

**1) Please provide information on any relevant legislation or policy in relation to the right to seek and enjoy asylum in your country, which guarantees that migrants including asylum-seekers' protection needs are examined individually, and they are not pushed back at the international border without access to this assessment and other relevant procedures.**

In the Part 3 of Law on Foreigners and International Protection of Turkey; No. 6458, under the title of International Protection, access of foreigners requesting international protection from our country to the relevant procedures, the procedures on how the applications will be received, the processes regarding international protection and details regarding rights and services are regulated. The mentioned Law is open to public and the English version of the law can be reached from the link below. In line with this law as well as our responsibilities stemming from Geneva Convention, basic human rights conventions as well as Law of Foreigners and International Protection, we strictly comply with the principle of non-refoulement. On the other hand, when irregular migrants or asylum-seekers are first identified by our border management units, they receive a pre-interview to find out possible vulnerabilities and emergency needs and afterwards are referred to the closest Provincial Directorates of Border Management for detailed assessment.

<https://www.refworld.org/docid/5a1d828f4.html>

**2) Please provide information on any existing good practices or measures taken (such as screening and referral mechanisms at borders) in your country to ensure that persons crossing international borders in mixed movements are protected according to international human rights law. Please indicate any specific measures aimed at reducing vulnerabilities of migrants, including by applying a human rights based, gender and disability responsive, as well as age and child sensitive approach.**

In accordance with the internal Circular of Ministry of Interior of Turkey on practice direction regulating the basics of operation and cooperation in fulfilling the transactions and proceedings pertaining to irregular migration; once foreigners are identified at our borders by our law enforcement units, and their necessary documentation including list of names, fingerprints, health reports are prepared; foreigners are then referred to the Provincial Directorates of Migration Management (PDMMs) for detailed assessments. PDMMs are required to make necessary evaluations in line with the principle of non-refoulement. Given that the foreigners do not seek international protection; PDMMs may take decisions on whether the foreigners will be deported, released or be subjected to the administrative detention within the first 48 hours; then send them to removal centers unless the decision to release them is made. If the foreigners are referred to the removal centers, once their administrative proceedings (including obtaining of travel documents) are completed, their detention process is finalized in line with the provisions of Law of foreigners and international protection no: 57, regulating “administrative detention and duration of detention for removal purposes” and foreigners are safely deported. In accordance with the law no: 55, the provisions for the exemption from removal decision are regulated. (ex: if there are risks on the health condition of the foreigners stemming from age, pregnancy etc; if the foreigners are victims of human trafficking or of serious psychological

and physical violence. If needed, elders, pregnant women or victims of violence/abuse may be released until their treatments are completed and their situation is improved. These released foreigners may be required reside at a given address and report to authorities in form and periods as requested. Assessments for the exemption are made on case-by-case basis. According to the mentioned law, unaccompanied minors cannot be subjected to administrative detention. Instead, they are taken under the protection of Ministry of Family, Labor and Social Services. If the foreigners seek asylum, related protection and referral mechanisms apply in accordance with Law of Foreigners and International Protection and Geneva Convention of 1951.

Foreigners who are considered to have special needs are prioritized in all of their actions including access to basic services and protection and are subjected to faster protection procedures within the scope of the Law. Foreigners with special needs are referred to the protection desks in the Provincial Directorates in Turkey, where their situation is identified by coordination of professional officers such as psychologists and social workers. After the completion of interviews with migrants which are held at the protection desks, their needs are identified and they are directed to the relevant public institutions/organizations in accordance with their vulnerabilities, so that they can benefit from the services suitable to their situation.

**3) Please provide information on existing restrictions or limitations in law and in practice in relation to the right to claim and seek asylum at international borders in your country (ex: border controls, restricted access to territory) and elaborate the impact of these restrictions on the protection of the rights of migrants crossing international borders.**

As per Law on Foreigners and International Protection No. 6458, international protection applications can also be made at border gates. Following the receipt of the applications of foreigners at the border gates, the application is forwarded to the Directorate General of Migration Management of Turkey and in accordance with the necessary examination and evaluation of the cases; relevant actions and procedures are carried out.

**4) Please provide information on any concrete instances of pushbacks, including an analysis on the circumstances of the event.**

While seeking asylum is a right ensured in 1951 Geneva Convention and its additional protocol in 1967, Universal Declaration of human Rights, EU Charter of Fundamental Rights, push-backs hinder migrants to benefit from this rights. We have been encountering significant number of push-back cases from land and sea from Greece for several years. However, the cases have continued to increase recently.

**PUSH-BACKS AT THE SEA**

Majority of migrants are pushed back to Turkish border by Greek authorities. As evidenced by various reports of international organizations and the statements of migrants themselves; Greek border guards confiscate valuable belongings of migrants and asylum-seekers such as money, mobile phones, clothes and leave them at islands near the Turkish border or directly pushes them back to Turkish territorial waters. At this point, it appears that Greece has brought a new dimension to human rights violations.

