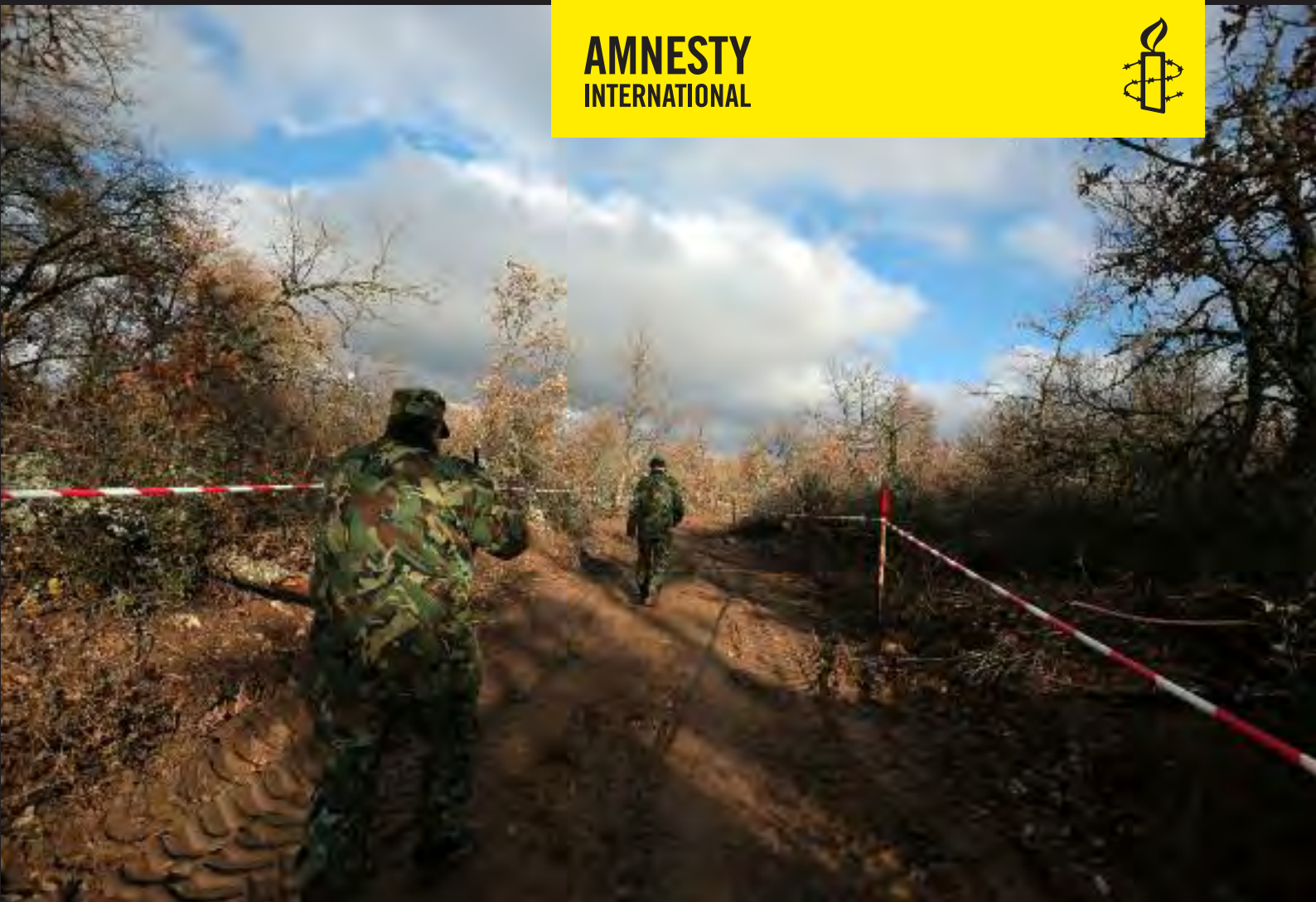# THE HUMAN COST OF FORTRESS EUROPE

HUMAN RIGHTS VIOLATIONS AGAINST MIGRANTS AND REFUGEES AT EUROPE'S BORDERS

AMNESTY
INTERNATIONAL

Amnesty International is a global movement of more than 3 million supporters, members and activists in more than 150 countries and territories who campaign to end grave abuses of human rights.

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Cover photo: Border policemen patrol the Bulgarian-Turkish border where a 30km fence is being built to prevent migrants and refugees irregularly crossing the border into Europe. November 2013.
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1. INTRODUCTION

Every year thousands of migrants and refugees try to reach Europe. Some are driven by the need to escape grinding poverty; others are seeking refuge from violence and persecution. Their journey is fraught with danger. At least 23,000 people are estimated to have lost their lives trying to reach Europe since 2000.[1] And those who make it to the borders of the European Union (EU) find that safety remains beyond their grasp.

The EU and its member states have constructed an increasingly impenetrable fortress to keep irregular migrants out – irrespective of their motives, regardless of the desperate measures that many are prepared to take to reach its shores. In order to "defend" its borders, the EU has funded sophisticated surveillance systems, given financial support to member states at its external borders, such as Bulgaria and Greece, to fortify their borders and created an agency to coordinate a Europe-wide team of border guards to patrol EU frontiers.

Individual member states themselves are taking drastic measures to stop irregular arrivals. Migrants and refugees are being expelled unlawfully from Bulgaria, Greece and Spain, without access to asylum procedures and often in ways that put them at grave risk. They are ill-treated by border guards and coastguards. In addition, some EU countries are using the threat of lengthy detention as a deterrent for those thinking about coming to Europe.[2]

A **refugee** is a person who has fled from their own country because they have a well-founded fear of persecution and their government cannot or will not protect them. **Asylum procedures** are designed to determine whether someone meets the legal definition of a refugee. When a country recognizes someone as a refugee, it gives them **international protection** as a substitute for the protection of their country of origin.

An **asylum-seeker** is someone who left their country seeking protection but has yet to be recognized as a refugee. During the time an asylum claim is being examined, asylum-seekers must not be forced to return to their country of origin.

This report uses the term refugee to refer to those who have fled persecution or conflict, regardless of whether they have been officially recognized as refugees.

The measures employed by the EU do not stop at its actual borders but extend deep into neighbouring countries. The EU and member states have sought to create a buffer zone by entering into cooperation arrangements with neighbouring countries that help them block irregular migration towards Europe. They have funded reception and detention centres for migrants and refugees in countries where there are serious concerns about access to asylum procedures in detention, such as Turkey and Ukraine.[3] They have put in place readmission agreements with countries of origin and transit, allowing those who manage to arrive in Europe to be sent back more easily.

The myths

Some in the EU and the media have tried to justify increasingly harsh migration policies on the grounds that Europe is having to cope with more than its fair share of refugees and migrants. It is also often argued that the vast majority of those irregularly entering Europe are economic migrants.

The facts

Most of world's refugees do not leave their regions of origin. At the end of 2013, the countries hosting the largest numbers of refugees were: Pakistan, Iran, Lebanon, Jordan, Turkey, Kenya, Chad, Ethiopia, China and the USA.[4]

Since the beginning of the crisis in Syria, over 2.8 million Syrians have fled their homes – more than half of them children.[5] Only 96,000 had reached Europe in search of protection by the end of April 2014.[6]

In 2013, 48% of all irregular entrants and 63% of all those arriving irregularly by sea came from Syria, Eritrea, Afghanistan and Somalia, countries torn by conflict and wide spread human rights abuses.[7] The majority of those fleeing these countries are clearly fleeing generalized violence or persecution and are prima facie in need of international protection.

These measures, whose effectiveness in stopping irregular migration to Europe is at best questionable, are causing human suffering and costing human lives.[8] With safer routes into the EU being closed off by fences, increased surveillance and the deployment of more and more security forces, people are being forced to take ever more dangerous routes, sometimes with tragic consequences. Women, men and children are drowning at sea or suffocating in trucks. They face violence at EU's borders and are denied their right to seek asylum. Those seeking to enter the EU end up trapped in countries such as Libya, Morocco, Ukraine and Turkey, where their rights are at risk. In some of these countries they suffer destitution without access to social and economic rights, in some they face violence and even torture.[9]

It is the sum total of these policies and practices, within, at and outside the EU's borders, that this report refers to as "Fortress Europe". The construction of this fortress has ostensibly been designed to prevent irregular economic migration. Indeed, national authorities and EU institutions frequently pay lip service to the right to seek asylum and Europe's obligation – both legal and moral - to provide it. The reality, however, is that almost half of those irregularly entering Europe are fleeing conflict and persecution in countries like Syria, Eritrea, Afghanistan and Somalia, and the EU is no more porous for them than it is for economic migrants. All are exposed to unacceptable risks to their lives and rights as a result of the EU's relentless drive to reduce the overall number of arriving migrants.

It should not be assumed that the responsibility for the construction of Fortress Europe and the abuses at the EU's borders lies solely, or even primarily, with the countries along the EU's southern and eastern edges. These are, for the most part, countries of transit as much as Morocco, Libya and Turkey. The forbidden lands that most are trying to reach are the countries of the North, and it is these, as much as those in the South, that are pushing the EU to seal its borders, and bending EU institutions to this agenda. It is these that are designing and paying for Fortress Europe.

This report describes some of the key elements of the EU's migration policy and how this policy plays out at the EU's southeastern border, where Bulgaria and Greece meet Turkey, one of the main routes used by Syrian refugees seeking safety in the EU. The report ends with recommendations calling on the EU and members states to review their migration policy urgently in order to shift its primary focus from protecting borders to protecting people.

RAHIM'S STORY[10]

Rahim[11] fled Afghanistan in fear of his life in 2012. He was just 16. By the time he spoke to Amnesty International in April 2014, he had been pushed back across the border from Bulgaria and Greece and was struggling to survive in Turkey, living in a small room with five Afghan men and working very long hours in harsh, exploitative conditions in a textile workshop.

He had applied for refugee status with the UN Refugee Agency (UNHCR) in Ankara and been registered as an unaccompanied child. He was placed in a children's shelter in a remote city in eastern Turkey, which he described as "worse than being in Afghanistan" because of the constant fighting and attacks by local children. After six months, unable to endure conditions in the shelter any longer and feeling that his life there was aimless – he had no access to work or school – he ran away and headed for Istanbul.

After sleeping rough on the streets of Istanbul for a couple of weeks, he was able to find work in a textile workshop and rent a room. By the end of 2013, he had managed to save enough money to pay a smuggler to take him to Europe as one of a group of eight Afghans. Rahim described what happened:

"We crossed the border at about 1.30am... But we were caught by the Bulgarian police ... There were cameras every 15m to 20m on the Bulgarian side of the border. I think the police saw us on the camera and then came to catch us... [The police officers] pointed their guns at us and shouted 'Stop!' But we didn't. We all ran in different directions... Three policemen caught me and my 13-year-old friend, Ahmed. I did not see the rest of the group. The three policemen began beating us. They kicked us and they had these black sticks, hard like iron. They hit our knees with those, also our hands. It was really bad."

Rahim said that the policemen then searched their bags and clothes and took all their money before taking them back to the border.

"One of them threw us back to the Turkish side as if we were an old rag."

He was apprehended by the Turkish soldiers at the border, handed over to the Turkish gendarmerie and then taken to a removal centre in Edirne.

"In Edirne camp, they told us that they would deport us. I showed them my UNHCR paper... But they still said they would deport us. So, we tried to escape. But we were caught and were very badly beaten. As a punishment, I was held in a small windowless cell alone for two weeks. It was horrible... Then one night at around midnight, they transferred us to Izmir... Sometimes, the police said that we'll be taken to the children's shelter; and sometimes they said we'll be deported. We didn't know what to believe. We were scared."

Since then, Rahim has twice tried to reach Europe by taking a boat to Greece. Both times, he almost reached the Greek island of Lesvos, but was stopped and sent back to Turkey by the Greek coastguard.

