



Reference: BXXXX

Donald Tusk

President

European Council

2 March 2016

Dear President Tusk,

MEETING OF THE EU HEADS OF STATE OR GOVERNMENT WITH TURKEY, 7 MARCH 2016

On 7 March, at another extraordinary meeting with Turkey, EU Heads of State or Government will seek to press on with full and speedy implementation of the EU-Turkey action plan with a view to stemming migration flows to the EU. Amnesty International is greatly alarmed by the fact that EU policy on migration is currently being driven by efforts to reduce the number of arrivals. According to latest UNHCR data, the vast majority (88%) of those arriving to the EU by sea continue to come from the 10 top refugee-producing countries¹ and are therefore likely to be people in need of international protection.

In this context, the recent invitation by the European Commission to member states to make use of the “safe third country” notion is ill-conceived and dangerous. If applied vis-a-vis Turkey, this would shift responsibility for refugees and asylum seekers to Turkey, a country that already hosts the largest refugee population in the world - 3 million people, most of whom are Syrian refugees. In addition, Turkey does not even fit the EU legal criteria for “safe third country” as conditions are not safe nor is protection effective in Turkey; for example, Turkey does not have a fully functioning asylum system. Therefore, the application of the “safe third country” notion vis-a-vis Turkey may also result in individuals being subsequently *refouled* to their country of origin. We are also concerned about the prospective application of the “third country national clause” in the EU-Turkey readmission agreement, as it might leave migrants stranded in Turkey exacerbating their exposure to abuses and human rights violations.

Amnesty International has documented a significant number of unlawful detentions and deportations of refugees and asylum-seekers by Turkey, since the EU-Turkey Joint Action Plan was agreed ad referendum in mid-October 2015. We remain concerned as reports of unlawful detentions and deportations are ongoing. The pressure on Turkey to act as efficient gatekeeper, without basic conditions being ensured to guarantee respect for the rights of migrants, refugees and asylum-seekers, is putting the EU in danger of being complicit in serious human rights violations.

The spiralling human rights crisis in Turkey, especially in the context of increased violence in the South East, also poses risks to refugees in Turkey and could generate a flow of Turkish nationals seeking asylum in the EU. The

¹ <http://data.unhcr.org/mediterranean/regional.php>

human rights crisis and current instability in Turkey must not be ignored for the purposes of securing Turkey's cooperation in stemming the flows of refugees, asylum-seekers and migrants to the EU.

We welcome the announcement of an emergency assistance instrument to immediately address humanitarian needs of refugees, asylum-seekers and migrants within the EU. This step is long overdue and if urgently agreed, could provide a much needed relief to the situation in Greece, where refugees are currently suffering appalling conditions. However, the EU must work collectively for a wider solution to the global refugee crisis, based on genuine solidarity both internally and with respect to countries outside Europe. This rests on stepping up relocation measures, significantly increasing resettlement places and providing other safe and legal routes for refugees to reach the EU.

Amnesty International calls on EU leaders to:

- In line with the EU's foreign policy on human rights urgently address the human rights situation through its dialogue with Turkey, including in the context of the migration dialogue
- Refrain from adopting responsibility-shifting measures, such as the "safe third country" notion
- As a matter of urgency, undertake immediate and concrete actions to increase resettlement places and provide other legal routes for refugees and asylum-seekers in Syria's neighbouring region to reach the EU, without conditioning any resettlement or humanitarian admission scheme to Turkey's commitment and cooperation in accepting back irregular migrants or stopping irregular departures for Greece.

Yours sincerely,



Ivana McGowan
Director