



PROCEDURAL NON-REFOULEMENT BEFORE THE EUROPEAN COURT OF HUMAN RIGHTS: INFORMAL REMOVALS, READMISSIONS AND THE DUTY TO VERIFY ACCESS TO ASYLUM IN THE DESTINATION COUNTRY

This article examines the procedural dimension of non-refoulement in the case-law of the European Court of Human Rights (ECtHR), focusing on informal removals, readmissions and pushbacks at European borders. Although the European Convention on Human Rights (ECHR) does not expressly provide for a general right to asylum or a specific non-refoulement clause, Article 3 has progressively been interpreted as imposing obligations aimed at preventing removal where there is a real risk of torture or inhuman or degrading treatment. The article explores the emergence of a procedural limb of Article 3, requiring effective access to an asylum procedure, an individualised and up-to-date assessment of risk, verification of the protection effectively available in the destination State, and access to an effective remedy before removal. Particular attention is paid to indirect or chain refoulement and to the evidentiary difficulties arising from informal border practices. The analysis of ECtHR judgments, including *O.H. and Others v. Serbia*, *M.A. and Z.R. v. Cyprus*, *A.R.E. v. Greece* and *G.R.J. v. Greece*, highlights the interaction between Articles 3, 5 and 13 ECHR and Article 4 of Protocol No. 4. The article argues that the effectiveness of non-refoulement increasingly depends on the legality, traceability and reviewability of removal procedures.