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# Hungary's Opposition to Migrants

October 4, 2016

by Todd Hull

At a recent European Union (EU) summit meeting, Hungary was opposed to accepting the EU's proposals on migration to handle the influx of migrants.

Hungary's hostility towards the EU proposals regarding migrants is not new, tracing back more than a year. Through legislative changes, the Hungarian government made it nearly impossible for migrants to achieve refugee status, weakened the asylum protections for refugees, and allowed the criminalization of immigrants and asylum seekers.

Hungary's government defends its actions, claiming that these policies stem from a duty to protect the safety of its people. Although European States have the right to set their own policies for migration, those policies cannot disregard the [European Convention on Human Rights](#) and the [1951 Convention Relating to the Status of Refugees](#), even in times of crisis. Hungary's recent policies have already led to violations of human rights, which challenges the contractual obligations Hungary established through the Conventions.

Under the Convention Relating to the Status of Refugees, Hungary pledged to uphold the condition and rights of refugees, including: exemption from reciprocity, public relief, and the prohibition of expulsion. Hungary's recent policies violate contractual obligations under the convention; in particular, the State's policy weakens the protections for granting asylum, in violation of Article 34 of the Convention. Article 34 states: "The Contracting States shall as far as possible facilitate the assimilation and naturalization of refugees. They shall in particular make every effort to expedite naturalization proceedings and to reduce as far as possible the charges and costs of such proceedings." Hungary's asylum limitations for refugees violates this clause.

Upon signing the Conventions, Hungary vowed to implement and uphold these conditions through laws and regulations to enforce the rights of refugees. So far, the European Convention has begun "[infringement procedures](#)" against Hungary for breaching EU laws regarding asylum. If Hungary continues with its policies that violate the basic rights of refugees, the country may face more legal sanctions and criticisms.

Hungary and the EU must engage in productive dialogue to emphasize a commitment for upholding refugees' human rights to prevent further violations.

# Polish Women Protest New Abortion Law

October 25, 2016

by Dolores Sinistaj

Poland's newly proposed abortion law has tens of thousands of Polish women fearful for the protection of their rights and lives. This has motivated [over seven million women](#) in Poland, all dressed in black, to go on strike.

As a devoutly Catholic country, Poland is already one of Europe's most restrictive countries when it comes to abortion. It will become even more restrictive by completely criminalizing abortion. While government officials are trying to push this law forward, Polish women are raising their voices and causing cities like Warsaw to go into [lockdown](#).

Looking deeper into the newly proposed law, one begins to understand the severity of its restrictiveness. If this new law is passed, a woman in Poland will be [unable to get an abortion](#) even in cases of rape, incest, or when her life is at risk. Both the woman seeking an abortion and the doctor who offers to perform the procedure would face up to five years in prison. Additionally, this law would put women who suffer miscarriages under threat of investigation, because under the law any death of a conceived child would be punishable, even if that death was accidental or unpreventable.

Despite its religiosity, Poland is required by its [constitution](#) to protect its citizens' quality of life without trampling on their personal freedoms. If this abortion law passes, women in Poland will no longer have the basic freedom to make personal decisions about their reproductive health, if that decision involves abortion. This newly proposed law has ignited fear in Polish women and has attracted [more protesters](#) than ever before. However, Poland's history with restrictive abortion laws has been long and deeply rooted. In fact, abortion is one of the most controversial topics in Polish politics.

While this wave of protests is recent, Poland has had several abortion cases make their way to the European Court of Human Rights. In March 2007, the European Court of Human Rights heard the case [Tysiac v. Poland](#), where an applicant was denied a therapeutic abortion after she was told that her health could worsen if she continued her pregnancy. The defendant was forced to go through with the delivery, causing her to suffer a retinal hemorrhage that left her severely disabled. In [2003](#), the Court heard another case where a mother of two, who was pregnant with a fetus with a severe genetic abnormality, was purposefully denied access to genetic tests because her doctors did not support abortion, leaving her baby to be born with abnormal chromosomes. In 2012, the Court heard a case where a [teenage girl](#) was raped and became pregnant as a result. She experienced difficulty in getting an abortion due to the medical staff purposefully procrastinating her case, and harassing her. In all these instances, the European Court of Human Rights ruled that Article 8 of the [European Convention on Human Rights](#), the right to respect for private and family life, had been [violated](#).

This law will cause Poland to violate its obligations under international law and with the European Court of Human Rights. According to Article 8, it is a violation to restrict a woman from having

access to “an effective mechanism capable of determining whether the conditions for obtaining a legal abortion” can be met. Similarly to Ireland, where the United Nations Human Rights Committee [ordered the country](#) to repeal the right to life in their constitution, Poland should not go forward with this proposed abortion law.

