

Need to halt transfers of asylum seekers to Greece: Commissioner Hammarberg intervenes in the Strasbourg Court

Strasbourg, 01/09/10 – “Asylum seekers, including persons transferred under the ‘Dublin Regulation’, face extremely harsh conditions in Greece” said the Council of Europe Commissioner for Human Rights in a hearing today before the Strasbourg Court concerning the case of an Afghan asylum seeker returned from Belgium to Greece.

In his first-ever oral intervention as a third party before the European Court of Human Rights, Commissioner Hammarberg provided his observations on major issues concerning refugee protection in Greece, including asylum procedures and human rights safeguards, as well as asylum seekers’ reception and detention conditions.

While expressing his full support to the Greek government’s decision and ongoing efforts to overhaul the refugee protection system and overcome its structural deficiencies, the Commissioner observed that the current asylum law and practice in Greece are not in compliance with international and European human rights standards.

“Asylum seekers in Greece continue to face enormous difficulties trying to gain access to the asylum procedure, and do not always enjoy basic safeguards such as interpretation and legal aid. Moreover, existing remedy to appeal against negative asylum applications cannot be considered as effective.”

The Commissioner expressed his particular concern that asylum seekers transferred to Greece may face the risk of being returned to a country where their life and limb would be in danger. He also stressed that reception conditions in Greece are far from satisfactory.

“Under the ‘Dublin Regulation’ certain countries face the challenge of dealing with numbers of asylum applications beyond their capacities”. Commissioner Hammarberg added that he “supports the European Commission’s proposal for a mechanism that would suspend transfers and give states under particular strain short-term relief from their responsibilities under the ‘Dublin Regulation’, as well as the possibility to seek financial or technical assistance to cope with the situation. Such a system could help ensure that asylum seekers are not denied their right to a full and fair determination of their asylum claims”.

Today’s oral submission complements the written observations submitted to the Court on 31 May 2010 in the case of *M.S.S. v. Belgium and Greece*. These observations are based on the Commissioner’s visits to Greece from 8 to 10 December 2008 and from 8 to 10 February 2010, as well as on continuous country monitoring.

- ▶ [Link to the third party intervention](#)
- ▶ [Link to the video of the hearing](#)

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