"We were just 10m off the island when the Greek coastguard found us…We were so close, we thought we can make it to the island. But the Greek coastguard boat caught up with us. We punctured our boat and jumped into the sea so that the coastguard could not tow us back to Turkey. The coastguards picked us out of the sea on to their boat… Then we sailed towards Turkey for half an hour or so… They put an inflatable boat in the sea and pushed us onto it. They also threw two oars at us and pointed to the shore. And then they left. They just left us there."
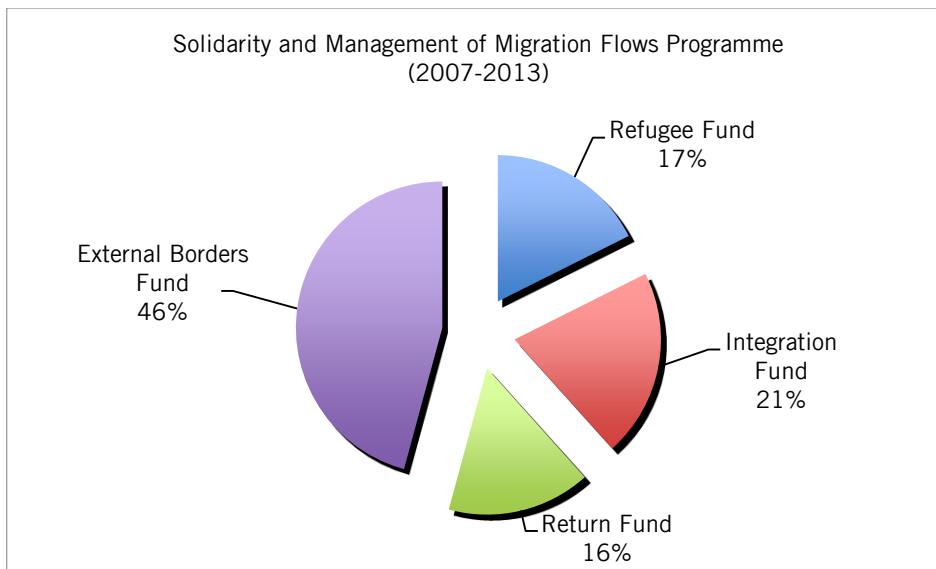
Rahim told Amnesty International, that he is thinking about trying to get into Europe again: "*I would stay in Turkey, but I have no rights here. I can't legally work or go to school. I can't just continue working like this to survive. I feel stuck.*"

2. CONSTRUCTION OF THE FORTRESS

FUNDING THE FORTRESS

Many of the measures outlined in this report have only been possible because of heavy financial support from the EU or members states. Those providing support for such policies and practices have an obligation to ensure that the measures they back do not result in human rights violations. However, the EU's priorities regarding migration policy have focused on sealing its borders rather than its human rights obligations. This can be clearly seen in expenditure on constructing "Fortress Europe" as compared with the funding given for supporting asylum procedures and the needs of refugees.

The Directorate-General for Home Affairs of the European Commission allocated almost €4 billion for the period 2007-2013 to the four funding instruments under the Solidarity and Management of Migration Flows Programme (SOLID) to support member states' activities on asylum, integration, return of third country nationals and border control.[12] Almost half of this (€1,820 million) was allocated for activities, equipment and technological infrastructure focusing on control of the external borders of the Schengen area.[13] Just 17% (€700 million) was allocated to support asylum procedures, reception services and the resettlement and integration of refugees.[14]

Solidarity and Management of Migration Flows Programme (2007-2013)

Refugee Fund 17%
Integration Fund 21%
Return Fund 16%
External Borders Fund 46%

The contrast between spending on border control and refugee support was even more pronounced in EU funding allocations to individual member states at the EU's external borders. For example, only a little over 8% of the total amount Bulgaria was allocated under the SOLID Programme was for activities funded by the Refugee Fund, whereas almost 74% was for activities funded by the External Borders Fund.

ALLOCATION OF REFUGEE AND EXTERNAL BORDERS FUNDS IN SOME MEMBER STATES 2007-2013[15]

	Refugee Fund	External Borders Fund
Bulgaria[16]	€4,295,548.61	€38,131,685.92
Greece	€21,938,521.14	€207,816,754.58
Spain	€9,342,834.50	€289,394,768.35
Italy	€36,087,198.41	€250,178,432.52
Malta	€6,621,089.03	€70,441,716.30

In April 2014, the EU established two new funds to replace the four under the SOLID Programme and increased spending in this area by almost 50%. The two new funds are:

■ the Asylum, Migration and Integration Fund (AMIF)[17] with a budget of €3,137 million. Each member state must spend at least 20% of its allocation on asylum-related measures; and

■ the Internal Security Fund (borders and visa) (ISF)[18] with a budget of €2,760 million.

The new regulations that set up these funds refer to member states' human rights obligations and state that all activities undertaken using these funds should comply fully with these obligations. However, the regulations did not set up any human rights monitoring mechanisms and left the evaluation of the implementation of the Funds to indicators that are merely quantitative such as the "number of border control (checks and surveillance) infrastructure and means developed or upgraded with the help of the Instrument" in the case of ISF and the "number of vulnerable persons and unaccompanied minors benefiting from specific assistance" in the case of AMIF.[19] Therefore, it is not clear how the European Commission will monitor spending to ensure that its funds do not support activities that cause or contribute to human rights violations.

According to the regulation governing the AMIF and ISF, partners should be involved in the preparation, implementation, monitoring and evaluation of national programmes.[20] AMIF requires member states to include "relevant international organizations, nongovernmental organizations and social partners" among these partners, which can play a role in the assessment of the Fund's impact on human rights. However, such an obligation does not exist for the ISF.

Although funds are actually spent by the European Commission and individual states, the European Council and the European Parliament play an important role in deciding how the budget will be set and allocated. Member states' contributions account for two thirds of the

total EU budget and responsibility for ensuring adequate safeguards and monitoring, therefore, rests not only at the EU level, but also at the national level.[21] However, the EU and member states have failed to ensure that human rights safeguards are an integral part of funding decisions.

FORTIFYING THE SOUTHEASTERN FRONTIER: BULGARIA AND GREECE

Before mid-2012, the land border between Greece with Turkey was one of the main routes taken by refugees and migrants entering the EU. In mid-August 2012, the Greek authorities launched Operation *Aspida* (Shield) to block this border. More than 1,800 additional police officers were deployed[22] and a 10.5km long fence was erected along the northern section of this land border. According to Frontex, the EU Border Agency, these developments have had such an impact that fewer than 10 irregular migrants a week were detected crossing this border at the end of October 2012, down from 2,000 in the first week of August 2012.[23]

With heightened security at the land border, more and more refugees and migrants have begun taking the more dangerous sea route to the Greek islands. According to the Greek police, the number of migrants apprehended on Greek islands or in the Aegean Sea rose from 169 in 2012 to 3,265 in 2013.[24]

In addition to increased security to prevent migrants entering Greek territory irregularly, Greek border guards and coastguards routinely push back refugees and migrants to Turkey without any due process and at times, putting their lives at risk, even when they manage to enter Greece.[25]

After the route to Greece was almost completely sealed, many migrants and refugees trying to reach the EU were diverted to the border between Bulgaria and Turkey. The numbers of refugees and migrants apprehended at Bulgaria's border with Turkey increased sharply in July 2013. The total number of people crossing the border irregularly was about 1,700 in 2012.[26] In 2013, this rose to 11,158.[27] A number of migrants and refugees told Amnesty International that their fear of ill-treatment and push-backs at the Greek borders and increased policing of that border were the main reasons why they chose to cross to Bulgaria.

While the Bulgarian authorities struggled to respond adequately to the needs of the large number of refugees crossing their border, they lost no time in taking measures to enhance the policing of the border, for example by deploying 1,572 additional police officers and 141 off-road patrol vehicles,[28] and starting the construction of a 30km fence. They also increased their cooperation with the Turkish authorities through an integrated system for monitoring the border (see section titled "Eurosur: Technology Guarding EU Borders" for more details).

Following the adoption of these measures, the number of people irregularly entering Bulgaria from Turkey dropped dramatically. Almost 8,000 migrants entered Bulgaria irregularly over the Turkish border between September and November 2013.[29] The numbers crossing between 1 January and 26 March 2014, had fallen to just 302.[30] This is particularly worrying given that almost 60% of all those who entered Bulgaria irregularly in 2013 were Syrians fleeing conflict and widespread human rights abuses.[31] In the same period Bulgaria received €5.65 million of emergency funding from the EU to improve its reception services and asylum procedures. However, by the time some improvements in these areas had been

achieved only a few asylum-seekers were succeeding in entering Bulgaria to use the improved facilities.[32]

Many of the measures taken by Greece and Bulgaria to seal off the EU's southeastern border with Turkey were made possible by the funding Bulgaria and Greece received from the EU.[33]

THE "SHIELD" AT THE GREEK-TURKISH LAND BORDER

The Greek authorities earmarked €6 million from the External Borders Fund in 2012 to help finance Operation *Aspida* (Shield).

The Greek authorities also used money from the External Borders Fund to buy equipment such as live scans for fingerprinting, helicopters, police patrol vehicles (over €16 million); off-shore patrol vessels (over €31 million); coastal patrol vessels (over €14 million); high-speed boats, airplanes with sensors, off-road vehicles, motorcycles (over €2.5 million); and night vision goggles, long-distance day goggles, thermal cameras, CO_2 detection devices and search and rescue boats.[34]

Most of this equipment is used for surveillance and patrolling at Greece's border with Turkey. Amnesty International has documented serious violations of the rights of migrants and refugees trying to enter Greece along this stretch of border. Migrants and refugees spotted by the Greek police or coastguard have been apprehended and either arbitrarily detained in appalling conditions or pushed back to Turkey without being given the right to seek asylum.[35]

OUTSOURCING MIGRATION CONTROL TO THIRD COUNTRIES

The EU and member states are supporting the migration control systems of neighbouring countries in an effort to stop migrants and refugees before they even reach Europe's actual frontiers. Cooperation arrangements with third countries such as Libya, Morocco, Turkey and Ukraine are increasingly seeking to turn these countries into buffer zones around EU borders.[36]

The cooperation arrangements take various forms such as bilateral or regional policy dialogues, agreements on visa facilitation and readmission, and funding or operational support from EU Agencies such as Frontex. They involve financing of border surveillance equipment, training of border guards and coastguards, and setting up information sharing networks so that migrants and refugees can be stopped by third countries before they reach Europe. EU even funds the construction or refurbishment of detention facilities, for example in Turkey and Ukraine, – helping third countries contain irregular migrants and prevent them from moving onward.

Although the human rights of migrants, including the protection needs of asylum-seekers, are described as a key component of the EU's external migration policy,[37] many cooperation arrangements focus on preventing irregular migration and returning migrants through readmission agreements rather than, for example, opening up more legal channels for migration or promoting the human rights of migrants and refugees.[38]

For example, the roadmap prepared by the European Commission to allow Turkish citizens visa-free entry to the EU requires that Turkey "fully and effectively" implement readmission agreements signed with member states and with the EU. The roadmap goes even further and requires Turkey to "conclude and implement readmission agreements with the countries that represent sources of important illegal migration flows directed towards Turkey or the EU Member States."[39] The visa-free regime also depends on Turkey demonstrating that it carries out "adequate border checks and border surveillance along all the borders of the country, especially along the borders with EU member states, in such a manner that it will cause a significant and sustained reduction of the number of persons managing to illegally cross the Turkish borders either for entering or for exiting Turkey."[40]

There is no mechanism to assess the impact of EU or member states' cooperation with third countries on people's ability to access asylum procedures or to travel onwards. Amnesty International research has shown that the demands being placed on third countries to prevent irregular departures to Europe put refugees, asylum-seekers and migrants in those countries at risk of prolonged and arbitrary detention, *refoulement*, and ill-treatment.[41] Additionally, negotiations leading to cooperation agreements with third countries are not transparent and some EU member states do not even make public the agreements they have already entered into. This further hinders the possibility for public scrutiny.

Refoulement is the forcible return of someone to a country where they would be at risk of serious human rights violations. International law prohibits the transfer of anyone to a place where their lives or freedoms are at risk – this is known as the principle of *non-refoulement*. It has become so widely accepted that it has reached the status of customary international law, meaning that it is binding upon all states, including those who have not ratified the relevant international instruments. Some non-state actors are also bound by the principle of *non-refoulement*, for example those exercising authority on behalf of a group or states, such as Frontex.[42]

FUNDING THE BUFFER

The European Union also contributes to migration-related programmes outside the EU through funding.[43] A number of funding instruments finance a large number of diverse activities related to issues from environment to rule of law in third countries. It is, therefore, difficult to pin down the exact amount spent on migration. However, one of the main instruments in this field, the Thematic Programme for Migration and Asylum had a budget of €384 million and funded migration-related activities in third countries between 2007 and 2013.

