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الدورة الثالثة والعشرون

البند ٣ من جدول الأعمال

تعزيز وحماية جميع حقوق الإنسان، المدنية والسياسية والاقتصادية والاجتماعية والثقافية، بما في ذلك الحق في التنمية

تقرير المقرر الخاص المعني بحقوق الإنسان للمهاجرين، فرانسوا كريبو

إضافة

البعثة إلى تركيا (٢٥-٢٩ حزيران/يونيه ٢٠١٢)*

موجز

قام المقرر الخاص المعني بحقوق الإنسان للمهاجرين بزيارة رسمية إلى تركيا في الفترة ٢٥-٢٩ حزيران/يونيه ٢٠١٢، زار خلالها أنقرة واسطنبول وإيديرني، وأجرى مشاورات مع المسؤولين في الحكومة التركية على المستويين المركزي والمحلي، ومع منظمات المجتمع المدني والمهاجرين أنفسهم.

واعترف المقرر الخاص بالتقدم الكبير الذي أحرزته تركيا في وضع إطار قانوني وسياساتي للهجرة شامل وقائم على حقوق الإنسان، وبخاصة التصديق مؤخراً على القانون المتعلق بالأجانب والحماية الدولية، لكنه أشار إلى وجود مجموعة كبيرة من التحديات التي ينبغي تذليلها.

* يُعمَّم موجز هذا التقرير بجميع اللغات الرسمية. أما التقرير نفسه، الوارد في مرفق الموجز، فيُعمَّم باللغة التي ورد بها فقط.

وفيما يتعلق بالعلاقة مع الاتحاد الأوروبي، يأمل المقرر الخاص في أن تكون
مفاوضات الانضمام فرصة أمام الاتحاد الأوروبي وتركيا لتناول مسألتَي الهجرة وإدارة
الحدود بطريقة تركز على حماية حقوق الإنسان للمهاجرين وتعزيزها.

Annex

[English only]

Report by the Special Rapporteur on the human rights of migrants, François Crépeau, on his mission to Turkey (25–29 June 2012)

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I. Introduction

1. The Special Rapporteur on the human rights of migrants, François Crépeau, conducted an official visit to Turkey from 25–29 June 2012 at the invitation of the Government. The mission was carried out in the context of the Special Rapporteur’s year-long study on the human rights of migrants at the borders of the European Union. The general management of the external borders of the European Union and its impact on the human rights of migrants are dealt with in the Special Rapporteur’s main report (A/HRC/23/46), while this report deals more specifically with the human rights situation of migrants in Turkey, as observed by the Special Rapporteur during his visit.

2. As the visit focused mainly on border management, this report does not provide a comprehensive overview of the human rights situation of migrants in Turkey, but is limited to what the Special Rapporteur observed while trying to identify the impact on the EU’s external border management in the country.

3. During the mission, which included visits to Ankara, Istanbul and Edirne, the Special Rapporteur met with State officials at central and local levels, the United Nations country team, including the International Organization for Migration (IOM), representatives of the EU, the Embassy of Greece in Ankara, representatives of civil society, and migrants themselves. He also visited Kumkapi and Edirne removal centres and the transit zone at Istanbul Atatürk Airport, as well as a border crossing point with Greece in Edirne Province.

4. The Special Rapporteur expresses appreciation for the cooperation extended to him by the Government prior to, throughout and after the visit. He also thanks the United Nations country team, including IOM, as well as Turkish civil society for their valuable contributions.

5. The Special Rapporteur visited Turkey during the Syrian crisis, and he would like to congratulate the Turkish Government for welcoming persons fleeing the violence in the Syrian Arab Republic since the spring of 2011. Granted temporary protection status, the “open border policy” and the material investments made by Turkish authorities appear to be ensuring their well-being. During the Special Rapporteur’s visit, there were approximately 35,000 Syrians who benefitted from temporary protection in Turkey. This number has increased considerably since the visit took place.

II. General background: Turkey and migration

6. Turkey is one of the key bridges to the rest of Europe. Its unique geographical location makes it a hub for migrants from all over the world including sub-Saharan and North Africa, the Middle East and Asia. Many of those migrants are in an irregular situation, and some are transiting through Turkey with the wish to enter the EU. In recent years, irregular migration through the Aegean Sea has been diverted to the Turkish–Greek land border due to, *inter alia*, cooperation between Turkish and Greek coast guards and the deployment of Frontex in the area. However, this shift seems to have been partly due also to the completion of the demining operations at the Greek side of the land border, and the cheaper smuggling prices at that entry point. At the time of the Special Rapporteur’s visit, the Turkish–Greek land border remained one of the key points of entry for irregular border crossings to Europe. He is aware, however, that the migration route largely shifted back to the Aegean Sea during the second half of 2012, due to intense border controls at the Greek–Turkish land border.

7. In recent years however, because of its economic strength, coupled with the difficulty many people face in reaching EU territory due to strict migration controls, Turkey

itself has increasingly shifted from being solely a transit country to also becoming a destination country for migrants.

8. The Special Rapporteur cannot assess the Turkish policies relevant to the human rights of migrants without also taking into account the regulations of border management at the EU level. Migration management is one of the key issues negotiated in view of Turkey's possible accession to the EU, and the issue of migration, including the related matter of border management, will remain firmly on both Turkey's and the Turkish-European agendas in the years to come. During his visit, the Special Rapporteur learned that pre-accession financial assistance provided by the EU in order for Turkey to align themselves with the EU *acquis* has in a large part been spent on integrated border management, the fight against irregular immigration and other migration related issues.

III. Normative and institutional framework for the protection of the human rights of migrants

A. International legal framework

9. Turkey is a party to all core international human rights treaties and their protocols, with the exception of the International Convention for the Protection of All Persons from Enforced Disappearances, and the Optional protocols to the Convention on the Rights of the Child, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of Persons with Disabilities.

10. While welcoming the fact that Turkey has ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, the Special Rapporteur regrets that Turkey has not yet made the declarations provided for in articles 76 and 77 – allowing for the consideration by the Committee on Migrant Workers of inter-State and individual complaints – and that Turkey has not submitted its initial report under the Convention, which was due in January 2006.

11. Turkey has adhered to the principal international treaties relating to the protection of refugees (although it maintains the geographical limitations, thus only accepting refugees from member States of the Council of Europe), as well as to the prevention, suppression and punishing of trafficking, and the smuggling of migrants (Palermo Protocols). However, it has not adhered to the 1954 Convention on the Status of Stateless Persons, the 1961 Convention on the Reduction of Statelessness or the International Labour Organization (ILO) conventions on the protection of migrant workers (Nos. 97 and 143) and domestic workers (189).

