



Lives in limbo

A review of the  
implementation of  
UNHCR's urban refugee  
policy in Tajikistan

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## Executive summary

In Tajikistan as in other countries, the implementation of UNHCR's new (September 2009) urban refugee policy is heavily conditioned by local circumstances. Tajikistan is a post-conflict state which has few resources, limited governmental capacity, no functioning social welfare system and poor socio-economic indicators. Livelihoods opportunities are scarce, obliging nearly half of the adult male labour force to work abroad and to support their families by means of remittances.

Ethnic linkages between the Tajik people and the small and predominantly Afghan refugee population have generally been conducive to good relations between the two communities. Even so, a degree of tension has emerged in relation to the refugees' presence, with the Afghans increasingly being perceived as undeserving migrants rather than as people who are in need of protection and solutions.

A fragile legal system, coupled with stringent restrictions on the movement and residence of refugees, which bars all refugees and asylum seekers who arrived after the year 2000 from living in the main cities of Tajikistan including the capital Dushanbe, has contributed to the challenge of implementing UNHCR's new urban refugee policy. The situation has been exacerbated by the organization's very modest presence and resources in Tajikistan and its need to cooperate with a state which does not regard the refugee issue as a high priority.

In these difficult circumstances, UNHCR's Dushanbe Office, supported by the Regional Office for Central Asia and the Regional Bureau for Asia and the Pacific, should formulate an urban refugee strategy for Tajikistan that is based on four principal components of the new policy:

- undertaking high-level advocacy with the Tajik authorities so as to gain acceptance of the notion of state responsibility and respect for international refugee protection principles;
- establishing effective partnerships with governmental and non-governmental partners that can contribute to the task of providing refugees with adequate protection and durable solutions;
- mobilizing additional human and financial resources for the organization's activities in Tajikistan; and,
- ensuring that refugees and other persons of concern to UNHCR are included in the programmes of other UN Country Team members, donor states and international financial institutions.

As well as pursuing these broad strategic objectives, UNHCR should focus its efforts on six specific areas in which the protection space available to refugees and asylum seekers in Tajikistan is currently very limited.

### *1. Freedom of movement and residence*

The situation of many refugees in Tajikistan is seriously affected by the fact that they do not enjoy freedom of movement or residence, the result of official regulations that are in direct contradiction with the 1951 UN Refugee Convention and to UNHCR's urban refugee policy, which underlines the right of refugees to live in the place of their choice, including cities and towns. Unless and until these regulations are modified, UNHCR will find it extremely difficult to implement the other aspects of its policy. High-level advocacy on this issue, supported by concrete forms of assistance to the authorities, must therefore be a first priority.

### *2. Reception facilities*

The registration of individuals as asylum seekers requires proof of residence outside urban centres. Failure to fulfil this requirement precludes registration and access to the asylum procedure. Although refugees and asylum seekers in Tajikistan have access to UNHCR and its partners and adequate reception arrangements are available to them, temporary accommodation is non-existent. UNHCR should strive to ensure that temporary accommodation is made available throughout the asylum procedure, working in close cooperation with the authorities and the organization's implementing partners.

### *3. Refugee status determination (RSD)*

The RSD process in Tajikistan must meet acceptable substantive and procedural standards, an objective that required UNHCR to provide increased support to the country's Department for Refugees and Citizenship. Particular attention should be given to interviewing techniques, access to and use of country of origin information, exclusion analysis and the concept of safe third country.

### *4. Documentation and data collection*

UNHCR should strive to ensure that refugees and asylum seekers are properly documented, that they hold individual refugee and asylum seeker cards, and that children appear on the cards of both parents. To improve the collection and analysis of information in relation to both longstanding refugees and new arrivals, UNHCR should explore the potential to integrate its ProGress software into the government's existing data management systems.

In order to prevent abuse in the provision of documentation, UNHCR should develop a process, together with its implementing partners, to channel the issuance of asylum seekers' cards (white cards) as well as the issuance and renewal of refugee cards (red cards). Generally, the Office should act as an interface with the authority in relation to any type of required documentation in order to ensure the fair treatment of persons of concern.

### *5. Vulnerable people*

Stronger efforts should be made from the earliest stage of the reception process to identify and monitor the situation of those refugees and asylum seekers who have specific needs and vulnerabilities. This objective could be supported by establishing a network of refugee outreach volunteers and by undertaking regular participatory assessments and field visits. UNHCR's implementing partners should be fully engaged in these efforts and should receive the support that they need to ensure that people with specific needs are properly protected.

### *6. Livelihoods and durable solutions*

Refugees in Tajikistan currently have very limited livelihoods and durable solutions options, and renewed efforts are needed to address this situation. Particular attention should be given to the provision of better educational and employment opportunities for refugee youth and to gain a better understanding of their aspirations and expectations.

At the same time, UNHCR should continue to explore the potential for the local integration of refugees, many of whom have close affinities to the Tajik population. All of these endeavours should be coordinated with other members of the UN Country Team, steps being taken to ensure that refugees are included in broader poverty reduction and development initiatives.

Permanent residence is one 'solution' to the problem of urban refugees. Therefore UNHCR should renew its efforts to establish direct links with the State Committee on National Security, so as to ensure support for applications for permanent residence and eventually naturalization by refugees.





