
MONITORING REPORT ON RIGHT TO REFUGE AND ASYLUM SEEKING

TURKEY 2008

HUMAN RIGHTS RESEARCH ASSOCIATION

İçindekiler

TABLE OF CONTENTS:	3
Part 1: 8	3
REFUGEES AND ASYLUM SEEKERS WHO HAVE ARRIVED TO TURKEY IN 2008:8	3
1. Refugees, asylum seekers and immigrants who are caught while crossing the border: 8	3
2. Refugees, asylum seekers and immigrants due to the places they are caught in: 9.3	
3. Nationality of caught refugees, asylum seekers and immigrants:9	3
4. Refugees, asylum seekers and immigrants who are deported:9.....	3
5. Refugees, asylum seekers and immigrants who have passed away: 10	3
PART 2: 12	3
PART 3: 15	3
6. Legal Regulations: 15	3
Abbreviations: 17.....	3
INTRODUCTION:	4
METHOD	6
THE GENERAL SITUATION ON RIGHT TO REFUGE AND ASYLUM SEEKING.....	7
PART 1:	8
REFUGEES AND ASYLUM SEEKERS WHO HAS ARRIVED TO TURKEY IN 2008	8
1- Refugees, asylum seekers and immigrants who are caught while crossing the border.	8
2- Refugees, asylum seekers and immigrants due to the places they are caught in:.....	9
3- Nationality of caught refugees, asylum seekers and immigrants	9
4- Refugees, asylum seekers and immigrants who are deported.....	9
5- Refugees, asylum seekers and immigrants who have passed away	10
PART 2:	12
THE PROBLEMS ENCOUNTERED BY REFUGEES AND ASYLUM SEEKERS.....	12
1- The Proceeding of refuge and application of refuge.....	12
2-Conditions of Surveillance:	13
PART 3 :	15
CONCLUDED WORKS FOR RIGHT TO REFUGE AND SEEK ASYLUM.....	15
1-Legal Regulations	15
2- The Activities of Non Governmental Organisations:	16
ABBREVIATIONS:	17

TABLE OF CONTENTS:

Introduction: 1

Method: 6

THE GENERAL SITUATION ON RIGHT TO REFUGE AND ASYLUM SEEKING: 7

Part 1: 8

REFUGEES AND ASYLUM SEEKERS WHO HAVE ARRIVED TO TURKEY IN 2008:8

1. Refugees, asylum seekers and immigrants who are caught while crossing the border: 8
2. Refugees, asylum seekers and immigrants due to the places they are caught in: 9
3. Nationality of caught refugees, asylum seekers and immigrants:9
4. Refugees, asylum seekers and immigrants who are deported:9
5. Refugees, asylum seekers and immigrants who have passed away: 10

PART 2: 12

THE PROBLEMS ENCOUNTERED BY REFUGEES AND ASYLUM SEEKERS:12

1. The Proceeding of refuge and application of refuge: 12
2. Conditions of Surveillance: 13

PART 3: 15

WORKS DONE FOR RIGHT TO REFUGE AND SEEK ASYLUM:15

6. Legal Regulations: 15
7. The Activities of Non Governmental Organisations: 15

Abbrevations: 17

INTRODUCTION:

Turkey is a significant centre for transition of an increasing number of refugee, immigrant and exile use. Thousands of refugee, immigrant and exile leaving their Asia, Africa Middle-East countries because of various reasons attempt to reach Europe from Turkey via sea or land route; however, most of them can not accomplish their aim.

The shores of Mediterranean and Aegean are important transition routes for refugee, immigrant and exiles as well as from the most risky places for safety of lives because of the fatal sea accidents which many people die.

As a result of Europe's intense struggle with disorganised immigrancy, and its restriction for the right of taking refuge, refugee, immigrant and exiles encounter with serious problems in the transition countries such as Turkey. It is tried to make Turkey as a "dam" country as a result of the changes on the policies of immigrancy and taking refugee and restrictive and negative effects of the policies in the content of "common refuge system" of the member countries of EU. Therefore, EU attempts to strenghten the immigrancy preventer role of Turkey against the illegal- immigrancy- mobility from Asia and Africa countries intensively towards Europe, taking strict precautions.

One of the policies that is dedicated by EU to prevent the flow of refugee, immigrant and exile, the acceptance centers which is a part of the financial support programme for transition countries, , are run in the content of Twining and thousands of refugees, immigrants and exiles are planned to be settled in there.

