

# **COUNTRY OPERATIONS PLAN**

**Country: UZBEKISTAN**

**Planning Year: 2002**

## **Part I: Executive Summary**

### **(a) Context and Beneficiary Population(s)**

- **Legal Framework and Refugee/Asylum Policy:**

The Republic of Uzbekistan is neither a signatory to any international refugee instrument nor has it adopted any functioning national legislation for the protection of asylum seekers and refugees. The only references to the institution of asylum are contained in the Criminal Code of the Republic of Uzbekistan of 1994 (Art. 223 exempts asylum seekers from visa and registration obligations) and in the Constitution of Uzbekistan, which was adopted in 1992 (empowering the President of the Republic to grant asylum). However, since there is no asylum procedure, both provisions remain factually idle. In other words, Article 223 of the Criminal Code cannot be invoked, as the Constitution neither foresees a right to apply for asylum nor a procedure to file an application. Furthermore, the official policy of the Republic of Uzbekistan denies the presence of asylum seekers and refugees on its territory.

Although the legal situation and the official policy has not changed since the Republic of Uzbekistan gained independence, there was a significant new development in August 1999. At this time a verbal agreement was reached between UNHCR and the Ministry of Foreign Affairs, whereby refugees recognised under the Mandate of UNHCR would not be subject to detention, arrest or refoulement, provided that UNHCR would share with the competent authorities the names and addresses of the mandate refugees. After the so-called “Gentlemen’s Agreement” was reached, the situation of the mandate refugees improved significantly, in particular, the number of detentions and deportations decreased significantly.

However, working on the basis of a verbal agreement has proven to be quite difficult and labour intensive. UNHCR Uzbekistan has to register all asylum seekers and refugees to carry out the Refugee Status Determination, and to intervene in all individual cases, where asylum seekers and refugees are threatened with detention and deportation (in order to ensure that the Ministry of Foreign Affairs takes the matter up with the law enforcement authorities, since the verbal agreement does not provide for a strong enough legal basis for the latter to abide by it). Furthermore, the fact that asylum-seekers are not included in this verbal agreement puts this particular group under constant risk of detention and deportation.

- **Refugees in Uzbekistan:**

It is generally estimated that nearly 8, 000 Afghans live on the territory of the Republic of Uzbekistan. The vast majority of them were somehow affiliated with the former regime of President Najibullah and arrived in Uzbekistan either before 1992 (i.e., during the Najibullah regime in Afghanistan) to study in Uzbekistan under the Soviet student exchange programmes or immediately after the overthrow of the regime. Another significant group arrived after Taleban forces had captured the Mazar-i-Sharif area (bordering with Uzbekistan) in August 1998. This group consisted mainly of persons connected to General Dostum. All these Afghans live in urban areas, mainly in Tashkent.

The number of Mandate Refugees registered with UNHCR increased from 1,350 persons in December 2000 to 1,519 persons in February 2001 and UNHCR Uzbekistan faces at present a backlog of about 240 cases pending determination. The main reasons for the increase of mandate status determination requests are the improvement of the overall

protection situation in 2000 and the fact that the UNHCR Mandate Certificate provides effective protection. Afghans, therefore, seem to have gained trust in UNHCR's capacity to protect them.

There is also an estimated number of 30,000 Tajik *prima facie* refugees in Uzbekistan, who left Tajikistan during the civil war. As the vast majority of them are of Uzbek ethnic origin and seemed to have successfully integrated into the Uzbek society, only a very small number has approached UNHCR Tashkent (mainly to request assistance with regard to repatriation). However, in the beginning of 2001 there were first indications of serious protection problems for a small group Tajik refugees, as the authorities started to strictly implement the new (May 2000) visa regime between Uzbekistan and Tajikistan. This resulted in indiscriminate deportations of persons originating from Tajikistan without regard to their potential refugee claims. UNHCR believes that this problem can be confined and a solution found in the course of 2001. Therefore, Tajik refugees do not figure as a group of refugees in need of particular attention in the COP 2002.

