

RUSSIAN FEDERATION

Part I: Executive Committee Summary

(a) Context and Beneficiary Populations

The Context

The Russian Federation (RF) is a destination country as well as a transit country for refugees. It is also a refugee producing country. The conflict that erupted in Chechnya in September 1999 has produced hundreds of thousands of internally displaced persons as well as over 20,000 refugees.

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. The Ministry of Federal Affairs, National and Migration Policy (established in April 2000 as a successor to the Federal Migration Service) was dissolved by the RF President in October 2001 and most of its functions were transferred to the Ministry of Interior (MOI).

Asylum Seekers and Refugees

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. The RF Law on Refugees was adopted 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 at 30 June 2002, there were 15,533 refugees in the Russian Federation, out of whom 15,077 from CIS and Baltic countries and 456 from non-CIS countries (essentially Afghans). During the course of 2001, a total of 134 persons have been recognised as refugees. This only confirms the trend, observed since 1998, that forced migrants and persons from the CIS and Baltic States are referred to naturalisation procedures and forced migrant status determination procedures. Out of 89 subjects of the Russian Federation, some 25 regions host recognised refugees. Some 86% of CIS refugees are South Ossetians from Georgia, settled in North Ossetia-Alania.

Some positive developments took place in 2000-2001 with the establishment of the asylum-system. Firstly, the temporary asylum regime, provided for under the 1997 Law on Refugees, which establishes a complementary protection regime for persons who do not qualify for refugee status but cannot return to their country of origin for humanitarian reasons, finally became available after its modalities of implementation were established under an April 2001 Government Resolution. Since then, several hundreds of persons (mainly Afghans) were granted temporary asylum. Secondly, refugee identity documents and asylum seeker certificates, the issuance of which had been long-awaited and advocated for, and which finally occurred in 2000, were delivered on a regular basis to the concerned persons in 2001.

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 (mainly in Moscow city and in Moscow region), 2) restrictive practice in issuing asylum-seeker certificates (mainly in Moscow City and in Moscow region) and subsequent lack of sojourn registration (i.e. residence permit) during the RSD procedure, and 3) 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. Without residence registration they cannot easily access

local schools, and they are not able to use local medical facilities. They also cannot work legally.

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

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 two categories of *de facto* stateless persons: Meskhetians (estimated to be 11,000 persons) residing in the Krasnodar Krai and "Baku Armenians" (i.e. ethnic Armenian refugees from Azerbaijan) in Moscow (estimated to be between 1,500 and 3,000 persons in the Moscow region alone).

The new RF Law on Citizenship was adopted in May 2002, after a consultation process involving UNHCR and the Council of Europe. Under the general naturalisation procedure, applicants to RF citizenship must be in possession of a residence permit and have resided for a continuous period of five years, since the issuance of the residence permit, in order to submit a naturalisation application. The residence period requirement can be shortened for certain categories, including recognised refugees. Prevention of statelessness and acquisition of citizenship remain key issues on UNHCR's agenda. Activities targeting specific groups of *de facto* stateless persons (Meskhetians in Krasnodar Krai and the "Baku Armenians" in Moscow) have led to finding durable solutions for some of the concerned persons, including issuance of registration at the place of residence and/or acquisition of citizenship.

Internally displaced persons (IDPs)

There are mixed indicators regarding improvements in the situation in the northern Caucasus with internally displaced persons (IDPs). Following the end of the military campaign by the federal forces in spring 2000, several thousands of IDPs had returned to their places of origin in Chechnya (mainly from Ingushetia). A series of measures aiming at encouraging the return of IDPs to Chechnya did not however generate any significant return movement of IDPs from the neighbouring republics. The main reasons preventing return lie with the general lack of physical security. The shortage of infrastructure (shelter, electricity, and water) and of health and education services compounds the problem.