12. As a member State of the Council of Europe since 1949, Turkey is also a party to European Convention for the Protection of Human Rights and Fundamental Freedoms, the European Social Charter (revised) and the European Convention on the Legal Status of Migrant Workers. It has not ratified the Convention on Action against Trafficking in Human Beings, which it signed in 2009.

B. National legal and institutional framework

1. National laws

13. The 1982 Turkish Constitution guarantees the respect for human rights (art. 2) and that fundamental rights and freedoms may only be restricted by law (art. 13). It further provides that the fundamental rights and freedoms of aliens may be restricted by law in a manner consistent with international law (art. 16), but the Special Rapporteur was informed that there is currently no such law limiting the rights of foreigners. The Constitution furthermore states that everyone has the right to life, no one shall be subjected to torture or ill treatment, and no one shall be subjected to penalties or treatment incompatible with human dignity (art. 17).

14. The Constitution further guarantees that everyone has the right to liberty and security of person; no one shall be deprived of his or her liberty except in the following cases where procedure and conditions are prescribed by law: (a) apprehension or detention of an individual in line with a court ruling or an obligation upon him designated by law; (b) apprehension or detention of a person who enters or attempts to enter illegally into the country or for whom a deportation or extradition order has been issued; and (c) individuals arrested or detained shall be promptly notified of the grounds for their arrest or detention (art. 19).

15. The Constitution further provides that everyone has the right to freedom of residence and movement. Freedom of residence may be restricted by law for the purpose of preventing offences, promoting social and economic development, ensuring sound and orderly urban growth, and protecting public property; freedom of movement may be restricted by law for the purpose of investigation and prosecution of an offence, and prevention of offences (art. 23).

16. Everyone whose constitutional rights and freedoms have been violated has the right to request prompt access to the competent authorities (art. 40).

17. International treaties to which Turkey is a party carry the force of law, and in the case of a conflict between an international treaty in the area of fundamental rights and freedoms and a domestic law, the provisions of the international treaty shall prevail (art. 90/4).

18. A constitutional reform package was approved by referendum in September 2010. However, since then, consensus has emerged on the need for a new Constitution to replace completely the 1982 Constitution. The Special Rapporteur was informed that the Turkish Parliament launched the drafting of a new civilian Constitution in May 2012.

19. In the context of the Constitutional reform, the Special Rapporteur has been informed that human rights will be guaranteed for all, including non-citizens, without discrimination of any kind. He urges the Government to ensure this be the case.

20. The Special Rapporteur congratulates Turkey on the recent approval of the Law on Foreigners and International Protection (Law No. 6458), which aims to strengthen the institutional capacity of Turkey regarding immigration and international protection. The Special Rapporteur is pleased to have learnt that this law was developed after widespread consultation with a range of stakeholders, including civil society, international organizations and the EU.

21. The law lays down the principles and procedures concerning the entry to, residence in and exit from Turkey, the scope and the implementation of the protection to be provided

for foreigners who request protection, as well as the establishment, duties and authorities of the Directorate General of Migration Management under the Ministry of Interior.

22. The law, developed to align with the EU acquis in the area of migration and asylum, has potential to assist migrants and asylum seekers in Turkey in securing their rights, including procedural safeguards in relation to detention, deportations and international protection claims. Nevertheless, it will require a strong and concerted effort by multiple ministries and agencies to ensure its full implementation. In this regard, the Special Rapporteur urges Turkey to develop, in consultation with the necessary stakeholders, including international organizations and civil society, the relevant secondary legislation that ensures the law's practical implementation in conformity with international human rights standards.

2. National policies and institutions

23. Within the framework of alignment of Turkey's asylum and migration strategy with the EU legislation, a Migration and Asylum Twinning Project was implemented with the cooperation of Denmark and England. A "National Action Plan on Migration and Asylum", whose overall objective was the alignment of Turkey's asylum and migration strategy with the EU acquis and the improvement of operational capacity, was approved by the Turkish Prime Ministry and submitted to European Commission in 2005. Another Turkey–EU Twinning Project on Integrated Border Management was implemented with the cooperation of France and the United Kingdom. An Action Plan for Implementing Integrated Border Management Strategy was signed by the Turkish Prime Minister in March 2006 and submitted to the European Commission. Subsequently, two new bureaus of the Ministry of Interior (Asylum and Migration Bureau and Integrated Border Management Bureau) were created.

24. However, the Law on Foreigners and International Protection envisages a number of significant changes to the way Turkey manages migration, most significantly including the creation of a new Directorate General for Migration Management within the Ministry of Interior. At the same time, the Asylum and Migration Bureau will be dissolved. According to article 103 of the Law, the Directorate General will implement migration policies and strategies, ensure coordination among relevant institutions and organizations, carry out processes and work concerning foreigners' entry into, stay in and exit from Turkey as well as their deportation, international protection, temporary protection and protection of victims of human trafficking. It is essential that the authorities ensure that this new Directorate General receive adequate resources and training to become fully operational, and that human rights be integrated throughout its operations.

25. The Law on Foreigners and International Protection also provides for the creation of a Migration Policies Board chaired by the Minister of Interior and composed of undersecretaries of other relevant ministries (art. 105). This board will, *inter alia*, follow up the implementation of Turkey's migration policies and strategies. The Special Rapporteur welcomes the creation of this board, which he hopes will facilitate the coordination of migration related activities within the Turkish Government.

26. The Special Rapporteur also welcomes the creation of an Advisory Board for Migration (Law on Foreigners and International Protection art. 114) which will bring together relevant Government ministries as well as civil society, the United Nations High Commissioner for Refugees (UNHCR) and IOM. The Special Rapporteur hopes this Advisory Board will facilitate the Turkish Government's cooperation with civil society and international organizations in relation to migration management, with emphasis on the human rights of migrants.

27. However, the Special Rapporteur fears that the mandate of the new “Coordination Board for Fight against Irregular Migration”, composed of, *inter alia*, representatives of the General Staff, Ministries of Labour and Social Security and Foreign Affairs, the Undersecretariat of the National Intelligence Agency and law enforcement units, and tasked with the “effective fight against irregular migration” and identifying “the routes for illegal entry into and exit from Turkey and to develop counter measures” (Law on Foreigners and International Protection art. 116), does not fully take into account the human rights of irregular migrants. Terms such as “fight against” migration, “illegal entry” and “countermeasures” contribute to making these migrants even more vulnerable. The Special Rapporteur thus urges the Coordination Board for Fight against Irregular Migration to fully respect the human rights of all migrants, regardless of their status, in all its actions, including the elaboration of the National Strategy and National Action Plan on irregular migrants.