As of 2014, the European Commission's Directorate-General (DG) for Home Affairs can also give funds to non-EU countries under the new Asylum, Migration and Integration Fund and the Internal Security Fund "to ensure that the EU has the means to pursue its Home Affairs policy priorities and uphold its interests in relations with non-EU countries."[44] This carries a risk that internal EU priorities in the field of migration, such as preventing irregular migration to Europe, may override the needs of refugees and migrants when DG for Home Affairs is deciding on which activities to fund in third countries. In addition, as it is in the case of internal funding to member states, there are no mechanisms to assess the impact of EU funding to non-EU countries on the human rights of refugees and migrants.

In 2012, €20 million was earmarked by the EU under the Instrument for Pre-accession Assistance to help the Turkish authorities buy equipment to "strengthen the border surveillance capacity."[45] The same year, the humanitarian aid to Turkey – where 280,000 Syrians had sought protection since the Syrian crisis broke out in 2011[46] – was merely €3.8 million from the European Commission and €10.5 million from all EU member states.[47] Total financial assistance provided by the European Commission to Turkey in relation to the Syrian refugee crises amounted to €42.8 million since the beginning of the crisis, whereas Turkey reports to have spent €1.84billion.[48]

READMISSION AGREEMENTS

As of May 2014, the EU had signed readmission agreements with 17 countries – Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Cape Verde, Georgia, Hong Kong, Macao, FYR of Macedonia, Moldova, Montenegro, Pakistan, Russia, Serbia, Sri Lanka, Turkey and Ukraine. Negotiations were continuing with Algeria, Belarus, China and Morocco.[49]

EU readmission agreements set out the procedures for the expulsion of non-EU citizens present in the EU without authorization to their country of origin or transit. Although readmission agreements should only concern irregular migrants, there are serious concerns that asylum-seekers are also sent back to transit or source countries through readmission agreements, without access to asylum procedures. This can happen, for example, in member states with systemic deficiencies in their asylum systems such as Bulgaria and Greece.[50] This is a particular concern at border areas where accelerated procedures are applied and individuals have less chance to appeal against their expulsion. When individuals are readmitted to countries of which they are not nationals, they risk being stranded there without legal status at risk of violations of their rights, such as right to asylum, right to liberty, and right to work.

In 2011, the European Commission submitted an evaluation of the readmission agreements

the EU had entered into and made concrete recommendations to exclude third country nationals from these agreements and include suspension clauses in the event of persistent and serious risks of human rights violations of people who had been readmitted. The Commission also recommended the participation of international and non-governmental organizations in the "Joint Readmission Committees" which monitor the implementation of EU readmission agreements.[51] None of these recommendations were observed in, for example, the readmission agreement EU signed with Turkey in December 2013.

Member states also sign readmission agreements with third countries bilaterally. For example, Greece has a readmission agreement with Turkey, Spain with Morocco, and France with Benin, Burkina Faso, Cameroon, Cape Verde, Congo, Gabon, Senegal, Tunisia and Mauritius.[52] Some readmission agreements signed by member states with third countries have raised similar concerns regarding accelerated procedures and lack of human rights safeguards.

EU-TURKEY READMISSION AGREEMENT

The EU signed a readmission agreement with Turkey on 16 December 2013.[53] Under this agreement, Turkey will take back irregular migrants in the EU if they have travelled through Turkey.[54] It is expected that Bulgaria and Greece will be the main member states making use of this readmission agreement as majority of refugees and migrants who try to enter the EU irregularly from Turkey do so through Bulgaria and Greece.

Although, the EU-Turkey readmission agreement should not apply to people who are seeking asylum in the EU, people in need of international protection may end up being returned to Turkey from Greece and Bulgaria because of serious shortcomings in the asylum and screening systems of these countries. Despite legislative improvements in Turkey –backed by the EU – in the field of asylum and migration, accessing asylum procedures from detention facilities is still problematic and there are allegations of ill-treatment in detention facilities. Therefore, people returned to Turkey under this agreement may automatically be detained, be denied access to asylum and even face ill-treatment in detention in Turkey (for details on the treatment of migrants and refugees in Turkey see section titled "Trapped in Transit").

In a worrying move, on 16 April 2014, the Office of the Prime Minister in Turkey issued a circular ordering the creation of new removal centres and the expansion of existing ones to detain irregular migrants pending deportation. This was explicitly framed as a measure to "ensure the implementation of the readmission agreement" signed with the EU.[55] This move risks undermining the prohibition on arbitrary detention and highlights the potential negative consequences of the failure of the EU to carry out human rights impact assessments before entering into migration control agreements with non-EU countries.

FRONTEX: THE EUROPEAN BORDER AGENCY

Frontex, the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union, became operational in 2005. It enjoys a level of funding far in excess of that allocated to the EU Agency set up to support member states' asylum-related programmes. For example, the Frontex budget for 2014 is €89.2 million;[56] whereas the European Asylum Support Office (EASO) budget for 2014 is €15.6 million.[57]

Frontex' main task is to co-ordinate joint operations between member states on the external sea, land and air borders of the EU. Frontex also co-ordinates joint returns from member states to countries of origin, carries out risk analyses to inform its operational decisions as well as those of member states, and develops and organizes training for border and coastguards within and outside the EU. Frontex risk analyses and its assessments concerning the needs of individual member states at EU's external borders will now also influence the allocation of the Internal Security Fund in member states.

In addition to its work with member states, Frontex also enters into working arrangements with non-EU countries on issues such as information-sharing, risk assessment, research and development, and training.[58] Frontex operates in some non-EU countries as part of EU missions on border management, for example in Moldova and Ukraine.

Some non-EU countries have agreements with EU member states allowing their officials to take part in Frontex operations. For example, Mauritania and Senegal both have bilateral agreements with Spain that enabled them to take part in Operation Hera, a joint Frontex initiative aimed at curbing irregular migration from West Africa to the Canary Islands.

In 2011, Frontex adopted a Fundamental Rights Strategy that sets out a human rights framework for its activities. In 2012, Frontex appointed a Fundamental Rights Officer and set up a Consultative Forum on Fundamental Rights to monitor compliance with the Strategy. Frontex has developed internal procedures for staff and guest officers to report possible violations. Standard operating procedures (SOP) for the reporting of serious incidents require full consideration of reports of possible fundamental rights violations in Frontex coordinated activities from any source and submitted by any means. Frontex can follow up these reports through a range of measures which include addressing the member state concerned, discussing the matter with the management board, reporting to the Commission, withdrawing or reducing financial support, and taking disciplinary measures. Termination or suspension of a Joint Operation is a measure of last resort.

However, the lack of a clear mechanism for investigating reports of human rights abuses from joint operations or operational areas where Frontex is present and the inability to handle individual complaints means that this human rights framework is, in practice, of limited discernible impact. There is also no requirement at present to publicize information on how allegations of human rights violations have been dealt with and what decisions or actions were taken, which prevents public scrutiny.

FRONTEX OPERATIONS AT THE EU'S SOUTHEASTERN BORDERS

In Greece, Frontex has carried out border patrol operations, known as Joint Operation Poseidon Land since 2006, and Joint Operation Poseidon Sea since 2007 in collaboration with more than 20 EU member states and Schengen participating states. Participating states have provided technical equipment and guest officers to patrol the borders; to help identify countries of origin ("screening"); and to interview migrants to gather information on trafficking networks and routes used by smugglers ("debriefing").[59] After becoming a member of the EU in 2007, Bulgaria also began hosting Joint Operation Poseidon Land.

According to the latest information available on the Frontex website, the budget for March 2011 for the Joint Operation Poseidon Land (covering Turkey's borders with both Greece and Bulgaria) was almost €9 million.[60] In total, Frontex spent about €47 million between 2011 and 2013 on Joint Operations Poseidon Land and Sea hosted by Greece and Bulgaria.[61]

Reports of push-backs in Greece received by Amnesty International have not directly implicated Frontex. However, Frontex has confirmed that Greek maritime vessels co-financed by Frontex as part of Joint Operation Poseidon Sea do not bear any Frontex insignia and do not have guest officers aboard.[62] Refugees and migrants would, therefore, be unable to differentiate Frontex boats from regular Greek coastguard vessels. So, even if a Frontex vessel had been involved in their push-back, they would not be in a position to identify it.

The Executive Director of Frontex has the power to terminate or suspend a joint operation in certain circumstances, including in cases where there have been serious and persistent breaches of fundamental rights.[63] Amnesty International believes that this condition has been met in Greece.

In April 2014, Amnesty International called on the Frontex Executive Director to suspend parts of Joint Operations Poseidon Land and Sea relating to the patrolling of Greece's borders with Turkey in the Evros region and in the Aegean Sea because of the widespread and persistent human rights violations that take place there.

EUROSUR: TECHNOLOGY GUARDING EU BORDERS

Technology plays an important role in the EU's border control armoury. The European Border Surveillance System (Eurosur) became operational in December 2013. It includes information exchange technology that is used by national authorities of member states and Schengen participating states to strengthen border control cooperation both between states, including bordering non-EU countries, and with Frontex. The system also uses modern surveillance technology, such as unmanned aerial vehicles (drones). It is estimated that the cost of Eurosur for the period 2011 to 2020 will be €338 million.[64]

The Regulation that established Eurosur obliges EU member states, as well as Schengen participating states to reinforce surveillance at their borders that are widely used for irregular migration.[65] It also contains a number of safeguards for fundamental rights, but crucially gives no indication as to how they will be monitored or enforced.

Cooperation with non-EU countries is seen as an important factor in the effective use of Eurosur. The EU has, therefore, sought to develop projects to enable non-EU states to tap into the system. For example, one of the projects that the EU has funded in North Africa is the Southern Mediterranean Border Surveillance Network, which aims to increase "the capacity of the authorities of the North African countries to tackle irregular migration and illicit trafficking by strengthening their border surveillance systems."[66] Specifically, the programme aims to help Algeria, Egypt, Libya and Tunisia to set up technical systems that will allow them to inform each other and EU member states (in particular Cyprus, France, Greece, Italy, Malta and Spain) about "illegal or suspect activities" and to organize a coordinated response.

Similar surveillance networks already exist in the Baltic Sea, the Black Sea and the Atlantic that involve cooperation with Cape Verde, Gambia, Georgia, Guinea-Bissau, Mauritania, Morocco, Russia, Senegal, Turkey and Ukraine.

EU officials have repeatedly drawn attention to Eurosur's potential to increase safety and save lives. There is truth in this. However, Amnesty International is concerned that it will increasingly be used to detect and intercept irregular migrants or request their interception by neighbouring countries before they reach EU soil or territorial waters increasing the risk of *refoulement*. The way the surveillance technology under Eurosur is being used in Bulgaria demonstrates how Eurosur can leave migrants and refugees trapped in countries neighbouring the EU without any consideration on whether their human rights will be respected in these countries or not.

EUROSUR IN BULGARIA

Under the Eurosur system local border surveillance centres are being created which report to a national coordination centre in each country. These centres exchange information on the situation at their borders with one another and with Frontex.

When Amnesty International visited Bulgaria in March 2014, a border surveillance system was already operational. Stationary and moving cameras and motion sensors covered a 58km stretch along the southern part of Bulgaria's border with Turkey. Bulgaria has already spent about €20 million on the surveillance system; some €15 million came from the EU's External

Borders Fund.[67] A 24-hour surveillance system covering another 100km of the border is expected to be set up by 2015.

According to Bulgarian border officials, the system is used not only to apprehend migrants and refugees who have crossed the border into Bulgaria irregularly, but also to stop them even reaching the Bulgarian border.[68] The cameras stationed at the border track any moving object on Turkish territory within 15km of the border.

Information that migrants are approaching the Bulgarian border from Turkey is transmitted to the regional coordination centre in Elhovo, Bulgaria, using the integrated border surveillance system. The Bulgarian border police then alert the relevant Turkish law enforcement units or the army who apprehend migrants and refugees before they reach the Bulgarian border.

People apprehended in this way are then mostly detained in Turkey, where there are still concerns with regards to accessing asylum procedures, which might lead them to be sent back to countries where they might face persecution (for details on the treatment of migrants and refugees in Turkey see section titled "Trapped in Transit").

3. THE HUMAN COST OF THE FORTRESS

VIOLENCE AND PUSH-BACKS AT EU BORDERS

At EU's southeastern borders, where Bulgaria and Greece meet Turkey, a tragedy is unfolding. Refugees and migrants – principally from Syria and Afghanistan – are being unlawfully pushed back to Turkey. Push-backs at EU's southeastern border deny people the right to seek asylum. They are carried out informally without giving people a chance to appeal against being sent back. They are often accompanied by violence and sometimes take place in ways that put people's lives at risk.