## Introduction to the review

1. At the High Commissioner's Dialogue on Protection Challenges in December 2009, a commitment was made to undertake evaluations of UNHCR's programmes for refugees in a number of urban areas, focusing on the challenges and opportunities encountered in the implementation of the organization's new urban refugee policy. This review has been undertaken in fulfilment of that commitment.
2. The review was led by a member of UNHCR's Policy Development and Evaluation Service and included a staff member from the Department of International Protection and an independent consultant. The team carried out an extensive desk review of relevant documents and undertook a mission to Tajikistan which involved visits to a number of different locations. Due to time constraints it was not possible for the team to visit all areas where refugees are residing.
3. The team carried out in-depth interviews with UNHCR staff members and other key governmental, non-governmental and international stakeholders. Consultations were held with members of the refugee population and local community, primarily by means of informal interviews and focus group discussions.
4. The review was conducted in accordance with UNHCR's Evaluation Policy and the UN Evaluation Group's Norms and Standards. The team would like to thank the people who contributed to the review, especially the UNHCR Office in Dushanbe, which facilitated the evaluation process by ensuring access to key interlocutors and relevant information.



## The operational context

5. Tajikistan is a fragile post-conflict state in the volatile Central Asia region. The country is affected by a variety of internal and external pressures: a sporadic energy crisis, the threat of natural disasters and generalized insecurity, not least as a result of drug trafficking from neighbouring Afghanistan. Poverty is rife, rural areas have a very weak infrastructure and both industrial and agricultural production have failed to recover fully from the civil war that took place between 1992 and 1997.

6. Tajikistan consequently has one of the lowest levels of per capita GDP amongst the 15 former Soviet republics. Due to the low standard of living and lack of employment opportunities, nearly half of the adult male labour force, around one million people, work abroad, primarily in Russia and Kazakhstan.

7. Details of the refugee and asylum seeker population in Tajikistan are provided in Annex 1 of this report, which indicates that some 4,000 people of concern to UNHCR are residing in the country. Almost all of the asylum claims submitted in Tajikistan are lodged by Afghans, with a much smaller number of cases from Iran, Kyrgyzstan and Iraq. Around 90 per cent of the Afghan refugees entered the country with a tourist visa.

8. As Annex 1 also indicates, the deterioration of the security situation in Afghanistan has caused a distinct increase in the number of those seeking asylum in Tajikistan. There has also been a shift in the geographical and ethnic origin of the refugees, with an increasing number coming from central and southern Afghan cities such as Helmand, Kandahar and Kabul. They are mainly of Tajik ethnic origin and thus have strong links to the local population.

9. There are no refugee camps in Tajikistan. Of the 3,131 refugees currently living in the country, 653 reside in the capital city of Dushanbe and another 2,109 live in nearby districts, primarily in Vakhdat (some 20 kilometres east of Dushanbe), where an additional 1,611 asylum seekers are to be found. Some 369 refugees live in Khujand in the north of the country. Most of the refugees in Vakhdat work or study in Dushanbe and also commute to the capital in order to access the UNHCR office, health services and legal assistance.

10. Tajikistan's population of refugees and asylum seekers is split equally between females and males, with children representing around 30 per cent of the total. A third of the population are considered to have specific needs, the most common cases being single headed households and people with psycho-social problems and people with disabilities.

11. The refugee population in Tajikistan is very fluid for several reasons. First, refugees are obliged to renew their cards every year and because this can involve the payment of high unofficial fees, some may not have the means to pursue the renewal process.

12. Second, some Afghans are in transit to other countries and consequently choose not to register with UNHCR or the authorities. Instead, they enter Tajikistan with a tourist visa and then move on once it expires.

13. Third, there is considerable backwards and forwards movement between Tajikistan and Afghanistan, as some of the refugees maintain businesses or other connections in their country of origin. Many families appear to remain in Tajikistan while one member of the household works intermittently in Afghanistan.

14. UNHCR first established its presence in Tajikistan in January 1993, following the outbreak of civil war the previous year, when approximately 60,000 Tajiks fled to Afghanistan and 5,000 moved to Uzbekistan. A further 500,000 Tajiks were internally displaced.

15. Given the relatively small Afghan refugee population in Tajikistan at that time, most of UNHCR's activities were focused on returnees from Afghanistan and the internally displaced. Over the past 15 years, however, the end of the civil war, the reintegration of Tajikistan's returnees and displaced peoples and the growing number of new arrivals from Afghanistan has prompted UNHCR to become more actively engaged with refugees and asylum seekers.

16. Tajikistan was the first Central Asian country to sign the 1951 UN Refugee Convention and its 1967 Protocol. The ratification of the Convention was followed by the adoption of domestic legislation, the 1994 Law on Refugees, which was revised in 2002. Tajikistan is also a party to the 1990 Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

17. Until 1995, Tajikistan lacked a national asylum procedure and refugee status determination (RSD) was undertaken by UNHCR. Responsibility for RSD was at that point assumed by the State Migration Service, which in 2007 became the State Agency for Social Protection. As of 2010, responsibility has been transferred to the Migration Service's Department for Refugees and Citizenship.

18. In view of their own history of displacement and ethnic links with the refugee population, the Tajik authorities and people have generally been welcoming towards the Afghan population. Even so, freedom of movement for refugees and asylum seekers has been severely restricted.

