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#### ANDRII HACHKEVYCH

# Why Did the States of the Visegrad Group Were Alleged to Apply Double Standards When Helping Asylum Seekers and Refugees from Ukraine?

**Abstract.** This chapter is dedicated to state policies and practice regarding attitude towards asylum seekers and refugees. It focuses on the evaluation of the treatments of Ukrainians and Non-Ukrainians by the Visegrad states, which has been described as operating "double standards". It discusses those allegations concerning different approaches to different groups of people and examines their features, in particular, presumed discrimination on the ground of human rights. The results of the present research may be further useful in counteracting manipulation with the usage of evaluative statements about double standards. Moreover, they contribute to providing more conscious responses to relevant accusations by officials.

**Keywords:** double standards, asylum seekers and refugees, migration crisis, well-balanced policy, non-discrimination principle, Universal Declaration of Human Rights.

### Introduction

After the states of the Visegrad Group began to accept asylum seekers from Ukraine and give them a warm welcome in late February, early March this year, allegations against these states – primarily Poland and Hungary – appeared in statements of activists, journalistic publications, and even reports by experts of international organizations. The claims were about the unfair treatment of non-Ukrainian asylum seekers and refugees. The difference between the latter two categories involves the obtaining of the status of a refugee according to adopted procedures. That unfair treatment was described as the policy of double standards. And the reason for it lies in the fact that people from African or Middle Eastern countries did not receive the same protection as Ukrainians. Although such statements have not been translated into the legal plane as bases for bringing claims before national and international courts, they point at different approaches capable of influencing the mood in the society and provoking crises in international relations.

Taking this into account a question arises: what is the nature of double standards regarding refugee and asylum policy? The answer to this question depends, in the first place, on whether they stand for concern about fairness and respect for human rights. A complain about applying double standards in the times of migration crisis in one way draws attention to the violation of the non-discrimination principle and guarantees for refugees and asylum seekers, set out in the Universal Declaration of Human Rights. It accomplishes a hidden, manipulative purpose in another, ignoring the fact that national interests and sovereign rights are prioritized. "Double standards" cliche has become a tool of information warfare and political manipulation. Moreover, those accusations have turned into a challenge for the officials of the highest level, because a typical reaction in the form of disregarding them may not be the most effective. And because of that, both the nature and substance of the accusations might be helpful in revealing how the accused should reply.

The purpose of this chapter is to analyze the character of the allegations of applying double standards by the Visegrad states' policies and practice related to refugees and asylum seekers after the Russian invasion of Ukraine in the last February. This purpose invokes a deeper understanding of "double standards" as a term and examining its basic assumptions.

Since Ukrainian citizens began to flee the war and gained protection in the territories of the EU states first and the foremost Poland and Hungary, there appeared a lot of publications in the media comparing treatments of Ukrainians and non-Ukrainians. Their authors found dissimilarity in attitudes and tended to point out at different approaches. Allegations of that kind may have an impact on the international perception of the Visegrad Group, the European Union, and even Ukraine if they are not responded timely and accurately. They can provoke international conflicts because of presumable unfairness and foster the formation of an enemy image. Therefore, an indepth study of relevant materials underlies the present research. The results of this study will help to provide more conscious responses to the accusations addressed to officials, especially when counteracting manipulation with the usage of evaluative statements about different approaches towards refugees and asylum seekers.

The overall structure of this chapter is divided into three parts: introduction, main part consisting of three subchapters, and conclusion followed by the list of references. Subchapter 1 explains what double standards mean in international politics and the general context in which they are considered. Subchapter 2 provides an overview of the allegations of applying different approaches by the Visegrad states in their refugee and asylum policies. Subchapter 3 examines the features of those allegations.

### The Meaning of Double Standards and Their Context

Complaints about double standards have become a part of modern international relations. The term "double standards" is usually found in the media materials of journalists who give their opinions on current events. Relatedly, representatives of states and international organizations tend to speak of different approaches while discussing migration crises, recognition of states or criminal matters. De facto inequality is at the heart of the definition of double standards. Jan Willem Sap explains that a policy of double standards is the implementation of different sets of principles in similar situations. He links unfairness with non-equal treatment ("all parties should stand equal before") and claims its negative connotation [Sap 2000: 199].

