



TURKEY

A Safe Country?

No country can be deemed « safe ». That is the spirit of the Convention relating to the Status of Refugees which provides for the individual examination of each asylum claim: each personal situation is unique. To label a country as a “safe country of origin” suggests that there is no general risk of persecution and that the state of law is respected. A “safe” country can also be categorised as a “safe third country” where asylum-seekers who have transited through the said country may be returned and have their claim be examined there in line with international and European refugee law standards.

The notion of safety as an examination tool can have dire consequences on asylum-seekers’ rights ([see analysis](#)): accelerated procedures, non-suspensive appeals i.e. removal before a final decision was made, heavier burden of proof for the asylum-seeker, claim likely to be rejected if not inadmissible in the case of safe third countries.

In September 2015, the European Commission proposed a draft Regulation establishing an EU common list of safe countries of origin comprising the following countries listed in an annex: Albania, Bosnia and Herzegovina, Former Yugoslavian Republic of Macedonia, Kosovo, Montenegro, Serbia and Turkey. None of these countries is unanimously recognised as safe among the 13 Member States where such a list exists. Amongst EU member states, only Bulgaria recognises Turkey as a “safe” country of origin.

On 18 March 2016, the deal concluded between the head of EU states and Turkey foresees the possibility to return people who may have seen their asylum claim examined in Greece in line with international refugee law standards. In practice, although many asylum requests have been dismissed by Greek courts on the basis that Turkey was, in each case, a “safe” country of transit, Greek appeals courts are **increasingly ruling that Turkey is not safe** in the cases brought before their jurisdiction.

The AEDH, EuroMed Rights, and the FIDH are opposed to the use of the notion of « safety ». In the case of Turkey, our organisations assert, based on [first-hand collected information](#), that the country is not safe, neither for citizens of Turkey, nor for migrants and refugees (2.73M refugees from Syria registered in Turkey). This is even more the case with the resurgence of the armed conflict between the State and the Kurdistan Workers’ Party (PKK) in the Kurdish regions since July 2015 which has brought **about 500.000 people to be internally displaced**, in addition to the knock-out effect of the failed coup against the Turkish government in July 2016.

Over the past six months and the first edition of this factsheet in June 2016, the ongoing deterioration of the human rights situation in Turkey has prompted our organisations to update it. The EU’s eagerness to list the country as “safe” appears as a shocking denial of the serious human rights violations facing Turkish nationals and foreigners in Turkey, and severely stains European Union’s credibility.

SINCE AUGUST 2015: DEADLY CONFLICT IN THE KURDISH REGIONS CONTINUES UNABATED

- 111 officially confirmed, open-ended and round-the-clock curfews in at least 35 districts of 9 cities in South-eastern Turkey (August 2015 - August 2016), affecting 1,671 million inhabitants.
- August 2015 - August 2016: at least 321 civilians killed (incl. 79 children, 71 women and 30 persons over 60) in areas under curfew.
- Civilians victims of indiscriminate violence and fallouts of military operations (shooting of peaceful protesters, landmines explosion, bombing of public facilities, heavy use of tear gas during protests)
- Dozens of house raids and arrests by the police each month in curfew areas; detention of children.

SINCE JULY 2016 SYSTEMATIC CRACKDOWN ON DISSENT WITH THE PRETEXT OF THE COUP ATTEMPT

- Minister of Justice stated that 70,000 people face judicial investigations incl. 32,000 detained, as of 28 September 2016.
- Growing number of documented cases of torture, inhumane and degrading treatments during arrests, custody and detention.
- Over 80,000 public officials suspended or permanently dismissed from their offices (as of September 2016) in different sectors (Judiciary, education, police force, national intelligence services, and ministries).
- Over 13,000 teachers among the suspended and dismissed public officers incl. 9,843 members of Education and Science Workers' Union (Egitim Sen) that organises social democrats, leftists and Kurdish teachers.
- Dozens of non-governmental organisations and media outlets closed down. Intimidation, arbitrary arrests and judicial prosecution of dozens of lawyers, trade unionists and human rights defenders, many of them under the Anti-terror Law.
- 19 October 2016: Extension of the state of emergency for an extra 3 months' period. Meetings, demonstrations, public statements and numerous activities banned.
- Trustees appointed by the State in 28 municipalities in the Kurdish areas in replacement of democratically elected authorities, under State of Emergency.
- 131 journalists currently in detention, including 23 Kurdish journalists.