28. In contrast to the consultative process relating to the Law on Foreigners and International Protection, the Special Rapporteur was disappointed to hear that the law establishing a national human rights institution (NHRI), “Law on Turkish National Human Rights Institution”, was not drafted in consultation with civil society or international organizations, and that their comments were reportedly not taken into account. He is concerned that the law does not fully comply with the Principles relating to the Status of National Institutions (the Paris Principles), which provide that National Institutions shall be independent of the Government and not be subject to financial control which might affect its independence. This may have a negative impact on the human rights of migrants. According to the Law on Turkish NHRI, the Turkish NHRI will be accountable to the Prime Minister, and its members will be appointed by the Council of Ministers. Furthermore, the funding provisions in the law do not ensure that the budget comes from an autonomous source. The Special Rapporteur encourages the Turkish authorities to ensure that the NHRI is both functionally and financially independent of the Government, in compliance with the Paris Principles, and vested with the authority to investigate all issues relating to human rights, including those of migrants, regardless of their administrative status.

29. The Law establishing an Ombudsman Institution was adopted on 14 June 2012. The law provides that the institution is answerable to Parliament and that no one shall issue instructions to it. The Ombudsman Institution is mandated to examine complaints and makes suggestions concerning the functioning of the administration with respect to the rule of law and human rights. However, it does not have the right to conduct inquiries on its own initiative. The Special Rapporteur calls on Turkey to ensure that this important institution has jurisdiction to intervene on all administrative decisions relating to migration – including arrest, detention, decisions on migration status and deportation, and that it has the power to investigate all complaints made by migrants, including those in an irregular situation.

30. The Special Rapporteur welcomes the ratification by Turkey of the Optional Protocol to the Convention against Torture (OPCAT), and believes this will enhance the independent monitoring of the human rights of migrants deprived of their liberty. The Special Rapporteur notes that the NHRI has been designated as the National Preventive Mechanism (NPM) established under OPCAT. Unless the NHRI is given functional and financial independence from the Government, this could be detrimental to the work of the NPM. The NPM should be fully independent, and should be mandated to conduct unannounced visits to all places where migrants may be deprived of their liberty, including airport transit zones.

IV. Border management

A. National legislation and institutional framework

31. The structure for border management in Turkey is very fragmented, with both military land forces, gendarmerie, police and the coast guard involved. The Special Rapporteur notes that this is about to change. At the time of his visit, a “Law on Border Security”, was in the process of being developed. The draft law has been prepared by the Border Management Bureau of the Ministry of Interior. The law will constitute the basis for restructuring the Turkish border management, ensuring the replacement of the multiple corps in charge of monitoring borders by a new civilian national border guard agency. The draft law envisages the establishment of a well-equipped law enforcement body (Border Security Agency), which will be assigned to land and sea borders and border crossing points. The Special Rapporteur was informed that the Border Security Agency will provide training for border guards. He recommends that this should include systematic and comprehensive training on human rights, including on the rights of migrants, for all border guards. He further encourages the Border Security Agency to apply a human rights-based approach to border management.

B. Cooperation with Frontex

32. A Memorandum of Understanding (MoU) was signed between Frontex and the Turkish Ministry of Foreign Affairs on 28 May 2012. The MoU enables the establishment of a framework for enhanced operational cooperation between Frontex and Turkey, including participation in training activities and joint operations, the deployment of Frontex experts to Turkey and exchange of information. The Special Rapporteur was informed that coordinated border patrols will be introduced soon, and joint patrols will be introduced in the future. He is concerned that the MoU has a strong focus on border surveillance, exchange of strategic information, including “prevention strategies”, “threat assessments” and “risk analyses”, and provides for possible EU financial support to “fight against illegal/irregular migration”. On a positive note, paragraph 15 of the MoU states that “In the implementation of the intended cooperation, Frontex and the competent Turkish authorities shall, in their respective capacities, afford full respect for human rights”. The Special Rapporteur urges the Turkish Government to ensure that a human rights-based approach to border management is fully mainstreamed in its cooperation with Frontex.

C. Readmission agreements

33. A readmission agreement with the EU was initialled in June 2012. Before initialling this agreement, Turkey stated that it expected a mandate to be given to the European Commission to initiate negotiations on visa liberalization for Turkish citizens in the Schengen Area, and the Council invited the Commission to take steps towards visa liberalization as a gradual and long-term perspective, in parallel with the signing of the readmission agreement. The European Commission finalized a “Roadmap towards a visa-free regime with Turkey” at the end of 2012, which set out a number of requirements Turkey needs to fulfil in order to obtain visa liberalization, relating to documents security, migration and border management, public order and security, and fundamental rights. A visa dialogue to discuss these requirements will be initiated after the signature of the readmission agreement.

34. The EU–Turkey readmission agreement provides that Turkey shall readmit, upon application by an EU State, its own nationals (art. 3) and all third country nationals or stateless persons in an irregular situation on the territory of an EU state, if they (a) have a valid visa issued by Turkey and entered the EU directly from Turkey; (b) hold a residence permit issued by Turkey; or (c) “illegally and directly entered the territory of the Member States after having stayed on, or transited through, the territory of Turkey” (art. 4). Articles 5 and 6 provide the same obligations for EU member States. A statement made by border authority staff and other witnesses who can testify to the person concerned crossing the border is sufficient as proof of the conditions for the readmission (readmission agreement Annex 3).

35. The Special Rapporteur is concerned that the EU–Turkey readmission agreement focuses almost exclusively on combatting immigration, and does not sufficiently ensure the respect for the human rights of migrants. While the readmission agreement (preamble and art. 18.1) states that the agreement shall be without prejudice to the rights, obligations and responsibilities arising from international law, including the European Convention for the Protection of Human Rights and Fundamental Freedoms, the Convention relating to the Status of Refugees and the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, it also states that the EU and Turkey are “Determined to strengthen their cooperation in order to combat illegal immigration more effectively” (preamble).