Those three characteristics of double standards are applicable in considering the reaction of the mass media, non-governmental organizations and officials to the migration and asylum policy of the European Union, and the acceptance of asylum seekers and refugees in the states of the Visegrad Group, as discussed later. The essence of this concept consists in the confidence that a single standard exists – a pattern of behaviour developed for particular instances. Such a standard is expected to be followed by a state where people come after crossing borders of their native states for the reason of war. It is determined by ensuring the respect for their rights without discrimination on any of the grounds. Therefore, people or groups being in equal conditions should be treated similarly. In this connection it is necessary to define the notion of migrational double standards. We may clarify it as different treatments of states and international organizations towards similar migration processes depending on citizenships (or origins) of the people involved.

One of the first mentions of double standards in the world history is a story about a pirate and Alexander the Great told by St. Augustine. Alexander the Great accused the pirate of molesting the sea ("How dare you molest the sea?"). He asked in response: "How dare you molest the whole world? Because I do it with a little ship only, I am called a thief; you, doing it with a great navy, are called an Emperor" [Chomsky 1986: 1]. Regarding the latter, this story shows that the protagonist took a completely different approach when evaluated the others. But he did not find himself guilty. Alexander the Great expressed indignation, anger and condemnation in the question posed. To draw parallels with the situations related to asylum seekers and refugees, we may assume that he most likely considered his actions to be right. His behavior in no way was self-described "molesting". However, the pirate's answer leads to the modern interpretation of different approaches – it is not a result or a purpose that is important, but a method, a way of doing things.

A statement about different treatments towards similar processes suggests a kinship with the phrase of Gerald Seymour. He wrote in one of his novels: "One man's terrorist is another man's freedom fighter". Seymour's phrase is a well-known illustration of the phenomenon of double standards. Those who evaluate refugee and asylum policies in the modern world believe that no importance should be attached to a country of origin of a group member otherwise the applying of double standards is observed. And there is one things common among all those groups. Their members are considered to be refugees in the terms of 1951 Refugee Convention and its 1967 Protocol (or are granted the right to seek asylum corresponding to the provisions of the Universal Declaration on Human Rights).

It is probably no accident that we find "Defining Terrorism: Is One Man's Terrorist Another Man's Freedom Fighter" in the title of Boaz Ganor's article, who heads the International Institute for Combating Terrorism in Israel [Ganor 2002: 287-304]. On the one hand, the author points to the problematic nature of adopting an objective and authoritative definition of terrorism. There is a thin line between a terrorist organization and a guerrilla movement when considering a danger to society. And because of that, a space for the allegations of double standards has been opened. On the other one, Ganor's attempt to show the difference between terrorists and insurgents by distinguishing different objects of attack — military targets or civilians — makes it possible to establish clear criteria and thus prevent manipulative statements.

## The Overview of the Allegations on Asylum Seekers and Refugees

To prevent illegal migration processes from the territory of Belarus, Poland erected a long metal wall on the border. Such a step on the part of Poland caused an ambiguous response both inside the state and outside it. The head of the Polish NGO Open House (Dom Otwarty) Natalia Gebert contrasted treating refugees on the Ukrainian border with the Belarusian one. "If you give a lift to a refugee at the Ukrainian border you are a hero. If you do it at the Belarus border you are a smuggler and could end up in jail for eight years" [Sephton 2022]. The term "double standards" was not used in the words of the Polish activist. But it is present in the title of the article about the construction of the wall, authored by Connor Sephton from Sky News. Gebert's opinion has been quoted therein.

Poland's refugee and asylum policy has been described as "double standards" by experts of international organizations. One of them Felipe Gonzalez Morales, the UN Special Rapporteur on the human rights of migrants, concluded that double standards approach had been applied to the citizens of third countries (other than Ukraine). It led to illegal discrimination: "Even for those that have fled the same war, although all were accepted for entry into Poland and have received assistance from the State, third country nationals are not protected under the same legal

framework... Those with specific vulnerabilities including the ones with irregular migratory status face heightened difficulties in obtaining residence permits and proper shelter" [UN News 2022].

