



# ASILE

Global Asylum  
Governance and  
the European  
Union's Role

## Country Note TURKEY

International protection issues and recommendations  
from international and regional human rights mechanisms  
and bodies

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April 2021

*This Country Note provides a synthetic overview of key issues and recommendations in the field of international protection put forward by international and regional human rights mechanisms and bodies. In line with the ASILE project research agenda, this Country Note pays specific attention to aspects related to 'containment' of people in need of international protection. The notion of containment is used here to refer to a broad range of policies and practices aimed at preventing access to territory, increasing the expulsion and restricting mobility of asylum seekers and refugees.*

*The Country Note covers documents released by United Nations (UN) human rights mechanisms and bodies. These include the UN Charter-based system of human rights protection, including the Universal Period Review and the Special Procedures of the Human Rights Council, and the UN Human Rights Treaty bodies. The Note also encompasses monitoring bodies established under regional human rights systems to which the country under consideration is party.*



This project has received funding from the European Union's Horizon 2020 research and innovation programme under grant agreement n° 870787. This document reflects only the author's view and the Commission is not responsible for any use that may be made of the information it contains.



## 1. International and regional human rights obligations

Turkey is a party to the International Covenant on Civil and Political Rights (CCPR) and its two Optional Protocols, and the International Covenant on Economic, Social and Cultural Rights (CESCR) – yet not its additional protocol establishing a communications procedure.

Turkey is also party to several core UN human rights instruments, including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and its Optional Protocol, the Convention on the Rights of the Child (CRC), and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Turkey is also party to the International Convention on the Protection of the Rights of All Migrants Workers and Members of their Families (CMW) and the International Convention on the Elimination of All Forms of Racial Discrimination (CERD).<sup>1</sup>

Turkey is party to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. Turkey, however, through a declaration made under Article 1(B) of the 1951 Convention and the declaration made upon accession to its 1967 Protocol, ratified the Convention with the geographical limitation and still maintains that limitation.<sup>2</sup>

At the regional level, Turkey is a member of the Council of Europe and party to the Convention for the Protection of Human Rights and Fundamental Freedoms (the European Convention on Human Rights) and to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. Turkey has not ratified Protocol No. 4 to the European Convention of Human Rights, which prohibits collective expulsions of aliens.<sup>3</sup>

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<sup>1</sup> Country Profile Turkey, OHCHR Status of Ratification Interactive Dashboard [[online](#)]; Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families. Concluding observations on the initial report of Turkey, CMW/C/TUR/CO/1, 31 May 2016, par. 19.

<sup>2</sup> UNHCR, Submission by the United Nations High Commissioner for Refugees (UNHCR) For the Office of the High Commissioner for Human Rights' Compilation Report – Universal Periodic Review: The Republic of Turkey, June 2014, p. 1 [[online](#)]

<sup>3</sup> Council of Europe, Treaty list for a specific state, Turkey. Status as of 14/10/2020 [[online](#)]



## 2. Scope of international protection and quality of asylum procedures

### 2.1. Scope of International protection

The Law on Foreigners and International Protection (LFIP)<sup>4</sup> and the Temporary Protection Regulation (TPR)<sup>5</sup> govern the treatment of beneficiaries of international protection in the country. They put in place a diversified protection regime which is based on different protection statuses.<sup>6</sup>

The “Temporary protection” regime may be activated to the benefit of those forced to leave their country of origin, cannot return to the country they have left, and have arrived in Turkey *en masse* seeking immediate and temporary protection. The temporary protection regime currently applies to nearly 3.6 million Syrians and stateless people crossing into Turkey from Syria.<sup>7</sup>

‘International protection’, which includes Geneva Convention refugee status, conditional refugee status and subsidiary protection status may be granted to all other nationalities following an individual assessment. In Turkey, the refugee status under the Geneva Convention is subject to the geographical limitation and, in practice, it is only applicable to refugees coming from European countries. Therefore, asylum-seekers arriving in Turkey are generally eligible only for conditional refugee status or subsidiary protection.<sup>8</sup> According to UNHCR, Turkey currently host close to 330,000 registered refugees and asylum seekers of nationalities other than Syrians.<sup>9</sup> According to Turkey’s Directorate General of Migration Management, 56.417 international protections applications were lodged in 2019, mainly from Afghanistan, Iraq and Iran.<sup>10</sup>

