



Quarterly Report

UKRAINE

April - June 2010

Ukraine

BACKGROUND AND CONFLICT

Description of conflict

Ukraine is located between Europe and Asia, making it an entrance to an increasing numbers of asylum seekers and refugees seeking access to the European Union. While asylum seekers and refugees constitute a minor proportion of the Ukrainian population they are often viewed as potential threats to national security and stability. Currently, the national system of protection and integration needs of asylum seekers and refugees remains underdeveloped. Governmental focus on readmission agreements with neighbouring countries and the European Union, together with Ukraine's limited financial and institutional structures, leave asylum seekers and refugees in a vulnerable situation.

While there has been progress in the development of governmental and civil society in the asylum field in the last few years, events such as the forcible deportation of asylum seekers by authorities without the proper assessment of refugee claims, and reports of asylum seekers being denied access across the borders are serious breaches of the 1951 United Nations Refugee Convention, to which Ukraine is a signatory. Relevant institutions such as the Regional Migration Services (RMS) under the supervision of the State Committee on Nationalities and Religions (SCNR) have undergone many major reforms and significant budget reductions in recent years, resulting in a loss of experienced staff and delay or total freezing in the processing of asylum cases.

In the years since national independence, the local representation of the United Nations High Commissioner for Refugees (UNHCR) either directly or through local civil society partners has tried to fill gaps on an ad hoc basis. Consolidated capacities to identify needs promptly require further strengthening at the NGO level to make civil society more effective and self-sustainable. Meanwhile, the relationship between asylum authorities and civil society is diverse: in some regions, there is good co-operation, in other regions, authorities remain more skeptical of civil society involvement. However, the development of civil society is imperative in order to strengthen national resources to assist a growing number of asylum seekers and refugees in Ukraine.

Displacement situation

Ukraine has experienced an increasing number of asylum seekers over the last years. Ukraine is major transit country for people seeking onwards passage to European Union member states, yet many never make it so far, as increasingly restrictive European Union migration and asylum policies are put into place. This brings considerable challenges to the country's migration and asylum management. While in recent years, Ukraine has revisited its legislation to address inconsistencies with international standards, the Government's policies continues to focus on combating irregular migration, smuggling, trafficking, and issues pertaining to state security, without sufficiently differentiating between those who have and those who do not have international protection needs.

A lack of national and international funds for the creation of adequate refugee reception and integration programmes has resulted in an inhospitable asylum environment in Ukraine. Asylum seekers consistently face problems with access to territory and access to asylum. They are often subject to arbitrary and protracted detention as well as a risk of refoulement, while non-Slavic refugees face serious problems integrating into Ukrainian society. The Ukrainian government reports that there were 2,334 registered refugees in Ukraine as of the end of 2009. The most common countries of origin are, in statistical order: Afghanistan, Armenia, Azerbaijan, and the Russian Federation (inclusive of the Chechen Republic).

In both 2007 and 2008, the RMS offices reported the annual receipt of approximately 2,300 asylum applications. In 2007, 33 persons were granted status; in 2008, 126 persons received refugee status. Applicants generally hailed from Afghanistan, Iraq, Somalia, Pakistan, Russia, Belarus, and Uzbekistan. In 2009, the RMS offices received a total of 1160 asylum applications for 1248 persons. Of 492 cases which had been considered, 108 cases (125 persons) were granted refugee status. Seventy cases granted status were citizens of Afghanistan. Multiple citizens of Uzbekistan, Iran, Iraq and Georgia were also recognized.

In the first half of 2010, 524 applications were received for 554 persons. The three most represented countries of origin were Afghanistan, Somalia, and Pakistan.

There has been no refugee recognition since 1 August 2009, when the authority of the SCNR to grant refugee status was suspended. The suspension followed a decree issued by the Ukrainian Cabinet of Ministers on 26 June 2009 transferring asylum authority to a newly-created State Migration Service (please see “Main External Developments” below).

As of 30 June 2010, 2,334 registered refugees lived in Ukraine, most originating from Afghanistan, Azerbaijan, Armenia, and the Russian Federation.

DRC'S PRESENCE

DRC history

Whereas the Danish Refugee Council was present in Ukraine in the 1990s, DRC re-initiated its operation in Ukraine upon receipt of European Commission/AENEAS funding for the project entitled, “Strengthening Asylum and Protection Capacity by Enhancing the Capacity of Governmental and Civil Society Stakeholders in a Participatory Approach and Cross-sector Co-operation.” The project commenced in March 2007, and was completed in June 2009.