- **UNHCR's Role with regard to Asylum Seekers and Refugees in Uzbekistan**

As said above, UNHCR is the only entity providing RSD and International Protection. In addition UNHCR is assisting the most vulnerable asylum seekers and refugees (Women, Children and Disabled) through its care and maintenance programme. However, the kind of protection and assistance provided is an ad hoc solution, which is very staff intensive and expensive. The present approach needs, therefore, to be replaced by long term solutions. With regard to the latter UNHCR envisages for the year 2002 a two-pronged approach:

1. To encourage the Government of Uzbekistan to adopt a national protection mechanism for asylum seekers and refugees and to assist in the design of a national asylum system. This can only be achieved if the official refugee policy of the Republic of Uzbekistan changes and if the Government decides to work closely together with UNHCR. The first step into this direction would be the formalisation of the above-mentioned verbal agreement ("Gentlemen's Agreement"). The second step would be the adoption of a refugee/asylum legislation in accordance with international norms and standards. In this context it would be of great importance if UNHCR could convince the Government to sign the 1951 Convention and 1968 Protocol.
2. To find durable solutions for the refugees in Uzbekistan. In this context it has to be noted that the present situation in Afghanistan seems not to be conducive for repatriation of the Afghan caseload in Uzbekistan, as most of them were associated with the Najibullah regime or with General Dostum. Furthermore, the Republic of Uzbekistan is not willing to accept refugees and, therefore, refuses to allow for any local integration (even for refugees who are married Uzbek citizens). Hence, resettlement remains – for the time being - the only viable option. Nevertheless, UNHCR will pursue all venues in order to change the government's perception towards refugees and to facilitate - within the framework of a national asylum system (see above) - the local integration of at least those refugees who have strong links with Uzbekistan.

- **Emergency Preparedness and Conflict Prevention:**

The potential for a conflict or a humanitarian crisis in the Ferghana valley was the subject of several inter-agency co-ordination meetings between UNDP, OCHA, UNICEF, DPA, UNHCR, the World Bank, IMF and ODCCP during the year 2000. The unresolved problem of the armed Uzbek opposition groups increasingly represent a regional threat, as attempts to resolve the problem by force are likely to result in a further escalation of the conflict and could, thus, have severe humanitarian implications in the future triggering mass refugee flows. Hence, UNHCR strives to establish a closer co-

operation with the Ministry of Emergency and to play in co-operation with other UN Sister Agencies, a catalytic role with regard to the drafting of a Contingency Plan for Uzbekistan.

• **UNHCR Uzbekistan’s Regional Role:**

Since the establishment of UNHCR’s presence in Uzbekistan, the offices in Tashkent and Termez have been providing a vital logistical support initially for Tajikistan and northern Afghanistan, and later for the entire region, due to geographical advantages of Uzbekistan in Central Asia and its relatively well developed infrastructure. UNHCR Uzbekistan, being located at the “crossroads” of the region, is still considered the most appropriate entity for delivering and distribution of items and goods necessary for UNHCR’s operations not only for Tajikistan but for the region in general. UNHCR Uzbekistan will in 2002 continue to provide all possible logistical support to the UNHCR offices in Central Asia and assist with its experienced staff with regard to training and troubleshooting.