With more than half of the population in Poland being women, and with the fear this proposed law has already ignited across the country, Poland and its government should re-evaluate the long term implications that a more restrictive abortion law would have. No woman should feel as though she is unprotected by her government, and that she does not have the freedom to make vital, or even life-saving, personal decisions. As stated by [Human Rights Watch](#), members of the European Parliament “should condemn the proposed law and call on the Polish government to abide by its international and European obligations and end this attack on women’s rights.” This proposed abortion law will not only be damaging for Polish women, but for the country’s future.

# The Common European Asylum System Fails to Comply with the Dublin Regulation for Asylum Seekers

October 27, 2016  
by Powell Wright

Several EU member states are struggling to meet the needs of asylum seekers because they are burdened with too much individual responsibility to handle the recent influxes.

The current [Common European Asylum System](#) (CEAS) is not consistent with the [Dublin Regulation](#), an EU law that determines the EU member state responsible for examining asylum applications, and needs a major legal overhaul for its members' optional requirements. The proposed European Union Agency for Asylum (EUAA) should be able to legally enforce Dublin Regulation policies and impose Northern European members' obligations towards its goals of managing influxes of asylum seekers.

In May 2010, the European Parliament and [EU Council passed Regulation No. 439/1010](#) establishing a European Asylum Support Office to implement the CEAS. The CEAS was originally designed to “strengthen political cooperation among the EU’s Member States on asylum,” and “coordinate operational support for asylum reception.” In June 2013, the EU passed the Dublin Regulation with [Regulation No. 604/2013](#), establishing criteria and mechanisms for determining which members are responsible for managing asylum applications. The CEAS does not require the EU’s members to act, but instead [describes](#) the Support Office’s operation. According to Recital 15 of the CEAS’s Preamble, an EU member state may make requests to the Support Office, however, the Support Office primarily provides services rather than acts as a governing body.

However, both the Support Office and the Dublin System remain [criticized](#) for unfairly distributing asylum seekers. [Thomas Spijkerboer](#), a migration law professor at the Vrije Universiteit Amsterdam, argues that Greece and Italy would be saddled with the clear majority of refugees while northern EU members, like Sweden, would not be burdened, for geographical reasons. Furthermore, asylum seekers are significantly more likely to face homelessness and discrimination under the Dublin system.

Some European leaders, like German Interior Minister [Thomas de Maiziere](#), however, prefer the Dublin system because it allows nations to return refugees to the European nation where they originally sought asylum. Nations like Italy and Greece burden nations like Germany and Sweden by taking asylum seekers who then travel onward. [The European Court of Human Rights \(ECtHR\)](#) [ruled](#) that asylum seekers could not be returned to Greece due to low standards of living; however, Maiziere argues that the EU’s financial support to Greece eliminates this concern. The Dublin Regulations are often left unenforced by members, leaving the EU [“defenseless in the face of obstruction.”](#)

Last April, the European Commission proposed a [new regulation](#) to repeal and replace the CEAS with the EUAA. Article 2 of the EUAA contains many similar provisions to the CEAS Support Office regarding its supportive tasks, but unlike the CEAS, its Article 6 requires support for the Dublin Regulations. Furthermore, unlike the CEAS, Article 19 of the EUAA provides a more [detailed operational plans](#) for host nations to determine support distributions and technical assistance to asylum seekers.

The Support Office's goals are too important to eliminate, but EU members cannot be expected to support one another, unless required to do so. Northern European nations did not support Italy and Greece's pleas to reform the Dublin system when the Mediterranean nations were taking the bulk of refugees, such nations cannot be expected to assist the Support Office. Regardless, the Support Office's services cannot be optional for EU members, otherwise asylum seekers will continue to overwhelm Mediterranean nations.

Articles 21, 22, 26, and 27 of the Dublin Regulation, however, [oblige EU members](#) to receive and reply to take-charge requests, transfer the refugee, provide international safeguards to the refugee, and provide the refugee the opportunity to seek a remedy if they are rejected for asylum. These regulations are important, but mean nothing if EU members do not enforce them. Germany and various other Northern European EU Member States highlight that there are many problems and benefits for them in implementing the Dublin Regulations, but simply allowing the choice to implement its policies does not enforce any policy. The Support Office and the Dublin Regulation simply do not give enough of a remedy to enforce its policies.

The EUAA, however, will legally resolve the Support Office and Dublin Regulation's issues if it passes. Since the EUAA requires support for the Dublin Regulation, nations wishing to participate in supportive programs under the EUAA will be required to comply with its [guidelines and measures](#). Furthermore, its operational plans will ensure that members receiving larger influxes of asylum seekers are better supported financially by other members, rather than simply being left out to dry.

As a result, the CEAS and Dublin Regulation's intended goals are legally enforced through the EUAA rather than their respective laws. The EU should pass this resolution if it wants to continue improving its intake of asylum seekers.

