



UNHCR

United Nations High Commissioner for Refugees

Haut Commissariat des Nations Unies pour les réfugiés

Country Operations Plan 2007

KYRGYZSTAN

Executive Committee Summary

Country Operation Plan 2007 : KYRGYZSTAN

Part I: OVERVIEW

1. Protection and socio-economic operational environment

The Kyrgyz Republic ratified the 1951 Convention in 1996. Since then Kyrgyzstan demonstrated a steady progress in building the national asylum system through the adoption and implementation of the Law on Refugees (1998) and the relevant by-laws. However, in 2005 the nascent refugee protection system faced major challenges due to the country's internal political upheaval in March and the unexpected arrival of Uzbek asylum seekers in May.

Since early spring 2005 the Kyrgyz Republic has experienced considerable political turmoil. Mass protests triggered by flawed parliamentary elections in February-March culminated in the storming of the government's White House in Bishkek on 24 March and resulted in the overthrow of the constitutional order, the fleeing of the President, the nomination of an acting President and the appointment of an interim Government. The disorders in the country and two nights of unprecedented looting in the capital led to the temporary elevation of the UN DSS security phase in the country to level III and the corresponding evacuation of UN non-essential international staff and dependants. Subsequently, the interim Government managed to restore public order throughout the capital, although sporadic protests and seizures of buildings and properties continued, including a second attempted storming of the White House on 17 June.

The presidential elections held on 10 July and the nomination of a new executive branch changed the Kyrgyz Republic's leadership and structures in most Government bodies. The latter affected the refugee protection regime and related UNHCR activities and put considerable constraints on programme implementation arrangements.

A second major constraint of the year was the Uzbek emergency crisis following the violent events in the city of Andijan, Uzbekistan, on 13 May and subsequent arrival into Kyrgyzstan of approx. 500 Uzbek citizens seeking refuge. Their presence required unprecedented protection efforts from UNHCR and forced the agency to shift its focus from existing programmes to the complex emergency operation in the south of the Republic.

The Kyrgyz Republic accepted 491 asylum seekers following their arrival and allowed to their settlement in a tented camp on the border area near Jalal-Abad. This triggered strong political pressure from Uzbekistan and steps by the Uzbek authorities to ensure the return of the camp residents. After the initial arrival, the Kyrgyz authorities rejected at least one other group of approx. 80 asylum seekers at the border and refused to accept new Uzbeks in the camp. Registration of asylum claims in the camp started only after four weeks of tough negotiations. The political pressure and about 300 extradition requests from Uzbekistan were among factors which prompted UNHCR to implement an unprecedented humanitarian evacuation of the Uzbek camp population to Romania.

Throughout the crisis, 33 asylum seekers were detained based on the extradition charges brought forth by the Uzbek authorities, and four of them were immediately refouled without due procedure. Although 25 detainees were released and allowed to depart from Kyrgyzstan, this achievement required significant efforts from UNHCR and the international community, including at the highest level. Four mandate refugees and one asylum seeker still remain in detention in Osh on the basis of the Uzbek extradition requests. The collision of asylum and extradition obligations lead to another instance of refoulement: an asylum seeker was extradited to Kazakhstan on 23 December 2005.

The change of political leadership and of the Government structures in the KR, coupled with the Uzbek refugee crisis, has exposed the vulnerability of the asylum system in the country. Only after difficult negotiations in the field and HQ levels did the Kyrgyz authorities accept the registration of new Uzbek asylum seekers by UNHCR, and unwillingly decided to allow them into the national refugee status determination (RSD) procedure. The reorganisation of the national migration agency

has put on hold state RSD in the last quarter of 2005 and left a number of asylum seekers and refugees without valid documents confirming their status. In several individual cases UNHCR intervened to ensure protection by registering asylum applications and resettling some refugees.

The KR continued to conduct RSD and provide protection to recognized refugees from other countries, mainly from Afghanistan. However, the number of reviewed applications decreased by 47% compared to 2004, and the number of positive decisions also dropped¹. The authorities also continued to extend the asylum seeker status for the Chechens from the Russian Federation.

The Kyrgyz Republic made significant progress in the naturalisation of Tajik refugees. The simplified naturalization procedure for these refugees was running smoothly despite the internal political changes. In April-December, **3,372** refugees were granted citizenship in Kyrgyzstan.

The summer refugee crisis caused increased interest in refugee issues in Kyrgyzstan. A member of Parliament representing a constituency where the Uzbek refugee camp had been located initiated amendments to the Law on Refugees. UNHCR is drafting its response to the proposed amendments.