36. Considering the large number of irregular migrants who cross the Turkish territory on their way to the European Union, mainly due to Turkey’s geographical position, it can be envisaged that the number of migrants readmitted to Turkey from EU member States as a consequence of the readmission agreement will be very high. The Special Rapporteur met with Civil Society Organizations (CSOs) in Turkey who expressed concern that the Turkey–EU readmission agreement would have a negative impact on migrants, as it would lead to a large number of migrants being sent from EU territory to Turkey. Financial and logistical constraints could make it difficult for Turkey to return them to their countries of origin, resulting in these migrants either staying in Turkey, with no system in place to support them or protect their rights, or reattempting to enter the EU territory. This scenario is corroborated by the information the Special Rapporteur received from Turkish authorities, who stated that only around 10 per cent of migrants readmitted to Turkey under the Turkey–Greece readmission agreement are in fact sent back to their countries.

37. Worryingly, the EU–Turkey readmission agreement does not include any explicit obligation for Turkey or the EU member States not to deport the readmitted persons to a third country where they risk torture or other inhuman or degrading treatment or punishment. The only references to non-refoulement in the readmission agreement relate to transit, and there is no obligation to comply with the non-refoulement principles: Article 14.3 simply states that transit can be refused if there is a real risk of torture or inhuman or degrading treatment or punishment, the death penalty or persecution based on race, religion, nationality, membership of a particular social group or political conviction.

38. The Special Rapporteur strongly urges Turkey to fully respect its human rights obligations in relation to all readmission agreements they enter into, both the EU–Turkey readmission agreement and all bilateral agreements. The human rights of migrants should be the main consideration when deciding whether to sign this readmission agreement – it should not be used as a bargaining tool to get visa liberalization for Turkish citizens. In particular, efforts should be made to ensure individual case assessment to avoid the removal or readmission of vulnerable categories of persons in line with international human rights standards. The non-refoulement principles must always be respected for all readmitted migrants – who must be allowed to remain in Turkey if they risk torture, the death penalty or persecution in their country of origin.

39. Turkey has also signed several bilateral readmission agreements, including with Greece. The Special Rapporteur learned that the implementation of the Turkey–Greece readmission agreement, which was signed in 2002, has not been very effective, in the sense that very few migrants have so far been readmitted under this agreement.

V. Detention of migrants in an irregular situation

A. Detention practices and legislation

40. The Special Rapporteur is deeply concerned about the widespread detention of a large number of apprehended migrants in an irregular situation, including families and children. During his visit he observed that the EU focus on heightening border security has led to an increased prioritization of detention as a solution, including plans for the funding of new detention centres (called “removal centres”) in Turkey by the EU.

41. The Special Rapporteur visited the Edirne Province at the Greek border. While he welcomes the efforts deployed to rescue numerous persons attempting to cross the river into Greece by the local authorities, he regrets that these people, including those who are in a regular situation in Turkey, are automatically detained. This appears to be in response to increasing pressure from the EU to secure the border. Furthermore, several of those detained had been separated from their spouses and/or children while trying to cross the river, and were desperately trying to reconnect with them, but did not receive any assistance from the authorities in this respect.

42. During his visit, the Special Rapporteur noted an insufficient regulation of the reasons for administrative detention of migrants, its duration, detention conditions and the access to safeguards for the detained migrants. The Special Rapporteur hopes that the entry into force of the Law on Foreigners and International Protection will provide a useful tool for Turkish authorities to regulate the detention of migrants, giving sufficient attention to their human rights.

43. Article 57(2) of the new Law on Foreigners and International Protection stipulates detention for “those who may abscond or disappear, who violate rules for entry into and exit from Turkey, who use fake or fraudulent documents, who do not leave Turkey in the period granted without an acceptable excuse, who constitute a threat to public order and security or public health”. The Special Rapporteur would like to stress that, in order not to violate the right to liberty and security, provided for *inter alia* in the International Covenant on Civil and Political Rights (art. 9), detention shall be limited to those cases where there is a risk of absconding or when the person poses a threat to his/her own or public security. The list in article 57(2) goes far beyond these criteria, and may *de facto* be applied to practically all migrants in an irregular situation in Turkey. On a positive note, the Special Rapporteur welcomes the criterion in Article 57(4) to evaluate “whether or not it is necessary to continue administrative detention regularly every month”, and urges the Turkish Government to base its evaluation of the necessity of detention exclusively on the flight risk and the threat to the migrant’s own, or public, security.

44. At Kumkapi removal centre in Istanbul, the Special Rapporteur met with a detained migrant who wanted to travel back to her own country, but who had lost her passport and had difficulties obtaining a new one due to the lack of consular representation in Turkey of her country of citizenship. She requested help from the police to obtain a new passport in order to be able to go home, but instead she was detained. The Special Rapporteur believes that in such cases detention is not necessary, as there is clearly no

flight risk, and the Government should instead help persons with voluntary return, if this is their wish. In this respect, he notes that IOM is running an Assisted Voluntary Return Programme, and visits Kumkapi regularly to interview irregular migrants who want to return to their home country with IOM's assistance.

45. The Special Rapporteur strongly recommends that Turkish authorities rely more on non-custodial measures as an alternative to detention. Article 57(4) of the Law on Foreigners and International Protection provides for non-custodial measures instead of detention. In order to limit the use of detention and rely more on non-custodial measures, the Special Rapporteur encourages the Turkish Government to study his report presented to the Human Rights Council in June 2012 (A/HRC/20/24) on the detention of migrants in an irregular situation, which sets out a list of alternatives to detention and how to make use of them.

46. Article 57(3) of the Law on Foreigners and International Protection provides that detention shall not exceed six months, which may be extended for a maximum of six additional months. The Special Rapporteur is of the opinion that this duration is too long. He hopes that the requirement to evaluate the necessity of detention every month will ensure that migrants are not kept in detention for prolonged periods.

47. While it appears that the aim of the removal centres is to remove migrants in an irregular situation from Turkey, there seems to be a particular problem for irregular migrants from specific countries whose nationalities cannot be verified, or who cannot be returned. The Special Rapporteur noted that migrants of some nationalities, who cannot be returned due to lack of diplomatic relations between Turkey and their country of origin, were released quickly. However, the Special Rapporteur met with a large number of Afghan and Iranian nationals who were detained for lengthy periods, as these two countries do not currently accept the return of their nationals. As there appears to be no reasonable prospect for removing these persons, they should thus not be detained.

B. Detention conditions and safeguards

48. The Special Rapporteur is gravely concerned about issues related to detention conditions, legal safeguards and the treatment of migrants, as well as the lack of independent monitoring by national and international bodies. The Special Rapporteur is further concerned at the insufficient training and sensitization of staff in the removal centres on international human rights standards and principles regarding the rights and treatment of persons deprived of their liberty, both with respect to detention conditions as well as safeguards. He hopes that the new law will improve the situation. The Special Rapporteur hopes that shifting the responsibility for the removal centres from the police to the Directorate General for Migration Management will lead to a positive change.

