Submission to the Human Rights Committee in relation to the Republic of Türkiye 142nd Session 14 October - 8 November 2024

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1. Introduction

- Syrians for Truth and Justice (STJ) and other Syrian NGOs submit this report to the Human Rights Committee concerning the review of the Republic of Türkiye's report at its 142nd session. The report aims to provide the Committee with information to ensure that violations of the International Covenant on Civil and Political Rights (ICCPR) against Syrian refugees in Türkiye are addressed during the review of Türkiye. The report focuses on the following key areas of concern:
 - Discrimination against Syrians in law and practice (Articles 2, 26, 27)
 - Hate speech and incitement against Syrians (Article 20)
 - Arbitrary detention and unlawful deportation of Syrians (Articles 6, 7, 9, 10, 13, 14)
 - Right to respect for private and family life (Article 17)
 - Lack of access to justice, accountability and remedy (Articles 2, 6, 7, 14 and 25)
- 2. The report relies on data collected from primary sources by STJ, using methodologies consistent with the documentation of human rights violations. The information provided by STJ essentially builds from exclusive first-hand data and consented detailed statements collected by field researchers from primary sources, including victims, survivors, or witnesses. STJ also relies on information gathered from diverse secondary sources, including open sources, as well as informants and individuals embedded within the structures of *de facto* authorities and armed groups. This information is subsequently cross-verified by STJ's network of researchers and reporters, who validate it through primary sources. Additionally, the report draws on information collected through the submitting organisations' research and review of reports and publications by international organisations.

2. Syrian Refugees in Türkiye: Legal and Contextual Framework

- 3. Syrians began fleeing to Türkiye in small numbers at the onset of the conflict in 2011. However, Türkiye received the largest waves of Syrian asylum seekers in 2015 and 2016 following several brutal offensives by the Syrian government forces, backed by Russian air force and Iranian-funded militias, through which the government retook large areas previously controlled by armed opposition in northern and central Syria.¹ Currently, about 3.5 million UNHCR-registered Syrian refugees reside in Türkiye, along with estimated hundreds of thousands of unregistered, who fled further violence and human rights violations from all parties to the conflict across Syria. The exact number of unregistered Syrian refugees remains difficult to ascertain, given the complexity of their legal status and increasing concerns over deportation, as many have arrived in Türkiye after Istanbul and nine other provinces stopped registering new asylum seekers between late 2017 and early 20218.²
- 4. Since Türkiye still maintains its geographical limitation to the 1951 Refugee Convention and its 1967 Protocol, the country decided in October 2011 to grant Syrians "temporary protection" (TP) rather than full refugee status. Under the TP, Türkiye pledged to welcome all Syrians crossing its border for safety, to provide for their humanitarian needs, and not to force any such asylum seekers to return to Syria, in keeping with the principle of nonrefoulement.³

¹ New Lines Institute, "Protecting Syrian Refugees in Turkey from Forced Repatriation", 16 May 2023, available at: <u>https://newlinesinstitute.org/displacement-and-migration/protecting-syrian-refugees-in-turkey-from-forced-</u> repatriation/, (last access: 4 September 2024)

² Human Rights Watch, "Turkey Stops Registering Syrian Asylum Seekers", 16 July 2018, available at: <u>https://www.hrw.org/news/2018/07/16/turkey-stops-registering-syrian-asylum-seekers</u>, (last access: on 4 September 2024)

³ The Center for American Progress, "Turkey's Refugee Dilemma", 13 March 2019, available at: <u>https://www.americanprogress.org/article/turkeys-refugee-dilemma/</u>, (last access: 4 September 2024) <u>https://www.unhcr.org/tr/wp-content/uploads/sites/14/2017/04/LoFIP_ENG_DGMM_revised-2017.pdf</u> <u>https://www.mevzuat.gov.tr/MevzuatMetin/21.5.20146883.pdf</u>

- 5. In April 2013, the Turkish parliament endorsed the country's first asylum law, the Law on Foreigners and International Protection (LFIP). The law sets out the main pillars of Türkiye's national asylum system and established the Presidency of Migration Management (PMM) as the main entity in charge of policy-making and proceedings for all foreigners in Türkiye.⁴
- 6. In October 2014, Türkiye adopted the so-called Temporary Protection Regulation (TPR), based on Article 91 of the LFIP.⁵ Under the TPR, the TP status applied to Syrian nationals, as well as stateless persons and refugees from Syria, who came to Türkiye after 28 April 2011, including those who entered Türkiye illegally or for an irregular stay in Türkiye as long as they are: "identified by Turkish authorities while entering Türkiye and seek protection; or if they approach the Turkish authorities themselves within a reasonable period and provide a valid reason for their illegal entry and/or presence in Türkiye." The TPR provides Syrians with the right to stay in Türkiye reserves the right to terminate the temporary protection regime collectively or individually, pursuant to Articles 11 and 12 of the TPR, respectively; it has, in fact, done so in various documented cases.⁶
- 7. The Turkish TP Regulation has, in general, an open-ended nature, which allowed Turkish authorities to introduce more and more restrictive regulations on Syrians throughout the years in relation to their right to movement and their ability to live and reside in specific areas, as explained below under "Discriminatory Laws, Policies and Practices". These restrictions have harmed Syrians, putting them at risk of deportation if they are unable to satisfy the ever-changing, unclear and complex new directives. In 2016, Türkiye amended

⁴ The Ministry of Interior of the Republic of Turkey, "Temporary Protection in Law on Foreigners and International Protection", available at: <u>https://en.goc.gov.tr/temporary-protection-in-law-on-foreigners-and-international-protection</u>, (last access: 4 September 2024)

⁵ Asylum Information Database, "Temporary protection regime, Türkiye", 20 August 2024, available at: <u>https://asylumineurope.org/reports/country/turkiye/temporary-protection-regime/</u>, (last access: 4 September 2024)

⁶ STJ, "Turkey Continues to Forcibly Return Refugees, Ignoring International Warnings that Syria is Still Unsafe", 14 February 2022, available at: <u>https://stj-sy.org/en/turkey-continues-to-forcibly-return-refugees-ignoring-international-warnings-that-syria-is-still-unsafe/</u>, (last access: 4 September 2024)

the LFIP to facilitate deportations of TP individuals associated with terrorism and has indeed deported many Syrians on this basis.⁷

