

Partnership with Ukrainian Authorities

October 2018



The partnership of UNHCR with the Government of Ukraine is very visible at the entry-exit checkpoints along the 'Contact Line', for example at the Stanytsia Luhanska checkpoint. UNHCR provided all checkpoints with weather shelters, sunshades and heated tents for use by people waiting to cross the 'Contact Line'. Furthermore, UNHCR's NGO partners have been conducting regular protection monitoring missions there. Photo: UNHCR

The **UN Refugee Agency (UNHCR)** has been working in Ukraine since 1994. The main office was established the following year when UNHCR started supporting Formerly Deported Persons (FDPs), mainly ethnic Crimean Tatars, in acquiring Ukrainian citizenship as they were returning to Ukraine from other locations in the former Soviet Union. In 1996, UNHCR and Ukraine signed a **host country agreement** that was subsequently **ratified by the Ukrainian Parliament**. Between 1996 and 2001, UNHCR facilitated the naturalization and integration of some 115,000 FDPs thanks to a citizenship campaign that both increased the Government's capacity to process the applicants and encouraged FDPs to take steps to acquire citizenship. After this campaign ended, UNHCR in Ukraine began monitoring the protection situation of asylum seekers, refugees and stateless persons and intervening directly to support and provide assistance whenever possible. As the start of the conflict in eastern Ukraine in April 2014, UNHCR launched a humanitarian response plan to address the country's internal displacement situation with coordinated efforts by the Government, international organizations, national and international NGOs. UNHCR carries out its humanitarian mission in Ukraine through **14 implementing partners**, as well as by leading the **Protection Cluster** comprising **76 NGOs**, and the **Shelter and Non-Food Item Cluster**. This document will explore UNHCR's partnerships with its main government partners, including:



Ministry of Interior



Parliament



State Migration
Service



Ministry of
Justice



Ombudsperson for
Human Rights



Ministry of
Temporarily
Occupied Territories



The Ministry of Interior (MoI)

UNHCR has increased its cooperation with the Ministry of Interior (MoI) in 2016 when they took on new strategic priorities that included supervision of [migration related activities](#) as well as the development of migration related policies and legislation. Other cooperation includes:

- In 2017, the MoI endorsed UNHCR's [Multi-Year, Multi-Partner strategy](#).
- The MoI provides policy guidance to UNHCR key partners such as the State Migration Service (SMS) and the State Border Guard Service (SBGS).
- In 2017, the MoI and UNHCR organized a [Round Table on \[the\] local integration and socio-economic rights](#) of asylum seekers, refugees and persons in need of complementary protection for key Ministries.
- The MoI participated in drafting [the amendments to the Refugee Law](#). Advocated for by UNHCR, the draft law is currently pending with the SMS.
- In 2017, UNHCR was invited to provide legal expertise to the [Action Plan of the MoI Development Strategy until 2020](#). Thanks to UNHCR, the local integration of refugees was added to the priorities of [the Strategy of the State Migration Policy until 2015](#). UNHCR welcomed item 5 of the Action Plan, which stipulates that SMS, MOI and other interested bodies should [...] [enhance the system of verification and identification of Ukrainian citizens, foreigners and stateless persons in accordance with the latest international upgrades](#). This also implies biometric recognition systems.
- The MoI requested that UNHCR provide recommendations to its newly created [Human Rights Unit](#) and involve their staff in meetings and trainings related to the protection of human rights.
- UNHCR also organized [four outreach visits](#) for government officials to Roma settlements in the Odesa and Zakarpattya regions.
- Together with OHCHR and UNICEF, UNHCR advocated for the establishment of [an administrative procedure for birth registration](#) that is flexible and responsive to the circumstances of families living in the NGCAs, simplifying documentary requirements, offering registration services

close to the 'Contact Line', and disseminating information about the procedure.



The Parliament (Verkhovna Rada)

UNHCR is frequently invited to participate in the round tables, related to IDPs (e.g. their role in peace processes) and social cohesion (protecting the rights of persons living in NGCA), which were organised by the Human Rights Committee.

- UNHCR refers to [the Social Policy Committee](#) concerning issues with access to pensions for IDPs and conflict-affected populations.
- UNHCR was actively involved in the working group on the development of legislation on [the legal status of the temporarily occupied territories](#).
- UNHCR attends meetings of [the Legal Policy Committee](#) on the political rights of IDPs. UNHCR has been broadly lobbying for a draft law aimed at [ensuring access to political rights for IDPs](#), i.e. voting in local elections and for majority MPs in Parliament.
- UNHCR has been extensively advocating for [the resumption of pension disbursement for IDPs](#), which suspended in April 2017. The Grand Chamber of the Supreme Court of Ukraine recently ruled in favour of an internally displaced person from Donetsk on 4 September 2018, thanks to a UNHCR partner. UNHCR is grateful to our NGO partner, Right to Protection, which provided legal representation for the IDP in court. This decision can positively affect tens of thousands of similar cases in all administrative courts when considering similar cases. UNHCR is expecting the Parliament to adopt a draft law on ensuring access to pensions for IDPs and residents of NGCA by the end of 2018.



The Office of the Ombudsman

- The Ukrainian Parliament Commissioner for Human Rights (Ombudsman) exercises parliamentary control over the observance of human rights and freedoms. The Office of

the Ombudsperson is a key partner to UNHCR Ukraine in the protection issues of refugees, asylum-seekers, stateless persons, and IDPs as they are integrated into the *National Human Rights Strategy of Ukraine by 2020*.

