

<b>Country Operations Plan for 2002 / Russian Federation</b>
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## **Part I: Executive Committee Summary**

### **(a) Context and Beneficiary Populations**

#### **The Context**

Russia's transparent southern border with Central Asia (approximately 6,000 km) is exposing the country to an uncontrolled flow of migrants and asylum seekers. This flow is, to some extent, aggravated by the multiplication of international air traffic (through Moscow and St Petersburg). Comparatively to Western and Central Europe, the Russian asylum system is still strained with serious shortcomings, thus inducing asylum seekers and refugees to try to move – often time in an irregular manner – further West.

To the east, Russia is confronted with a (semi-controlled) labour migration of i.a. Chinese traders and farmers, who tend to settle on land gradually abandoned by Russians who themselves are in search of better economic opportunities in Western and Central Russia. Some of these countries to the east and south east of Russia, including Afghanistan, also produce refugees. Russia represents a country of both asylum and transit. UNHCR in Russia continues to monitor asylum flows from the east/south east borders.

In this context, some of the key difficulties encountered by asylum seekers, such as access to the competent administration, issuance of proper documentation, freedom of movement, etc., are similar to the ones faced by forced migrants from the CIS, internally displaced persons, as well as the tens of thousand of Russian citizens migrating internally within Russia (e.g. from East to West). Most of the measures affecting refugees one way or another are not targeting them directly. Within this context of population movements, refugee policy is not, as such, a first priority for the Government, but is being envisaged in the overall migration management context. Current institutional and legislative reforms, in various fields, may represent substantial progress or, to the contrary, a setback, for refugees, while they are not the target group behind the reforms. Initiatives as diverse as the reforms of the Administrative Code and of the penal regime, the practice of the Constitutional Court on freedom of movement, or the regulations of the Moscow City Government on the labour market or on registration, may have far-reaching consequences for asylum seekers and refugees. These factors, among others described above, are placing upon UNHCR the necessity to (besides being modest) carefully allocate its resources, deploy its efforts and design its strategic partnerships.

#### **Asylum Seekers, Refugees**

The Russian Federation is a destination country as well as a transit country for refugees. It is also a refugee producing country. CIS asylum seekers were granted *prima facie* refugee status in the early 1990s, while the procedure for non-CIS asylum seekers started to be applied only in 1997. The Russian Federation ratified the 1951 Convention on Refugees and its Optional Protocol in 1993. A National refugee law was enacted in 1993 and amended in 1997. Since the Law on Forced Migrants came into force in 1995, asylum seekers from the CIS countries have been gradually directed toward the procedure for acquisition of Russian citizenship.

As of 31 December 2000, there were 26,065 recognised refugees in the Russian Federation, out of whom 25,525 from CIS and Baltic countries and 540 from non-CIS countries. The 26,065 recognised refugees are spread over 32 regions (out of 89 in the Russian Federation), which reflects the gradual capacity of the territorial bodies to carryout refugee status determination. The 540 non-CIS refugees are spread over 18 regions of the Federation, primarily in Moscow City, Moscow region, St Petersburg, Altai, Volgograd, Krasnodar Krai, Perm and Rostov-on-Don.

The main problems encountered by asylum seekers, and non-CIS asylum seekers in particular are 1) access to the refugee status determination procedure, and lack of proper

documentation during the “pre-registration” phase and 2) a high rejection rate on both formal grounds as well as on the merits.

During the pre-registration period, asylum-seekers remain without any official document attesting their status. Consequently, they may be subject to police harassment by law enforcement agencies, including fines, administrative detention, threats of eviction from apartments and risk of deportation. The refugee status is valid for three years and has to be re-confirmed every year. Moreover, until recently, the absence of mechanisms to implement the article 12 of the refugee law on temporary asylum, expected to benefit a large number of Afghans, had left the majority of asylum seekers without any form of protection. As of end of April 2001, the Russian government has approved the procedure of granting temporary asylum. Immediate effects are not anticipated, as individual RSD would still have to be carried out further overloading the already stretched capacities of the migration services.