Why did Hungary cause great indignation among some NGOs when it dealt with the citizens of Ukraine who escaped the war? The report of the researchers from Global Detention Project<sup>1</sup> confirms that Hungary refused to accept refugees from outside the EU since the migrant crisis of 2015. Such a decision was explained, among other things, by the need "to preserve its cultural and ethnic homogeneity" (Victor Orban). The current Prime Minister of Hungary invited warmly the citizens of Ukraine after February 24, 2022. He called Hungarians their friends and opposed refugees from Ukraine fleeing the war to Muslims looking for "a better life" [Global Detention Project 2022: 2-3]. Additionally, it is worth taking into consideration that Hungary also erected a border fence for the cause of the migrant crisis of 2015. It appeared on the border with Serbia stretching for 170 km [BBC News 2019].

We find a reference to double standards against Hungary in the article of the New Arab<sup>2</sup>. It describes a story of a non-Ukrainian citizen who had come to Ukraine from the Middle East before direct Russian aggression started. He decided to left Ukraine shortly thereafter and moved to Hungary on the way to other EU countries. He was disappointed that he was not treated as citizens of Ukraine. And that is the reason why the state's policy is evaluated to be unfair. The explanation for "double standards" complaint is the following: "In fact, while Hungary has opened its borders to receive hundreds of thousands of Ukrainian refugees fleeing the war, it remains intransigent regarding the reception of refugees arriving from other countries. This double standard, however, creates a series of contradictions and errors in the reception system, perfectly embodied in Samir's story" [Toniolo, A., Giauna, C. 2022].

Another interesting fact is connected with the allegations against the Czech Republic. According to the authors of Radio Prague International the refugee and asylum policy of this state turned out to be an example of different approaches towards Ukrainians of non-Roma and Roma origins – some restrictions were imposed on the latter. "Many Ukrainian refugees of Roma origin are having trouble finding accommodation in the Czech Republic, amid allegations that Czechia is employing double standards. The interior minister denies racial segregation and announced that accommodation for 300 Ukrainian refugees of Roma origin could be ready next week" [Fodor, A., Fenykova, S. 2022]. Their arrival in the Czech Republic has been called "social tourism" by a regional governor Martin Netolicky. In his view, those people should not be treated like the

<sup>&</sup>lt;sup>1</sup> Global Detention Project is a non-profit organization based in Switzerland. Its main field of activity is to promote the human rights of asylum seekers.

<sup>&</sup>lt;sup>2</sup> The New Arab is a London-based news website focusing on the Middle East and North Africa.

Ukrainians who fled the war because were in danger. Most of them lived in relatively safe region in western Ukraine. Nevertheless, the authors found the refugee and asylum policy of Czech Republic unjust.

Like other Visegrad states', the Czech Republic's attitude towards asylum seekers and refugees from Syria was characterized by the word "racism". The sentiments of the people living there were described as Islamophobic. Such evaluation was carried out within the comparison of attitudes to Ukrainians and Syrians in the article entitled "Double standards in international responses to the war in Ukraine". It was written by Reya Kumar, the executive opinion editor at Tufts Daily<sup>3</sup> who supported the people of Ukraine. She stated: "Over 2 million refugees from Ukraine have been accepted by nearby nations, while the 1.1 million Syrians who sought asylum in Europe over the past few years have met blocks at every turn. The racism and Islamophobia are most apparent in Hungary, Poland, Slovakia and the Czech Republic, which broke EU law by refusing to host refugees from Africa and the Middle East. Last November, Poland refused asylum-seekers entrance, leaving them freezing in the forest on the Poland-Belarus border... This double standard has been reinforced by Western media coverage, which also highlights a clear difference based on racism in how refugees from Ukraine and those from Africa and the Middle East are seen. The numerous examples of blatant racism from respected media organizations underscore the widespread bias in Western society" [Kumar 2022].

Slovakia is a country of the Visegrad Group that was alleged of different approaches and double standards to a lesser extent based on the analysis we have conducted. At the same time there happened a situation involving Syrians who had not received any adequate protection. They were forced to stay in the territory of Slovakia as documented in the Financial Times. This situation created an enormous challenge to the local authorities. It reflected the problematic character of migration crises arising from the transnational movement of asylum seekers and refugees. On the one hand, Slovakia did not deny the entry and gave them the opportunity to move through. Neighboring states on the other hand did deny their entry. "In Slovakia, thousands of mostly Syrian refugees are now trapped along the country's border areas because Czech border police have prevented them from entering, while Hungary is refusing to take back those who travelled through Hungary into Slovakia. Local residents complain about refugees roaming the countryside, while aid workers are calling on the authorities to assist them urgently or grant them safe passage to another country" [Kazmin et al. 2022].

<sup>&</sup>lt;sup>3</sup> The Tufts Daily is one of the leading college newspapers in the United States (ranked 7th) [CollegeChoice.net Staff 2022]. It represents Tufts University (Massachusetts).

### **Presumed Discrimination and Other Features of Allegations**

Based on the breadth of situations in which allegations of applying double standards were made we will examine their features. First, they are evaluative statements that reflect the position of an evaluator. Usually the role of the latter is played by journalists, although evaluators might be officials representing international organizations (e.g., The President of the International Federation of Red Cross and Red Crescent Societies Francesco Rocca [The Times of India 2022]) or even states. Iran's supreme leader Ayatollah Ali Khamenei hinted at Western double standards in March 2022: "If oppression takes place in countries obedient to them, they do not show any reaction at all. Despite all this cruelty and oppression, they claim to be advocates of human rights... Today is one of the most openly disgraceful periods in contemporary history in terms of oppression and arrogance. The people of the world are directly witnessing these acts of oppression and double standards" [Tehran Times 2022]. An evaluative judgment associated with the wrong behavior and different approaches depicts someone or something in a bad light. Nevertheless, it is not considered libel, largely because of a reasoned explanation, consisting of facts, and internal logic behind it. "Though everyone who fled the war suffered equally, unequal treatments were doled out at border crossings. Some said that Ukrainian border guards prioritized Ukrainians and sent others, such as people from African countries, to the back of the queues, some of which stretched for kilometers" [Ovuorie 2022]. At the same time, such allegations do not turn into a legal battle – evaluators are not likely to bring claims before national or international courts.

They are reactions to *challenging behavior*. Why do claims of "double standards" in international politics emerge? Due to the fact that states or international organizations tend to show different attitudes to people of different residence countries. And that is why there are conducted actions, spoken words, adopted laws, taken decisions behind those allegations (objective criterion). The UN Special Rapporteur Morales appealed to the fact that migrants and refugees, who mainly had come from the countries of the Middle East, were stopped and detained in special centers located near the Polish border [Al Jazeera and News Agencies 2022]. The statement of the Prime Minister of Bulgaria Kiril Petkov is considered to be the quintessence of the phenomenon of double standards according to our examination of media sources. It was mentioned by many journalists who were discussing the issue of the EU refugee and asylum policy. Although this case does not involve any specific actions, Petkov's words were publicized widely. They were described as unacceptable from the point of view of human rights. Petkov said: "These are not the refugees we are used to… these people are Europeans… These people are intelligent, they are educated people. … This is not the refugee wave we have been used to, people we were not sure about their identity,

people with unclear pasts, who could have been even terrorists..." [Faiola et al. 2022]. The decision of the Council of the European Union regarding Temporary Protection Directive became controversial in terms of discrimination [Rodrigues, P., Tobler, C. 2022]. Its alleged imperfection was about giving privileges to Ukrainians who fled the war. However, one can not ignore two facts. Ukraine and the European Union have concluded the Association Agreement. Ukraine belongs to the European family.