# Afghan Refugees in Elliniko

November 15, 2016

by Dolores Sinistaj

Refugees around the world are facing a plethora of issues and challenges. However, Afghan refugees in Greece are currently dealing with a specific hurdle: the potential closure of their camp in Elliniko.

Afghan asylum seekers in Greece are in a [particularly difficult situation](#) because Afghanistan is now classified as a post-conflict country, increasing the probability that they will be forced to return to Afghanistan. The potential closure of the refugee camp in Elliniko is a result of the European Union's preparations for the [Brussels-Afghanistan Conference](#), which will be co-hosted by the EU and the government of Afghanistan for the purpose of hearing Afghanistan's new form agenda and reaffirming the international community's commitment to peace and reconciliation in the region.

A deal signed between Turkey and the EU earlier this year stipulated that asylum seekers who came into Greece from Turkey after March 20, 2016 would be returned to Turkey. Now, with many Balkan countries restricting their borders, Afghan asylum seekers may face a similar stipulation as did the asylum seekers in Turkey. The refugee camp in Elliniko, transformed from the old Athens airport, is not managed by the UN, making the UN unable to control its conditions. Rather, it is the Greek army that provides the refugees with food and the Greek government provides the refugees with medical services. While the large complex sits on 1,530 acres of land, its severely inadequate conditions reflect the neglect felt by many of the 50,000 asylum seekers in Greece. The refugees sleep on [concrete floors, only having a thin blanket to provide any sort of comfort](#). Many of the small children sleep on the metal terraces, because they are unable to bear the tents' high temperatures. Additionally, [the food has an odor](#), making many refugees sick, and the camp's young children are not provided with an adequate amount of milk, causing a spike in malnutrition and sickly children. 15-year-old refugee, Marzia Kamali, fled Afghanistan and arrived to Elliniko's camp about five months ago with her parents and sister. When asked about the conditions she told Al Jazeera that, "[We become very dizzy when we open the food](#)," and added that the odor is "[not for humans](#)." Marzia even went to the hospital due to what she believes was food poisoning.

Despite the conditions, for the 3,000 Afghan refugees currently staying at this makeshift refugee camp, life in the camp is better than having to return to Afghanistan. The UN High Commissioner for Refugees ([UNHCR](#)) in 2015 reported that Afghanistan produced more refugees than any other country for 32 years in a row before the recent upsurge in violence in Syria and Iraq. Although countries like Syria and Iraq have changed that figure, there are still nearly four million Afghans displaced. [2015 was the bloodiest year for Afghanistan](#) due to the resurgence of the extremist organization, the Taliban, which forced civilians to flee their homes. Adding to the instability, the Kabul government has faced many struggles, including how to support refugees who have returned. In total, continuing [violence has been the driving force for displacement of Afghans](#), and despite the country being deemed post-conflict by the United Nations Security Council, the upheaval has left profound implications on the quality of life that exists there today. The reason

the United Nations Security Council views Afghanistan as post-conflict is due to the stabilization efforts that have led to impressive results in the country's political transformation and political development.

The potential closure of the camp is not only related to the fact that Afghanistan is now deemed post-conflict, but also to Greece's difficulties in sustaining the refugee population it accepted. The Greek government is straining to provide for the 57,000 refugees who indefinitely reside there. Because of this, the European Council is hoping that, with the assistance of the government of Afghanistan, it will be able to provide "[sustained political and financial support to Afghan peace](#)," so that that Afghanistan will "[remain on a firm path to political and economic stability, state-building and development](#)."

But what does this discussion of closing the camp mean for the refugees currently residing in Elliniko? Some believe that this conference is just an excuse for the EU to "[build a barricade against refugee flows](#)." One individual who believes this to be the case is Electra Koutra, a Greek human rights lawyer who represents individuals in asylum cases. [Koutra](#) says that the EU is "exchanging money with returning people to unsafe places."

The closure of the refugee camp would likely cause a secondary displacement to take place. Not only have the Afghan refugees in Greece been displaced within their country, but now they would be displaced again from their asylum country. Elliniko is "[one of the last remaining informal refugee settlements in Greece that is untouched by the government](#)." The refugees in Elliniko do not get government assistance and "instead rely on aid workers and volunteers for their survival."

Under the [UNHCR's Convention Relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness](#), the EU countries, including Greece, must meet human rights standards regarding their refugee populations. Greece has "[an obligation to respect, protect, and fulfill the human rights of the inhabitants of the camps it administers](#)" and Marzia's story is not the only one that continues to raise human rights concerns of the camp. In addition to the UNHCR, the UN Convention for the Rights of the Child, Greece has an obligation to respect the rights of refugee children. [Article 3](#) of the Convention says that, "Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent supervision." While camps like Elliniko are a better alternative for many than their country of origin, such camps should not be exempt from meeting human rights requirements.