

Ombudsman: EU must continue to assess human rights impact of EU-Turkey deal

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Following complaints on the issue, the European Ombudsman, **Emily O'Reilly**, has asked the European Commission to carry out a more thorough assessment of the human rights impact of the EU-Turkey Agreement [1].

Under the Agreement, concluded in March 2016, asylum seekers and migrants crossing from Turkey to Greece whose applications are then declared inadmissible are to be returned to Turkey; and Turkey is to take measures to prevent the opening up of new sea or land migration routes.

The Ombudsman called on the Commission to include in its future progress reports on the implementation of the Agreement – agreed by the European Council - a separate section focusing on human rights risks and on measures to reduce them.

Ms O'Reilly stated: *"I am conscious of the extremely difficult challenge and political realities facing both the EU Institutions and Member States in attempting to deal with the migration crisis, however the Commission continues to have a responsibility to carry out a human rights impact assessment of its implementation."*

Background

The complainants, Spanish NGOs (the Spanish Committee for Helping Refugees (CEAR), the Spanish Association of Young Lawyers and Women's Link Worldwide) and individual citizens, turned to the Ombudsman after the Commission failed to reply or inadequately replied to the concerns they had expressed about the impact of the Agreement on human rights of the asylum seekers and the migrants subject to return to Turkey from Greece. Specifically, Women's Link Worldwide urged the Commission to carry out a human rights impact assessment of the Agreement, by focusing in particular on the situation of migrant women and children.

The Ombudsman in this case built upon principles arising from an inquiry concerning the Commission's failure to carry out a human rights impact assessment of the free trade agreement between the EU and Vietnam.

In that [inquiry \[Link\]](#), closed in February 2016, the Ombudsman noted that a "human rights



impact assessment is not a collection of data or a response to public opposition, but rather an analytical tool for demonstrating that all necessary factors and circumstances have been taken into account in framing a policy. The human rights impact assessment tool identifies the sources of risks and the human rights impacts on the affected stakeholders at each stage of the project's life."

The full decision can be found here ([link \[Link\]](#)).

[1] The Ombudsman's decision, issued in July 2016, uses the term "EU-Turkey Agreement". Please note that, in its decisions of 28 February 2017 (in cases T-192/16, T-193/16 and T-257/16), the General Court of the EU considered that the statement cannot be regarded as a measure adopted by the European Council, or by any other institution, body, office or agency of the EU. The Court found that it was in their capacity as Heads of State or Government of the Member States that the representatives of those Member States met with their Turkish counterpart.