



THE ANNUAL REPORT OF THE HUMAN RIGHTS LEAGUE ACTIVITIES 2008

The Human Rights League (“HRL”) is non-governmental organization established in 2005 by lawyers and advocated specialized in the field of asylum and immigration law.

Its overall goal is to monitor and protect the human rights of third country nationals in Slovakia with special attention paid to asylum seekers and immigrants in vulnerable situation.

The activities of HRL include the legal assistance provided to asylum seekers, refugees and third country nationals granted subsidiary protection in Slovakia (mainly), the legal assistance provided to third country nationals residing in Slovakia both legally and irregularly in the field of residence permit, citizenship and/or detention and/or administrative expulsion.

Outside of legal assistance HRL focuses on the country of origin information research and cooperates in this field with Austrian organization ACCORD (maintaining the website www.ecoi.net) and with Slovakian Migration office and other NGOs involved in the area of asylum and immigration. We provide the information based on our COI research as the basis for effective advocacy of asylum claims whether in the first instance asylum procedure (Migration office) or second instance procedure (Regional Court, Supreme Court of Slovakia).

Besides monitoring and legal assistance related activities, HRL runs the Asylum Clinic for Law students in the cooperation with the University of Trnava – Law Faculty. The aim of the Asylum Clinic is to offer the possibility for law students to study and participate in providing the legal assistance to asylum seeker and study basics of the refugee law.

In 2008, HRL implemented 2 main projects.

First project was financed by the national European Refugee Found under the agreement SK 2007 ERF/A-6 and the name of the project is **“Legal counselling in asylum procedure on the territory of the Slovak republic and the Asylum clinic II.”**

The project was second in line (first project under the same name was implemented in 2007) and lasted in the period of 1.12.2007 – 31.12.2008.

The project has been assigned to the Measure A “Reception conditions and asylum procedure” of the national ERF scheme. The project covered the area of Bratislava self-governing region , Trnava self-governing region, Nitra self-governing region, Žilina self-governing region, specifically the Accommodation centre for asylum seekers in Gabčíkovo, Accommodation centre for asylum seekers in Rohovce, Integration centre for refugees in Zvolen, Detention centre in Medved’ov, Departments of Alien police and other areas where the asylum seekers, subsidiary protection holders or refugees were placed.

The project activities were implemented by the office of HRL in Bratislava and partially by the office of related advocate in Žilina.

The target group for activities of the project was defined as: a member of a third country or stateless person who:

- a) Has legal status defined under the 1951 Geneva Convention and its 1967 Protocol and who has residence permit in one of the Member States;
- b) Has received subsidiary protection under the Council Directive 2004/83/ES of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted;
- c) Has applied for one of protection mentioned above under a) and b);
- d) Has received and enjoys temporary protection according to the Council Directive 2001/55/ES.

The implementation of the project started on 1.12.2007 and ended on 31.12.2008.

The main objective of the project was the increasing of the level of proficiency of the asylum procedure by means of providing legal aid to asylum seekers, persons granted asylum, persons granted subsidiary protection or temporary protection on the territory of the Slovak Republic by qualified experts – lawyers and attorneys.

The implementation team has also supported the Asylum Law Clinic at Faculty of Law in Slovak republic through educating students in the field of Asylum law.

The legal counselling was provided by consultations with clients either personally or by telephone. Personally the legal counselling was provided in the office of the HRL on Hurbanovo square in Bratislava or in the office on Makovického in Žilina. The consultation hours were set from Monday to Friday from 10:00 till 14:00. The clients were not rejected also in other than consulting hours. The lawyers of HRL provided legal counselling also in asylum centres in Gabčíkovo, Rohovce, in the detention centre in Medveďov, in integration centre in Zvolen and in accommodation facilities for persons with granted subsidiary protection in Trnava. During the consultations the target group was informed about the basis and process of asylum procedure in the Slovak republic, about the basic rights and responsibilities in the procedure and after it is finished. The asylum seekers are also informed about free legal counselling and about the possibility of legal representation by lawyers of HRL.