Although recently the situation of refugees has been raised in a more positive manner by the local media, most press statements concerning far abroad refugees and asylum seekers do not promote tolerance. Public information activities and in particular, dissemination of refugee law and tolerance education, remain instrumental for UNHCR to achieve a better protection for these persons.

The absence of a large pool of experienced implementing partners in the Russian asylum and migration legislation has made it difficult for UNHCR to diversify its partners in assisting asylum seekers and refugees in Moscow and in the country. No major international implementing partners are involved in the programme, except for one medical NGO. The reason for this could be two-fold: (a) no implementation capacity and difficulties in obtaining legal registration in Moscow city and region; (b) unwillingness to get involved in what is perceived as a very complex activity (e.g. provision of cash and basic assistance to asylum seekers who because of lack of documentation are *de facto* “illegal residents” in the eyes of the authorities).

### **Stateless Persons**

The Russian Federation is not a State Party to the 1954 and 1961 Conventions on statelessness and official statistics on the number of statelessness persons do not exist. UNHCR is concerned with three categories of *de facto* stateless persons: Meskhetian residing in the Krasnodar krai, Baku Armenians in Moscow, and Afghan orphans.

In an attempt to further consolidate the territorial space that it inherited from the former USSR as well as the status of the persons living on that territory, Russia in 2000 took a number of measures: (a) the set up of a dead-line of 31 December 2000 for availing oneself of the “simplified procedure” to acquire Russian citizenship; (b) the unilateral disengagement of the 1992 Bishkek Agreement on the visa-free regime among some of the former USSR republics; and (c) the 2005 dead-line for the validity of the former USSR passports. These measures will affect the IRP caseload, both those already in the Country but not yet with Russian citizenship, and new arrivals, potentially in the several thousands who, depending on developments in their (CIS) Country of origin, may seek asylum otherwise. This means that prevention of statelessness and acquisition of citizenship will remain essential issues on UNHCR’s agenda for the year 2002.

### **Internally Displaced (IDPs)**

Following the end of the military campaign by the federal forces in spring 2000 in the Northern Caucasus, tens of thousands of IDPs returned to their places of origin in Chechnya (mainly from Ingushetia). At the same time, the flow of IDPs leaving Chechnya to Ingushetia has been constant throughout 2000, including persons displaced from new conflict areas in the southern mountains as well as former returnees who, for lack of security and/or sustainable infrastructure, could not re-integrate back home. At the end of 2000, there were still some 160,000 IDPs in Ingushetia as well as an estimated 170,000 IDPs within Chechnya itself. Access of IDPs to documentation, freedom of movement and security remain the focus of UNHCR’s involvement in the region. Restrictive administrative regulations and practices on the reception and/or sojourn of IDPs (especially ethnic Chechens) applied by other republics in the northern Caucasus as well as in Moscow and in St Petersburg, have prevented many of them from searching for or finding a safe haven beyond Ingushetia.

Partnership with international NGOs has not been a problem in the Northern Caucasus. But in entering post-emergency phase, matching contributions have often been lacking, thus placing UNHCR in a situation where it had to contribute largely to NGOs administrative support costs. So far, none of the NGOs have elaborated a phasing out strategy involving capacity building efforts vis-à-vis local NGOs or structures. Even if implementing assistance programmes through international NGOs brings better results in the short term, UNHCR will increasingly encourage international NGOs to engage in coaching efforts with a local partner while present in the region. Even if this process is time consuming, UNHCR should eventually be able to rely more on local partners to carry out in an effective manner its assistance/protection programme. Linking local lawyers (while coaching them) to the Memorial Foundation and establishing independent refugee counselling centres can be seen, in view of the results so far, as a successful strategy.