“Humanitarian” residence permits may also be granted to those in need of protection. This is not a protection status but one of six kinds of residence permits granted to foreigners under the LFIP.<sup>11</sup> While the exact number of humanitarian residence permit holders is unknown, it is estimated that the vast majority of holders are Iraqis.<sup>12</sup>

A number of UN Treaty-bodies recommended that the Turkish government lift the geographical limitation to the application of the 1951 Refugees Convention and its 1967

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<sup>4</sup> Law On Foreigners And International Protection, Law No : 6458, (Gayri Resmi İngilizce Çevirisi), [\[online\]](#)

<sup>5</sup> Temporary Protection Regulation, 22 October 2014 [\[online\]](#)

<sup>6</sup> For a detailed description of Turkey’s asylum system see Meltem Ineli-Ciger & Ozgenur Yigit, ASILE Country Note Turkey, p. 16.

<sup>7</sup> UNHCR, Turkey Fact Sheet, September 2020, [\[online\]](#)

<sup>8</sup> UNHCR submission for the Universal Periodic Review, 2014, p. 4.

<sup>9</sup> Ibid.

<sup>10</sup> Republic of Turkey, Minister of Interior, Directorate General of Migration Management, Statistics on international Protection [\[online\]](#)

<sup>11</sup> Law On Foreigners And International Protection, Art. 46.

<sup>12</sup> IOM, Migrants’ Presence Monitoring Turkey, Situation Report January 2020 [\[online\]](#)



Protocol.<sup>13</sup> UNHCR has recommended the Turkish government to lift the geographical limitation for simplification of the asylum procedures and promoting a stable status for beneficiaries of international protection who do not have the prospect of returning to their country of origin in safety and in dignity.<sup>14</sup>

## 2.2. Quality of asylum procedures

Obstacles and delays in the registration process of both beneficiaries of temporary protection and asylum seekers have been identified as a major issue affecting the effectiveness of the Turkish asylum system.

Under Turkey's 'satellite city system' each asylum applicant must register with the local branch of the Directorate General for Migration Management (DGMM) and obtain a foreigner number in order to access rights and services granted to them. In practice, however, not all Turkish cities are open to registration for asylum seekers, as local authorities have stopped (or slowed down) the registration of applicants for international protection and beneficiaries of temporary protection.<sup>15</sup> Civil society actors have underlined how the functioning of the "satellite city" system (including information on which cities are open/closed for registration) is not based on publicly available criteria, nor is there an official decision taken in respect of each applicant.<sup>16</sup>

The 'satellite city system' does not apply to Syrians under the temporary protection regime. Under Turkish law, temporary protection is not accepted as one of the international protection categories but as a complementary measure that can be applied in cases of mass influx of refugees. The main purpose of temporary protection is to swiftly identify protection needs of a large number of asylum seekers when individual processing is considered unfeasible.<sup>17</sup> Evidence provided by civil society actors has underlined that since 2018 Provincial Directorates for Migration Management (PDMMA) in large provinces (such as Istanbul, Hatay and Mardin) have *de facto* stopped registering and providing documents to newly arrived Syrian refugees. Substantial delays in the registration of beneficiaries of temporary protection have been identified in several provinces around the country.<sup>18</sup>

Following his visit to Turkey in 2016, the Special Representative for migrants and Refugees of the Council of Europe acknowledged the efforts of the Turkish authorities in registering a high number of refugees from Syria but expressed concern about the alarming situation of

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<sup>13</sup> Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families. Concluding observations on the initial report of Turkey, 31 May 2016, CMW/C/TUR/CO/1, par. 22; Committee against Torture Concluding observations on the fourth periodic reports of Turkey, 2 June 2016, CAT/C/TUR/CO/4, par. 24.

