

Border Monitoring Project Ukraine and Pro Asyl, Munich – Frankfurt at 13.1.2011

No access for refugees to the asylum system in Hungary Even minors are illegally removed back to Ukraine

On 24.12.2010, just before taking over the EU presidency the Hungarian government under premier Orban announced further tightening of their asylum legislation. Even more scandalous is what is documented by a report of the „Border Monitoring Project Ukraine“ (BMPU): on the external borders of the Eastern Hungarian and thus the EU external borders refugees are denied access to the asylum system. Instead, even unaccompanied minors are removed back to Ukraine within hours. There, the deportees are exposed to physical maltreatment and months of detention; their asylum claims are either not processed at all or refused. This obvious violation of the international refugee convention affects refugees, for instance, from war-torn regions such as Somalia and Afghanistan.

„I am a refugee, I am a girl. Please help me“. It did not help 16-years old Fatima (1) from Somalia that she was able to approach the Hungarian border guards in English. Her request for protection was nevertheless ignored and she was removed back to Ukraine. This is a clear violation of the Geneva Refugee convention as well as the UN Convention on the Rights of the Child. Dozens of refugees who were interviewed by the BMPU over the last two years unanimously reported that they were denied access to asylum procedures in Hungary but also in Slovakia and that they were removed back to Ukraine within 24 hours. This praxis contradicts the ban on *refoulement* of refugees and represents a clear violation of the Geneva Refugee convention as well as the Charter of Fundamental Rights of the European Union. The number and spread over time of the cases of illegal removal documented in our report implies that these are not individual incidences but reflect regular unlawful practice. Indeed, a Human Rights Watch report recently came to the same conclusion (2). Several victims of unlawful removal report that after return to Ukraine they were exposed to physical maltreatment whilst almost all were detained in camps for up to six month. The detention system of Ukraine is financed by the EU even though not even minimal human rights standards, such as court hearings are given. Although there officially is an asylum system in Ukraine this is dysfunctional – just as in Greece; for instance, from August 2009 to August 2010 no asylum applications were processed at all!

„It is to be suspected that in the face of the announced tough law and order policy of the Hungarian government they will continue or even expand the praxis of unlawful removals in order to deter refugees“, argues Marc Speer from the BMPU. And Marei Pelzer from Pro Asyl demands: *„These continuous human rights violations on the Eastern borders of the EU must be stopped.“*

The BMPU report on *„Access to Protection Denied: Refoulement of Refugees and Minors on the Eastern Borders of the EU“* is available for download from: <http://bordermonitoring-ukraine.eu>, if required a print version could also be send. Furthermore, we offer to facilitate contacts to Somalis who after several attempts made it to Germany to apply for asylum and who have agreed to be interviewed about their ordeal.

For queries please contact BMPU: contact@bordermonitoring-ukraine.de
Contact to Pro Asyl: Telefon (+49) 069 - 23 06 95, Fax (+49) 069 - 23 06 50
E-Mail presse@proasyl.de

(1) For reasons of confidentiality name has been changed

(2) Human Rights Watch (2010): Buffeted in the Borderland. The Treatment of Asylum Seekers and Migrants in Ukraine.