Amnesty International has been documenting push-backs to Turkey from Greece since September 2012 and from Bulgaria since March 2014. People who shared their push-back experiences with Amnesty International described being physically attacked and having their belongings stolen by Greek and Bulgarian police or border guards or the Greek coastguard. Some of those trying to reach Greece by sea said that their boats were towed or encircled in a way that risked capsizing them. Some said that their boats were intentionally damaged. Others reported being towed towards Turkish waters and then abandoned at sea in unseaworthy vessels.

Push-backs happen when people are pushed back to the country they are trying to leave – or in some cases into the high seas – shortly after they cross the border, without an opportunity to challenge their forced return. Push-backs usually involve a group of people (migrants or refugees). The deportation of a group of people without looking at each case individually is a **collective expulsion** and is prohibited under international law.

Most of the migrants and refuges interviewed who had been pushed back from Greece or Bulgaria said that they had experienced violence and ill-treatment at the hands of law enforcement officials. Some described being held in what they thought were police stations in Greece and Bulgaria before being taken back to the border and unlawfully sent back to Turkey. Most of those who were pushed back from Bulgaria told Amnesty International that they were held at the border for up to 12 hours, outdoors in the cold. Some said they were forced to lie face-down on the ground during that time.

MASS PUSH-BACK AT THE GREEK-TURKISH BORDER

Two young women in their twenties fleeing Syria told Amnesty International that they had been pushed back to Turkey twice in October 2013 by the Greek police. The sisters had fled Aleppo in Syria to escape the devastation and violence of the continuing conflict there. By the time Amnesty International spoke to them in Istanbul on 22 November 2013, they had already made five unsuccessful attempts to reach Greece.

On the night of 27 October 2013, they crossed the River Evros to Greece with some 40 other

people from Syria and Afghanistan. However, they were soon picked up by Greek police officers who put them in plastic boats and ferried them back across the river.

The second push-back took place late on 11 November 2013. The sisters crossed the River Evros in a small plastic boat. They were among a group of about 40 people stopped by Greek police officers. They were loaded into a van and taken straight to the river bank. Other refugees and migrants were brought to the same spot, swelling numbers to around 200 people. The sisters said that the police announced that everyone would be sent back to Turkey. At around 2pm, some 150 people broke away and 100 or so sought shelter in a church in the nearby village of Praggi.

"Soon the church was surrounded by police officers. Babies were crying and the police didn't allow the priest to open the door to the church for us. A local woman brought some milk for the babies… We were scared and crying… we begged, we are refugees… we saw four policemen beating a man who was resisting. They kicked him and punched him… They used a weapon with electricity''.

The sisters said they were driven back to banks of the River Evros and ferried across the river to Turkey.

"The police ordered us out of the vans, they were swearing at us and pushing… They handed us over to people wearing black hoods and black or dark blue uniforms. They [the men in hoods] took our money and passports. Then, in groups, they took us in small boats over to the Turkish side with nothing but our clothes left on us."

Amnesty International's research has shown that push-back operations in Greece are routine and widespread.[69] Despite many reports of push-backs, including an incident where 11 people – eight of them children – lost their lives, the Greek authorities either flatly deny the existence of push-backs or claim that, if they happen at all, they are merely "isolated incidents". To date, there have been no effective investigations into alleged push-backs and to Amnesty International's knowledge no one has been held responsible.[70]

Amnesty International documented fewer allegations of push-backs from Bulgaria.[71] However, this does not absolve the Bulgarian authorities of their responsibility to investigate these allegations effectively, hold those responsible to account and ensure justice for the victims. Despite numerous previous reports of push-backs by other organizations and the media[72] the response of the Bulgarian Minister of the Interior has been to dismiss these reports rather than to launch effective investigations.[73]

A BORDER MARKED BY ANTI-RIOT EQUIPMENT

Push-backs are not confined to the EU's southeastern border. On the morning of 6 February 2014, a group of about 400 migrants, refugees and asylum-seekers from Sub-Saharan Africa attempted to cross the border between Morocco and Ceuta, a Spanish enclave in North Africa.

First attempts to cross the fence on the land border were unsuccessful so about 250 people moved towards the nearby beach of Tarajal in order to try to swim across to the Spanish side

of the beach. While they were in the water, members of the Spanish Civil Guard opened fire with rubber projectiles, blanks and tear gas. Fourteen people lost their lives in the sea that day.

The following week, the Spanish Minister of the Interior, Jorge Fernández Díaz, confirmed that anti-riot equipment, including rubber projectiles, had been fired towards the sea "to mark the border."[74] The Minister claimed that the riot equipment was used in such a way as to avoid hitting any of the people who were in the sea. He also stated that the 23 people who had survived the swim across and reached the Spanish beach had immediately been returned to Morocco, apparently without access to any formal procedure.[75]

The Minister's description of events and the statements of survivors and eyewitnesses published in the media demonstrate that the primary aim of the Spanish authorities was to prevent migrants, asylum-seekers and refugees from crossing the Spanish border and entering Ceuta. The human rights of the people involved, including the right to life, seem to have been entirely ignored by the authorities; no efforts were made to rescue those at risk of drowning. Spanish law enforcement officials used unnecessary and excessive force, in violation of international human rights law, when they deployed anti-riot equipment against unarmed people swimming towards shore and posing no threat.

The summary deportation of 23 people to Morocco amounted to collective expulsion, which is a breach of Spain's obligations under national, international and EU law.[76] The Minister of the Interior claimed that it was legal to deport the 23 because they had not yet crossed the Spanish border, which he stated was the human border made by the Civil Guard officers. However, Amnesty International believes that the individuals concerned were deported from Spanish territory, as they were on the Ceuta side of the border on the Tarajal beach. In any event, regardless of their physical location, the 23 were in practice under Spanish control and jurisdiction as they had been apprehended by the Spanish Civil Guard officers.[77]

States are obliged to give individuals on their territory or under their jurisdiction the opportunity to seek asylum and to challenge their transfer to another state. Summary expulsions – such as those that took place on 6 February in Ceuta – are a violation of international and regional human rights law.

Irregular migrants from Pakistan make their way along the Egnatia Motorway, near Feres town, on Christmas Day 2011, after entering Europe by crossing the Turkish-Greek border in the Evros River region.

In April 2014, Amnesty International called on the Frontex Executive Director to suspend parts of Joint Operations Poseidon Land and Sea relating to the patrolling of Greece's borders with Turkey in the Evros region and in the Aegean Sea because of the widespread and persistent human rights violations that take place there.

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above: Migrants arriving on the Greek island of Lesvos, 7 miles from the Turkish coast, 2008.

In the first five months of 2014, more than 170 men, women and children lost their lives in the Mediterranean and Aegean seas; hundreds more were missing, feared dead. Many of those who perished were escaping war-torn countries including Syria.

left: Newly arrived Syrian refugees after crossing the border into Turkey, January 2014.

The Turkish Prime Ministry Disaster and Emergency Management Presidency reported that Turkey had spent US$2.5 billion on hosting Syrian refugees between the beginning of the crisis in Syria and April 2014. The contribution Turkey received from the international community during that time was a mere US$200 million.

MAIN ROUTES USED BY MIGRANTS AND REFUGEES ENTERING EUROPE

SPAIN-MOROCCO BORDER

Fences separate Ceuta and Melilla from Morocco, two Spanish enclaves in Northern Africa.

€2.3million pledged
to prevent irregular migration to Spain through Ceuta and Melilla. Spanish Interior Minister, March 2014.
(Source: EUobserver)

NORTH AFRICA-EU BORDER

At least
2,600 people have died
crossing the Mediterranean to Europe since 2011.
(Source: UNHCR)

Operation Mare Nostrum:
43,340 people rescued
by the Italian navy between October 2013 and June 2014.
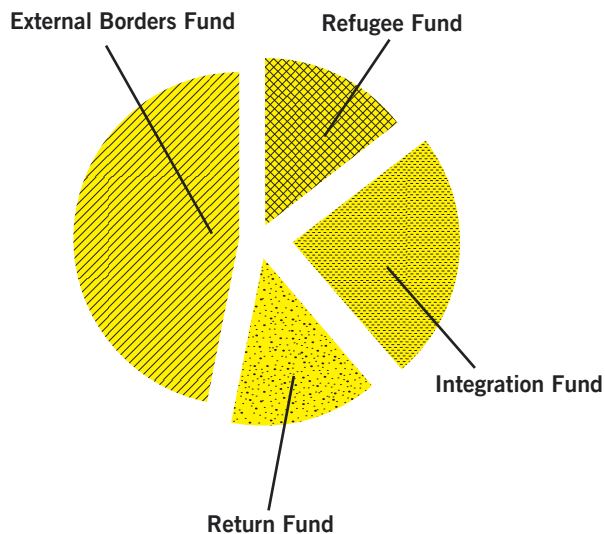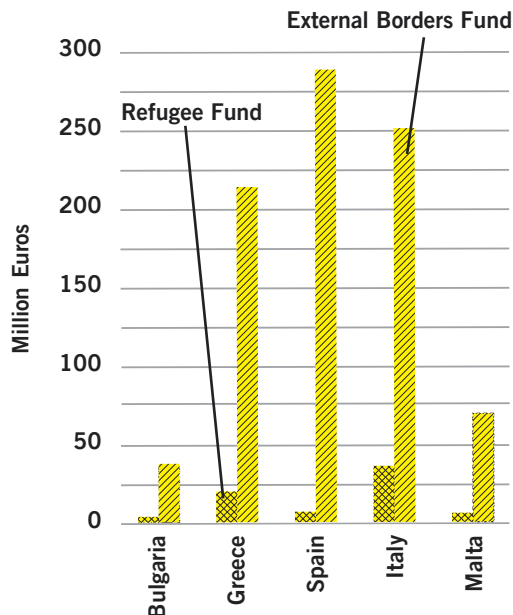(Source: Italian Navy)

BULGARIA-TURKEY BORDER

11,158 migrants and refugees apprehended
in 2013 (almost 60% Syrian)
(Source: Bulgarian Interior Ministry)

November 2013: Bulgaria deployed 1,572 additional police officers and began the construction of a 30-km fence at this border
(Source: State Watch)

302 migrants and refugees apprehended
between January and 26 March 2014.
(Source: Bulgarian Ministry of Interior)

GREECE-TURKEY BORDER

10.5 km border fence and increased policing change the routes people take.

↓ 96.90%
decrease in migrants and refugees apprehended at the land border.

↑ 254.09%
increase in migrants and refugees stopped at sea.
(Time period: Nov. 2012-Nov 2013. Source: Official Greek Police website.)

210 people dead or missing at sea
between August 2012-May 2014.
(Source: News reports)

SPAIN

ITALY

SICILY

Lampedusa   Malta

From Egypt

TUNISIA

MOROCCO

Melilla
Ceuta

LIBYA

BULGARIA

TURKEY

GREECE

TURKEY

SYRIA

ALGERIA

LIBYA

EGYPT

All EU BORDERS

23,000 people are believed to have lost their lives trying to reach Europe since 2000.
(Source: the Migrant Files)·

This map is not exhaustive and is intended to illustrate information set out in this report.

EUROPEAN COMMISSION PROGRAMME ON SOLIDARITY AND MANAGEMENT OF MIGRATION FLOWS (2007-2013)

External Borders Fund

Refugee Fund

Integration Fund

Return Fund

ALLOCATION OF REFUGEE AND EXTERNAL BORDERS FUNDS IN SOME EU MEMBER STATES (2007-2013)

External Borders Fund

Refugee Fund

Million Euros

300
250
200
150
100
50
0

Bulgaria   Greece   Spain   Italy   Malta

Migrants trying to board a Greek coastguard boat after their boat was stopped during a night patrol, 2009.

Since 2012, Amnesty International has talked to several people who said that their boats were towed or encircled in the Aegean Sea in a way that risked capsizing them. Some said that their boats were intentionally damaged. Others reported being towed towards Turkish waters and then abandoned at sea in unseaworthy vessels by Greek coastguards.

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above: A group of irregular migrants who had been heading for Europe wait after being detained by Libyan coastguards in Zawia, west of Tripoli, Libya, May 2014.

left: A Syrian refugee family from Aleppo take shelter on a rainy day in Istanbul, Turkey, March 2014.