The next feature is presumed discrimination on the ground of human rights which takes place against a person or a group. A complaint about double standards is often proved by the acknowledgment that a principle of law is violated. We may enumerate three legal prerequisites. Firstly, the principle of non-distinction which requires the equal treatment of all people, regardless of race, country of origin, social status, etc. Such a criterion is subjective – it looks for the comparing and contrasting two persons or groups. They should be in equal conditions, but they are in different ones. The authoritative explanation of this principle is formulated in the Universal Declaration of Human Rights (article 2)4. Secondly, inviolability of a certain human right(s) established at the international legal level. An evaluator is likely to discover a particular entitlement referring to civil, political, economic, social and cultural spheres. Some of existing rights are said to be violated by challenging behavior. The representatives of the African Union (including the President of Senegal Macky Sall and the Head of the African Union Commission Moussa Faki Mahamat) expressed their disturbance by reports that "African citizens on the Ukrainian side of the border are being refused the right to cross the border to safety" [Omondi 2022]. The right to cross the border safety is granted by the Universal Declaration of Human Rights which includes Article 135. Thirdly, additional legal protection guaranteed by the 1951 Refugee Convention and its 1967 Protocol. The core definition of a refugee poses problems in comprehension who deserves protection and to what extent. Along with this, that additional protection is much broader. We see explicit mentions of Article 36 in the publications where "double standards" are described, but its provisions reflect Article 2 of the 1948 Declaration and emphasize the idea of equal treatment.

<sup>&</sup>lt;sup>4</sup> Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

<sup>&</sup>lt;sup>5</sup> 1. Everyone has the right to freedom of movement and residence within the borders of each state.

<sup>2.</sup> Everyone has the right to leave any country, including his own, and to return to his country.

<sup>&</sup>lt;sup>6</sup> The Contracting States shall apply the provisions of this Convention to refugees without discrimination as to race, religion or country of origin.

Allegations of applying double standards pertain to the conflict of inconsistency. It arises between a single standard confirmed by previous experience and atypical approach implemented in recent practice. Consequently, it is considered that existing single standard must be followed in the future - otherwise "double standard" will occur. If such perspective is inevitable then inconsistency naturally occurs. Most likely, the impetus for the emergence of certain expectations is the previous experience resulting in a pattern of behavior. Those expectations are not met, since a state or international organization does not follow existing pattern. And because of that they are charged. However, when something is done on practice against expectations, when a statement destroying stereotypes is made, double standards are put on display. The Washington Post's article including "inconsistencies" in the title exposes established standard of Western governments and media outlets. They relate to the struggles in Palestine, Yemen and Kashmir, which have negative connotations. The author suggests that those struggles in general terms resemble the situation in Ukraine after February 24, 2022. "The public's ideal of freedom fighter and terrorist is intensely racial, which enables the seeing of lay Ukrainians taking arms and throwing Molotov cocktails as heroes and Muslims engaged in the very same acts, in pursuit of the same self-determination, as extremists" [Beydoun: 2022].

### Conclusion

The search for double standards and their discovery in the policies and practice of the Visegrad Group and the EU in general evidenced by different attitudes towards refugees and asylum seekers from different countries raises the question of how far human rights and the principle of non-distinction are respected for all the people without exception. Accusations made by journalists, activists, state officials and experts of international organizations presented in this chapter show that migration and asylum policy is under constant monitoring, as well as authorities' actions and statements. All these factors are very sensitive from the point of view of international politics and therefore need careful consideration before they a are brought into light. We managed to find media materials in which the lack of a single standard was exposed and became an object of disapproval. It encompassed adopted laws, taken actions and pronounced words – summarized as a treatment. Thus, accusations of double standards do happen when different attitudes toward refugees and asylum seekers are shown depending on their citizenships (or origins). "Double standards" are incriminated to the state authorities, states themselves, international organizations, or even civilizations. At the same time, such accusations are likely to raise an alarm for the need to observe Article 2 of the Universal Declaration of Human Rights. They draw attention to the balance between

national interests and the abstract idea of full equality, for which the need to take care of national and regional security is an additional contributing factor. Taking into account the explosive potential of the media-accepted, not very favorable attitude towards representatives of individual nations, especially prone to radicalism and intolerance, officials' decisions and their implementation in practice must be consistent with the expectations of various members of the international community, first and foremost those who support the suggestion of absolute fairness and equality or stand up for the victims of "double standards" policy. Furthermore, allegations concerning different approaches to different groups of people since February 24 alarm about how manipulatively and sensationally relevant facts are usually presented by the media.

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