

# PRESS RELEASE

## NETHERLANDS: NGOS SUE DUTCH STATE OVER EU-TURKEY REFUGEE DEAL

**At the time of the adoption of the so-called European Union (EU) - Turkey deal in 2016, despite the abundant evidence that human rights would be at risk if the deal went ahead, the Dutch authorities endorsed and implemented it. As such, the Netherlands should be held accountable for violating Dutch, international and EU law.**

This is the assessment of Amnesty International Netherlands, Boat Refugee Foundation and Defence for Children, who are now taking legal action against the Dutch state. The deal aimed to outsource refugee protection to Turkey as EU Member states sought to avoid complying with their responsibility under international law.

Under the deal, all people arriving irregularly on the Greek Aegean islands, including asylum seekers, would be returned to Turkey, despite clear indications that that country would often be unsafe for them, and that Greece was ill-equipped to offer adequate reception conditions and asylum procedures.

"Thousands of people seeking asylum were trapped in dire conditions in camps and closed reception centres on the Greek islands, as a direct result of the disastrous deal struck between EU member states and Turkey," said Dagmar Oudshoorn, Director of Amnesty International Netherlands.

"We saw the harrowing effects of the deal on a daily basis in our clinic on Lesbos. Our team could barely cope with the enormous need for emergency medical and psychological care. Such deals should never be made again," said the Director of Boat Refugee Foundation, Esther Vonk.

### Historic mistake

Under the deal, people arriving on the Greek islands in the Aegean Sea were forced to apply for asylum there, and stay there pending a decision on their case. "Amnesty International and NGOs warned that this would be a historic mistake. Our government was well aware of the harmful implications for human rights however, the Dutch government continued nonetheless and signed its name to the deal. This agreement had unforgiving consequences on thousands of people's lives, became a dangerous blueprint for further such deals, and undermined the global refugee protection system," said Dagmar Oudshoorn.

As part of the agreement, Turkey committed to take measures to prevent people from leaving towards Europe. In return, the EU has foreseen billions of euros, including €6 billion committed in 2016 and an additional €3 billion in 2021, to support refugees living in the country.

### Dutch involvement and responsibility

As the member state holding the Presidency of the Council of the European Union the Netherlands played an important part in the adoption and implementation of the deal. Despite it being clear that reception capacity was greatly insufficient on the islands in March 2016, and as camps remained overcrowded and human rights, including children's rights violations began to be reported, the Dutch authorities' support for the deal remained unchanged.



“Documents show that the Dutch government recklessly pushed for a fast implementation of the deal, despite being aware of the severe deficiencies in the Greek asylum and reception system. The Dutch government acted being aware of clear indications that Turkey would not meet the EU’s own requirements on safe third countries when the deal was concluded,” said Dagmar Oudshoorn.

### **Dire human rights conditions**

Shortly after closing the deal, reception centres on the island where migrants and asylum seekers lived, became severely overcrowded. “People accommodated in these camps live in squalor, and are subjected to a lack of adequate food, shelter, medical and sanitation facilities, safety and security in the camps. This was reported at several points by EU agencies, the UN as well as several NGOs. In 2020, it was reported that almost 20,000 people were staying in a camp in Moria, Lesvos, with a nominal capacity for 2,840,” said Dagmar Oudshoorn.

People who faced compounded risks, such as pregnant women, unaccompanied children, and people with mental health needs did not receive adequate protection. The lack of adequate health care, combined with the often excessively long asylum procedures, severely impacted the mental health of residents. NGOs frequently reported instances of suicide attempts, including among children, depression, anxiety and PTSD.

“Eight years after the deal, little has changed for the better. The camps have turned into high-security closed centres often with detention-like conditions. On Lesvos, we see daily the dehumanizing impact of the lack of medical care, decent shelter and support for asylum seekers and refugees,” said Esther Vonk.

### **Dutch authorities acted unlawfully**

It is clear that the Dutch state acted unlawfully by drafting, adopting and implementing the EU-Turkey deal. It has contributed to the creation of an inhumane situation.

“It disregarded numerous, credible warnings and did not take emergency and structural solutions to the human rights violations taking place in the camps. The government could have relieved the pressure on the islands, but deliberately chose not to by opposing transfers of people to mainland Greece,” said Dagmar Oudshoorn.

Meanwhile since 2023, asylum-seekers in the so-called ‘closed-controlled centres’ which replaced open camps on the Greek Aegean islands have been reported to experience detention-like conditions, overcrowding and inadequate living conditions, which raises the risk of further human rights violations.

“The NGOs demand that a mechanism is put in place by the Dutch courts to prevent human rights violations and ensure that the state implements the deal in line with national, EU and international law. If unable to take such steps, the Dutch state should withdraw from the deal, or suspend its operation,” said Dagmar Oudshoorn.

“The EU-Turkey deal had a direct impact on the lives of tens of thousands of people, and no one is taking responsibility. We must prevent the EU-Turkey deal from being used as a blueprint for future migration deals,” said Esther Vonk.

### **Background**

Amnesty International Netherlands, Defence for Children and Boat Refugee Foundation have filed a lawsuit against the Dutch state for their involvement in the ‘EU-Turkey statement’ adopted by the Head of States of EU member states on 18 March 2016, aimed at governing the countries’ relations on migration and asylum management.



Prior attempts by asylum seekers to challenge the legality of the EU-Turkey deal at the Court of Justice of the European Union (CJEU) have been declared inadmissible. In 2017, it held that it was Heads of State or the Governments of EU member states, rather than EU institutions, who had conducted negotiations with Turkey, and concluded the EU-Turkey deal. As such it lacked jurisdiction to examine its legality. Against this background, this lawsuit targets the Netherlands as one of the EU member states who played a prominent role in the drafting and negotiating of the deal directly.

On 14 September 2023, in response to a preliminary action submitted by the NGOs, the Dutch government announced that it did not recognize the accountability it held with regards to the EU-Turkey deal, leading to the lawsuit being filed by the NGOs.

**For further information or to arrange an interview please contact:**

**Amnesty International Netherlands:**

Marjon Rozema +31 6 25 30 69 93 / m.rozema@amnesty.nl

**Boat Refugee Foundation:**

Nick van der Steenhoven +31 6 39 65 95 30 / +30 69 47 70 74 / pers@bootvluchteling.nl