19. As a result of legislation introduced in 2000, and subsequently modified in 2004, refugees and asylum seekers are prevented from taking up residence in large urban areas such as Dushanbe and Khujand and in border areas. They are also prevented from settling within 25 kilometres of the Tajik border, and must seek permission from the authorities to access the frontier.

20. These restrictions on settlement in urban centres have important and negative implications for the ability of refugees to access employment, healthcare and other services. Travelling to the city for work or medical treatment is costly and beyond the means of many refugee families.

21. More seriously, perhaps, refugees who breach these laws are subject to significant penalties. Those caught residing in prohibited areas risk arrest, detention, fines, the withdrawal of refugee status and even deportation.

22. The High Commissioner visited Tajikistan in 2008, leading to the preparation of a brief joint communiqué with the Minister of Foreign Affairs (see Annex 2). The communiqué did not make reference to the issues of freedom of movement or refugees in urban centres, but did anticipate initiatives in relation to the granting of permanent residence and citizenship to refugees, the provision of professional and technical training, as well as access to services such as education and healthcare.



## Reception, registration and documentation

23. There are few dedicated reception facilities for refugees and asylum seekers in Tajikistan, but no temporary accommodation centres. At present, persons of concern to UNHCR are received in the UN compound in a reception room, three times a month. The reception facility is equipped with drinking water and minimal furniture, but lacks washroom facilities, dedicated rooms for children, medical examination rooms and other resources recommended by UNHCR's new urban refugee policy and by other reception standards endorsed by the organization.

24. These arrangements are an improvement on the previous situation, whereby consultations were held in the premises of a local implementing partner where security was inadequate. Even so, reception capacity remains very limited in relation to demand, as indicated by the introduction of the 'three months principle', which entitles persons of concern to just one consultation every 90 days. UNHCR has also sought to augment its capacity by providing a telephone consultation service every working day afternoon and by waiving the three months principle in the case of people with urgent problems.

25. A local NGO, Society and Law (TILAK)<sup>1</sup>, provides a free legal consultation service for refugees and asylum seekers. TILAK has an open door policy that enables clients to approach the organization between 8 a.m. and 8 p.m. without an appointment. This service provides general advice on asylum procedures, documentation, resettlement and voluntary return.

26. According to national refugee law, asylum seekers who enter Tajikistan are legally obliged to submit their claims to refugee status within one month, while those crossing the border illegally must apply for asylum within a day.

27. In practice, the vast majority of asylum seekers enter the country legally, with valid visas. This is partially due to the relative ease with which Afghan citizens can access Tajik visas, and partially a result of the high level of risk associated with irregular border crossings. Asylum seekers consequently tend to register first with the Migration Service as regular visitors, and later apply for asylum at the Migration Service's Department for Refugees and Citizenship (DRC).

28. The registration system, however, is cumbersome. In order to obtain asylum seeker certificates, individuals must obtain proof of residence outside urban areas and undergo a medical examination. Failure to fulfil these requirements precludes registration and access to the asylum procedure. Access to the procedure has also become more difficult as a result of the post-2008 growth in the number of asylum seekers entering the country.

29. Asylum seeker certificates (the 'white card') are typically issued within a month of registration. After that, a determination on the claim is made within an average of three months. If the asylum application is positive, then a refugee card (the 'red card') is issued for three years, with an obligation to renew it every year.

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<sup>1</sup> As of January 2011 TILAK has been replaced by the NGO "Rights and Prosperity".

30. This arrangement is an expensive one, with refugees and asylum seekers having to pay for documentation at every stage of the process. Many refugees report that significant informal payments (up to USD 400) have to be made in addition to the official fees (USD 10), and that because they lack the necessary resources, they are sometimes left without documentation and are consequently at greater risk of experiencing protection problems.

31. A further challenge lies in the fact that only the head of household receives a refugee card, with other family members (as many as 10 or more in some cases) listed on it. Those family members then have to make a photocopy of the card in order to have some proof of their identity and status.

32. While this arrangement saves money, since only one identity document has to be paid for, it is not in line with international standards and is based on assumption of family unity that may not correspond with the reality and which, more specifically, often disadvantage women. Paradoxically, while refugees and asylum seekers are obliged to prove that they live outside Dushanbe, all documents are issued and renewed in the Tajik capital. The renewal of documents can take up to several weeks, sometimes months, leaving undocumented refugees exposed to the hazards of being questioned and detained by the authorities.

33. When refugees want to go to another country (for medical treatment or trade, for example) the national RSD Commission provides authorization for them to travel. In practice, most refugees retain their national passport and are able to renew it at the Afghan consulate in Dushanbe. Exit visas issued by the Tajik authorities are entered directly into these passports. The Ministry of Foreign Affairs is aware of the anomalous nature of the current system and has informed UNHCR of its intention to provide refugees with biometric Convention Travel Documents, if assisted financially by UNHCR.

34. Refugees reported no serious problems with respect to the provision of birth certificates for their newly born children. Some families do not register their children immediately but are later obliged to do so in order to access the national health and education systems.

35. The registration undertaken by UNHCR in Tajikistan is not used for RSD purposes but is essentially a profiling exercise that assesses needs and vulnerabilities. The NGO in charge of social assistance regularly shares its data with UNHCR in this regard, as does the Afghan Refugee Committee. UNHCR is currently in the process of migrating its data from Excel software to ProGress.