However, Turkey has claimed geographical drawback for 1951 EU International Contract on the Legal Status of Refugees it is not possible Turkey to overcome with legal and vital problems of thousands of refugees, immigrants and exiles coming from non- European countries, on its own.

In Turkey, it is a significant problem to obtain right for refuge, and UNHCR interview process and refuge applications take so long; thus, many refugees have to live in an environment of obscurity. The physical environment of refugees, immigrants and exiles detained in Foreigners' guesthouses, or living in satellite cities is insufficient in general.¹

In Turkey, an immigrancy and refuge legaslation which is regulated in international standarts is not available yet. Because of Discrimination on implementation of 1967 Protocol, and insufficiency of 1994 legaslation including refuge rules, Turkey has started to determine the foundations on social and economical needs of refugees. On the other hand, a serious regression is possible as a result of this legaslation.

Even The National Action Plan, prepared to national refuge legaslation to be made appropriate with Acquis Communautaire Documents of Participation, expects to obtain theoratical and holistic approach, it is seen devoid of standarts of international refuge.

Prevention of influx of refuge and mentioning that the geographical drawback may be eliminated if some conditions are provided as EU's sharing of expences, are topics included in National Action Plan and criticized.

Human Rights Research Association (İHAD), publishes a survailance report montly, since 2008, including data on "Refugee and Right of Taking shelter/refuge" and referring the problems encountered by immigrants and refugees during the year,

1 <http://www.proasy1.de/en/index.html>

The report of IHAD contains statistical data about the original country and number of the immigrants and refugees that are caught in the border of Turkey and detained, kept under surveillance in the guesthouses and satellite cities, as well as those who lose their lives while crossing the border, and who are decided to be deported, in 2008

The report involves rights violations encountered by immigrants and refugees, as well as statistical data given by official institutions and UNHCR. Additionally, the report refers to the researches and the results of the researches done by NGOs (stk) on the topic.

METHOD

Refugees and immigrants who come from Asia, Africa and Middle-east countries and caught in border transitions and process of deportation is started for them due to their defiance against passport law are registered as "illegal immigrant" by the officials.²

International law, defines people who has left their country because of a true fear of cruelty no matter as "refugees" no matter their race, religion, nationality, sex, social group and membership.³

If the individual fits with the definition of the contract, her identity as a refugee is independent from the evaluation of official decision making institutions. Therefore, this person is legally a refugee even she is not included in any asylum seeking procedure.⁴

Therefore, the decision making institutions of Turkey are expected to take the international criterias in to consideration and define people asking for right of refuge as refugee. However, the current legal structure does not provide these expectations.

In the legislation of Turkey, the definition of refugees and asylum seekers are not appropriate with the international standarts since Turkey has been a partner EU agreement with "geographical hesitation".

Thus, people coming from Europe may obtain right to refuge; however, non- European foreigners who are in the condition of refugee and who are supposed to benefit from the protection of refuge can not benefit from this.

Therefore, the report is written taking in to consideration the definition of international law on refugee, asylum seeker and immigrant, instead of the distinction determined by national legislation and applied by official discourse.

There are sometimes inconsistency between declaration of officials and press on the number of the informal refugees, asylum seekers and immigrants who are caught by the officials. The officials act quite fast and start the procedure of deportation of the caught informal "refugees, immigrants and exiles" without giving them the necessary information and sometimes illegally which is not always mentioned in the press. This condition is an absolute violation of the condition of non- refoulement which is an international responsibility of Turkey.

İHAD, has considered this inconsistency and checking press everyday compared data declared in press with numerical data published by Ministry of Interior, UNHCR and Turkish General Staff; therefore, it has tried to reach the approximate number of refugees, asylum seekers and immigrants who are caught and deported. The asylum seeking data of refugees and asylum seekers, their original country, sex rates, the numeric data of those living under supervision and guest houses are derived from statistics of UNHCR.

