



WORKSHOP ON MIGRATION AND HUMAN RIGHTS IN EUROPE

International Commission of Jurists

18 April 2011

Non-refoulement in Europe after M.S.S. v. Belgium and Greece

On 18 April, the International Commission of Jurists will hold a workshop on migration and human rights in Europe where it will explore the situation of the asylum system at the EU level and in certain EU Member States after the issuance of the judgment in the case *M.S.S. v. Belgium and Greece* by the European Court of Human Rights. The workshop will gather national and international lawyers, NGOs, and EU officials in the Brussels office of *Freshfields Bruckhaus Deringer LLP*.

In the case, the European Court held that States cannot avoid their international responsibility under the principle of *non-refoulement* by blindly relying on the requirements of the *Regulation 343/2003* (“the Dublin Regulation”). The Court ruled that, whenever an automatic transfer to a third country in implementation of the Dublin Regulation might risk breach of the principle of *non-refoulement*, States must avail themselves of the “sovereignty clause” of Article 3.2 of the Regulation in order to avoid breaching their obligations under the European Convention of Human Rights, by assuring that the intermediary country's asylum procedure affords sufficient guarantees to avoid an asylum seeker being removed, directly or indirectly, to his or her country of origin without any evaluation of the risks he or she faces of being subject to a serious violation of human rights.

The workshop will consider the consequences of this decision for the EU asylum system and assess progress in ongoing legislative reform. It will further analyse the experience of a number of selected EU Member States: Greece, Italy, Malta, Belgium, the Netherlands and the United Kingdom. Finally, the workshop will take stock of the situation and try to suggest strategies in order to properly reform the EU and national asylum systems in order to assure compliance with international human rights and refugee law.

The workshop will also be the occasion for the presentation of the newly published *ICJ Practitioners Guide on Migration and International Human Rights Law* which may be found on the ICJ website: <http://www.icj.org/dwn/database/PGNo6-ElectronicDistribution.pdf>.