

# BELARUS

## Part I: Executive Committee Summary

### **(a) Context and Beneficiary Population(s)**

Situated at Europe's crossroads, Belarus' territory is a transit corridor for irregular migration movements from east to west. The Government of Belarus has been willing to cooperate 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. The Government has also gradually accepted local integration as a durable solution for recognised refugees and in 2001 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 the 1990s and, although the number of recognised refugees in Belarus has steadily grown during the last three years, the denial of access to the RSDP on formal grounds still remains a protection challenge. Shortcomings in the existing refugee legislation and its implementation need to be removed. 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 aggravated by the absence of 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. A reorganization of the Government after the presidential elections in September 2001 resulted not only in structural changes but also changes in personnel among the officials that UNHCR had been working with. There is a need to address the ensuing problems through targeted training, advocacy and capacity building.

From 1997 to March 2002, the Government recognized 605 persons as refugees, mainly from Afghanistan (77%), Georgia (10%), Tajikistan (4,5%), Ethiopia (3,7%), Azerbaijan (2,8%). 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. Since 1995, UNHCR has registered a total of 2541 asylum seekers: from Afghanistan (78,6%), 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 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 2002 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 of 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 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 ensure 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 the refugees recognised as such by the Belarusian authorities and the asylum seekers registered with UNHCR and/or the authorities. While increasingly 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. Where appropriate UNHCR will also assist with resettlement and voluntary repatriation, in particular for the Afghan caseload.

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.

Considering that UNHCR's European partners are either not present in Belarus, as in the case of the Council of Europe, or have limited roles in the country, 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.

With the exception of IOM, UNHCR has been the only international organisation operating in Belarus that is concerned with refugee and broader migration related issues. The situation appeared to change somewhat at the end of 2001 as details began to emerge of an EU-funded project to be implemented by UNDP in 2002 on improving border management between Belarus and Ukraine, and of the prospect of EU funding for asylum related projects in 2003-04.

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

**(b) Selected Programme Goals and Objectives**

<b>Name of Theme # 1: <i>Strengthening Asylum</i></b>	
<b>Main Goal(s): <i>Persons in need of international protection have access to the territory of Belarus</i></b>	
<b>Principal Objectives</b>	<b>Related Outputs</b>
<ul style="list-style-type: none"> <li>Measures to combat irregular migration and smuggling include adequate safeguards against direct or indirect refoulement</li> </ul>	<ul style="list-style-type: none"> <li>Border/law enforcement officials are trained and are aware of international protection standards;</li> <li>Smooth cooperation with externally funded migration management projects ensures asylum aspect is taken into account</li> </ul>
<ul style="list-style-type: none"> <li>Comprehensive migration policies are developed and implemented</li> </ul>	<ul style="list-style-type: none"> <li>The central role of asylum in a national migration system is recognised;</li> <li>Coordination of government institutions dealing with migration issues is strengthened;</li> <li>Cross-border sharing of information and experience, joint meetings, study visits, etc, are organised;</li> <li>Sub-regional readmission arrangements and agreement on 'safe third country' concept are promoted</li> </ul>
<b>Main Goal(s): <i>Asylum seekers have access to fair, efficient and effective procedures and are treated in accordance with international standards</i></b>	
<b>Principal Objectives</b>	<b>Related Outputs</b>
<ul style="list-style-type: none"> <li>Asylum-seekers have access to procedures in which their claims are heard fairly and promptly</li> </ul>	<ul style="list-style-type: none"> <li>Mechanisms for referring of asylum seekers by the Border Troops (BTs) and Ministry of Internal Affairs (MIA) are further strengthened;</li> <li>Reception centres/facilities established to accommodate asylum seekers and process</li> </ul>

