

COUNTRY OPERATIONS PLAN

Country: Ukraine

Planning Year: 2002

Part I: Country Level

Executive Summary

(a) Context (Beneficiary Population and themes)

Ukraine, previously part of the Union of Soviet Socialist Republics, proclaimed its independence on 24 August 1991. It is divided into 24 oblasts (provinces), one Autonomous Republic (Crimea) and two metropolitan areas (Kiev and Sevastopol). It is situated in Eastern Europe, bordered by Poland, Slovakia, Hungary, Romania and Moldova to the West, by Belarus to the north and by the Russian Federation to the north-east and East. To the South lies the Black Sea and the Sea of Azov. Ukraine's surface is approximately 233,090 square miles and after the Russian Federation, is the second-largest country in Europe. Its population is currently estimated at 48 million, of which approximately 73% are ethnic Ukrainians, 22% are ethnic Russians, while the remainder is made up of Belarussians, Moldovans, Bulgarians, Poles, Hungarians, Romanians, Greeks, Jews, Roma, Crimean Tatars, Armenians and others.

Since its independence in 1991, Ukraine has struggled to manage a complex and unprecedented migration phenomenon but did not experience the inter-ethnic violence that occurred in other Soviet republics. The country hosts approximately 1.4 million returnees, primarily ethnic Ukrainians from other countries of the former Soviet Union. They regularised their status in Ukraine through the citizenship law which provided the right to Ukrainian citizenship for all individuals who were born or lived in Ukraine before independence and to their descendants who lived outside of Ukraine as of 13 November 1991, provided those persons were not citizens of other countries.

Out of the 258,000 Crimean Tatars who returned to their historic motherland from the former Soviet Central Asia Republics (where they had previously been deported *en masse* in 1944 for alleged collaboration with the Germans), 150,000 persons returned before 13 November 1991 and were automatically granted Ukrainian citizenship. The 108,000 persons who returned after the above-mentioned date were unable to avail of this option. Assistance was therefore required to obtain Ukrainian citizenship to facilitate their reintegration into the local society.

Upon the request of Ukrainian government, UNHCR provided technical/material assistance and facilitated the signing of bilateral agreements on simplified citizenship procedures with relevant governments. Since the beginning of its involvement in 1996 until June 2001, bilateral agreements on simplified citizenship procedures were signed with Uzbekistan, Belarus, Kazakhstan which granted 86,861 Formerly Deported Peoples (FDPs) Ukrainian citizenship, at no cost to the applicant and within a shorter period of time. The remaining 21,139 FDPs as of July 2001 are expected to avail themselves of the revised citizenship law that was adopted in March 2001 after joint lobbying efforts of UNHCR and the Council of Europe. The revised law allows individuals who have been in the country legally for a continuous period of at least five years to obtain Ukrainian citizenship (except for those coming from Georgia and Tajikistan with which Ukraine signed bilateral agreements on prevention of cases of dual citizenship). The closure of UNHCR office in Simferopol on 31 August 2001 marked a significant achievement in resolving citizenship issues in Ukraine. These remarkable accomplishments paved the way for the Ukrainian government's accession to the 1954 and 1961 international Conventions on Statelessness.

Under the revised citizenship law, refugees can also acquire Ukrainian citizenship if they have lived legally in the country continuously for at least three years from the time of their recognition and are able to communicate in Ukrainian language. Approximately 50% of the refugees would be eligible to apply by December 2001.

Positive developments continue to take place on refugee issues which will be hopefully highlighted by the Ukrainian government's accession to the 1951 Convention and its 1967 Protocol before the end of the year.

The Parliament of Ukraine adopted a new Law on Refugees in June 2001, after a long lobbying campaign carried out by UNHCR during the past 5 years. The new Refugee Law is fully in line with the 1951 Convention and will resolve the long-standing problems of refugees that were present in Ukraine since 1993. Refugee status will now be granted for the period that circumstances in the country of origin will allow a person to be considered as a refugee instead of previous 3 months. Equal rights to those of Ukrainian citizens will be granted. Refugees will be issued travel documents. Internal refugee certificates will be valid for 1 year subject to extension allowing refugees to apply legally to job offers. During the appeal procedure, asylum seekers will be considered legal in the country. Thus, encouraging the 644 asylum seekers with genuine claims who were rejected on the basis of strict implementation of safe third country rule and/or lack of documents, to re-apply for refugee status.

During the first half of 2001, the Law of Ukraine on Childhood Protection and Law on Immigration were approved in April and June, respectively. These two acts have also introduced important rules concerning refugee protection. The law on childhood protection was adopted to implement the provisions of Convention of the Rights of the Child (CRC) while the law on Immigration states that foreigners and stateless persons who were forced to leave their places of permanent residence in the Autonomous Republic of Abkhazia (Georgia) and have been residing in Ukraine for at least 5 years with temporary certificates can be granted permanent resident permits within 6 months from the time the law was put into force. This will allow 775 out of 2497 Abkhaz to regularise their stay in Ukraine by January 2002.