3. ICCPR's Violations Against Syrian Refugees in Türkiye

A. Discriminatory Laws, Policies and Practices (Articles 2, 12, 26, 27)

- 8. As mentioned, Syrians in Türkiye constitute a unique case, registered under an ad hoc approach—namely, the Temporary Protection Regulation (TPR) since 2014. The TPR is an exceptional procedure that, in theory, grants Syrians basic access to services like education, access to the labour market (which is, however, restricted by the requirement to apply for work permits), social assistance, health care, and similar services (Articles 26-32).⁸ Yet, the TP Regulation implies the lack of any long-term and structured recognition of any guaranteed and stable legal status with related rights to Syrians.
- 9. The TP Regulation does not allow Syrians to integrate into Turkish society or create a new life in a sustainable manner. Article 25 clearly states that the TP identification document (also referred to as 'kimlik') should not be considered equivalent to a residence permit or similar documents. A TP identification document "shall not grant the right to transition to long-term residence permits" and "shall not entitle its holder to apply for Turkish citizenship", therefore maintaining Syrians in legal limbo and with a second-class range of rights.
- 10. Additionally, given its temporary nature, protection provided by the Regulation can be restricted, temporarily or indefinitely suspended by a decision of the Council of Ministers in case conditions amounting to a threat to national security, public order, public security, or public health arise (Art. 15/1). The temporary nature of the protection, accompanied by

⁷ Refugees Association, "Number of Syrians in Turkey July 2023", 22 August 2023, available at: <u>https://multeciler.org.tr/eng/number-of-syrians-in-turkey/</u>, (last access: 4 September 2024)

⁸ UNHRC, Refworld, "Turkiye: Temporary Protection Regulation", available at: <u>https://www.refworld.org/legal/decreees/natlegbod/2014/en/108062</u>, (last access: 5 September 2024)

consistent xenophobic comments by politicians, puts Syrians in danger of seeing their protection terminated at any time without guarantees for their protection and rights. The "perpetual" temporariness of the TP has a negative psychological impact on Syrians, who are trying to hold on to their lives in a foreign country after fleeing gross human rights abuses. This is further exacerbated by a logic of "hospitality" in which Syrians in Türkiye are labelled as "guests", which implies that any legal and fundamental right is generously "granted" rather than owed to Syrians.

- 11. Finally, as proved by the lack of enforceable remedy pathways to address abuses against Syrians (as detailed below), in practice, protection provided by this Regulation is limited and remains at the hands of authorities which are granted the ability to strip protection from Syrians based on unclear reasons, or without due process or remedy guarantees. For example, the Turkish TP Regulation explicitly prohibits non-refoulement for individuals within the scope of the regulation (Article 6). Additionally, the regulation says Syrians who fail to register will not be deported to Syria and will only face an "administrative fine" (Article 35). Despite the reassurances within the Regulation, thousands of Syrians who fall under its scope have been subjected to refoulement in recent years, in addition to the deportation of those without temporary protection permits or those who have not complied with the various directives and policies enacted alongside the TP Regulation, as demonstrated below.
- 12. Following the adoption of the TP regulation in 2014, the Turkish authorities introduced several restrictive directives related to Syrians. Since August 2015, only registered Syrians who obtain a special travel permit from the Directorate General of Migration Management (DGMM) have been allowed to travel within Türkiye.⁹ The permit is issued at the discretion of the competent Governorate and may not exceed 90 days in duration, subject to a possible extension for another 15 days. The beneficiary is required to notify the Governorate upon return to the province. Failure to do so after the expiry of the 90 days

⁹ Human Rights Watch, "Turkey Stops Registering Syrian Asylum Seekers: New Arrivals Deported, Coerced Back to Syria", 16 July 2018, available at: <u>https://www.hrw.org/news/2018/07/16/turkey-stops-registering-syrian-asylum-seekers</u>, (last access: 5 September 2024)

results in the person's status being considered implicitly withdrawn (also known as the V71 code).¹⁰ In practice, the special travel permit is provided only for urgent reasons, such as health reasons, and for appointments at the Syrian Consulate in Istanbul, with any other application usually being rejected without a clear explanation.

- 13. In 2017 and early 2018, Istanbul and nine other provinces on the border with Syria (Mersin, Adana, Kahramanmaras, Hatay, Kilis, Osmaniye, Sanliurga, Gaziantep, Mardin) suspended the registration of newly arriving asylum seekers.¹¹ As such, the travel permit system for registered Syrians de facto prohibits unregistered Syrians from travelling from border provinces that they reached after fleeing Syria to register elsewhere, putting them at higher risk of deportation. In the majority of cases, Syrians registered in open provinces but were unable to find work in these areas and moved to closed provinces in order to have greater access to the labour market, like Istanbul.
- 14. In July 2019, the Minister of Interior and Istanbul's Governor's Office ordered Syrian refugees to return to the cities where they had been officially registered. This geographical limitation was made further restrictive in February 2022 when Turkey's Deputy Interior Minister said applications for temporary protection would not be accepted in 16 provinces.¹² Geographical limitations on refugees are not limited to provinces for TP holders but also to neighbourhoods in each province for Syrians with TP.
- 15. In February 2022, it was announced that residency permit applications by foreigners would not be accepted in any neighbourhood in which 25 per cent or more of the population consisted of foreigners, reporting that registration had already been closed in 781 neighbourhoods across Turkey.¹³ In June, it was announced that the proportion would

¹⁰ Asylum Information Database, "Freedom of movement-Türkiye", 20 August 2024 (accessed 5 September 2024). Available at:<u>https://asylumineurope.org/reports/country/turkiye/content-temporary-protection/movement-and-mobility/freedom-movement/</u>

¹¹ Ibid

¹² Daily Sabah, "Turkey Restricts Temporary, International Protection Registration in 16 Provinces", 24 February 2022, available online at: <u>https://www.dailysabah.com/politics/turkey-restricts-temporary-international-protection-registry-in-16-provinces/news</u> (last access: 5 September 2024)

¹³ Ibid

be further reduced to 20 per cent, and the number of neighbourhoods closed to foreigners increased to 1200.¹⁴