The goals of the project were implemented by following activities:

Activity 1: Legal counselling

During the implementation period legal counselling was provided in the asylum facilities in total 105 times, out of this number there were 43 visits of accommodation centre in Gabčíkovo, 30 visits to accommodation centre in Rohovce, 28 visits to Medveďov 2 visits to integration centre in Zvolen and 2 visits to the accommodation facilities for persons with granted subsidiary protection in Trnava.

We have registered 125 new asylum seekers. To all of them were provided by primary legal aid related to entering the asylum procedure.

Part of the activity 1 in most cases was study of the file, inspection of the files on Migration office, consultations with the clients, consultations and meetings with decision makers and other Migration office staff or in specific cases with other experts (doctors, authorities, with information on client etc.).

Activity 2 – Legal representation

During the project implementation, there were 35 clients represented by lawyers (together with pending cases), we have been present at 25 interviews or supplementary interviews at the Migration office.

In connection to this activity the clients were provided legal help during the consultations often with the presence of the interpreter and were prepared on the hearing at the court and were informed about the next steps in the procedure.

Activity 3 – Legal aid in appellate procedure

During the implementation period 74 appeals were lodged against the decisions of Migration office and 36 appeals were lodged to Supreme Court and 11 appeals were lodged against decisions on detention.

Consequently, this activity was connected with individual consultations with asylum seekers related to the reasons for appeals, inspections of the files on Migration office and/or in Courts, study of relevant internal and international instruments and COI research and other related actions.

The lawyers of HRL have been present on hearings at the regional courts in Bratislava and Košice and Supreme Court of Slovakia in Bratislava in cases of legally represented clients.

Activity 4 – Other legal aid related to asylum procedure

This activity dealt with legal aid to asylum seekers other than in asylum procedure, mainly related to the legalization of the stay in Slovakia, reunification of the family, or dealing with petitions or requests in the field of labour relations, etc. Other legal aid covered the assistance with appeals and petitions in different administrative procedures as well.

Activity 5 – Actualization of webpage www.uteцени.sk and www.hrl.sk

During the implementation period the webpage www.hrl.sk was completely actualized and rebuilt. We started to operate the page in English, German and Spanish language. We have prepared the actualization of the page www.uteцени.sk, however because of technical problems the page still contains the previous texts, which provide all the necessary information about the asylum procedure for the target group.

Activity 6 – COI research

The activity was performed by Mgr. Katarína Fajnorová, HRL COI researcher. The COI research was connected mostly to individual cases and its bases were questions prepared by lawyers. During the implementation period she have searched the information in cases of asylum seekers from about China, China – Tibet, Afghanistan, Palestine, Algeria, Iraq, Syria, Vietnam, Pakistan, Lebanon, Russian Federation – Chechnya, Democratic republic of Congo, Bangladesh, Turkey, Ivory Coast, Kosovo, Senegal, Guinea, Cuba, Nigeria, Cameron, Georgia (Ossetia a Abkhazia). Partial research has been done by lawyers as well.

The outcomes from this activity are archived in special COI database and we plan their publication on the website of HRL in the future.

Activity 7 – Community research

The activity was maintained by Mgr. Helena Tužinská, Mgr. Norbert Maur and Mgr. Katarína Marinová as community researcher. The basis of the activity was direct research and work with individual asylum seekers related to the needs in the asylum procedure and based on requests by lawyers.

This activity contained organizing of common workshops (6 times) related to different issues in asylum procedure. The community researcher assisted to lawyers, made in depth interviews with asylum seekers with the aim to gathered detailed information on the reasons for asylum and prepared asylum seekers for different situation of social life in Slovakia for example in the field of employment relationships or study at the university.

Outcomes of the activity are archived in special database.

