

A call to release migrant detainees in Ukraine

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Over the past three weeks, Ukrainian people have become one of the largest refugee populations on the planet. But for much of the past decade, Ukraine, with the help of the EU, has acted as a border guard for Europe keeping those fleeing war and poverty from reaching safety.

Even amidst this terrible war, Ukraine continues to play this role.

On 11 March, a Russian airstrike hit a military airfield in Lutsk, western Ukraine, killing two members of the Ukrainian armed forces and wounding six others.

Almost two weeks later and only 40 kilometres from the bomb-site, an EU funded detention facility holding between 35 and 45 persons has not yet been evacuated. According to Lighthouse Reports, the detainees at the Zhuravychi centre are nationals from Afghanistan, Bangladesh, Cameroon, India, Pakistan and Sudan, among them a 31 year old Afghani woman and her two-and-a-half year old son, and a Pakistani national whose embassy has denied that he is there.

Five Ethiopians were released and relocated to Romania after their government intervened. Calls for the remaining detainees to be released, who presumably cannot evoke consular assistance because of their situation of risk, have fallen on deaf ears.

EU funded detention centres in Ukraine

The European Union has a responsibility to these refugees because of its pivotal role in setting up the detention centre in which they are being held.

Since the mid-2000s, tens of millions of euros in European public money has poured in to Ukraine to construct detention facilities, train prison guards, and detain refugees, many of whom are held in overcrowded facilities with poor hygiene standards, where they were beaten, tortured, forced to sleep on the floor, and deprived of food.

The European Commission allocated €30 million under its 2007 National Programme for Ukraine to build and equip migrant detention facilities. This came on top of a €6 million fund allocated to the International Organisation for Migration (IOM) the previous year for the refurbishment and equipping of seven detention facilities.

At the Zhuravychi facility, the EU has funded security measures that will make it impossible for refugees to escape in case of bombing. In 2009, it funded the construction of the perimeter security system to prevent migrants from escaping, as well as a tourniquet system, an electronic door locking system, and security window tapes and bars. This was part of a €1.7 million project to assist Ukrainian authorities in responding to so-called irregular transit.

In 2010, a readmission agreement signed between the EU and Ukraine led to an increase in migrant detention.

By 2020 pushbacks and summary returns from Slovakia and Hungary had become commonplace with Ukrainian police officers routinely ignoring requests for asylum and instead placing those on the move in EU funded detention centres.

EU's funding for Ukraine to become Europe's border guard fits into a broader strategy of EU border externalisation policies deployed over the past two for decades in countries as far south as Senegal or as far east as Azerbaijan.

Libya is perhaps the most notorious example where refugees are enslaved and tortured in EU funded detention. For those in Zhuravychi these policies mean leaving them locked up and unable to flee as the Russian army advances westward.

Double Standards

The EU has been commended for opening its borders to the millions of refugees fleeing Ukraine, but this stands in stark contrast to the way it has treated refugees fleeing other conflicts.

A closer look at the EU's Temporary Protection Directive (TPD) enacted on 4 March shows that even among those fleeing Ukraine, equal access to protection is not guaranteed. The operational guidelines specify that the TPD applies to Ukrainian nationals, those legally residing in Ukraine, or stateless persons only, leaving those with an irregular migration status in limbo.

Meanwhile, there have been reports of racist treatment of non-white people fleeing Ukraine at and beyond EU borders, which has been condemned by the UNHCR.

The EU's containment policies make the plight of those in Zhuravychi doubly dangerous; firstly by being locked up in an EU funded facility while a war wages outside from which they cannot flee, and secondly by impeding them from seeking the same protection granted to others fleeing the same war, should they eventually be released, because of their irregular status.

By shameful comparison, lions, tigers, and other animals in Ukraine's zoos were relocated to Poland in early March exposing Europe's skewed priorities.

The EU must immediately revoke its bilateral detention agreements with Ukraine and call for those being held in EU funded facilities to be released.

Moreover, it must amend TPD guidelines to guarantee safe passage to all those fleeing Ukraine irrespective of migration status.

Finally, it must extend the protections afforded under the TPD to all those fleeing conflict in line with international law. More robustly, the EU must use this moment to fundamentally rethink and address its deadly border policies.

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