



21 March 2024

## **Eight years of Violence, Discrimination, Segregation, and Exclusion**

When the EU-Turkey Statement was issued in March 2016, it was roundly denounced by human rights groups for its complete disregard for the international obligation of states to protect the rights of refugees<sup>1</sup>. While the so-called “deal” itself was no more than a non-binding press release, it set the course for the implementation of increasingly draconian and violent border policies, which eight years later have become normalised not only in Greece, but throughout Europe.

On the eighth anniversary of the EU-Turkey Statement, we denounce Turkey and EU states' consistent failure to uphold their international obligations with regard to migrants and refugees, and strengthen our joint commitment to challenge all official and unofficial policies that lead to the discrimination, segregation, and ultimately exclusion of migrants.

As a reminder, central to the [2016 EU-Turkey Statement](#) was an agreement that in exchange for billions of euros from the EU, Turkey would accept the forcible return of all migrants who arrived to the Greek islands from Turkey. This was based on the fallacious presumption that Turkey is a safe country for refugees. In order to reach this objective, immediately following the deal, Greece enacted a new asylum law and with the support of the then European Asylum Support Office (EASO), Frontex and the European Commission, implemented a series of questionably legal and increasingly restrictive regulations, which remain in place until today.

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<sup>1</sup> We use the terms “migrant” or “people on the move” throughout this statement and generally in our respective work as an umbrella term to include all individuals who are forced to and choose to migrate and/or seek asylum, regardless of what legal status they have or are eventually granted by the state in which they reside. We use the terms “migrant” and “people on the move” interchangeably and to counter increasing anti-migrant narratives that attempt to categorise those who are not afforded refugee status by law as “irregular” or “illegal” migrants somehow undeserving of human rights. The terms “asylum seeker” and “refugee” are used here in reference to individuals' particular legal status, when relevant.

## **Normalisation of the unlawful geographic restrictions and concentration of migrants in deplorable conditions in hotspot camps**

The first impact felt in Greece following the EU-Turkey Statement was the imposition of geographic restrictions on migrants who arrived to the Greek islands by sea from Turkey. Overnight, migrants found themselves trapped on the Greek islands, unable to continue their journeys or move freely within Greece. This was apparently done in order to facilitate the Greek state with detecting, detaining, and returning migrants to Turkey in fulfilment of the aims of the EU-Turkey deal.

The imposition of internal borders on migrants in Greece which prevent them from exercising their right to freedom of movement and effectively detain them in inhuman conditions is in violation of both European and Greek law. European law provides that asylum seekers may be restricted to a specific area during the processing of their asylum applications, however, this is only allowed if and when reception conditions in the restricted geographic area ensure a dignified standard of living.<sup>2</sup>

We need not go into great detail here in order to reach the conclusion that the rights of migrants to a dignified standard of living have been and continue to be systematically violated on the Greek islands, where people are generally forced to stay until their applications for asylum are processed. The violence, overcrowding, inadequate access to basic necessities, and inhuman conditions faced by migrants on the Greek islands' hotspot camps have been systematically documented and denounced throughout the last eight years. And yet, geographic restrictions have been imposed continuously since 2016, in blatant violation of the above regulations.

Legal challenges to this policy have thus far been fruitless. Just a few days after the 2017 ruling from Greece's highest administrative court,<sup>3</sup> which found that there was insufficient legal basis to impose geographic restrictions on migrants on the Greek islands, the Director of the Asylum Service issued a new decision imposing geographic restrictions on migrants on the islands with slightly altered legal grounds. While the Greek Council for Refugees (GCR) also challenged the legality of the new order (which has since been replaced by subsequent orders by the Asylum Service and the Ministry of Migration & Asylum), this case has been repeatedly postponed.<sup>4</sup>

Meanwhile, the unlawful practice of restricting the movement of all migrants on the Greek islands in inhumane conditions continues and all migrants who arrive to the Greek islands are still prevented from leaving the island until geographic restrictions are lifted in their specific case - often months or even years after their arrival to Greece. This is despite the

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<sup>2</sup> Recast Reception Conditions Directive 2013/33/EU, preamble 11, Article 7. Likewise Greek Asylum Law 4939/2022, which replaced previous asylum laws that had similar provisions, provides that "[t]he restriction of freedom of movement within a specific geographical area shall not affect the inalienable sphere of private life and shall not prevent the exercise of the right . . . [to] an adequate standard of living, which guarantees their subsistence and protects their physical and mental health, with respect for human dignity." (L4939/2022, Articles, 49, 59).

