Charter of Fundamental Rights of the European Union, 2000 (2012/C 326/02)

Article 1 - Human dignity
- Human dignity is inviolable. It must be respected and protected.

Article 4 - Prohibition of torture and inhuman or degrading treatment or punishment
- No one shall be subjected to torture or to inhuman or degrading treatment or punishment.

Article 18 - Right to asylum
- The right to asylum shall be guaranteed with due respect for the rules of the Geneva Convention of 28 July 1951 and the Protocol of 31 January 1967 relating to the status of refugees and in accordance with the Treaty on European Union and the Treaty on the Functioning of the European Union (hereinafter referred to as ‘the Treaties’).

Article 19 - Protection in the event of removal, expulsion or extradition
- 1. Collective expulsions are prohibited.
- 2. No one may be removed, expelled or extradited to a State where there is a serious risk that he or she would be subjected to the death penalty, torture or other inhuman or degrading treatment or punishment.


Article 98 - Duty to render assistance
- 1. Every State shall require the master of a ship flying its flag, in so far as he can do so without serious danger to the ship, the crew or the passengers:
  - (a) to render assistance to any person found at sea in danger of being lost;
  - (b) to proceed with all possible speed to the rescue of persons in distress, if informed of their need of assistance, in so far as such action may reasonably be expected of him;
  - (c) after a collision, to render assistance to the other ship, its crew and its passengers and, where possible, to inform the other ship of the name of his own ship, its port of registry and the nearest port at which it will call.
- 2. Every coastal State shall promote the establishment, operation and maintenance of an adequate and effective search and rescue service regarding safety on and over the sea and, where circumstances so require, by way of mutual regional arrangements


1951 Convention Relating to the Status of Refugees

Article 31 - Refugees unlawfully in the country of refugee
- 1. The Contracting States shall not impose penalties, on account of their illegal entry or presence, on refugees who, coming directly from a territory where their life or freedom was threatened in the sense of article 1, enter or are present in their territory without authorization, provided they present themselves without delay to the authorities and show good cause for their illegal entry or presence.
2. The Contracting States shall not apply to the movements of such refugees restrictions other than those which are necessary and such restrictions shall only be applied until their status in the country is regularized or they obtain admission into another country. The Contracting States shall allow such refugees a reasonable period and all the necessary facilities to obtain admission into another country.

Article 33 - Prohibition of expulsion or return ("refoulement")
- 1. No Contracting State shall expel or return ("refouler") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.

[http://www.unhcr.org/protection/basic/3b66c2aa10/convention-protocol-relating-status-refugees.html]

Convention for the Protection of Human Rights and Fundamental Freedoms, 1950

Article 3 – Prohibition of torture
- No one shall be subjected to torture or to inhuman or degrading treatment or punishment

Protocol no. 4 to the Convention for the Protection of Human Rights and Fundamental Freedoms, 1963

Article 4 - Prohibition of collective expulsion of aliens
- Collective expulsion of aliens is prohibited.

[http://www.echr.coe.int/Documents/Convention_ENG.pdf]

The Universal Declaration of Human Rights, 1948

Article 1
- All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 5
- No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 13
- [1] Everyone has the right to freedom of movement and residence within the borders of each state.
- [2] Everyone has the right to leave any country, including his own, and to return to his country.

Article 14
- [1] Everyone has the right to seek and to enjoy in other countries asylum from persecution.
- [2] This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Declaration on the human rights of individuals who are not nationals of the country in which they live, 1985 (A/RES/40/144)

Article 6
- No alien shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment and, in particular, no alien shall be subjected without his or her free consent to medical or scientific experimentation.

Article 7
- An alien lawfully in the territory of a State may be expelled therefrom only in pursuance of a decision reached in accordance with law and shall, except where compelling reasons of national security otherwise require, be allowed to submit the reasons why he or she should not be expelled and to have the case reviewed by, and be represented for the purpose before, the competent authority or a person or persons specially designated by the competent authority. Individual or collective expulsion of such aliens on grounds of race, colour, religion, culture, descent or national or ethnic origin is prohibited.

[http://www.un.org/documents/ga/res/40/a40r144.htm]

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1987

Article 3
- 1. No State Party shall expel, return (“refouler”) or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.
- 2. For the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights.

[http://www.ohchr.org/EN/ProfessionalInterest/Pages/CAT.aspx]

International Covenant on Civil and Political Rights, 1976

Article 7
- No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.


Law on Foreigners and International Protection, 2014
Article 4 – Non-refoulement

- No one within the scope of this Law shall be returned to a place where he or she may be subjected to torture, inhuman or degrading punishment or treatment, or, where his/her life or freedom would be threatened on account of his/her race, religion, membership of a particular social group or political opinion.

Article 59 – Services provided in removal centres

- (1) In the removal centres
  - (b) the foreigner shall be allowed access to and given the opportunity to meet with their relatives, the notary public, his/her legal representative and the lawyer, as well as access to telephone services.
  - (2) Representatives of the relevant non-governmental organisations with expertise in the field of migration may visit the removal centres upon permission of the Directorate-General.

Article 61 – Refugees

- (1) A person who as a result of events occurring in European countries and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his citizenship and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country; or who, not having a nationality and being outside the country of his former residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it, shall be granted refugee status upon completion of the refugee status determination process.

Article 62 – Conditional Refugee

- Same as Art. 61, but where “events occurring in European countries” is substituted with “events occurring outside European countries”.

Article 91 – Temporary Protection

- (1) Temporary protection may be provided for foreigners who have been forced to leave their country, cannot return to the country that they have left, and have arrived at or crossed the borders of Turkey in a mass influx situation seeking immediate and temporary protection.
  - (2) The actions to be carried out for the reception of such foreigners into Turkey; their stay in Turkey and rights and obligations; their exit from Turkey; measures to be taken to prevent mass influxes; cooperation and coordination among national and international institutions and organisations; determination of the duties and mandate of the central and provincial institutions and organisations shall be stipulated in a Directive to be issued by the Council of Ministers.

Article 92 – Cooperation in international protection procedures

- (2) The necessary cooperation shall be undertaken with United Nations High Commissioner for Refugees with regard its duty to supervise the implementation of the provisions of the Convention. The Ministry is authorised to determine actions regarding international protection, application, assessment, and decision-making within the scope of this Law and, to this end, to conclude protocols with the United Nations High Commissioner for Refugees that are not of an international agreement nature, in consultation with the Ministry of Foreign Affairs.

Article 95 – Reception and accommodation centres

- (1) Applicants and international protection beneficiaries shall provide their own accommodation.
  - (8) Representatives of non-governmental organisations that have expertise in the field of migration may visit the reception and accommodation centres upon permission of the Directorate General.


Article 3 – **Use of terms For the purposes of this Protocol**

- (a) “Smuggling of migrants” shall mean the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident.