

**Approved Position Paper**

## **Caritas Europa defends the respect of fundamental rights following the EU-Turkey agreement**

*“Following the EU-Turkey agreement, the situation remains complicated and unstable in Greece. The shelters are full so a lot of families end up homeless. We also witness violations of human rights at multiple levels. In particular, the access to asylum system is difficult and some centres are still closed. In these often overcrowded detention centres, people are kept under inhumane conditions that do not ensure human dignity.”*

Source: Staff from Caritas Greece

### **Caritas Europa’s observations**

At the beginning of 2016, there were an estimated 60 million refugees and displaced people around the world, the highest number since the Second World War. Although an estimated 80% of the world’s refugees are hosted by developing countries, during 2015, an increasing number came to Europe, with over one million arriving in that year. Even if this figure represents a mere 0.2% of the EU’s population, most European governments - with the notable exception of Germany - have reacted to this influx by adopting a stance of deterrence and containment. Caritas member organisations attribute this to the failure of EU governments to agree on common approaches to sharing the responsibility of accepting migrants and refugees.

As a consequence of these restrictive migration policies, 1,343 persons lost their lives in the Mediterranean<sup>1</sup> since the beginning of 2016, while around 183,000 arrived to Europe<sup>2</sup>. The situation in Greece is particularly worrying, since such policies of deterrence have taken place despite the fact that the majority of people arriving there belong to most vulnerable groups, i.e. children, including unaccompanied children, women, and entire families. During the last months, Greece has been the entry point to thousands of people who are seeking protection in the EU. 52,000 people are currently trapped on the borders of and inside Greece.<sup>3</sup> This is happening at a time when the Greek government is still feeling the strains of the economic crisis and cannot offer EU-standard treatment to the people stuck on the Greek islands, in Athens and at the border with FYROM. Caritas Greece is a witness to this dramatic situation.

For the EU, the solution appeared to be the agreement reached with Turkey on 17-18 March, once again restrictive rather than human-centred policies. This plan is designed to:

- Stem migration and refugee flows from Turkey to Greece by instituting large-scale, fast-track returns of all “irregular migrants” crossing into the Greek islands from Turkey;
- Send irregularly arriving Syrians back to Turkey with the promise that for each Syrian readmitted by Turkey, an EU Member State would agree to resettle another Syrian refugee from Turkey;

---

<sup>1</sup> IOM <http://missingmigrants.iom.int/>

<sup>2</sup> IOM <http://www.iom.int/news/mediterranean-migrant-arrivals-2016-183017-deaths-1244>

<sup>3</sup> Idem

- A commitment from the EU to cooperate with Turkey in endeavours to establish so-called “safe areas” inside Syria.<sup>4</sup>

### **Caritas Europa’s concerns about the EU-Turkey agreement**

Standing continuously next to the people experiencing poverty, and migrants in particular, Caritas Europa member organisations know the cruel suffering all women, men and children are experiencing before, during and after getting into a boat to reach Europe. We have seen first-hand the terrible consequences of the EU-Turkey agreement on migrants and we are very worried about several aspects of this deal.

First of all, we are concerned about the fact that the European Parliament had had no chance to check the content of this agreement. With that in mind, we strongly call on the European Parliament to monitor the respect of fundamental rights in the implementation of the agreement and to oppose any downgrading of human rights standards which could result from this agreement.

Secondly, the EU-Turkey agreement has effectively turned reception centres in Greece into detention centres, with people having to stay closed in the camps for 25 days, which often results in denying people the right to claim asylum, or the right to file an appeal. We are also deeply worried about food shortages as well as the lack of showers and hygiene provisions in these camps.

Thirdly, we are concerned about the mass-scale return scheme which clearly goes against the Geneva Convention. By pushing back migrants to Turkey, the EU is directly breaching the principle of non-*refoulement*, guaranteed by the Geneva Convention. The individual right to asylum needs to be ensured and guaranteed. The recent reports from UNHCR showing that 13 of the first 202 asylum seekers to be sent back to Turkey under the EU-Turkey deal, did not have their claim assessed justified our concerns regarding push-backs and *refoulement* of asylum seekers.<sup>5</sup>

Furthermore, we do not believe in the promise of Member States to effectively resettle one Syrian from Turkey for each Syrian sent back from Greece to Turkey. As of December 2015, only 600 refugees have been resettled to EU Member States and only 184 people have been relocated while Member States committed themselves to resettle 20,000 and relocate 160,000 people in need of international protection.<sup>6</sup> In addition, we believe that resettlement should not be conditioned to how many people were sent back to Turkey. We also call on the EU to open resettlement to every person in need of international protection and not only to Syrians.