Upon the initiative of the RF Government, a Return Plan was concluded, in May 2002, between the local government authorities of Ingushetia and Chechnya, in order to promote the return of IDPs from Ingushetia. Serious efforts were undertaken by the Chechnya authorities to resume the payment of allowances (pensions, child and unemployment allowances), as well as to partially restore infrastructure and refurbish temporary accommodation centres (TACs). However, UNHCR remains concerned with the security situation within Chechnya, the sanitation conditions in the TACs as well as with the lack of adjacent medical facilities, with the consequence that the majority of the TAC residents are without short-term prospect to return to their homes. In July 2002, two tented camps in Znamenskoye (northern Chechnya) were closed down by the authorities, leaving the camp residents with no genuine option but relocate to TACs.

According to the (UNHCR-funded) DRC database, there were, at the end of June 2002, some 116,578 IDPs in Ingushetia and 139,920 IDPs within Chechnya itself. During the first half of the year, according to the UNHCR cross (administrative) border monitoring, some 3,300 IDPs did return to Chechnya from Ingushetia, and some 2,950 newly arriving IDPs came to Ingushetia from Chechnya. UNHCR remains concerned with the non-registration by the migration service, since 1 April 2001, of newly displaced persons arriving to Ingushetia. Such persons are not eligible for Government assistance in Ingushetia, and remain in a precarious situation.

In the northern Caucasus, UNHCR is supported by a variety of international and national NGO partners and has formed good working relationships with many of them. UNHCR will

increasingly encourage international NGOs to engage in coaching efforts with a local partner while present in the region. UNHCR should eventually be able to rely more on local partners to carry out in an effective manner its assistance/protection programme. Providing coaching 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 scope of challenges in the fields of 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 capacity building, and development of legislative and administrative structures will be implemented in co-ordination with the federal structures. Second, programmes directed towards the actual material assistance to groups of concern will target groups of persons and/or 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.

The situation for urban asylum-seekers is particularly precarious, especially in Moscow where asylum seekers have a long waiting period before accessing procedures, during which they have no documents. With these underlying protection conditions, where asylum seekers cannot legally become self-reliant, UNHCR must continue a substantial multi-sectoral assistance programme, including the provision of financial assistance for the most vulnerable. Efforts will be strengthened utilising community services as a key protection tool for individuals and families in urban environments, and as an implementing arm of quality programme management.

The individual financial and material assistance programme has been re-oriented significantly in 2002 and, depending on the impact of these changes, will be continued in this new orientation in 2003 (see Implementation Strategy, 'Domestic Needs' sector for more detail). The programme will be implemented in parallel with increased efforts to widen access to local schools and medical facilities. If successful, this will enable UNHCR to decrease activities in these sectors for asylum seekers. Efforts to increase job placement opportunities, although so far achieving little success, will continue. It is hoped that the co-location of migration, asylum and "propiska" issues in the Ministry of Interior may eventually contribute to resolving employment related problems of asylum seekers. This would allow them to find legal employment and increase their self-reliance alleviating the need for special assistance programmes.

In the northern Caucasus UNHCR will maintain a focus on protection and shelter in the year 2003. In Ingushetia operations in other sectors will be reduced to activities directly supporting its protection objectives for certain groups (mainly in community services). As long as the need for a safe haven in Ingushetia continues, it will be supported by UNHCR, and continued involvement in the shelter sector will remain a basic requirement.

For the year 2003, UNHCR's activities in the Russian Federation can be broadly summarised as follows:

- Lobbying and advocacy efforts intended to promote the adoption and/or respect of international standards, targeting government officials from ministries and institutions involved with migration management and refugee affairs;
- Provision of technical support, legal advice and training to governmental and NGO bodies for the elaboration and/or implementation of legislation respecting international standards and principles;
- Promotion of accession to the conventions on statelessness, and provision of expertise on drafting citizenship legislation;
- Support to the Government in the provision of basic material, social and legal/protection assistance to asylum-seekers and refugees, especially in urban areas of Moscow and St Petersburg;
- Supporting the Government in promoting the local integration of persons or groups of persons of concern to UNHCR (refugees, IDPs and stateless persons) through legal and social counselling, Russian language courses, access to the local education system, as well as to skills training, job placement and small business development (in the regions and in Moscow and St Petersburg);

- Increasing co-operation with education institutions to promote the inclusion of asylum and human rights issues in the curricula of training institutes, schools and universities;
- 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 refugees and voluntary repatriation as appropriate;
- Dissemination of information and public awareness-raising activities in the field of refugee and human rights in general;
- Facilitate and support efforts of conflict resolution.

