

**Mandate of the Special Rapporteur on the human rights of migrants**

REFERENCE:  
UA GRC 1/2020

13 March 2020

Excellency,

I have the honour to address you in my capacity as Special Rapporteur on the human rights of migrants, pursuant to Human Rights Council resolution 34/21.

In this connection, I would like to bring to the attention of your Excellency's Government information I have received concerning **the deteriorating human rights situation of migrants and asylum seekers and refugees at the Turkey - EU border, particular the Turkey – Greece border.**

According to the information received:

Thousands of migrants, asylum seekers and refugees, including women, men and children with vulnerabilities, are currently stuck between the Turkish borders with the European Union. These individuals are deprived of access to asylum or international protection and are left without humanitarian assistance.

On 27 February 2020, an announcement from the Turkish Government indicated that Turkey would no longer stop migrants and asylum seekers from leaving Turkish territory to reach European Union countries. Consequently, thousands of migrants and asylums seekers reached the Turkey-Greece land border, and hundreds of them arrived on Greek islands in the Aegean Sea, where camps for migrants were already severely overcrowded.

In response to the announcement of Turkey and the influx of migrants, the Greek Government closed its border and reinforced the border control with police, army, and special force and sought greater support from the European Border and Coast Guard Agency (FRONTEX). As a result, approximately 10,000 migrants were blocked from entering Greece in 24 hours, and tens of thousands of migrants have been blocked from entering Greece since 1 March 2020.

On 1 March 2020, the Governmental National Security Council of Greece passed a Decree suspending access to the asylum system for a month for individuals who have crossed the border irregularly. Based on this decree, application for asylum by persons entering Greece irregularly shall be suspended and that these persons would be returned without registration to the country they arrived from or to their country of origin.

Reportedly, on the Greek islands, hostilities and violence against migrants, asylum seekers and refugees increased. Humanitarian workers providing support and assistance to migrants and journalists reporting on the situation were reportedly attacked in several incidences. In addition, there are several cases of alleged excessive use of force by law enforcement personnel, particularly the Greek border guards, which has allegedly led to deaths and injuries, including the death of a Syrian asylum seeker.

On 4 March 2020, the European Union (EU) Ministers of Home Affairs, together with the Ministers of the Schengen Associated Countries, held an extraordinary Council meeting to discuss the situation at the EU's external borders with Turkey. As a contribution to the extraordinary Justice and Home Affairs Council, the European Commission presented an action plan of measures to be taken by the EU and the Member States together to provide critical support to Greece in managing the situation at the EU external borders.

I wish to express my grave concern at the human rights situation of migrants, asylum seekers and refugees at the Turkey-EU and especially Turkey-Greece border. I urge Turkey, Greece as well as other EU Member States to provide immediately humanitarian assistance to these individuals. In this regard, I take note of the action plan of measures presented by the European Commission and look forward to receiving more information on its implementation.

I am deeply concerned about the suspension of reception of asylum applications by the Greek authorities. Such measure has no legal basis in international human rights law or international refugee law and I urge the Government of Greece to reverse immediately the decision on the suspension of access to asylum procedures.

I would also like to raise my serious concern about the rise of hostilities against migrants, humanitarian workers providing assistance to them and journalists carrying out their legitimate work reporting on the situation. I call on the Greek authorities to ensure the safety of migrants, humanitarian workers and journalists, and to ensure that those responsible for such hostilities are held accountable. I am equally concerned about the reported excessive use of force by the Greek border guards against migrants and asylum seekers at the border area and urge law enforcement personnel to ensure that any action by force against migrants, asylum seekers and refugees is in conformity with the principles of necessity and proportionality.

While I do not wish to prejudge the accuracy of the information received, I would like to draw the attention of the Government of Greece and the EU to the relevant international human rights norms and standards that are applicable to the issues brought forth by the situation described above. These include, in particular, articles 3 and 14 of the Universal Declaration of Human Rights which guarantee the right to life and right to

asylum; and article 6 of the International Covenant on Civil and Political Rights which guarantees the right to life.

I reiterate the principle of non-refoulement, explicitly included in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention for the Protection of All Persons from Enforced Disappearance.

I would also like to refer to general provision 4 of the UN Basic Principles on the Use of Firearms by Law Enforcement Officials which requires law enforcement officials apply non-violent means before resorting to the use of force and respect the principles of necessity and proportionality when resort to the lawful use of force.

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://www.ohchr.org) or can be provided upon request.

In view of the urgency of the matter, I would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned person(s) in compliance with international instruments.

As it is my responsibility, under the mandate provided to me by the Human Rights Council, to seek to clarify all cases brought to my attention, I would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Kindly provide information on any plans of individual assessment on the protection needs of the individuals at the Turkey-EU border and any measures taken to ensure their access to asylum and international protection. Kindly provide information on how the Greek decree on suspension of asylum applications complies with international human rights law, in particular the right to seek asylum and the principle of *non-refoulement*.
3. Please provide information on the measures taken to ensure the immediate provision of humanitarian assistance for migrants, asylum seekers and refugees currently at the Turkey-EU border, especially Turkey-Greece border.
4. In view of the action plan presented by the European Commission on 4 March 2020, please provide information on the measures taken to ensure the implementation of the action plan fully respect the human rights of

migrants, asylum seekers and refugees, in particular the principle of *non-refoulement*.

5. Please indicate the measures taken to ensure law enforcement officials including border guards refrain from excessive use of force and uphold the principles of necessity and proportionality.
6. Kindly provide information on any measures taken to ensure the safety of migrants, asylum seekers, refugees, humanitarian workers and journalists on the territory of Greece, especially on Greek islands in the Aegean Sea.
7. Please provide information on any plans to alleviate the critical overcrowding and dire conditions for migrants, asylum seekers and refugees on the Greek islands in the Aegean Sea, especially on Samos and Lesbos.
8. Please provide information on any investigation into the death of the Syrian asylum seeker who alleged died from a rubber bullet shot by Greek border guards.

While awaiting a reply, I urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

I may publicly express my concerns in the near future as, in my view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. I also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that I have been in contact with your Excellency's Government's to clarify the issue/s in question.

A copy of this communication will be shared with relevant institutions of the European Union through its delegation to the United Nations and other international organizations at Geneva. The Government of Turkey will also receive a copy as a concerned State.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

Please accept, Excellency, the assurances of my highest consideration.

Felipe González Morales  
Special Rapporteur on the human rights of migrants