- 16. Also, in 2022, the Turkish authorities set up a law that made it mandatory for taxi drivers to ask foreigners for proof of legal residence and travel permits. This regulation is purportedly set up to prevent the transportation of illegal immigrants.¹⁵ Notably, the regulation stated that taxi drivers who do not comply with the measure for interprovincial travel will be charged with "migrant smuggling," obliging them to verify that clients have both their TPID and travel permit.¹⁶
- 17. In 2023, several municipalities, including Istanbul, started taking down shop signs displaying Arabic writing. They are enforcing a law that, though it had existed previously, was not implemented. The law stipulates that "75 per cent of words on any sign be in Turkish and the Latin alphabet." The law also bans signs in languages other than Turkish, including Arabic and English, among others."¹⁷ However, so far, the application of the law has remained bound by the "whims of municipality directors." In 2018, the Esenyurt District Municipality resorted to the measure following a series of complaints from Turkish locals against Syrian shop owners.¹⁸
- 18. These measures all impact the financial status of the Syrian refugees under the TP regime, especially as many face various challenges in obtaining work permits. As of 2023, only

¹⁴ Hurriyet Daily News, "More Neighbourhoods to be closed to foreigners, says minister", 12 June 2022, available online at: <u>https://www.hurriyetdailynews.com/more-neighborhoods-to-be-closed-to-foreigners-says-minister-</u>174519 (last access: 5 September 2024)

¹⁵ "Turkey: Hundreds of Syrians Detained in Camps Amid Ongoing Forced Returns", STJ, 20 July 2022 (accessed on 6 September 2024). Available at: <u>https://stj-sy.org/en/turkey-hundreds-of-syrians-detained-in-camps-amid-ongoing-forced-returns/</u>

¹⁶ "Mandatory for taxi drivers to ask documents from foreigners", Hürriyet Daily News, 20 July 2022 (accessed 5 September 2024). Available at:<u>https://www.hurriyetdailynews.com/mandatory-for-taxi-drivers-to-ask-documents-from-foreigners-175463</u>

¹⁷ STJ, "'He Looks Syrian; Get off and Ask for His kimlik': 'Voluntary Return by Coercion': Turkish Authorities Forcibly Deport Thousands of Syrians to Unsafety", 18 September 2023 (accessed on 20 August 2024). Available at: <u>https://stj-sy.org/en/he-looks-syrian-get-off-and-ask-for-his-kimlik/</u>

¹⁸ "Istanbul municipality takes down shop signs in Arabic", Hürriyet Daily News, 29 June 2018 (accessed 5 September 2024). Available at: <u>https://www.hurriyetdailynews.com/istanbul-municipality-takes-down-shop-signs-in-arabic-</u>

^{133979#:~:}text=A%20district%20municipality%20in%20western,of%20Syrian%20immigrants%20in%20Istanbul.

108,520 permits were issued to Syrian refugees, while over 1 million Syrians are estimated to be working informally without permits, lacking legal protections and rights. Notably, the TP regime warrants Syrians access to work permits and exempts seasonal workers who hold agriculture and livestock jobs. However, the Ministry of Family and Social Services (MFSS) may limit, at their own discretion, the number and provinces where TP refugees can work, while refugees remain prohibited from applying to jobs classified as for Turkish nationals only.

- 19. There are limitations beyond the scope of this exemption, for the assessment of granting a permit takes into consideration the province of application, and the MFSS might decide against issuing permits in provinces classified by the interior ministry as at risk in terms of public order, security, and health. Furthermore, the MFSS can impose quotas on the number of TP Syrians considering the needs of the province or the sector, while TP Syrians can make only 10 per cent of a business's workforce if the employer manages to prove Turkish nationals cannot hold the position, while only one TP Syrian is allowed in workplaces with less than 10 people.¹⁹ Besides these regulatory barriers, a large number of TP Syrians continue to work illegally, as permits must be requested by employers, who tend to be reluctant to cover the costs and get involved in the administrative challenges of hiring refugees or are uninformed about the administrative processes.²⁰
- 20. Accordingly, these laws, regulations, and practices by the Turkish authorities reinforce discrimination and restrict the movement of Syrians in Türkiye, in clear violation of Türkiye's international legal obligations under the ICCPR. The ICCPR requires states to uphold the principles of equality and non-discrimination, ensuring that all individuals within their territory, regardless of nationality or legal status, are afforded the same fundamental rights and protections. By imposing restrictive laws and regulations on

¹⁹ "Access to the labour market-Türkiye", Asylum Information Database, 20 August 2024 (accessed on 5 September 2024). Available at: <u>https://asylumineurope.org/reports/country/turkiye/content-temporary-protection/employment-and-education/access-labour-market/</u>

²⁰ "Insecure Future: Deportations and Lack of Legal Work for Refugees in Turkey", Refugees International, 19 September 2019 (accessed on 5 September 2024). Available at: <u>https://www.refugeesinternational.org/reports-briefs/insecure-future-deportations-and-lack-of-legal-work-for-refugees-in-turkey/</u>

Syrians, Türkiye effectively creates a two-tier system of rights, depriving Syrians of the legal status, protection, and opportunities necessary to live with dignity. This systemic exclusion and marginalisation of refugees violate the ICCPR's guarantees of non-discrimination and equal protection under the law, highlighting a significant gap between Türkiye's international commitments and its domestic practices.

B. Violence Driven by Hate Speech and Anti-Syrian Sentiment (Article 20)

- 21. Over the past few years, racist and xenophobic attacks against Syrians in Türkyie have been on the rise. Fueled by increasing hate speech, Syrian refugees have been accused of various social and economic problems, including unemployment, inflation, and a surge in petty crimes. They have also been accused of ruling over certain cities and neighbourhoods in Türkiye. The issue of Syrian refugees and their potential return to Syria became a central topic during the May 2023 elections,²¹ similar to the local elections in 2019, where several politicians pledged to deport all Syrians if they won.²²
- 22. This rhetoric has contributed to a rise in attacks against Syrian refugees, with the August 2021 attack on Syrian properties in Tekirdağ and Ankara standing out as a particularly emblematic example.²³ These incidents were followed by similar attacks in September 2021, whereby nearly 150 Turkish citizens marched towards Torbalı district in İzmir province, assaulted Syrians, stoned their houses, and set fire to their cars. A second horrifying incident took place in İzmir in December 2021, when a Turkish man set fire to the residence of three young Syrian men, killing them all. A human rights activist following the investigation claimed that the murders were committed for a "purely racist