Activity 8: Administration of provided legal aid

Administration, registration, evidences of legal aid, evidence of terms, recording of legal help, file management and other administrative activities were important and necessary part of everyday work of all members of implementation team and were performed regularly.

Activity 9 – Project propagation

The project was promoted by various different ways. Since the beginning of its realization, the project was publicized on the website www.utecenci.sk that is dedicated to the refugee and asylum procedure issues, and especially on the website www.hrl.sk dedicated solely to the promotion of the project and to the presentation of its activities. During the realization of the project, translation of texts into different foreign languages was prepared. The website is accessible in English, German and Spanish. The website is the most effective way of promoting the project, since on its basis, foreign non-governmental organization interested in cooperation in this field contact our organization. Such an example was the visit of the 16 member group from the Austria Integration Centre in Vienna. At the same time, the visitors of the website can be informed about current events organized by or in cooperation with realization team members.

The project was promoted during meetings with other organizations active in the field of asylum, as well. These included Slovak as well as foreign organizations, especially the Slovak Humanitarian Council (SK), UNHCR, Asyl in Not (DE), ACCORD (AT), etc.

Another efficient promotion tool is the participation in different workshops, either in Slovakia or abroad. The most significant workshops include: UNHCR workshop in Senec held by judges of the Supreme Court of the Slovak Republic, IOM training regarding the access to foreigners and information on legislation regarding unaccompanied minors, ECRE workshop on Refugee Law, a lecture for American students held by the member of the team Mgr. Volanská, workshop on country of origin information (held by the Human Rights League during the realization phase in June and in December), Conference of the Slovak Ministry of Labour, Social Affairs and Family, IOM, the Ministry of Foreign Affairs of the Slovak Republic, the European Council; The Dynamics of Refugee Protection in Era of Globalization (Brusel); “EU Borders closed for Refugees?” etc.

However, one of the most outstanding events aimed at the project promotion was the organization of a workshop dedicated to the Universal Declaration of Human Rights on the occasion of its 60th anniversary. The workshop was organized by the Human Rights League in cooperation with the Trnava University and it hosted important representatives in the human rights field as lecturers. At the workshop, the realization team member from the Human Rights League presented the activities of the organization, especially the project funded by the European Refugee Fund, which significantly contributed to the promotion of the European Refugee Fund and the European Union, as well. At the same time, the participants had the opportunity to be informed about the project on the basis of information leaflets and business cards. In connection with the above mentioned workshop, up-dated information leaflets as well as a brochure on the Universal Declaration of Human Rights were prepared. In the upcoming period, we prepare translations of our information leaflets into different languages (EN, DE, FR, RUS), the print and distribution of the same.

The press was informed about all of the workshops organized by the Human Rights League by the press agencies SITA and TASR.

Activity 10 – Actualization and dissemination of information leaflets

During the implementation period we have continued in dissemination of information materials created in the previous period. We have prepared another version in Dari language, however it was necessary to implement the changes related to amendment of the legal Acts, all versions will be actualized in the next period.

Activity 11: Participation on legislative procedure

The members of our team have participated on meetings where the comments to the amendments of the Slovak Aliens Act and Act on Asylum were prepared. These comments were part of the comments the UNHCR submitted to the responsible authorities.

Activity 12: Study of legislative, juridical literature, improving of qualification

HRL lawyers were constantly improving their skills and knowledge in asylum law and connected areas. Therefore, lawyers studied the amendment of Act on Asylum and Slovak Aliens Act, and also international legal standards and attended seminars and trainings in order to improve the qualification. The activity was fulfilled continuously.

Activity 13 – Practical education of students and their supervision

During the realization period, 10 students of Asylum law clinic completed the studies in the academic year 2007/2008 and 10 students began with the subject in the winter semester of academic year 2008/2009. They absolved the theoretical lessons at the Asylum Law Clinic under the supervision of JUDr. Miroslava Šnirerová and one day of practice in HRL office in Bratislava under the supervision of all members of implementation team. 3 students have completed also the summer practices and one student from USA absolved the internship.

