



EUROPEAN COURT OF HUMAN RIGHTS CONDEMNS THE RETURNS TO STATES WITH INEFFECTIVE ASYLUM SYSTEMS: INTERESTING POINTS OF THE CASE *TARAKHEL V. SWITZERLAND* TO ANALYZE THIS ISSUE UNDER THE SYSTEMS OF THE ECHR AND THE DUBLIN SYSTEM

The principle of *non-refoulement* is a norm of customary law, expressly foreseen for the first time in the 1951 Geneva Convention relating to the status of refugees. The European Convention of Human Rights doesn't contain any article about this principle, but the European Court of Human Rights has applied it in its case law, interpreting the article 3 of the Convention, which prohibits the torture; therefore according to the ECHR the expulsion of an asylum seeker or a refugee back to his State of origin or to States where he could be illtreated it's an example of torture. Generally speaking, the European Convention of Human Rights doesn't have a set of norms about the refugee law, while the UE Law foresees the "Dublin System", which is born with the intent to set a "common asylum system", as stated on the article 78 TFEU. The *Tarakhel v. Switzerland* case it's an example of the application from the ECHR of the article 3 of the Convention, to avoid the *non-refoulement* of Afghanistan citizens from Switzerland (which joined the "Dublin System" with an association agreement) to Italy, which, at the moment, is a State with a lot of lacks in its asylum system. The case is useful also to talk about how the Mediterranean States and the whole EU are handling the incredible number of refugees and asylum seekers that are coming in the last years.