A second project was awarded to DRC by the EC’s Thematic Programme. This two-year project, “Legal and Social Assistance to Asylum Seeking and Refugee Children in Ukraine,” was launched in February 2009. To fully support the programme, DRC opened an office in Kyiv in March 2009.

Brief narrative description of current DRC programme

The DRC programme in Ukraine aims to strengthen government and NGO capacity in asylum procedures and the protection of asylum seekers and refugees, and particularly asylum seeking and refugee children. This objective is to be achieved first through developing Ukrainian authorities’ procedural practices in accordance with international standards, secondly, by fostering more operational links between

	<p>Ukrainian authorities and civil society organizations, and, thirdly, by establishing necessary institutions to concretize the above-mentioned improvements with the relevant stakeholders insofar as possible.</p> <p>The project, “Legal and Social Protection of Asylum Seeking and Refugee Children in Ukraine,” within the framework of the European Commission’s thematic programme on asylum and migration, is designed in order to support the government of Ukraine to fulfil its obligations towards the most vulnerable asylum seeking and refugee children by at developing legal and institutional systems, strengthening social assistance and support for orientation and adaptation of children in to Ukrainian society, and developing models of temporary care for the most vulnerable asylum seeking children whilst their claims are being processed.</p> <p>This project centers itself on DRC experience in rights-based protection of vulnerable persons within displaced populations, while being based on concrete needs identified by DRC and its partners on the ground.</p>
<p>Strategic objective of programme</p>	<p>The goal of the programme in Ukraine is to improve asylum procedures and protection offered to asylum seekers and to refugees in accordance with international standards, with a special focus on asylum seeking and refugee children. The specific objectives are to enable the Ukrainian authorities to apply fair, equal and informed asylum decisions; to build the capacity of civil society actors to complement asylum processing and the provision of protection; to assure a holistic and functional reception mechanism for unaccompanied minor asylum seekers; and to foster better civil society – authority dialogue and co-operation.</p>
<p>Immediate objectives of programme</p>	<p>The project, “Legal and Social Protection of Asylum Seeking and Refugee Children in Ukraine,” supports the government of Ukraine to fulfill its obligations towards the most vulnerable asylum seeking and refugee children, this action has three specific objectives aimed at developing legal and institutional systems, strengthening social assistance and support for orientation and adaptation of children in to Ukrainian society, and developing models of temporary care for the most vulnerable asylum seeking children. It is guided by a Steering Committee, which is comprised of NGO partners, the Ukrainian Red Cross Society, the SCNR, UNHCR, UNICEF, Ministry of Family, Youth and Sports, Ministry of Interior, Ministry of Justice, Ministry of Education, and the State Border Guard Service.</p> <ul style="list-style-type: none"> • The <i>legal component</i> ensures that asylum seeking and refugee children have access to a protective system which upholds international standards for their legal protection. • The <i>social component</i> ensures that existing programmes for social assistance, orientation and adaptation of asylum seeking and refugee children are more fully developed and better serve children’s needs throughout Ukraine. • The <i>care component</i> develops models of temporary care for asylum seeking and refugee children in Ukraine. This is done by identifying existing state models of temporary care which may be relevant to the asylum and refugee context in the key locations, and piloting actions to develop these models for the specific needs of asylum seeking children.
<p>Target group(s)</p>	<ul style="list-style-type: none"> • State Committee on Nationalities and Religions (SCNR) and its Regional Migration Services (RMS)

	<ul style="list-style-type: none"> • Ukrainian NGOs and all civil society actors relevant to asylum • Ministries relevant to minor asylum seekers and refugees, such as the Ministry of Family, Youth, and Sport, the Ministry of the Interior, and State Border Guard Service • Asylum seekers and refugees in Ukraine, particularly asylum seeking and refugee children.
Main sector(s) /type(s) of intervention	<ul style="list-style-type: none"> • Capacity-building in reception of asylum seeking children • Social and material assistance for asylum seeking and refugee children • Establishment of a temporary accommodation center for unaccompanied minor asylum seekers (UNAMs)
List of donors	<p>European Commission Thematic Programme Hebrew Immigrant Aid Society (HIAS) Ukrainian Red Cross Society (URCS) United Nations High Commissioner for Refugees (UNHCR)</p>