The government has also taken significant steps in developing institutions and structures to protect refugees in Ukraine. The Refugee Status Determination continues to be implemented in all of the 27 regions of the country and appeal procedures are conducted by the Appeal Commission of the State Department for Nationalities and Migration or the court system. As of July 2001, there were 2950 recognised refugees. Of this number, 54% originated from Afghanistan, 11.5% from Africa (118 persons from DRC, 68 from Sudan, 36 from Ethiopia, 36 Angola), 48 from Iraq, 42 from Syria, 22 from Iran and 29% originated from CIS countries including 234 persons from Russian Federation, 255 from Armenia, 205 from Azerbaijan, 120 from Georgia, 38 from Tajikistan. Majority of the refugees and asylum seekers are residing in urban areas (i.e., 34% percent in Kyiv, 20,4 % in Odessa, 6 % in Kharkiv, and 6 % in Lviv). Most of them are working as traders in the market/bazaars.

Identification of durable solutions will be intensified during 2002 with emphasis on local integration since large number of the refugees, i.e., Afghans have been in the country for several years, know the language and culture, and are eligible for Ukrainian citizenship. Major difficulties, however, are most likely to be encountered mainly due to (a) political, social and economic situation in the country, and (b) many of the refugees view their stay in Ukraine as temporary and would like to proceed to Western countries as soon as opportunities arises. Until mid May 2001 there were reports of discrimination and frequent police harassment of certain categories of refugees and asylum-seekers that were routinely detained for arbitrary document checks. After an intense campaign of the office with the MOI bodies such instances appear to have completely disappeared.

The community development approach, introduced in Ukraine during 2001, will play a crucial role in facilitating local integration. While time-limited assistance will continue to be provided to most needy individuals (mainly new arrivals) pending results of their applications for refugee status, the main focus of assistance activities will be on fostering self-reliance programmes and creation of socio-economic opportunities in close coordination with various development agencies, government, NGOs and refugee communities. UNHCR will also work with the relevant government authorities in developing a national plan for integration of refugees in Ukraine. Public information and public awareness activities will be intensified for the local population to be receptive and supportive to integration efforts of the refugees.

Voluntary repatriation will be promoted and facilitated whenever feasible. Likewise, resettlement will be pursued for refugees with protection concerns and who are believed to have very little or no chances for integration into the Ukrainian society.

The NGO sector in Ukraine is still developing particularly those who are dealing with the refugees and involuntary displacement. Most of the NGOs lack the expertise and experience to successfully implement programmes and manage their respective organisations, they have insufficient human and financial resources, while the government has little recognition or knowledge on the positive roles the NGOs can play and therefore the appropriate laws which would enable the NGO sector to function effectively and efficiently are still lacking. NGO capacity building measures (both technical and material) will continue to be required in close coordination with other CIS countries to facilitate exchange of knowledge and experience especially in support of international refugee law, legal assistance and promotion of durable solutions. A consortium of the existing legal NGOs and legal clinics will be enhanced/developed further to cover the main regions of the country with large numbers of refugees.

Moreover, linkages with other programmes within the CIS will be strengthened to have a coherent approach in planning and delivery of protection and assistance activities through regional workshops, training/seminars.

UNHCR will continue to work closely with other UN and international agencies in the country. The turnover of UNHCR-funded income generation activities in Crimea to UNDP upon closure of UNHCR field office in Simferopol by end of August 2001 signified the close cooperation between the two UN agencies during 2001. Moreover, UNHCR will enhance further its relations with WHO, UNFPA, UNAIDS, UNICEF in addressing issues of common concern such as provision of primary health care, prevention and treatment of Tuberculosis, reproductive health focusing on prevention of HIV/AIDs, prevention and treatment of STDs, psychological support programme and implementation of the Convention of the Rights of Children. During 2002, discussions will be held the respective UN agencies for the inclusion of the refugee caseload into their national plans and programmes.

Ukraine has signed re-admission agreements with the Slovak Republic, Poland and Hungary but it has no similar re-admission agreement with Russia that resulted in the increasing number of asylum-seekers and illegal migrants in the country compounded by the lack of government funds to repatriate those without protection concerns. This situation poses a challenge for UNHCR in promoting refugee issues particularly in the western part of the country where an average of 4000 persons in 2000 attempted to cross the borders to Western Europe. They were intercepted by the Ukrainian border guards and after a few days of detention were released, enabling them to try again to cross the border illegally.

