



COUNTRY OPERATIONS PLAN

OVERVIEW

Country: Kyrgyzstan

Planning Year: 2006

Executive Committee Summary

Country Operation Plan 2006 : KYRGYZSTAN

(Drafted March 2005¹)

Part I: OVERVIEW

1. Protection and socio-economic operational environment

The Kyrgyz Republic is a Party to the 1951 Convention and 1967 Protocol and has a National Refugee Law (2002) and respective by-laws in place.

Uzbek asylum-seekers crisis update September 2005

On 13-14 May 2005 following the violence in Andijan, Uzbekistan, some 500 Uzbeks fled to neighboring Kyrgyzstan. Four hundred and twenty six Uzbeks received international protection and humanitarian assistance in a camp supported by UNHCR near the Kyrgyz city of Jalalabad and 29 Uzbek asylum-seekers were detained in Osh following extradition requests by the Uzbek Prosecutor General. All of these persons sought recognition of their refugee status by the Kyrgyz authorities and UNHCR.

Since the beginning of this protection emergency, the threat of deportation was ever present. Four Uzbek asylum-seekers were forcefully returned to Uzbekistan by the Kyrgyz authorities, to an uncertain fate. It is only after the strong intervention of the international community that further deportations of asylum-seekers were prevented. The high profile of the group created an increasingly difficult environment for Kyrgyzstan to protect the asylum seekers in accordance with its obligations as a signatory of the 1951 Convention. The mounting uncertainties surrounding the international protection of this group, and repeated calls by the Kyrgyz authorities for UNHCR to support a solution for this group, led UNHCR to seek the support of the international community for the humanitarian transfer of this group outside Kyrgyzstan for their protection, pending emergency resettlement to other countries.

On 28 July, 439 refugees were airlifted from Bishkek to Romania during a Humanitarian Transfer Operation including 14 out of the 29 persons of concern detained by the Kyrgyz authorities who released from detention and allowed to join the group. On 16 September, 11 of the detainees were released and resettled to Finland, the Netherlands and Sweden. UNHCR remains concerned about the fate of the remaining four Uzbeks still in detention in Kyrgyzstan.

Outside the Uzbek refugee crisis in 2005, Kyrgyzstan is host to other refugee groups. At the end of 2004, there were 4,404 refugees in the Kyrgyz Republic. The majority of these refugees fled from the Republic of Tajikistan in 1992-1998 as a result of civil war (3,124 persons plus 1,063 persons who were granted Kyrgyz citizenship by Presidential Decrees, but were not issued national Kyrgyz passports yet). There other refugee groups in Kyrgyzstan comprise; Afghans (258 persons), Uighurs from China (4 persons) and India, Iran, Iraq and Syria (one family from each of the listed countries).

¹ Please note that the COP is based on the March 2005 situation. The impact of the Uzbek refugee situation is therefore not reflected, and is the subject of on-going review.

Asylum-seekers from the Chechen Republic of the Russian Federation (308 persons as of the end of 2004) have access to the territory of the Kyrgyz Republic and to registration within the National RSD regime, however, based on political considerations entertained by the Kyrgyz Government vis-à-vis the Russian Federation, not a single asylum-seeker from the Chechen Republic has been recognized as a refugee. The Russian Federation is one of the main political, economic and military allies of the Kyrgyz Republic which, consequently, does not want to alienate its powerful associate by granting Chechens refugee status, thus acknowledging human rights violations in the Chechen Republic of the Russian Federation.

Uighur refugees and asylum-seekers from PRC (9 persons) are particularly vulnerable from a protection viewpoint as they have no access to the National RSD procedures. At present, the Department of Migration Service of the Ministry of Foreign Affairs of the Kyrgyz Republic (hereinafter "DMS") does not register Uighurs from the PRC as asylum-seekers out of a perceived fear of political reprisal from the PRC. UNHCR has recognized Uighurs under its Protection Mandate in the Kyrgyz Republic in the past and has resettled them; this is done with the quiet consent of the Kyrgyz authorities.

In 2006, UNHCR's operations in the Kyrgyz Republic will retain a consistent durable solutions oriented profile.

In view of the expected intention to declare a cessation clause for Tajik refugees in the latter half of 2005 and in the wake of developing a corresponding implementation plan based on guidelines to be provided by DIP, OCM Bishkek is planning to complete the naturalization process for Tajik refugees in the Kyrgyz republic by the end of 2006. The process of submission of citizenship applications is expected to be finalized by the end of 2005, allowing for a small number of problematic residual applications to be addressed and processed in 2006.

Voluntary repatriation will be another durable solution available for those refugees who wish to return to the Republic of Tajikistan, however, OCM Bishkek does not expect large Tajik voluntary repatriation movements in 2006.

An unexpected constraint in the naturalization of Tajik refugees surfaced in 2004 with regards to the issuance of the newly commissioned standard Kyrgyz national passports which have to date not been issued to any citizen. The resolution of this serious, albeit temporary, problem will be monitored closely throughout Y 2005 and 2006. Other foreseen constraints include the Kyrgyz Republic's inability to ensure the social and economic integration of its new citizens in the country due to the lack of sufficient resources resulting from a generally impoverished economy, which has only recently began introducing market reforms following the collapse of the former centralized Soviet Union.

For refugees from the Islamic Republic of Afghanistan, which will number approx. 164 persons, after all those who were accepted for resettlement depart (mainly Canada), voluntary repatriation and local integration will remain as alternative durable solutions.