2

http://www.tsk.mil.tr/HABERLER_ve_OLAYLAR/4_Yasadisi_Sinir_Gecisleri/yasadisi_sinir_gecisleri_2009.htm ve http://www.arem.gov.tr/proje/ars_rapor/gocmen.htm

3 1951 UN, Geneva Agreement on Status of Refugees, Section 1

4 Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees

THE GENERAL SITUATION ON RIGHT TO REFUGE AND ASYLUM SEEKING

Data of refugees and asylum seekers are recorded by Turkey Office of UNHCR regularly. UNHCR publishes the data with rate of age and sex and with the statistics in the guest houses and satellite cities where refugees and asylum seekers take shelter.

According to data given by Turkish office of UNHCR; the number of female asylum seeker is 2951. The first three countries of females are Afghanistan, Iran and Iraq. The number of male asylum seeker is 4155 and the first three countries of males are Afghanistan, Iran and Iraq as well.

Regarding the data of December 2008, the number of the total asylum seeker is 11.103 and the satellite cities with the highest density with the population of refugee and asylum seeker are, Van, Gaziantep, Kayseri and Konya.⁵ 800 asylum seekers take shelter in Istanbul, just in Kumkapı Guest house.

Due to the UNHCR records, Turkey is faced with a refugee influx as a result of conflicts and assaults in the war zones. The population of refugee and asylum seeker who attempt to escape from places especially where armed conflict and political ambiguities occur, and try to reach European countries from Turkey, is high.

5 <http://www.unhcr.org.tr/MEP/index.aspx?pageId=226>

PART 1:

REFUGEES AND ASYLUM SEEKERS WHO HAS ARRIVED TO TURKEY IN 2008

1- Refugees, asylum seekers and immigrants who are caught while crossing the border

The national legislation on catching and taking into custody the refugees, asylum seekers and immigrants, is applied if the three conditions are violated. Therefore (buna göre) foreign subjects are taken into custody and legal procedure is started for them on the condition of illegal entrances and exits⁶ besides leaving of the city which is determined for temporary settlement without permission⁷. Besides to detain the refugees and asylum seekers because of the reasons mentioned above, the legal proceedings of people included in the asylum seeker procedure are completed and they are disposed to satellite cities. Additionally, deportations are started and many people are deported.

According to data IHAD has obtained from national press, 38.108 refugees, asylum seekers and immigrants have been caught in the boundary crossing of Syria, Iran, Iraq, Georgia, Greece and Bulgaria.

Due to the explanations made by General Directorate of Security, 52.000 fugitive (kaçak) immigrant has been caught while they were attempting to enter Turkey illegally. On the other hand, (diğer taraftan) according to the official records of Turkish General Staff on illegal boundary crossing, 1253 foreign subjects who do not cover the legal conditions to be in Turkey are caught doing illegal boundary crossing. Turkish General Staff reveals the caught people with their origin country, their number, and the place they have been caught in; and adds that legal prosecution has been started for them.⁸

The caught refugees, asylum seekers and immigrants are sent to Foreigner Department and Passport Department of the city they are caught in; and their prosecutions are executed. Asylum seekers exiting to Turkey from non- European countries are supposed to apply to the General Directorate of Security, Foreigner Department of the city they are standing as well as UNHCR Turkish Office and be included to the system of refuge.

However, the official channels usually declare incoherent data on the numbers of refugees, asylum seekers and immigrants. That means, foreign subjects encounter problems on reaching refuge in the borders.

6 Law of Passport, section 34

7 Law on residence and travel of Foreigners in Turkey, Section 25

8

http://www.tsk.mil.tr/HABERLER_ve_OLAYLAR/4_Yasadisi_Sinir_Gecisleri/yasadisi_sinir_gecisleri_2008.htm

2- Refugees, asylum seekers and immigrants due to the places they are caught in:

İHAD signs with bold the most intense entrance and exit route that are used by refugees, asylum seekers and immigrants who are caught by officials depending on the study on montly surveilance work about "right to refuge and defect".