In addition, we fear that migrants, who just want to reach Europe in order to live in peace and save their lives, will be left with no choice than to pay even higher sums to smugglers and traffickers and to take even more dangerous routes to Europe. We are deeply worried that the EU-Turkey agreement will only lead to more deaths in the Mediterranean.

Moreover, with its focus on Syria, the deal risks creating a hierarchy of refugees which violates the fundamental principle that all asylum applications should be considered on their own merit, regardless of where the applicant is from. The EU and Turkey’s assurance that asylum seekers will not have their rights violated, that they will have their asylum claims reviewed on an individual basis and that no one will be victim of collective expulsions, is not convincing given the scale of the numbers involved and the timeline proposed – both of which raises serious concerns about the ability of the EU and Turkey to deliver on these commitments.<sup>7</sup>

---

<sup>4</sup> Trocaire paper “Refugees, Migrants and Asylum Seekers: where to from here? The implications of the EU Deal with Turkey”

<sup>5</sup> <http://www.theguardian.com/world/2016/apr/05/greece-deport-migrants-turkey-united-nations-european-union>

<sup>6</sup> Presidency Report from the President of the European Council: Managing Migration flows – 16 December 2015

<sup>7</sup> Trocaire paper “Refugees, Migrants and Asylum Seekers: where to from here? The implications of the EU Deal with Turkey”

We are deeply concerned about the plight of migrants and refugees seeking safety and sanctuary in Europe, especially those who have become pawns, caught up in the failure of European governments to agree on common humane approaches to protecting people in need. We stand rigidly against this deal and call on European governments to work together to find political and people-centred solutions.

## Recommendations

At such a delicate moment in time, when the European project is potentially at stake, Caritas urges leaders to recognise the need for Europe to remain united and strong, fostering its values and principles of solidarity. We truly believe in the capacity of Europe to solve this situation if it stands together, bases long-term solutions on solidarity, and guarantees the respect of migrants' fundamental rights.

As a consequence, we call on the EU, and in particular on the European Parliament when it comes to monitoring the respect of fundamental rights, to:

- Guarantee the respect of the Geneva Convention. All people in need of protection have a right to access fair and efficient asylum procedures, including right to appeal, and must not be subject to arbitrary detention or *refoulement*. The individual right to asylum must be guaranteed;
- Design and implement immediately people-centred policies with a fair-share approach to asylum, guaranteeing migrants' access to rights, and fighting against the externalisation of borders' management;
- Ensure that each migrant has a right to independent information and advice about his/her rights, including the right to ask for asylum and to access appeal procedures, the right to benefit from publicly funded legal representation at all stages of the asylum process, the right to sufficient and nutritious food, the right to basic hygiene options with respect to cultural and gender sensitivities;
- Ensure that each asylum seekers is able to access vulnerability assessments, essential healthcare including psycho-social needs, and protection services by fully qualified staff;
- Guarantee that the 'hotspot' reception centres strictly adhere to EU Reception and Procedures Directives. Policy and practice by European governments should prioritise saving lives, responding humanely to new arrivals and ensuring that the Common European Asylum System is fully focused on protection. Until the hotspot reception centres no longer act as forced detention centres, where migrants have no freedom of movement and are in danger of deportation, Caritas and NGOs will cease working in them or delivering services to people arbitrarily held within the hotspots;
- Open more safe and legal pathways for migrants and refugees who have fled conflict, violence, persecution, poverty and deprivation, to reach protection in Europe, including reducing the barriers for family reunification with a particular focus on vulnerability;
- Promote immediately alternatives to detention. Detention centres should be replaced by open facilities fully equipped for the protection of the refugees and migrants.

We call on Member States specifically to:

- Refrain from pushing back migrants to Greece and return them to Turkey;
- Deliver humanitarian aid in a neutral environment with full freedom of movement and no arbitrary detention;
- Actually implement the Relocation and Resettlement schemes on which they agree themselves.