49. Having visited both the Kumkapi and Edirne removal centres, the Special Rapporteur is particularly concerned at the lack of safeguards provided at Edirne: detainees have limited ability to contact their families, virtually no access to legal assistance or consular services, little to no professional interpretation services, and restricted ability to challenge their detention. In the Edirne removal centre, the detainees' mobile phones were taken from them, and they could only make phone calls from a pay phone if they could pay for it themselves. Furthermore, there was no information available in the centre on how to contact lawyers, CSOs, UNHCR or consular authorities. Thus, the detained migrants could only contact these persons if they knew their phone numbers, and had money to pay for the call. The situation at Kumkapi was somewhat better, with regular access for UNHCR, and the migrants were allowed to keep their mobile phones, so they could contact their families.

50. At the Edirne removal centre, the detainees informed the Special Rapporteur that there had been riots in the centre the day before he was there, and several detainees had bruises they claimed resulted from beatings by the guards. The riots were reportedly a consequence of the release of around 400 detainees on that same day, none of which were Afghans or Iranians: the detainees of these two nationalities claimed that they are being detained for long periods, creating a feeling of injustice and discrimination among the detainees.

51. While those detainees at Kumkapi who could afford a lawyer were able to engage legal services, several detainees complained that they had not seen a lawyer, because they could not pay for one. UNHCR was also reportedly available at the centre on a daily basis. However, there were also several complaints of police beatings at the time of the arrest or during detention in police stations.

52. While a circular issued by the Turkish National Police in September 2010 gave the instruction to systematically inform irregular migrants held in removal centres in writing of the reason for being held in the centre, the duration of stay, their right to have access to a lawyer, and the right of appeal against the decision to be held in a removal centre or deportation order, the Special Rapporteur's interviews with detained migrants at Edirne and Kumkapi removal centres indicate that this circular is not systematically implemented in practice. Particularly at Edirne removal centre, the detained migrants had received very little information about their situation, their rights and how to avail themselves of those rights. The Law on Foreigners and International Protection Article 57 (5) provides that the foreigner shall be notified of the decision to detain and appeal procedures, and article 57 (7) provides that those who have appealed and who lack the means to cover legal fees shall be provided with legal services upon demand. Article 59 provides that the detainees shall be allowed to meet with their lawyer, consulate and UNHCR, and have access to telephone services. It also provides that CSOs with experience in the field of migration can visit removal centres with the permission of the Directorate General of Migration Management. The Special Rapporteur urges the Directorate General to provide such permissions.

53. The Special Rapporteur is concerned that persons in need of international protection may not be adequately informed of their right to seek asylum. He met with several detainees at Edirne removal centre who were not familiar with the term asylum, and who had not been given any information in this respect, or any possibility to speak to anyone outside, such as a lawyer, CSOs or UNHCR. One detained migrant told the Special Rapporteur that he had written down his protection concerns on a piece of paper. When he gave it to a police officer at the removal centre, the officer simply tore the paper to pieces. The Special Rapporteur heard several similar stories, and is thus concerned that protection claims may go undocumented. He hopes this will be rectified with the new Law on Foreigners and International Protection, which states in article 65(5) that applications for international protection lodged by persons whose freedom has been restricted shall be forwarded to governorships immediately. The Special Rapporteur urges the Turkish Government to ensure this be respected in all cases. Training of the staff in removal centres on the asylum procedure and the new law is crucial in this regard.

54. The Special Rapporteur also remains disturbed about the conditions in these removal centres: detainees, including children, are often locked in their rooms or wards, and are given little or no access to outdoor areas. Overcrowding and unclean conditions, including inadequate food, are also significant concerns. Edirne removal centre seemed overcrowded, even though approximately 400 detainees had been released the day before the Special Rapporteur's visit, and the centre was clearly understaffed. The guards had difficulties controlling the detainees, many of whom were desperately trying to talk to the Special Rapporteur during his visit. In the Edirne removal centre, the detainees who could afford to do so, bought snacks from a small shop inside the centre, as they did not receive

adequate food. They also had to purchase their own soap. Access to medical care was insufficient. The Special Rapporteur met with several detainees who had visible health problems, but who did not receive any medical care. Some of them had been seen by a doctor in the removal centre itself, but had not been given proper treatment.

55. The Law on Foreigners and International Protection provides in article 59 that urgent and fundamental health care shall be provided in removal centres. Further, article 58(3) provides that procedures and principles related to the establishment, management and inspection of removal centres shall be determined by a regulation. The Special Rapporteur urges the Turkish Government to develop this regulation in line with international human rights standards concerning procedural safeguards and conditions of detention, and again refers to his report A/HRC/20/24 on the detention of migrants in an irregular situation, which may provide useful guidance in this respect. Independent monitoring of all detention facilities is crucial in order to oversee the implementation of these standards.

56. Moreover, while appreciating that the material conditions at the Edirne removal centre may be better than at the former Tunca centre, the Special Rapporteur still remains concerned about the conditions, and would warn that this centre should not necessarily be treated as a model for future removal centres, given the restrictions on the rights and freedoms of detainees, and the very limited outdoor space. While there was a family room at Edirne, it was not open yet, and families were thus separated. The Special Rapporteur noted the plans to put in place a library and a television room, but during his visit there were no activities offered to the detainees, who were locked in their cells most of the day. All future removal centres should be developed with the utmost concern for ensuring the rights and freedoms of detainees.

57. The Special Rapporteur was particularly concerned at the presence of children at both Kumkapi and Edirne removal centres, detained together with their parents and other adults. He was also concerned at the separation of children from their parents; when apprehended with their mothers, boys over the age of 12 are automatically separated from their mothers and placed in orphanages. Article 59(c) of the Law on Foreigners and International Protection provides that the best interests of the child shall be respected, and that separate accommodation shall be provided to families and unaccompanied children. The Special Rapporteur is concerned that the new law does not limit or discourage the detention of migrant children, and he strongly recommends that unaccompanied children, as well as families with children, should not be detained, but rather be subjected, if necessary, to non-custodial measures. For families, this should apply to the whole family, in accordance with the best interests of the child, and the right to family unity.