Aydın (Didim,Kuşadası), Ankara, Aksaray, Adapazarı, Antakya, Adana(Ceyhan), Antakya, Artvin, Afyonkarahisar, **Ağrı (Patnos, Doğubayazıt), Balıkesir (Edremit,Ayvalık),** Bartın, Batman, Bilecik, **Bitlis (Adilcevaz),** Bodrum, Bolu, Bingöl, Bursa, **Çanakkale (Ayvacık, Küçükkuyu),** Çorum, **Diyarbakır,** Düzce, **Edirne (Uzunköprü, Meriç, İpsala, Bosnaköy),** Elazığ, Erzincan, Erzurum, Gaziantep, **Hakkari, Hatay (Yayladağı), Iğdır, İzmir (Aliağa, Çeşme, Menemen, Menderes, Seferihisar), İstanbul,** Kayseri, Kırıkkale, Kırklareli (Babaeski), Kırşehir (Akpınar), Kilis, Kocaeli, **Konya (Ereğli),** Malatya, **Manisa (Akhisar),** Mardin, **Muğla (Bodrum),** Muş (Bulanık), Niğde (Ulukışla), Rize, Sakarya, Samsun, Şanlıurfa (Akçakale), Şırnak, Tekirdağ, Tokat, Trabzon, **Van (Muradiye, Gevaş),** Yalova

3- Nationality of caught refugees, asylum seekers and immigrants

The countries from where more refugees, asylum seekers and immigrants come are demonstated in bold.

Afghanistan, Germany, **Azarbaijan, Bangladesh,** Burkina Faso, **Burma,** Burundi, **Algeria, Chechnya, China,** Dominik, Ekvador, **Eritre,** Ethopia, Armenia, Morocco, Ivory Coast, **Palestine, Philiphines,** Gana, Guinea, **Georgia,** Croatia, India, **Iraq Iran,** Kazakhstan, Comor Islands, Kongo, Lebanon, Malawi, Malaysia, Egypt, Moldova, **Moritania, Myanmar,** Nakhichevan, Nepal, Nigeria, Uzbekstan, **Pakistan, Ruanda,** Rumenia, Russia, Senegal, **Sri Lanka, Somali, Sudan,** Surinam, **Syria,** Togo, **Turkmenistan,** Tunisia, Uganda, Ukraine, Jordan, Greece

4- Refugees, asylum seekers and immigrants who are deported

Evidently, that many of the refugees, asylum seekers and immigrants are caught in the boundary crossing, while planning to reach Europe, using Turkey as a transition route, without starting the proceedings of refugee. Therefore, it is hard to find the exact number of the caught refugees who are disported without reaching refuge. However(ancak), it is obvious that most of the asylum seekers are sent back to their countries from the border countries without their content. The daily statistics published by Turkish General Staff is an important source on the subject.

According to data obtained from surveilance of press through the year by İHAD, 13.971 refugees, asylum seekers and immigrants have been deported in 2008. The records of Ministry of interior; however, official authorities do not give information regularly. Therefore, it is anticipated that more deportation is made than declared in the press.

The bureucratic prosecutions for proceedings of refuge results at least in 1-2 years and they may take even 3-4 years. Additionally, the process is too long and wearing; therefore, many foreign subjects prefer to stay in Turkey temporarily and want to reach Europe with the same methods.

In 2008, people who are defined as refugee and asylum seeker by UNHCR, have been deported forcibly, and these procedures have sometimes been despite of the decisions made by Administrative Court and EHRC.

Experience of Uzbek refugees is a striking example on this subject. 25 Uzbek refugees, including women and children, have been brought to Van General of Security, Foreigner Department with the promise of help of food and stationery product and they have been forcibly deported by the department to Iran from there. 22 of the refugees were defined as refugee by UNHCR and the refuge applications have been on the process evaluation.

Departed refugees have been left to mountainous distinct splitting Turkey from Iran and refugees has returned Turkey by themselves, illegally, on September 22. Uzbek refugees have been picked by officials and deported to Iran again. Deportation of refugees has violated the the non- refoulement law of international refuge law ,which is one of the main rules of the law, and their life has been exposed, and their future has been put in danger. Bar of Van, İHAD and MAZLUMDER have prepared an associated report. ⁹

5- Refugees, asylum seekers and immigrants who have passed away

Due to the data declared in press, 76 foreign subject have passed away in 2008. There are people who has been defined as refugee and asylum seeker by UNHCR between them. Almost every decease has occurred as a result of accidents and drownings happened while refugees, asylum seekers and immigrants were crossing border; however, there are deceases that officials have caused. The mass deceases and events which has been declared by press may be listed as:

Dead bodies of 6 foreign subjects, who were attempting to go abroad, have been found in Didim distric of Aydın, Tekağaç. It has been estimated that deceased people have had a sea accident while they were trying to reach Greece Islands. ¹⁰

In 2008, April 23, 18 refugees who are citizens of Syria and Iran have been brought to Tigres River and forced to cross it swimming, 4 of them have drowned and died. According to explanation of UNHCR, one of the dead people is an Iran citizen who has statu as refugee, and there are 4 more refugees in the group. UNHCR and NGO has made explanations on the subject. ¹¹

Forcing refugees to swim in the river, putting their life and safety in danger is an absolute violation human right according to national and international law. Sending refugees to any country where they will be exposed to cruel and inhuman treatment. Deporting 18 refugees and asylum seekers unregistered, without any legal justification and illegally, also contradicts with national legaslation conditions.