Implementing activities for groups with special needs

UNHCR has maintained a focus on women, children, unaccompanied/separated minors, and adolescents both through specific assistance programmes, and through activities covering the whole community. The approach has been strengthened, particularly in 2002, through training of IP staff including their sensitisation on these issues, and through efforts to engage refugees and IDPs themselves in the implementation of activities. The increased knowledge and sensitisation of UNHCR and implementing partner staff on issues such as domestic/gender based violence and child abuse has led to an increased number of reports of abuse. In order to ensure an efficient and safe reporting chain of such incidents and appropriate responses, increased attention and resources will need to be devoted to these issues in 2003.

In the North Caucasus, co-ordination is in place with other UN agencies to ensure that the access of women as heads of households is guaranteed especially during the distribution of relief items. Training activities focusing 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, sport and recreational programmes for children aim at bringing together children of different ethnic and religious backgrounds, thus promoting tolerance among the communities.

The use of a monitoring agency which employs a large proportion of local female monitors and deploys them in the camps and spontaneous settlements will continue to be utilised to ensure the best possible understanding and alleviation of protection and shelter problems specific to women and children. Special attention will be given to the identification of situations where women and children may be open to abuse as a result of their being residents of these locations. The two thirds of the IDP population resident in host families are far less visible. To improve our monitoring of host family situations, a separate implementing partner will be used in 2002 and 2003 to undertake this work and develop techniques for identifying situations where there may be a risk of exploitation or abuse.

Working with Others

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, ICRC 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) 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 as well as the development of civil society.

UNHCR's role in the future

The availability of quality asylum in Russia will prove essential for the future management of migration and refugee flows throughout Europe. Lack of access to the refugee status determination procedures, inadequate reception conditions and lack of integration prospects for certain categories remain huge problems in Russia. 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 as well as increasing real possibilities for integration.

In the absence of a long-term solution providing peace and stability in Chechnya, protection and assistance activities continue to be essential. Assistance in selected sectors will be important for cementing more durable solutions for the displaced including more permanent integration in republics of refuge, and potential return and re-integration in Chechnya when peace and stability is achieved. The realisation of these objectives will continue to be closely co-ordinated with the authorities and with other agencies.

(b) Selected Programme Goals and Objectives

Theme: Strengthening asylum	
Main Goal(s): (a) Persons in need of international protection have access to the territory of the Russian Federation; (b) Asylum seekers have access to fair, efficient and effective asylum procedures and are treated in accordance with international standards; (c) The rights of refugees are respected, and effective durable solutions are found for them; (d) Public opinion is receptive to the protection and solution needs of refugees.	
Principal Objectives	Related Outputs/Results
<ul style="list-style-type: none"> • The overall implementation of refugee legislation improves, and offers enhanced safeguards to asylum-seekers and refugees. Potential protection gaps in the current refugee law are addressed through legislative amendments. • Asylum seekers have timely access to RSD procedures in which their claims are heard fairly and promptly. • Asylum seekers are effectively protected during the national RSD, including prevention of refoulement and/or detention, and provided with documentation in accordance with the law, ensuring subsequent access to civil and social rights. 	<ol style="list-style-type: none"> 1. The government regularly consults UNHCR regarding amendments to current legislation as well as adoption of new regulations; UNHCR provides sound legal advice. 2. Intensive lobbying campaign among the senior executives and policy makers combined with financial assistance to print and issue required documents. 1. Advocacy for the federal and/or Moscow migration authorities to issue provisional documents to persons who have not yet undergone the admissibility review of their claim. In parallel and for the longer term, advocacy for the migration authorities to recruit and train additional eligibility officers so as to reduce the waiting period to access the RSD. 2. Challenging the legality of the pre-registration practice before the courts of law. 1. Advocacy for the <u>issuance</u> by the migration services of a/s certificates valid for a period sufficient for the concerned persons to undertake sojourn registration procedure. Similar advocacy for the <u>extension</u> of a/s certificates during the appeal process. 2. Independent refugee lawyers pursue before the courts of law the illegal practice of non-extension of a/s certificates during the appeal procedure. 3. Contribution to the costs incurred by Aeroflot for accommodation of asylum-seekers.