36. A small group of refugees have been given UNHCR refugee certificates. However, such certificates do not protect them from detention and people who hold these certificates are usually unable to find jobs. UNHCR should look into the possibility of regularizing these refugees with local authorities. If all remedies of appeal for national status determination have been exhausted, and there are no opportunities for resettlement, UNHCR should look into the possibility of having these refugees apply for a regular work permit, thus formalizing their stay in the country.



## Refugee status determination

37. As indicated by the statistics presented in Annex 1, the recognition rate for asylum seekers in Tajikistan is relatively high. At the same time, the current RSD process is characterized by a number of limitations.

38. Asylum in Tajikistan is governed by the 2002 Refugee Law, which is not fully consistent with the 1951 Convention, particularly in relation to the pre-screening procedure that is required before registration, as well as the presence of grounds for exclusion that are not foreseen in the Convention. Moreover, while Tajikistan grants refugee status to successful asylum applicants, the country does not provide any forms of complementary protection or humanitarian status.

39. According to one legislative provision, asylum seekers who have resided in a number of 'safe third countries' before arriving in Tajikistan can be excluded from refugee status and the asylum procedure. These include Afghanistan, Belarus, China, Iran, Kazakhstan, Kyrgyzstan, Pakistan, the Russian Federation, Turkmenistan and Uzbekistan. The Tajik authorities do not appear to have recognized the apparent paradox of considering Afghanistan a safe country of transit while at the same time granting refugee status to significant numbers of Afghan citizens.

40. RSD is conducted by the Tajik authorities and, as of 2010, has been the responsibility of the Migration Service's Department for Refugees and Citizenship in the Ministry of the Interior (MOI). The MOI registers applications for asylum, prepares and processes the files and invites applicants for the RSD interview.

41. Interview transcripts are then processed and sent for determination to the RSD Commission, a body composed of representatives from the MOI, the State Committee for National Security and the Ministry of Health, which meets on a monthly basis. UNHCR staff participate in RSD Commission meetings as observers and advisors and do not have a decision-making role.

42. Exclusion analysis is not properly conducted. Exclusion is undertaken by the authorities by simply calling the Afghan embassy and gather information on the person. This creates *sur place* claims and heightens the security risks of the applicant. Moreover, faulty exclusion analysis jeopardizes the integrity of the asylum system and delays further solutions, as RSD needs to be redone in case of resettlement.

43. A key concern relating to the RSD procedure is that decisions are apparently not based on or corroborated by sound Country of Origin Information (CoI). UNHCR provides the authorities with monthly CoI updates in Russian, but there is little evidence to suggest that this information is used. More positively, asylum seekers are reportedly well informed by the Afghan Refugee Committee about the nature of the RSD process and its exclusion clauses.

44. In summary, the RSD procedure does not offer the required characteristics of fairness and efficiency, putting applicants in potential jeopardy and failing to offer appropriate processes for rightly separating those in need of international protection from those who should be excluded, or who do not have a legitimate claim.

45. The second instance of the RSD procedure is undertaken by the courts, which in principle should exert a strong influence over the RSD process and act as a driving force for the improved capacity and performance of the DRC and the RSD Committee.

46. UNHCR supports the RSD process at the second instance level through its Tajik Information and Legal Aid Centre, implemented by the NGO Society and Law. Lawyers at the Centre review rejected asylum claims and consult with UNHCR protection staff in relation to those which appear to be well founded and which should therefore be taken to appeal.

47. In practice, however, the decision of the court almost exclusively confirms that made at the first instance level. In fact, there is only one known case to date in which the first instance decision was overturned by the court. UNHCR Dushanbe recognizes the need for increased advocacy in respect to this issue and for stronger involvement in capacity building of those institutions involved in the second instance RSD. However, the Office currently does not have the human or financial resources necessary to address these gaps.

## Community outreach

48. UNHCR's community outreach efforts in Tajikistan are currently organized through three implementing partners. Consortium Initiative is an NGO operating in northern Tajikistan in and around the city of Khujand. It has cooperated with UNHCR since 2002 and offers a wide range of services to refugees and asylum seekers including the provision of legal information and the preparation of legal documents; financial and material aid; health care counselling and assistance; facilitating school enrolment for refugee children; and the management of income-generating projects. It also acts as an intermediary with the authorities.

49. Another NGO, Refugee Children and Vulnerable Citizen (RCVC), was founded in 1996 and has been UNHCR's implementing partner since 1997. Its head office is in Dushanbe, but it has recently opened a sub-office in Vakhdat in premises offered by the ICRC. RCVC's mandate is to provide refugees and asylum seekers with material and financial support, health counselling and education. RCVC focuses on children, single-headed households and people with disabilities.

50. Society and Law (TILAK) provides legal assistance to asylum seekers and refugees. It provides almost 3,000 consultations a year and works in close contact with the MOI. It provides general advice on legal procedures and documentation; information on repatriation opportunities; help in preparing cases for appeal; assistance in obtaining birth certificates; translation services; and assistance with finding employment.

51. Working through implementing partners should not be regarded as a substitute for direct interaction between refugees and UNHCR staff. And in this respect, UNHCR's programme in Tajikistan is weak, direct contact being limited to the reception arrangements in Dushanbe and the organization's participation in occasional community events and home visits.

