



**GNCHR Statement on complaints regarding informal push-backs
at the region of Evros**

29 November 2018

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 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, workers' and disabled persons' confederations, NGOs, political parties and ministries).

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The Greek National Commission for Human Rights (GNCHR), the independent advisory body to the State on matters pertaining to human rights protection, has the duty, within the powers conferred to it by its founding law, to monitor human rights issues, to promote public awareness as well as to take initiatives for public consciousness-raising and to examine the adjustment of the Greek legislation to the provisions of international law relating to human rights protection by addressing relevant opinion to the competent state bodies. The GNCHR acknowledges particular importance to the international protection regime and it has issued a series of relevant Decisions and Recommendations, while it continues to closely monitor the issues pertaining to the provision of international protection in Greece¹.

The GNCHR recalls that, according to Article 33 of the Convention relating to the Status of Refugees², “no Contracting State shall expel or return (“refouler”) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion”. The principle of non-refoulement enshrined in the above article constitutes the very essence of the protection of refugees.

Given that the recognition of the refugee status has a declaratory and not a constitutive character, the principle of non-refoulement applies both to refugees who seek to enter a country

* The present Statement was adopted by the GNCHR plenary on 29.11.2018. Rapporteur: Spyridon Apergis, Chair of the Sub-Commission for the Application of the Rights to Aliens, GNCHR.

¹ GNCHR Statement regarding the serious dimensions that the refugee/migration problem has taken in Greece, 16.3.2016, available at http://www.nchr.gr/images/English_Site/PROSFYGES/GNCHR_Statement_Refugee_Crisis.pdf, GNCHR Report on the EU-Turkey Agreement of the 18th of March 2016 regarding the refugee/migration issue in Europe in light of Greek Law No. 4375/2016, 25.4.2016, available at http://www.nchr.gr/images/English_Site/PROSFYGES/GNCHR%20Report%20EU-Turkey%20Agreement.pdf, GNCHR Public Statement on the amendment modifying the composition of the independent Appeals Committees, 17.6.2016, available in Greek at http://www.nchr.gr/images/pdf/apofaseis/prosfuges_metanastes/Dimosia%20dilwsi%20EEDA.pdf, GNCHR Statement on the occasion of the examination of the applications for international protection of the eight Turkish military, 20.7.2016, available in Greek at http://www.nchr.gr/images/pdf/apofaseis/prosfuges_metanastes/dilosia_gia_toys_okto.pdf, GNCHR Report on living conditions in hotspots and accommodation sites for migrants and refugees, November 2016, available at http://www.nchr.gr/images/English_Site/PROSFYGES/GNCHR%20REPORT%20RECEPTION%20CENTERS.pdf, GNCHR Statement in response to the recommendation of the European Commission to reactivate the refugee return mechanism under Dublin system, 19.12.2016, available at http://www.nchr.gr/images/English_Site/GNCHR_Dublin_Statement_en.pdf, GNCHR Statement in response to the judgment of the Supreme Court of Cassation (Areios Pagos) concerning the eight Turkish military, 30.1.2017, available in Greek at http://www.nchr.gr/images/pdf/apofaseis/prosfuges_metanastes/EEDA_Tourkoi_Stratiwtikoi_Areios_Pagos.pdf, GNCHR Report on the condition of reception and asylum system in Greece, 22.12.2017, available at http://www.nchr.gr/images/English_Site/PROSFYGES/GNCHR_Report_Asylum_system_final.pdf, GNCHR Statement regarding the situation in the Reception Centers of the Eastern Aegean islands and, especially, of Moria in Lesvos, 15.10.2018, available at http://www.nchr.gr/images/English_Site/PROSFYGES/GNCHR%20Statement_Moria_2018.pdf.

² See Legislative Decree No 3989/1959 “Regarding the ratification of the multilateral Convention relating to the Status of Refugees” (Greek Government Gazette 201/19-26.09.1959, vol. A’), as supplemented by Emergency Law No 389/1968 “Regarding the ratification of the New York Protocol of 31.1.1967 relating to the Status of Refugees” (Greek Government Gazette 125/26.4/4.6.1968, vol. A’).

and to those who have already entered. The right of non-refoulement is triggered from the moment the refugees leave their country of origin. The prohibition of refoulement to a danger of persecution is applicable to any form of forcible removal, including deportation, expulsion, extradition, informal transfer and non-admission at the border. The principle of non-refoulement is not subject to territorial restrictions; it applies wherever the State exercises its jurisdiction, even *de facto*, irrespective of the place and the way in which the state organs act in their official capacity. Although the principle of non-refoulement is not identical to the right of entry to a State, the principle of non-rejection at the border -which is regarded as part of the principle of non-refoulement- entails at least entry on a temporary basis in order to determine the status of the person.

The GNCHR follows closely and with particular concern the accumulation of severe complaints regarding the recurrent, informal push-backs of persons who may need international protection at the region of Evros³. Since July 2017, the GNCHR has stressed in a previous Statement the need for expeditious investigation of the relevant complaints⁴. Nevertheless, severe allegations of informal forcible push-backs of foreign nationals to Turkey by “masked Greek police and border guards or (para-)military commandos” at the region of Evros are still being reported in 2018, according to the Preliminary Observations made by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment following its visit to Greece (10-19 April 2018)⁵.

The GNCHR, in follow-up of its relevant Statement of July 2017, recalls the need for timely and thorough investigation of the above complaints by the competent authorities in order to bring those responsible for the abovementioned illegal actions to justice. Further, the GNCHR calls on the Government to take all the measures required in order to fully guarantee the right of non-refoulement of the foreign nationals who irregularly enter Greece as well as their right to express their claims in an appropriate and sufficient manner, including applications for international protection or claim on the potential risk of inhuman or degrading treatment in their State of origin or in a State of transit.

³ Press Releases of the Hellenic League for Human Rights, dated 29.5.2017 and 6.6.2017, available at <https://www.hlhr.gr/en/c/press-releases-eeda/>, Complaint of the Social Assistance Network for Refugees and Immigrants regarding the illegal push-back of Syrian refugees at the region of Evros on 26.5.2017, notified to the GNCHR on 23.6.2017. Complaints and reports of systematic push-backs in Evros of beneficiaries of the Greek Council for Refugees, 20.2.2018, available at <https://www.gcr.gr/en/ekdoseis-media/reports/reports/item/790-reports-of-systematic-pushbacks-in-the-evros-region>.

⁴ GNCHR Statement in reference to the complaints of illegal returns in Evros, July 2017, available in Greek at http://www.nchr.gr/images/pdf/nea_epikairothta/Anakoinosi_EEDA_Epanaprowthiseis.pdf.

⁵ Preliminary observations made by the delegation of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) which visited Greece from 10 to 19 April 2018, CPT/Inf (2018) 20, para 24, available at <https://rm.coe.int/16808afaf6>.