58. The Special Rapporteur also visited the “problematic passenger room” in the transit zone at Istanbul Atatürk Airport. This is an important border crossing point, where migrants may be arrested and detained, both those who are trying to enter Turkey, and those who are in transit. The fact that Turkish authorities claim that the “problematic passenger room” is under the authority of a private company, and not within the jurisdiction of Turkish authorities, is of great concern to the Special Rapporteur: this “problematic passenger room”, despite its name, is a place of detention, as the persons held there are not free to leave. Moreover, the transit zone is Turkish territory for which Turkish authorities are responsible. The difficulties the Special Rapporteur had getting access to the “problematic passenger room”, with the Government claiming that they did not have jurisdiction, reflects what the Special Rapporteur heard from lawyers, civil society and international organizations concerning their limited access to this place. The Special Rapporteur is further alarmed at reports of persons being detained there for lengthy periods of time. He is troubled that the Turkish authorities do not appear to be monitoring effectively how migrants are treated in the transit zone, and encourages them to do so systematically.

VI. Asylum seekers and refugees

A. The asylum procedure

59. During his visit, the Special Rapporteur took due note of the large number of asylum seekers entering Turkey. The situation is further complicated by the fact that Turkey currently has no comprehensive policy or legislation on asylum, and at present, it is the aliens police who are responsible for dealing with asylum claims. This will change with the entry into force of the Law on Foreigners and International Protection, and the Special Rapporteur hopes this law will ensure a more comprehensive asylum system.

60. While welcoming the fact that access to the asylum procedure has improved, the Special Rapporteur observes that it remains difficult to seek asylum in detention centres. He met with several detained persons who may have had valid refugee claims, but who did not know how to file an asylum application, and had not been able to communicate with UNHCR, lawyers or CSOs. This was especially the case at the Edirne removal centre, which is located in a remote area, with few lawyers, CSOs and international organizations visiting.

61. At Kumkapi removal centre, the Special Rapporteur met with several asylum seekers who had sought asylum only after they were placed in immigration detention. He notes that there could be many reasons for this – many of them were not familiar with the asylum system, or they were afraid to contact the authorities. He observed that these asylum seekers were treated under an accelerated procedure, during which they were not released from detention, and that many of the applications were rejected within only a few days. The Special Rapporteur wishes to stress that the fact that an asylum application is lodged by a person who is in immigration detention does not imply that this person does not have any protection concerns, and this should not be used as a reason not to conduct a thorough assessment of the application.

62. The Special Rapporteur welcomes the fact that persons seeking international protection will not automatically be detained, and that administrative detention for asylum seekers will be an exceptional procedure, in accordance with article 68(2) of the Law on Foreigners and International Protection. Article 68(8) provides that international protection applicants in administrative detention shall be granted access to his or her legal representative, lawyer, as well as notary and UNHCR officers. The Special Rapporteur urges Turkey to ensure this be the case, and also ensure access to CSOs and international organizations other than UNHCR.

63. The Special Rapporteur is concerned that Turkey maintains its geographical limitation to the 1951 Convention relating to the Status of Refugees, and will thus only accept nationals of a Council of Europe member State for refugee status. While noting that asylum claims of non-European nationals are still processed in Turkey, and that these persons may be granted “conditional refugee” status, the Special Rapporteur regrets that no durable solution can be found in Turkey for non-Europeans, resulting in many years of uncertain future for most of them. He notes that lifting the geographical limitation is a precondition both for visa liberalization and for Turkey’s accession to the EU.

64. The Law on Foreigners and International Protection article 81(2) states that asylum seekers who cannot afford a lawyer shall be provided with legal aid in accordance with the Attorneyship Law No. 1136. The Special Rapporteur urges Turkey to ensure that all asylum seekers, including those in detention, are aware of this provision, and that they receive the necessary assistance to apply for legal aid.

B. Work permits and the “satellite city” system

65. The Special Rapporteur regrets that very few asylum seekers are given work permits, which makes it difficult for them to sustain themselves, and they thus often end up working illegally, in exploitative conditions. Moreover, while noting as positive that asylum seekers are not routinely detained, the “satellite city” system obliges them to reside in a designated city while their claims are being processed. This inability to work, coupled with the slow processing time, and the restriction of their movement to a city where they may have no connections, networks, opportunities, and the lack of social services in those cities, often leads asylum seekers to leave the satellite city for other places in Turkey, or to attempt crossing the border irregularly to Europe.

66. The satellite city system seems likely to be continued with the new Law on Foreigners and International Protection, which in article 71 provides that asylum seekers may be given administrative obligations such as residence in a specific location or province. The Special Rapporteur encourages the Turkish authorities to consider abolishing the system and allow all asylum seekers to establish themselves where they wish, thus respecting the freedom of movement of all persons.

67. The Special Rapporteur welcomes the fact that the new Law on Foreigners and International Protection will make it easier for asylum seekers to obtain work permits, and he encourages the Turkish Government to ensure the ability to gain access to work permits in practice, as this will allow asylum seekers to sustain themselves and live a life in dignity.

68. The Special Rapporteur was informed that seven reception centres for asylum seekers funded by the EU budget are in the process of being constructed. He hopes that accommodation of asylum seekers in these open centres will provide them with an adequate standard of living.

VII. Cross-cutting concerns

A. Economic, social and cultural rights

69. The Special Rapporteur is concerned at the difficult access to education, health care and other basic services for migrants in Turkey. Access to any public service is dependent on obtaining a foreigner identification number, which migrants in an irregular situation are unable to obtain. The requirement to have a foreigner identification number in order to access any form of public service means that irregular migrants, including children, are not able to receive education or to get treatment for health problems. Article 42 of the Constitution provides that no one shall be deprived of the right of learning and education; however, it also provides that primary education is compulsory for Turkish citizens only. This constitutes a violation of the Convention on the Rights of the Child.

70. The Special Rapporteur encourages the Turkish authorities to provide access to basic services to everyone living in the Turkish territory, regardless of their immigration status, in accordance with international human rights standards, including the Convention on the Rights of the Child and the International Covenant on Economic, Social and Cultural Rights, both of which Turkey is a State party to. In particular, the requirement of the foreigner identification number should not be a bar for children being admitted to the mandatory public school system or to the receiving health care they require.

B. Terminology

71. The Special Rapporteur is concerned at the terminology employed by the Government institutions and other interlocutors he met with in Turkey. Using incorrect terminology such as the expression “illegal migrant” negatively depicts individuals as outlaws and further reinforces negative stereotypes against migrants, thus contributing to xenophobic discourses on migration. Moreover, such language legitimates a discourse of the criminalization of migration, which in turn contributes to the further alienation, discrimination and ill treatment of these persons on a daily basis. The Government of Turkey and other relevant stakeholders must be vigilant in this regard. The Special Rapporteur wishes to stress that no one is “illegal”, and migrants in an irregular situation are entitled to have their human rights respected, protected and fulfilled.