52. This lack of direct engagement with refugees is partly due to the fact that UNHCR does not have a community services officer<sup>2</sup> in Tajikistan. Protection staff have consequently been tasked with the outreach function, while community services activities have been delegated to the NGOs.

53. As a result of this situation, there is an insufficient level of partnership and mutual understanding between UNHCR and the refugee population. Limiting direct outreach to the UNHCR reception arrangements in Dushanbe is also problematic because of the costs that it imposes on refugees who need to travel to the capital city. The Office should strive to address these problems by convening regular group meetings and by undertaking participatory assessments in locations more accessible to refugees, such as Vakhdat.

54. Another opportunity for improved outreach is to be found in the Afghan Refugee Committee (ARC), which is keen to work with UNHCR, preferably as an implementing partner. The ARC comprises Afghan representatives from the

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<sup>2</sup> As of January 2011, the Office recruited a Community Services Associate.

different districts and provinces in Tajikistan where refugees reside, as well as representatives of the Afghan business community. Established nearly 20 years ago, the ARC was only officially registered with the Ministry of Justice in March 2010. Members are in office for five years and do not receive any remuneration for their services.

55. The ARC maintains a database of Afghan refugees and asylum seekers living in Tajikistan. It helps to identify vulnerable cases, resolve conflicts within families and communities, facilitates the search for employment and assists with the provision of documents.

56. While the ARC appears to be generally well perceived by the refugee population, its potential for cooperation with UNHCR is currently limited by a lack of capacity. The Branch Office should consider the extent to which it can invest in that capacity and thereby develop a better understanding of and relationship with the refugee population.

57. At the same time, UNHCR should support those local Afghan communities that are involved in the organization of social and cultural events, sports activities, literacy, computer and tolerance training. In addition, there is a need for Tajik social and community workers to be trained in refugee and asylum issues so as to promote a better understanding between refugees and the host community.

58. Given the residence restrictions imposed on refugees and asylum seekers, UNHCR could usefully organize reception days in main locations outside Dushanbe. UNHCR should also examine the possibility of forming groups of refugee outreach volunteers, making use of the experience gained with this approach in countries such as Kenya and Syria.

## Assistance and self-reliance

59. An inability to establish sustainable livelihoods is the most important problem for the vast majority of refugees in Tajikistan. With a weak economy, an unemployment rate of almost 50 per cent, 60 per cent of the population living below the poverty line and half of the adult male population working abroad, Tajikistan does not provide a conducive environment for refugees to become self-reliant.

60. UNHCR provides cash allowances to refugees who are in dire need of assistance, including single-headed households, large families, and people with medical and psycho-social problems. Decisions on such support are taken by the Assistance Committee, which is comprised of representatives of UNHCR, RCVC, the authorities and members of the refugee community.

61. These decisions are adopted by consensus and based on needs assessments conducted by RCVC through interviews and home visits. The value of the allowance is approximately \$30 per month for the head of the family plus \$25 for each family member, with a maximum of \$150 per family. No restrictions are placed on the use of these allowances, which compare very favourably with average Tajik earnings.

62. The cash allowances provided by UNHCR are reviewed every six months in order to verify the continuous needs, to take stock of the funds available and to prioritize accordingly. In line with the urban refugee policy, recipients are required to demonstrate a willingness to become self-reliant, although this provision is waived for those who are prevented from doing so because of their health, age or family circumstances. Currently, there are just nine such indefinite recipients of cash assistance.

63. Depending on the availability of resources, persons of concern to UNHCR may receive occasional material assistance in the form of blankets, clothes, food packages, school uniforms, books, stationary and sanitary materials. Such assistance has proved to be particularly important in enabling refugee children to attend school.

64. There are no formal obstacles to the employment of refugees, as Tajik law grants them the right to work and to run a business. While there is no such provision for asylum seekers, the law does not specifically prevent them from seeking work while they are in the RSD procedure. Taking advantage of this situation, many refugees have found some form of employment or income-generating activity, whether of a legal or irregular character.

65. Afghans (both refugees and migrants) are primarily engaged in the trade and retail sector and as workers in local industries. In Dushanbe, they are also well known for specializing in car repairs and spare parts. Others have found employment as waiters, guards and construction workers, while women have found job opportunities in nursing, sewing and tailoring, as well as home-based activities such as cooking and hairdressing.

66. In addition to the poor state of the Tajik economy, the potential for refugee employment is impeded by the fact that they are not allowed to choose their place of

residence, while most employment opportunities are to be found in Dushanbe. As a result, refugees are forced to commute some 25 kilometres from and to the towns of Vakhdat and Gissar, which are the nearest locations where they are allowed to reside. These transport costs are prohibitive, especially when added to the expense of renting accommodation.

67. This situation has led to a widespread misperception amongst the Tajik population that Afghans are wealthy and that they are unwilling to work under the same conditions as local people. While this perception is false, it is true to say that many refugees lose hope of becoming self-reliant, relying instead on the financial assistance they receive from UNHCR and/or the hope that they will be accepted for resettlement.

68. UNHCR's efforts to address this situation by advocating for full freedom of movement have met with little success. The most notable achievement to date has been to limit the residence restrictions to refugees who arrived after their introduction (July 2000), meaning that those who obtained refugee status prior to that date are eligible to reside in Dushanbe and other prohibited areas.