There were more than 900,000 Syrians in Turkey in April 2014. Only 220,000 of them were living in government-run camps. Those outside the camps are at grave risk of destitution, exploitation and homelessness.

right: Dozens of Syrians sleep outside the Centre for Temporary Stay of Immigrants in Melilla, a Spanish enclave in North Africa bordering Morocco, in protest at conditions in the Centre, April 2014.

below: Afghan asylum-seekers hold a peaceful protest in front of the UN Refugee Agency office in the Turkish capital Ankara, May 2014.

Refugees in Turkey from countries not part of the Council of Europe can only obtain a status that allows them to stay in Turkey on a temporary basis. This gives them limited access to social services or to legitimate employment. As a result, most are destitute.

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© Photo by Halil Sagirkaya/Anadolu Agency/Getty Images

© Amnesty International (photo: Dario Sarmadi)

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above: **SOS Europe action organized by Amnesty International in support of the rights of migrants and refugees, Lampedusa, Italy, July 2012.**

left: **Amnesty International Italy flashmob event calling on Europe to respect and protect the rights of migrants, Bari, Italy, April 2014.**

FAILURE TO PROTECT

"When the boat sank, I could not find my friends. I was asking: where are they? Then I found Omar, but another friend was nowhere to be found. I tried to help others, but could not. Omar and I helped each other, but it was difficult to swim for hours. In the water, everyone was looking for family and friends."

Mohammed, 21, a Syrian refugee, describing Amnesty International in May 2014 the dramatic experience he endured on 11 October 2013, when the boat he was on with some 400 other people, sank 70 miles off Lampedusa, an Italian island in the Mediterranean.

In recent years, several incidents in which people trying to reach Europe in the sea have lost their lives, have highlighted the gaps in the current regulation of search and rescue at sea. Differing interpretations of key concepts such as "place of safety," where people should be disembarked and "distress at sea," which should prompt the obligation to assist a boat may have contributed to delays in rescue operations.

A DEADLY POLICY

More than 400 people lost their lives in two shipwrecks off the coast of Lampedusa, an Italian island in the Mediterranean, in just two weeks in October 2013. In two consecutive shipwrecks on 11 and 12 May 2014, at least 50 people lost their lives between Libya and Italy and hundreds more are missing feared dead.

Since August 2012 at least 210 people, including children, most of whom were fleeing the conflict in Syria and Afghanistan, lost their lives or were reported missing feared dead in the Aegean between Turkey and Greece.[78]

Any lack of clarity in rules related to search and rescue at sea endangers lives. In a well-documented case in 2011, a boat carrying 72 people, including two babies, was left to drift for two weeks in the Mediterranean even though it had requested assistance and its passengers had had a number of communications with other vessels. When the boat drifted back to Libya, there were only nine survivors on board.[79]

The tragic incidents of October 2013 off the coast of Lampedusa, Italy, which altogether claimed more than 400 lives, generated a debate about strengthening existing mechanisms in order to respond more effectively to incidents at sea and prevent deaths. However, this did not translate into concrete measures. Despite the establishment of a task force,[80] member states – with the exception of Italy- failed to take clear and determined action in this area. Lives continue to be lost in the waters surrounding the EU.

Italy's "Operation Mare Nostrum" (OMN) described by the Italian navy as a military and humanitarian operation that aims to "safeguard life at sea and combat human trafficking," has rescued more than 40,000 people since its launch on 18 October 2013 in response to the incidents of October 2013.[81] Italy is reportedly spending €9 million a month on the operation,[82] which involves 920 staff. Slovenia is the only country that has contributed to the Italian operation so far and on 8 June 2014 there were reports that a vessel of the Armed Forces of Malta assisted the Italian navy during an OMN operation leading to the rescue of

over 5000 people in a few days.[83]

The UN Refugee Agency and Amnesty International welcomed the strengthened efforts Italy is making to save lives at sea.[84] It is particularly important that Italy is regarding all refugee and migrant boats as being in distress and requiring assistance because they are unseaworthy and overcrowded. This has ensured that there were no reported lives lost at sea in the area patrolled by OMN from the start of the operation until 12 May 2014, when a boat sunk off Lampedusa (206 people were rescued, 17 bodies were retrieved and some 200 people are reportedly missing at sea, according to survivors). This latest tragedy shows that the OMN alone cannot ensure the safety of refugees and migrants.

Italy's efforts demonstrate that it is possible to ensure greater safety for migrants and refugees by strengthening search and rescue operations. However, search and rescue activities in the Mediterranean cannot be sufficiently strengthened unless all EU member states jointly contribute to such efforts. Similar search and rescue activities are desperately needed in the Aegean as well.

In addition to increased search and rescue activities, there is an urgent need for greater clarity over the issue of disembarkation and the responsibilities of member states post-disembarkation for processing individuals who are making a claim for international protection and addressing other needs, so as to avoid disincentivizing states from carrying out search and rescue operations. Furthermore, laws that penalize the facilitation of unauthorized entry, transit and residence should be reviewed as they undermine rescue efforts because the fear of prosecution is deterring private vessels from saving people in distress.

TRAPPED IN TRANSIT

As a result of increased policing of EU borders through the deployment of more officers, high-tech surveillance equipment and other technological means, and expulsions (both through push-backs without any due process and through formal procedures established under readmission agreements), many people who embark on journeys to find safety and a better life in Europe end up being trapped in countries at the fringes of the EU.

There is no way forward into Europe and there is little or no help for those who want to go back. Refugees are trapped because returning to their country of origin would mean persecution, torture, even death. Migrants are trapped because many do not have the means or the documents to retrace their steps and return to their home countries.

Many countries neighbouring the EU such as Libya, Morocco and Ukraine lack functioning asylum systems. With little legal employment opportunities, undocumented migrants and refugees in Libya, Morocco and Turkey, face either destitution and/or work under highly exploitative conditions. Physical assaults of migrants by the police officers are known to occur in Morocco. In Libya, refugees and migrants, including unaccompanied children face the risk of arbitrary and indefinite detention in overcrowded detention facilities run by the state and militias alike. Many report beatings, whippings and other forms of torture or ill-treatment. Women migrants and refugees are not free from abuse. In addition to beatings, they have in some cases also reported intrusive strip-searches by male guards. Syrian women in Libya interviewed by Amnesty International in November 2013 told Amnesty International that "they rarely leave their homes after dark out of fear of abductions, harassment and the general sense of insecurity."[85]

Refugees, migrants and local NGOs in Turkey told Amnesty International that many of the people pushed back to Turkey from Greece or Bulgaria are detained, although some managed to avoid detection.[86] Almost all those intercepted by the Turkish border authorities as a result of their cooperation with the Bulgarian border police are believed to have been detained for varying periods. Despite some positive legal reforms in Turkey, in particular the 2013 Law on Foreigners and International Protection, access to asylum procedures in detention is still problematic.[87] In its 2013 progress report on Turkey, the European Commission stated that "[t]reatment of refugee/migrant detainees in detention centres needs to be improved."[88] Detention facilities for irregular migrants, known as "removal centres," are not independently monitored.[89] NGOs do not have access to detention facilities and free legal assistance is very limited.[90] International protection needs may go undetected and are sometimes ignored.[91] As a result, those in need of international protection among the detainees in removal centres are at risk of being sent back to transit countries or countries of origin where they may face persecution or other serious human rights violations.[92]

It is too early to say whether Turkey's Law on Foreigners and International Protection, which came into force in April 2014, will lead to real improvements in the treatment of migrants and refugees. Indeed, local NGOs who spoke with Amnesty International in June 2014 believe that it may take several years for the newly formed General Directorate of Migration Management to be fully operational. Non-Syrian refugees and migrants who told Amnesty International that they had been pushed back from Greece or Bulgaria to Turkey, said that they had been detained in Turkey for periods ranging from a few days to three months in removal centres in Aydin, Ayvacik, Edirne, Izmir and Mugla. Those who had been detained in

Turkey as recently as early March 2014 claimed that access to the UN Refugee Agency and asylum procedures is not guaranteed. Two detainees alleged being beaten by the police guarding the Edirne Removal Centre and one said he was held in solitary confinement as a punishment for two weeks without being allowed to go out except to use the toilet.[93]

In Turkey, refugees from countries not part of the Council of Europe can only obtain "conditional refugee" status, even if they fulfil the definition of refugee under the 1951 UN Refugee Convention.[94] Conditional refugee status allows them to stay in Turkey on a temporary basis until they can find another country for resettlement with the help of the UN Refugee Agency. In practice, this means that they cannot integrate because they have very limited access to social services or to legitimate employment.[95] As a result, most live in destitution and/or work illegally in exploitative conditions.[96]

The Law on Foreigners and International Protection does not improve access to employment for refugees from non-European countries – a group that makes up the overwhelming majority of those in need of international protection in Turkey. According to the UN Refugee Agency, Turkey received 44,800 new asylum applications in 2013; all were asylum-seekers from non-European countries. The majority of people applying for international protection came from war-torn countries or those with abysmal human rights records, such as Afghanistan, Iran, Iraq and Somalia.[97] Even if these applicants are granted "conditional refugee" status, they can only apply for a work permit six months after lodging their application[98] and the bureaucratic requirements and the costs associated with obtaining a work permit are prohibitive.[99] As a result, few applicants have been able to obtain work permits in Turkey.

According to the European Commission's 2013 Progress Report on Turkey, "[i]ndividuals involved in asylum procedures experienced problems with access to adequate accommodation, work, health services, education and integration support."[100]

For 53 days from 13 April to 4 June 2014, refugees from Afghanistan set up a camp in front of the UN Refugee Agency (UNHCR) office in the Turkish capital, Ankara, to protest peacefully against their situation in Turkey.[101] As refugees whose country of origin is not part of the Council of Europe, they are unable to stay in Turkey long term. However, their cases have been suspended by the UNHCR, leaving them without a hope of being resettled elsewhere.[102]

Their complaints include lack of legal employment opportunities and difficulties in accessing health care and education.[103] According to a platform of six leading non-governmental organisations advocating for the rights of refugees in Turkey, there are an increasing number of suicide attempts among the community as a result of the psychological strain put on them by the uncertainty of their situation.[104] On 2 May 2014, 12 of the protestors – 10 men and two women – reportedly sewed up their mouths and refused to eat or drink to draw attention to their plight.[105]

In addition to those who are registered as individual asylum-seekers, there were more than 900,000 Syrians in Turkey in April 2014, according to the Director-General of the Turkish Prime Ministry Disaster and Emergency Management Presidency (AFAD).[106] On 3 June 2014, the number of Syrians registered or with registration appointments with the Turkish authorities was over 765,000, only 220 000 of whom were living in government-run

camps.[107] Those outside the camps are at grave risk of destitution, exploitation and homelessness.[108]

The Turkish Prime Ministry Disaster and Emergency Management Presidency (AFAD) reported that Turkey had spent US$2.5 billion between the beginning of the crisis in Syria and April 2014 on hosting Syrian refugees. The contribution Turkey received from the international community during that time was a mere US$200 million.[109]

Push-backs of people from one country to another are always unlawful. Hence, Bulgaria and Greece are in contravention of their obligations under international human rights law as well as EU law when they push back migrants and refugees to Turkey. However, other migration-related arrangements that the EU and member states have established with Turkey, such as the EU-Turkey readmission agreement and Bulgaria's cooperation with Turkey (see box titled "Eurosur in Bulgaria on page 18), risk trapping refugees in a country where reception conditions are inadequate, asylum-seekers are destitute and those in detention face difficulties accessing asylum procedures.

RIGHTS AT RISK AT EU BORDERS

Migrants and refugees at EU's borders find their rights under international and regional human rights instruments violated.[110] These include:

Right to life
UDHR Article 3, ECHR Article 2, the Charter Article 2, ICCPR Article 6

Right to liberty and security of the person (prohibition on arbitrary detention)
ECHR Article 5, the Charter Article 6, UDHR Article 9, ICCPR Article 9

Prohibition of torture or cruel, inhuman or degrading treatment or punishment
UDHR Article 5, ECHR Article 3, the Charter Article 4, ICCPR Article 7, CAT Article 2

Right to leave any country, including one's own
UDHR Article 13(2), ICCPR Article 12

Right to seek and to enjoy asylum from persecution
UDHR Article 14, the Charter Article 18

Right to effective remedy
ECHR Article 13, the Charter Article 47

Prohibition of collective expulsion
ECHR Protocol 4 Article 4, the Charter Article 19(1)

No one may be removed, expelled or extradited to a State where there is a serious risk that he or she would be subjected to the death penalty, torture or other inhuman or degrading treatment or punishment (*non-refoulement* principle)
the Charter Article 19(2), 1951 Refugee Convention Article 33, CAT Article 3, customary international law

The Contracting States shall not impose penalties, on account of their illegal entry or presence

1951 Refugee Convention Article 31

In all actions concerning children […] the best interests of the child shall be a primary consideration

Convention on the Rights of the Child Article 3

4. CONCLUSIONS AND RECOMMENDATIONS

The EU is funding its migration policy to the tune of billions of Euros. The effectiveness of this policy in stemming the flow of irregular migrants and refugees is, at best, questionable. However, the cost in human lives and misery is incalculable and is being paid by some of the world's most vulnerable people. EU member states are violating their international and regional human rights obligations, while the EU itself appears to have abandoned its founding principles and values by turning a blind eye to violations at its borders.