MAIN DEVELOPMENTS DURING THE PAST QUARTER

Main external developments and challenges faced during the past quarter – in terms of politics, displacement situation and security	<p>Continued suspended refugee recognition authority at SCNR On 24 June 2009, the Ukrainian Cabinet of Ministries (UCOM), under then-Prime Minister Yulia Tymoshenko, adopted a decree creating a State Migration Service (SMS). The SMS would be created through the merger of the MOI Department on Citizenship, Immigration and Registration of Individuals and the Department on Refugee Affairs and Asylum formerly located within the State Committee for Nationalities and Religion (SCNR). The decree was to take effect on 1 August 2009. On 27 August 2009, Ukrainian President Viktor Yushenko vetoed the UCOM act on the basis of non-constitutionality. Since the June 2009 decree, the SCNR has had suspended authority to recognize refugee status. The Department on Refugee Affairs and Asylum at the SCNR and the RMSs continue to accept and examine asylum claims in the interim, without concluding on status recognition.</p> <p>In March 2010, the newly-comprised UCOM under Prime Minister Azarov proposed to cancel the June 2009 decree, liquidate RMSs, and invest all asylum authority solely within the MOI. Whereas the decree indeed was cancelled, no decisions were taken in the reporting period regarding neither liquidation nor asylum authority.</p> <p>In the last several years, there have been similar attempts by the previous UCOMs under prior prime ministers to transfer asylum authority to other government organs, resulting in such temporary suspensions of granting status in the SCNR.</p>
Main internal achievements and challenges during the past quarter	<p>The EC-funded project, “Legal and Social Protection of Asylum Seeking and Refugee Children,” has seen a range of developments in accordance with the aims outlined for its successful implementation and the project’s timeframe. The project realized the following achievements in the reporting period:</p> <p>1. All-Ukrainian Child Protection Service studies foster family potential Following approval by the European Commission, the All-Ukrainian Public Organization Child Protection Service (CPS) has been contracted to implement the comprehensive study, “Defining the readiness criteria of former refugee families, refugee families and families where one members holds refugee status for</p>

temporary accommodation and up-bringing of foreign children seeking asylum in Ukraine.” The study will constitute a potential model of accommodation for unaccompanied minor asylum seekers within the care component of the current EC-financed project.

CPS is a think-tank which works closely with government and non-government agencies to create an effective system by which to implement the United Nations Convention on the Rights of the Child (CRC) and relevant European Union standards. The study will assess the potential for the recruitment of families from the same ethnic backgrounds as UNAMs into the government foster family scheme. The results of the study will be applied to formulate a plan for the recruitment and training of potential foster families. The CPS will work closely with the MFYS, Rokada, and the Kharkiv-based organization Khursan.

2. Project signs agreement with new Kharkiv partner

Following approval by the European Commission, the current project has contracted the NGO “Social Assistance Service” (SAS) as implementing partner in Kharkiv. Previously, assistance was rendered to beneficiaries in the Kharkiv region through the Kyiv-based implementing partner, Rokada. Implementation by SAS will begin on 1 July 2010.

3. Age-Assessment Recommendations discussed by Steering Committee

The lack of an official age-assessment mechanism in Ukraine for unaccompanied minors has brought about a series of challenges for stakeholders and the DRC programme. DRC has spearheaded the compilation of recommendations for the government to implement a child-friendly age-assessment mechanism in Ukraine. The document emphasizes means by which DRC can support the implementation of recommendations. The recommendations were presented to the Steering Committee in April 2010 for comment and will be published in the summer of 2010.

4. DRC presents situation to Committee of the Rights of the Child

On 14 June 2010, the United Nations Committee on the Rights of the Child convened in Geneva to discuss the implementation of the CRC in Ukraine. Representatives of several Ukrainian NGOs, including DRC, reported in conjunction with UNICEF. The Committee questioned the NGO delegation on government compliance with the CRC vis-à-vis children’s rights, health care, education, children in conflict with the law, orphans, training and formation of the personnel in government agencies, non-discrimination, and the rights of minorities. The meeting of the Committee with the Ukrainian delegation was in preparation for the Committee’s reception of the Ukrainian government delegation in January 2011 to formally review CRC adherence.

5. Child-specific information to be researched by SCNR COI Unit

As UNAMs in Ukraine access asylum procedures, it is important that asylum authorities have access to objective information concerning the persecution UNAMs have fled in their countries of origin, Country of origin information (COI) is an integral tool of a fair and objective RSD by even minimal international standards. Following the conclusion of the GDISC-ERIT project, and an EC approval of re-allocation, DRC has re-assumed financing of the COI Unit from

May 2010 until the end of the project implementation period on the condition that the COI Unit dedicates a portion of its services to child-specific COI research and dissemination to asylum authorities.

