

Executive Committee Summary

Country Operations Plan 2003 : KAZAKHSTAN

(a) Context and Beneficiary Population(s)

In 2001, Kazakhstan celebrated the tenth anniversary of its independence. Despite the fact that since independence during its transitional period over the past decade the country accomplished much, various challenges and constraints still remain. The transition has proved to be a complicated and traumatic process for the countries of CIS, including Kazakhstan. Restructuring of the education and health-care systems has been taking place nation-wide. The costs for social services, which had once been provided for free, have become increasingly high for both users and providers, including the State.

The institution of asylum remains a fragile concept in Kazakhstan. Only a slowly increasing interest in refugee matters at the decision-making level can be observed as the Government remains to be primarily concerned with economic development, national security and stability. Consequently, the necessary steps for the implementation of the 1951 Convention and the 1967 Protocol are being taken at a slow pace.

The total number of refugees and asylum-seekers in Kazakhstan is estimated at some 19,640 persons, including some 12,000 Chechens, 4,100 Tajiks, 2,360 Afghans, 1150 Palestinians, and some 30 refugees and/or asylum-seekers of various other nationalities, mainly Chinese Uighurs. Apart from that, there are some 215,000 ethnic Kazakh "returnees" of whom over 100,000 persons are, in principle, of concern to the Office in view of their *de jure* or *de facto* statelessness status. The capacity of the government to respond to the protection and assistance needs of this considerable number of persons is extremely limited.

Following the September 11th terrorist attacks in the US and the subsequent military operation in Afghanistan, the refugee protection situation in Kazakhstan seriously deteriorated, especially for Chechen and Chinese Uighur refugees, resulting in arbitrary arrests and detention, arbitrary fines, threats of deportation, and refusal to extend residence registration for Chechen refugees. Meanwhile, the Ministry of Foreign Affairs, i.e. the "mediator" between the UN and other various governmental structures, has been somewhat passive and slow in reacting to UNHCR's warnings against human rights violations that have become almost a daily practice of the law enforcement bodies in their treatment of some UNHCR mandate refugees, particularly Chinese Uighurs. With regard to Tajik refugees the Government of Kazakhstan imposed severe restrictions on their entry and presence in Kazakhstan. In that context some Kazakhstani executive bodies proposed to introduce visa regime for the citizens of all CIS countries. In the near future Kazakhstan is planning to introduce a flexible visa regime with Kyrgyzstan, Tajikistan and Uzbekistan. Meanwhile, member states of the Shanghai Organisation of Co-operation (SOC) confirmed their adherence to the struggle against international terrorism and readiness to create a regional anti-terrorist structure during the last meeting in Almaty in September 2001.

Chechen refugees

LO Almaty provides protection and assistance to some 12,000 Chechen refugees. The protection situation for this caseload changed several times throughout the year. In particular, the 11 September attacks and the subsequent military operation in Afghanistan provided the Kazakhstani law enforcement bodies with a good pretext to build on the still prevailing stereotyped consideration of Chechens as "terrorists" or "extremists", thereby justifying their harassment of members of this caseload. Due to the delicate geo-political situation of Kazakhstan, all CIS citizens are excluded from the refugee status procedure. Therefore, the only possible practical

measure to ensure the legal presence of Chechen refugees in Kazakhstan, thereby ensuring their protection against forcible return to the Russian Federation, was to develop and agree with the Kazakhstani authorities a pragmatic approach whereby Chechens are *de facto* treated as refugees without being considered *de jure* as such. In accordance with the existing regulations, registration is first granted for the period of 3 months with possible extension for the period of up to six months at a time. Absence of employment opportunities, housing, food, and poor health conditions, coupled with expensive medical care and medication costs have serious negative impact on the condition of refugees in Kazakhstan in general and in particular Chechen refugees of whom women and children comprise some 80%, and where some 60% of children are below 10 years of age.