MURDER OF HUMAN RIGHTS DEFENDERS

- Assassination of M. Tahir Elçi, President of the Diyarbakır Bar Association, Human Rights Association member, and founder of the Human Rights Foundation of Turkey, on 28 November 2015.
- Four Syrian journalists murdered by ISIS in Turkey since October 2015: Ibrahim Abdulkadir, Firaz Hamadi, Naji-al-Jarf, and Mohammed Zahir al-Sherq.

ACADEMICS FOR PEACE

- Judicial investigations opened against all the 2,200 academics who signed the statement "We won't be party to this crime" in January 2016 that denounced state violence in the South East of the country. President Erdogan taxed them with being a 'fifth column for terrorists'.
- 21 signatories detained 48 hours upon release of the statement; 4 academics detained for a month on ground of 'terrorist propaganda' pursuant to Anti-Terror Law. They were released on 22 April 2016 and are now prosecuted for "insulting Turkishness".
- Dismissal of 101 academics from their positions in public (68) and private (33) universities.

LACK OF PROCEDURAL SAFEGUARDS AND INDEPENDENCE OF THE JUDICIARY

- Recent reforms have severely eroded the independence of the judiciary, in particular changing the composition of the Supreme Board of Judges and Prosecutors.
- April 2015 reform of the 'Internal security package' grants broad search and arrest powers to police officers without a judicial warrant, and eases the use of firearms.
- Pre-trial detention can last as long as 6 years.
- Prosecution under the Anti-terror law goes through special courts that do not guarantee the basic rights of the defence; dozens of lawyers have been arrested and tried only for exercising their duty.
- Dozens of peaceful protesters and human rights defenders tried and sentenced to prison, including 45 students sentenced to 10 months' imprisonment in Sept. 2016 for peacefully protesting at Ankara University in December 2012.

MIGRANTS AND REFUGEES

- 2013 Law on Foreigners and International Protection: non-European asylum-seekers cannot be recognised as Convention refugees in Turkey (geographical limitation to the application of the 1951 Geneva Convention).
- Temporary protection only accessible to refugees from Syria, not other nationalities.
- Other refugee communities left stranded with no legal status in Turkey and thus no effective access to an asylum procedure and no support while access to resettlement is very limited if not impossible (largest communities: refugees from Iraq and Afghanistan).
- Enforcement of the 18 March 2016 deal with the EU resulting in the breach of the right to leave any country and of the 1951 Geneva Convention (cases of detention), and in potential breach of the non-refoulement principle. No access to a lawyer or to an NGO for people returned from Greece and held in detention upon arrival in Turkey.
- Readmission agreement signed between Turkey and Pakistan in the wake of the EU-Turkey deal; allegations that over 40 Pakistani nationals, among whom potential asylum-seekers, were detained upon disembarkation in Pakistan after being deported from Turkey (June 2016).
- No effective access for migrants to their economic and social rights.

Further information

AEDH, EuroMed Rights, FIDH: Safe countries of origin – A Policy brief on the « safe country » concept
<http://euromedrights.org/wp-content/uploads/2016/05/Analysis-SafeCountries-EN.pdf>

Report on the situation of human rights defenders in Turkey: joint report EuroMed Rights / FIDH (January 2016)
euromedrights.org/wp-content/uploads/2016/02/Turkey-FINAL-REPORT-EMR-FIDH-February-2016.pdf

EuroMed Rights on Turkey
<http://euromedrights.org/country/europe/turkey/>

FIDH on Turkey
<https://www.fidh.org/en/region/europe-central-asia/turkey/>

Helsinki Citizens' Assembly
<http://www.hyd.org.tr/en/>

Human Rights Foundation of Turkey
<http://en.tihv.org.tr/>

Human Rights Association – Turkey
<http://en.ihd.org.tr/>

Amnesty International
Turkey: Independent monitors must be allowed to access detainees amid torture allegations (July 2016)



EuroMed Rights
EuroMed Droits
الأورو-متوسطية لحقوق

