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Greece: No place for an asylum-seeker

Greece must urgently improve the current situation for refugees and asylum-seekers in the country. Amnesty International calls on the Greek authorities to comply with their obligations under international human rights, refugee and European law.

Amnesty International notes the decision of the Norwegian Immigration Appeals Board to suspend returning refugees and asylum-seekers to Greece under the Dublin II Regulation. Amnesty International considers the decision to be particularly important in light of the poor conditions in which immigration detainees are held in Greece, and the lack of legal guarantees with regard to examination of their asylum claim. Amnesty International calls on Member States to make use of Article 3.2 of the Dublin II Regulation allowing Member States to examine an asylum application "even if such examination is not its responsibility under the criteria laid down in this Regulation".

The Dublin II Regulation provides criteria to decide in which country applications by asylum-seekers should be considered, and allows them to be returned to the state where they first entered or that is responsible for their entry into the territory of European Union (EU) member states, Norway and Iceland.

Amnesty International recalls that a procedure against Greece was launched by the European Commission at the European Court of Justice for infringing the Dublin II Regulation. It is Amnesty International's understanding that this is because of the lack of legal guarantees with regard to a substantive examination of the asylum claim by Greek authorities after transfer to Greece.

Amnesty International has repeatedly expressed concerns to the Greek authorities about its treatment of asylum-seekers and failure to provide effective asylum procedures. The organization is concerned to receive reports that asylum-seekers have been held in conditions amounting to arbitrary detention pending the examination of their claim. Asylum-seekers are often interviewed about their claim in the absence of an interpreter and lawyer. Lawyers report that in practice, individuals can expect to have their claim rejected at first instance. Amnesty International has repeatedly called on the Greek authorities to take concrete measures to improve the conditions for asylum-seekers including by resolving the legal limbo in which they are left – without documents and without access to any social services in practice.

In a letter to the Greek authorities sent on 7 February 2008, the organization expressed its concern for the well-being of an estimated 2,500 people, including unaccompanied children as young as nine years old evicted from their makeshift homes in the port area of Patras. Most of the evicted people are believed to be asylum-seekers from Afghanistan. Greece does not return people

to Afghanistan and yet does not process their asylum application in a prompt, fair way, leaving them in limbo without legal status and therefore without rights.

Amnesty International's concerns regarding the detention of refugees and migrants were confirmed in a report by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment of Punishment (CPT) published on 8 February. The report was based on a visit by the CPT's whose delegates visited Greece from 20-27 February 2007.

The report noted the "persistent failure by the Greek authorities to tackle the structural deficiencies in... the establishments holding foreign nationals". It found that the conditions in border guard stations were "in general, unacceptable even for short periods." For example, "...the cells at Isaakio and Neo Himoni had poor access to natural light and ventilation, and the detainees were provided with dirty blankets and slept on filthy mattresses on the floor. The toilet facilities were dirty and, in some cases, out of order. At Neo Himoni, two of the three cells were permanently flooded due to a plumbing defect, yet detained persons were still held in these cells during times of overcrowding and forced to sleep on damp mattresses. Moreover detainees were still offered no outdoor exercise and the hygiene products provided were totally insufficient."

Amnesty International urges the Greek government to act immediately on the CPT's recommendations to bring to an end to the practice of holding people, in particular immigration detainees, for prolonged periods in ordinary law enforcement detention facilities; and accommodate them in centres specifically designed for such use, taking due account of the criteria repeatedly advanced by the CPT.

Background

The Dublin II Regulation was adopted on 18 February 2003 by the European Council. It covers EU member states and Iceland and Norway.

On 7 February 2008 the Norwegian Immigration Appeals Board suspended all returns to Greece under the convention, "[o]n the basis of the latest information about the possible violations of the rights of asylum seekers in Greece, and on the basis of the need for more information about the conditions of the asylum seekers in this country".

Last year the European Commission initiated a procedure against Greece for infringing the Dublin II Regulation apparently because of the lack of legal guarantees that asylum claims will be examined in substance after transfer. As Greece was unable to guarantee that the necessary measures are taken in order to comply with its obligations under the Dublin II Regulation, the Commission on 31 January decided to officially lodge a complaint to the European Court of Justice. Article 16 of the Dublin regulation includes an obligation for EU Member States to complete a substantive examination of the asylum claim after taking back an asylum-seeker from another member state. In a judgment of 19 April 2007, the European Court of Justice equally found that Greece has also failed to implement Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum-seekers. This directive establishes a number of minimum standards with regard to reception conditions for asylum-seekers during examination of their asylum application. The directive requires member states to ensure a standard of living adequate for the health of applicants and capable of ensuring their subsistence.

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