In view of political, economic as well as national security considerations, local integration cannot be considered, at least at this stage, as an alternative for durable solution for this category of refugees in Kazakhstan. However, some refugee families might achieve a certain degree of self-sufficiency in Kazakhstan through small income-generation projects. This component of UNHCR programme will be given careful attention in 2003 programme and some new approaches will be introduced with regard to selection criteria. However, it is to be noted that UNHCR programme has been largely the only source for a limited regular support to refugees, and the situation is not likely to change in 2003, i.e. the refugees will continue to depend on international aid until they return home. Thus, in the absence of local integration prospects for Chechen refugees, the only realistic durable solution for them would eventually be voluntary repatriation. However, given the situation in Chechnya, the prospects for this do not seem to be good at present.

Chinese Uighurs

Another important challenge for LO Almaty is the protection of Chinese Uighur refugees in Kazakhstan. While only some 30 Chinese Uighur cases are known in Kazakhstan, it is believed that the real number of Chinese Uighur refugees and/or asylum-seekers in the country goes far beyond this limited number and may indeed reach 6-700 cases, of whom the majority do not approach UNHCR. The situation of this category of persons has always been fragile with its members having never been allowed into the Kazakhstani asylum procedure. However, UNHCR has managed to ensure their protection in the country through a *gentleman's agreement* whereby claims of Chinese Uighurs are examined by UNHCR under its mandate and the authorities tolerate their temporary stay in the country, while third country resettlement is sought for those refugees whose situation warrants it. However, the situation of Uighurs deteriorated dramatically following the September 11th terrorist attacks and the subsequent military operation in Afghanistan. Consequently, a large number of Chinese Uighurs were arrested, including a few holding UNHCR refugee or asylum-seeker's certificates, and it has cost LO Almaty enormous efforts to obtain the release of those refugees and asylum-seekers. Hence, UNHCR envisages resorting more and more to third country resettlement as a means to ensure the protection of members of this category of refugees.

Afghan refugees

The total number of Afghan refugees and asylum-seekers in Kazakhstan stands at 2,360 persons. They constitute the only major category of persons that is allowed into the national asylum procedure. As at the beginning of 2002, the RSD Commission in Almaty has examined the cases of 1,309 persons (662 families) and 923 persons (415 families) have been granted refugee status. However, the records of 293 were taken out of the list in the course of 2000-2001 for reasons such as departure to other countries, including 163 records taken out in 2001. At present a total of 630 persons are refugees officially recognised by the Government, of whom over 98% are Afghans. In principle, they have access to labour market, education and health services. Nevertheless, so far, the Government does not seem to be inclined to grant permanent residence or citizenship to any of them, even to the ones married to Kazakhstani citizens or the ones who have been residing in Kazakhstan for over 8 years. Some 154 (16 families) Afghan asylum-seekers were denied refugee status, mostly on the basis of an erroneous application of the first asylum country concept; and this exposes the concerned Afghans to a legal gap aggravated by the absence of prospects for their

return to their previous countries of asylum or to Afghanistan. However, it is hoped that this particular problem may be solved when the national refugee law is adopted, provided the stipulated therein provision on humanitarian status for persons who do not meet the inclusion criteria for the refugee status *strictu sensu*, but who nevertheless may be in need of international protection, is maintained in the final text of the law.

Many problems are common for all categories of refugees and asylum-seekers, e.g. lack of job opportunities, lack of prospects for local integration, harassment by the law enforcement bodies, etc. Because of the serious economic and social difficulties facing Kazakhstan, the well being of Afghan refugees remains dependent on international assistance, though to a lesser extent than that of Chechen refugees. However, many of the problems faced by Afghan refugees and asylum-seekers are simply a consequence of existing gaps in the work of the Refugee Status Determination Commission, such as the erroneous application of the first asylum country concept. Hence, major elements of the Office strategy with regard to Afghan refugees and asylum-seekers fall within the scope of the strategy in the field of capacity and institution building for governmental institutions dealing with refugee-related issues.

