

Full Human Rights Protection for all displaced peoples fleeing the war in Ukraine and an end to selective racist discrimination at EU borders!

Marking Anti-Racism day, March 21, 2022

[TMP-E Communiqué] - The EU Temporary Protection Directive (TMD), originally agreed in 2001 was activated for the first time on March 3, 2022, with claims to give full protection to all fleeing the war in Ukraine. This is to be welcomed in the face of the unprecedented number of forcibly displaced people by the Russian invasion of Ukraine. It was not activated by the EU in 2011 or 2015 in the contexts of the Libyan and Syrian refugee crises.

However, several reports from the borders and the ground, including from a range of International human rights organizations, are indicating that this is a *selective protection mechanism* laced through with a racist implementation and practice. 1 While the ‘Welcome Ukrainian refugees’ is carried in every headline – there is little media space given to the racist discrimination that blocks entry to the EU of ‘non’ Ukrainians – mainly people from the Global South and Middle East. These are migrant and refugee peoples currently in Ukraine – displaced from other wars, or fleeing impoverishment as a result of failed corporate led development policies and climate change, or working and pursuing their studies. Reports indicate that people from Afghanistan, Pakistan, India, Yemen, Azerbaijan, Turkmenistan, Morocco, Cameroon, Nigeria, among others are being blocked at the borders. These Reports tell of discriminatory practices – blocking global south and middle east migrants and refugees from crossing borders between Ukraine and its neighbours or between Belarus and Ukraine.

Even more disturbing, is the report of the refusal of the Ukrainian authorities to release migrant and refugee peoples currently detained in Ukraine. It is reported that between 35-45 migrants are still held at the Zuravychi detention center two weeks after a Russian bomb exploded about 40 kilometres away.² Furthermore this Zuravychi facility with re-enforced security perimeters blocking any attempt at escape, is one of a series of such detention centers financed by the EU under bilateral agreements between the EU and Ukraine and other countries as part of the EU’s externalization of borders policy. Urgent calls for their release are being ignored by both Ukraine and the EU authorities³

In related developments, there are reports that global south and middle eastern migrant and refugee people – when allowed to cross the border are then being detained as in this Report from the Independent Newspaper on the Ukraine-Polish border⁴. Although there are now some reports that Nigerian government intervention has successfully led to the return of more than 1,000 students.⁴

Meanwhile, Mr Filippo Grandi, UN High Commissioner for Refugees confirmed that reports of racist discrimination at the borders had reached him - “they reported disturbing incidents of discrimination, violence, and racism. These acts of discrimination are unacceptable ... and he appealed to countries, in particular those neighbouring Ukraine, to continue to allow entry to anyone fleeing the conflict “without discrimination on grounds of race, colour, descent, or national or ethnic origin and regardless of their immigration status”⁵

There are also reports of continuing criminalization and imprisonment of those who still dare to help global south and middle eastern displaced people to cross borders in Ukraine.⁶

In the face of this double standards Temporary Protection Directive (TPD), TMP-E calls on EU leaders and Member State governments to:

- Implement immediately full protection to all who are displaced in this senseless war and put an end to the double standards in the application of the Temporary Protection Directive (TPD) with its continuing policy and practice of racist selectivity in relation to the currently excluded global south and middle eastern displaced people in Ukraine and elsewhere in the EU.
- End the current continuing necropolitics in breach of international human rights law being practiced at Europe's borders including the prohibition of rescue at sea - and put in place a human rights based regime of protection for all as guaranteed in the binding obligations of the UN Migrant Convention (1990) and the UN Refugee Convention (1951).

It is urgent and necessary that we add our voices to demand: **Stop the War! Urge our governments to de-militarize and take immediate steps towards meaningful Peace!**

In response to this TPD, as well as to the voluntary 2018 Global Pact(s) on Migration and Refugees, TMP-E has together with migrant and refugee self-organizations and movements developed the *Call to build the Global Pact of Solidarity*.

If you have not already done so, we invite you to **join this initiative and sign-on here to the Global Pact of Solidarity**.

<https://docs.google.com/forms/d/e/1FAIpQLSf9DLtsHAZWZq6EQVI4ngBSSly9--4phiR82CUSUZluCzMBAA/viewform>

Participate in the preparation of the Caravana Europa 2022 - "Rights Not Deaths" - towards Brussels, September 30-October 1 to Brussels.

For Further information: migrantplatform@gmail.com

End Notes:

1.Link to the European Directive on temporary protection: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32001L0055&from=ES>

Several Human Rights organizations have criticized the racist selectivity of the TPD and its current application in Ukraine:

Migreurop: [Accueil sélectif aux frontières européennes : du racisme des politiques migratoires - MIGREUROPE](#); INFOMIGRANTS: <https://www.infomigrants.net/en/>; Amnesty International (London)- [Poland: Refugees face chaos, racism and risk of trafficking after fleeing Ukraine - new research | Amnesty International UK](#); Human Rights Watch: [Ukraine: Unequal Treatment for Foreigners Attempting to Flee | Human Rights Watch \(hrw.org\)](#) ; Arab News Report: [Amnesty International details racism endured by refugees fleeing Ukraine | Arab News](#).

2. [A call to release migrant detainees in Ukraine \(euobserver.com\)](#)

3. ENAAT and TNI Publication, March 17, 2022 [A call to release migrant detainees in Ukraine \(tni.org\)](#)

4. [Non-white refugees fleeing Ukraine detained in EU immigration facilities | The Independent](#)

5. Radio Eireann World Report, March 27, 2022

6. Migreurop e-list news, March 24, 2022 carried a report from a Polish Border Guard statement on the detention of an Ukrainian citizen who had helped 7 Iraqi refugees to cross the border. In a related incident, another report said eight other people – an Italian, three Ukrainians and four Polish nationals – were detained for helping migrants to cross the border and face up to eight years imprisonment.