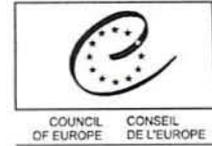




COMMISSIONER FOR HUMAN RIGHTS
COMMISSAIRE AUX DROITS DE L'HOMME



Ref: CommHR/MB/jp 044-2013

Mr Nikolaos DENDIAS
Minister of Public Order and Citizen Protection
Greece

Mr Miltiadis VARVITSIOTIS
Minister of Shipping and the Aegean
Greece

Strasbourg, 5 December 2013

Dear Ministers,

I take the opportunity to follow up to the discussions I had with the Greek authorities in Athens during my visit last January concerning, *inter alia*, the human rights of asylum seekers in Greece. I noted with satisfaction the recent adoption of legislative measures aimed at enhancing human rights protection, such as Ministerial Decision No 92490 of last October regulating medical and other care of irregular migrants, including minors, in initial reception centres.

At the same time I am worried by a number of reports that I have received from expert refugee organisations that provide consistent and substantiated information about a large number of collective expulsions from Greece to Turkey of irregular migrants, including a large number of Syrians who are fleeing the armed conflict in their country and are, at least *prima facie*, in need of international protection. For example, the widely publicised report issued last month by the German expert organisation Pro Asyl recorded more than 2 000 irregular migrants subjected to collective expulsions from Greece to Turkey, through the sea and land borders from December 2011 to August 2013. Out of them, more than 800 were recorded as Syrian nationals. Also, UNHCR and Greek media highlighted two other reported collective expulsions on 12 and 14 November from the Evros region back to Turkey of a group of 150 Syrian refugees, and another group of 65 irregular migrants reportedly mostly Syrians. In a number of these cases reports have indicated that staff members of the coast guard and of the border police have seriously ill-treated arrested migrants and confiscated their personal belongings.

Collective expulsion of foreign nationals is prohibited by Article 4 of Protocol No 4 to the European Convention on Human Rights, which dates from 1963 and is not as yet acceded to by Greece. Collective expulsions when affecting people in need of international protection, such as Syrians nowadays, also raise very serious issues of compatibility with the fundamental principle of *non-refoulement*, enshrined in Article 33 of the UN Refugee Convention, by which Greece is bound.

Collective expulsions of migrants are not only incompatible with international human rights and refugee law but also ineffective, since many of these migrants, including asylum seekers, face such a desperate situation in their country of origin that they usually re-enter after their first expulsion.

While I am fully aware of the dimensions and complexity of challenges that Greece is faced with due to the migratory flow pressures, I would like to underline that all efforts to manage migration should be made strictly within the contours of the rule of law and binding international legal principles. Therefore, I call on the Greek authorities to initiate and carry out effective investigations into all recorded incidents of collective expulsions and take all necessary measures in order to end and prevent recurrence of such practices.

I look forward to receiving your reply and continuing a constructive dialogue with you and the Greek Government.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Nils Muižnieks', with a long horizontal stroke extending to the right.

Nils Muižnieks