Activity 14: Case and non-case supervision, consultations with other authorities

There were individual consultations related to specific cases done during the whole realization of project. Those consultations were done with representatives of UNHCR, other experts, doctors, psychologist etc.

Activity 15: Regular legal consultations

Regular consultations of HRL took part every Monday. During the meetings, topics related to organization and realizations of project were consulted. There were different meetings of lawyers related to individual cases concerning individual problems of asylum cases.

Consultations have been made between the manger and other members of implementation team.

Second project implemented by HRL was the so-called “**Access Management and Support Project**” or “AMAS”, financed by UNHCR office in Slovakia.

The project has been based on the formal agreement between UNHCR, the Office of Alien and Border Police (OABP) and the Human Rights League, an UNHCR implementing partner, reached in 2007 and focused on border monitoring activities. The agreement was signed in 2007 under the name „Tripartite Memorandum of Understanding (MOU) on modalities of mutual cooperation and coordination to support the access of asylum seekers to the territory and to asylum procedures of the Slovak Republic. In this context, one of the operational protection challenges is to assure that all asylum-seekers, refugees and other persons of concern have access to the asylum system wherever they may enter the country.

The main goals and objectives of project are as follows:

Goal 1: Promote and ensure effective access to the territory and asylum procedures

Goal 2: Promote and support reception conditions in line with international standards

Goal 3: Promote and support fair and efficient protection procedures

Goal 4: Promote and support the implementation of durable solutions.

Based on this background, the 2008 project focused on the following main operational activities:

- Goal 1: UNHCR will implement the Memorandum of Understanding signed with the OABP and the Human Rights League. As a part of a regional UNHCR border monitoring initiative it will aim to ensure access to the territory of the Slovak Republic as well as the access to RSDPs. The monitoring of access to the RSD procedure will focus particularly on separated children and detained aliens.
- Goal 2: Closely monitor reception conditions for asylum-seekers, refugees and persons granted subsidiary form of protection with a view to ensuring that these conditions are in line with international and EU standards; carry out AGDM participatory assessment with the involvement of all main stakeholders together with Government, NGOs and academic participants.

The task of HRL has been defined as continuous providing of free legal assistance to asylum-seekers in Western and Central parts of the Slovak Republic with funding from ERF. In order to support UNHCR in achieving its Goal 3, the HRL was obliged to provide information on RSD procedures through meetings, regular contact and sharing reports with UNHCR.

In addition, HRL also implemented the activities agreed under the Memorandum, namely border monitoring and reporting.

According to the Memorandum, HRL lawyers were authorised to monitor the border (Slovak – Ukrainian) as well as the International Airports during the implementation of the project to gather protection information on the actual situation affecting persons in need of international protection. The monitoring also aims to identify individual cases of persons in need of international protection who may be or have been affected by measures that could amount to *refoulement*, and to provide legal assistance to such persons.

The ultimate goal of AMAS project is to assure *non-refoulement* principle is applied at borders and to analyse the gathered information and advocate for improving border, airport and detention practices in order to fully guarantee access of asylum seekers to the Slovak territory and to the asylum procedure as well as provide support to OABP and other stakeholders. Specific aim is to monitor situation of persons potentially in need of international protection and therefore in the interest of UNHCR.

Places of monitoring

1. Eastern border - Slovak–Ukrainian border – OABP stations in Košice and Prešov district
2. International Airport of M. R. Štefánik in Bratislava and after assessing the situational needs - the airport in Košice

3. Detention centre in Sečovce
4. Other places upon need and request from UNHCR (within territory of Slovak republic, places related to implementation of readmission treaties with Austria, Czech republic, Poland, Hungary, institutions for custody or imprisonment etc.).