<sup>14</sup> UNHCR, Submission for the Universal Periodic Review The Republic of Turkey, Second cycle, June 2014, p.4.

<sup>15</sup> See AIDA, Asylum Information Database, Country Report Turkey, p. 63.

<sup>16</sup> Ibid.

<sup>17</sup> Ineli-Ciger & Ozgenur Yigit, *op.cit.*, p. 20.

<sup>18</sup> AIDA, Asylum information Database, Country Report Turkey, p. 119.



unregistered refugees, whose access to social rights is severely restricted. The Special Rapporteur called on Turkish authorities to regularise the situation of all refugees present in the country without delay and provide them with all the information they need to be able to exercise their rights under national law.<sup>19</sup>

### **3. Admission to the territory and safeguards against removal of asylum seekers and refugees**

The possibility for refugees to cross the Turkish-Syrian land border is limited by a number of restrictions. Since 2016 Turkey has been building a concrete wall to seal its land border with Syria to keep out anyone not in need of emergency medical care. The construction of that physical barrier has not completely stopped arrivals, although it has exacerbated difficulties in crossing the border. According to available statistics, the Turkish Armed Forces apprehended at least 224,358 individuals trying to irregularly cross the Syrian border in 2018 alone.<sup>20</sup> International human rights bodies received allegations that Turkish border guards have at times used live ammunition to prevent Syrian nationals, including children, from crossing the border with Syria.<sup>21</sup>

In light of evidence of systematic pushbacks at its border with Syria, UN Treaty Bodies (including the Committee on the Right of Migrant Workers and the Committee Against Torture)<sup>22</sup>, as well as UNHCR<sup>23</sup> requested Turkey to honour its non-refoulement obligations by refraining from turning away refugees at the border. The Turkish government was also urged to investigate all instances of abuse and death at its borders and take measures to prevent such human rights violations in the future, including by ensuring that all people in transit have access to justice and effective remedies in cases of violence and abuse. Turkey was also recommended to develop and put in place mechanisms to assess the individual situation of migrants in transit in order to determine their protection needs.<sup>24</sup>

In its 2016 Concluding observations, the Committee against Torture stated that according to the information in its possession, Turkey may have acted in breach of the principle of non-refoulement with regard to hundreds of Syrian nationals reportedly returned to their country of origin since mid-January 2016. The Committee expressed further concerns in

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<sup>19</sup> Report of the fact-finding mission to Turkey by Ambassador Tomáš Boček, Special Representative of the Secretary General on migration and refugees, 30 May – 4 June 2016, p. 9.

<sup>20</sup>AIDA, Asylum Information Database, Country Report Turkey, p. 128.

<sup>21</sup> Committee on the Protection of the Rights of All Migrant Workers, Concluding Observations Turkey 2016, CMW/C/TUR/CO/1, par. 41; Committee against Torture, Concluding Observations 2016, CAT/C/TUR/CO/4, par. 23.

<sup>22</sup> Committee on the Protection of the Rights of All Migrant Workers, 2016, CMW/C/TUR/CO/1, par. 42; Committee against Torture, Concluding Observations 2016, CAT/C/TUR/CO/4, par. 23.

<sup>23</sup> UNHCR Submission UPR Turkey: 3rd Cycle, 2019, 35th Session Turkey.

<sup>24</sup> Committee on the Protection of the Rights of All Migrant Workers, 2016, CMW/C/TUR/CO/1, par. 42; Committee against Torture, Concluding Observations 2016, CAT/C/TUR/CO/4, par. 23.



relation to Afghan asylum seekers reportedly returned to Afghanistan without being granted access to asylum procedures.<sup>25</sup>

