

URGENT ACTION

PROTECT AFGHANS STRANDED AT POLISH BORDER

32 Afghans are stuck at the Polish-Belarus border following pushbacks by Polish authorities to Belarus in August. They have been stranded for weeks without adequate shelter, food, water and medical care. Polish and Belarusian border guards have kept them in a strip of land at the border, limiting their access to lawyers, humanitarian, and healthcare workers. While the European Court of Human Rights has ordered Poland to provide the group with food, water, clothing and adequate medical health care, Polish authorities have so far failed to comply with this request. Instead of denying asylum-seekers entry and pushing them back to Belarus, Poland must immediately admit them into its territory, allow them to seek protection and urgently provide them with adequate shelter, food, water and medical care.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

Prime Minister Prezes Rady Ministrów

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Dear Prime Minister,

*I am extremely concerned about the situation of **32 asylum-seekers from Afghanistan** who are stranded at the Polish-Belarus border. Four women, 27 men and one 15-year-old girl have been stuck at the border for weeks, without adequate shelter, food, water or medical care. Polish border guards have refused them entry into Poland, and violently pushed them to Belarus, without assessing their individual circumstances and protection needs, in breach of international and European Union law standards.*

The situation of asylum-seekers is worsening by the day, as Polish authorities have denied access to them by lawyers, humanitarian workers and institutions. Although the European Court of Human Rights has recently requested Polish authorities to urgently provide the group of asylum-seekers with food, water, clothes and adequate health care, your government has failed to fully comply with this court order.

Everyone has the right to seek asylum, a right enshrined in international and European instruments that Poland is bound by. Asylum-seekers should not be pushed back to a country without an adequate individual assessment of their protection needs. They should not be refused access to protection or be penalized because they had to enter a country irregularly.

At a time when Afghans are desperately fleeing Afghanistan and seeking protection elsewhere, I hope you will do the right thing and immediately admit the group of asylum-seekers into Poland, ensure they can apply for international protection, and urgently provide them with adequate food, water, shelter, and medical assistance. I ask you to ensure unhindered access to the group by organizations and lawyers. I urge your government to grant asylum-seekers effective opportunities to seek protection in Poland and refrain from adopting legislation and measures that breach international and EU law.

Yours sincerely,

ADDITIONAL INFORMATION

32 asylum-seekers from Afghanistan have been stranded at the Poland Belarus border for weeks, with limited access to water, food, adequate shelter, and medical care. Belarus and Polish border guards have kept them in a strip of land on the border, in Usnarz Górny, following their pushback from Poland. Among them, there are 27 men, four women and one 15-year-old girl.

Initially, lawyers, organizations, humanitarians, and activists were given access to the group. On 20 August, the asylum-seekers filled in applications for international protection. Lawyers from the Warsaw Bar attempted to assist with the submission of the applications of all 32 Afghans. However, Polish border guards did not allow them to access the territory of Poland. Since 21 August, activists and several members of parliament have been denied regular access to the group and the border guards prevented them from providing humanitarian assistance. On 1 September, the Belarusian Red Cross, in cooperation with the Polish Red Cross, provided humanitarian assistance to the group.

On 24 August, an Amnesty International delegation visited the area and tried to get access to the group of asylum-seekers, but the border guards did not permit it. Amnesty International obtained credible and consistent reports from other sources about the use of force and threats of violence by Polish border guards when pushing the group back to Belarus.

On 25 August, the European Court of Human Rights (ECtHR) issued interim measures and requested Polish authorities to provide the group with food, water, clothing, adequate medical care and, if possible, temporary shelter. By the time of writing, on 2 September, the Polish authorities have failed to fully comply with this order.

In response to the statements of the President of Belarus, Alyaksandr Lukashenka, that he would not stop people crossing the Poland-Belarus border, Polish authorities have rushed to adopt a battery of measures that curtail the right to seek asylum. On 20 August, Poland's Ministry of Interior issued an order to close its borders to persons entering the country "irregularly" and obliging them to immediately leave the territory of Poland. In August, the Polish government announced changes in two pieces of legislation- the Law on Foreigners and the Law on granting international protection to Foreigners. These changes would make it impossible for people crossing the border irregularly to seek international protection in Poland. On 25 August, soldiers of Poland's army started building a fence on the border with Belarus. On 31 August, the Polish government requested the President of Poland to declare a state of emergency for 30 days in the regions bordering Belarus, on the grounds of risks posed by the "3,000 attempted border crossings in August". The declaration of the state of emergency would entail a ban on assemblies, protests, mass events, and cultural events, among others. Amnesty International fears the state of emergency could have a disproportionate impact on human rights and enable further restrictions of the legitimate and vital activities of organizations, journalists, and humanitarian workers, including preventing them from monitoring human rights violations at the border or providing humanitarian assistance to asylum-seekers.

Pushbacks are unlawful under national, international and European law. Article 4 of Protocol no. 4 of the European Convention of Human Rights, to which Poland is a signatory, prohibits collective expulsions. Under EU and international refugee law, Poland must ensure access to territory to those seeking protection and ensure they have access to a fair and effective asylum procedure, in which their individual circumstances and protection needs can be assessed. Article 31 of the Geneva Convention Relating to the Status of Refugees also obliges states to refrain from punishing asylum-seekers for irregular entry.

PREFERRED LANGUAGE TO ADDRESS TARGET: English, Polish.

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 28 October 2021

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PRONOUN: 32 asylum-seekers from Afghanistan (they)

ADDITIONAL TARGETS

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