



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 there because their asylum procedures is 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 policy brief on the concept of safe country): 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 12 Member States where such a list exist; Turkey is only recognised as a safe country of origin by Bulgaria. This suggests that such a labeling does not really base on objective criteria. On 18 March 2015, the deal concluded between the head of EU states and Turkey foresees the possibility to return asylum-seekers to Turkey provided their claim would be processed according to international law there.

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. 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 **over 350 000 people to be internally displaced**, in addition to the knock-out effect of the conflict in Syria on Turkish soil where over 2,5M refugees are displaced.

SINCE AUGUST 2015: DEADLY CONFLICT IN THE KURDISH REGIONS

- 65 officially confirmed, open-ended and round-the-clock curfews in at least **22 districts of 7 cities** in Southeastern Turkey (August 2015 - April 2016)
- 1,6 million inhabitants directly affected
- 338 civilians lost their lives (including 72 children, 69 women, 30 people over the age of 60)
- Ambulances and medical staff not authorized to access the areas
- Special forces acting without identification, using hospitals and schools as military compounds
- People not allowed to pick dead bodies from the streets and to bury them, sometimes for weeks
- Over 30 cases of allegations of torture in detention but no investigation yet.

REPRESSION AGAINST ALL FORMS OF DISSIDENT

- Political opposition, including MPs, targeted by smear campaigns and threats by the AKP (governing party)
- Intimidation, arbitrary arrests and judicial prosecution of dozens of lawyers, trade unionists and NGO workers defending rights, many of them under the Anti-terror Law
- About 40 journalists now in detention, including 23 Kurdish journalists. Another 46 face judicial prosecution, and a number were physically attacked on duty. Foreign journalists and journalists working with foreign media have recently been jailed or deported from the country.
- Protest demonstrations systematically banned and forcefully dispersed, resulting in arrests, injuries and sometimes deaths.

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-Sherqa.

ACADEMICS FOR PEACE

- Administrative investigations opened against all the 2000 academics who signed the statement “We won’t be party to this crime” in January that denounced state violence in the South East of the country.
- President Erdogan called them the ‘fifth column for terrorists’, and 21 signatories were detained during 48 hours after the statement was released.
- Four academics have been accused of ‘terrorist propaganda’ pursuant to Anti-Terror Law and held in detention during more than a month. They were released on 22 April 2015 and are now prosecuted for “insulting Turkishness” (art. 301 of Penal Code).

LACK OF PROCEDURAL SAFEGUARDS AND INDEPENDENCE OF THE JUDICIARY

- Prosecutions under the Anti-terror law goes through special courts that do not guarantee the basic rights of the defense; dozens of lawyers have been arrested and tried only for exercising their duty
- Recent reforms have severely eroded the independence of the judiciary, in particular changing the composition of the Supreme Board of Judges and Prosecutors
- Pre-trial detention can last as long as 6 years
- April 2015 reform ‘Internal security package’ grants broad search and arrest powers to police officers without a judicial warrant, and eases the use of firearms.

MIGRANTS AND REFUGEES

- New law on foreigners and international protection in force since April 2014: non-European asylum-seekers **cannot** be recognised as refugee in Turkey (geographical limitation to the application of the 1951 Geneva convention)
- No effective access for migrants to their economic and social rights
- Temporary protection only accessible to refugees from Syria, not other nationalities
- Forced deportation of refugees back to Syria
- Arbitrary detention of refugees from Syria
- Threats received by Syrian human rights activists based in Turkey by parties to the conflict in Syria
- Denial of the right to access a lawyer or to contact an NGO for people returned from Greece and held in detention upon arrival in Turkey.

Further information

[AEDH, EuroMed Rights, FIDH: Safe countries: a denying the right to asylum, May 2016](#)

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/>

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

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



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