- UNHCR relies on the data provided in the annual reports of the Office of the Ombudsperson to identify *protection gaps* of IDPs and conflict-affected populations, as well as refugees and asylum-seekers. In addition, UNHCR and the Office jointly organize round tables and seminars.
- UNHCR refers to the Office of the Ombudsperson requests to facilitate *access of asylum-seekers to the territory of Ukraine* (particularly in international airports)
- UNHCR continuously advocates for the Ombudsperson to monitor the situation of *asylum-seekers in detention centers* and advocate for alternatives to immigration detention.
- UNHCR relies on the Office of the Ombudsperson with regard to *strengthening the capacity-building* of authorities and local communities to combat intolerance and discrimination against refugees as well as building greater public awareness of refugee issues and improving public attitudes toward refugees in order to prevent hate issues.
- UNHCR works together with the Office of the Ombudsperson *to advocate for amendments to domestic legislation* on asylum and integration in line with international standards.
- UNHCR relies on the Office of the Ombudsperson to prevent instances of *refoulement* (forced deportation) of asylum-seekers and refugees.



The State Migration Service (SMS)

UNHCR works with the Government of Ukraine to improve asylum procedures, including through the EU-funded Asylum Systems Quality Initiative project in Eastern Europe and the south Caucasus. The project focuses on *the capacity development of asylum authorities*, courts and the state border guard services, and covers six countries (Armenia, Azerbaijan, Belarus, Georgia, Moldova, and Ukraine). Since the beginning of 2017, through QIEE activities on both national and regional levels UNHCR has trained *135 SMS staff* in charge of status

determination from *13 regions*. There are *12 national EASO trainers* among the staff of SMS in Ukraine trained on the different EASO modules, including the Reception Module. In the end of 2017, UNHCR funded the involvement of some national trainers and experienced caseworkers in both mentoring and assistance in clearing backlog for the restructured office in the Kyiv region.

- In 2017, UNHCR organized a study visit to Serbia for the SMS and other key government stakeholders (the Ministry of Justice, the Ministry of Social Policy and the Ministry of Interior) to learn *best practices related to IDP documentation* and issuance of birth certificates.
- UNHCR together with NGO partners monitors migration services in Kyiv and Odesa.
- UNHCR has been supporting the SMS in developing *procedures for determining the status of stateless persons* and lobbying for the inclusion of amendments in accordance with the 1954 Convention. In June 2017, UNHCR amendments were finally incorporated into the draft law developed by the SMS in December 2015. The draft law was registered by the Parliament on 21 September 2018 and is expected to be adopted by the end of the year.
- UNHCR has been advocating for other legislative amendments *to improve the protection of stateless persons in line with international standards*. UNHCR suggested amendments to *the Law on State Financial Guaranties on the Provision of Medical Assistance to Population*, so that recognized stateless persons would be provided with a temporary residence permit that would give them access to the full scope of medical aid provided to nationals and recognized refugees. UNHCR also recommended that recognized stateless persons who have temporary residence permits not be required to have a work permit to access employment or receive full integration support, such as language courses.

The State Border Guard Service (SBGS)



UNHCR has been providing technical and material support to the five checkpoints on the 'Contact Line' that separates east Ukraine into the GCA and NGCA. Examples of recent material support include:

12 booths 70 laptops 50 body cameras 8 heated tents

UNHCR's support resulted in the reduction of waiting times for people crossing and improved conditions for disabled persons.

- UNHCR's NGO Partners, including the Norwegian Refugee Council, Right to Protection and Proliska maintain a regular presence on the 'Contact Line' and conduct regular monitoring and emergency response missions to checkpoints. From January to August 2018, UNHCR's partner Right to Protection (R2P) interviewed *14,832 persons* crossing the checkpoints.
- UNHCR's partners R2P and the Norwegian Refugee Council provide *protection counselling and legal assistance at the checkpoints*, giving persons of concern improved access to relevant information regarding their rights.



МІНІСТЕРСТВО
З ПИТАНЬ ТИМЧАСОВО ОКУПОВАНИХ ТЕРИТОРІЙ
ТА ВНУТРІШНЬО ПЕРЕМІЩЕНИХ ОСІБ УКРАЇНИ

The Ministry of Temporarily Occupied Territories (MinTOT)

The MinTOT has been supporting various ad hoc working groups convened to elaborate new or amend existing legislation in the area of the protection of IDPs and conflict-affected populations. The covered topics included IDP registration, housing issues, access to education, and birth and death registration.

- UNHCR has provided *expert legal advice* to the legislation proposed by the MinTOT.
- UNHCR cooperates with the MinTOT in order to identify and pilot *housing solutions* in the area of affordable and social housing through different operational mechanisms.
- UNHCR has consulted the MinTOT on *strategic communications* and has provided some translation assistance along with technical support.
- MinTOT continues to advocate within the government for *better conditions at the checkpoints*. E.g. at the request of MinTOT and as an anti-corruption measure, UNHCR purchased body cameras for use by border guards at the Maiorsk checkpoint.

The Ministry of Justice



■ Currently, UNHCR is working on strengthening collaboration with state funded *Free Legal Aid Centres (FLAC)* across Ukraine *to improve access to legal assistance to its persons of concern*. UNHCR together with partners, has established referral mechanisms of certain caseloads to be referred to local offices of FLAC. In total in 2018, UNHCR partners have referred *98 cases* to FLAC.

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