69. In addition, and working through its implementing partners, UNHCR has implemented a range of activities aimed at enhancing the employability of refugees. These have included vocational and language training, and the provision of equipment and raw materials, particularly to female-headed households in the Vakhdat area. As a result, some women have been able to work from home, thus reconciling child care with the possibility of earning a little more.

70. Although these efforts have achieved modest success, they have been significantly reduced as a result of funding constraints. Increased cooperation with other UN agencies and international NGOs is required, so as to ensure that refugees are included in their livelihoods initiatives. Particular emphasis should be placed on facilitating refugee access to existing micro-credit schemes, given that most of the refugees interviewed in the course of this review said that they would rather establish a small business than find paid employment.

## Access to shelter and services

71. All foreigners arriving in Tajikistan are obliged to register with the Migration Service within three days. Registration is tied to a specific place of temporary residence. Since asylum seekers are not exempt from this rule, they are obliged to find suitable accommodation as quickly as possible and to stay in it for as long as possible in order to avoid the costs associated with movement and re-registration.

72. There are no temporary accommodation facilities available to asylum seekers in Tajikistan and public housing is rarely available to refugees. Access to shelter is therefore limited to renting properties on a commercial basis. The quality of such accommodation is generally low, while rents are relatively high. One refugee girl even asked the evaluation team if UNHCR could provide her family with a tent, as this would constitute better shelter than their current accommodation.

73. Although Article 12 of the Law on Refugees states that the Migration Service should provide temporary accommodation to refugees with no access to shelter, in practice this does not happen, primarily due to the lack of housing at the Service's disposal.

74. There is no social housing subsidized by the state. According to national legislation, refugees can rent houses or apartments under the same conditions as Tajik citizens. However, Afghan refugees are discriminated against in the housing market, a situation exacerbated by the fact that they do not enjoy freedom of movement and are perceived to be relatively wealthy. Some municipalities, such as in Vakhdat, facilitate housing by putting in contact owners with tenants and let them fix the price without any kind of control or subsidy.

75. While the UNHCR office in Dushanbe is well aware of the shelter problem, it has not been able to address it in any significant way, other than by the indirect means of providing cash allowances to the refugees with greatest needs. With limited and declining resources, priority has been given to developing the country's asylum system and assisting those refugees with the most acute protection problems.

### Health

76. The demise of the Soviet Union and the civil war that followed caused a virtual collapse of the healthcare infrastructure in Tajikistan. The majority of non-ethnic Tajik medical workers left the country, and diminishing salaries since the war have led further Tajik doctors and nurses to look for employment abroad. There is no functioning healthcare insurance system.

77. The struggling economy cannot provide for sufficient public funding and a major portion of the healthcare system expenditure is put on the shoulders of the general population through the introduction of co-funding schemes. WHO estimates that currently only 30 per cent of the healthcare system costs are covered by public funding, and this contribution comes mainly from foreign donors rather than dedicated budgetary resources. The remaining 70 per cent is covered by the patients.

In practice, there are few basic medical services provided free of charge and everything else is subject to co-funding which is considered expensive by local standards.

78. The delivery of medical care rotates around two main systems: first, a poor quality public system (in which laboratory analysis costs approximately \$1, x-ray scans \$3-4 and medical examinations \$10; and second, commercial services that are on average ten times more expensive but ensure a slightly better quality.

79. Beside regular fees, medical visits and check-ups may require informal payments that become unaffordable for refugees. Needless to say, these prices are beyond the means of most refugees. Indeed, when WHO and UNICEF cooperated with UNHCR during a mid-2010 polio outbreak, they discovered that most refugees, and children in particular, are not registered with the health authorities, apparently to the surprise of the Ministry of Health.

80. Thanks to special agreement between the authorities and Consortium Initiative in Khujand, refugees have direct access to doctors and are charged reduced fees for treatment in the Polyclinic and City Hospital. Refugees in Vakhdat are also able to consult the RCVC doctor, who can write medical prescriptions for them or refer them to specialists in hospitals and clinics with which the NGO has an agreement. RCVC also runs a project that reimburses up to 50 per cent of health-related expenses. Due to limited funding, the project targets only vulnerable categories such as the elderly, disabled, single women, as well as some children and students.

81. Most specialized healthcare assistance is available only in Dushanbe, and refugees in need of such treatment must bear the considerable transport and other costs that this entails, as well as the risk of harassment by the police, due to the decrees that restrict freedom of movement and residency.

82. The general state of health of the refugee population is reported to be significantly worse than that of Tajik nationals, a situation exacerbated by the fact that many live in inadequate accommodation, without proper heating, water supply and sanitation systems. Many also suffer from trauma and mental health problems.

83. Both Afghan and Tajik societies seem to tolerate domestic violence and particular efforts are required by UNHCR to address this issue. At the same time, there is a need for UNHCR to promote a better understanding of the services that it is able to provide to the refugee population, given the unrealistic expectations that many have of the organization's ability to subsidize expensive medical interventions.

## **Education**

84. Although the Tajik education system was not exempt from the ravages of the war, access to education is one of the less problematic issues for the refugee population. The Law on Refugees grants the right to primary and secondary education to both refugees and asylum seekers and there is no evidence of any systematic or significant discrimination in this regard. Some 90 per cent of refugee children are reported to be in school.



85. That said, the quality of education available is generally not high. Many schools lack the most basic educational materials, and to compensate for the government's inability to provide regular salaries to teachers, parents are generally expected to pay a fee. Schools generally have three shifts each day, with each class having as many as 55 children.