²¹ STJ, "'He Looks Syrian; Get off and Ask for His kimlik': 'Voluntary Return by Coercion': Turkish Authorities Forcibly Deport Thousands of Syrians to Unsafety", 18 September 2023 (accessed on 20 August 2024). Available at: <u>https://stj-sy.org/en/he-looks-syrian-get-off-and-ask-for-his-kimlik/</u>

²² Daily Sabah, "CHP Chair Kılıçdaroğlu vows to send all Syrians home from Turkey", January 04, 2022, available at: <u>https://www.dailysabah.com/politics/chp-chair-kilicdaroglu-vows-to-send-all-syrians-home-from-turkey/news</u> (accessed on 6 September 2024)

²³ BBC, "Turkish capital reels from violent protests against Syrians", August 2021, available at: <u>https://www.bbc.com/news/world-europe-58185612</u>, (accessed on 6 September 2024)

reason." This reason was confirmed by the perpetrator himself in the testimonies he provided to Turkish authorities after his arrest.²⁴

- 23. Disinformation has also spread widely on social media, falsely claiming that Syrians have received better aid than Turks. One example involved claims that the Turkish government was relocating only Syrian earthquake survivors to a men-only dormitory in Mersin, excluding Turks. Anti-Syrian slogans such as "We don't want Syrians," "Immigrants should be deported," and "No longer welcome" have circulated on Twitter, further fueling anti-refugee sentiment.²⁵
- 24. In June 2024, another surge of attacks against Syrian refugees in Türkiye took place.²⁶ These attacks included large-scale looting, vandalism, destruction, and the burning of the properties, homes, businesses, and vehicles of Syrians by Turkish citizens chanting antirefugee and other racist slogans. The assaults started in the central Anatolian city of Kayseri, expanded in scope, and swept through other cities in the following days, with similar abuses reported registered against Syrian refugees in Antalya, Adana, Gaziantep, Istanbul, Reyhanlı, Konya, and Kilis. Also, within the context of rising threats against Syrian refugees, as said attacks continued, the personal data of nearly three million Syrians living in Türkiye were leaked online, including their names, ID numbers, and addresses, among other information. The data was shared widely on Telegram groups and was accompanied by violent language that urged attacks on Syrian refugees in Türkiye.²⁷

²⁴ STJ, "Turkey Continues to Forcibly Return Refugees, Ignoring International Warnings that Syria is Still Unsafe", 14 February 2022 (accessed on 5 September 2024), available at: https://stj-sy.org/en/turkey-continues-to-forciblyreturn-refugees-ignoring-international-warnings-that-syria-is-still-unsafe/

²⁵ Middle East Eye, "Turkey earthquake: Ultranationalists campaign against Syrian refugees after deadly disaster", February 2023, available at: https://www.middleeasteye.net/news/turkey-syria-earthquake-ultranationalists-campaign-against-refugees,(accessed on 6 September 2024)

²⁶ STJ, "Turkey Continues to Forcibly Return Refugees, Ignoring International Warnings that Syria is Still Unsafe", 14 February 2022 (accessed on 21 August 2024), available at: <u>https://stj-sy.org/en/turkey-continues-to-forcibly-return-refugees-ignoring-international-warnings-that-syria-is-still-unsafe/</u>

²⁷ STJ, "Civil Society Organizations Call on the EU to Stop Funding and Endorsing Rights Violations Against Syrian Refugees in Türkiye" 18 July 2024 (accessed on 22 August 2024). Available at: <u>https://stj-sy.org/en/civil-society-organizations-call-on-the-eu-to-stop-funding-and-endorsing-rights-violations-against-syrian-refugees-in-turkiye/</u>

25. Yet, the Turkish government has not taken any effective steps to counter disinformation and incitement against Syrians, leading to increased violence and attacks and continuing to put Syrians at high risk. This violates Türkiye's obligations under the ICCPR to prohibit hate speech, guarantee equal legal protection for everyone under its jurisdiction regardless of nationality or legal status, and provide adequate redress in case of violations.

C. Arbitrary and Incommunicado Detention, Unlawful Deportation and Violation of Nonrefoulement (Articles 6, 7, 9, 10, 13, 14)

- 26. Since 2019, STJ has documented the unlawful arrest and deportation of Hundreds of Syrian refugees, including men and boys, from Türkiye to Syria, in clear violation of the principle of non-refoulement and Türkiye's obligations under international law. The Turkish authorities have deported and continue to deport Syrian refugees to Syria despite the risks of persecution, torture, ill-treatment, arbitrary detention, threats to life and other serious human rights violations.
- 27. In addition to discrimination and hate speech, hundreds of Syrians have been deported from Türkiye to Syria since 2019, in clear violation of the principle of non-refoulement and Türkiye's obligations under international law. Turkish authorities have deported and continue to deport Syrian refugees to Syria despite the risks of persecution, torture, ill-treatment, arbitrary detention, threats to life, and other serious human rights violations.²⁸
- 28. While mostly involuntary, deportations have primarily been carried out to areas occupied by Türkiye inside Syria and controlled by Turkish-affiliated armed groups, particularly the Syrian National Army (SNA), where human rights abuses, such as arbitrary detention

²⁸ Syrians are deported to territories in northern Syria through the three border crossings: Bab al-Salamah, Bab al-Hawa, and Tel Abyad. Bab al-Salamah leads to Idlib province, which is entirely controlled by the Hayat Tahrir al-Sham (HTS). The remaining two crossings open to areas occupied by Turkey since 2016, where it maintains effective control through its military and affiliated Syrian National Army (SNA). Bab al-Hawa leads to A'zaz and Jarabulus in northern Aleppo, and Tel Abyad is a gateway to Tel Abyad city, administratively affiliated with Raqqa province.

and torture, are rampant and impunity prevails.²⁹ STJ documented the recent arrest of a man that Turkish authorities deported to Jarabulus by the SNA's Military Police on alleged charges of being *shabih* (thug) of the Syrian government forces.³⁰ Previously, in 2022, three similar arrests were documented, whereby the SNA's Sultan Murad Division detained three Syrian Kurds for several weeks and did not release them until they paid exorbitant ransoms after the Turkish authorities deported them arbitrarily to Hawar Kilis. Two of the detainees were brutally beaten and interrogated about the (Kurdistan Workers' Party) PKK or perceived affiliation with the PKK, which Turkey classifies as a terrorist organisation.³¹

