

УКРАЇНСЬКА РАДА З ПИТАНЬ БІЖЕНЦІВ **UKRAINIAN REFUGEE COUNCIL**

*To: President of Ukraine, Viktor Yanukovich
Head of the State Migration Service of Ukraine, Mykola Kovalchuk
Minister of Internal Affairs, Vitaliy Zakharchenko
General Prosecutor of Ukraine, Viktor Pshonka
Head of the Human Rights Committee of Verkhovna Rada of Ukraine,
Oleh Zarubynskiy
Ukrainian Parliament Commissioner for Human Rights,
Nina Karpachova
Copy to: Office of the Council of Europe Commissioner for Human Rights,
Delegation of the European Union to Ukraine,
UNHCR Regional representation for Belarus, Moldova and Ukraine
The media*

17 February 2012

STATEMENT BY SOMALI ASYLUM SEEKERS IN UKRAINE MADE PUBLIC BY UKRAINIAN REFUGEE COUNCIL

Ukrainian Refugee Council received from Somali nationals, detained in Migrants' temporary detention centres, an appeal to the Ukrainian Government, which it considers necessary to make public. The text of the appeal follows:

“Friday, 17th February 2012

We, the Somali hunger strikers in Lutsk and Chernigiv detention centres have decided to end our hunger strike today after nearly 6 weeks.

We have decided to fill in the application forms for international protection as we understand that the Government has now agreed that no Somali who claims asylum will be treated as 'manifestly unfounded' and rejected without proper consideration of their application - as has been the case up to now. The Ukrainian Government and the Ukrainian State Migration Service know that Somalis should be granted refugee status under the Refugee Convention or complementary protection under Article 3 of the European Convention on Human Rights.

Ukrainian Refugee Council (URC) is an informal coalition of Ukrainian non-governmental organizations (NGOs) and charity foundations (CFs) which defend rights and interests of refugees and asylum seekers. URC members are: CF “Rokada” (Kyiv), CF “Donetsk Foundation for Social Protection and Charity”, “Amnesty International in Ukraine”, Odesa civic organization “Faith, Hope, Love”, International Foundation of Health and Environment Protection “Region Karpat” (NEEKA), Foundation for Naturalization and Human Rights “Assistance” (Simferopil), “Vinnytsia Human Rights Group” NGO, Trade Union “Solidarity” Legal Consultancy Centre “Human Rights have no borders” (Lviv), “South Ukrainian Center of Young Lawyers” NGO (Odesa), CF “Caritas”, “Social Action Centre” NGO (Kyiv), “Social Assistance Service” CF (Kharkiv), Charity Organization «Medical Aid Committee in Zakarpattya» (Uzhgorod)

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We will also be lodging appeals against our detention in the Ukrainian courts. The Government of Ukraine and Ukrainian State Migration Service are well aware that our detention is illegal on the basis of the legal arguments laid out in statements from the Ukrainian Refugee Council, the United Nations High Commissioner for Refugees, Amnesty International and Human Rights Watch. We expect the Ukrainian courts to overturn the decisions to detain us and that the Government provide us with documentation to prevent further police harassment and extortion.

We thank all those who have supported our hunger strike from Ukraine and across the world. We ask for your continued support for all asylum seekers in Ukraine who are struggling to end the violation of human rights in this country. ”.

Ukrainian Refugee Council (URC), for its part, welcomes efforts of the State Migration Service of Ukraine, aimed at improvement of its work and situation of detained asylum seekers: resumption, after long break, of Volyn regional migration service's functioning; its staff presence in the Migrants temporary detention centre and consultations to detainees; collection of applications for refugee status or complementary form of protection. URC hopes that consideration of these applications will be fast, unbiased, and that applicants' situation will be assessed with due professionalism taking into account country of origin information.

URC has to mention with regret that the authorities did not enter in dialogue with civil society, which could contribute to faster resolution of the situation in place. Thus, the authorities have not responded in any way to URC member organizations' appeals regarding the situation of detained Somalis and request to provide access to those detained.

Events of the early 2012 demonstrate that use of exclusively repressive and discriminatory means towards certain groups of persons in need of international protection does not solve any problem. Such practice only provides a time bomb for the future of these individuals, as well as for reputation of Ukraine itself.

These events also provided another evidence that, despite Ukraine's membership in Council of Europe, NGOs and international organizations should take additional efforts in order to ensure that Ukrainian executive bodies and Ukrainian courts appropriately treat European Court of Human Rights' decisions (in this particular case — decision in *Sufi and Elmi v. UK* case).

It also became apparent that inaccessibility of Migrants' temporary detention centres for representatives of NGOs and for the media has a negative influence on possibility to monitor of the situation inside the Centres as well as to obtain reliable information from there.

Ukrainian Refugee Council, in the year of 10th Anniversary of Ukraine's accession to 1951 UN Refugee Convention, urges Ukrainian authorities to immediately take all necessary measures in order to regularize the situation of asylum seekers from Somalia and

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other countries, who stay in Ukraine and cannot be expelled to their countries of origin. Such a regularization should take place according to international standards, using tools provided by the new Law of Ukraine “On refugees and persons in need of complementary or temporary protection”, - and creating, if needed, new mechanisms of human rights protection in the framework of Ukrainian legislation.

As before, Ukrainian Refugee Council states the necessity to release detained Somali nationals.

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