For asylum-seekers from the Chechen Republic of the Russian Federation, OCM Bishkek will continue to provide protection and welfare in the Kyrgyz Republic and assistance for those wishing to return home. Resettlement will constitute an alternative option for cases with legal protection and/or medical needs.

OCM Bishkek does not envisage, even with a possible change of political power structures as a result of Parliamentary and Presidential elections in 2005, a change in policies with regards to Uighur asylum-seekers and refugees from People's Republic of China and will continue to provide UNHCR Mandate-based protection and utilize resettlement as the only possible durable solution for those recognized as refugees under the UNHCR Mandate.

UNHCR has excellent working relations with the UN Agencies in the country and will cooperate closely with the UNCT in the UNDAF process and the CCA in pursuit of the Kyrgyz Republic's MDGs. In the context of UNDP's Country Programme Action Plan (2005-2010) as well as UNICEF's Programme of Cooperation for 2005-2010, UNHCR will advocate for the inclusion of refugees and asylum-seekers into existing Poverty Reduction/Alleviation strategies, including access to social services for persons of concern to UNHCR, as well as forge linkages with Safe the Children and UNICEF to ensure full enrollment of refugee children, particularly girls, in primary education, with UNAIDS and UNFPA to ensure full coverage of UNHCR beneficiaries in HIV/AIDS and SGBV prevention and awareness-raising programs and with UNIFEM to promote gender equality.

With regards to UNHCR's ongoing successful capacity building of the national asylum system, OCM Bishkek will not only continue to support DMS in consolidating its structures and knowledge base, but will also work to build the capacity of NGOs, judges, attorneys, law professors and law students to establish a sound system of checks and balances in asylum procedures.

UNHCR presence in the Kyrgyz Republic is the best guarantor of the Government's ability to abide by the provisions of the 1951 Convention and its 1967 Protocol, in terms of reception of asylum-seekers and refugees and standards of treatment and rights of asylum-seekers and refugees, due to the continuous monitoring by OCM Bishkek of its beneficiaries and its timely interventions.

2. Operational goals and potential for durable solutions

Priority will be given to the pursuit of UNHCR's Central Asia durable solutions strategy in the context of the wider CASWANAME Bureau strategic objectives, as well as UNHCR's Global Strategic Objectives: 2006-2007, with the focus on sustaining protection goals already achieved and integrating the remaining refugee population in the region through a more development and community-oriented approach.

The main strategic objectives set forth for the Kyrgyz Republic are to:

- Support the capacity of the Government in the region to uphold its protection responsibilities towards refugees and asylum-seekers based on international standards. Based on the results of the Central Asia Protection Gaps Analysis (CAPGI), to be available by the end of 2005, strengthen further the engagement of the Office in developing and improving the national asylum regime, in particular with regards to refugee legislation.
- Implement the cessation clause for Tajik refugees based on the guidelines provided by DIP. Plans of Action for all five countries - to be developed in mid 2005 - will be the main instrument for the implementation of the cessation clause.

- Vigorously pursue the implementation of durable solutions for the remaining groups of refugees in the Kyrgyz Republic, enhancing development through local integration (DLI) by granting citizenship to Tajik refugees and ensuring their socio-economic integration in the Kyrgyz Republic, as well as facilitating voluntary repatriation of Tajik and Afghan refugees and using resettlement as an option for mandated refugees with no other durable solutions in sight.
- Empower women through the mainstreaming of UNHCR's policies and standards in respect of gender and age. Community development activities, addressing the problems faced by youth, will be actively supported in UNHCR's DLI program in the Kyrgyz Republic.
- Build on the results of the 2005 EU funded country projects on the management of migration and asylum issues in Central Asia ensuring respect for key protection principles by expanding dialogue and cooperation with the EU, the Kyrgyz Republic, other Governments in the Central Asia region and other stakeholders.

OCM Bishkek's activities in 2006 will be focused on the above mentioned strategic objectives with special practical emphasis on:

1. Further building the capacity of the Kyrgyz Republic's government structures and knowledge base to better manage all refugee and asylum-seeker related matters;
2. Extending the provision of legal services and related activities for beneficiaries in need of international protection in the Kyrgyz Republic together with the Government and Non-Governmental partners;
3. Implementing comprehensive durable solutions for all Tajik and Afghan refugees and Chechen asylum-seekers in the territory of the Kyrgyz Republic and, as appropriate, for other populations of concern to UNHCR;
4. Continuing to empower women by raising gender equality awareness among beneficiary populations through the creation of counseling centers and the involvement of children, youth and adults in gender related educational activities;
5. Ensuring in-country emergency preparedness and contingency planning activities together with the Kyrgyz Republic authorities, the UNCT and other stakeholders;

The first and second objectives will require close cooperation and enhanced interaction with Government institutions, in order to implement the various actions/projects identified in the Central Asia Protection Gaps Analysis. Implementation of the third objective will involve the Government, UN agencies, NGOs, etc, and will require liaison with other Central Asian UNHCR offices, especially, in view of the expected announcement of the cessation clause for Tajik refugees. The objective of empowering women and promoting gender equality through community development targeting youth will require focused educational activities and reinvigorated capacity building exercises for the established counseling centers to enable them to provide, support, expertise and knowledge to the beneficiary communities. The last objective on emergency preparedness activities will involve the Kyrgyz Republic Border Guards Services, the Department of Migration Services as well as the UN system and donor agencies in an effort to better coordinate national/regional contingency emergency plans, including natural disasters.