

## JOINT STATEMENT

### Joint Statement on the situation of refugees in Greece

05 March 2020

**The signatories acknowledge the recent decision of the Greek Government to increase the level of deterrence at the borders to the maximum, to stop the registration of asylum applications for one month and to turn back to their country of origin or their country of transit anyone trying to enter into Greece illegally, following the Turkish authorities' declaration to open its borders and to allow refugees to enter Greece.**

The Greek Prime Minister claims that these measures are adopted in compliance with Article 78.3 of the Treaty on the Functioning of the European Union – however, this provision does not allow any unilateral decision of a Member State nor does it neutralise the obligation for the European Union and the Member States to respect European law, including the Charter of Fundamental Rights, the right to asylum and the principle of non-refoulement.

The statements above take place in the context of significant violations of human rights reported from all sides regarding the treatment of refugees who are held in overcrowded hotspots in the Greek Aegean Islands, whether in relation to their basic needs (including proper housing, hot water, food, heating and sanitation) or to their access to justice (including access to a lawyer, to effective remedies against detention or deportation, and to a fair and transparent procedure for their asylum application) and the general malfunctioning of the Greek asylum system.

The treatment of refugees and asylum seekers in Turkey has also been condemned by numerous international human rights organizations, despite the efforts of the Turkish authorities to host thousands of refugees since the beginning of the troubles in Syria in 2011 and to implement a new asylum system. These organizations have reported, in particular, a massive deportation of refugees to the north of Syria, an area described as a “humanitarian nightmare”, where civil populations are exposed to a serious and imminent risk of violations of their human rights.

The signatories issue a strong reminder that the European Union *“is founded on the indivisible, universal values of human dignity, freedom, equality and solidarity; it is based on the principles of democracy and the rule of law”* as stated by the Preamble of the EU Charter for Fundamental Rights and Article 2 of the Treaty on the Functioning of the European Union.

The signatories strongly condemn all violation of human rights of those seeking asylum in the European Union. On no account does the protection of the EU's external borders exempt EU Member States from their obligations under European law, including the EU Charter of Fundamental Rights, the European Convention on Human Rights or the Geneva Convention on Refugees (1951), which all prohibit putting into jeopardy the right to life and which support the right not to receive inhumane or degrading treatment; the principle of non-refoulement of asylum seekers; and the right to asylum and international protection for all displaced persons. None of the current Greek practices of (a) suspending registration of asylum applications (b) pushing back refugees arriving from Turkey (c) deporting refugees back to their countries of origin or countries of transit where they will face continued persecution or (d) containing refugees in overcrowded camps without access to basic needs and access to law, are compatible with international and European laws on human rights.

The signatories urge:

- EU institutions and Member States, while applying Article 78.3 of the Treaty, to take all appropriate urgent measures to resettle and relocate refugees – including both the recent arrivals from Turkey as well as those currently living in overcrowded camps on the Greek Aegean Islands – in acknowledgement of the core EU principles of freedom, equality, solidarity and human dignity;
- EU institutions and Member States to guarantee to all persons reaching European territory an immediate access to the right to asylum and to refuse to adopt and to condemn and sanction any law or measure aiming to suspend the application of this right or seeking to return refugees to countries where they risk exposure to human rights violations (infringing European and international law, including within the framework of the application of Article 78.3 of the Treaty);
- EU institutions and Member States to ensure implementation of the 2001/55/CE Directive, specifically adopted to address a large influx of displaced persons in order to grant them a temporary protection;
- Greek and Turkish authorities to immediately cease all measures jeopardizing the life and dignity of refugees or involving use of force against refugees, in violation of European and international law, and for the European institutions and Member States to condemn and sanction these policies instead of supporting them;
- EU institutions and Member States to revise their migration policy aiming to externalize the responsibility of migration management to countries not offering sufficient guarantees to respect human rights, and
- All parties involved to respect human rights and the principle of the Rule of Law, which are guaranteed by the Treaties and the European and international law on human rights and refugees.



## List of signatories

IUIA-IROL (Institute for the Rule of Law – International Association of Lawyers)  
International Federation for Human Rights (FIDH)  
European Association of Lawyers for Democracy & World Human Rights (ELDH)  
European Democratic Lawyers (AED)  
Hellenic League for Human Rights / Ελληνική Ένωση για τα Δικαιώματα του Ανθρώπου και του Πολίτη (ΕΛΕΔΑΠ)  
Human Rights Association (Turkey) / İnsan Hakları Derneği (İHD)  
Human Right League Belgium (Belgium FR)  
Association Syndicale des Magistrats (Belgium)  
Avocats Sans Frontières (Belgium)  
Bar of Cassation (Belgium)  
Ordre des Barreaux Francophones et Germanophone de Belgique (AVOCATS.BE)  
Bars of Brussel (FR)  
Bars of Brabant Wallon, Charleroi, Eupen, Huy, Liège, Mons, Tournai and Verviers (Belgium)  
Bar of Luxembourg

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