The UNHCR antenna office in Lviv will strengthen the UNHCR monitoring capability in the western part of the country by ensuring that persons who are in need of protection are assisted and provided access to Refugee Status Determination carried out by the offices of Regional Migration Services located in Lviv and Uzhgorod. In close cooperation with IOM and other UNHCR offices in neighbouring countries, UNHCR in Ukraine will intensify the catalytic role in bringing the delicate situation faced by the Ukrainian authorities in the border area, to the potential donors with the ultimate objective of resolving the issues in the spirit of burden sharing. In particular projects focusing on joint training of border guards of neighbouring countries with the participation of local administrators and local NGOs will be organised

(b) Main Programme Goals and Principal Objectives

Name of beneficiary population/Theme: Refugees and Asylum Seekers	
Main Goal(s): <ul style="list-style-type: none"> • Ukraine will adopt coherent processes to manage refugee flows humanely • Ukraine will develop programmes and activities for the protection and integration of refugees • Public opinion will be receptive to protection needs and supportive of integration efforts of refugees 	
Principal Objectives	Related Outputs
<ul style="list-style-type: none"> • Measures to combat illegal migration that include adequate protection safeguards for refugees and asylum seekers are put in place • An understanding among external actors/other European countries of the role of Ukraine in managing migration flows and a spirit of burden sharing is achieved. • Accession to the 1951 Convention and effective implementation of the refugee legislation including proper gender perspective and refugee status determination procedures in conformity with international standards will be achieved. • Complementary systems of protection and temporary assistance/protection of UNHCR 	<ul style="list-style-type: none"> • National dialogue organised on migration issues clearly marking the distinction between bona fide asylum seekers and economic migrants • Monitoring mechanisms created and promoted at entry points. • Borders and airports monitored to ensure that refoulement is not taking place • Completed training through Academies for border guards and police on distinction between asylum-seekers and migrants, i.e., their respective rights, access to territory and procedures for asylum seekers; • Cross-border cooperation promoted between state agencies involved in migration management in neighbouring countries through sharing of information and experience, joint meetings, study visits, etc. • Advocacy and lobbying efforts to explain refugee issues and the role of the international protection regime, targeting government officials from ministries of interior and justice and parliamentarians • Technical support, legal advice and training provided to governmental and NGO bodies, lawyers, judges for the effective implementation of legislation, including national RSD procedures • RSD procedures monitored to ensure they are fair and efficient • Registration system is improved and support is provided for maintaining and up-dating refugees and asylum seekers databases; • Up-to-date and comprehensive Country of Origin Information materials and training on internet, Refworld, provided;

<p>persons of concern are met</p> <ul style="list-style-type: none"> • Asylum-relevant institutions will be operational. • Durable solutions will be identified for various categories of refugees • Distinction between asylum seekers / refugees and economic migrants is understood by public at large. 	<ul style="list-style-type: none"> • Asylum-seekers and refugees d access legal advice/assistance and social counselling with RSD procedures and rights under the 1951 Convention and other international human rights instruments • Cooperation with education institutions enhanced to include asylum and human rights issues in the curricula of institutes and universities • Minimal material and protection assistance provided to asylum seekers pending results of their application and certain categories of refugees pending identification of durable solution • Government assisted in managing Temporary Accommodation Centre for asylum-seekers; • Capacity of Government and NGO legal services strengthened in registration, counselling, representation of asylum seekers in courts, i.e through the system of legal clinics, and material assistance • NGOs provided support, partnership and opportunities to strengthen their role in managing refugee assistance and protection programmes • Eligible beneficiaries have accessed citizenship procedures in an effective and efficient manner • Russian/Ukrainian language training, job creation/placement, small business development, self-reliance projects and other socio-economic opportunities in partnership with development agencies have been made available to refugees, and have facilitated their integration • refugees with protection concerns and few or no chances of integration considered for resettlement opportunities, and accepted by resettlement countries • Refugees who opted for voluntary repatriation have returned to their country of origin, in an organized way and whenever conditions permitted. • Information on human rights and international Conventions that require fair and non-discriminatory treatment of asylum-seekers and refugees disseminated to general public, decision making bodies, media, donor missions, NGOs, universities and refugee communities
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<ul style="list-style-type: none"> Xenophobic tendencies decreased and tolerance increased 	<ul style="list-style-type: none"> TV spots describing difference between asylum-seekers/refugees and economic migrants, films on refugee stories and films on UNHCR activities in the country, interviews on news shows; Public awareness activities organised through participation of refugees in the national/public holidays, photo exhibitions Tolerance education projects organised in schools, colleges and universities
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Name of beneficiary population/Theme: Formerly Deported Peoples (FDPs)	
Main Goal(s): <ul style="list-style-type: none"> Statelessness will be reduced and prevented in Ukraine 	
Principal Objectives	Related Outputs
<ul style="list-style-type: none"> Ukraine will accede to the relevant instruments relating to the prevention and reduction of statelessness 	<ul style="list-style-type: none"> Accession to the Conventions on statelessness promoted Monitoring of the implementation of the revised citizenship law to ensure its effective and efficient application.