

BORDER MONITORING PROJECT UKRAINE (UZHGOROD, ZAKARPATTYA)

Monitoring the implementation of social and human rights of refugees and other vulnerable migrants in the Border region of the European Union and Ukraine.

Activity Report

Period: November 2008 to June 2009



Watchtower on Ukrainian-Slovak border

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Background

Various reports and activities on the conditions of refugees and migrants in Ukraine during 2005-8 revealed serious problems in this field¹. This pointed to the need for systematic monitoring of the situation in the region of the external borders of the European Union (notably Slovakia, Hungary and Romania) with Ukraine. In 2008, representatives from various associations and institutions in Germany, Switzerland, Belgium, UK and Ukraine, after some discussion with UNHCR, Helsinki Committee Hungary and others decided to take initiative. A Border Monitoring Project (BMP) was set up in Western Ukraine with the aim to monitor the implementation of social, human and refugee rights in the border region.

An executive committee was set up (Jürgen Kräftner, European Civic Forum; Natasha Kabatsiy/Medical Aid Committee Zakarpattya/Uzhgorod; Hagen Kopp/Kein Mensch ist Illegal/Hanau; Marc Speer/Bavarian Refugee Council/Munich; Franck Düvell/Centre for Migration, Policy and Society/Oxford) and a secretariat set up in Uzhgorod (chaired by Natasha Kabatsiy). Further partners of the BMP are Helsinki Committee, Budapest, and Human Rights League, Bratislava.

Mandate

- Monitoring the social and legal situation of refugees and other vulnerable migrants and in the region of Zakarpattya;
- Monitoring the treatment of refugees and migrants by the Ukrainian authorities;
- Monitoring the situation in Ukrainian detention centre and other holding places for refugees and other migrants in the region;
- Monitoring the implementation of social, human and refugee rights in the region.
- Monitoring access to protection, notably RSD procedures in Ukraine and neighbouring safe countries;
- Collecting testimonies of cases of unlawful return (refoulement) from EU countries to Ukraine;
- Preparing reports on the monitoring process and publishing findings;
- Identifying legal, social and political needs of the client group in the area of health care, legal advice and public awareness and develop according separate projects.

¹ See list of references.

Administration

The project was set up in October 2008. Funding was secured by Pro Asylum and a private donor. A mailing list was set up for internal communication.

In the same month, two part-time staff were recruited (Oksana Pavlovskaya and Nadja Panait), additional students from Uzhgorod university were recruited to assist with the monitoring.

Training

An induction and training of staff was provided. For this purpose a one-week visit to Germany was arranged. Notably, the Bavarian Refugee Council (BRC) in Munich, the Pro Asylum Office in Frankfurt, a local association in Hanau and some refugee accommodations near Munich and Gießen were visited. A meeting with BRC activists offered introduction was offered into methods and style in working with refugees. Another meeting with Pro Asylum introduced the visitors to legal documents and laws about refugees and migrants, representation of methods of their activities and publicity work. In Hanau, some insights were offered on practical support of asylum seekers (filling applications or other documentation; representation with different authorities, such as migration services or courts). Finally, in Hessen, some refugee centres were visited and the German refugee reception system studied.

Planning

Three planning meetings were held, in Budapest in June 2008, and February and June 2009. Further to this, a representative of the ExCom visited the BMP in August 2008 to provide further advice on fieldwork. And whilst in Germany in 2008, the representatives of the BMP discussed issues of transnational cooperation.

Monitoring

Preparing monitoring

First, a questionnaire was developed and translated into Ukrainian with the aim to survey the experiences of refugees and migrants in the border region of Ukraine and its EU neighbours.

Second, several key persons in the refugee and migrants community in Zakarpattya were identified (Somalia, Bangladesh) and their support of the project sought.

Field visits

Field visits were carried out to Chop detention centre (9 March and 28 April 2009), to Lutsk where the Zhuravychi detention centre was visited and the local NGO Volynski perspektyvy met (11 March 2009), and to Perechyn and Mukachevo temporary accommodation centres (29 April, 2009). In Chop, a meeting was held with the head of the detachment, afterwards the premises were visited where detainees are held. After the closure of Pavshino detention centre most detainees were transferred to Chop which is grossly overcrowded and indeed shocking. Ad hoc talks to detainees were possible. In Zhuravychi, near Lutsk, Volyn detention centre was visited and a meeting held with the director of the camp and his two deputies. Problems are access to RSD procedures and fair procedures (recognition

rate is zero in the Volyn region) and with provisioning (the administration admits limits of resources and will not be able to provide food to all if the centre is fully occupied). Communication with detainees was prevented by guards. Meanwhile, contact is established with Nina Pakhomyuk from the local NGO 'Volynski Perspektyvy' to share information and experiences. In Perechyn a new refugee reception centre (under construction) is supported by Danish Refugee Council and the site was visited.