29. In Tel Abyad, also SNA-held, deportees face dire living conditions,³² as well as geographical isolation, as the area lacks crossings or entry points to other SNA-controlled territories, severely restricting freedom of movement. This forces deportees to take dangerous smuggling routes to places with a better living environment or cross the border to re-enter Turkey to reunite with their families, which puts them at the risk of facing death at the hands of the Turkish border guard.³³ The situation does not differ in the areas controlled by the Hayat Tahrir al-Sham (HTS) in Idlib, where deportees also faced arrest, detention, and extortion. In 2019, STJ documented the detention of several refugees, forcibly deported from Türkiye by HTS under various pretexts, like violating HTS general order, smoking or wearing banned clothes. One of the deportees was Christian and was

²⁹ "Everything is by the Power of the Weapon", Human Rights Watch, 29 February 2024 (accessed on 6 September 2024). Available at: <u>https://www.hrw.org/report/2024/02/29/everything-power-weapon/abuses-and-impunity-turkish-occupied-northern-syria</u>

³⁰ "Türkiye: Misleading Statements by Foreign Minister Regarding Forced Return of Syrian Refugees", STJ, 22 August 2024 (accessed on 6 September 2024). Available at: <u>https://stj-sy.org/en/turkiye-misleading-statements-by-foreign-minister-regarding-forced-return-of-syrian-refugees/</u>

³¹ "Northern Syria: Three Syrians Arrested after Turkey Forcibly Deported Them to Alleged "Safe Zone"", STJ, 22 November 2022 (accessed on 6 September 2024). Available at: <u>https://stj-sy.org/en/northern-syria-three-syrians-arrested-after-turkey-forcibly-deported-them-to-alleged-safe-zone/</u>

³² "Syrians Face Dire Conditions in Turkish-Occupied 'Safe Zone'", Human Rights Watch, 28 March 2024 (accessed on 6 September 2024). Available at: https://www.hrw.org/news/2024/03/28/syrians-face-dire-conditions-turkish-occupied-safe-zone

³³ STJ, "Turkey: Renewed Concern Among Syrian Refugees over a New Wave of Illegal Deportations", 29 October 2019 (accessed on 22 August 2024). Available at: <u>https://stj-sy.org/en/turkey-renewed-concern-among-syrian-refugees-over-a-new-wave-of-illegal-deportations/</u>

held and interrogated by the HTS for four days, which was described by him as the roughest and scariest moments he had ever experienced in life.³⁴

- 30. Reasons for arrest and deportation often include lacking official residency documentation or living and working in a city different from where their temporary protection ID and address are registered. Even baseless accusations from neighbours or employers can result in arrest and deportation. In many instances, Syrian refugees have been detained and deported despite having legal status in the country, such as living and working in their registered city. Simply interacting with Turkish police can put Syrians at risk of deportation, even when they are fully compliant with the relevant laws and regulations.
- 31. In February 2022, STJ documented the arrest and deportation of a Syrian refugee from the Turkish city of Mersin to Jarabulus following a night visit by the police to his house, responding to a disturbance complaint from neighbours. The man said when the police went inside to inspect the house, they found a hookah on the balcony. Upon seeing the hookah, the officer became furious and started to say racist things. The police officers took him to their station to complete the interrogation. The next day, his wife tried to visit him and hire a lawyer for him, but the police told her that this was unnecessary because these were simple proceedings and that he would soon be out. However, the man was made to sign documents, put on board a bus, and be deported. He was told his TPID was deactivated and was given a five-year no-entry document.³⁵
- 32. STJ also documented the case of a Syrian man who was arrested after a police home inspection in June 2024. The man refused to show his TPID to the officers concerned over reported fraud, as there were cases where Turkish civilians approached Syrians claiming they were from the police. The police officers became agitated, started shouting and cursing at him, and eventually demanded that he accompany them to the police station

³⁴ Ibid.

³⁵ "Turkey Continues to Forcibly Return Refugees, Ignoring International Warnings that Syria is Still Unsafe", STJ, 14 February 202 (accessed on 6 September 2024). Available at: <u>https://stj-sy.org/en/turkey-continues-to-forcibly-return-refugees-ignoring-international-warnings-that-syria-is-still-unsafe/</u>

while threatening him with a weapon. At the station, the officers filed a report against him for assaulting police officers, which led to his deportation.³⁶ In April 2023, Human Rights Watch and Amnesty International documented several cases of torture and ill-treatment involving Syrian refugees by the Turkish police and gendarmerie in the aftermath of the February earthquake, highlighting that Syrian victims of the documented abuses were especially reluctant to lodge official complaints with authorities, for fear of reprisals or feeling that justice was difficult to attain.³⁷

- 33. Moreover, Turkish authorities have resorted to violence, threats of violence, and detention to coerce Syrian refugees into returning. Even Syrians, who are entitled to protection under Turkish law, and those who have been blocked from registering for temporary protection since late 2017, have faced deportation. There have been many documented cases of the deportation of Syrian business owners, who also had their bank accounts frozen and assets seized, as well as students, despite residing legally in Türkiye.³⁸
- 34. Between January and August 2023, STJ documented the forced deportation of 29,895 Syrian refugees and asylum seekers, 1000 of whom were arrested by the Turkish authorities under the guises of combating illegal immigration.³⁹ Over the first seven months of 2024 alone, STJ documented the deportation of nearly 57000 Syrian refugees to several areas across northern Syria, where Türkiye maintains effective control.⁴⁰ Between July 1 and 8, 2024, STJ documented the deportation of nearly 160 Syrian

³⁶ "Türkiye/Syria, "Place Your Fingerprint Here and Stay Silent, Or I Will Detain You and Your Family for a Month", STJ, 10 September 2024 (accessed 10 September 2024). Available at: <u>https://stj-sy.org/en/turkiye-syria-place-your-fingerprint-here-and-stay-silent-or-i-will-detain-you-and-your-family-for-a-month/</u>

³⁷ "Turkey: Police and Gendarmerie Abuses in Earthquake Zone", Human Rights Watch, 5 April 2023 (accessed on 6 September 2024). Available at: <u>https://www.hrw.org/news/2023/04/05/turkey-police-and-gendarmerie-abuses-earthquake-zone</u>

³⁸ STJ, "Turkey Continues to Forcibly Return Refugees, Ignoring International Warnings that Syria is Still Unsafe", 14 February 2022 (accessed on 22 August 2024). Available at: https://stj-sy.org/en/turkey-continues-to-forciblyreturn-refugees-ignoring-international-warnings-that-syria-is-still-unsafe/

