



**Journalists and Writers Foundation's
Contribution to the Report on
Human Rights Violations at International Borders:
Trends, Prevention and Accountability**

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Special Rapporteur on the human rights of migrants
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Questionnaire by the Special Rapporteur

Information on recent or current border management legislation/policies/measures, (including those temporary measures as part of a state of emergency), with the view to control, reduce or prevent migrant arrivals in your country.

For many years, Greece has been hosting a large numbers of asylum seekers and refugees fleeing conflict and poverty, primarily from Africa, Asia and the Middle East. Most of asylum seekers reach Greece from Turkey, risking their lives in dangerous sea crossings to Greek islands in the eastern Aegean Sea, or by crossing the Meric (Evros) River, known as the “refugee cemetery,” on flimsy inflatable boats.

Over the years, however, there have been also consistent and increasing efforts by the Greek authorities to deter, deny, and actively push back asylum seekers and refugees. In the context of these efforts, back in November 2019, Greece passed a new asylum law, which entered into force in 2020, further restricting the protection of asylum seekers and refugees, even though the draft was harshly criticized by relevant civil society organizations.

The law provides for additional grounds on which protection can be denied and normalizes the use of detention, including of unaccompanied children, restricted access of asylum seekers to legal aid and makes it harder for initial rejections of asylum applications to be reversed on appeal. The law has been also accompanied by several policy changes, most of them adversely affecting the rights of people seeking asylum.

Following the 2016 attempted coup, tens of thousands of purge victims in Turkey have either reached the European Union to seek refuge or are still desperately trying to reach safety and seek international protection. Attempts by victims of the purge to flee the extensive crackdown are increasingly not successful and, in some cases, these attempts result in fatal consequences of death and drowning of entire families, including women and children.

Since 2016, there has been an increasing number of serious incidents in which groups of Turkish asylum seekers already in Greece were forcibly returned to Turkey, where they have been



immediately taken into custody by Turkish security forces. Since 2016, there have been almost daily reports of pushbacks from Greece to Turkey, with the UNHCR expressing its deep concerns by continued reports about alleged pushbacks and refoulement at the land border between the two countries.¹

The situation however seems to have deteriorated during 2020 amid COVID-19 pandemic. From March to August 2020, at least 1,072 asylum seekers were pushed back at sea by Greek officials in at least 31 separate expulsion incidents.²

According to victims' accounts, almost all these incidents follow the same patterns, and involve Greek law enforcement accompanied by armed masked men. To the extreme shock of the victims about their treatment in a European Union country, masked [Greek] soldiers line up and beat asylum seekers, sometimes stripping them naked and stealing their belongings, before forcing them back to Turkey.

The continuing violence and pushbacks of asylum seekers in general, including Turkish asylum seekers escaping persecution by the Government of Turkey seems to have been “normalized” and further, may have now become the *de facto* border control policy in the Evros River region and the Eastern Aegean, main escape routes for thousands of Turkish victims.

Two very important reports on pushbacks from Greece to Turkey were published recently by Amnesty International and Human Rights Watch. In particular the findings of the report by Amnesty International, *Greece: Violence, Lies, and Pushbacks*³ show that the use of pushbacks by Greece [...] is a *de facto* policy of border management that relies on the coordinated efforts of multiple authorities in Greece.

The *refoulement* of individuals at risk of severe violations is a serious violation of international law and the principle of *non-refoulement* (enshrined in CAT, Art. 3; ECHR, Art. 3; International Covenant on Civil and Political Rights, Art. 7). It is an absolute obligation deriving from the absolute and *non-derogable* nature of the prohibition of torture.

Summary expulsions of Turkish nationals to Turkey since July 2016, without any individual conditions considered, have nevertheless not “succeeded” and will not “succeed” to deter individuals at risk to exercise their right to leave. Unless the relentless assault on dissent in Turkey, all legal, administrative and practical measures that contribute to the unprecedented assault, are not reversed - the future of hundreds of thousands more individuals in Turkey will be denied – and many in the future will have no other choice then to risk their lives in trying to leave the country, in order to seek international protection.

¹ See for example: <https://stockholmcf.org/un-concerned-over-greeces-alleged-deportation-of-turkish-asylum-seekers/>

² See for more: <https://stockholmcf.org/migrants-claim-they-were-pushed-back-by-greek-authorities/>

³ See for more: <https://www.amnesty.org/en/documents/eur25/4307/2021/en/>



Information on how the “safe third country” concept is applied and if there is any “safe third country” list in your country with the view to expedite border immigration and asylum procedures, as well as on any bilateral and multilateral agreement on collective/automatic re-admission of migrants of specific nationalities.

On June 7, 2021, in a Joint Ministerial Decision (JMD), Greece unilaterally declared Turkey a safe third country for asylum-seekers from Afghanistan, Bangladesh, Pakistan, Somalia, in addition to having previously designated Turkey as a safe country for Syrian refugees. As a result, the use of admissibility procedures, prior only applied to Syrians, is now expanded to nationals originating from the other four countries listed above, a move clearly criticized by the UNHCR and relevant civil society organizations.

Without prejudice or any further analysis on the merits of the above unilateral move by the Greek authorities, this particular move appears to have been an important negative factor in encouraging more illegal summary pushbacks of groups made of Turkish and other asylum seekers, by agents acting on behalf of the Government of Greece.

Interviews and documents received by our organization show that the number of Turkish asylum seeker illegally pushed back by Greek border officials has risen dramatically, following a relentless crackdown by President Erdogan on Turkish dissent. Interviews and documents received from lawyers in Greece and Turkey, as well as from family members of victims, and victims themselves, allege that Greece carried out at least two hundred and thirty-three (233) illegal pushbacks of Turkish nationals between May and December 2021 alone, compared to ninety-eight (98) during the entire 2019.⁴

In the case of Turkish nationals perceived close to the Hizmet Movement, these individuals are immediately detained, facing bogus terrorism-related charges and serious human rights violations, such as the right to life, freedom of the person, and of torture and ill-treatment.

Without prejudice to other individual cases of pushbacks to Turkey, in the case of perceived Hizmet followers, these individuals would be at risk of harm in Turkey, including death, torture or cruel, inhuman or degrading treatment or punishment, persecution, enforced disappearance or other serious human rights violations.

⁴ See for example: <https://www.opendemocracy.net/en/north-africa-west-asia/turkish-asylum-seekers-allegedly-being-pushed-back-in-small-boats-by-greece/>