<sup>3</sup> Greece - Council of State, Fourth Section, 17 April 2018, [Decision 805/2018](#).

<sup>4</sup> Asylum Information Database, 2022, [Country Report, Greece](#).

fact that the original purpose of this containment - i.e. to facilitate deportation of migrants to Turkey - is no longer valid since all official deportations from Greece to Turkey have ceased the last four years, since March 2020.

Parallel to and in conjunction with the normalisation of the process of containment on the islands, has been the normalisation of the 'hotspot' approach to 'managing' migration. "Hospitality Centres" were replaced by "Reception & Identification Centres" (commonly known as "hotspots"), which have since been converted to "Closed Controlled Access Centres". Regardless of the name, the impact is the same: migrants who enter Greece without authorisation - men, women, and children - are concentrated and isolated in [increasingly surveilled and controlled camps](#), based solely on their legal status and nationality. These modern day concentration camps continuously and inexorably expose people on the move to degrading and inhuman treatment, and they are maintained with the unconditional financial and political support of the European Union.

### **Normalisation of the exclusion of migrants from the EU, through legalised and clandestine policies.**

The second major impact felt in Greece following the EU-Turkey deal was the increasing exclusion of people from the asylum procedures on the grounds that Turkey is a 'safe third country'. According to EU law, asylum seekers can be precluded from receiving international protection in the EU if they have passed through a 'safe third country' on their way to Europe.<sup>5</sup> Over the last eight years, Greece has incrementally excluded increasing numbers of people from the asylum procedures on these grounds.

Between 2016 and 2019, Syrian nationals who had arrived to the Greek islands and had not been designated as vulnerable were excluded from the asylum procedures on these grounds, and faced deportation to Turkey. Between 2020 and June 2021, following the enactment of a new asylum law which eliminated procedural safeguards for vulnerable individuals, this exclusion expanded to essentially all Syrian nationals who arrived to the Greek islands. In [June 2021](#), the Ministry of Migration & Asylum further extended their exclusionary policies - unilaterally declaring that Turkey was a safe country for nationals not only of Syria, but for all nationals of Afghanistan, Somalia, Pakistan, and Bangladesh. Furthermore, the June 2021 Joint Ministerial Decision expanded this exclusionary policy not only to asylum seekers who had arrived to the Greek islands, but to all asylum seekers in the Greek mainland. The exclusion of people of the above nationalities from the asylum procedures continued even after deportations to Turkey halted in 2020, a practice which was challenged through a [request for annulment](#) before the Council of State, Greece's highest administrative instance.

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<sup>5</sup> For a country to be considered 'safe', under the 'safe third country' concept ALL of the following must be met: (1) it is possible to request refugee status and if eligible to receive protection in accordance with the 1951 Geneva Convention relating to the status of Refugees; (2) there is no risk of return to an unsafe country of origin; (3) there is no risk of serious harm, and (4) there is no threat to life or liberty on account of race, religion, nationality, membership of a particular social group, or political opinion. Asylum Procedures Directive, 2013/32/EU, Article 38, available at <https://www.refworld.org/legal/reglegislation/council/2013/en/97663>.

While the majority opinion of the Council of State considered that the 2021 Joint Ministerial Decision should be annulled (Decision no.177/2023), the question was referred to a preliminary ruling of the European Court of Justice, a decision of which is [expected soon](#).

**The classification of Turkey as a safe third country for any nationality has always been a political decision disconnected from reality.** As extensively documented by the 2023 European Lawyers for Democracy and World Human Rights (ELDH) [report](#), Turkey cannot be considered either factually or legally, to be a 'safe third country' within the meaning of European law. From Turkey's legal framework which restricts access to asylum, to the inadequate reception conditions, inhuman treatment of during detention and deportation and the systematic violation of the principle of non-refoulement, to the post-earthquake response in Turkey and its impact on people on the move<sup>6</sup>, Turkey by no means meets the requirements to be considered a safe third country.

Since the 2023 ELDH report, conditions have only worsened for people on the move in Turkey. More than one year after the devastating earthquake, internal travel restrictions for foreigners have effectively sentenced migrants impacted by the earthquake to homelessness and poverty, adding another layer of [insecurity](#) to their existence and safety. Additionally, following the May 2023 general elections, anti-immigrant sentiment has escalated. Migrants in Turkey have been [arrested, disappeared, and killed](#).<sup>7</sup> In February 2024, the Chamber of Doctors [released a report](#) documenting overcrowded and horrific detention conditions for migrants, which includes bans on detainees from contacting family member and lawyers, lack of access to drinking water and edible food, disregard for the special needs and vulnerabilities of detainees, strip searches, torture, and suspicious deaths in detention.<sup>8</sup> Pushbacks of migrants from Turkey to Syria and Iran are also [well documented](#).<sup>9</sup> As in Greece, the official response of the Turkish Government on these egregious violations is one of [denial](#).

