

LETTERS

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Asylum crisis won't go away

Friday's ruling by the European Court of Human Rights that Greece is not a safe country of asylum should come as no surprise to immigration ministers in the EU ("Expulsion of asylum-seekers to Greece 'illegal'", *EuropeanVoice.com*, 21 January).

The court's Grand Chamber found that Greece's broken asylum system and appalling detention conditions meant that Belgium's transfer of an Afghan asylum-seeker to Greece in 2009 had breached a prohibition on ill-treatment and denied him an effective remedy.

Belgium, Finland, Iceland, Netherlands, Norway, Sweden, the UK and – on 19 January – Germany had already suspended returns to Greece. The court's judgment means that any other government that continues transfers is likely to fall foul of human-rights law.

As the court's ruling makes clear, the elephant in the room is the Dublin II regulation, the regulation Belgium invoked in transferring the asylum-seeker.

The regulation permits EU states (as well as Switzerland, Norway and Iceland) to return adult asylum-seekers to the first EU country they reached without first assess-

ing their claims. It assumes that every EU member state provides refugees with equal access to asylum and maintains the same reception standards. But this assumption is false.

UNHCR, the UN refugee agency, has described the situation in Greece for migrants and asylum-seekers as a "humanitarian crisis". Of the 30,000 first asylum applications Greece considered in 2010, just 11 were approved. The backlog stands at around 50,000 cases.

A presidential decree adopted in November restores a flawed appeal system abolished in 2009 and may help reduce the backlog. It is, though, unlikely to improve poor decision-making or provide meaningful access to asylum.

Greece adopted a new asylum law this month, which should improve the process for asylum decisions and appeals, but it may take more than a year to put it into effect.

Neither the decree nor the new law will immediately address the appalling detention conditions faced by migrants and asylum-seekers, the cycling in and out of detention for migrants who cannot be removed for legal or practical reasons, or the lack of protec-

tion for unaccompanied migrant children, who continue to be detained with adult strangers or left to fend for themselves on the streets.

With more than three-quarters of migrants who enter the EU irregularly by land coming across the Greek border from Turkey, the Dublin II regulation means that an EU country ill-equipped to assess asylum claims or to treat migrants humanely has to manage a disproportionate number of arrivals. The regulation has led to a similarly unfair burden for Malta and other external border states.

When and if Greece improves its asylum system and detention conditions to the extent that Dublin II returns from other EU states can safely resume, it will quickly find itself back at square one, facing an ever-increasing number of claims. That is likely to be accompanied by overcrowding and delays of decision-making once again.

The EU and member states recognise this. But the solutions offered to date have focused on keeping migrants and asylum-seekers from entering Greece in the first place.

In November, Frontex, the EU's external border agency, sent border guards to bolster Greece's border with Turkey.

In December, Greece announced plans to build a fence along a part of that border. And Turkey is under pressure to prevent migrants and asylum-seekers from entering Greece and to take back those who manage to cross the border. These initiatives call into question EU member states' commitment to the right to seek asylum.

If the European Union is serious about that right, it needs to look again at the Dublin II regulation.

That is tough politically. The status quo suits non-frontline states. Recent efforts by the European Commission to pursue modest reforms of Dublin II that would allow for temporary suspension of transfers in cases of mass influx have faltered in the face of opposition from as many as two-thirds of member states.

Unless and until the Dublin II regulation is fundamentally reformed, the asylum crisis in Greece will not go away. And a common EU asylum system that guarantees the right to seek asylum will remain an aspiration.

Benjamin Ward
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Energy makes the EU turn a blind eye to torture



CONTROVERSIAL VISITOR Islam Karimov. REUTERS

Andrew Strohlein's ironic praise for Islam Karimov touches on many of the reasons why José Manuel Barroso, the European Commission's president, should not have met the Uzbek president on Monday ("Congratulations, Mr Karimov!", 20-26 January).

Readers may not, though, have fully noticed one of the most important points: UN reports of torture. Back in 2002, the United Nations human-rights rapporteur Theo van Boven used the word "systematic", and another UN rapporteur, Manfred Nowak, used the same word last year. On top of that, Nowak said last year that he had received many reports of detainees being raped by police.

To get an idea of how grotesque the torture can be, your readers should be reminded about a case where very clear evidence was produced. Craig Murray, a former British ambassador in Tashkent, managed to get his hands on photos of the

body of Muzafar Avazov, who died in prison in 2002, and when he gave them to a British forensic pathologist, he was told the injuries were consistent with being boiled alive.

Most Europeans opposed the 'war on terror' in part because politicians turned a blind eye to torture. Now, it seems, the EU is prepared to turn a blind eye to torture for even less than terrorism – gas for the Nabucco pipeline.

The Commission seems to have tried to distance itself from Karimov's visit, saying that the Commission did not invite him. It seems an odd thing to say, since Barroso could always have said 'No' to the meeting. It is meeting him that is the issue. In any case, Karimov got what he wanted – a meeting – and will say what he wants: the Uzbek national news agency, for example, says Karimov was invited by Barroso.

Tereza Bellová
Prague

How long was Ceaușescu's shadow?

In your *Entre Nous* about the new head of the EU's Asia policy, Viorel Isticioaia-Budura, you noted that he joined the Romanian foreign service (*European Voice*, 20-26 January) during "the darkest years of Ceaușescu's rule". It is also worth noting how close Romania's relationship with China was.

After Nicolae Ceaușescu returned from China in 1971, he launched what became known as a 'mini-cultural revolution', a crackdown on Romania's artists and intelligentsia. The year Isticioaia-Budura entered Ceaușescu's service – 1978 – was arguably the zenith of Romania's friendship with China (at least in symbolic terms),

with visits by Ceaușescu to Beijing and by Hua Guofeng, the then Chinese prime minister, to Bucharest. In the 1980s, China was too soft on communist economics for Ceaușescu's taste, but he praised the Chinese regime's massacre of protesters on Tiananmen Square in 1989. This is the environment in which

Isticioaia-Budura operated as a diplomat.

What did Isticioaia-Budura think of Tiananmen? Did he think that Ceaușescu himself should have been more like the Chinese in the brutality of his efforts to suppress the Romanian uprising in 1989? Was he asked such questions before he was given his new post?

Robert Langford
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