Prospects for local integration as an option for durable solution for Afghan refugees in Kazakhstan are basically non-existent. Meanwhile, resettlement is only being resorted to in very specific cases, mainly on grounds of physical protection and/or medical needs. Hence, the only possible durable solution for Afghan refugees remains voluntary repatriation to Afghanistan, when conditions become conducive. Until then, temporary asylum would remain the only available option in Kazakhstan.

Tajik refugees

As with Chechens, Tajiks are neither considered as *prima facie* refugees nor are they admitted into the asylum procedure. Being citizens of a CIS country, their stay in Kazakhstan is tolerated by the Kazakhstani authorities on the basis of Minsk CIS agreement of 1993. UNHCR involvement with this category of refugees has been so far limited to the provision of basic medical assistance and facilitation of voluntary repatriation; the latter being as well the only possible durable solution for them, since the Kazakhstani authorities are not likely to allow their legal integration in the Kazakhstani society.

877 Tajik refugees were repatriated in 2001, leaving a remainder of some 4,100. 187 Tajik refugees were repatriated in the first quarter of 2002. LO's Almaty strategy for dealing with Tajik refugees' aims to ensure the protection of Tajik refugees in Kazakhstan through interventions with the Kazakhstani authorities whenever the need arises. As for ensuring the well being and durable solutions, this is being achieved through the provision of minimal life-sustaining assistance to the most needy ones, with particular emphasis on vulnerable women and children, as well as through facilitation of family based, rather than individual based, voluntary repatriation.

Palestinians

During the year 2001, 799 Palestinians arrived in Kazakhstan due to the deterioration of security situation in their homeland. In principle, the vast majority of the Palestinians in Kazakhstan are self-sufficient (most of them are working and few are university students), and are therefore not considered among the most needy refugees in Kazakhstan. Hence, the Office involvement with them is in practice limited to ensuring their protection in the country.

Statelessness

Following independence, the Government of Kazakhstan launched a policy aiming at encouraging the "return" of ethnic Kazakhs to their "motherland". As a result, a large number of descendants of ethnic Kazakhs who had once fled the country after the October Revolution, decided to avail themselves of the opportunity to settle in the newly independent state of Kazakhstan. As of the end of 2001, the total number of ethnic Kazakhs who arrived to Kazakhstan with the intention to settle

for good stands at 215,000 persons. However, the policy launched by the Government of Kazakhstan was not supported by serious preparation to ensure the integration of the “returnees” in the Kazakhstani society. Therefore, for many reasons, such as the prevailing legislative gaps, the very lengthy and expensive procedure for the release from previous nationalities and admission to the Kazakhstani citizenship, the lack of necessary financial resources, and the absence of competent and well trained personnel, only some 115,000 of the returnees have so far been granted Kazakhstani citizenship. The rest, particularly those arriving from Uzbekistan (Karakalpakstan) and Turkmenistan, are in *de facto* stateless situation.

In 2003, LO Almaty will promote admission the granting of Kazakhstani citizenship to ethnic Kazakh “returnees” through various activities, including promotion of a revision of the nationality and other relevant legislation, legal advice, technical assistance as well as meetings/seminars/roundtables for various governmental structures, including the General Prosecutor's Office, Agency for Migration and Demography, Migration Police, Ministry of Justice, the Parliament and others.

The implementation of UNHCR programmes in 2003 will be undertaken through partnership with the Government of Kazakhstan as well as the relevant UN agencies. Additionally, UNHCR will implement its programme in partnership with a number of NGOs, including the Red Crescent of the Republic of Kazakhstan (**KRC**), “**Vainakh**” **Association**, International Bureau for Human Rights and Rule of Law (**BHR**), Kazakhstan Refugee Legal Support (**KRELS**), the Children’s Fund of Kazakhstan (**CFK**), Afghan Zemlyachestvo (**AZ**), Centre for Conflict Management (**CCM**). In 2003, it looks more likely that all UNHCR IPs will have to operate with limited funds provided by UNHCR in view of the general “cut down” policy exercised widely by international organisations working in the humanitarian field, although the situation of refugees and asylum seekers remains far from satisfactory.