In addition to the legalised exclusion of migrants from the EU through erroneous and abusive application of the 'safe third country' concept in Greece, we must also emphasise that the objective of excluding more migrants from the EU has been achieved not only by "legal" means but also through the establishment and normalisation of the clandestine state policy of summarily expulsion or pushbacks of migrants from Greece to Turkey, in particular since March 2020 in the Aegean region.<sup>10</sup>

The casualties of this pushback policy are immeasurable. Between 2020 and 2022, [tens of thousands of people](#) were documented as having been attacked, captured, and abandoned at sea by the Greek state in pushback operations in the Aegean sea, including with fatal results. The number of dead and missing at Greek borders, including the Aegean sea, has alarmingly escalated in the last four years. 2023 took the tragic record of at least [799 people losing their lives](#) in the Eastern Mediterranean route - the highest number of people drowned

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<sup>6</sup> March 2023, [Joint Declaration on the 7th Year of the EU-Turkey Statement](#).

<sup>7</sup> See also, Rudaw, 14 June 2023, [Case against 3 Syrians burned to death in Izmir postponed](#).

<sup>8</sup> See also, Everensel, 3 January 2024, [Refugee Mohammed's family suspects torture: He was found dead at the GGM](#).

<sup>9</sup> See also, Everensel, 16 November 2023, ["Burned Afghan worker and the curtain of 'brutality'"](#).

<sup>10</sup> Legal Centre Lesbos, February 2021, [Crimes Against Humanity in the Aegean](#).

and disappeared since 2015, when more than twenty times the number of people were making the journey to Europe across the Greek-Turkish borders.

This figure only includes those disappearances officially recorded by UNHCR, but likely does not include all of those who [have lost their lives](#) during pushback operations whose deaths unfortunately often go uncounted.

## **Legalisation and expansion of the EU-Turkey Statement**

In December 2023, the European Commission, the European Parliament, and EU member states reached a political agreement on the EU Pact on Migration and Asylum, which will soon lead to the legalisation and expansion of the abusive and harmful policies described above. The Pact will crystallise policies stemming from the EU-Turkey Statement which **have already been tested for years in border zones** such as Lesbos and the Aegean islands, both in official and clandestine ways.

In addition to the legalisation of restricting migrants' freedom of movement and dictating their concentration into camps, the Pact will automate the exclusion of migrants from asylum procedures through border screenings and forced removal without individual assessments. Besides clearly derogating from States' human rights obligations towards refugees and migrants, these policies will essentially pave the way for legalised pushbacks.

As we mark another year of the EU-Turkey deal, European politicians have finalised an agreement with Egypt, promising financial support to Egypt in order to assist Egypt on migration-related programs, including "[strengthening border management, and ensuring dignified and sustainable return and reintegration](#)". While not as explicit as the EU-Turkey Statement in its aims to prevent migration to the EU, we are concerned that this agreement will also be used to further justify European' states' derogation from their own human rights obligations with regard to refugees and migrants. Our demands today on this shameful anniversary have not shifted since those we have made in previous years, and remain as urgent as ever.

We, the undersigned organisations demand:

- the immediate termination of the EU-Turkey Statement, as well as all similar externalisation statements with other countries, which have been implemented with the motive of preventing migrants from entering the EU;
- that the practice of pushbacks at Turkey and Greece's external borders, in which the right to life and the prohibition of torture as enshrined in the European Convention of Human Rights are routinely violated, be stopped and remedy mechanisms for the survivors to be implemented immediately;
- that regulations assuring that migrants' rights are respected, ensuring decent living conditions and freedom of movement, be implemented.

Signed organisations:

1. Community Peacemakers Teams (CPT)
2. Equal Legal Aid
3. European Association of Lawyers for Democracy & World Human Rights (ELDH)
4. Human Rights Legal Project
5. I Have Rights
6. Lawyer Association of Freedom (ÖHD)
7. Legal Centre Lesvos
8. Progressive Lawyers Association (CHD)
9. Refugee Legal Support