³⁹ STJ, "'He Looks Syrian; Get off and Ask for His kimlik': 'Voluntary Return by Coercion': Turkish Authorities Forcibly Deport Thousands of Syrians to Unsafety", 18 September 2023 (accessed on 22 August 2024). Available at: <u>https://stj-sy.org/en/he-looks-syrian-get-off-and-ask-for-his-kimlik/</u>

⁴⁰ STJ, "Türkiye: Misleading Statements by Foreign Minister Regarding Forced Return of Syrian Refugees", 22 August 2024 (accessed on 22 August 2024), available at: <u>https://stj-sy.org/en/turkiye-misleading-statements-by-</u> foreign-minister-regarding-forced-return-of-syrian-refugees/

refugees, many due to illegal residence and failure to officially register their addresses as they lived in neighbourhoods closed to foreigners, given that refugees' choice of neighbourhoods is affected by the rising anti-Syrian sentiments, with many landlords refusing to rent out houses to Syrians, as well as their challenging financial status, as many seek areas with cheaper rents. In tandem, these constraints further burden Syrian refugees financially, as many are bound to remain in states where labour markets offer only a paucity of job opportunities,⁴¹ while they continue to struggle with access to work permits that would help them earn a living legally, thus opting to work through informal channels, under the threat of deportation.⁴²

35. Deported refugees are usually arrested by the Turkish police from the streets, their workplaces, and even homes.⁴³ Then, they would be held in deportation camps or centres for varying periods before they were deported to Syria. The detained are not allowed to use phones to contact lawyers or even their families.⁴⁴ Many have been deported despite possessing documents that prove their legal status in Türkiye,⁴⁵ including TPIDs or residence, student, or work permits.⁴⁶ Within most of these camps, refugees are held under inhuman conditions, with little access to food, water, and even utilities.⁴⁷ In July 2022, one deported refugee told STJ the authorities continued to bring people, including minor

⁴¹ HRW, "Turkey: Hundreds of Refugees Deported to Syria", 24 October 2022 (accessed on 20 August 2024). Available at: https://www.hrw.org/news/2022/10/24/turkey-hundreds-refugees-deported-syria

⁴² New Lines Institute, "Protecting Syrian Refugees in Turkey from Forced Repatriation", 16 May 2023 (accessed on 20 August 2024). Available at: https://newlinesinstitute.org/displacement-and-migration/protecting-syrianrefugees-in-turkey-from-forced-

repatriation/#:~:text=Since%202017%2C%20Turkish%20authorities%20have,be%20accepted%20in%2016%20pr ovinces.

⁴³ STJ, "Turkey: Thousands of Syrians Forcibly Returned to Peril", 6 August 2019 (accessed on 21 August 2024). Available at: <u>https://stj-sy.org/en/turkey-thousands-of-syrians-forcibly-returned-to-peril/</u>

⁴⁴ STJ, "'He Looks Syrian; Get off and Ask for His kimlik': 'Voluntary Return by Coercion': Turkish Authorities Forcibly Deport Thousands of Syrians to Unsafety", 18 September 2023 (accessed on 6 September 2024). Available at: https://stj-sy.org/en/he-looks-syrian-get-off-and-ask-for-his-kimlik/

⁴⁵ STJ, "Turkey Forcibly Returns Refugees to Syria Daily", 16 February 2022 (accessed on 22 August 2024), available at: <u>https://stj-sy.org/en/turkey-forcibly-returns-refugees-to-syria-daily/</u>

⁴⁶ STJ, "Turkey Continues to Forcibly Return Refugees, Ignoring International Warnings that Syria is Still Unsafe", 14 February 2022 (accessed on 21 August 2024). Available at: <u>https://stj-sy.org/en/turkey-continues-to-forcibly-</u>return-refugees-ignoring-international-warnings-that-syria-is-still-unsafe/

⁴⁷ STJ, "'He Looks Syrian; Get off and Ask for His kimlik': 'Voluntary Return by Coercion': Turkish Authorities Forcibly Deport Thousands of Syrians to Unsafety", 18 September 2023 (accessed on 22 August 2024). Available at: <u>https://stj-sy.org/en/he-looks-syrian-get-off-and-ask-for-his-kimlik/</u>

girls and entire families, into the camp, where he was held until there were 1500 detainees. Detainees had to buy their needs, including food, which triggered those who did not have money to choose deportation to Syria.⁴⁸ Additionally, several refugees were beaten and subjected to cruel treatment in those centres; others were beaten even on their way to those centres.

- 36. Several deportees reported experiencing instances of discrimination in deportation camps and centres, saying they were beaten, unlike other detainees from other nationalities. According to one deportee, the Turkish police practised profiling, arresting individuals from the streets on suspicion of them being Syrians based on their appearance.⁴⁹ Moreover, STJ documented several instances where detained refugees were repeatedly coerced into signing voluntary return documents. They were often beaten or threatened with violence or prolonged detention. Police officers and others in deportation camps exploited their poor or non-extant knowledge of Turkish. They were also denied access to lawyers or representatives of refugee organisations, preventing them from exercising their right to challenge their illegal deportation.⁵⁰
- 37. Notably, following the mass attacks on Syrian refugees (mentioned in the Hate Speech section above), there has been increasing in police operations and a spike in deportations in areas that witnessed the attacks. Some of the deportations affected entire families, who were either uprooted from their homes or were separated from each other. STJ documented the stabbing of the husband of a deported woman in Gaziantep in mid-June 2024, due to which he spent nearly a week hospitalised. The wife and her toddler were deported to Syria on July 8 despite possessing the necessary legal documents. The police

⁴⁸ STJ, "Turkey: Hundreds of Syrians Detained in Camps Amid Ongoing Forced Returns", 20 July 2022 (accessed on 22 August 2024). Available at: <u>https://stj-sy.org/en/turkey-hundreds-of-syrians-detained-in-camps-amid-ongoing-forced-returns/</u>

⁴⁹ STJ, "'He Looks Syrian; Get off and Ask for His kimlik': 'Voluntary Return by Coercion': Turkish Authorities Forcibly Deport Thousands of Syrians to Unsafety", 18 September 2023 (accessed on 22 August 2024). Available at: <u>https://stj-sy.org/en/he-looks-syrian-get-off-and-ask-for-his-kimlik/</u>

⁵⁰ STJ, "Turkey Continues to Forcibly Return Refugees, Ignoring International Warnings that Syria is Still Unsafe", 14 February 2022 (accessed on 21 August 2024). Available at: <u>https://stj-sy.org/en/turkey-continues-to-forcibly-</u>return-refugees-ignoring-international-warnings-that-syria-is-still-unsafe/

beat her during the arrest and at the police station. She and other women, along with their children, were held in group and solitary cells. Her husband and other children remain in Gaziantep.