<ul style="list-style-type: none"> • Asylum-seekers in urban areas unable to be self-reliant receive basic material assistance • Asylum-seekers have access to medical and education services while undergoing the RSD. • Community services in urban areas are strengthened to increase self-reliance among communities and strengthen potential for integration • The particular vulnerabilities of women and children in the urban caseloads are responded to • Persons in need of international protection are effectively granted refugee status or temporary asylum. • Recognised refugees enjoy civil and social rights provided for under the law; voluntary repatriation is facilitated whenever possible. • The public at large understands the distinction between asylum seekers/refugees and economic migrants, 	<ol style="list-style-type: none"> 4. Emergency resettlement of unduly rejected asylum-seekers (at the airport). 5. Provision of legal counselling to undocumented asylum-seekers detained on the territory of the RF. <ol style="list-style-type: none"> 1. The individual assistance programme is further fine-tuned to both meet the needs of the most vulnerable, and to encourage all possible efforts for self-reliance and potential integration <ol style="list-style-type: none"> 1. Strengthening of projects with Moscow Committee on Education providing special support for children accessing local schools 2. Medical project implemented by Magee covers basic medical needs pending access to local facilities <ol style="list-style-type: none"> 1. Community activities are run with the active involvement of asylum-seekers / refugees (small projects with the Refugee Association 'Opora' are planned) 2. The community services unit in RO Moscow is strengthened by the addition of a local post (50%) . <ol style="list-style-type: none"> 1. The work completed in 2002 to sensitise IPs and refugee representatives on domestic violence and abuse issues is strengthened to ensure effective detection, referral and response mechanisms <ol style="list-style-type: none"> 1. Advanced RSD training for migration services staff and familiarisation workshops for other bodies involved with a/s and refugees (law enforcement officials, border guards, etc.). 2. Provision of legal counselling to asylum seekers and legal representation before the appeal courts for unduly rejected cases. <ol style="list-style-type: none"> 1. Phase 2 of the integration programme for Georgian refugees is implemented, jointly with the Government of North Ossetia-Alania. 2. Non-CIS asylum-seekers and refugees with immediate unmet protection/medical needs or without prospects for local integration are resettled to third countries. 3. Voluntary repatriation of (South Osset) Georgian refugees as well as of Afghan refugees is facilitated, in consultation with the RF Government. <ol style="list-style-type: none"> 1. Public awareness campaign further enhanced to raise awareness among the Russian public.
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and the relevance of refugee protection is understood.	<ol style="list-style-type: none"> 2. Individual instances of xenophobic attacks against asylum-seekers and refugees are systematically reported through the media. 3. Media reports more favourably more often on refugee and migration issues
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Theme: Preparedness and Solutions (Sub-theme: Statelessness)	
Main Goal(s): (a) Statelessness will decrease in the RF; (b) Stateless people will enjoy, at a minimum, a status consonant with the 1954 Convention standards.	
Principal Objectives	Related Outputs/Results
<ul style="list-style-type: none"> • The RF accedes to the relevant instruments relating to the prevention and reduction of statelessness; • RF citizenship is in accordance with international and CoE standards relating to prevention and reduction of statelessness • Persons in a de facto stateless situation in Russia do access the naturalisation procedure and are processed in accordance with the law 	<ol style="list-style-type: none"> 1. Long-term lobbying campaign conducted among the legislative and executive branches of the State to promote the accession to the statelessness convention 1. UNHCR provides legal expertise – in co-operation with the CoE – in the drafting of the citizenship law and of implementing regulations. 1. Meskhetians, “Baku Armenians” and other de facto stateless persons are provided with legal counselling including legal representation in administrative and judicial procedures. 2. Promotion of alternative durable solutions e.g. through resettlement of Baku Armenians under a US P-2 referral project. 3. Information campaign regarding the expiry of USSR passports is implemented effectively.