C. Reliable data and statistics

72. The Special Rapporteur is concerned at the insufficient data on migration flows in Turkey, including in relation to detention and deportations. Data collection and analysis is a useful tool to develop a coherent policy on migration. The Special Rapporteur recommends that Turkish authorities develop systems for collection and analysis of and public access to reliable disaggregated data regarding migration and migrants, including irregular migrants, in order to be able to develop sound policy in this field.

D. Civil society organizations

73. The Special Rapporteur was impressed by the work of the civil society organizations he met with in Turkey. He is, however, concerned at their difficult working conditions, including their limited access to detention centres, which makes it hard for them to effectively support migrants in need. He also learned that many CSOs focus their work on supporting asylum seekers, and that there is a need for more civil society support for irregular migrants. The Special Rapporteur spoke with CSOs representatives who told him that some CSOs are in fact afraid to support irregular migrants, as they are worried that they may be charged with smuggling of migrants. This is very worrying to the Special Rapporteur, and he urges the Turkish authorities to encourage CSOs to support migrants, and ensure that no CSOs are penalized for supporting or working with irregular migrants.

VIII. Cooperation with the European Union

74. The “Positive Agenda”, launched on 17 May 2012 by the Commissioner for Enlargement and European Neighbourhood Policy and the Turkish Minister for European Affairs and Chief EU negotiator, aims to support and to complement the accession negotiations through enhanced cooperation in a number of areas of joint interest, including mobility and migration. While the EU and Turkey have developed close cooperation on migration issues, which has led to some notable positive developments, the Special Rapporteur regrets that the discussions between Turkey and the EU regarding migration management appear to focus largely on securitizing the borders and decreasing irregular migration to the European common territory. The EU has been focusing, *inter alia*, on projects related to the detention and removal of migrants in Turkey and the increased monitoring of the Turkish border. This is evident in the European Commission’s annual progress reports on Turkey, which have criticized Turkey’s ability to detect irregular

migrants, and provide statistics on “the number of third country nationals detected by EU member States’ law enforcement forces when entering or attempting to enter illegally the EU at or between border crossing points of the EU external border coming directly from or transiting through the Turkish territory” (EU Progress Report on Turkey, 2011). The Commission further requested Turkey to abolish the issuing of visas at borders, and to align with the EU list of countries whose nationals must be in possession of visas when entering Turkey. The Special Rapporteur regrets this request, which would make regular migration more difficult, and thus lead to more irregular migrants, vulnerable to human rights abuses. Also, the 2012 EU progress report on Turkey, while stating that the situation of irregular migrants needs to improve, including the need for a coherent legislative framework safeguarding the rights of migrants and refugees, and the need to further improve the treatment of migrant detainees, focuses on preventing irregular migration. In fact, one of the conclusions in this progress report is that “Turkey needs to step up its capacity to prevent irregular migration”.

75. This focus on combatting migration is also evident in Council documents, such as the “Council conclusions on developing cooperation with Turkey in the areas of Justice and Home Affairs” of 21 June 2012, which invited Turkey to “increase their efforts to effectively prevent and combat illegal immigration flows reaching the EU external borders from Turkey”. Often neglected from the equation, is an equivalent emphasis on the human rights of those most vulnerable and most affected by the migration process: the migrants themselves.

76. Furthermore, the pending conclusion of the EU–Turkey readmission agreement, required by the EU in order to initiate visa liberalization talks with Turkey, is not necessarily a positive development, and this agreement also shows the EU’s strong focus on removing third country nationals from its territory. The Special Rapporteur urges the EU to ensure that the implementation of this agreement is not conducted at the expense of the human rights of migrants. In particular, efforts should be made to ensure individual case assessment to avoid the removal or readmission of vulnerable categories of persons in line with international human rights standards. The Special Rapporteur also strongly urges the EU to fully respect their human rights obligations in relation to all readmission agreements they enter into.

77. The Special Rapporteur also urges Frontex to implement a human rights-based approach to border management in its cooperation with Turkey, including for the implementation of the MoU signed between Frontex and the Turkish Ministry of Foreign Affairs on 28 May 2012.

78. The Special Rapporteur was informed that, through an EU project, two removal and seven reception centres will be operating in Turkey by the end of 2014. While reception centres for asylum seekers could be a positive development, ensuring that asylum seekers have a place to live, food to eat and access to basic services while waiting for the outcome of their asylum application, the construction of more detention centres for irregular migrants seems to form part of the EU’s strategy to prevent migrants from entering the EU territory, a strategy which does not seem to take sufficiently into account the human rights of the migrants themselves, who often set out on their journeys towards Europe in order to escape from violence, abuse, poverty and other difficult conditions.

79. However, the influence of the EU on Turkish migration policies is not exclusively negative. The role of the EU in the drafting of the Law on Foreigners and International Protection has been important, as this law is seen as a step in preparing for accession negotiations on Chapter 24, implementing the EU *acquis* in the areas of justice, freedom and security. The law clearly represents an improvement in the protection of the human rights of migrants in Turkey, and it provides for a comprehensive migration management tool, which was previously lacking in Turkey. The Special Rapporteur also acknowledges

the EU's programmes in Turkey relating to human rights and the rule of law, and hopes that these programmes will also benefit the most vulnerable, including irregular migrants. He urges the EU to give more consideration to the human rights of migrants in its cooperation with Turkey, and focus more of its financial and technical assistance to Turkey on improving the treatment of migrants in the country, including migrant detainees.