38. In the same vein, STJ documented the deportation of a Syrian man who uses a wheelchair with his entire family from Gaziantep to Syria after a group of Turkish citizens caused damage in his neighbourhood on June 28. Three police officers carried the man onboard their bus against his will after they identified him as being Syrian. The family was transferred to a police station and then to a deportation camp within the city the following day. On June 30, the family were coerced to sign the voluntary return document electronically and filmed expressing their desire to return under threats of beating. Additionally, STJ recorded the detention of a 6-member-Syrian family, all of whom hold necessary legal documents, in a deportation camp in Kayseri after they filed a complaint with police after their neighbours threw stones at their home during the June 30 wave of violence.⁵¹ Such retaliatory practices continue to prevent Syrians from claiming justice, even when exposed to grave violations.

D. Right to Respect for Private and Family Life (Article 17)

39. Deportation has caused significant negative repercussions for many Syrian families, disproportionately impacting children and women and severely worsening their already dire financial situations. Deporting individuals, including survivors of the February 6, 2023 earthquake, who lost their IDs and other legal documents and relocated from their quake-stricken areas, has not only led to economic hardship but also torn families apart across the border. Actions such as deportation, which result in family separation, violate Türkiye's obligations under Article 17 of the ICCPR, as family members have the right to live together and enjoy family life without interference.

⁵¹ "Türkiye/Syria, "Place Your Fingerprint Here and Stay Silent, Or I Will Detain You and Your Family for a Month", STJ, 10 September 2024 (accessed 10 September 2024). Available at: <u>https://stj-sy.org/en/turkiye-syria-place-your-fingerprint-here-and-stay-silent-or-i-will-detain-you-and-your-family-for-a-month/</u>

40. For example, in August 2019, STJ documented the deportation of a 15-year-old male to Syria for staying in Istanbul while holding a TPID issued in the state of Urfa, among many other cases documented in the following years. The boy said he was beaten into signing the voluntary return document at the deportation centre and separated from his family, which remained in Türkiye.⁵² In 2023, one man, originally a resident of Hatay, was captured in Marsin, to which he moved after the quake. After applying for a new TPID at the Turkish Directorate of Migration, he was held in administrative detention for six days. He was coerced to choose between deportation or continued detention. Choosing the former, he was deported to Syria, while his wife and two minor children remained in Mersin without any source of income, as he was their sole breadwinner. Also, STJ documented the deportation of a woman with her two children to Syria, where they had neither family nor a source of support. Her husband remained in the custody of the Turkish authorities. The authorities also deported two children with her, who are her brother-in-law's. Their mother was in the hospital after the arrest and detention of their father.⁵³

E. Lack of Access to Justice, Accountability and Remedy for Victims (Article (Articles 2, 6, 7, 14 and 25)

41. As a state party to the ICCPR, Türkiye is legally obligated, under Article 2, to ensure that all individuals in its territory and subject to its jurisdiction, including Syrian refugees, have access to effective remedies when their rights are violated, without any discrimination. This obligation requires Türkiye to provide accessible and effective legal avenues for Syrian refugees who suffer from human rights violations. In this context, Syrian refugees who experience such violations must have the right to seek justice, receive adequate reparations, and see those responsible held accountable. However, Syrians have

⁵² STJ, "Turkey: Thousands of Syrians Forcibly Returned to Peril", 6 August 2019 (accessed on 20 August 2024). Available at: https://stj-sy.org/en/turkey-thousands-of-syrians-forcibly-returned-to-peril/

⁵³ STJ, "'He Looks Syrian; Get off and Ask for His kimlik': 'Voluntary Return by Coercion': Turkish Authorities Forcibly Deport Thousands of Syrians to Unsafety", 18 September 2023 (accessed on 22 August 2024). Available at: <u>https://stj-sy.org/en/he-looks-syrian-get-off-and-ask-for-his-kimlik/</u>

faced, and continue to face, human rights violations in Türkiye in the absence of any remedy, as required under Article 2 of the ICCPR.

- 42. Syrians who have experienced attacks and other violations driven by anti-Syrian sentiment have received no justice, and the perpetrators have not been held accountable. Those subjected to deportation have not been given the opportunity to have their deportation reviewed by a competent and independent authority. Additionally, many Syrians are reluctant to file complaints with the police due to fears of potential deportation, even when they are living legally in Türkiye and fully compliant with all laws and regulations. This fear further obstructs their access to justice and protection, leaving them vulnerable to ongoing abuses. Hence, the lack of remedy and accountability is not confined to deportees but also affects the quality of life of the Syrian refugee community in Türkiye as a whole, allowing anti-Syrian sentiment to further spread and grow within the Turkish community.⁵⁴
- 43. As of the time of writing this report, the Turkish authorities have not conducted any impartial and transparent investigations into the alleged violations faced by Syrian refugees, such as arbitrary arrests, ill-treatment, hate speech and unlawful deportation. Instead, the authorities have repeatedly denied reports of police violence and mass attacks on refugees, claiming these are isolated individual incidents. They have only investigated very rare cases when incidents garner the attention of media, especially foreign outlets, as happened after the unrest in Kayseri in late June 2024. The authorities stated that they were investigating the owners of 63 out of nearly 79,000 social media accounts identified as having posted negative and provocative content against Syrians. However, the outcomes of these investigations have not been made public, and the affected refugees have not received any remedy.