	<ul style="list-style-type: none"> <li>undocumented ones;</li> <li>System for monitoring borders and the airport to ensure that refoulement is not taking place is established;</li> <li>System for monitoring RSD process is operational and adequate legal and social assistance is provided;</li> <li>Minimal material and protection assistance is provided for asylum seekers pending identification of a durable solution</li> </ul>
<ul style="list-style-type: none"> <li>Legal framework for asylum are established in line with international standards and practice</li> </ul>	<ul style="list-style-type: none"> <li>Assistance with amendment of Belarusian refugee legislation and relevant by-laws is provided;</li> <li>Temporary protection measures are developed by the State;</li> <li>Government officials dealing with refugee issues and parliamentarians are lobbied and trained;</li> </ul>
<ul style="list-style-type: none"> <li>Asylum-relevant institutions become more effective and increasingly independent of external support</li> </ul>	<ul style="list-style-type: none"> <li>Computerised registration system that will allow processing and exchange of refugee related information among the Department on Migration (DOM) and regional migration services is established;</li> <li>COI and interviewing facilities are established at the central and regional levels;</li> <li>Targeted technical assistance and training to regional RSD authorities is provided;</li> <li>MIA capacity to screen, identify and register undocumented AS is established;</li> <li>NGO sector is further enhanced through provision of operational support, training and access to information;</li> <li>Coordination among institutions dealing with asylum issues is promoted and enhanced.</li> </ul>
<b>Main Goal(s): Refugees rights are respected and effective durable solutions are found for them</b>	
<b>Principal Objectives</b>	<b>Related Outputs</b>
<ul style="list-style-type: none"> <li>Refugees have real opportunities to integrate</li> <li>UNHCR assists Afghan refugees who are willing to repatriate</li> </ul>	<ul style="list-style-type: none"> <li>Recognised refugees receive propiska and residence permits;</li> <li>Permanent accommodation facilities are rehabilitated for a limited number of vulnerable recognised refugees</li> <li>Refugee children are helped to obtain access to secondary education;</li> <li>Russian and native language education, as well as vocational skills training programs, are supported;</li> <li>Schemes for income-generating activities (micro-credit/job placement, etc) are developed while a hand over of this activity to development agencies is promoted</li> </ul>
<b>Main Goal(s): Public opinion is receptive to the protection and solution needs of refugees</b>	
<b>Principal Objectives</b>	<b>Related Outputs</b>
<ul style="list-style-type: none"> <li>UNHCR's standing as the international authority on refugee protection is understood and acknowledged</li> </ul>	<ul style="list-style-type: none"> <li>Media/television/radio programs feature relevant issues;</li> <li>Decision making bodies, donor missions, NGOs, Government institutions are targeted with information on human rights and refugee issues;</li> </ul>

	<ul style="list-style-type: none"> <li>Academic publications covering refugee issues, human rights manuals, courses on refugees, and lectures in schools are supported;</li> </ul>
<ul style="list-style-type: none"> <li>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</li> </ul>	<ul style="list-style-type: none"> <li>Cross cultural/tolerance education projects are launched in schools, colleges, universities</li> <li>PA activities through participation of refugees (national holidays, a refugee day) and joint social activities with local children are organised;</li> <li>Posters, calendars, etc, dedicated to refugees and their positive inputs into local communities are distributed;</li> <li>Cooperation is developed with cultural institutions and State Committee for National Minorities and Religion</li> <li></li> </ul>
<b>Name of Theme # 2: <i>Reduction of Statelessness</i></b>	
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>	
<b>Principal Objectives</b>	<b>Related Outputs</b>
<ul style="list-style-type: none"> <li>Belarus accedes to 1954 Convention relating to the Status of Stateless Persons and 1961 Convention on the Reduction of Statelessness</li> </ul>	<ul style="list-style-type: none"> <li>Officials are trained on the international instruments relating to statelessness;</li> <li>Discussion on accession to the Conventions among Governmental agencies and MPs;</li> <li>UNHCR submits comments on the by-laws related to citizenship</li> <li>Belarus participates in regional efforts to reduce statelessness.</li> </ul>
<ul style="list-style-type: none"> <li>National laws are amended and implemented in line with the above international instruments</li> </ul>	<ul style="list-style-type: none"> <li>Lobbying leads to understanding of UNHCR's concerns by the authorities and MPs</li> <li>Implementation of revised citizenship law is monitored</li> <li>UNHCR is provided the opportunity to comment on by-laws and practice relevant to statelessness</li> <li>Existing legislation is implemented in line with the norms of the 1954 and 1961 Conventions</li> <li>MIA is able to provide detailed information on stateless persons</li> <li>Government begins taking coherent steps to reduce statelessness</li> </ul>
<ul style="list-style-type: none"> <li>Rights of stateless persons are observed</li> </ul>	<ul style="list-style-type: none"> <li>Central and regional authorities are informed about the concerns related to the treatment of stateless persons</li> <li>Stateless persons are informed about their rights and encouraged to obtain citizenship</li> <li>Discussion on the problem of statelessness is initiated in Belarusian media</li> </ul>