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Federica Mogherini
**High Representative of the Union for Foreign
Affairs and Security Policy**

Foreign Affairs Council

13 April 2016

Dear High Representative Mogherini,

FOREIGN AFFAIRS COUNCIL 18 APRIL: MIGRATION COOPERATION WITH THIRD COUNTRIES

The Foreign Affairs Council on 18 April will discuss, amongst others, external aspects of migration and the implementation of the EU-Turkey deal in cooperation with UNHCR. Given these points on the agenda, we would like to draw your attention to our concerns over the cooperation with Turkey and other current EU migration initiatives with third countries, similarly lacking basic guarantees for the respect for the rights of migrants, refugees and asylum seekers, and increasingly giving third countries grounds to resist international pressure to improve their human rights record.

Amnesty International has provided evidence that the Turkish authorities have been unlawfully apprehending, detaining and pressuring refugees and asylum seekers to return to warzones, since the EU-Turkey Joint Action Plan was agreed and referenda in mid-October 2015.¹ Hundreds of refugees and asylum seekers, caught attempting the irregular crossing from Turkey to Greece, have been held in prolonged detention, including in facilities funded by the EU, denied all communication with the outside world and forcibly returned to their home countries, in violation of Turkish and international law. Further research carried out by the organization in Turkey's southern border provinces found evidence that Turkish authorities have been rounding up and expelling groups of around 100 Syrian men, women and children to Syria on a near-daily basis since mid-January 2016.² Amnesty International has also documented instances of unlawful detention and denial of access to asylum procedures and forced return to country of origin concerning other nationalities.

The EU-Turkey deal of 18 March has exacerbated Turkey's response to the refugee crisis. Whilst Turkey has changed its regulation on temporary protection to facilitate temporary protection being provided to Syrian refugees being sent back to Turkey through the EU/Turkey agreement, no such assurances were given for other groups - Iraqis, Afghans etc - who will be taken to removal centres - the places where Amnesty International has documented denial of access to asylum procedures and forced return to country of origin. On the EU side, the deal is likewise raising enormous human rights concerns, with migrants, asylum seekers and refugees held in prolonged detention on the Greek islands, with no legal aid, limited access to services and support and hardly any information about their fate.³ Nor are special circumstances and needs of particular vulnerable groups (pregnant women, women with babies, sick people etc) taken into account. Detention appears to be in most instances automatic, which is by definition arbitrary and therefore unlawful.

¹ *Europe's Gatekeepers: unlawful detention and deportation of refugees from Turkey*, 16 December 2015.

² *Turkey: Illegal mass returns of Syrian refugees expose fatal flaws in EU-Turkey deal*, 1 April 2016.

³ *Greece: Refugees detained in dire conditions amid rush to implement EU-Turkey deal*, 7 April 2016.

These human rights violations cannot be overlooked because of a greater political imperative. They call into question the wider framework of the EU's engagement on migration with third countries, including multilateral frameworks such as the Khartoum and Valletta processes, which rest on the paradigm of burden-shifting and risk reinforcing repressive regimes that are responsible for significant refugee outflows, rather than addressing the root causes of migration and forced displacement. On a broader scale, this deal is doing serious damage to the EU's reputation globally.

Amnesty International calls on EU leaders to:

- Urgently ensure compliance of the EU-Turkey migration deal with international human rights law and standards.
- Guarantee independent oversight of the implementation of the EU-Turkey migration deal and independent monitoring of all facilities where migrants and asylum seekers are held.
- Refrain from targeting for migration cooperation countries of origin of large numbers of refugees, such as Sudan, Somalia, Afghanistan, and Eritrea, and refrain from providing funding to secure readmission and returns from the EU to those countries.
- Subject all third country cooperation on migration to human rights assessment, benchmarking and monitoring
- Accept greater moral and physical responsibility for global refugees by undertaking immediate and concrete actions to increase resettlement places and other legal routes for refugees and asylum-seekers to reach the EU.

Yours sincerely,



Ivana McGowan

Advocacy Director
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