

BOOK REVIEW

**Hülya Kaya, *The EU-Turkey Statement on Refugees. Assessing Its Impact on Fundamental Rights*,
Cheltenham: Edward Elgar Publishing, 2020, ISBN: 978-1789909203**

Carmen MOLDOVAN*

There are not many recent topics within the European Union and its Member States that have attracted so much attention from the general public and specialists, as the situation of refugees who have flocked to Europe in large numbers, seeking protection, triggering one of the most complicated political crises concerning the integration of those who forcibly left their countries and headed to Europe. Ensuring an adequate framework for the situation of refugees and asylum seekers in Europe has been and continues to be a difficult and complex issue from the outset and determined a major political, social and legal crisis. The solution found at the level of the European Union for the reception of those in need was the creation of a framework for cooperation with Turkey under the form of a controversial Statement and an Action Plan.

In her book *EU-Turkey Statement on Refugees. Assessing Its Impact on Fundamental Rights*, Hülya Kaya provides a timely contribution to the topic of effectiveness of the mechanism established between the European Union and Turkey. The author gives an in-depth and critical analysis on the impact of the EU-Turkey Statement on Refugees both from the theoretical and practical perspective as well. Even though the subject is not a new one, the approach is very advanced as the book consists of an exhaustive examination of the topic with unbiased conclusions which emerged from using objective facts concerning the protection of refugees and asylum seekers at European regional level.

The impact aims to be strong from the very beginning, as the first lines of the introduction start from the well-known case of 3-year-old Alan Kurdi, who died on September 2, 2015 while heading to Greece in the Mediterranean Sea together with his family.

The topic addressed is one of general and high interest for academia, lawyers and general public alike, due to the increased interest in the refugees and asylum seekers phenomenon that has intensified since 2015 and triggered a very sensitive political crisis that the European Union chose to solve in a special manner.

* Carmen MOLDOVAN is Lecturer at the Faculty of Law, Alexandru Ioan Cuza University of Iasi, Romania; e-mail: carmen.moldovan@uaic.ro.

The structure of the book is very well thought and organized from general to specific issues and comprises seven chapters including an introduction and conclusions.

The author addresses a very serious and actual problem to which the European Union had to find solutions in accordance with the general principles of international refugee law, humanitarian rules and human rights. The statement of Hülya Kaya is that the European Union and the European states failed in the process of accepting international humanitarian responsibility for refugees and this is supported by all the arguments on what the legal status of refugees and asylum seekers should be and the reality they are facing.

The stated intention of Hülya Kaya is to explore issues generally addressed by scholars and to demonstrate that the EU-Tukey cooperation in this field has the effect of outsourcing refugee protection to Turkey and preventing arrivals to its territory.

As a general feature of the approach, the author does not spare at all the joint attitude and actions of the parties involved in the Statement, on the contrary her perspective is deeply critical and highlights the shortcomings and negative effects of this mechanism on the civil, political and socio-economic rights of refugees.

The author discusses several notions that shape and complete the special international status that the 1951 Geneva Convention on the status of refugees establishes, in the context of the regional application of these norms and of the human rights framework. The book contains a comprehensively research study of the case law of the European Court of Human Rights and of the European Union framework that impact refugees and asylum seekers situation in Europe. Special attention is paid to the extent of Article 3 of the European Convention on Human Rights in the case of refugees and asylum seekers stranded in Greece and Turkey, and to the notions of lack of an effective remedy against the removal of refugees from Europe toward Turkey, or the existence of effective remedies against deportation decisions.

The core element of the refugees' international protection is the *non-refoulement* principle which is analysed in detail both from a theoretical and practical perspective regarding the extent of its scope, meaning and flaws in terms of application in reality. The strong and very well-argued thesis in this regard is that the principle of *non-refoulement* and the right to seek asylum under readmission agreements are violated.

The central idea that the author pursues and demonstrates is whether Turkey can be considered or not a safe country for refugees or if the special agreement between Turkey and the European Union is meant to build an invisible buffer zone which is incompatible with the rules of international humanitarian law and human rights law.

The Turkish jurisprudence concerning refugees and asylum seekers is rigorously examined in relation to the established universal and regional international criteria and standards and the negative impact is highlighted.

The book is enriched with field work in Turkey consisting of data and interviews of persons directly involved in the work, including judges and lawyers. It is a unique approach, both challenging and difficult to put in practice taking into consideration the general socio-legal context in Turkey and the reluctance of the professionals involved.

Another aspect for which the book is brilliant and different from other studies and works published until now regarding the status of refugees is the introduction and analysis of the concept of *the right to have rights* of refugees, taking into consideration that in practice they appear to be actually deprived of their specific human rights.

Hülya Kaya is very brave for choosing such a difficult topic considering her quality as Deputy Governor of Istanbul, providing a thorough examination on the real impact on refugees' socio-economic situation and their inability to obtain recognition and protection of the rights recognized at the universal and regional level.

Written under the sign of excellency, this book should be mandatory reading for scholars, students, doctoral students and specialized lawyers in refugee law.