The Committee on the Rights of Migrants Workers expressed similar concerns stating that since mid-January 2016, Turkey's authorities have reportedly expelled several thousand Syrian nationals, most of whom are undocumented, including families and unaccompanied children. In addition, the Committee reported that an increased number of arrivals through the Iranian border had triggered restrictive measures from Turkish authorities: Afghan and Iraqi undocumented migrants had been arbitrarily detained and deported, without being granted the possibility to apply for asylum. Lack of information and data on expulsions from the State party was also underlined. The Committee was concerned that collective expulsions might increase as a result of the agreement between the European Union and Turkey signed on 18 March 2016, which started to be implemented on 4 April 2016.<sup>26</sup>

The Turkish Minister of Justice stated that in 2019, 373,592 Syrians had left Turkey to return to Syria.<sup>27</sup> A number of NGOs stakeholders have questioned the alleged "voluntary" character of these returns of Syrians nationals from Turkey, particularly from detention facilities/centres.<sup>28</sup> In particular, it was reported that Syrians were misled about the "voluntary return" forms, which they were forced to sign, through intimidation, threats and beatings.<sup>29</sup> Non-Syrian detainees also consistently complained they were pressured to sign voluntary return agreements.<sup>30</sup>

In light of previously mentioned allegations, the Committee against Torture and the Committee on the Rights of Migrants Workers addressed a number of recommendations to the Turkish State, including the following:<sup>31</sup>

- a) Investigate the alleged cases of collective expulsion of Syrian, Afghan and Iraqi migrants, prosecute those responsible and take effective measures to provide redress to the victims and to avoid such expulsions in the future;
- b) Take the necessary steps to ensure that administrative and judicial proceedings for deportation and/or expulsion are fully regulated by law and are in accordance with UN human rights treaty instruments;

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<sup>25</sup> Ibid.

<sup>26</sup> Committee on the Protection of the Rights of All Migrant Workers, Concluding Observations 2016, CMW/C/TUR/CO/1, par. 41.

<sup>27</sup> AIDA Country Report Turkey, p. 123.

<sup>28</sup> Amnesty International, Turkey: Sent to a War Zone: Turkey's Illegal Deportations of Syrian Refugees, 25 October 2019, <https://www.amnesty.org/en/documents/eur44/1102/2019/en/>

<sup>29</sup> Ibid.

<sup>30</sup> Report of the fact-finding mission to Turkey by Ambassador Tomáš Boček, p. 30.

<sup>31</sup> Committee on the Protection of the Rights of All Migrant Workers, Concluding Observations Turkey, 2016, CMW/C/TUR/CO/1, par. 54; Committee Against Torture, Concluding Observations Turkey, CAT/C/TUR/CO/4, par. 24-26.



- c) Develop mechanisms to prevent the expulsion of migrants in transit until the assessment of each individual situation has been completed;
- d) Ensure that all necessary procedural safeguards are strictly followed in all individual expulsion proceedings in order to prevent arbitrary expulsion, including in the context of the agreement between the European Union and Turkey signed on 18 March 2016.

## 4. Detention and restrictions to freedom of movement

### 4.1. Legal framework for detention and detention conditions of asylum seekers and beneficiaries of international protection

International and regional monitoring bodies have underlined a number of issues concerning detention conditions as well as shortcomings in the legal framework regulating detention and laying down guarantees accorded to detained asylum seekers and beneficiaries of protection in Turkey.

In its 2016 Concluding Observations, the Committee on Migrant Workers expressed concern about the automatic detention of a large number of migrant workers and asylum seekers in an irregular situation, including families and children, many of whom are apprehended while trying to reach Greece.<sup>32</sup> The Committee also mentioned reports of migrants being held in *incommunicado* detention, having their mobile telephones confiscated and lawyers' and family members' visits forbidden, being subjected to violence and solitary confinement in detention and not being informed of the reasons for their detention, the duration of their stay and their rights.<sup>33</sup>

The Council of Europe Special Representative on Migrant and Refugees expressed a number of concerns regarding detention of asylum seekers during his visit to Turkey in 2016. He reported complaints from detainees concerning difficulties to obtain information from authorities and contact the UNHCR, NGOs and lawyers.<sup>34</sup>

Prior to the adoption of the Law on Foreigners and International Protection, the European Court on Human Rights (ECtHR) has in the past found in a number of cases that material conditions of detention of asylum seekers and irregular migrants subject to removal proceedings in Turkey amounted to inhuman and degrading treatment in violation of Art. 3 of the Convention. The Court had also found several violations of Art 5(1) and 5(4) of the Convention on account of the absence of clear legal provisions in Turkish law establishing the procedure for ordering administrative detention of foreign nationals in view of

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<sup>32</sup> Committee on the Protection of the Rights of All Migrant Workers, Concluding Observations 2016, CMW/C/TUR/CO/1, par. 47.

<sup>33</sup> Ibid.

<sup>34</sup> Report of the fact-finding mission to Turkey by Ambassador Tomáš Boček, p. 9



deportation, as well as the absence of a legal mechanism to obtain legal review of the lawfulness of detention.<sup>35</sup>

In a 2019 judgement, the ECtHR recognised that the entry into force of the Law on Foreigners and International Protection (LFIP) in 2013 had provided a clear legal basis and set out a procedure governing detention in an immigration context. The Court judgement, however, highlighted a number of issues concerning the application of procedural guarantees granted by the law in specific circumstances.<sup>36</sup>

A key issue raised by UN monitoring bodies and independent NGOs concerns the situation of international protection applicants and beneficiaries of temporary protection apprehended outside the province to which they had been assigned. According to these reports, the combination of a *de facto* 'registration ban' in certain provinces and restrictions to freedom of movement outside the assigned province (see Section 4.2 below) forces asylum seekers and beneficiaries of protection (including Syrians) either to stay illegally in one province or to travel illegally to other provinces, thus risking detention and deportation.<sup>37</sup>

In light of the evidence mentioned above, the Committee Against Torture recommended that Turkey refrain from detaining asylum-seekers and irregular migrants for prolonged periods, use detention only as a measure of last resort and for as short a period as possible and promote alternatives to detention.<sup>38</sup>

The Committee on Migrant Workers recommended in 2016 that Turkey investigate effectively all cases of violence and other human rights abuses of detained migrants and provide on a regular basis mandatory human rights training for all law enforcement officials, with a view to preventing such violations. The Committee further recommended to ensure that all migrants and members of their families who are arrested are promptly informed of their rights and charges against them, in a language they understand.<sup>39</sup>

## 4.2. Restrictions to freedom of movement

Provincial Directorates for Migration Management (PDMMs) have the authority to impose an obligation on applicants for international protection to reside at a specific address, as well as reporting duties. Failure to stay in the assigned province may imply serious

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<sup>35</sup> ECtHR, Case of Batyrkhairov v. Turkey, App no. 69929/12, judgement of 5 June 2018; Case of Amerkhanov v. Turkey, App. no. 16026/12), 5 June 2018; Alimov v. Turkey, App. No. 14334/13, judgement of 6 December 2016. See Ineli-Ciger & Ozgenur Yigit, ASILE Country Fiche Turkey, p. 7.

<sup>36</sup> ECtHR, Case of G.B. and Others v. Turkey, app. No. 4633/15, judgement of 17 October 2019, par 147-150.

<sup>37</sup> Human Rights Watch, Turkey Stops Registering Syrian Asylum Seekers. New Arrivals Deported, Coerced Back to Syria, 16 July 2018 [\[online\]](#)

<sup>38</sup> Committee against Torture, Concluding Observations 2016, CAT/C/TUR/CO/4, par. 26.

