

COUNTRY OPERATIONS PLAN

Country: Belarus

Planning Year: 2002

Part I: Executive Committee Summary

(a) Context and Beneficiary Population(s)

The political set-up in Belarus has given rise to international concern about the legitimacy of its executive and legislative branches of Government and the country's human rights record and resulted in a significant degree of international censure and ostracism, including exclusion from the Council of Europe. The presidential election expected in the autumn of 2001 will be closely watched as a barometer of the political climate in the country.

Situated at Europe's crossroads, Belarus' territory is a major transit corridor for irregular migration movements from east to west. With the aim of managing migration flows more effectively and humanely, the Government of Belarus has been willing to cooperate closely with UNHCR in developing a national asylum system and integrating it into the international refugee protection system. The necessary legislative framework has been created and an administrative migration service infrastructure, represented both in the capital and in the regional centres, established. A draft law on accession to the 1951 Refugee Convention was submitted to the Belarusian legislature at the end of 2002 and the ratification process got under way in April 2001. The law was adopted in April 2001 by the Belarusian legislature and after its signature by the President in May and publication in the newspapers it entered into force. Thereby, process of Belarus accession to the Convention was completed. In 2000 the Government also finally recognised local integration as a durable solution for recognised refugees and 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 became operational country wide only in June 1998 and has only gradually gathered momentum. There are still shortcomings in the national refugee law itself and its implementation. The general situation is exacerbated by an insufficient level of cross-border and sub-regional cooperation. The most alarming protection concern is the extensive application of the "safe third country" concept aggravated by the absence of a humanitarian protection system and readmission agreements with the main transit countries (Russia and Ukraine). 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.

From 1997 to March 2001 the Government recognized 531 persons as refugees, mainly from Afghanistan (80%), Georgia (8%), Ethiopia (4%), Tajikistan (3.2%), Azerbaijan (2.6%). The authorities report about some 13,100 potential asylum seekers (CIS nationals who claimed asylum before the implementation of the refugee legislation had begun), and about 20,564 stateless persons. Belarus is not a signatory to the 1954 and 1961 Conventions relating to statelessness and its legislation contains provisions that are not consistent with the international instruments relating to refugees and statelessness issues. UNHCR has recorded a total of 2506 asylum seekers: from Afghanistan (77%), Georgia (7.3%), Ethiopia (2.3%), Iraq (2.1%), Russia (Chechnya) (1.8%) and others from Iran, Tajikistan, Pakistan, Sri Lanka and Somalia. The overwhelming majority of asylum seekers and refugees in Belarus are of urban origin.

The continuing civil war in Afghanistan and unresolved conflict between Georgia and the breakaway region of Abkhazia rule out voluntary repatriation of the majority of persons of concern. 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 reunion.

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. 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 the refugees recognised as such by the Belarusian authorities and the asylum seekers registered with UNHCR and/or the authorities. While shifting the emphasis from care and maintenance to local settlement, UNHCR will seek lasting 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.

A second related theme, corresponding with UNHCR's mandate, will be that of addressing the problem of statelessness with the aim of ascertaining its true scope in Belarus and, while working towards its reduction and elimination, ensuring that stateless people acquire citizenship.

Considering that UNHCR's European partners are either not present in Belarus, as in the case of the Council of Europe, or have limited mandates or roles, as in the case of the OSCE and IOM, UNHCR's broader significance in helping to fill the resulting void should be borne in mind. The encouraging factor is that the Belarusian authorities have remained receptive to UNHCR's message and have shown in practice their will to cooperate in establishing a humane system for managing migration flows and respecting the rights of asylum seekers and refugees. The steady rise in the number of recognised refugees in Belarus during the last two years and Belarus' decision to accede to the 1951 Refugee Convention in 2001 attests to this.

Despite its small office and operational budget, the UNHCR office in Minsk continues to make a difference in Belarus and in terms of impact remains strategically very cost-effective. Significant progress has been achieved, in difficult political and economic conditions, to promote the establishment of a national asylum system. Belarus is one of the Eastern European countries that lies on the European Union's new eastern border and, as a transit country confronted by the problem of irregular migration westward, the country's further integration into the international refugee protection system is of crucial importance.