In June 12, 2008, in Kırklareli Gaziosmanpaşa Sheltering and Acceptance Center refugees and asylum seekers have protested ther conditions and during intervention of security officials, a refugee called Adam Terry has died with the bullet of a policeman. After the event, some of the refugees and asylum seekers have started death fast protesting the humane and physicall conditions of the center. ¹²

9 http://www.mazlumder.org/haber_detay.asp?haberID=2226

10 March 23, 2008, Hürriyet Gazetesi (Hürriyet Newspaper)

11 <http://www.unhcr.org.tr/MEP/index.aspx?pageId=154>

12 http://www.mazlumder.org/haber_detay.asp?haberID=1307

Refugees and asylum seekers who are mostly from [Pakistan](#) ve Burma, have set off from Van and arrived in [İstanbul Küçükçekmece](#) in 30 [Temmuz](#) 2008 in the closed safe of a articulated lorry. In there they have puched the driver's cab to react against the airlesness and driver has left the vehicle and escaped. From 70 refugees and asylum seekers, 13 of them have passed away. ¹³

In Tekirdağ- Makara Highway, in 2008, October 5, a delivery truck carrying 43 refugees mostly from Burma and Pakistan, has fallen over and 18 people stuck in the vehicle has passed away.¹⁴

A boat carrying 30 people, 14 Palestine citizens and 8 Burma citizens, who were attempting to arrive at Mytline Island of Greece, has sunk and 4 people have passed away. ¹⁵

13 <http://arsiv.sabah.com.tr/2008/07/30/haber>

14 <http://www.nethaber.com/Toplum/76290>

15 December 6, 2008, Hürriyet Gazetesi (Hürriyet Newspaper)

PART 2:

THE PROBLEMS ENCOUNTERED BY REFUGEES AND ASYLUM SEEKERS

1- The Proceeding of refuge and application of refuge

Due to the determinations of 1951 Agreement regulating right of refuge and defect of refugees and asylum seekers, refugees and asylum seekers are supposed to be under preservation of the states. Turkey, as a partner country of the agreement, approves the right to refuge of foreign subjects entering the country illegally.¹⁶

Even refugees and asylum seekers enter the country mostly from illegal ways, and they do not have any document proving their condition, they can benefit from refuge proceedings. Therefore, they are supposed to be given all the knowledge about right and application of refuge.

According to the guide book prepared by UNHCR and including the standards on detainment of refugees, being under surveillance do not prevent application of refuge and following this process.¹⁷

Due knowledge given by Turkey Agency of UNHCR, 322 people have been defined as "asylum seker" and they are kept under protection by official institutions and UNHCR. Additionally, 12.750 people have applied for refuge and their process keep on in different levels. Considering the number of people who have applied for refugee, 322 people who have been accepted for refugee is minority.

According to given knowledge, 14 refugees have been sent to their countries although they are under surveillance of UNHCR. 51 refugees have been deported to different countries from Turkey (Iran, Iraq, Syria). Furthermore, 13 asylum seekers have been sent to their own countries although they are registered to UNHCR and the rule of non-refoulement. The process of the asylum seekers to a third country and conditions of protection of asylum seekers have been inored by the Government.

Lately, increasingly number of application to stop deportation processes have been done to European Court of Human Rights (ECHR). Ministry of Interior continues to keep the applicants under surveillance until the applications of ECHR comes to a conclusion and the final decision is given. That is why, the people who has defined as refugee by UNHCR, are not permitted to settle in a third country before this process is completed. However, in one of the cases, Court of Administration has given a positive decision and the refugee has been discharged and had allowance for temporary residence.

