



COUNTRY OPERATIONS PLAN

OVERVIEW

Country: Republic of Uzbekistan

Planning Year: 2006

Executive Committee Summary

Country Operation Plan 2006 : UZBEKISTAN

(Drafted March 2005¹)

Part I: OVERVIEW

1. Protection and socio-economic operational environment

The Republic of Uzbekistan remains the only country in the CIS which is not a party to the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol. The country has neither adopted any national legislation nor established any administrative asylum procedure. In view of the complex geo-political situation in Uzbekistan, in particular common borders with Afghanistan and Tajikistan, the Uzbek authorities place their concern for national security high on their political agenda.

In the absence of a national asylum procedure, UNHCR is the only actor in the country that conducts RSD, intervenes in individual cases to prevent refoulement, and organises all aspects of voluntary repatriation as well as resettlement. 2,321 mandate refugees, mostly from Afghanistan, are registered with this Office as of December 2004, although the estimated figure of Afghans in the country is over 5000. Besides, there are reportedly 39,200 Tajiks who fled the 1992-1993 civil war in Tajikistan. It is believed that the majority of this group may be of concern to UNHCR, under refugee and/or statelessness mandate. In addition, although small in number, the Office has also been approached throughout the recent years by Iraqi, Turkmen, Azeri, Palestinian, Ethiopian, North Korean and Chinese asylum seekers.

The absence of both a legal status and officially-recognised documents hampers their access to social and economic rights, including access to the labour market as well as freedom of movement. This also prevents their local integration or at least self sufficiency, and creates a situation of economic and social marginalization. Thus, the 2006 programme of UNHCR Uzbekistan will continue the provision of humanitarian assistance to the most vulnerable refugees, including through income-generation training, material and medical assistance, educational courses as well as social counseling.

Durable solution options for refugees are limited to either resettlement or, in some individual cases, voluntary repatriation. Following the generally positive outcome of resettlement submissions to Canada and US in 2004, and in view of the further increasing number of submissions in 2005 (1000 persons), the Office plans to resettle some 300 persons in 2006.

By virtue of a Gentleman's Agreement reached between UNHCR and the Ministry of Foreign Affairs in 1999, mandate refugees enjoy a degree of protection from arrest, detention and refoulement. This verbal understanding has led to a clear decline in the number of refugees being refouled, although this agreement becomes practically ineffective in cases where the powerful state security services are involved.

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.*

The year 2004, in particular, has seen a breakthrough, as closer contacts were achieved through training and PI activities. The presence of Uzbek high-ranking officials at UNHCR's organized events indicates a significant positive development that has set the stage for better cooperation with the Uzbek Government.

2. Operational goals and potential for durable solutions

Derived from the UNHCR's Global Objectives, the following goals will be pursued for 2006:

Goal 1: Ensure the protection and well-being of refugees and others of concern in Uzbekistan.

Uzbekistan remains the only country within the former CIS that has neither acceded to the 1951 Refugee Convention and 1967 Protocol, nor adopted any domestic legislation or established an administrative procedure to protect refugees. Nevertheless, the latter are tolerated on the territory of Uzbekistan on the basis of a verbal Gentleman's Agreement with the Ministry of Foreign Affairs to the effect that persons holding UNHCR mandate refugee certificates are not to be arrested detained or deported. Since that time, the number of deportations has dropped, and UNHCR has been able to intervene successfully in most detention cases, where refugees and asylum seekers are detained on the basis of illegal entry and stay. However, cases in which the state security apparatus is involved remain by far harder to resolve.

With a view to further enhance the protection situation in Uzbekistan, the Office will take all possible steps to promote the establishment of an appropriate national legal framework for refugee protection. Capacity building activities, including human rights and refugee law training, will remain high on the Office's agenda.

In the absence of a national asylum system in the country, UNHCR will continue to conduct refugee status determination under its mandate, both in Tashkent and Termez, in accordance with the established Standard Operating Procedures for RSD. The Office will continue to ensure that refugees and asylum seekers have free access to information regarding the RSD procedures and other assistance rendered by the office.

As in 2005, about 60% of the care and maintenance budget will be utilized to support needy refugee families through the provision of limited material assistance, medical care, voluntary repatriation, non-formal education, social and legal counseling, income-generation training and non-formal education. Three UNHCR's IPs will be involved in the activities above. Particular attention will be also paid to follow up on the High Commissioner's Five Commitments to Refugee Women, which include registration, provision of sanitary kits, participation in the distribution of humanitarian assistance and gender-balanced Refugee Council, maintenance of a special hotline at UNHCR for refugee women facing domestic violence.

Goal 2: Ensure the provision of durable solutions for refugees.

Because of the restrictive attitude of the Uzbek Government towards refugees and asylum seekers, local integration is generally not an option for refugees. Therefore, durable solutions are limited to either voluntary repatriation or resettlement. Since only a few refugees are

opting for voluntary repatriation, particular emphasis will be put on resettlement in line with the regional strategy for facilitated resettlement. In 2006, UNHCR Uzbekistan plans to resettle 100 persons to the US and 200 to Canada.

Goal 3: Promote the establishment of a national legal and administrative framework for refugee protection, thus to lay a foundation for a responsive national asylum system.

EU assistance is envisaged for 2005 – 2006 under the project on “UNHCR activities to raise awareness/build capacity of the government for establishment of basis for a national asylum system”. UNHCR will also avail itself of the assistance of four partners in legal training for law enforcement officials outside Tashkent as well as awareness creation activities to promote respect for the right to asylum in the country.

The Office will also continue to work closely with OSCE and other agencies concerned on the draft Migration Law to ensure that refugee provisions would be included in the draft and that the law would be consistent with the relevant international principles and standards.

Goal 4: Render the necessary administrative and logistic support to operations in Afghanistan and the Central Asian region.

As in previous years, UNHCR will maintain provision of logistic support for operation in Afghanistan as well as voluntary repatriation from the Central Asian countries in 2006.