

UKRAINE

INITIAL OBJECTIVES

Refugees/Asylum-seekers

- Build a functioning asylum system, which meets international standards. Build the capacity of government institutions and NGOs to meet the protection and assistance needs of refugees, asylum-seekers and other displaced populations.

FDPs

- Ensure that formerly deported people (FDPs) who have voluntarily returned to Ukraine and their eligible descendants acquire Ukrainian citizenship.

MAJOR DEVELOPMENTS, PROGRESS ACHIEVED AND CONSTRAINTS

Refugees/Asylum-seekers

In December 1999, the State Committee for Nationalities and Migration (SCNM), the main governmental counterpart on refugee issues, was disbanded. This has delayed capacity building activities at the central and, to a lesser extent, regional level. In June, the creation of a new entity, the State Department for Nationalities and Migration (SDNM), under the responsibility of the Ministry of Justice, raised hope for strengthening the asylum system and achieving international standards.

A positive development, amidst the administrative reform, was the acceptance by the Appeals Commission of the SCNM, which continued to function until March, of several appeals presented by Chechens. Their cases had been rejected by Regional Migration Services, who had questioned the legitimacy of the Chechens' applications for asylum in Ukraine. The fact that more than 30 cases were reviewed positively at the appeal level shows the level of experience and independence reached by senior staff of the Appeals Commission.

The fluctuating number of refugees in the country (a sharp reduction at the end of 1999 and an increase in 2000), reflects the difficulty

faced by recognised refugees to integrate in an asylum system that obliges refugees to register with the authorities every three months and prevents the possibility of engaging in gainful employment. The poor economic situation has also contributed to the decision of many refugees to register but when conditions permit, to leave the country, following in the footsteps of an ever-increasing number of illegal migrants transiting through Ukraine.

A draft revision of the Refugee Law went through its first hearing in Parliament. Several improvements were needed and most of UNHCR's recommendations have been incorporated. Additional comments have been received favourably by members of Parliament and it is expected that a final text will be approved in the autumn, opening the way to the accession to the 1951 Convention. A draft of a new Law on Citizenship has also had its first hearing. UNHCR has been requested to comment on it and has scheduled a joint workshop with the Ukrainian authorities for September to focus on citizenship issues.

The expansion of protection activities outside Kiev was achieved through the creation of a refugee legal network. Agreements were signed with five NGOs covering the 12 main regions to provide legal services free of charge. Asylum-seekers receive assistance to secure access the refugee status determination procedures, and legal counselling in cases involving harassment or detention by the police. Training of the GO network started with a joint Council of Europe/UNHCR seminar on the relevance of the European Convention on Human Rights and refugee protection issues. Judges and lawyers from Ukraine, Russia, Belarus, Armenia, Azerbaijan, Georgia and Moldova attended.

A joint mission by UNHCR and the Border Guards to the western regions bordering Poland, Slovakia, Hungary and Romania has helped to lay the foundation for co-operation among the different authorities involved in migration/asylum issues and the few NGOs oper-

ating in the area. UNHCR has taken a proactive role to draw the attention of other international humanitarian agencies to this delicate area.

Several major challenges remain. Ukraine has not yet adopted a new refugee law and has not yet acceded to the 1951 Convention and its Protocol, mainly due to concerns over the additional financial obligations these would entail. Current legislation has several gaps, such as the indiscriminate use of the safe-third country clause, the short period for registration, the non-application of the principle of family reunion, and the limitation of *non-refoulement* to recognised refugees. These perpetuate the illegal status of the asylum-seekers, while also preventing them from leaving the country legally. Continued lobbying in parliament coupled with training initiatives for the new SDNM will contribute to resolving these issues.

The implementation of planned activities was slow during the first four months, due to the absence of relevant UNHCR staff in Kiev. This was the result of delays in filling vacancies and participation in emergency missions to Kosovo and Chechnya. In May, a review of UNHCR's programme was conducted. Considering that most of the recognised refugees are Afghan nationals and have been in the country for a number of years, the emphasis of the programme was shifted from individual assistance to local integration. Provision of monthly cash assistance was maintained for the most needy refugees and asylum-seekers, while various programmes, such as short-term business skills training, vocational skills training and income-generation activities were developed to promote self-reliance. Community-building initiatives and language classes in the mother tongue of asylum-seekers were encouraged and supported, as were social and cultural activities.

Assistance was provided to local hospitals and schools in Kiev and Odessa to ensure continuing access by refugees and asylum-seekers to education and basic medical services. Given the size of the country and ongoing funding

difficulties, the Office decided to limit its programme to four regions where the majority of the beneficiaries are located (Kiev, Odessa, Crimea, and Transcarpathia), with a focus on local integration.

FDPs

Of the 62,000 formerly deported Tatars holding Uzbek nationality, some 53,000 obtained Ukrainian citizenship before 31 December 1999, leaving a group of 8,600 who, mainly for personal reasons, have decided not to make use of the simplified procedure for renunciation of Uzbek citizenship. For a further 20,000 FDPs (of which 11,000 are holding Russian citizenship), UNHCR is also promoting the adoption of simplified procedures. During the first half of the year, Ukraine signed agreements with Belarus and agreements with Tajikistan and Kyrgyzstan are currently being prepared. The rehabilitation of six apartment buildings has started and these are expected to be completed before the end of the year. UNHCR has also distributed basic school supplies to schools with mainly FDP pupils. Two NGO networks continued to assist FDPs to obtain Ukrainian citizenship.

While budget cuts did not have a major impact on the programme during the first half of the year, further cuts would affect activities planned for the second half of the year in the areas of shelter construction and support to some 20 national NGOs implementing the citizenship campaign. Confusion over the interpretation of a new taxation decree issued in April, calling for increased taxation of NGOs, has affected programme delivery. The issue is being discussed with the authorities.

REVISED OBJECTIVES AND PRIORITY ACTIVITIES FOR JULY - DECEMBER

UNHCR's overall activities remain unchanged. Priority activities are described below:

Refugees/Asylum-seekers

- It is hoped that continued advocacy regarding UNHCR recommendations on the

draft law on refugees, will lead to both adoption of legislation conforming to international standards and accession to the 1951 Convention. UNHCR will work together with key embassies in Kiev to encourage accession before the end of the year.

- Training and capacity-building activities will be conducted for the new structure of the SDNM and co-operation with other entities (Presidential Administration, Border Guards, General Prosecutor's Office, the Ministry of Interior and the Ombudsman) will increase, in parallel with activities aimed at strengthening the legal NGO network.
- The situation of women and children will be improved through the opening of an additional social centre in Kiev providing assistance to African refugees.

FDPs

- In addition to capacity-building activities to expedite the processing of citizenship applications, UNHCR will continue to promote and support the initiatives of the Ukrainian authorities to sign agreements on simplified procedures for renouncing citizenship, and to encourage their early ratification in Parliament. It is expected that Kyrgyzstan and Tajikistan will sign agreements with Ukraine before the end of the year.
- Rehabilitation projects to improve accommodation will be continued. A new approach will be to provide construction kits to beneficiaries willing to repair their own premises. Projects in this sector will be coordinated with UNDP, which is implementing basic infrastructure projects in the area.

FINANCIAL DATA (USD)

	Initial Budget	Revised Budget	Total Funds Available*	Total Funds Obligated
AB and TF	4,311,964	3,809,437	1,598,729	1,249,700

*Includes income from unrestricted contributions, income from contributions restricted to the region/country, opening balance and adjustments.