### **UNHCR's role**

In view of the wide scope of the above-mentioned challenges (quality asylum, internal displacement and prevention of statelessness), and in order to maintain a visible impact, UNHCR's strategy will be on two levels. First, activities related to migration management, capacity building (sectoral training, workshops, limited technical assistance with direct impact on the situation of persons of concern, etc.), and development of legislative and administrative structures will be implemented in co-ordination with the federal structures and cover, to the extent possible, the whole of the Russian Federation. Second, programmes directed towards the actual material assistance to groups of concern will target specific areas of Russia which are of special interest to UNHCR. The existing gaps in the asylum and protection regimes, broadly defined, continue to require regular short-term protection interventions by UNHCR on individual cases.

Under the above strategy, the three themes (quality asylum, internal displacement, and prevention of statelessness) remain closely interconnected, thus benefiting from each other's input. Moreover, by maintaining its leading role in the Northern Caucasus, UNHCR in Russia continues to be perceived as a major interlocutor for the Russian government in asylum and human rights issues.

By providing a safe haven to IDPs in the Northern Caucasus, UNHCR has prevented a spill over to other Countries where IDPs could have become refugees, and the very presence of humanitarian organisations helps moderate, if not prevent entirely, human rights abuses in the region.

For the year 2002, UNHCR's activities in the Russian Federation can be broadly summarised as follows:

- Advocacy and lobbying efforts to explain refugee issues and the role of the international protection regime, targeting government officials from the ministries dealing with migration and refugee issues, but also from ministries of interior and justice and parliamentarians;
- Provision of technical support, legal advice and training of governmental and NGO bodies for the elaboration of legislation, including national RSD procedures, and implementation of the temporary asylum regime, in conformity with the international standards;
- Promotion of accession to the Conventions on statelessness, and provision of expertise on drafting citizenship laws;
- Support to the Government in providing basic material, medical, psychological support, and protection assistance for asylum seekers and IDPs;
- Increasing co-operation with education institutions in order to promote the inclusion of asylum and human rights issues in the curricula of training institutes, schools and universities;
- Support the Government in promoting local integration for beneficiaries of concern (refugees, a/s, IDPs and stateless persons) through access to the local education system, skills training, Russian language courses, job placement and small business development;
- Support NGOs in strengthening their role in managing UNHCR assistance and protection programmes;

- Promotion of other durable solutions such as resettlement for the most vulnerable asylum seekers and repatriation as appropriate;
- Dissemination of information and public awareness-raising activities in the field of refugee and broader human rights.

### **Implementing activities for groups with special needs**

UNHCR has maintained a focus on women, children, unaccompanied minors, and adolescent men both through specific assistance programmes, and through activities covering the whole community. The approach has been strengthened through training of IP staff and their sensitisation on these issues, and through efforts to engage refugees and IDPs themselves in the implementation of activities.

In the North Caucasus, co-ordination is in place with other UN agencies to ensure that the presence of women as heads of households is maintained especially during the distribution of relief items. Training activities focussing on children and gender issues will be carried out jointly with UNICEF, to improve the work of local and international NGOs in assisting beneficiaries with specific needs. Cultural, sportive and recreational programmes for children aim at bringing together children of different ethnic and religious backgrounds, thus promoting tolerance among the communities.

Special attention is paid to ensure that asylum-seeker and refugee children have access to education. Preparatory classes are supported to ensure children are able to attend local schools. Income generation activities will take into account the special needs of women with small children in the home. Preventive health and health education activities are geared to adolescent girls' and women's special needs. Psychologists work with groups of women and children to increase self-confidence and mutual support systems, and will explore ways to achieve similar aims with asylum-seeker men.