Following the October 2013 Lampedusa shipwrecks in which more than 400 people lost their lives, EU leaders expressed their sadness and solidarity and called for measure to prevent such tragedies in future. However, there has been no evidence of the lasting political will to turn these noble calls into practical measures that will make a real improvement to the situation of refugees and migrants making their way to Europe and stop human rights violations at EU's frontiers.

Instead, the focus of Europe's decision-makers remains on exclusion: building higher fences, installing more surveillance equipment and increased policing of the borders. This is forcing people to take increasingly dangerous routes. A recent report by Frontex, the EU border agency, highlighted the increasing numbers of irregular boat crossings. In the first five months of 2014 alone, more than 170 men, women and children lost their lives in the Mediterranean and Aegean seas; hundreds more are missing feared dead.[111] Many of those who perished were clearly escaping violence and persecution as almost 60% of those who crossed the central Mediterreanean irregularly in 2013 were from Syria, Eritrea and Somalia.[112]

These deaths are not inevitable. This report has detailed some of the most immediate causes for these tragedies, which lie in the policies and practices adopted by EU bodies and member states. These can and must be reformed. Search and rescue activities in the Mediterranean and the Aegean seas can be strengthened through a joined effort involving all EU member states. Member states should also examine and address why people are risking their lives in unseaworthy boats in the first place, above all by opening up safe and legal ways for refugees to come to Europe. The EU must stop outsourcing migration control to neighbouring countries that do not guarantee the human rights of migrants. And all EU migration policies must be open to effective, independent and impartial monitoring of the measures adopted and their impact on the human rights of refugees and migrants.[113]

RECOMMENDATIONS

To Bulgaria and Greece

■   Immediately halt the unlawful push-back of migrants and refugees to Turkey

■   Conduct prompt, effective, independent and impartial investigations into all allegations of push-backs and ill-treatment at their borders with Turkey with a view to eradicate these practices

■   Ensure that migrants and refugees who survive push-back operations or ill-treatment by law enforcement officers are given a temporary legal status, unless a more favourable one is available, to allow them follow up their complaints and seek remedy to the harm they have suffered

■   Make public all migration related cooperation agreements with Turkey

■   Do not send migrants or asylum-seekers to Turkey through bilateral readmission agreements or other bilateral arrangements until Turkey demonstrates in practice that the rights of migrants and refugees are fully respected, protected and fulfilled

To Turkey

■   Ensure that all those who intend to seek asylum – including individuals detained in removal centres have access to fair asylum procedures

■   Ensure that no one with international protection needs is transferred to a country where he or she may face persecution or other serious harm

■   Allow independent monitoring of all facilities where migrants, refugees and asylum-seekers are detained

■   Improve reception conditions for asylum-seekers ("applicants for international protection") particularly by allowing access to legal employment opportunities

ON MIGRATION RELATED FUNDING

To the European Union:

■   The EU must ensure that its funding for any migration or border control programmes in EU member states or in third countries does not encourage or contribute to human rights violations, and that monitoring mechanisms fully assess the potential human rights risks prior to the provision of such funding.

■   The EU should make publicly available the national programmes, which set out the basis on which the funding is allocated to member states, as well as the progress reports on how EU member states make use of the EU funding.

■   The EU must include in its funding an allocation that is sufficient to ensure the management of borders is human rights compliant, including for purposes of adequate monitoring, review, and training.

To individual member states:

◼   States must ensure that any migration or border control programmes they help finance in third countries do not encourage or contribute to human rights violations, and that monitoring mechanisms fully assess the potential human rights risks prior to the provision of such funding.

◼   States must ensure that independent non-governmental organizations which advocate for the rights of migrants, asylum-seekers and refugees are involved in the preparation, implementation, monitoring and evaluation of national programmes funded by the Asylum, Migration, and Integration Fund (AMIF) and Internal Security Fund (ISF).

◼   In using relevant EU funds, member states should prioritise the implementation of important human rights and protection standards for refugees, asylum-seekers and migrants, including for purposes of adequate monitoring, review, and training.

ON MIGRATION CONTROL COOPERATION WITH THIRD COUNTRIES

To the European Union and individual member states

◼   The EU, its agencies and member states must ensure that the human rights of migrants are central to the negotiation and implementation of any migration cooperation agreement with non-EU states, including readmission agreements, technical cooperation with police, border guards or coastguards, or other soft law instruments such as mobility partnerships.

◼   The EU and member states must ensure their migration control agreements fully respect international human rights and refugee law, as well as the law of the sea; and include adequate safeguards to protect human rights with implementation mechanisms, which integrate them.

◼   The EU and member states must ensure greater transparency in the negotiation of migration control agreements, including readmission agreements. Any agreements signed should be made public.

◼   The EU and member states must ensure that the national legislation/regulations/ operational guidelines that implement readmission agreements explicitly detail effective substantive and procedural safeguards, which ensure respect for the principle of non-*refoulement*.

◼   EU institutions, bodies and agencies must assess the human rights impact of entering into cooperation with third countries to pursue migration control related objectives. The Commission should develop monitoring mechanisms, which allow for public scrutiny of third country cooperation including through public reporting.

◼   The EU and member states must suspend the implementation of or refrain from signing any migration control agreements with, or providing financial or other assistance to states, which foresees the return to or aims to prevent the exit of third country nationals from those states, where refugees, asylum-seekers and migrants are at risk of human rights violations and/or do not have access to effective protection.

■ The EU and member states must implement the fundamental rights safeguards recommended by the Commission in its 2011 evaluation of EU readmission agreements, particularly its recommendations concerning (a) the exclusion of third country nationals from these agreements, (b) the participation of international and non-governmental organisations in the Joint Readmission Committees, and (c) the inclusion of suspension clauses in the event of persistent and serious risks of human rights violations of the persons readmitted.

ON FRONTEX

■ Frontex should integrate human rights criteria and considerations in data collection and analysis, and when reporting on risk and assess the human rights impact when proposing, preparing and evaluating operations.

■ Frontex should strengthen its mechanism for reporting and following up on fundamental rights violations reported from joint operations or operational areas where Frontex is present. In particular:

   ■ This mechanism should include protocols on the handling of individual complaints.

   ■ In its annual report, Frontex should include information on the actions it takes following human rights allegations that came to its attention.

■ Frontex should engage in operational cooperation only with third countries that fully respect the rights of asylum-seekers, refugees and migrants.

■ Frontex should ensure effective and transparent human rights monitoring of the implementation of working arrangements with third countries.

■ Frontex Executive Director should activate Article 3(1)a of the Regulation (EU) No 1168/2011 and suspend the parts of Joint Operations Poseidon Land and Poseidon Sea relating to the patrolling of Greece's borders with Turkey in the Evros region and the Aegean Sea.

■ Frontex should assiduously follow up on the allegations of ill-treatment and push-backs received from guest officers in Greece or third parties such as non-governmental organizations or the media, so as to ensure that they are effectively and transparently investigated by the Greek authorities.

ON BORDER MANAGEMENT

To the European Union

■ The EU should comprehensively review border management policies to ensure that a human rights-based approach is at the centre of border-related measures, including those implemented by States, whether unilaterally or with other states under the auspices of Frontex.

■ New measures of border surveillance, such as Eurosur, which will allow for enhanced detection and prevention of irregular entry as part of integrated border management, must also respect human rights obligations.

■   The EU should provide for a system to regularly evaluate the human rights impact of border management measures (including Eurosur and other information sharing platforms financed by the EU).

To individual member states:

■   States must respect the principle of *non-refoulement* by not transferring anyone to a place where they may face persecution or other serious human rights violations, or where they risk onward *refoulement*.

■   States must ensure that those in need of international protection are admitted to their territory:

   ■   Attempting to cross a border or crossing a border irregularly (e.g. between designated border crossing points, without document, or on false documents) in order to seek international protection should not be penalized.

   ■   Border management measures should ensure that asylum-seekers and others with specific protection needs are identified and granted access to a territory where their needs can be properly assessed and addressed.

■   States should ensure that everyone under their jurisdiction (either because of their presence on the state's territory, or as a result of them being under the effective control of the state's agents) have access to individualized procedures to seek international protection or raise other protection needs.

ON SEARCH AND RESCUE

To individual member states:

■   All EU member states should contribute to the strengthening and funding of search and rescue activities in the Mediterranean and the Aegean.

■   States should stop penalizing in any way shipmasters for assisting people in distress at sea and agree on measures to minimize any economic loss for private shipmasters.

To the European Union:

■   Provide funding to search and rescue activities in the Mediterranean and the Aegean.

■   The Commission should review the EU acquis on the facilitation of undocumented entry and residence to take account of the international humanitarian obligation to render assistance to any person in danger at sea, so as not to discourage private vessels from assisting boats carrying migrants in distress.

ON OPENING UP SAFE ROUTES FOR REFUGEES

To individual member states:

■   States should offer more safe and legal routes to refugees to access protection in their countries, including by:

- Increasing resettlement and humanitarian admission places for refugees.

- Facilitating family reunification for refugees who have family members living abroad.

- Applying a broad definition of family members to include extended or non-nuclear family.

ENDNOTES

[1] The estimate is calculated through data compiled by journalists as part of the project "The Migrants Files," available at: http://www.detective.io/detective/the-migrants-files (accessed 12 June 2014).

[2] For example, prolonged and indiscriminate use of detention in squalid conditions is a major plank in Greece's migration control policy. For more information on detention of migrants and asylum seekers in Greece, see Amnesty International, Frontier Europe: Human Rights abuses on Greece's border with Turkey (July 2013). On 20 March 2014, the Greek State Legal Council published an opinion, which allows for indefinite detention of migrants (the Opinion 44/2014). According to the opinion, which was later adopted by the Minister of Public Order and Citizen Protection through a Ministerial decision, if the detainee cannot be returned as a result of his refusal to cooperate with the Greek authorities within eighteen months -the maximum period that the EU law allows for detention for the purpose of removal-, then his detention can continue beyond eighteen months. This is a clear violation of the European Returns Directive (Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals) and is a breach of Greece's international human rights obligations.

[3] See for example, Jesuit Refugee Service, No Other Option: Testimonies from Asylum Seekers Living in the Ukraine (June 2011), ECRE, Detention of Migrants in Ukraine (October 2010) and the project fiche for the establishment of reception and removal centres in Turkey available at: http://ec.europa.eu/enlargement/pdf/turkey/ipa/2010/tr20100324.01_establishment_of_rec_and_rem_ce ntres_-_phase2.pdf (accessed 20 June 2014). For information on conditions in detention in Turkey, see section titled "Trapped in Transit." For Ukraine, see UN High Commissioner for Refugees (UNHCR), Ukraine as a country of asylum: Observations on the situation of asylum-seekers and refugees in Ukraine, July 2013.

[4] UNHCR, Global Trends 2013, 20 June 2014.

[5] UNHCR Syria Regional Refugee Response, available at: http://data.unhcr.org/syrianrefugees/regional.php (accessed 12 June 2014).

[6] E-mail correspondance with the UNHCR (20 May 2014).

[7] Frontex, Annual Risk Analysis 2014, 14 May 2014.

[8] According to Frontex Annual Risk Analysis 2014, the number of people arriving in Europe irregularly has increased by almost 50% in 2013 compared to 2012.

