



Reference: B1798

**Donald Tusk**  
**President**  
**European Council**

12 December 2016

Dear President Tusk,

## **EUROPEAN COUNCIL 15 DECEMBER: THE UGLY FACE OF THE EU-TURKEY DEAL – OVERCROWDING, HATE-RELATED CRIMES, EXTREME MISERY AND HARDSHIP**

The European Commission has recently reported on progress made in the implementation of the EU-Turkey Statement. Amnesty International is appalled that instead of acknowledging its flaws, the EU is pushing ahead with measures needed for the deal to be “firmly rooted as a stable and sustainable pillar of EU policy.”<sup>1</sup> Whilst it might be true that the deal has led to a scaling-up of funding to support the vast refugee community hosted by Turkey and in the short-term diminished the death toll of people crossing the Aegean Sea, there is little else that can be considered progress in any sense. On all other accounts the picture is horrendously bleak and would at the very least demand some urgent corrective action rather than a drive for firm embedment of this deal into EU policy. There are key issues that the European Commission omits in their report to EU leaders: they report that the rate of arrival is currently about 80 persons per day, but omit to say that 87% of arrivals to Greece by sea come from the world’s top 10 refugee producing countries, whose nationals have in principle a *prima facie* protection need and whose cases should be carefully and individually assessed in a full asylum procedure, not earmarked for swift return to Turkey.<sup>2</sup> They mention that “conditions on the Greek islands are deteriorating, caused by the fact that returns are too slow and at a lower level than arrivals”, but fail to mention that the only reason people are kept on the islands, despite those conditions, is the need to ensure they do not fall outside the scope of the deal. This is a deeply troubling and inhumane approach.

Indeed, the EU-Turkey deal is delivering tangible results which are direly felt by all those stuck in substandard conditions in the overcrowded Aegean islands. The picture is very bleak and merits an urgent review of the current policies. Refugees and migrants, including children and vulnerable families, are sleeping in tents exposed to the cold and heavy rain, without adequate sanitation and hygiene, and in constant fear of racist attacks or other types of violence, including gender based violence. There are refugees, who have been on the islands for several months without having access to an asylum procedure. Others who choose to return “voluntarily” so to escape the conditions in which they are held and the uncertainty over their fate. There are also refugees returned without their knowledge and against their will, despite having expressed a wish to claim asylum, as Amnesty International has documented. Others still are unable to reunite with family members in other EU countries despite being entitled to do so under EU law. It simply defies belief that the European Commission is now suggesting they should be returned to Turkey and seek family reunification from there, a move, it appears, motivated solely by a desire to boost the numbers of those returned under the deal.<sup>3</sup> The overcrowding on the Aegean islands should be reduced by bringing people, particularly those who are vulnerable, to mainland Greece not by even more drastic measures to ensure people are returned to Turkey. There should also be a more significant

<sup>1</sup> Fourth Report on the Progress made in the implementation of the EU-Turkey Statement, COM(2016) 792 final, 8 December 2016.

<sup>2</sup> <http://data.unhcr.org/mediterranean/country.php?id=83>

<sup>3</sup> Joint action plan on the implementation of the EU-Turkey Statement

investment of resources in an efficient registration and asylum process that is looking into the merits of asylum-seekers' protection claims.

Amnesty International calls on EU leaders to stop deluding themselves about the merits of this deal. They should instead take a serious look at the hardship it causes and ensure the vast amount of EU resources put into it are used upfront for protection not deterrence. We remind EU leaders of Article 2 of the Treaty on the European Union, which states that 'the Union is founded on the values of respect for human dignity [...] the rule of law and respect for human rights' and challenge them to check the impact of these policies against that standard. Refugees undertake onward journeys from Turkey to the EU because of the lack of any foreseeable alternative solution. The EU should not punish them for this but seek to provide precisely those alternatives in the form of resettlement or other safe and legal avenues. EU leaders must also offer alternative solutions to those stuck in Greece by stepping up relocation, bringing families together and offering visas to those in need of special care.

Amnesty International calls on EU leaders urgently to:

- Immediately transfer asylum-seekers, particularly those vulnerable, who are stuck in the Greek islands under the EU-Turkey deal to mainland Greece, and ensure they are provided with adequate reception and processed, including with a view to their relocation to other EU countries.
- Set up a large scale resettlement programme from Turkey and provide other safe and legal routes for refugees in Turkey to reach EU countries, such as humanitarian visas, family reunification, and student visas, as a way to protect people in need of international protection and manage migration in an orderly and predictable manner.
- Step up relocation of asylum-seekers from Greece by increasing the number of pledged relocation places, and swiftly matching relocation requests; establish accessible, public and fast-tracked family reunification procedures to ensure the swift reunion of family members stranded in Greece with close relatives in other European countries; grant access through humanitarian visas for asylum-seekers in immediate need of special care.
- Support Turkey in the development of an asylum system and legal framework that fully complies with Turkey's international obligations towards refugees, regardless of nationality. Provide significant, flexible and predictable financial assistance, as well as operational and technical support to Turkey to ensure refugees enjoy economic and social rights, and have access to health, education and the labour market.
- Stop returns of asylum-seekers to Turkey under the EU-Turkey deal on the grounds that it is a "safe third country" or a "first country of asylum", and examine asylum claims on the merits in a fair asylum process with all procedural and substantial safeguards.
- Ensure the speedy registration of asylum-seekers stranded on the islands by increasing the resources for the Asylum Service.

Yours sincerely,



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