IX. Conclusions and recommendations

80. **Turkey has made commendable progress in putting in place a holistic and rights-based legal and policy framework for migration, particularly with the approval of the Law on Foreigners and International Protection.**

81. **In light of the concerns and information received, the Special Rapporteur wishes to propose the following recommendations to the Government:**

A. Normative and institutional framework for the protection of the human rights of migrants

82. **Submit its initial report under the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which is more than six years overdue. This will allow an assessment on the rights of migrant workers in Turkey, which in turn could lead to increased protection of their rights.**

83. **Make the declarations provided for in articles 76 and 77 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families – allowing for the consideration by the Committee of inter-State and individual complaints.**

84. **Ensure the protection of all human rights for everyone, including migrants, regardless of their status, in the new Constitution.**

85. **Ensure full implementation of the Law on Foreigners and International Protection, as well as the development of the relevant secondary legislation in a consultative manner.**

86. **Provide the new Directorate General for Migration Management with adequate resources and training to become fully operational, and ensure that human rights are integrated throughout its operations.**

87. **Ensure that the “Coordination Board for Fight against Irregular Migration” takes fully into account the respect for the human rights of all migrants, regardless of their status.**

88. **Guarantee the compliance of the National Human Rights Institution with the Paris Principles, ensuring that it is both functionally and financially independent of the Government, and vested with the authority to investigate all issues relating to human rights, including those of migrants, regardless of their administrative status.**

89. **Ensure the full independence of the National Preventive Mechanism, in accordance with the Optional Protocol to the Convention against Torture, with a mandate to visit all places where migrants may be deprived of their liberty, including airport transit zones.**

90. **Ensure that the Ombudsman Institution has jurisdiction to intervene on all administrative decisions relating to migration – including arrest, detention, decisions**

on migration status and deportation, and that it has the power to investigate all complaints made by migrants, including those in an irregular situation.

B. Border management

91. Speed up the process of passing the “Law on Border Security”, ensuring the replacement of the multiple corps in charge of monitoring borders by a new civilian national Border Security Agency, and provide systematic and comprehensive training on human rights for all border guards.

92. Ensure that the cooperation with Frontex takes full account of the human rights of migrants, rather than focusing mostly on security-related aspects.

93. Ensure that all readmission agreements entered into by Turkey explicitly take into account the respect for the human rights of all those returned.

C. Detention of migrants in an irregular situation

94. Avoid detaining individuals for the sole purpose of their irregular migration status, and systematically explore non-custodial alternatives to detention.

95. Detention should be limited to those cases where there is a risk of absconding or when the person poses a threat to his/her own or public security, and its duration should be limited to the minimum time necessary in order to carry out removal proceedings.

96. Establish clear procedures to avoid the detention of migrants whose removal is unlikely, *inter alia* due to statelessness, lack of diplomatic presence in Turkey, or unwillingness of the countries of origin to receive their own nationals.

97. Refrain from detaining children and families with children, in conformity with the principle of the best interests of the child and family unity.

98. Facilitate, where possible, the voluntary return of migrants who are willing to return to their countries, as opposed to deportation proceedings, in accordance with international human rights law.

99. Ensure adequate access to all places where migrants are detained, including the transit zone at Istanbul Atatürk Airport, to lawyers, CSOs, UNHCR and other international organizations.

100. Establish a system of independent monitoring of all detention facilities, including by the National Preventive Mechanism, the National Human Rights Institution, civil society organizations and international organizations.

101. Develop regulations in line with international human rights standards concerning procedural safeguards and conditions of detention, and ensure that all migrants deprived of their liberty are able to promptly contact their family, consular services and a lawyer, which should be free of charge if necessary, to seek asylum if requested, and to promptly and effectively challenge their detention.

102. Ensure that all detained migrants have access to proper medical care, adequate food and hygienic conditions, and to an interpreter.

103. Improve the human rights training of police officers and other officials working in the area of migration, including the staff in detention facilities.

D. Asylum seekers and refugees

104. Ensure that all detained persons who claim protection concerns are adequately informed of their right to seek asylum, and able to file an asylum application and communicate with UNHCR, lawyers and civil society organizations.
105. Conduct a proper assessment of all asylum applications, including those lodged by persons detained in a removal centre.
106. Refrain from detaining asylum seeking children up to the age of 18 years.
107. Ensure that all asylum seekers are aware of their right to legal aid, and that they receive the necessary assistance to apply for such aid.
108. Conduct training for the staff in removal centres on the asylum procedure and the new Law on Foreigners and International Protection.
109. Ensure the ability to gain access to work permits in practice, as this will allow asylum seekers to sustain themselves and live a life in dignity.
110. Lift the geographical limitations to the 1951 Convention relating to the Status of Refugees.
111. Consider abolishing the satellite city system, allowing asylum seekers to choose their residence within the country.

E. Cross-cutting concerns

112. Provide access to basic services to everyone living in the Turkish territory, regardless of their immigration status, in accordance with international human rights standards, including the Convention on the Rights of the Child and the International Covenant on Economic, Social and Cultural Rights. In particular, the requirement of the ID number should not be a bar for children to being admitted to the mandatory public school system or to receiving the health care they require.
113. Take great care in the terminology used when speaking about migration, and refrain from using incorrect terminology, such as the expression “illegal migrant”, as it can fuel intolerance, stereotypes, marginalization, discrimination and violence against migrants.
114. Establish a centralized mechanism for data collection, management and analysis of all migration issues – disaggregated by sex, age, nationality, status, socio-economic background, etc. – as a foundation for rights-based policymaking on migration. The data collection should include migrants in detention and deportations.
115. Support, both technically and financially, CSOs which offer services and support to migrants, regardless of their residence status.

F. Recommendations to the European Union

116. Recognize the fact that sealing the external borders of the EU is impossible, that migrants will continue arriving despite all efforts to stop them, and that, at some point, repression of irregular migration is counterproductive, as it drives migrants more underground, thus empowering smuggling rings, creating conditions of alienation and marginalization that foster human rights violations, such as discrimination and violence against migrants.

117. Develop, in the context of the accession negotiations and the “positive agenda”, a more nuanced policy of migration cooperation with Turkey, which moves beyond security, containment and deterrence issues, to develop new initiatives in consultation and partnership with Turkish authorities, which place at their core the respect, protection and promotion of the human rights of migrants.
118. Support Turkish efforts in managing the migration flow to the EU territory, focusing on the full protection of the human rights of all migrants, including in relation to the implementation of the EU–Turkey Readmission Agreement.
119. Ensure that respect for human rights is a formal criterion for the EU’s cooperation with third countries on migration management, including readmission agreements.
120. Ensure that Frontex fully includes respect for the human rights of all migrants, including those in an irregular situation, during all its operations.
121. Collaborate with Turkish authorities with a view to increasing the number of refugees who are resettled on EU territory, including those nationalities that are difficult to resettle, in a spirit of partnership and responsibility sharing.
122. Support, both technically and financially, CSOs in Turkey which offer services and support to migrants, regardless of their residence status.
123. Take great care in the terminology used in the public discourse and official documents, when speaking about migration, and refrain from using incorrect terminology such as the expression “illegal migrant”, thus encouraging Turkish authorities to do the same.
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