

## THE COMMITTEE OF MINISTERS OF THE COUNCIL OF EUROPE CALL UPON UKRAINE (2018)\*

TO PUT IN PLACE AN EFFECTIVE REMEDY WITH AUTOMATIC SUSPENSIVE EFFECT AGAINST THE DECISIONS OF BORDER GUARDS REFUSING ASYLUM-SEEKERS LEAVE TO ENTER TO HAVE THEIR APPLICATIONS EXAMINED IN UKRAINE



EUROPEAN COURT OF HUMAN RIGHTS

**THIS CALL IS BASED ON THE FOLLOWING DECISION OF THE ECTHR**

 **Kebe and others v. Ukraine**

App no. 12552/12

### SIMILAR VIOLATIONS OF THE RIGHTS OF ASYLUM SEEKERS HAVE BEEN REFLECTED IN CASES

 **M.S. v. Slovakia and Ukraine**

App no. 17189/11

 **Nur Ahmed and others v. Ukraine**

App no. 42779/12

 **Nur and Others v. Ukraine**

App no. 77647/11

### LEGAL GROUNDS FOR AN EFFECTIVE REMEDY WITH AUTOMATIC SUSPENSIVE EFFECT

The right to access to international protection at the border (when a person is in danger in the country of origin the denial of access to the procedure of international protection and/or return entails the violation of Article 3 and 13 of the European Convention on Human Rights)



### STATE OF DEVELOPMENT OF AN EFFECTIVE REMEDY WITH AUTOMATIC SUSPENSIVE EFFECT IN UKRAINE (FOR TODAY)

The development is still in progress

### AN EFFECTIVE REMEDY WITH AUTOMATIC SUSPENSIVE EFFECT IN COUNTRIES OF EUROPE

**In Belgium**, an appeal against the decision on a refusal to cross the border suspends its effect

**In Switzerland** after being denied entry on the territory of the country the person has the opportunity to stay in a transit airport area for up to 15 days to be able to appeal the decision

**In France**, if a person who received a refusal to enter applied for international protection, such person is posted in the waiting area for the time required for consideration of the application

### WAYS TO CREATE AN EFFECTIVE REMEDY WITH AUTOMATIC SUSPENSIVE EFFECT IN UKRAINE

Introduction of a mechanism that will allow asylum seekers to enter the territory of Ukraine and stay there until the end international protection procedure, regardless of whether they meet the conditions for crossing

\* Each thematic block is interactive: click to follow the links for more details.

