

ASYLUM AND FUNDAMENTAL RIGHTS

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Any analysis on asylum issues should take into account the wider context of the fundamental civil and social rights. For that reason, I would like to begin my speech with a brief reference to the overall situation of the fundamental rights in Europe.

Europe at the end of the twentieth century was a place where fundamental rights were respected. But the first decade of the twentieth century marked an unprecedented step backwards on civil rights in the name of security.

The European states at the end of the twentieth century were, and they still remain to an important extent, welfare states . However, given the measures taken in response to the economic crisis and the so- called crisis of the public deficit, it is clear that there is a great danger that the second decade of the twenty-first century will be marked by the destruction of the welfare state.

It is obvious that our fundamental civil and social rights have been seriously undermined. One now wonders, if this happens to us, the citizens of the European States, what can happen to the rights of the more vulnerable people such as the refugees?

Fortunately, Europe still remains a place where refugees seek protection and receive it. However, this protection is becoming more and more uncertain because of the European policies and practices that encroach their fundamental rights.

Which are the fundamental rights of the refugees? The right of someone being able to resort to a country, seek protection in it and eventually receive protection from it, to stay in this country and not be returned to the country of

persecution. Those rights are related to the principle of non- refoulement, the most important principle of refugee law.

Can refugees enter into the European territory in order to seek protection?

The European immigration and asylum policy is increasingly focused on preventing the entry of migration and refugee flows into the European territory. The emphasis on the activities of FRONTEX suggest such an argument as well as the other national and transnational operations to guard the borders. A very characteristic example is the agreement between Italy and Libya, a country, which has been many times alleged for its violations on human rights. The Italian coastguard stops the vessels carrying migrants and refugees, arrests the passengers and transfers them to Libya. These operations constitute a flagrant violation of the principle of non refoulement .

Despite these controversial measures of guarding the boarders, which we should never forget that have resulted in several thousand lives being lost, many other thousand refugees are managing to enter the European ground and seek asylum.

Do the European countries ensure their protection?

We are well aware of the fact, that asylum seekers are forcibly returned to unsafe countries of origin. It is common knowledge that European countries deport rejected asylum seekers to Iraq and Afghanistan. Very recently, on the 8th of June 2010, the United Nations High Commissioner on Refugees sent a notice to four countries, the Netherlands, Norway, Sweden and United Kingdom, to stop all scheduled deportations to Baghdad, by underlining the fact that due to the situation in central Iraq and Kirkuk, asylum seekers that come from those areas should be granted protection. Regardless of the notification, the deportations took place, which constitutes a direct violation of the principle of non- refoulement.

We also know that European countries deport refugees to third countries, which violate their rights or even deport them to their countries of origin. Apart from Italy, which we mentioned above, Greece has been deporting

refugees to Turkey, either under the Greek-Turkish Readmission Agreement or in the frame of informal push-backs at the Greek-Turkish border.

The use of this practice by the Greek authorities was documented by the report *“Out the back door: Dublin Regulation and Illegal Deportations from Greece”* which was written by the organisation AITIMA, which I represent here today, in cooperation with the Norwegian organisations NOAS and Norwegian Helsinki Committee.

Turkey is one of a very limited number of countries to maintain a geographical limitation on the Refugee Convention, stating that the country will only consider European nationals for refugee status! Furthermore, this country deports asylum seekers to countries such as Iraq and Afganistan. It is the case of indirect or chain refoulement which also constitutes a violation of the principle of non-refoulement

Another fundamental right is that of freedom. Unfortunately, as far as asylum seekers are concerned, the European countries make extensive use of the practice of detention. Indeed, the European Directive on asylum procedures instituted the power to detain asylum seekers at the points of entry for up to 60 days. The case of detaining asylum seekers on the grounds of transfer to another country, applying to the Dublin II Regulation, is also very typical. Detention on such cases lasts for months. Testimonials of asylum seekers that were transferred to Greece, according to the above mentioned regulation, from the Netherlands and Austria, confirm the facts. We met those asylum seekers at Athens International Airport, upon their arrival, as we run a program of social and legal support for returnees under the Dublin II Regulation.

I believe that those examples document the lack of respect towards the fundamental rights of the refugees, at a period when civil rights in general are undermined.

In the beginning of my speech, I pointed out the imminent prospect of the destruction of the welfare state in Europe. Such a prospect will bring very serious consequences on most of us and of course it will affect the most

vulnerable, among those are refugees. It is obvious, that during a period of severe reductions in public expenditure, the first ones who will be affected will be refugees as less funding will be given for their accommodation, feeding and healthcare. At the same time, everybody recognises that we are running a period of time where unemployment and poverty are going to increase. It is easily understood that such conditions will create a fertile ground for further development of xenophobic and racist movements. This situation will create a gloomy social environment which will undermine even more the fundamental rights of refugees.

I hope that the above analysis contributed to the realisation that our rights and the rights of refugees are closely related. What today affects refugees, tomorrow will affect all of us. And what affects us today, affects to a greater extent refugees.