Interviews

An ongoing survey is conducted in Uzhgorod so far involving 38 all-male refugees and migrants.

Somalia	11
Sri Lanka	3
Iraq	2
Ethiopia	2
Palestine	1
Congo	1
Zimbabwe	1
Bangladesh	14

(as to 30/6/2009)

Additional in-dept interviews were conducted with nine refugees (three Somalis, age 24, 27; 23 an Afghan, 16; two Bengalis, age 24 and 30; two Palestinians age 21 and 25; and an Iraqi age 58).

Desk Research

The local media was surveyed and reports addressing migration collected, translated into English and circulated.

Problems

Refugees and other migrants arrested for irregular border crossing are now held in Chop detention centre for longer and are rarely released into the community but instead transferred to other detention centres. This limits NGOs' access to information and access to potential informants.

Dissemination

A draft report was circulated in May 2009, discussed and taken as basis for the activity report and a findings report.

An article was published in Solidarité sans frontières (4 December 2008) <http://www.sosf.ch/cms/upload/pdf/Bulletinddez.pdf>.

Several meetings were addressed by the board members and the secretariat:

- European Civic Forum 09 March 2009, joint trips with CAMZ were arranged to Chop and Lutsk temporary accommodation centres investigating the general situation of refugees, migrants and asylum seekers live.
- 5. Inter-departmental meeting on migration and asylum issues (UNHCR), 16 April 2009. Information was given by different agencies on data concerning the number of refugees, migrants and asylum seekers in Ukraine, and services rendered to them; each organization gave an overview on the projects they are engaged in.

- Mediciens sans frontier (MSF), 28-29 April 2009, was met and accompanied on their visits to Mukachevo, Perechyn and Chop detention centres aiming to learn about living conditions of migrants, refugees and asylum seekers.
- UNHCR round table meeting 'Awareness of migration issues and asylum' (headed by Simone Wolken, regional representative of UNHCR) held on 9 June 2009 with participation of local organization (NEEKA, Caritas, CAMZ, border guards, local authorities, and representatives of other international organizations).
- European Policy Centre, Brussels, 3 June 2009 (Franck Düvell), 'Asylum protection vs border controls: an unattainable balance?' Evidence from Central and Eastern Europe and CIS countries, round table meeting with EU Commission, Swedish presidency, Frontex, IOM, UNHCR, ECRE, AI etc.
- UNHCR and Refugee Council, London, 7 July 2009 (Franck Düvell), briefing on situation in Ukraine.

Invitations to these meetings demonstrate that the BMP is already recognised and that there is a significant interest in the project's activities and findings.

Future Plans

- Expanding survey to Mukachevo and Latorica Temporary Accommodation Centre (TAC).
- Setting up collaboration with Human Rights League/Bratislava and their border monitoring project, and with Goodwill Society/Kosice, both Slovakia.
- Visit to Lviv for identifying partners, notably with respect to monitoring the Polish border and Volyn detention centre.
- Preparing report, press release and related activities of findings in autumn 2009. Participation in No-Border Camp in Greece (Lesbos) in August 2009.
- A website will be set up in October 2009.
- Preparing further related projects.

Summary of Findings

- Visits to Chop detention centre and interviews with ex-detainees reveal legal violation of maximum holding period, inhumane conditions, serious obstacles to access to RSD procedures, either due to inactivity or corruption of authorities and lack of legal advice.
- Interviews with refugees and other vulnerable migrants point to insufficient conditions in open refugee holding facility of Latorica/Mukachevo, notably with respect to material provisions.
- Interviews with refugees and other vulnerable migrants illustrate absence of counselling and social work (notably minors), as well as lack of schooling.

- Interviews reveal lack of any support for those not staying or not admitted to TAC, notably lack of housing, benefits, food, health care, legal advice and language classes.
- Interviews reveal frequent and ongoing refoulement from Hungary and Slovakia, refusal of access to RSD procedures and generally to international protection in both countries, e.g. for refugees and minors from Somalia, Iraq, Afghanistan and elsewhere.

Problems identified

- Living, sanitary and hygiene conditions in refugee detention and accommodation facilities below all standards, high risk of stress and outbreaks of infectious diseases.
- Lack of free legal advice.
- Lack of interpreters and intercultural workers in migration services.
- Lack of health service (consultation, drugs and surgery).
- Lack of training and information for migration services and medical staff on migration and refugee issues.
- Discrimination on all levels.

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