16 Legislation upon the foundations of singular foreigners who refuges to Turkey, or who apply for residence in Turkey to refuge another country; and foreigners who come to our borders collectively, and probable population movements, 1994, Section 4

17 UNHCR Guidelines on detention of asylum seekers

2-Conditions of Surveillance:

Refugees and asylum seekers to escape from their countries and take shelter in another country with illegal ways because of the fear of right cruelty, means violation of interior law of the country. On the other hand, the 31. section of Agreement of 1951, forbids to punish the refugees because of illegal entrance, if they explain the reasons of their illegal entrance and being in this country.

Refugees and asylum seekers deserve to be treated appropriate with human honour, without been deprived of their freedom. In every condition requiring arrestment or being detainment, refugees and asylum seekers are supposed to be informed about their rights on proceedings besides their basic rights. Additionally, the standards of the place they are kept, must be appropriate with the international standards considering rights and freedoms.

Refugees and asylum seekers have right to learn the reason of their caught, and detainment, the duration of their detainment as well as right to object the reason and duration of their detainment and apply to Court. Thus, access of refugees and asylum seekers to legal support and lawyer must be provided by the authorities. Additionally, legal advisers must be allowed to come to the places where refugees and asylum seekers stay and talk to their client.

Foreign subjects are generally are detained with the reason of their legal entrance- exist and that they do not fulfill the conditions of residence in Turkey and they become acceptor with Department of Foreigners that is directly dependant to general of securities.

Detained foreign people are kept under surveillance in guest houses of foreigners, remand prisons or transit zones of the airports. Guesthouses are under control of General of Security and foreigners detained here, including refugees, do not for freedom of movement. The sheltering centers existing in various cities of the country and defined as satellite cities are different from guest houses in quality and content. In the sheltering centers, people applied for refuge, and their family members can live together.¹⁸

Prof. Dr Mehmet Zafer Üskül, chief of Human Rights Commission of the Parliament, has visited Kumkapı Foreigners' Guesthouse which is under the control of General of Security to investigate if there is any problem on human rights. Commission has published a report on the conclusions of the investigation. Kumkapı Foreigners' Guesthouse has been defined as an institution which has not problems on human rights.¹⁹

However, Kumkapı Foreigners' Guesthouse is often criticized because of its physical deficiencies and extremely crowded environment where 800 asylum seekers are kept. Therefore, in October, 2008, residents of the guesthouse have made a protest chaining themselves to the grates and wards, and attempted to be noticed by the authorities, writing their problems and throwing to members of press. The agent of UNHCR and organisations for defend of rights have applied to authorities to investigate there; however, their applications have been rejected.

18 Proposal of EU Commission, Council Legislation on minimum standards for acceptance of asylum seekers to the country COM (2001) 181 final.

19

http://www.tbmm.gov.tr/komisyon/insanhak/mailbelge/Yabancilar_Barinagi_%C4%B0nceleme_Raporu.pdf

A report including 2006- 2007, and explaining the legal, judicial and humane problems refugees kept in the guesthouses, has been published by Helsinki Citizens' Assembly (HYD).²⁰

In the report, the legal foundation and physical conditions of the foreigner' guesthouses are discussed, the interviews made with many refugees and asylum seekers are evaluated, and significant advices are given for solution of the problems.

The interviews existing in the report published by Human Rights Watch, "Stuck in a revolving door", demonstrating the conditions of refugees and asylum seekers in the entrance of Turkey/ Greece, indicates that the conditions of foreigners' guesthouses and detainment centers are desperate. An observer from HRW, for example, explains his visit to Edirne Tunca Guesthouse in 2008, June 13, to the the report as following:

"Words fail to describe the sight and smell of 400 men crammed into a single room. For our own security, we were not allowed to walk into the room, but stood at the only door to the room, a padlocked iron gate where we peered into the darkness. Though men crowded towards us, they parted their human sea so we could see the jammed crowd all the way to the wall. There was no space between any bodies; they sat shoulder to shoulder both along the walls and in the room's interior.

All the men were dirty and smelled foul. Some appeared to be quite ill. Men came forward who had particularly hideous skin infections and rashes. We saw men whose torsos and faces were completely covered in open sores that looked quite contagious.