6. Development of a Child Protection Code of Conduct and Cultural Guide

As DRC and its implementing partners work directly with vulnerable children, it is fundamentally important to the action that a code of conduct for the protection of these children be developed and implemented. Child protection codes of conduct guide appropriate behaviour towards children, thereby ensuring that children are safeguarded from harm, and that staff and the organisations that they work for are protected against allegations of misconduct. A definition of child abuse, risk analysis and mitigating actions, and a reporting procedure for suspected abuse should accompany the code of conduct. The Code of Conduct is now being drafted and will be presented to project partners by early autumn 2010. All implementing partners will be bound by the code of conduct in their provision of social and material assistance in the project framework. The Code of Conduct also will include a Cultural Guide on appropriate behaviour with minors from certain countries of origin.

7. Refugee Youth Councils initiated in Kyiv and Kharkiv

As launched at the start of the calendar year, DRC is conducting Refugee Youth Councils across Ukraine in order to consult regularly with the project beneficiaries and glean advice from and inform about the development of the project. In the reporting period, the Councils were held in Kharkiv, Kyiv, and for a second group of youth in Odessa.

During the meetings, the youth were informed about DRC and its project, the services to which they are entitled, and the DRC complaint mechanism. HIAS lawyer conducted a short presentation about the rights and obligations of refugee and asylum seeking children in Ukraine. In the months to come, the Refugee Youth Councils will be instrumental in informing DRC on the development of its Child Protection Code of Conduct, Cultural Guide, and Complaint Mechanism.

8. Successful continuation of Small Grants

Financing for 18 micro projects, each a maximum amount of the Ukrainian currency equivalent of 4,000 EUR, was made available starting July 2009 for selected applicants who propose initiatives in one of two themes “Orientation and Adaptation” or “Advocacy and Awareness-Raising.” All small grants must be implemented by the end of December 2010.

Fifteen of the small grants have been awarded. In the reporting period, three micro projects are being implemented, five have been completed, and four micro project applications were approved by the Steering Committee. All implementation is on schedule.

The NGO NEEKA is now implementing a micro project to support a volunteer center in Mukachevo where the SCNR Temporary Accommodation Center for asylum seekers is located. Activities include library access, English language courses, computer classes, and recreational and social activities—all expressly for

asylum seeking and refugee children.

Women's Consortium of Ukraine is creating a comics book to combat racism and xenophobia often faced by refugees.

Action for Sustainable Society Advancement (ASSA), in Kharkov, have commenced provision of psychological and social support, Russian and Ukrainian language courses, and basic professional studies as well as hold joint integration events together with Ukrainian children.

9. Regional trainings in Vinnitsa

The training series entitled, "Capacity building of stakeholders on child-focused asylum and social welfare systems and procedures," was held for Vinnitsa regional stakeholders in April 2010. The training is an integral project component designed to educate representatives of the border guard service, children's services, migration services, NGOs, guardians and legal representatives on the specificities of refugee children. The following issues are addressed:

- International protection– UN Convention on the Rights of the Child
- General Comment No. 6 of the UN Child Rights Committee
- International and national refugee and child protection legislation
- Asylum procedure, including child-specific country of origin information, legal representation, interview techniques
- Psychological training: child and adolescent development

Materials from the training series will be published and distributed in autumn 2010.

10. Progress in activities by implementing partners

Four NGO partners in key regions across Ukraine implement social components of the project, providing for asylum seeking and refugee children: social workers, psychologists, school uniforms, school materials, warm clothing, critical medical care, and food packages for children with serious illnesses.

At HIAS, a child-focused lawyer provides legal counselling for unaccompanied minors, as well as guidance for lawyers throughout Ukraine working on asylum cases involving minors.

URCS works in all five geographical areas of project implementation, providing multi-purpose assistance for asylum seeking and refugee children, with particular attention to unaccompanied minors, through its offices in the regions of project implementation. Emphasis is placed on family tracing and message servicing, detention monitoring, health monitoring, and in raising awareness about the dangers of smugglers.

All activities are now in full implementation by partners. For further details, including statistics, please see the supplemental quarterly report on partner activities.

Main funding developments

Project submission for a second phase

Upon a successful review of its Concept Note, DRC Ukraine accepted the invitation

during the past quarter

by the European Commission and submitted a full application to its 2009-2010 call for proposals of thematic programme of cooperation with third countries in the areas of migration and asylum. The proposed project is an extension of the current EC-funded project, and would expand its activities to Belarus and Moldova in order to support and further develop achievements made in the current project after 2011. The second phase of the project will augment the achievements of the current project and incorporate 10 partner organizations and five associates throughout the region (the current project has seven partner organizations and two associates). The results of the call are not expected until autumn 2010.

New Development Officer to intensify fundraising

Financial support has been secured for the recruitment of a Development Officer at DRC Ukraine. The recruitment will mark the start of more ambitious fundraising endeavours by the office, in a bid to broaden the scope of and increase the sustainability of its activities. The Development Officer will start the post in July 2010.