The arrival of Uzbek refugees to southern Kyrgyzstan, changes in the Kyrgyz executive bodies and reorganisation of the migration agency required additional capacity building efforts from UNHCR. The refugee emergency was the first such experience for the respective regional and municipal authorities, including law enforcement agencies and border troops. There is a need to raise awareness on refugee protection and emergency preparedness for these entities. A renewed awareness building thrust will be required in the capital, too, – for the Prosecutor General's Office, Ministry of Internal Affairs and the State Security Committee.

2. Operational goals and potential for durable solutions

The protection situation in the KR differs for various refugee populations, which may be divided into three main groups.

Beneficiary Population 1 is composed mainly of refugees from outside the CIS, with Afghan refugees accounting for 90,64 per cent of this group. Refugees from this category have access to the refugee status determination (RSD) procedures and to the rights granted by the national legislation to asylum seekers and refugees. However, durable solutions are problematic for this group: the situation in the country of origin hinders voluntary repatriation as an option for most of refugees, while cultural difficulties and the existing citizenship law impede local integration.

Beneficiary Population 2 is composed of the asylum seekers from neighbouring countries (except Tajikistan) and the Chechens from the Russian Federation. Bilateral political considerations impact negatively on the granting of refugee status to some of these refugees (Chechens) or impede access to the national refugee status determination process. Although the majority of this group has temporary protection status (extended asylum seeker status for the Chechens, registered asylum applications for the Uzbeks), the legal aspects of local integration cannot be resolved due to the lack of permanent residence status. Despite the repatriation of few families to the Russian Federation (Chechnya), most of the refugees from this group are not expected to opt for voluntary return. Hence, resettlement remains the major durable solution for refugees who meet UNHCR criteria. Extradition is another difficult protection issue for this group, as the national legislation does not include clear guidance on the resolution of the collision between asylum and extradition.

Beneficiary Population 3 includes the Tajik refugees most of whom are of Kyrgyz ethnic origin. They enjoy full access to the refugee status determination process and associated rights, including simplified naturalisation procedures. In this context, following the announcement by UNHCR of a Tajik cessation clause affecting refugees who fled the Tajik civil war, effective 1st July 2006, BO Bishkek will phase-out assistance to this group after the completion of the naturalisation and repatriation programs.

¹ In 2004 claims of 305 individuals were considered, 76 persons were granted refugee status. In 2005, the authorities reviewed cases representing 160 persons (excluding Uzbek refugee camp) and granted refugee status to 23 persons.

Another group of persons of concern to UNHCR are stateless residents in the KR. The problem of statelessness came to UNHCR's attention in the context of the naturalisation program for the Tajik refugees. The number of stateless persons in Kyrgyzstan is yet to be determined, but it is estimated in dozens of thousands. The dissolution of the former Soviet Union and difficulties in the national passport reform has left between 400,000 to 700,000 Kyrgyz citizens without valid national passports, according to a preliminary assessment conducted by the Ministry of Internal Affairs. From this group, the Citizenship Commission under the President's Administration estimates some 100,000 persons as de facto stateless persons. In order to assist the Kyrgyz Government to start addressing this complex issue, UNHCR Representation in Kyrgyzstan is including a theme on statelessness in its Country Operations Plan for 2007.

Based on the foregoing summary of the existing situation and taking into account the regional and global objectives of the Office, UNHCR Kyrgyzstan has determined the following **Overall Goals** for 2007.

1. Improving the quality of asylum in the Kyrgyz Republic (Regional Objectives 1 and 2).
2. Redoubling the search for durable solutions for all refugee populations (Reg. Objective 3).
3. Ascertaining the scope of the statelessness problems and defining strategies to address it (Reg. Objective 2.4).
4. Ensure up dated contingency planning and preparedness given the fragile situation in the region, in particular in the Ferghana Valley (Reg. Objective 6)

Objectives for Goal 1 (All Beneficiary Populations):

- 1.1. Reinforcing protection against refoulement;
- 1.2. Improving access to, and strengthening the national RSD system;
- 1.3. Ensuring that refugees enjoy the declared civil, social and economic rights.

Objectives for Goal 2:

- 2.1. Completion of naturalization and voluntary repatriation programs for Tajik refugees;
- 2.2. Strengthening the legal aspects of local integration and access to naturalization for other refugee populations (Beneficiary Populations 1 and 2).
- 2.3. Improving self-reliance opportunities for all refugees and asylum seekers;
- 2.4. Using proactively resettlement as a durable solution for appropriate groups.

Objectives for Goal 3 (Statelessness theme):

- 3.1. Establishing the number and categories of stateless persons in the Kyrgyz Republic.
- 3.2. Involving the Government in preparation of strategies to reduce statelessness in Kyrgyzstan and in discussion on accession to the Statelessness conventions.