### **Working with Others**

UNHCR currently works with 60 National NGOs and 8 International NGOs. Moreover, UNHCR works closely with other UN agencies and relevant inter-governmental organisations in the Russian Federation and operational co-operation has been established with UNICEF, WHO, UNAIDS, ILO, WFP and UNFPA. Close liaison is maintained with OCHA, UNSECOORD and other agencies engaged in the humanitarian operation in the North Caucasus. The main non-UN inter-governmental partner organisations for UNHCR in Russia are the Organisation for Co-operation and Security in Europe (OSCE), the Council of Europe (CoE), the European Union's Technical Assistance for the CIS (TACIS) and the International Organisation for Migration (IOM). OSCE and CoE collaboration with UNHCR is crucial and mutually-beneficial in promoting observance of international human rights and refugee standards, in drafting the citizenship law and finding durable solutions to the displacement issues in North Caucasus, Krasnodar krai and elsewhere. Other important partners in the Russian Federation are bilateral development agencies, especially USAID and a number of private foundations concerned with political and economic stability and development of the civil society.

### **UNHCR's role in the future**

Russia is at the crossroads of the OSCE, Council of Europe and CIS spaces. The availability of quality asylum in Russia will prove essential in the future management of migration and refugee flows throughout Europe as a whole. Long refugee status determination procedures, inadequate reception conditions and a lack of integration possibilities remain huge problems. UNHCR's continued assistance and advice on asylum issues will be vital in supporting the Russian Federation's efforts to develop effective asylum policies and procedures and increase real possibilities for integration.

UNHCR's involvement with the IDPs needs to be seen within the broader refugee and migration context. Since the resolution of displacement problems in the North Caucasus is a priority for the Russian Government, UNHCR's assistance has been highly valued. In ensuring that neighbouring Russian republics to Chechnya could provide IDPs with a safe haven, UNHCR has been able to assist the Government in managing the crisis and has

helped to ensure that the rights of IDPs (particularly with regard to voluntary return) have been respected. In the absence of a long-term solution and peace and stability in Chechnya, such protection and assistance activities continue to be essential. However, the 'package' of support from UNHCR in the region will be streamlined to reduce assistance in sectors where other UN agencies have more relevant expertise and are already active.

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

<b>Theme:</b>		<b>Quality asylum in the context of mixed migration flows</b>
<b>Main Goal(s):</b> (a) The State will adopt coherent legislation as well as fair and efficient procedures meeting international standards, (b) The State will timely implement asylum legislation and provide effective protection to refugees, (c) Public opinion will be receptive to protection needs and supportive of integration efforts of beneficiaries of concern to UNHCR.		
<b>Principal Objectives</b>		<b>Related Outputs/Results</b>
<ul style="list-style-type: none"> <li>• Asylum legislation and amendments conform to international standards.</li> <li>• Asylum seekers have access to RSD procedures in which their claims are heard fairly and promptly.</li> <li>• Asylum seekers are effectively protected during RSD, including non-refoulement as well as provision of documentation and subsequent access to legal rights.</li> <li>• Persons in need of international protection effectively receive refugee status or temporary asylum.</li> <li>• Recognized refugees are integrated into the national social and economic structure.</li> <li>• The public at large understands the distinction between asylum seekers/refugees and economic migrants, and the relevance of refugee protection is understood.</li> <li>• Asylum seekers are provided with basic</li> </ul>		<ul style="list-style-type: none"> <li>• The government regularly consults UNHCR regarding amendments to current legislation as well as adoption of new legislation/regulations, and UNHCR provides legally sound advice.</li> <li>• Intensive lobbying campaign among the senior executives and policy makers combined with financial assistance to print required documentation;</li> <li>• Work with the migration services to create a special task force to clear the backlog of asylum requests within an agreed time frame;</li> <li>• Implementation of temporary asylum legislation benefiting significant numbers of Afghan asylum seekers (majority are denied refugee status).</li> <li>• Provision of legal counseling to asylum seekers (directly by UNHCR through the Moscow RRC or through NGOs in the regions), and legal representation before the appeal courts for unduly rejected cases.</li> <li>• Advocacy and lobbying to remove administrative constraints for integration were conducted, while opportunities were created through IPs for viable economic activities;</li> <li>• Some 500 Georgian refugees in North Ossetia were provided with material assistance and self supporting economic activities;</li> <li>• Simultaneously, Public awareness campaign was further enhanced to educate the Russian Public.</li> <li>• The basic needs of asylum-seekers are</li> </ul>