Those crowdings against the bars of the wall called out various messages, including: "There is beating here"; "I was slapped in the face"; "How long must we stay here?"; "People are sleeping in the toilet".²¹

20 Unwanted visitors: Refugees Detained in Foreigners' Guesthouses, HCA Observation Report of Refugee, http://www.hyd.org.tr/staticfiles/files/multeci_gozetim_raporu_tr.pdf

21 <http://hrw.org/en/reports/2008/11/26/stuck-revolving-door-0>

PART 3 :

CONCLUDED WORKS FOR RIGHT TO REFUGE AND SEEK ASYLUM

1-Legal Regulations

In the National Programme of Turkey, that is prepared in the content of the the promises made by Turkey, in EU Document for Partnership of Participation for 2003, it is planned to prepare of a new refuge law and make administrative regulations to making the legislation of refugee and asylum seeker to be compatible with *acquis communautaire*. Therefore (bu bağlamda), it is planned to evaluate residence social support mechanism for residence and other subjects for refugees, asylum seekers and immigrants.

In the Refuge and Immigrancy Action plan that has been declared in April 17, 2007, various regulations including 2007- 2013 period. According to this, it is determined to legal regulations about refuge and foreigners to be made between 2009-2013; and Legislation on Change of Refuge and Asylum seeking, number 1994/6169, to be made in 2008.

A proposal on abolishment of geographical limitation, which is mentioned in National Action Plan, is expected to be agenda of TBMM in 2012. However, Turkey stipulates a legal regulation to be made, that will not promote a probable flow of refugee from East (Asia, Africa Middle-east) and EU to have a clear decision on the share of expense, in order to abolish geographical limitation.

In the 60/2nd section of the Law of Social Insurance and General Health Insurance, "stateless people and asylum seekers" have been added to the category of "people who are accepted as having general health insurance".

Asylum seekers have been taken under protection by the law and it is a positive development; however, it is not sufficient. The expression should be enlarged to refer also "refugees, people who have asked for refuge, and people who are permitted to stay in the country in the secondary protection".²²

2- The Activities of Non Governmental Organisations:

The number of NGOs, that are concerned with the problems of refugees, asylum seekers and immigrants are increasing. As applications of asylum seeking, refuge, and flow of refuge increase, NGOs are coming together and developing associated resolutions. .

In 2008, NGOs have undersigned associated declerations about the refugees , who have passed away drowning in Tigris, deportation of Uzbek refugees twice, and social insurance and law.²³

NGOs run associated activities on events lived in some significant surveillance zones as Kırklareli Gaziosmanpaşa Guesthouse, Zeytinburnu Guesthouse, Kumkapı Guesthouse, and transit zones of the airports; in addition to fieldworks on psycho-social rehabilitation of unattended children and women refugees.

NGOs that are prominent with their legal assistance, investigations and researches, fieldworks, welfare activities on this subject are:

Deniz Feneri Derneği (Light House Association), Helsinki Yurtdaşlar Derneği (HYD), Human Rights Agenda Association (İHGDA), Human Rights Research Association (İHAD), Association for the Solidarity with the Refugees (MÜLTECİ-DER), Organization for Human Rights and Solidarity for Oppressed People (MAZLUMDER), Human Rights Association (İHD), Human Rights Joint Platform (İHOP), Civil Society Development Center (STGM), Human Rights Agenda Association (SGDD), Turkish Human Rights Association (TİHV), The Foundation for Human rights and Freedoms and Humanitarian Relief (İHH) and Turkey Agency of Amnesty International.

Academical Institutions as İstanbul Bilgi University, Ankara University and Center for Human Rights, in addition to some Bars provides and educates qualified human force to work in refugee and asylum seeker.

Turkey Agency of UNHCR aims to schedule regular meetings with NGOs to develop mutual collaboration and fellow feeling.

23 <http://www.hyd.org.tr/?sid=8>

ABBREVIATIONS:

EU	European Union
ECHR	European Court of Human Rights
UNCHR	UN High Commissioner for Refugees
HYD	Helsinki Citizens' Assembly
HRW	Human Rights Watch
İHAD	Human Rights Research Association
İHD	Human Rights Association
İHGD	Human Rights Agenda Association
İHH	The Foundation for Human rights and Freedoms and Humaniterian Relief
İHOP	Human Rights Joint Platform
MAZLUMDER	Organization for Human Rights and Solidarity for Oppressed People
MÜLTECİDER	Association for the Solidarity with the Refugees
NGO	Non Government Organisations
STGM	Civil Society Development Center
TİHV	Turkish Human Rights Foundation
AI	Amnesty International