



COUNTRY OPERATIONS PLAN

OVERVIEW

Country: Kazakhstan

Planning Year: 2006

Executive Committee Summary

Country Operation Plan 2006 : KAZAKHSTAN

(Drafted March 2005¹)

Part I: OVERVIEW

1. Protection and socio-economic operational environment

UNHCR's presence in Kazakhstan was established in September 1995 to assist refugees and asylum-seekers under its mandate. Despite Kazakhstan's accession to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol in 1999, the institution of asylum is still a fragile concept in this country. It lacks a clear legislative basis and administrative structure. National legislation on Refugee Law has not yet been adopted. As the Government remains to be primarily concerned with economic development, national security and stability, refugee matters attract not enough attention at the decision-making level. Only selective categories of refugees have access to Refugee Status Determination Commission conducted by the Government of Kazakhstan (GoK). All asylum seekers coming from the CIS as well as Chinese Uighurs do not enjoy access to the state RSD procedure.

While Tajiks, Afghans and Chinese Uighur refugees are concentrated mainly in urban areas of the Almaty region and the southern Kazakhstan, Chechen refugees are spread throughout Kazakhstan's 16 regions, also mostly in urban areas. UNHCR focuses its efforts on the cooperation with the governmental authorities and other relevant agencies to strengthen the asylum regime in the country by promoting adoption of the national refugee legislation, improving the existing state RSD procedure, ensure provision of legal support to refugees, raise awareness on refugee issues among the governmental authorities and local population.

At the end of 2004, the total number of refugees and asylum-seekers in Kazakhstan is estimated at 15,800 persons², including approximately 13,700 Chechens, 1,500 Tajiks, 670 Afghans and other refugees and/or asylum-seekers of various other nationalities, mainly Chinese Uighurs. Apart from these persons, there are some 370,000 ethnic Kazakh returnees, of whom over 58,000 persons are, in principle, of concern to UNHCR in view of their *de facto* or *de jure* statelessness. For economic and financial reasons the Government of Kazakhstan has established a quota for the naturalization of Kazakh returnees which is limited and does not take care of the actual number of returnees arriving every year. The Government is asking the international community for assistance in order to integrate more Kazakh returnees. The capacity of government and non-government organizations working in the field of refugee protection is still limited and requires UNHCR expertise and support. UNHCR will build the capacity of the NGO sector in order to ensure security and protection of refugees in Kazakhstan.

2. Operational goals and potential for durable solutions

¹ Please note that the COP is based on the March 2005 situation. The impact of the Uzbek refugee situation is therefore not reflected, and is the subject of on-going review.

² Since there are no reliable figures of refugees and asylum seekers, all figures, except of Afghans, should be treated as indicative only.

In 2006, in line with the UNHCR Global Strategic Objective 1, UNHCR in Kazakhstan will focus its activities on the development of effective asylum and refugee protection mechanisms in Kazakhstan through provision of technical assistance and expertise to the Government of Kazakhstan (GoK) and by supporting NGOs and civil society with training on refugee protection; provision of assistance to urban refugees and other refugees and persons of concern who are living in various regions; identification of long term solutions for urban refugees, facilitating voluntary repatriation for Afghan, Tajik and Chechen refugees, resettling of a limited number of refugees who lack local integration and/or repatriation options (*in accordance with UNHCR Global Strategic Objective 3*); effective functioning and implementation of refugee status determination (RSD) procedures; and promotion of respect to the principle of non-refoulement.

UNHCR will continue to provide protection to and monitor the situation of refugees and asylum-seekers in Kazakhstan and co-operate with the Government of Kazakhstan for the purpose of creation of the national legislative basis in compliance with internationally accepted standards, implementation of the 1951 Convention and its 1967 Protocol as well as proper handling of refugee matters. Besides, it will continue the provision of material assistance to the most vulnerable refugees, however in 2006 assistance programs will be primarily focused on support of refugee self-sustainability through income-generation and vocational training, in line with *the UNHCR Global Strategic Objective 2*. Comprehensive assessment of needs and monitoring will be conducted on a regular basis through joint UNHCR and IPs field missions. Through well established contacts with the relevant stakeholders, OCM Almaty developed good co-ordination of the activities conducted by various organizations targeting refugee populations in Kazakhstan (*in accordance with the UNHCR Global Strategic Objective 6*). UNHCR will continue to provide protection and assistance to asylum seekers and refugees in the Republic of Kazakhstan. The predominant nationalities assisted are the Afghan and Chechen, as well as Uighurs and other nationalities. As for resettlement, under the Convention Plus initiative UNHCR Kazakhstan started using resettlement as a tool of durable solution during 2005 for majority of urban refugees, mainly Afghans due to lack of local integration prospects in Kazakhstan or voluntary repatriation option for this group. The same approach will be taken during 2006 to seek durable solution for the residual urban caseload. In 2006 the office plans to resettle 100 Afghan cases, 10 Chinese Uighur and 15 Chechen cases and continue discussions with the Government on the issue.

Despite the absence of national legislation on refugees in 2004 both UNHCR and its Implementing Partners have made considerable efforts to provide adequate protection to refugees from the Chechen Republic of the Russian Federation, as well as for other refugees and persons of concern. In 2006, efforts will therefore continue to formalize the proposed framework for refugee protection into a definite legal framework for protection of persons of concern in the Republic of Kazakhstan. The existing Inter-Ministerial Group on Migration will be the key forum for this activity, with its work expanded into the asylum area.

Derived from UNHCR's Global strategic objectives as well as Strategic directions and protection objectives in CASWANAME for 2006-2007, the following are the overall strategic goals of the 2006 Kazakhstan refugee programme:

- Facilitate the national procedure of adoption of the legal framework for refugee protection, and provide support, technical assistance and expertise to its implementation.

- In partnership with the government of Kazakhstan, international community, other relevant governments and actors, identify solutions for particular refugee groups.
- Develop and deliver a comprehensive set of training modules and awareness activities, aimed at promoting principles of refugee law and protection among the relevant government institutions, Parliament and civil society, enhancing the role and capacity of the Government to assume a primary management and delivery role in protecting and assisting refugees.
- Continue supporting the NGO partners in providing legal assistance to the persons of concern, and monitoring of the protection situation in Kazakhstan.
- Through own programmes and in cooperation with the government and other partners, create opportunities for increasing the self-sustainability and for preserving integrity of the persons of concern in Kazakhstan, with focus on those with special needs.
- Facilitate voluntary repatriation of some 1500 Chechens and 50 Afghans.
- Implement an operational strategy, including elements of a PI campaign, Voluntary Repatriation, and individual RSD in case if a cessation clause for Tajik refugees is announced.
- In cooperation with the Government of Kazakhstan and other stakeholders identify possibilities of local integration for some Afghan and Chechen refugees.
- Implement a strategy on gender and age through a Working Group, established in 2005, that involves all stakeholders (UNHCR, local authorities, NGOs and refugees).
- Ensure that partners involved in activities related to HIV and SGBV prevention have adequate capacity in detection, prevention, and awareness dissemination activities through training and project support.
- Develop and deliver training modules, aimed at universities and schools, creating a network of university lectures and school teachers who will disseminate knowledge on refugee law, refugee rights in the sphere of secondary and high education.