

CCBE statement as regards the position adopted by the Greek Government regarding asylum seekers at its borders in recent days

The Council of Bars and Law Societies of Europe (CCBE) represents the bars and law societies of 45 countries, and through them more than 1 million European lawyers.

The regulation of the profession, the defence of the rule of law, human rights and democratic values are the CCBE's core missions. Areas of special concern include, amongst others, the right of access to justice, the development of the Rule of Law, and the protection of the individual citizen. In this regard the CCBE recalls that the need to guarantee legal assistance to all persons requesting international protection in the European Union in accordance with the Geneva Convention, 28 July 1951 and the Protocol of 31 January 1967 relating to the status of refugees is a matter of particular concern. In this context the CCBE has a Committee specifically dedicated to the issue of Migration Law.

Although Greece is entitled to protect its borders whilst ensuring respect for international law standards, in particular fundamental rights, the CCBE wishes to register its grave reservations with regard to the announcement by the Prime Minister of Greece stating that no asylum applications will be accepted for a period of one month with effect from this week.

The right to apply for international protection in the European Union and at its frontiers is a fundamental right guaranteed by Article 18 of the Charter of Fundamental Rights of the European Union and by European Union law including the Dublin III Regulation. Whilst it must be recognised that there are undoubtedly very significant pressures being placed by the current crisis on Greece and its authorities, there is no entitlement as a matter of EU law for one Member State acting autonomously to suspend EU law in this regard. Indeed, the legal basis articulated in the official position of the Greek Government for the suspension of EU law – Article 78(3) TFEU – only permits the Council in emergencies to adopt provisional measures in favour of a Member State. No measures can be taken alone in this regard by a Member State.

The proposals from the Greek Government which involve the possibility of a refusal to admit/automatic deportation from Greece without the possibility of making an application for international protection clearly breach the rules contained in the Dublin III Regulation and otherwise in EU law. The CCBE notes the failure by the EU legislator in recent years to introduce the necessary reforms to provide for a fair distribution of asylum seekers amongst EU Member States and calls upon the EU legislator to progress the proposals for a revised Dublin Regulation with due regard to the position adopted by CCBE in relation to the [proposal](#). In the meantime, however, Member States may not act autonomously and independently of the system established by EU law.'

The CCBE urges the EU legislator to act in accordance with the principle of solidarity between the EU member states by taking all appropriate measures to relocate and resettle the asylum seekers, in the full respect of EU and International legal framework.

Finally, the CCBE calls for the EU and all concerned parties to act in respect of human rights and the principle of the Rule of Law and to take all necessary measures to protect the life and the dignity of endangered human beings.