<sup>39</sup> Committee on the Protection of the Rights of All Migrant Workers, Concluding observations 2016, CMW/C/TUR/CO/1, par. 49.





consequences for the applicant. International protection applicants who do not report to their assigned province in time or are not present in their registered address upon three consecutive checks by the authorities are considered to have implicitly withdrawn their international protection application.<sup>40</sup> In practice, however, applicants may be subject to even more severe and arbitrary sanctions such as administrative detention in a Removal Centre, with a view to their transfer to their assigned province. It has been reported that the rigour of sanctions for non-compliance with the obligation to remain in the assigned province varies depending on the nationality, sexual orientation or gender identity or civil status of the applicant.<sup>41</sup>

Syrians under temporary protection also need permission to travel outside the province where they have registered. According to evidence gathered by civil society, the possibility for Syrians to obtain permission to travel outside the province has become increasingly difficult in recent years.<sup>42</sup> Reportedly, in the aftermath of the conclusion of the 2016 EU-Turkey statement, obtaining permission to travel outside the designated province for beneficiaries of temporary protection has become more difficult, while routine unannounced checks in the registered addresses of beneficiaries have also increased. Allegations have been made that Syrians apprehended outside their province of registration are transported to remote detention facilities where they are subjected to prolonged detention and in some cases deportation to Syria.<sup>43</sup>

The Special Representative of the Secretary General on migration and refugees of the Council of Europe underlined how the above mentioned restrictions to freedom of movement raise issues under General Policy Recommendation No. 11 on combating racism and racial discrimination in policing of the European Commission against Racism and Intolerance, as well as under Articles 8 (Right to respect for private and family life) and 14 (Prohibition of discrimination) of the European Convention on Human Rights.<sup>44</sup> The Special Rapporteur also noted that Turkey has not ratified Protocol No. 4 ECHR, which guarantees in its Article 2 the right to liberty of movement and freedom of residence for individuals lawfully residing within a State's territory.<sup>45</sup>

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<sup>40</sup> Report of the fact-finding mission to Turkey by Ambassador Tomáš Boček, p. 11.

<sup>41</sup> AIDA, Asylum Information Database, Country Report Turkey, p. 70; See also Amnesty International, 'Turkey: Syrians illegally deported into war ahead of anticipated 'safe zone'', 25 October 2019, p. 70 [[online](#)]

<sup>42</sup> Ibid, p.11.

<sup>43</sup> Report of the fact-finding mission to Turkey by Ambassador Tomáš Boček, 2016, p. 29.

<sup>44</sup> Ibid. p. 11.

<sup>45</sup> Protocol No. 4 to the Convention for the Protection of Human Rights and Fundamental Freedoms, securing certain rights and freedoms other than those already included in the Convention and in the first Protocol thereto, Strasbourg, 16.IX.1963 [[online](#)].



## 5. Other key protection issues

### 5.1. The 2016 EU-Turkey Statement and its impacts on the rights of migrants and refugees

The 2016 EU-Turkey Statement aims to put to an end irregular migration from Turkey to the EU by breaking the business model of the smugglers and offer migrants an alternative to putting their lives at risk.<sup>46</sup>

The Statement provides that all new irregular migrants crossing from Turkey into the Greek islands would be returned to Turkey. It also specifies that Turkey would take necessary measures to prevent the emergence of new sea or land routes for illegal migration from Turkey to the EU, in cooperation with neighbouring states and the EU.<sup>47</sup>

The provisions included in the Statement and their implementation have far reaching implications for the rights of asylum seekers and refugees in Turkey, including access to protection, freedom of movement, protection from refoulement, as well as their living conditions and socio-economic inclusion.<sup>48</sup>

The Committee against Torture, in its 2016 Conclusions, pointed to the lack of information regarding concrete measures adopted by Turkey to accommodate returned refugees, asylum seekers and migrants under the Statement. It also pointed to the lack of reassurances that applications for asylum and international protection will be individually reviewed and that applicants will be protected from refoulement and collective expulsions, in particular in the framework of readmission agreements concluded by Turkey with third countries.<sup>49</sup>

The Parliamentary Assembly of the Council of Europe in a 2016 Resolution considered that the EU–Turkey Agreement raises several serious human rights issues relating to both its substance and implementation. In particular, returns of asylum seekers and refugees from Greece to Turkey as a ‘first country of asylum’ or as a ‘safe third country’ are contrary to European Union and/or international law, as Turkey may not ensure protection in accordance with the 1951 Convention relating to the Status of Refugees and because of reports of onward *refoulement* of both Syrians and non-Syrians.<sup>50</sup>

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<sup>46</sup> European Council Press Release, EU-Turkey Statement, 18 March 2016 [[online](#)].