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

Name of Beneficiary Population: <b>Afghan Mandate Refugees.</b>	
Main Goal:	
<ul style="list-style-type: none"> <li>• Provide international protection including RSD until an appropriate asylum system is established in Uzbekistan.</li> </ul>	
<b>Principal Objectives</b>	<b>Related Outputs</b>
<ul style="list-style-type: none"> <li>• Provide RSD to all asylum seekers in accordance with UNHCR standards.</li> </ul>	<ul style="list-style-type: none"> <li>• Free access of asylum seekers to RSD</li> <li>• Appeal possibility for all rejected cases.</li> </ul>
<ul style="list-style-type: none"> <li>• Provide International Protection to mandate refugees;</li> </ul>	<ul style="list-style-type: none"> <li>• The "gentlemen’s agreement" with Ministry of Foreign Affairs holds and increasingly respected by the law enforcement bodies.</li> <li>• Mandate refugees benefit from the International Human Rights instruments signed by Uzbekistan;</li> </ul>
<ul style="list-style-type: none"> <li>• Provide material assistance to refugees in need.</li> </ul>	<ul style="list-style-type: none"> <li>• All refugees in need have equal access to UNHCR's care and maintenance activities;</li> <li>• Vulnerable categories of mandate refugees (e.g. women, handicapped, elderly, etc.) are identified and receive appropriate assistance.</li> </ul>
Name of Theme #1: <b>Development of asylum system for Uzbekistan</b>	
Main Goals:	
<ul style="list-style-type: none"> <li>• To change the Gvt. of Uzbekistan’s perception and attitude towards UNHCR in order to create an environment conducive to a better cooperation.</li> <li>• To convince and assist the Gvt. of Uzbekistan to develop a legal framework for the protection of refugees and asylum seekers.</li> <li>• To increase the awareness on refugee rights and response capacity among major actors, in order to improve the daily protection situation of asylum seekers and refugees.</li> </ul>	
<b>Principal Objectives</b>	<b>Related Outputs</b>
<ul style="list-style-type: none"> <li>• Change UNHCR’s message by paying due consideration to the security concerns of Uzbekistan in order to strike a balance between refugee protection and the possible security risks involved.</li> </ul>	<ul style="list-style-type: none"> <li>• In order to keep UNHCR and the refugee issues on the agenda to institutionalise contacts at all levels with Ministry of Foreign Affairs and Ministry of Internal Affairs by establishing regular bilateral meetings;</li> <li>• Negotiate and sign a specific Country Agreement.</li> </ul>

<ul style="list-style-type: none"> <li>The Gvt. of Uzbekistan takes concrete steps towards accession to the 1951 Convention.</li> </ul>	<ul style="list-style-type: none"> <li>Working Group with experts and influential persons is established to acquaint them with political and legal implications of the accession.</li> <li>The issue on accession to the 1951 Convention is raised in all fora.</li> </ul>
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<b>Name of Theme #2: Emergency preparedness and conflict prevention.</b>	
Main Goal:	
<ul style="list-style-type: none"> <li>To improve capacity of the Gvt. of Uzbekistan and local NGOs in assisting refugees/asylum seekers in potential emergency situations.</li> </ul>	
<b>Principal Objectives</b>	<b>Related Outputs</b>
<ul style="list-style-type: none"> <li>To convince the Ministry of Emergency on importance of establishing co-operation with UNHCR in the issues of mass population movement (e.g. refugee influx in Uzbekistan).</li> </ul>	<ul style="list-style-type: none"> <li>Operational partnership relations are established between UNHCR and the Ministry of Emergency;</li> </ul>
<ul style="list-style-type: none"> <li>Promote networking of local NGOs willing to deal with the issues of emergency preparedness and conflict prevention.</li> </ul>	<ul style="list-style-type: none"> <li>A network of local NGOs is established to assist Ministry of Emergency, Uzbek Red Crescent Society in potential emergency situations.</li> </ul>

<b>Name of Theme #3: Support to the Region.</b>	
Main Goal:	
<ul style="list-style-type: none"> <li>To provide support to UNHCR's operations in the Central Asian region, in particular, to UNHCR's activities in Tajikistan.</li> </ul>	
<b>Principal Objectives</b>	<b>Related Outputs</b>
<ul style="list-style-type: none"> <li>Render logistical support to other offices in the Region in order to facilitate staff movements, procurement and shipment of necessary items for UNHCR's operations in Central Asia.</li> </ul>	<ul style="list-style-type: none"> <li>Warehouses with relief items and fuel depot is maintained in Termez</li> <li>Assistance in cross-border movement of relief items and staff to Tajikistan.</li> </ul>
<ul style="list-style-type: none"> <li>The experienced staff of UNHCR Uzbekistan will provide support/advice/training to other offices in the Region</li> </ul>	<ul style="list-style-type: none"> <li>Programme and admin staff provide on-the-job training to newly assigned programme/admin staff in the region.</li> </ul>