

'European Court explodes myth that Europe is able to protect the rights of refugees, asylum seekers and irregular migrants', says PACE President

Strasbourg, 21.01.2011 - "The European Court of Human Rights today delivered a milestone judgment damning how Europe is protecting its refugees, asylum seekers and irregular migrants," today said Council of Europe Parliamentary Assembly (PACE) President Mevlüt Çavuşoğlu.

"While the *M.S.S. v. Belgium and Greece* judgment is only against two member states, the implications of the judgment will be rippling through the capitals of Europe," he added. "The myth that European Union member states are safe places to return asylum seekers has been exploded by the European Court of Human Rights."

The President stated that the Court had found massive deficiencies in detention conditions in Greece and in the procedures and remedies designed to safeguard the rights of asylum seekers, refugees and irregular migrants in Europe. He commented that Greece was not alone in failing on detention safeguards and that the Assembly had recently addressed recommendations to all member states on steps to improve detention facilities in Europe.

"What is also clear from this judgment is that the so-called EU 'Dublin system' for determining the state responsible for deciding an asylum decision has to be changed as a matter of urgency. It is based on the false premise that EU member states are all safe and able to cope. They are not, and the 'Dublin system' creates enormous burdens on front-line states, such as Greece," the President declared.

He called on the EU to work with the Council of Europe, UNHCR and others, to solve the problem of returns under the "Dublin system" and reiterated a concern repeatedly highlighted by the Assembly that Europe needs to make its asylum systems fairer (see [PACE Resolution 1695 \(2009\)](#)) and needs clear rules on detention of irregular migrants and asylum seekers (see [PACE Resolution 1707 \(2010\)](#)).

"Europe has European Prison Rules applying to criminals, but we still do not have similar rules for irregular migrants and asylum seekers who have committed no crime," he concluded.

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On Wednesday 26 January 2011, two reports relevant to the issue of the implementation of the Court's judgments will be debated by the Assembly.

[Doc. 12455](#)

[Doc. 12435](#)

The Parliamentary Assembly brings together 318 members from the national parliaments of the 47 member states.

President: Mevlüt Çavusoglu (Turkey, EDG) - Secretary General of the Assembly: Mateo Sorinas.

Political groups: EPP/CD (Group of the European People's Party); SOC (Socialist Group); EDG (European Democrat Group); ALDE (Alliance of Liberals and Democrats for Europe); UEL (Group of the Unified European Left).