<p>assistance while in the procedure</p> <ul style="list-style-type: none"> <li>• Pending RSD procedures, the children of asylum seekers will have access to education.</li> <li>• Reduced the reported incidences of harassment of refugees and Asylum seekers by the police and other anti-social groups.</li> </ul>	<p>met and they have access to legal advice, medical services, education and employment.</p> <ul style="list-style-type: none"> <li>• Of the total of some 3200 children of asylum seekers in Moscow and St Petersburg, at least 700 had access to primary education.</li> <li>• Specialised training and familiarisation workshops/seminars were organised for the benefit of law enforcement agencies.</li> </ul>
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<b>Theme: Statelessness</b>	
<b>Main Goal(s):</b> Statelessness will decrease in the RF and stateless people will enjoy, at a minimum, a status consonant with the 1954 Convention standards	
<b>Principal Objectives</b>	<b>Related Outputs/Results</b>
<ul style="list-style-type: none"> <li>• The RF accedes to the relevant instruments relating to the prevention and reduction of statelessness;</li> <li>• Stateless people acquire citizenship</li> <li>• Potential statelessness is avoided</li> </ul>	<ul style="list-style-type: none"> <li>• Intensive lobbying campaign conducted among the legislators, legal and executive branches of the state to promote the accession to the statelessness convention</li> <li>• Meskhetians and other de jure or de facto stateless persons have access to legal counselling and are granted residence permits and acquire citizenship.</li> <li>• Information campaign regarding the expiry of USSR passports is implemented effectively</li> </ul>

<b>Theme: Assistance to IDPs in the Northern Caucasus</b>	
<b>Main Goal(s):</b> (a) Response to protection needs and assistance of displaced populations is immediate, (b) Short of voluntary return to the places of origin, temporary integration of IDPs in their present locations of safe haven or any other safe place in the Federation will be facilitated with mutual consensus of concerned parties.	
<b>Principal Objectives</b>	<b>Related Outputs/Results</b>
<ul style="list-style-type: none"> <li>• The availability of a safe haven is assured outside Chechnya, in Ingushetia and elsewhere in the RF, and the principle of voluntary return in safety and dignity is safeguarded.</li> <li>• Temporary integration of IDPs from Chechnya in Ingushetia or elsewhere in the Russian Federation is promoted.</li> <li>• Introduction of the rule of law is facilitated in Chechnya for long-term sustainability and eventual return of the IDPs</li> </ul>	<ul style="list-style-type: none"> <li>• Existing winterized camps and settlements were maintained at operational level while legal and material provisions were made for temporary integration of IDPs elsewhere (outside Chechnya) in the Russian Federation.</li> <li>• Pilot temporary integration project will be undertaken jointly with the authorities.</li> <li>• Intensive lobbying campaign jointly with OSCE, CoE and UN conducted with one-time limited material support to legal</li> </ul>

<ul style="list-style-type: none"> <li>• Voluntary returnees to Chechnya have access to basic assistance.</li> <li>• Legal and Social counseling will be available in Ingushetia, North Ossetia, Chechnya, Daghestan and in other locations in the North Caucasus and Southern Russia</li> <li>• Required legal documentation is available for IDPs to travel and temporarily reside within the Russian Federation.</li> </ul>	<p>institutions and NGOs in Chechnya.</p> <ul style="list-style-type: none"> <li>• Those IDPs who wanted to return voluntarily were provided with a well-defined returnee package.</li> <li>• Twelve counseling centers in the North Caucasus are operational</li> <li>• Consensus developed with the authorities and assistance provided for the issuance of standard local IDs enabling beneficiaries to reside in other regions of the R F.</li> </ul>
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