<sup>47</sup> Ibid.

<sup>48</sup> Ineli-Ciger & Ozgenur Yigit, ASILE Country Fiche Turkey, p. 28. See also Nikolas Feith Tan & Jens Vested-Hansen, Inventory and Typology of EU Arrangements with Third Countries, ASILE Working Paper, p. 9

<sup>49</sup> Committee Against Torture, Concluding Observations 2016, CAT/C/TUR/CO/4, par. 25

<sup>50</sup> Parliamentary Assembly of the Council of Europe, Resolution 2109 (2016) [[online](#)]



Turkey commitment to the Statement was put into question in March 2020, when the Turkish government announced that it would no longer prevent asylum seekers from crossing the border with Greece. This led to the set-up of informal camps along the border crossing points in the Evros region, gathering thousands of migrants in dire conditions. Independent observers documented indiscriminate use of force by Greek authorities to prevent people from crossing the border. On the other side of the border, Turkish forces also provoked violent incidents to interfere with Greek forces' activities.<sup>51</sup>

On March 18, as part of the actions to contain the spread of Covid-19, the Turkish government announced the closure of its land border with Greece and started the evacuation of 5,800 persons still in the border region to closed facilities in nine Turkish provinces.<sup>52</sup> Nevertheless, the Turkish Minister of Interior indicated that this move did not mean a change in Turkey's policy of allowing migrants to cross its borders and that the government had no intention to prevent anyone who wishes to leave Turkey.<sup>53</sup>

International and regional monitoring bodies expressed concerns about the human rights situation of asylum seekers and migrants at Greek-Turkish borders. The Commissioner for human rights of the Council of Europe called on Greece and Turkey to ensure access to asylum for those in need.<sup>54</sup> The UN Special Rapporteur on the human rights of migrants expressed concerns about reports of violent 'pushbacks' of asylum seekers and migrants from Greece to Turkey.<sup>55</sup> In the context of border closures and travel restrictions adopted by states to address the spread of Covid-19, international organisations, including UNHCR and IOM, have called on states to manage border restrictions in a manner which respects international human rights and refugee protection standards, including by using testing and/or quarantine, which would enable the authorities to manage the arrival of asylum-seekers in a safe manner.<sup>56</sup>

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<sup>51</sup> Amnesty International, 2020, Caught in a Political Game. Asylum Seekers and Migrants on the Greece/Turkey Border pay the price for Europe's failures [\[online\]](#)

<sup>52</sup> UNHCR Turkey, *March 2020 Operational Update* [\[online\]](#)

<sup>53</sup> European Commission, Turkey 2020 Report Accompanying the Communication 2020 Communication on EU Enlargement Policy, Brussels, 6.10.2020 [\[online\]](#)

<sup>54</sup> Commissioner for Human Rights, Statement - Time to immediately act and to address humanitarian and protection needs of people trapped between Turkey and Greece, 3 March 2020 [\[online\]](#)

<sup>55</sup> Greece: Rights violations against asylum seekers at Turkey-Greece border must stop – UN Special Rapporteur, 23 March 2020 [\[online\]](#)

<sup>56</sup> The rights and health of refugees, migrants and stateless must be protected in COVID-19 response. A joint statement by UNHCR, IOM, OHCHR and WHO [\[online\]](#)



## Annex 1. Methodological Note

Human rights systems at the international and regional levels have established a range of mechanisms and bodies to monitor and promote states' compliance with their treaty obligations.

