DEN NORSKE HELSINGFORSKOMITÉ
NORWEGIAN HELSINKI COMMITTEE

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6 October 2008

Intervention by the Norwegian Helsinki Committee.

Warsaw 6 October 2008

"A gamble with the Right to Asylum in Europe" – The use of the Dublin II regulation in the Schengen area.

Firstly, we would like to address the Norwegian Government for the recent tightening of its asylum policy.

The aim of the new 13 point policy is simple – to curb the increasing number of asylum seekers from arriving in Norway. We are addressing two points in particular here:

The Norwegian Helsinki Committee deplores the fact that unaccompanied minor asylum seekers over the age of 16 may only be given protection and legal stay in Norway only until they have reached 18. They will remain in safety until they have reached the legal adult age, but with which prospects – and is this not stealing a childs' prospects for the future?

We also deplore the fact that under the new regime, it has been decided that the Norwegian Government can issue instructions not to follow the explicit recommendations by the UNHCR. And they already do.

We witness that Norway returns asylum seekers from Chechnya to Russia under reference to internal flight possibilities against the advice of UNCHR.

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We also witness that asylum seekers again will be returned to Greece under reference to the European Union Dublin II regulations, taking up the same unfortunate practice as all other Member States despite the fact that UNHCR has concluded that Greece does not offer sufficient protection.

The premise of the Dublin II is that the examination of whether an asylum seeker needs protection is approximately equal in all member states. Unfortunately, this is not the case, and we will turn to the example of Greece.

We have documented that Greece does not provide protection to those in need. In Greece only 2% of the asylum seekers receive refugee status; most seekers would not receive legal aid, housing, a proper asylum interview or a fair chance of having their stories heard.

Despite knowledge of this practice, OSCE member states in the European Union and Schengen area mechanically continues to send asylum seekers back to Greece, and other states who do not offer proper protection and we ascertain that these states risk being accessory to violation of the Refugee convention.

- We urge Member States to suspend Dublin II transfers to countries that do not guarantee and implement an effective access to an asylum procedure.
- We urge OSCE institutions to engage in the case of asylum seekers' protection in Member States at a time when the policy of most member States is aimed at stopping refugees even before they enter Europe.