Turkish Coast Guard have reported significant number of such unfortunate cases. In some cases, migrants are embarked on dinghies from Greek ships on international waters and forced to jump into sea (or thrown overboard) near Turkish shores.

According to the records of Turkish Coast Guard, there has been an increase in the pushback incidents, in which the engines and fuel tanks of the irregular migrants' rubber boats are removed and rendered immovable by Greek coast guard assets or the migrants are boarded on scrap life rafts/rubber boats and then pushed back to Turkish territorial waters including the uninhabited islands or islets of Turkey. In some cases, migrants are embarked on dinghies from Greek ships on international waters and forced to jump into sea (or thrown overboard) near Turkish shores. Life rafts are designed to evacuate people from vessels in emergencies. Therefore, the life rafts with no mobility pose a danger of sinking under bad weather conditions. In the testimonies of migrants, it is also stated that some migrants have fallen overboard and lost their lives due to blow-out of the life rafts, while being forced by Greece to get on the life rafts.

During their crossing by way of sea, migrants/asylum-seekers are subjected to degrading treatment by Greece. The images of such inhumane treatments showing that the rubber boats of migrants are punctured, the engines of boats are removed, migrants are battered and even a gun is fired against them, are all exposed to the social media and presented to public.

According to the reports of our relevant authorities on 12.01.2021; 14 irregular migrants have been pushed back to the uninhabited islet which is also considered as 1<sup>st</sup> degree military zone in the Middle of Evros River (Meriç) by Greek authorities. Their belongings were confiscated and were left in a desperate situation in the islet. Our law enforcement units rescued them, brought them and responded to their urgent needs. Afterwards, in order for the completion of administrative processes they were delivered to the Provincial Directorate of Migration Management. According to the testimonies of migrants, when they have reached to Greek territories, they were caught by the Greek authorities, detained for a day and, brought to the riverfront of Evros together with 30 more migrants and were left to the mentioned islet.

Greek practices are a clear breach of international law, European Union Law, 1951 Geneva Convention, 1982 UN Convention on the Law of the Sea and the 4th Additional Protocol of the European convention on human rights.

Besides Greece, recently FRONTEX assets, which were supposed to operate in the Aegean sea under the "operation Poseidon", have also been involved in the pushback practices instead of performing border surveillance, search & rescue at sea and combatting cross-border crimes. It is unfortunately seen that FRONTEX assets have turned a blind eye to all such pushback incidents by ignoring the international law.

Video footages and migrants' testimonies related to pushback incidents and FRONTEX's involvement in those incidents are all compiled and kept under record by Turkey.

**Within the year of 2020, 20.380 irregular migrants in the Aegean Sea were rescued by Turkish Coast Guard Command in a total of 624 incidents of migration, including the 9.008 migrants who had been pushed back by Greek assets in 312 incidents.**

Turkey continues its struggle, with maximum capacity and capability, in the sense of preventing irregular crossings and managing migration within the framework of humanitarian and legal rules.

### **Recent News/Reports on Push-backs at the Sea Border**

Mark Stone, Sky News Middle East reporter shared a footage and news on twitter ([https://twitter.com/Stone\\_SkyNews/status/1234454621818703873](https://twitter.com/Stone_SkyNews/status/1234454621818703873)), (<https://www.youtube.com/watch?v=Y7Y3moC6Cxc>). In the news, it is seen that migrant boat was pushed by Greek coast guard and Greek coast guard was hitting migrants with sticks and shooting.

Turkish Coast Guard was reported by Greek authorities on 29 April 2020 that there was a migrant boat near Çanakkale Sivrice. However, the boat was on Greek waters and it was seen that Greek coast guard boats were turning around the migrant boat to threaten them and pushing migrant boat back to Turkish waters. It was determined that fuel tank of the boat had been taken and the engine had been broken. (<https://en.sg.gov.tr/48-irregular-migrants-were-rescued-off-the-coast-of-sivrice-burnu> )

13 May 2020, Spiegel International reported that Greek flagged ship and masked men removed engine from the boat and shot at water and hooked up the boat and dragged towards Turkish waters. ([https://www.spiegel.de/international/europe/videos-and-eyewitness-accounts-greece-apparently-abandoning-refugees-at-sea-a-84c06c61-7f11-4e83-ae70-3905017b49d5?utm\\_source=dlvr.it&utm\\_medium=twitter#ref=rss](https://www.spiegel.de/international/europe/videos-and-eyewitness-accounts-greece-apparently-abandoning-refugees-at-sea-a-84c06c61-7f11-4e83-ae70-3905017b49d5?utm_source=dlvr.it&utm_medium=twitter#ref=rss))

On the news, it was reported that there were witnesses stating that Greek coast guard was responsible for these issues. Based on accounts, there were 26 migrants on the boat. When the migrant boat was about to arrive at Samos island, Greek coast guard attacked migrants. The footage was taken by migrants.