The Human Rights League was monitoring the access to the territory of the Slovak Republic and asylum procedure during monitoring missions to the border. During the reported period the number of missions monitored while aliens were present at the police was 43,7% sometimes the effort to reach aliens while at the border was not very successful. The main reason was that the information about arrested aliens was late and came in average 9 hours. While the number of late information was increasing, the HRL initiated through the UNHCR meeting with representatives of OABP who promised in next year to inform lawyers of HRL as soon as possible. During the missions when the aliens were not at the station the lawyers have inspected the files and checked the access to information leaflets.

The numbers of visits to the border in 2008:

Petrovce 21 visits,

Vyšné Nemecké 17 visits,

Podhorod' 15 visits,

Ubl'a 15 visits,

Zboj 11 visits,

Veľke Slemence 7 visits,

Ulič 7 visits,

Matovské Vojkovce 5 visits,

Čierna nad Tisou 5 visits.

During these visits 58 times the files were examined, during 45 visits the aliens were present.

The access to the territory was also monitored during visits to the International Airport in Bratislava. In most cases monitored at the Airport were so-called "Dublin cases" - aliens returned to the territory of the Slovak Republic according to the Dublin II. Regulation. However we have also monitored the cases when aliens lodged their first application for asylum. During our present by lodging the asylum application we have a full access to file of the alien. If we were not present during lodging the asylum application the aim of the monitoring visit that followed was to inspect the alien's file.

Monitoring of the access to the asylum procedure was provided also in the Detention Centre in Sečovce. The detention centre was visited mostly because of monitoring the issue of lodging an asylum application or monitoring the conditions in the centre.

The lawyers of HRL were trying to assure the fair and efficient procedure by monitoring the access to asylum procedure at Slovak-Ukrainian border, international airport and detention centre in Sečovce.

The reception conditions were monitored during the visits to the Detention centre in Sečovce. The monitoring in Sečovce was in 28 cases focused on monitoring the access to asylum procedure and 18 cases were focused on monitoring the conditions in the detention centre. According to the aliens detained in the detention centre the living conditions were sufficient. At the beginning of the year there were many complaints about the food conditions mostly during Ramadan, but since October every alien detained is interviewed about the kind of meals that are against his/her belief and if is stated the will of not receiving some kind of meal the alien has the right to choose other kind of meal. We have stated some problems with the sufficiency of the medical treatments, however these complaints were rare. Except the food conditions most of the aliens detained were complaining about the lack of activities in the centre. Also in this issue the HRL tried to help and provided some second-hand Russian literature from the library in Košice and not up to date international press.

The fair and efficient protection procedure is supported by providing legal counselling and visiting the asylum facilities by lawyers of HRL on western Slovakia, writing appeals and by representing at courts. These activities are provided under the finances of the ERF.

At the beginning of October the HRL organized the Border guards training for the delegates from every Department of border control at Slovak-Ukrainian border, airports in Bratislava, Košice and Poprad, departments in Adamov, Humenné, and detention centres Sečovce and Medved'ov. The seminar helped to improve the relationships with police officers and expresses the goals of the project.

During the implementation of this project we have closely cooperated with the Alien and Border Police. With the Alien and Border Police the lawyers came in contact mostly on the Slovak-Ukrainian border, International Airport and in the Detention centre in Sečovce.

In 2008, the main activities of HRL were conducted in its headquarters in Bratislava where 4 lawyers were providing the legal assistance, 1 lawyer/COI researcher focused on COI research, one community worker supported the clients of HRL with social assistance and management section containing of 1 manager and 1 assistant helped to implement the project correctly and effectively. In the branch office in Žilina, associated advocate provided free legal aid to asylum seekers, subsidiary protection holders and to refugees. The branch office in Košice consisting of 2 lawyers focused on implementing the AMAS project and conduct border monitoring in the area of Slovak – Ukrainian border.

ANNUAL REPORT 2008

In the next term, HRL will continue in its main activities with special attention paid to asylum seekers and refugees. In 2009 HRL will also increase its focus on unaccompanied minors and third country nationals.