(b) Selected Programme Goals and Objectives

Name of Theme # 1: <i>Quality asylum in the context of mixed migration flows</i>	
Main Goal(s): <i>Belarus establishes coherent processes to manage migration flows humanely</i>	
Principal Objectives	Related Outputs
<ul style="list-style-type: none"> • Adequate protection safeguards are included in measures to combat illegal migration 	<ul style="list-style-type: none"> • Border/law enforcement officials are trained and are aware of international protection standards; • Training facilities of police schools are improved and refugee courses are introduced into existing training programs; • Mechanisms for referring of asylum seekers by the Border Troops (BTs) and Ministry of the Interior (MOI) are further strengthened; • System for monitoring borders and the airport to ensure that refoulement is not taking place is established;
<ul style="list-style-type: none"> • Cross-border cooperation on the basis of humane control procedures is promoted 	<ul style="list-style-type: none"> • 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 advanced

Main Goal(s): <i>Asylum laws and policies meet international standards and systems develop for protection and integration of refugees</i>	
Principal Objectives	Related Outputs
<ul style="list-style-type: none"> • 1951 Refugee Convention is implemented and refugee legislation is brought into line with it 	<ul style="list-style-type: none"> • Assistance with amendment of the Belarusian law on refugees and relevant by-laws is provided; • Government officials dealing with refugee issues and parliamentary members are lobbied and trained;
<ul style="list-style-type: none"> • Refugee legislation provides for fair, non-discriminatory, efficient procedures 	<ul style="list-style-type: none"> • RSD staff provided with access to updated country of origin information (COI); • System for monitoring RSD process is operational and adequate legal and social assistance is provided; • Training and technical assistance is provided to the second instance court structures; • Temporary reception places are established for the most vulnerable (unaccompanied minors (UAMs), families with minors, single women, etc); • Minimal material and protection assistance is provided for asylum seekers pending identification of a durable solution
<ul style="list-style-type: none"> • Asylum-relevant institutions become more effective and increasingly independent of external support 	<ul style="list-style-type: none"> • Computerised registration system that will allow processing and exchange of refugee related information among the Committee on Migration (COM), regional migration services,

	<ul style="list-style-type: none"> Ministry MOI and BTs is established; Targeted technical assistance to regional RSD institutions (es. Gomel, Mogilev migration services) is provided; Electronic data base in the MOI on foreigners, including asylum seekers and refugees, is established; 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.
<ul style="list-style-type: none"> Refugees have real opportunities to integrate 	<ul style="list-style-type: none"> Refugee children are helped to obtain access to secondary education; Russian and native language education, as well as vocational skills training programs, are supported; Permanent accommodation facilities are rehabilitated for a limited number of vulnerable recognised refugees Schemes for income-generating activities (micro-credit/job placement, etc) are developed while a hand over of this activity to development agencies is promoted
Main Goal(s): <i>Public opinion is receptive to the protection needs of refugees and supportive of their integration efforts</i>	
Principal Objectives	Related Outputs
<ul style="list-style-type: none"> The public at large understands the distinction between asylum seekers/refugees and economic irregular migrants 	<ul style="list-style-type: none"> Media/television/radio programs feature relevant issues; Decision making bodies, donor missions, NGOs, universities 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 tendencies decrease and tolerance increases 	<ul style="list-style-type: none"> Cross-cultural/tolerance-building education projects are launched 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: <i>Reduction of Statelessness</i>	
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 	<ul style="list-style-type: none"> Officials are trained on the international

<p>to the Status of Stateless Persons and 1961 Convention on the Reduction of Statelessness</p>	<p>instruments relating to statelessness</p> <ul style="list-style-type: none"> • Discussion on accession to the Conventions is begun among Governmental agencies and MPs; • UNCHR is invited to comment on the draft law on citizenship • 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 • UNHCR is provided the opportunity to comment on laws and practice relevant to statelessness • Existing legislation is implemented in line with the norms of the 1954 and 1961 Conventions • MOI is able to provide detailed information on stateless persons • Government begins taking coherent steps to reduce statelessness
<ul style="list-style-type: none"> • Rights of stateless persons are observed 	<ul style="list-style-type: none"> • 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 • Study on consequences of de-jure and de-facto statelessness with regard to basic rights is carried out