[9] See publications by Amnesty International: 'If an African dies here, no one cares' – abuses of migrants and refugees in detention in Libya (December 2013); Scapegoats of Fear: Rights of Refugees, Asylum-Seekers and Migrants Abused in Libya (June 2013); Seeking Safety, Finding Fear: Refugees, Asylum-seekers and migrants in Libya and Malta (December 2010); S.O.S. Europe: Human Rights and Migration Control (June 2012); Frontier Europe: Human Rights abuses on Greece's border with Turkey (July 2013); An International Failure: the Syrian Refugee Crisis (December 213); Refugees in Bulgaria trapped in substandard conditions (December 2013). Also see Ukraine as a country of asylum. Observations on the situation of asylum-seekers and refugees in Ukraine (July 2013) and Raphi R. Rechitsky, Refugee Migration to Ukraine and the Geopolitics Of Control At Europe's Eastern Borders, 1 April 2013, Fahamu Refugee Legal Aid Newsletter.

[10] Pseudonyms have been used in this case study.

[11] Interviewed by Amnesty International on 28 April 2014.

[12] The Solidarity and Management of Migration Flows Programme (SOLID) included four separate funding instruments: European Refugee Fund, European Fund for the Integration of third country nationals, European Return Fund and External Borders Fund.

[13] The 26 countries in the Schengen area have agreed to abolish border controls at their common borders. All EU member states except UK, Ireland, Bulgaria, Romania, Croatia and Cyprus are in the Schengen area. Norway, Iceland and Switzerland are also in the Schengen area.

[14] See website of the European Commission Directorate General for Home Affaires at: http://ec.europa.eu/dgs/home-affairs/financing/fundings/migration-asylum-borders/index_en.htm (accessed 12 June 2014).

[15] Figures in this table do not include emergency funding. The European Commission began allocations under the European Refugee and Return Funds in 2008.

[16] Bulgaria did not receive assistance under the External Borders Fund until 2010.

[17] Regulation (EU) No 516/2014 of the European Parliament and of the Council of 16 April 2014 establishing the Asylum, Migration and Integration Fund, amending Council Decision 2008/381/EC and repealing Decisions No 573/2007/EC and No 575/2007/EC of the European Parliament and of the Council and Council Decision 2007/435/EC.

[18] Regulation (EU) No 515/2014 of the European Parliament and of the Council of 16 April 2014 establishing, as part of the Internal Security Fund, the instrument for financial support for external borders and visa and repealing Decision No 574/2007/EC.

[19] Full list of indicators can be found under Annex IV of both regulations. For example, the European Parliament (EP) proposed that the Article 13 of ISF regulation, which lists the objectives member states shall pursue through the use of the Fund, includes as one of the objectives "ensuring the effective monitoring of compliance with international and European obligations, including human rights obligations, in close cooperation with third countries and civil society." Rapporteur's report on proposed amendments are available at: http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+REPORT+A7-2014-0025+0+DOC+PDF+V0//EN (accessed 20 June 2014). The EP additionally proposed that the AMIF regulation includes qualitative indicators to evaluate the results and impact of the implementation of the Fund, available at: http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+COMPARL+PE-491.289+01+DOC+PDF+V0//EN&language=EN (accessed 20 June 2014).

[20] Article 12(3) of the Regulation of the European Parliament and of the Council laying down general provisions on the Asylum, Migration and Integration Fund and on the instrument for financial support for police cooperation, preventing and combating crime, and crisis management, available at: http://register.consilium.europa.eu/doc/srv?l=EN&f=PE%20139%202013%20INIT (accessed 28 May 2014).

[21] European Union, *Where does EU Money come from?,* available at: http://europa.eu/about-eu/basic-information/money/revenue-income/index_en.htm (accessed 12 June 2014)

[22] European Commission, *Commission reports on EU free movement*, 3 June 2013, available at: http://europa.eu/rapid/press-release_IP-13-496_en.htm.

[23] Frontex, *Annual Risk Analysis 2013*, April 2013, p. 20.

[24] Relevant statistics are available on the website of the Greek Police: http://www.astynomia.gr/images/stories//2013/statistics13/stat_allod/etsynora.JPG.

[25] See reports by Amnesty International: Frontier Europe: Human Rights abuses on Greece's border with Turkey (July 2013) and Frontier of Hope and Fear: Migrants and refugees pushed back at Europe's border (April 2014).

[26] Daily Report from the Ministry of Interior of the Republic of Bulgaria, 2 January 2014.

[27] Daily Report from the Ministry of Interior of the Republic of Bulgaria, 26 March 2014.

[28] European Commission, Commission Staff Working Document (SWD(2014) 165 final), 22 May 2014.

[29] Daily Report from the Ministry of Interior of the Republic of Bulgaria, 26 March 2014.

[30] Daily Report from the Ministry of Interior of the Republic of Bulgaria, 26 March 2014.

[31] Daily Report from the Ministry of Interior of the Republic of Bulgaria, 2 January 2014.

[32] See Amnesty International briefing, Suspension of Returns of Asylum Seekers to Bulgaria Must Continue (31 March 2014).

[33] Bulgaria has received over €38 million between 2010 and 2014 and Greece has received €207 million since 2007. The amounts do not include additional emergency funding.

[34] Multi-annual programme of the Greek government on the use of External Borders Fund, available at: http://www.astynomia.gr/images/stories/3101SOLID-MAP-EBF-%20ELannex1.pdf (accessed 12 June 2014).

[35] Frontier Europe: Human Rights abuses on Greece's border with Turkey (July 2013) and Frontier of Hope and Fear: Migrants and refugees pushed back at Europe's border (April 2014).

[36] These arrangements include, for example, the 3 June 2012 dated migration control agreement between Italy and Libya, the 1992 readmission agreement between Spain and Morocco, the EU-Morocco Mobility Partnership signed in June 2013 and the EU readmission agreements with Turkey and Ukraine. See for example, Amnesty International, S.O.S. Europe: Human Rights and Migration Control (June 2012) and Italy must sink agreements with Libya on migration control (June 2012); OHCHR, UN Special Rapporteur on the human rights of migrants concludes his third country visit in his regional study on the human rights of migrants at the borders of the European Union: Italy, 8 October 2012, Human Rights Watch, Abused and Expelled: Ill-Treatment of Sub-Saharan African Migrants in Morocco, 10 February 2014, Duvell, Franck, "Migrant and Refugee Detention Centres in Ukraine." *The EU, Migration and the Politics of Administrative Detention*, Ed. Michela Ceccorulli and Nicola Labanca. Routledge: 2010 and Raphi R. Rechitsky, *Refugee Migration to Ukraine and the Geopolitics Of Control At Europe's Eastern Borders*, Fahamu Refugee Legal Aid Newsletter, 1 April 2013.

[37] European Commission, Communication from the Commission (COM(2011) 743 final), *The Global Approach to Migration and Mobility*.

[38] Communication from the Commission to the European Parliament (COM(2012) 250 final*), 3rd Annual Report on Immigration and Asylum (2011)*, 30 May 2012.

[39] European Commission, *Roadmap towards a visa-free regime with Turkey*.

[40] European Commission, *Roadmap towards a visa-free regime with Turkey*.

[41] See publications by Amnesty International: Scapegoats of Fear: Rights of Refugees, Asylum-Seekers and Migrants Abused in Libya (June 2013); S.O.S. Europe: Human Rights and Migration Control (June 2012); Libya: Rule of law or rule of militias? (June 2012), Seeking Safety, Finding Fear: Refugees, Asylum-seekers and migrants in Libya and Malta (December 2010); 'We cannot live here anymore':

Refugees from Syria in Egypt (October 2013). Also see, Human Rights Watch, Abused and Expelled: Ill-Treatment of Sub-Saharan African Migrants in Morocco (10 February 2014) and Raphi R. Rechitsky, *Refugee Migration to Ukraine and the Geopolitics Of Control At Europe's Eastern Borders*, 1 April 2013, Fahamu Refugee Legal Aid Newsletter.

42 UN High Commissioner for Refugees (UNHCR), UNHCR comments on the Commission proposal for a Regulation of the European Parliament and of the Council establishing rules for the surveillance of the external sea borders in the context of operational cooperation coordinated by the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex) COM 2013(197) final (April 2014).

43 Some of the related funding instruments are Development Cooperation Instrument, Instrument for Stability, Partnership Instrument, European Neighbourhood Instrument, and Instrument for Pre-Accession Assistance.

44 European Commission, Directorate General for Home Affairs, *Funding home affairs beyond 2013,* available at: http://ec.europa.eu/dgs/home-affairs/financing/fundings/funding-home-affairs-beyond-2013/index_en.htm (accessed 12 June 2014).

45 Financing Proposal Turkey 2012 IPA, available at: http://ec.europa.eu/enlargement/pdf/financial_assistance/ipa/2012/turkey/20140303-annex-financing-proposals-turkey-2012.pdf (accessed 12 June 2014).

46 UNHCR, *Turkey Syrian Daily Situation Report*, 31 December 2012.

47 Financial Tracking Service, *Turkey Emergencies in 2012,* 12 June 2014.

48 European Commission, ECHO Fact Sheet, *Turkey: The Syrian Crisis,* 22 May 2014. For Turkish spending, see ORSAM, "Suriye'ye Komşu Ülkelerde Suriyeli Mültecilerin Durumu: Bulgular, Sonuçlar ve Öneriler" Raporu Tanıtım Çalıştayı (Meeting introducing the report "Situation of Syrian Refugees in Countries Neighbouring Syria: Findings, Conclusions and Recommendations"), 28 April 2014, available at : http://www.orsam.org.tr/tr/etkinlikgoster.aspx?ID=883 (accessed 28 May 2014).

49 European Commission, Commission Staff Working Document (SWD(2014) 165 final), 22 May 2014, available at: http://www.statewatch.org/news/2014/may/eu-com-5th-annual-report-on-immigration-and-asylum-swd.pdf (accessed 25 June 2014).

50 See for example, Amnesty International publications: Refugees in Bulgaria trapped in substandard conditions (13 December 2013); Suspension of returns of asylum-seekers to Bulgaria must continue (31 March 2014); Frontier Europe: Human Rights Abuses on Greece's Border with Turkey (9 July 2013). Also see, Human Rights Watch, Containment Plan: Bulgaria's Pushbacks and Detention of Syrian and Other Asylum Seekers and Migrants (29 April 2014).

51 Evaluation report is available at: http://ec.europa.eu/home-affairs/news/intro/docs/COMM_PDF_COM_2011_0076_F_EN_COMMUNICATION.pdf (accessed 12 June 2014).

52 Marion Panizzon, *Readmission Agreements of EU Member States: A Case for EU Subsidiarity or Dualism?,* NCCR Trade Regulation Working Paper No 2012/35, September 2012.

53 EU-Turkey Readmission Agreement, COM(2012) 239 final.

54 This provision involving third country nationals will be applicable three years after the signing of the agreement.

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[55] Geri Kabul Anlaşması Konulu Genelge (Circular on Readmission Agreement) No. 2014/6.

[56] Frontex Budget 2014, available at:
http://frontex.europa.eu/assets/About_Frontex/Governance_documents/Budget/Budget_2014.pdf
(accessed 12 June 2014).

[57] Statement of revenue and expenditure of the European Asylum Support Office for the financial year
2014, Amendment No 1.

[58] For example the Memorandum of Understanding between Frontex and Turkey.

[59] Available at: http://www.frontex.europa.eu/operations/archive-of-
operations/?year=&region=&type=&host=Greece

[60] The budget for the Poseidon Sea operation hosted by Greece from 1 April 2011 to 31 March 2012
was almost €12 million; information on past operation coordinated by Frontex are available at:
http://frontex.europa.eu/operations/archive-of-operations/ (accessed 16 April 2014)

[61] The amounts spent separately in Greece and Bulgaria under these operations are not available. The
amount is calculated by adding up amounts corresponding to Poseidon Sea and Land Operations within
the "Grants Awarded" by Frontex in 2011, 2012 and 2013 available under Governance Documents on
Frontex official website.

[62] Phone interview with Frontex Press Officer on 14 April 2014.

[63] Article 3(1)a of the Regulation (EU) No 1168/2011 of the European Parliament and of the Council of
25 October 2011 amending Council Regulation (EC) No 2007/2004 establishing a European Agency for
the Management of Operational Cooperation at the External Borders of the Member States of the
European Union. The Article states that: "[t]he Executive Director shall suspend or terminate, in whole or
in part, joint operations and pilot projects if he/she considers that such violations are of a serious nature
or are likely to persist"

[64] European Commission - MEMO/11/896 12/12/2011, EUROSUR: Providing authorities with tools
needed to reinforce management of external borders and fight cross-border crime.

[65] Regulation (EU) No 1052/2013 of the European Parliament and of the Council of 22 October 2013
establishing the European Border Surveillance System (Eurosur).