This Country Note describes key issues and recommendations in the field of asylum and international protection highlighted by international and regional human rights bodies in the context of existing monitoring and reporting procedures. In so doing, this Country Note complements research conducted under the ASILE project, in particular Country Fiches as well as the Catalogue of International and Regional Legal Standards.<sup>57</sup>

The Country Note is based on desk research covering reports, documents and observations provided for by the following human rights monitoring mechanisms and bodies:

- The United Nations Charter-based system of human rights protection, including the Universal Periodic Review Process (UPR)<sup>58</sup> and the Special Procedures of the UN Human Rights Council;<sup>59</sup>
- UN human rights Treaties Bodies tasked with monitoring the implementation of provisions of the core international human rights treaties;<sup>60</sup>
- Human rights monitoring bodies established under relevant regional human rights systems to which the Country under consideration is party. These may include, depending on the country under consideration, bodies of the Council of Europe Human Rights system,<sup>61</sup> the Inter-American Human Rights System,<sup>62</sup> the African Human Rights system,<sup>63</sup> and the League of Arab States human rights system.<sup>64</sup>

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<sup>57</sup> See ASILE, Our research [\[online\]](#)

<sup>58</sup> OHCHR, Basic facts about the UPR [\[online\]](#)

<sup>59</sup> OHCHR, Special Procedures of the Human Rights Council [\[online\]](#)

<sup>60</sup> OHCHR, Monitoring the core international human rights treaties [\[online\]](#)

<sup>61</sup> See the website of the Council of Europe [\[online\]](#)

<sup>62</sup> See Inter-American Commission on Human Rights [\[online\]](#)

<sup>63</sup> See African Commission on Human and Peoples' Rights [\[online\]](#)

<sup>64</sup> See Arab Human Rights Committee [\[online\]](#)



## Annex 2- Turkey: Selected documents from International and Regional Human Rights Monitoring Bodies

### 1. United Nations Charter-based bodies

#### Universal Periodic Review 3rd cycle (2020)

- National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21, 14 November 2019, A/HRC/WG.6/35/TUR/1 [[online](#)]
- Compilation on Turkey Report of the Office of the United Nations High Commissioner for Human Rights, 12 November 2019, A/HRC/WG.6/35/TUR/2 [[online](#)]
- Summary of Stakeholders' submissions on Turkey Report of the Office of the United Nations High Commissioner for Human Rights, 12 November 2019, A/HRC/WG.6/35/TUR/3 [[online](#)]
- Report of the Working Group on the Universal Periodic Review\* Turkey, 24 March 2020, A/HRC/44/14 [[online](#)]

#### UN Special Procedures

- Report by the Special Rapporteur on the human rights of migrants, François Crépeau (17 April 2013), A/HRC/23/46/Add.2 [[online](#)].
- Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment on his mission to Turkey, 18 December 2017, A/HRC/37/50/Add.1 [[online](#)]

### 2. UN Treaty Bodies

#### Human Rights Committee (CCPR)

- Concluding observations on the initial report of Turkey adopted by the Committee at its 106th session (15 October - 2 November 2012), 13 November 2012, [[online](#)]

#### Committee on Economic, Social and Cultural Rights (CESCR)

- Concluding observations of the Committee on Economic, Social and Cultural Rights, 12 July 2011 [[online](#)]

#### Committee on the Elimination of Racial Discrimination (CERD)

- Concluding observations on the combined fourth to sixth periodic reports of Turkey, 11 January 2016, CERD/C/TUR/CO/4-6 [[online](#)]

#### Committee against Torture (CAT)

- Information received from Turkey on follow-up to the concluding observations of the fourth periodic report, 11 November 2016, CAT/C/TUR/CO/4/Add.1 [[online](#)]
- Concluding observations on the fourth periodic reports of Turkey, 2 June 2016, CAT/C/TUR/CO/4 [[online](#)]

**Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW)**

- Concluding observations on the initial report of Turkey, 31 May 2016, CMW/C/TUR/CO/1 [\[online\]](#)

**3. Other UN bodies****UNHCR**

- UNHCR submission to the Universal Periodic Review – Turkey – UPR 35th Session (2019) [\[online\]](#)
- Submission by the United Nations High Commissioner for Refugees (UNHCR) For the Office of the High Commissioner for Human Rights' Compilation Report – Universal Periodic Review: The Republic of Turkey, June 2014 [\[online\]](#)

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