86. One significant concern lies in the fact that many refugee children have spent long periods of time out of school and therefore tend to be much older than the average Tajik student. Many of these children, particularly girls, cannot stand the pressure of feeling different and consequently drop out.

87. Another issue of concern is that of children from particularly vulnerable families who are forced to work and contribute to the family income at a very young age and who are therefore unable to attend school. According to one UNHCR implementing partner, about six percent of school age children residing in the Sughd district in the north of the country fall into this category.

88. Apart from these challenges, refugee children are in some senses better provided for than the locals. For example, refugee children are not forced to pay additional fees to the school to help with infrastructure rehabilitation, whereas this remains common practice for the Tajik population.

89. Moreover, as a result of a bilateral agreement between the governments of Tajikistan and Afghanistan there is one private school for Afghans in Dushanbe known as Somonion, where some 420 pupils are enrolled. This school provides a curriculum modelled on both the Tajik and Afghan education systems. Classes are in Dari, but students also attend classes in English and Russian. The diplomas and certificates provided by the school are recognized in Tajikistan.

90. Afghan refugees would generally prefer to send their children to the Somonion school, in order to keep ties with their own culture. Unfortunately, this school is relatively expensive and are only found in the capital city, therefore preventing many of the 'second wave' refugee children from attending.

91. UNHCR has promoted scholarships for higher education through the Albert Einstein German Academic Refugee Initiative (DAFI). Around 17 students, half of whom are girls, are currently benefiting from this programme and are enrolled in courses such as medicine, engineering and foreign languages. All the DAFI students confirmed they would not be able to attend university without this support. Some also expressed their wish to return to Afghanistan or move on to other countries once they graduate.



## Durable solutions

92. With the exception of its residence restrictions, and some gaps in refugee status determination procedures, Tajikistan formally meets its international obligations in relation to refugee protection. Little progress has been made, however, in relation to durable solutions.

93. UNHCR has prioritized the promotion of local integration for some 800 Afghan refugees who arrived in Tajikistan before the end of 2003, who cannot or do not want to return to Afghanistan and who do not meet the criteria for resettlement.

94. In principle, all of the elements required for the successful local integration of this population are present: they are predominantly ethnic Tajiks, they speak the national language, share the same religion, have the same traditions and have generally already integrated to a certain degree within Tajik society.

95. In practice, however, they are generally unable to acquire Tajik citizenship, despite a legal provision that makes naturalization possible after five years of residence in the country (reduced to three years for those with a Tajik spouse). According to refugees, this situation is a result of the state's security concerns.

96. UNHCR has been striving to making local integration a more viable option for refugees in Tajikistan. The office in Dushanbe is currently supporting nine pilot naturalization applications, involving refugees who have either been resident in the country for long periods of time or who have married Tajik nationals.

97. In addition, the issue of local integration has been addressed in a joint communiqué signed in March 2008 by the High Commissioner and the Tajik Minister of Foreign Affairs. This states that "the Parties emphasized possibility of refugees that stay for a long time on the territory of the Republic of Tajikistan, to apply to competent authorities of the Republic of Tajikistan in accordance with the national legislation of the Republic of Tajikistan for permanent residence as well as for Tajik citizenship." Hitherto, however, no follow-up action on the part of the relevant authorities has been taken in relation to this commitment.

98. An equally significant obstacle to local integration is to be found in the fact that it is generally not the preferred solution for refugees themselves. Many are deterred by the weak economy and low standard of living in Tajikistan, and would prefer to be resettled in Europe or North America, where they consider they have a better chance of living successful and prosperous lives.

99. The resettlement of refugees from Tajikistan has a somewhat chequered history. Resettlement began in 2001 following the adoption of residence restriction on new refugees. This solution was also available in 2004-2006, but was, according to those who were not accepted for resettlement, generally provided to self-reliant refugees who were helping others to sustain themselves. Since that time, resettlement has been confined to protection cases, especially women-at-risk and serious medical cases.

100. UNHCR should learn from this experience and advocate with resettlement countries to uphold the principle of resettlement as a tool of protection for the most vulnerable, while at the same explaining to refugees that certain forms of vulnerability (for example, being a female head of household) do not in themselves constitute a guarantee of resettlement. More generally, a better monitoring and referral mechanism is required at the regional level in order to identify the most urgent resettlement cases.

101. The prospects for voluntary repatriation from Tajikistan appear to be quite gloomy, given the continued deterioration of the security situation in Afghanistan. Thus while UNHCR has been providing repatriation assistance to those who have decided to return, it seems unlikely that many refugees will choose this solution. The option for return must be maintained, however, especially for refugees such as former DAFI students who make a free and informed choice to return to their country of origin and to contribute to its development.

## Inter-agency cooperation

102. While the UN and other international agencies in Dushanbe meet regularly in a number of different fora, it is difficult to identify many examples of cooperative or coordinated action in relation to refugee and asylum issues.

103. The potential for such partnership certainly exists. UNHCR has, for example, achieved limited success with a training programme for Tajik and Afghan border guards, undertaken jointly with the OSCE. More significantly, perhaps, UNHCR is part of the United Nations Development Assistance Framework for Tajikistan, or UNDAF.