Objectives for Goal 4:

- 4.1. Assessing and analyzing ongoing developments in Kyrgyzstan and the neighboring states with respect to factors that can trigger mass population movement.
- 4.2. Preparing for emergency through planning and discussion with the respective government agencies and other partners.
- 4.3. Actively participating in the efforts of the UN agencies to increase the level of awareness and emergency preparedness at the national level.
- 4.4. Prepare and regularly update the UNHCR Contingency preparedness plan for Kyrgyzstan.

Objectives for Goals 1 and 2 are determined as priority ones in case of possible funding constraints. Further prioritization would require an overall review of all activities planned within these objectives.

The potential for durable solutions differs for various groups of refugees. Local integration and naturalisation is the most realistic option for recognized Tajik refugees, despite the economic difficulties affecting their community. Many recognized Afghan refugees are de-facto integrated in the society; however, the naturalisation is problematic under the existing citizenship legislation of the Kyrgyz Republic. Many of the Afghan refugees were associated with the pre-1992 regime and are

unwilling to return to Afghanistan. Asylum seekers from the Russian Federation (Chechnya) are unwilling to repatriate, too, due to the overall instability and lack of social infrastructure in their areas of origin. They can integrate in the local society, however, their temporary asylum seeker status and hopes for voluntary return prevent them from opting for this solution. Recognized refugees from outside the CIS have good potential for legal integration, but their cultural background often affects social integration.

In these conditions, UNHCR views local integration as the main durable solution in Kyrgyzstan. Voluntary repatriation will be supported for those families who choose to return to Afghanistan, the Russian Federation (Chechnya), or Tajikistan.

In 2007, resettlement will retain its major role of a protection tool, but will remain as an available durable solution for a limited number of eligible cases.

The changes which affected the asylum system in Kyrgyzstan in 2005 will require significant efforts in restoring the capacity of the authorities to provide protection to refugees. The new structures and staff in the national migration authority will need training and technical assistance. The re-distribution of the competencies over refugee issues from two divisions in the North and South to seven regional committees will require yet additional resources to establish minimal procedures. In this situation, UNHCR foresees an increase of its capacity building activities in 2007, with no prospects for disengagement in the nearest three to five years. At the same time, certain reduction of UNHCR's operations in Kyrgyzstan will be possible after the Office phases out from its assistance project to Tajik refugees after 2007.

Throughout 2006-2007, UNHCR will actively participate in UN country level project implementation discussions with a view to including beneficiaries into other donor agencies activities. This interaction and active engagement with the other UN Agencies, which has been ongoing in Y 2005, may ensure an eventual smooth integration of HCR beneficiary groups into the projects of multilateral donors, particularly within the framework of UNDAF. The current political instability in the Kyrgyz Republic and the redrawing of the country's development plans following the March revolution last year, may, however, negatively impact the UNDAF process.

Part II: COMPREHENSIVE NEEDS AND PARTNERSHIP

1. Outcomes of joint planning and management of identified gaps

Within the framework of country operations planning process for 2007 and participatory needs assessment review activities, in early 2006 BO Bishkek conducted a series of meetings with beneficiary groups, international and national NGO Implementing Partners, government counterparts and UN Agencies such as UNDP, UNICEF and UNFPA. The outcome of the meetings confirmed the propriety and relevance of UNHCR's objectives in relation to the needs of the beneficiary populations.

Based on the frequently expressed needs of the beneficiary groups and following UNHCR's regional strategic objectives, BO Bishkek aims to focus on implementation of its core protection activities of providing durable solutions and ensuring daily protection and legal assistance to refugees and asylum-seekers. In addition, UNHCR plans to continue with its activities within such sectors as provision of access to primary and secondary education for all refugees and asylum-seekers, provision of medical assistance through the state mandatory health insurance program, advancement/empowerment of refugee women through training/seminars, vocational skills training and SGBV prevention activities.

In the course of COP 2007 planning meetings, the ongoing need for the socio-economic integration of Tajik refugees was forcefully reiterated. In the context of the announcement and forthcoming implementation of the Tajik refugee cessation clause, UNHCR intends to address the issues surrounding the socio-economic integration of former Tajik refugees through the launch of self-help groups, micro credit and other income-generating activities. There is a potential for addressing some of these issues through the involvement of our beneficiaries in the UNDP planned poverty reduction program, which is based on job creation and sustainable business development strategies, and/or UNFPA funded small grants program. UNHCR will further explore the potential for working with UNFPA on SGBV matters and with UNICEF on including refugee children in its secondary education support program. Furthermore, UNHCR in Central Asia will be rolling out the Age Gender Diversity

Mainstreaming tool in the second half of Y 2006 in order to further improve the involvement populations of concern into UNHCR operations and efficiently utilize UNHCR resources. AGDM activities will be based on existing project parameters and shall involve Implementing partners, both Government and Non-government agencies and shall cover all beneficiary populations.

