



HELLENIC REPUBLIC
GREEK NATIONAL COMMISSION FOR HUMAN RIGHTS

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GNCHR STATEMENT

**regarding the serious dimensions that the refugee/migration
problem has taken in Greece**

The Greek National Commission for Human Rights (GNCHR) is the independent advisory body to the Greek State on matters pertaining to human rights protection. It was established by Law 2667/1998 and is functioning in accordance with the UN Paris Principles. Thirty-two institutions whose activities cover the field of human rights are currently represented in the GNCHR (independent authorities, departments of university-level educational institutions, trade unions, NGOs, political parties and ministries).

Statement of the Greek National Commission for Human Rights regarding the serious dimensions that the refugee/migration problem has taken in Greece¹

The Greek National Commission for Human Rights (hereinafter “GNCHR”), the independent advisory body to the Greek State specialised in human rights issues, given the serious dimensions that the refugee/migration issue has taken in Greece, reiterates the need for immediate coordination for the best possible management of the refugee and migration crisis, that is now about to get out of control with grave and imminent dangers for the refugees as well as the receiving countries.² The GNCHR reminds for the umpteenth time that basic human rights of migrants and refugees are at risk as well as the rights of the Greek citizens, especially on the border areas, that cannot as first reception areas and within an already strained socio-economic climate manage the constantly increasing migration and refugee flows.³ There is an urgent need, now more than ever, for the EU, its member states as well as the United Nations, to consider their share of responsibility; to undertake the burden placed upon them in such a critical juncture in human history and work together for the best possible management of the ever increasing migration flows, while ensuring respect for human life and dignity.

The GNCHR shares the concerns of the United Nations High Commissioner for Refugees,⁴ the European Council for Refugees and Exiles (ECRE) as well as other organizations concerning the widespread European measures aiming at the detaining of asylum seekers and refugees in Greece, as well as in countries neighboring the EU such as Turkey. The GNCHR specifically refers to the recent ECRE Memorandum addressing the President of the European Council, in which ECRE expresses serious concerns about the exchanges between the EU and Turkey while calling upon the EU to take charge of the current challenge in a legal and ethical manner.⁵ The GNCHR emphasizes that the EU member states must abstain from unilateral actions that either ignore or disregard the rights of refugees, asylum seekers and migrants and which moreover undermine the European *acquis* itself. Instead, in a spirit of solidarity and cooperation, the EU must, as proclaimed in its Treaties, respond to the humanitarian crisis, ensure safety of its citizens, promote peace, security, solidarity and mutual respect among peoples, actively contribute to the protection of human rights as well as the strict adherence to, and development of, international law, including respect to the principles of the United Nations Charter.

Taking into account international and European human rights instruments of seminal importance, in particular the EU Charter of Fundamental Rights and most notably Article 18 thereof; the 1951 Geneva Convention; the Protocol Relating to the Status of Refugees of 31 January 1967; the Schengen Borders Code and in particular Article 3, point b thereof and Resolution 1821 (2011) of the Parliamentary Assembly of the Council of Europe on the interception and rescue at sea of asylum seekers, refugees and irregular migrants, **the GNCHR recalls that the right of access to asylum and the prohibition of refoulement constitute fundamental pillars of the Refugee Law and the Universal Principles of human rights’ protection upon which the international and European communities have been built.**

¹ The present Statement was adopted by decision of the Governing Board due to the emergency of the matter on 16.3.2016.

² GNCHR Statement on the heinous attacks in Paris and appeal to the European Union to take all necessary measures for the protection of the rights of all those in its territory, 23.11.2015,

http://www.nchr.gr/images/English_Site/TROMOKRATIA/GNCHR_Statement_on_Paris%20Attacks_eng.pdf.

³ GNCHR Statement on the impact of the continued austerity measures on human rights”, 15.07.2015,

http://www.nchr.gr/images/English_Site/CRISIS/GNCHR_Statement_%20impact_of_austerity_measures_on_HR_2015_.pdf.

⁴ Grandi concerned at reports of Balkan border closures, 24.2.2016, <http://www.unhcr.org/news-and-views/news-list/news-detail/article/grandi-concerned-at-reports-of-balkan-border-closures.html>.

⁵ ECRE calls on the European Council to show political and moral leadership in response to refugee issues facing Europe 11.3.2016 and ECRE Memorandum to the European Council Meeting 17 – 18 March 2016,

<http://ecre.org/component/content/article/70-weekly-bulletin-articles/1412-ecre-calls-on-the-european-council-to-show-political-and-moral-leadership-in-response-to-refugee-issues-facing-europe-.html>.

For all the above reasons, the GNCHR calls upon

the Greek State, the UN, the EU institutions, all EU Member States and all the international organizations involved, in a spirit of responsibility, solidarity and sincere cooperation, to take all appropriate measures

with a view to ensuring

- the protection of human life, health and safety of *all* people living in Greece, and the effective management, in conditions of dignity, of the migratory flows towards the EU
- the observance of the principle of non-refoulement and the unhindered, timely and effective access of undocumented aliens to the international protection processes
- the amendment of the Dublin system, which now results in human stockpiling in particular countries
- the direct financing and effective functioning of the necessary structures and procedures, particularly through the creation of new and decent reception and hospitality centers in Greece
- the full implementation in Greece of the EU legislation on alternate to detention measures
- the integration and full application in Greece, the soonest possible, of Directive 2013/33/EU of the European Parliament and of the Council laying down standards for the reception of applicants for international protection
- the extension and mandatory implementation of the relocation of refugees and asylum seekers from Greece and Italy to other EU Member States, in the context of a more equitable numerical distribution among the EU Member States, as dictated by the EU Charter of Fundamental Rights and the EU Treaties
- the organization and continuing support of a permanent and effective humanitarian support mechanism in the first reception countries, with particular attention to vulnerable groups
- the establishment of a broad and coherent EU-wide resettlement program for asylum seekers and refugees from third countries to the EU Member States.