⁵⁴ STJ, "'He Looks Syrian; Get off and Ask for His kimlik': 'Voluntary Return by Coercion': Turkish Authorities Forcibly Deport Thousands of Syrians to Unsafety", 18 September 2023 (accessed on 22 August 2024). Available at: <u>https://stj-sy.org/en/he-looks-syrian-get-off-and-ask-for-his-kimlik/</u>

- 44. The Turkish government has made the Turkish Immigration Directorate the only authority responsible for addressing legal issues faced by Syrians as individuals and as a community.⁵⁵ This hampers Syrians' access to justice through legal means, as they fear and lack trust in an institution involved in documented deportations and other abuses against Syrians while also fearing any engagement with police departments amidst various reports on police brutality and bias against Syrians.
- 45. It is worth noting that the ruling party (Justice and Development Party AKP) and its partner, the far-right Nationalist Movement Party (MHP), rejected a request to open a parliamentary investigation into the reasons underlying attacks on Syrian refugees, seeking to prevent recurrence and identify needed measures, submitted by the Felicity-Future Alliance on July 17, 2024.⁵⁶ The rejection of such investigations, geared towards addressing deep causes of spiking violence against Syrian refugees rather than individual incidents, is coupled with a lack of dedicated protection measures and safe reporting mechanisms.

Recommendations

We call on the Committee to consider the protection and treatment of refugees and asylum seekers in Türkiye within its Follow-Up Procedure, pursuant to Rule 75(1) of the Committee's rules of procedure. Within this context, we suggest the following non-exhaustive list of recommendations for the State Party to be raised by Türkiye:

• Türkiye must ensure that Syrians are treated equally under Turkish law and have nondiscriminatory access to essential services, and immediately review, amend or repeal all laws and regulations that discriminate against Syrians.

⁵⁵ STJ, "Escalation of Threats and Violence Against Syrian Refugees in Turkey: An Urgent Call to Protect Human Rights", 5 July 2024 (accessed on 22 August 2024). Available at: <u>https://stj-sy.org/en/escalation-of-threats-and-violence-against-syrian-refugees-in-turkey-an-urgent-call-to-protect-human-rights/</u>

⁵⁶ "Türkiye/Syria, "Place Your Fingerprint Here and Stay Silent, Or I Will Detain You and Your Family for a Month", STJ, 10 September 2024 (accessed 10 September 2024). Available at: <u>https://stj-sy.org/en/turkiye-syria-place-your-fingerprint-here-and-stay-silent-or-i-will-detain-you-and-your-family-for-a-month/</u>

- Türkiye must remove all discriminatory restrictions on Syrians' right to freedom of movement. Any restriction must comply with the requirements for permissible restrictions set forth in Article 12(3) of the ICCPR.
- Türkiye must enact and enforce stringent laws and regulations to prevent and criminalise hate speech and incitement against Syrian refugees.
- Türkiye must take effective measures to end the practice of arbitrary and incommunicado and ill-treatment against Syrian refugees. Detention should be a measure of last resort, used only when necessary, and must be proportionate and compliant with international human rights standards. Arrest warrants must be issued solely on legal grounds, following due legal procedures.
- All detainees must be treated with dignity and provided access to legal counsel and the ability to appeal their detention to an independent judicial body. Detention conditions must be humane and consistent with international standards and include access to adequate food, water, healthcare, and communication with legal representatives and family members.
- Türkiye must respect the principle of non-refoulement and refrain from unlawfully deporting Syrian refugees to Syria, where they face a high risk of persecution, violence, or other serious human rights violations.
- Türkiye must ensure the consistent application of the principle of non-refoulement to all individuals in need of international protection, without discrimination based on nationality, statelessness, or legal, administrative, or judicial status. Every individual facing deportation should receive an impartial and independent examination of their case individually through judicial or administrative authorities, with access to legal assistance and the right to appeal deportation decisions before an independent body. Deportation should be suspended pending appeal.

- Türkiye must ensure that all allegations of arbitrary detention, torture, and ill-treatment, hate speech, hate-driven violence and other violations against Syrian refugees are promptly, impartially, thoroughly, and effectively investigated. Perpetrators must be held accountable, and remedies provided to victims. The outcomes of these investigations should be made public.
- Türkiye must make efforts to raise awareness among law enforcement officers, politicians, the media, and the general public regarding refugees and their rights, as well as the ICCPR and its applicability in domestic law. This should include providing training on the provisions of the ICCPR to ensure better understanding and effective enforcement.
- Türkiye must facilitate Syrian refugees' access to justice, allowing them to report crimes and violations against them regardless of their legal status. The government should ensure that refugees can access legal representation and provide adequate legal aid throughout judicial proceedings.

About the Submitting Organisations

Syrians for Truth and Justice (STJ) is a France-based and licensed Syrian organisation. Established in 2016, STJ monitors, exposes, and reports on human rights violations that have continued unabated in Syria since 2011, regardless of the affiliation of the victims or perpetrators, under an inclusive approach to documentation. STJ is also involved in Syria-related justice and accountability spaces, contributing to strategic litigation and fighting against impunity autonomously or in cooperation with relevant local and international bodies and organisations. Furthermore, STJ implements capacity-building projects, including documenting human rights violations, collecting evidence, cyber security, social oversight over local authorities, and advocacy at the national and international levels.



 $P\hat{E}L$ - *Civil Waves (P* $\hat{E}L$) is an independent, non-governmental Syrian organisation. P $\hat{E}L$ works in a diverse multi-ethnic, religious, social, and cultural community and believes that protecting and managing diversity and including all residents fairly guarantees sustainable peace. To this end, P $\hat{E}L$ works to engage all citizens without prejudice or discrimination and at all levels. P $\hat{E}L$ focuses on victims of forced displacement. It seeks to strengthen the response to housing, land, and property rights violations in Syria and enable the affected people to organise themselves and defend their cases through systematic and expanded legal and narrative documentation of these violations, which is essential in ensuring the dignified return of forcibly displaced and internally displaced persons to their areas of origin.



Justice for Life (JFL) is an independent, non-governmental, non-profit human rights organization dedicated to the promotion and defense of human rights. Established in 2015, our organization's primary goal is to safeguard human rights by enhancing their presence within local communities across cultural, social, and political dimensions. Our approach is grounded in community engagement, with a fundamental belief that involving diverse societal groups is essential for driving enduring, transformative change. JFL encompasses the defense of human rights, advocacy for the causes of survivors, victims, and their families, all in strict accordance with international standards. JFL actively seeks to exchange knowledge and skills related to

human rights, elections, citizenship, transitional justice, women's rights, and counter-extremism in its various forms. JFL achieves this through capacity-building programs and initiatives that empower local community members and stakeholders, enabling them to better understand and champion these critical issues.