Theme: Preparedness and solutions (Sub-theme: Chechnya situation)	
Main Goal(s): (a) the emergency response to address protection and assistance needs of displaced populations is timely and effective; (b) the protection and assistance needs of the displaced are met; (c) durable solutions for the displaced are actively sought and included in the peace-building process, and implemented by parties to the conflict and international and local partners	
Principal Objectives	Related Outputs/Results
<ul style="list-style-type: none"> • Preparedness for an immediate response to any major movement into or out of Chechnya will be maintained at a level which would bridge the gap until a supplementary emergency programme could be put into place. 	<ol style="list-style-type: none"> 1. A contingency plan will be prepared and regularly revised for an appropriate response to large scale movements into or out of Chechnya. This plan will be made and revised in conjunction with local authorities, other UN agencies, ICRC and NGOs 2. A contingency stock of non-food and emergency shelter material to meet the immediate needs of 5,000 families will be

	maintained
<ul style="list-style-type: none"> The continuing availability of safe havens for IDPs from Chechnya is assured and the principle of voluntary return in safety and dignity is safeguarded. 	<ol style="list-style-type: none"> Camps and spontaneous settlements will be maintained in a condition that allows the population to have warm, dry, weatherproof, safe, sanitary, and hygienic living conditions. UNHCR will continue to actively encourage other agencies to participate fully in the meeting of basic international standards for the accommodation of IDPs. Advocacy with federal and regional authorities to allow registration and access of newly arriving IDPs to tented camps. The provision of material assistance from the Federal Government will be closely monitored and appropriate interventions made to ensure the continuation of bread distribution, electricity, gas and water supply and the payment of rents to owners of property on which spontaneous settlements are located. UNHCR's phasing out from sectors other than protection and shelter is effected in parallel with proper hand-over to other agencies. Host family relationships will be stabilised with UNHCR encouragement and close co-operation with agencies that may continue the Cash for Shelter programme. Advocacy with federal and regional authorities to remain committed to the principle of voluntary return.
<ul style="list-style-type: none"> Required legal documentation is available for IDPs to travel and temporarily reside within the RF 	<ol style="list-style-type: none"> Consensus developed with the authorities and assistance provided for the issuance of standard local IDs enabling beneficiaries to reside elsewhere in the RF. Through local NGOs, IDPs in Ingushetia and in other republics of the northern Caucasus, are provided with legal and social counselling.
<ul style="list-style-type: none"> Identification and reduction of the risk of exploitative or violent situations developing to the detriment of the IDP population. 	<ol style="list-style-type: none"> Identification of high risk groups and situations; action taken to remedy or remove victims from situations where exploitation or violence is identified.
<ul style="list-style-type: none"> IDPs who are unwilling/unable to return to Chechnya do have the possibility to integrate elsewhere in the RF. 	<ol style="list-style-type: none"> Advocacy for the establishment of compensation schemes outside Chechnya for lost property. Pilot temporary integration project undertaken jointly with Ingush authorities

	(e.g. for ethnic Ingush IDPs from Chechnya).
<ul style="list-style-type: none"> • Citizens' civil rights in the Chechen Republic and surrounding Republics are enhanced and legal remedies are available, to the benefit of IDPs, returnees and local residents. 	<ol style="list-style-type: none"> 1. Co-ordination is enhanced with OSCE and the CoE, for the provision of technical and material assistance to federal and local institutions responsible for the functioning of the rule of law. 2. The capacity of local legal and human rights' NGOs is enhanced.
<ul style="list-style-type: none"> • IDPs and refugees who return/repatriate voluntarily to Chechnya have access to basic material assistance. 	<ol style="list-style-type: none"> 1. Basic shelter kits are provided to IDPs and refugees. 2. Sectorial co-ordination among UN, other relief agencies and local Government is enhanced, so as to ensure complementarity of assistance.