Asylum institution and capacity building

The pace of the creation of a responsive asylum system and development of asylum culture in Kazakhstan is undermined by a variety of factors, including the still prevailing low level of awareness of governmental officials at various levels of both international refugee law as well as Kazakhstan's international obligations as state party to the 1951 Convention and 1967 Protocol, the absence of national refugee legislation and appropriate administrative structures, the insufficiency in skilled professionals dealing with refugee matters, the scarce financial resources. The above coupled with the extremely high turn over in governmental officials and structures dealing with refugee matters makes it imperative that asylum institution and capacity building activities continue to form a major component of UNHCR's work in Kazakhstan for a few more years to come. Therefore, in 2003, UNHCR will continue to promote refugee law and assist the Government in developing a legislative framework for the protection of refugees and asylum-seekers consistent with international standards, thus ensuring that Kazakhstan fulfils its international obligations as party to the 1951 Convention and the 1967 Protocol. Furthermore, in view of the Office policy priorities identified in the framework of the prioritisation exercise, and in accordance with the parameters defined therein, LO Almaty will engage in core mandate activities aiming to reduce statelessness among the ethnic Kazakh "returnees" and promote Kazakhstan’s accession to the 1954 and 1961 Statelessness Conventions.

(b) Selected Programme Goals and Objectives

Theme:	Protection of refugees, asylum institution and capacity building, and assistance to the most needy refugee groups in Kazakhstan
Main Goal(s):	Ensured protection for refugees in Kazakhstan
Principal Objectives	Related Outputs
• Kazakhstan's international obligations	• Training on the application of

<p>vis-à-vis refugees are understood and honoured not only at the political but also at the practical executive level.</p>	<p>international standards of refugee law are conducted for officials dealing directly with refugee matters in 15 regions of Kazakhstan.</p> <ul style="list-style-type: none"> • Round-tables and seminars on international standards of refugee law are conducted for government officials (prosecutors, judges, law-enforcement officials, MPs, etc.) in Astana and Almaty. • Seminars/training/meetings for NGO partners are conducted on refugee matters. • Seminars for law students are conducted on international standards of refugee law and protection. • Technical assistance is provided to governmental structures dealing with refugee matters. • RSD commissions are created in three regions of Kazakhstan and on-the-job training is conducted for the members of these commissions.
<ul style="list-style-type: none"> • National refugee legislation is adopted and properly applied. 	<ul style="list-style-type: none"> • Technical expertise is provided to the Government of Kazakhstan throughout the process of drafting and adoption of the national refugee legislation. • The adoption is promoted through meetings/seminars with relevant Kazakhstani officials, particularly with parliamentarians.
<ul style="list-style-type: none"> • Improved health condition of the refugees residing in regions other than Almaty and Karaganda 	<ul style="list-style-type: none"> • In co-operation with KRC, make primary health care services available in Almaty, Taraz (Southern Kazakhstan), Kostanai (Northern Kazakhstan) and Uralsk (Western Kazakhstan). • Sanitary products are distributed on a monthly basis to the most needy female heads of household
<ul style="list-style-type: none"> • Ensured self-sufficiency for the refugee families in regions other than Almaty (female heads of household are given special consideration) 	<ul style="list-style-type: none"> • Income-generation projects initiated by the refugees are supported and functioning in five regions of Kazakhstan.
<ul style="list-style-type: none"> • Refugees are housed, utility costs are covered for the most needy families, coal and wood for the winter is purchased 	<ul style="list-style-type: none"> • Rental/utility costs are covered for the most needy refugees
<ul style="list-style-type: none"> • Refugees basic needs regarding clothing and possession of household items are adequately covered 	<ul style="list-style-type: none"> • Clothing/household items/blankets are distributed to the most needy refugees
<ul style="list-style-type: none"> • Malnutrition rate among refugee children is reduced 	<ul style="list-style-type: none"> • Monthly food packages are distributed to the most vulnerable refugee families throughout Kazakhstan
<ul style="list-style-type: none"> • Refugees are not harassed by local authorities 	<ul style="list-style-type: none"> • New registration system at the border is established by the government of Kazakhstan with the support from UNHCR