[66] Project Fiche is available at:
http://www.europarl.europa.eu/RegData/docs_autres_institutions/commission_europeenne/comitologie/ros/
2012/D023377-01/COM-AC_DR(2012)D023377-01(ANN2)_EN.pdf (accessed 12 June 2014).

[67] European Parliament, Fact-finding delegation of the Budgetary Control Committee to BULGARIA
border with Greece and Turkey, 18-20 September 2013, 12 November 2013.

[68] Interview with the Deputy Director of the Regional Directorate of Border Police in Elhovo, 10 March
2013.

[69] Since September 2012, Amnesty International talked to 68 individuals who were pushed back from
Greece to Turkey. These migrants and refugees told Amnesty International that they were pushed back at
least once.

[70] For more detailed account of Amnesty International's findings and the Greek authorities' response,
including for that of the case in Praggi village, see Frontier of Hope and Fear: Migrants and refugees
pushed back at Europe's border (April 2014). Responding to a letter of Amnesty International in late
April 2014, which raised concerns over the continuing allegations of push-backs and ill-treatment along

the Greek-Turkish border, the Greek coastguard wrote that the principle of *non-refoulement* is a fundamental principle of their operations. The coastguard added that twelve investigations were carried out between 2001 and 2013 over allegations of ill-treatment by the coastguard. These resulted in the discharge of one officer and the criminal conviction of six.

[71] In March and April 2014, Amnesty International researchers have talked to 15 individuals who said that they were summarily returned to Turkey by Bulgarian border officials without any due process and collected detailed testimonies on 9 separate push-back instances, which had taken place between September 2013 and February 2014.

[72] For example, Human Rights Watch Report, Containment Plan (29 April 2014) and the Guardian, EU must open doors to avoid Syrian refugee catastrophe, says UN (13 January 2014).

[73] See for example, the 29 April 2014 dated response of the Minister of Interior of Bulgaria to the report "Containment Plan" by Human Rights Watch available at: http://www.hrw.org/sites/default/files/reports/FromGoBulgariaEnglish.pdf (accessed 12 June 2014).

[74] Description of the incident is available on the website of the Spanish Ministry of Interior, available at: http://www.interior.gob.es/es/web/interior//noticias/detalle/-/journal_content/56_INSTANCE_1YSSI3xiWuPH/10180/1648216/?redirect=http%3A%2F%2Fwww.interior.gob.es%2Fes%2Fweb%2Finterior%2Fportada%3Bjsessionid%3DE55D09DDBFBFC79D96CA775DA41E12FE%3Fp_p_id%3D101_INSTANCE_OFA3ASFpQmdf%26p_p_lifecycle%3D0%26p_p_state%3Dnormal%26p_p_mode%3Dview%26p_p_col_id%3Dcolumn-2%26p_p_col_count%3D3 (accessed 20 June 2014).

[75] The recording of the speech is available at: http://www.congreso.es/portal/page/portal/Congreso/Congreso/CongresoTV/HistEmisionFecha?_piref73_2824053_73_2140072_2140072.next_page=/wc/accesoEmisionDiferido&fechaSeleccionada=2014/02/13&cambioLegislatura=10 (accessed 20 June 2014).

[76] This summary deportation is also confirmed by a video showing people being accompanied by Spanish law enforcement officials across the border of Ceuta towards Morocco, available at: http://www.lasexta.com/videos-online/noticias/sociedad/mas-imagenes-muestran-que-inmigrantes-llegaron-ceuta_2014020700129.html (accessed 20 June 2014). This is reinforced by further images available at: http://www.lasexta.com/noticias/sociedad/video-demuestra-que-inmigrantes-ceuta-tocaron-territorio-espanol_2014020700189.html (accessed 12 June 2014).

[77] See for example, the *Hirsi vs Italy* judgement of the European Court of Human Rights, which found that the migrants intercepted in high seas were de facto under Italian jurisdiction once they were under the effective authority of the Italian coastguard.

[78] News reports aggregated by Amnesty International.

[79] Council of Europe: Parliamentary Assembly, *Lives lost in the Mediterranean Sea: who is responsible?*, 5 April 2012, Doc. 12895.

[80] See Communication from the Commission to the European Parliament and the Council on the work of the Task Force Mediterranean, COM(2013) 869 final, 4 December 2013.

[81] According to an e-mail sent by the Italian navy on 13 June 2014 in response to an inquiry of Amnesty International, the Italian navy rescued 43,340 people in the Mediterranean since the beginning of the operation on 18 October 2013 until 12 June 2014. 33,490 of the rescued were men, 4,606 were women and 5,192 were children.

[82] Interview with Italian Navy in February 2014.

[83] The New York Times, *Italians Rescue Thousands From Teeming Migrant Boats*, 8 June 2014.

[84] UNHCR, *No more losses of human lives at sea*, 19 March 2014.

[85] Amnesty International, An International Failure: the Syrian Refugee Crisis (December 2013). For more information on the situation of migrants and refugees in these countries, see for example Amnesty International publications: 'If an African dies here, no one cares' – abuses of migrants and refugees in detention in Libya (December 2013); Scapegoats of Fear: Rights of Refugees, Asylum-Seekers and Migrants Abused in Libya (June 2013); S.O.S. Europe: Human Rights and Migration Control (June 2012); Frontier Europe: Human Rights abuses on Greece's border with Turkey (July 2013); Seeking Safety, Finding Fear: Refugees, Asylum-seekers and migrants in Libya and Malta (December 2010); Refugees in Bulgaria trapped in substandard conditions (December 2013). Also see Al Jazeera, Libya: the migrant trap (8 May 2014); UN High Commissioner for Refugees (UNHCR), *Ukraine as a country of asylum. Observations on the situation of asylum-seekers and refugees in Ukraine* (July 2013); Jesuit Refugee Service, Forced Migrants in Morocco and Melilla (April 2014); Jesuit Refugee Service, Experiences of Migrants Living in Morocco and Algeria (December 2012); Human Rights Watch, Abused and Expelled: Ill-Treatment of Sub-Saharan African Migrants in Morocco (10 February 2014), MSF, Violence, Vulnerability and Migration: Trapped at the Gates of Europe (March 2013) and UNHCR regional operations profile - North Africa, Morocco, available at: http://www.unhcr.org/pages/49e4860d6.html (accessed 28 May 2014).

[86] Also see, UN General Assembly, *Report of the Special Rapporteur on the human rights of migrants, François Crépeau: Addendum – Turkey*, 17 April 2013, Paragraphs 40 and 41.

[87] See for example, UN General Assembly, *Report of the Special Rapporteur on the human rights of migrants, François Crépeau: Addendum – Turkey*, 17 April 2013, Paragraph 60 and Euro-Mediterranean Human Rights Network, *An EU-Turkey Readmission Agreement – Undermining the rights of migrants, refugees and asylum seekers?,* 20 June 2012, page 10. Difficulties accessing international protection while in detention – especially at the Edirne Removal Centre – were also confirmed through interviews with local legal aid organizations, Helsinki Citizens' Assembly and Multeci-Der in June 2014. Both organisations raised concerns over risk of *refoulement* from removal centres in Turkey.

[88] European Commission, Turkey 2013 Progress Report.

[89] UN General Assembly, *Report of the Special Rapporteur on the human rights of migrants, François Crépeau: Addendum – Turkey*, 17 April 2013, Paragraph 48.

[90] European Commission, Turkey 2012 Progress Report, page 75.

[91] UN General Assembly, *Report of the Special Rapporteur on the human rights of migrants, François Crépeau: Addendum – Turkey*, 17 April 2013, Paragraphs 53 and 60.

[92] Helsinki Citizens' Assembly Turkey, *Syrian Refugees in Turkey: Briefing Note*, 16 November 2012; and Amnesty International, *Stranded: Refugees in Turkey denied protection*, 22 April 2009. Interview with Helsinki Citizens Assembly 4 March 2014 and 7 June 2014 and Interview with Multeci-Der on 8 June 2014, both non-governmental organisations providing legal aid to asylum seekers and refugees in Turkey.

[93] In March and April 2014, Amnesty International researchers talked to twelve refugees and migrants who claimed to be apprehended by Turkish authorities while trying to go to Europe. Eight of them were held in Edirne Removal Centre, two in Ayvacik (Canakkale) Removal Centre and two in İzmir Removal Centre between September-December 2013. One of them was also held in Ayvacik Removal Centre in

early March 2014. Ill-treatment and beatings by the police in Edirne Removal Centre was also reported by Multeci-Der and Helsinki Citizens' Assembly during interviews in June 2014.

[94] For detailed information on the geographical limitation clause in the 1951 Convention relating to the Status of Refugees and Turkey's asylum system, see Amnesty International, *Stranded: Refugees in Turkey denied protection*, 22 April 2009. Also see, Council of Europe, *Report by Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, following his visit to Turkey on 28 June-3 July 2009*, 1 October 2009.

[95] UN General Assembly, *Report of the Special Rapporteur on the human rights of migrants, François Crépeau: Addendum – Turkey*, 17 April 2013, Paragraphs 65 and 69.

[94] Council of Europe, *Report by Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, following his visit to Turkey on 28 June-3 July 2009*, 1 October 2009, para. 51, 53, and 55; Helsinki Citizens' Assembly, *Unsafe Haven: The Security Challenges Facing LGBT Refugees and Asylum Seekers in Turkey*, June 2011 and UN General Assembly, *Report of the Special Rapporteur on the human rights of migrants, François Crépeau: Addendum – Turkey*, 17 April 2013, Paragraph 65.

[97] 25 280 from Iraq, 8 726 from Afghanistan, 5 897 from Iran and 1 276 from Somalia. UN High Commissioner for Refugees (UNHCR), *UNHCR Asylum Trends 2013: Levels and Trends in Industrialized Countries*, 21 March 2014.

[98] Article 89(4)(a) of the Law on Foreigners and International Protection.

[99] See for the list of requirements for submitting a work permit application, available at: http://www.invest.gov.tr/tr-TR/infocenter/publications/Documents/Documents-required-for-work-permit-TR.pdf (accessed 12 June 2014).

[100] European Commission, Turkey 2013 Progress Report.

[101] Radikal news paper, *Seslerini duyurmak icin agizlarini diktiler* (They sowed their mouths to have their voices heard), 2 May 2014, Hurriyet Daily News, With mouths sewn shut, Afghan refugees keep protesting Ankara, UNHCR, 27 May 2014, and Taner Kılıç (Lawyer), *Türkiye'deki Afgan Mülteciler* (Afghan Refugees in Turkey), Zaman Yorum, 18 June 2014.

[102] UNHCR Turkey, UNHCR's statement on suspension of Afghan asylum procedures, available at: http://www.unhcr.org.tr/home.php?content=500 (accessed 28.05.2014)

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WHETHER IN A HIGH-PROFILE CONFLICT OR A FORGOTTEN CORNER OF THE GLOBE, **AMNESTY INTERNATIONAL** CAMPAIGNS FOR JUSTICE, FREEDOM AND DIGNITY FOR ALL AND SEEKS TO GALVANIZE PUBLIC SUPPORT TO BUILD A BETTER WORLD

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I WANT TO HELP

THE HUMAN COST OF FORTRESS EUROPE
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Every year, thousands of migrants and refugees try to reach Europe. Some are fleeing grinding poverty; others are seeking refuge from violence and persecution. The response of the European Union (EU) and its member states has been to invest in surveillance technology, security forces and detention centres, both internally and in neighbouring countries, with one overriding aim: to construct an impenetrable fortress at Europe's borders to keep people out.

Fixated on "protecting" borders, EU member states are employing drastic measures, some of which breach their human rights obligations and cause immense human suffering. At some EU borders, migrants and refugees are denied access to asylum procedures and pushed back into neighbouring countries, often in ways that put them at grave risk. They are ill-treated by border guards and coastguards and left stranded in neighbouring countries where there are serious human rights concerns. With safer routes to Europe being closed off through increased securitization, and in the absence of legal channels into the EU, migrants and refugees are attempting ever more hazardous routes. Thousands have died on the journey since 2000; many more are missing feared dead.

This report describes some of the key elements of the EU's migration policy and how this policy plays out at the EU border where Bulgaria and Greece meet Turkey, one of the main routes used by Syrian refugees seeking safety in the EU. The report ends with recommendations calling on the EU and member states to review their migration policy urgently in order to shift its primary focus from protecting borders to protecting people.

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