partner, Kyrgyz Family Planning Alliance (KFPA), expert on HIV/AIDS and reproductive health related issues. The programme will build upon a UNHCR-supported project with KFPA on HIV/AIDS awareness activities among refugees and asylum-seekers in 2001, 2002, 2003 support. The Global Fund HIV/AIDS project will run for five-years.

Selected Programme Goals and Objectives

<i>Name of Beneficiary Population: Tajik Refugees</i>	
<i>Main Goals:</i>	
<ul style="list-style-type: none"> • Local Integration through acquisition of Kyrgyz citizenship by virtually all long-staying (ethnic Kyrgyz) Tajik refugees by end 2004, thus significantly reducing number of persons within UNHCR's concern. • Assisted voluntary repatriation of those fewer Tajik refugees who so request. • Continued protection and welfare of all refugees until their receipt of citizenship or voluntary repatriation. 	
Principal Objectives	Related Outputs
<ul style="list-style-type: none"> • Long-staying ethnic Kyrgyz refugees obtain citizenship • Refugees/new citizens integrated into national health-care system • Emergency needs of refugees met • Rights of refugees/new citizens respected 	<ul style="list-style-type: none"> • Provision of assistance to Ministry of Interior, Citizenship Commission, DMS, Counterpart Consortium, NGO Support Centres, legal assistance NGOs and refugee NGOs to speed up the submission and processing of citizenship applications • State medical insurance policies for remaining Tajik refugees • One-time emergency assistance grants • General legal assistance

<i>Name of Beneficiary Population: Afghan Asylum-Seekers and Recognised Refugees</i>	
<i>Main Goals:</i>	
<ul style="list-style-type: none"> • Voluntary repatriation of those recognised refugees who wish to return to Afghanistan • Increased self-sufficiency (vocational training) in preparation for return home • Resettlement of most vulnerable cases • Continued protection and welfare 	
Principal Objectives	Related Outputs
<ul style="list-style-type: none"> • Refugees who wish to return home in 2004 are assisted to do so • Self-reliance of refugees enhanced • Refugees have access to basic healthcare • Emergency needs of refugees met • Rights of refugees respected 	<ul style="list-style-type: none"> • Safe and dignified repatriation transportation for 200 returnees • Afghan Women's Support Centre • Vocational training and literacy courses • State medical insurance policies • One-time emergency assistance grants • General legal assistance

<i>Name of Beneficiary Population: Asylum-Seekers and Refugees of all other nationalities</i>	
<i>Main Goals:</i>	
<ul style="list-style-type: none"> • Asylum-seekers have access to seek refugee status under Kyrgyz law or UNHCR Mandate • Refugees can seek self-sufficiency in Kyrgyzstan while they await more durable solutions • Resettlement of most vulnerable cases 	
Principal Objectives	Related Outputs
<ul style="list-style-type: none"> • All asylum-seekers have full access to RSD procedures • Self-reliance of refugees enhanced • Asylum-seekers have adequate means of subsistence for their first few months in asylum • Asylum-seekers and refugees have access to basic healthcare • Emergency needs of asylum-seekers and refugees met • Rights of asylum-seekers and refugees respected 	<ul style="list-style-type: none"> • Lobbying of Government to provide refugee status based on the new Refugee Law • Vocational training • One-time assistance package to new Chechen asylum-seekers • State medical insurance policies • One-time emergency assistance grants • General legal assistance

<i>Name of Theme: Protection Framework</i>	
<i>Main Goal:</i>	
<ul style="list-style-type: none"> • Strengthened protection framework for refugees and asylum-seekers of any nationality 	
Principal Objectives	Related Outputs
<ul style="list-style-type: none"> • Full implementation of national Refugee Law, relevant By-Laws and Provisions, in a format acceptable to international protection principles • Strengthening of RSD procedures • Improvement of appeal procedure • Provision of daily protection, primarily by National Government and NGO institutions, to refugees and asylum-seekers • Reduction of statelessness and streamlined naturalisation procedures • Promotion of resettlement as a durable solution 	<ul style="list-style-type: none"> • Provision of UNHCR legal expertise to implement new By-Laws/Provisions consistent with international standards • Monitoring of implementation of DMS/Border Guards interdepartmental protocol on reception of asylum-seekers • Training to Border Guards Services on RSD, including Refugee Law and By-Laws • Monitoring RSD procedure, intervention in some cases • Maintenance of databases for refugees and asylum-seekers • Training to Judges and new Ombudsman on RSD, including appeal procedures • Monitoring of appeal procedure, intervention in relevant cases • Provision of legal assistance to refugees and asylum-seekers through implementing partner Legal Clinic • Provision of legal expertise and training on Citizenship Law related to easing naturalisation process for new refugees • Promotion of accession of Kyrgyzstan to 1954 and 1962 Conventions on Statelessness • Conducting eligibility interview as needed.