2. Comprehensive needs and contributions

a) Contributions by the host government, refugee and/or local communities

Refugees and asylum seekers are free to select their place of residence in Kyrgyzstan. The vast majority of them are self-reliant regarding basic socio-economic needs such as food and shelter. Registration of an asylum claim provides the right to work. In addition, vulnerable families are assisted by their communities or through emergency assistance provided by UNHCR's Implementing Partner (IP) "Adilet". Free basic education in the state schools is also available for the children. School drop-out problem is being addressed by another IP, "Save the Children". Medical assistance is mainstreamed into the national health insurance system through a UNHCR-funded arrangement. Project of free legal assistance ("Adilet") supports the applicants throughout the RSD procedure and defends refugees' interests in other cases.

Several years of UNHCR's projects established the foundations of the national asylum system. However, the achievements were challenged in 2005, when the interim Government faced the influx of a politically sensitive refugee population. The Uzbek refugee crises in Y 2005 exposed the weaknesses of the asylum system, such as weak protection against extradition and refoulement of asylum seekers, theoretical nature of the case referral arrangements from border guards and detention authorities, weak emergency response capacity on all levels, limited RSD experience on complex cases, lack of expertise in refugee issues among the law enforcement bodies and local administration.

The newly independent state of Kyrgyzstan started developing its asylum system relatively recently. The events of 24 March 2005 dealt a serious blow to this fragile protection system in the country, exposing its inherent institutional weakness. The country, heavily indebted to various international institutions and other states, has a negative GDP versus foreign debt rate, thus effectively preventing it from adequately funding certain areas of government responsibility, amongst which is the asylum-system and corresponding legislation. UNHCR does not envisage any significant financial contribution from the government, whereas we shall be expected to provide financial assistance to government structures, particularly, the SCME. The Mandatory Health Insurance Fund of the Ministry of Health, however, provides valuable expertise and assistance and uses its existing regional structures and Family Medicine Centers to provide free health care services to refugees throughout the country.

Although UNHCR's principal NGO partner, Adilet Legal Clinic, was created and fully funded in the first phase of our partnership, and NGO Counterpart Consortium was also predominantly financed by UNHCR in the past, in recent years they have successfully diversified their sources of funding and are currently contributing other donors' funds to refugee and asylum seekers related activities.

Counterpart Consortiums (CC) network of NGOs is assisting refugees in community mobilization and related activities and CC has involved their experts and leaders in implementation of project activities. Of particular value is the participation of local community leaders in discussions and their monitoring and evaluation skills in project implementation.

Traditionally, UNHCR has been covering most of the refugee related project funding with the exception of expertise in many cases provided by communities, NGOs or government agencies.

Certain needs are also expected to be covered by the regional EC and UNHCR project on asylum systems building in Central Asia. These include staffing costs and utilities for a refugee reception centre, establishment of refugee law courses in national universities, refugee law section in the National Library, extension of the activities of the Legal Clinic "Adilet", and enhancement of the RSD capacity of the national authorities. In case this project is not approved, the relevant costs will be transferred to the unmet needs. Should this happen, the current Country Operations Plan would require amendments to cover the described activities.

The unmet needs for 2007 include income-generating and self reliance activities for Tajik former refugees, establishment of RSD capacity in 5 regional SCME's branches, creation of regular refugee law courses in the special training institutions for the police and border guards, protection monitoring of the border with China, and printing identity documents for some 15,000 stateless persons.

Due to the passport crisis in the Kyrgyz Republic and cumbersome application process many of the naturalized Tajik refugees do not have proper identity documents. Lack of internal passports prevents them from integration by blocking access to formal employment, land, registration of civil acts, procurement of property etc. The estimated need for 2007 is some 1200 passports, while UNHCR has planned for assisting 500 naturalized refugees. In addition, the existing UNHCR program cannot cover the funding for more than 10,000 new identity documents for stateless persons will be in need of the new identity documents after the validity of former USSR passports expired in the Kyrgyz Republic in 2005.

b) Financial contributions of partners

Needs-based budget for the country operation	Total (all figures in US \$)	868,220
Of which, estimated	UNHCR	425,200
	WFP (where applicable)	-
	Operational partners	-
	Implementing partners	131,520
	Unmet needs	311,500