104. The organization has contributed to the formulation of the UNDAF for 2010-2015 both under Pillar 1 (Poverty Reduction and Governance) and under Pillar 4 (Quality of Basic Services), which addresses issues such as emergency preparedness in the health sector, school attendance by refugee children, employment opportunities for refugees and social services for the most vulnerable.

105. Many of the problems confronting refugees are of potential concern to the rest of the UN system. UNDP, for example, has the largest UN presence in Tajikistan with a current annual budget of \$50 million. UNDP works at both national and district levels and has a mandate to advocate for equitable service delivery for all marginalized populations, including refugees.

106. It is also relevant to note that UNICEF implements projects on education, health and recreation for Tajik children which could in principle be extended to the refugee population. During the 2010 polio outbreak, for example, UNICEF and WHO, in cooperation with UNHCR, ensured that refugee children were covered by the vaccination effort. As a result of this initiative, refugees are now included in the Ministry of Health database for the purpose of preventive medicine, public health campaigns and vaccination programmes.

107. Greater attention should also be given to the Donor Coordination Council (DCC) in Tajikistan, which comprises the heads of bilateral or multilateral donors and UN agencies. There is scope for UNHCR to advocate for refugee rights at the DCC and to raise refugee protection and solutions issues with it.

108. Similar opportunities are to be found with the Principals Group, which is another coordination body that brings together ambassadors, donor state representatives and financial institutions, as well as the monthly human rights meetings chaired by the OSCE. With its limited capacity in Tajikistan however, and an annual budget of just \$300,000, UNHCR is not well placed to make full use of these opportunities.



## Annex 1: Refugees and asylum seekers in Tajikistan, 2005-2010

<b>REFUGEES</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>
Refugee population at start of the year	1834	1018	929	1133	1799	2679
Increase during the year	283	111	363	856	938	519
Total resettlement	720	183	39	21	37	29
Decrease during the year	1099	200	159	190	58	67
Refugee population at end of the year	1018	929	1133	1799	2679	3131

<b>ASYLUM SEEKERS</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>
Pending asylum applications at start of the year	459	22	238	144	43	1467
New asylum applications	244	449	749	1366	2541	786
Rejected applications	225	187	518	639	202	175
Recognized applications	54	46	325	828	894	487
Total decided	681	233	843	1467	1097	662
Pending asylum applications at end of the year	22	238	144	43	1487	1611

*Data provisional and subject to change. Database as of 2 March 2011*





## Annex 2: Joint UNHCR-Tajikistan communiqué

### **JOINT COMMUNIQUÉ** **of the UN High Commissioner for Refugees António Guterres and the** **Minister of Foreign Affairs of the Republic of Tajikistan Hamrokhon Zarifi**

On 31 March 2008 the High Commissioner for Refugees António Guterres paid an official visit to the Republic of Tajikistan.

As part of his visit, a meeting with the Minister of Foreign Affairs of the Republic of Tajikistan Hamrokhon Zarifi took place. The meeting went in an atmosphere of friendship and mutual understanding.

The UN High Commissioner for Refugees António Guterres and the Minister of Foreign Affairs of the Republic of Tajikistan Hamrokhon Zarifi,

- considering the provision of Convention Relating to the Status of Refugee of 28 July 1951 and the Agreement on Cooperation between the Government of the Republic of Tajikistan and the Office of the United Nations High Commissioner for Refugee of 08 May 2003,

- reaffirming the importance of the protection of refugees in the spirit of international legal obligations in the field of refugee protection,

- acknowledging the achievement of the Government of the Republic of Tajikistan in developing an asylum system and in protecting refugees hosted in Tajikistan,

announced the following:

1. The Parties noted the fruitful development of cooperation between the Government of the Republic of Tajikistan and UNHCR in the field of international protection of and assistance to refugees.

2. The Parties confirmed the intention to make further efforts to ensure protection of refugees in the spirit of the international legal instruments ratified by the Republic of Tajikistan and in line with the national legislation of the Republic of Tajikistan.

3. The Parties emphasized possibility of refugees that stay for a long time on the territory of the Republic of Tajikistan, to apply to competent authorities of the Republic of Tajikistan in accordance with the national legislation of the Republic of Tajikistan for permanent residence as well as for Tajik citizenship.

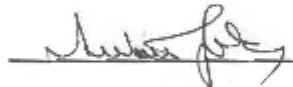
4. The Parties consider the substantial contribution of the UNHCR jointly with relevant government agencies of the Republic of Tajikistan in accordance with the national legislation of the Republic of Tajikistan to arrange and conduct training course for refugees on professional and technical education, corresponding to labour-market demands, as well as to arrange Tajik and Russian training course for refugees and their children.

5. The Parties agree with the efforts of the UNHCR in partnership with international organizations to assist in improving the conditions of the identified healthcare and school facilities that is being used both by refugees and local population.

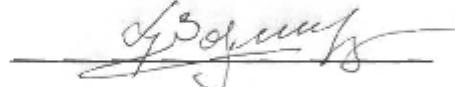
The UN High Commissioner for Refugees António Guterres expressed his gratitude to the Minister of Foreign Affairs of the Republic of Tajikistan Hamrokhon Zarifi for the warm welcome extended to him during his visit to the Republic of Tajikistan.

**UN High Commissioner  
for Refugees**

**Minister of Foreign Affairs  
of the Republic of Tajikistan**



**António Guterres**



**Hamrokhon Zarifi**