It is seen that these type of incidents have been reported by many NGOs such as Aegean Boat Report, Josoor ve Alarm since 23 March 2020. According to the report, masked men on a high speed boats called RHIB boat was dragging migrant boat into Turkish waters on 04 June 2020. This incident has a wide press coverage. Bellingcat news site and social media shared video of the incident. The reports show that, Greek coast guards harassed migrants on the dinghy and again pushed them back. In the footage, it is clearly understood how children feared by the harassment. (<https://www.bellingcat.com/news/uk-and-europe/2020/06/23/masked-men-on-a-hellenic-coast-guard-boat-involved-in-pushback-incident/>)

Bellingcat webpage elaborates that RHIB belongs to Greek coast guard and Turkish Coast Guard found the similar dinghy pushed back by Greek coast guard on the same day.

## **Push-back News at the Land Border**

2 Pakistani nationals were found in half-stunned state by Turkish Gendarmerie in Edirne and it is stated that they were pushed back to Turkish border in newspaper called *Milliyet* (<http://www.milliyet.com.tr/korkunc-goruntu-bu-halde-gundem-2867367/>)

According to the news by “CNN Turk” on 30 August 2020, Greek border guards took valuable belongings such as money and mobile phones of a group of 15 Afghans and Pakistanis. After Greek border guards beat them, they sent migrants group back to Turkey over Evros River (<https://www.cnnturk.com/turkiye/son-dakika-gocmenlerden-yunan-guvenlik-guclerinin-dovup-esyalarini-aldigi-iddiasi?page=4>),

### **5) Please indicate any specific challenges your Government has encountered, in the context of the COVID-19 pandemic, on ensuring the human rights of migrants crossing international borders, either by land or by sea.**

COVID-19 pandemic is a major challenge for the entire world, but major refugee and migrant hosting countries are much more vulnerable. We pay special attention to the needs of asylum-seekers/migrants as well as outbreak’s potential effect on them. In this regard, we have taken several measures to protect asylum-seekers/migrants and prevent the spread of the outbreak.

1. Measures in Temporary Accommodation Centers (TACs): Informative brochures pertaining to COVID-19 and the ways to stop its spread of are distributed. Moreover, the officials in TACs make regular announcements to inform the residents about ways to protect themselves and people around them. The TACs are disinfected by experts regularly. All officials in TACs are required to wear masks and medical gloves.

For the residents in vulnerable situations (high risk groups such as elderly) separate staffs are assigned to follow up with their condition. In order to reduce the health risks on residents, visits to TACs are temporarily stopped.

2. Measures in Removal Centers: Pre-admission areas have been established in order to conduct health check-ups on irregular migrants by medical experts before accepting them to the removal centers. After the check-ups, the irregular migrants are held in separate divisions of the centers for 10 days. During this process, they are not deported or released. Within this period, if there are COVID positive cases, they are immediately referred to the hospitals for testing and treatment if necessary. Once their treatment is completed they return to the removal center. Same hygiene measures introduced in TACs are also taken in removal centers.

3. Operations with YİMER 157 (Communication Center for Foreigners): Questions and requests related to the outbreak are referred to lines of Ministry of Health (112 and 184). If the referred questions are in a language that is not offered by the Ministry of Health’s translation system, YİMER provides spontaneous translation assistance. Through YİMER’s social media accounts guiding information has been shared in 7 languages.

4. Cooperation with International Organizations: In order to reduce the financial and humanitarian impact of COVID outbreak on Syrians and asylum-seekers we work closely with

international organizations, including United Nations High Commissioner for Refugees (UNHCR).

**6) Please indicate any challenges and/or obstacles faced by Governmental institutions or civil society organizations and individuals in protecting the human rights of migrants at international borders, including those in distress at sea and in situations where pushbacks or pullbacks are likely to take place.**

Our law enforcement unit are highly challenged by the continuous push-backs from Greece. We are deeply concerned with the continuous pushbacks of asylum seekers, arbitrary detention, ill-treatment and inhuman living conditions of asylum-seekers and refugees in Greece. As mentioned above, number of pushbacks from Greece to Turkey is alarming. In the last 4 years, more than 80.000 migrants and asylum-seekers were pushed back to Turkey by Greece. Unfortunately, push-backs and human rights violations did not stop even after the worrisome incident of Moria refugee camp. On top of that, Greek authorities started to push back not only the new arriving asylum seekers but also people from the refugee camps in Greece or from Greek mainland. This situation puts additional burden on our Coast Guard Command. Aegean and Mediterranean Seas are already among the main routes for refugees and asylum-seekers. Their search and rescue capacity of our Coast Guard is highly challenged by the people forcefully returned and stuck in the middle of the sea. That is precisely why, Turkey has been calling for international community to help the victims pushed back by Greek authorities, prevent new human tragedies and reduce the additional burden on our country.

Another major challenge encountered by the pushed back migrants or asylum-seekers is that there is not effective mechanism for them to file a complaint. There is a need for the establishment of such mechanisms and provision of guidance to migrants/asylum-seekers in order for them to quickly find relief of their victimization and for the punishment of entities/individuals involved in the push-back incident.