	<ul style="list-style-type: none"> • UNHCR together with NGOs promotes the adoption of the new improved procedure for refugee registration, wherein refugees are allowed to extend registration for the period of up to six months/1 year.
<ul style="list-style-type: none"> • Refugee children attend schools 	<ul style="list-style-type: none"> • Necessary school supplies and clothing are purchased and distributed to the most needy families with children
<ul style="list-style-type: none"> • Improved psychological condition of refugee women and children 	<ul style="list-style-type: none"> • Rehabilitation/Educational Centres are established and functioning in four regions of Kazakhstan mostly populated by the refugees.
<ul style="list-style-type: none"> • Presence of refugees in the country is well tolerated by local population, xenophobic attitude towards refugees is changed into positive 	<ul style="list-style-type: none"> • TV/radio programmes on refugee issues are created and transmitted on local TV/radio channels • Bureau on Human Rights (UNHCR IP) conducts seminar for journalists
<ul style="list-style-type: none"> • Better understanding of refugee issues among government/local authorities 	<ul style="list-style-type: none"> • Training/seminars/round-table meetings on refugee issues are conducted for relevant government/local authorities. • Number of PI materials are produced
<ul style="list-style-type: none"> • Refugee protection is ensured 	<ul style="list-style-type: none"> • Regular protection situation monitoring field missions are undertaken by UNHCR Almaty together with IPs. • Regular meetings are organised with relevant government and local authorities. • UNV post is maintained in order to monitor protection situation in the field, provide technical expertise/ consultations in the field of refugee legislation
<ul style="list-style-type: none"> • 500 Afghan refugees are repatriated in safety and dignity if conditions in Afghanistan become conducive 	<ul style="list-style-type: none"> • Conduct necessary negotiations with the government and UNHCR Uzbekistan to ensure that Uzbekistan permits transit of Afghan refugees through the territory of Uzbekistan and appropriate mechanisms are developed for proper implementation of voluntary repatriation of Afghan refugees. • Cover transportation costs and repatriation cash grants • Ensure the protection of repatriating refugees throughout the repatriation process.

Name of Beneficiary Population/Theme: Tajik refugees in Kazakhstan.	
Main Goal(s): Ensured durable solutions for Tajik refugees in Kazakhstan.	
Principal Objectives	Related Outputs
<ul style="list-style-type: none"> • 1,000 Tajik refugees are repatriated in safety and dignity to Tajikistan. 	<ul style="list-style-type: none"> • Registration refugees willing to repatriate is conducted. • Tickets are purchased and repatriation cash grants distributed. • The protection of the repatriating refugees is actually ensured throughout the repatriation process.

Name of Beneficiary Population/Theme: Reduction of Statelessness among ethnic Kazakh "returnees".	
Main Goal(s): Reduced statelessness among ethnic Kazakh returnees.	
Principal Objectives	Related Outputs
<ul style="list-style-type: none"> • Ethnic Kazakh "returnees" acquire citizenship 	<ul style="list-style-type: none"> • Returnee Adaptation Centre is established and functioning in Central Kazakhstan. • UNHCR promotes accession of Kazakhstan to the 1954 and 1961 Statelessness Conventions. • UNHCR provides technical expertise in the drafting of amendment to the nationality legislation and promotes the adoption of such, through workshops and roundtables for government officials as well as parliamentarians. • In two regions mostly populated by "returnees" in stateless situation, UNHCR will recruit two lawyers, who will provide legal counselling. • Language and professional training courses will be organised for "returnees" in two regions.