



# STRUGGLING TO SURVIVE

REFUGEES FROM SYRIA IN TURKEY

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*Cover photo:* A Syrian refugee's makeshift shelter in the city of Kilis, Turkey © Amnesty International

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# CONTENTS

Terminology.....	3
1. Introduction .....	4
Turkey's response amid international failure .....	5
Refugees from Syria in Turkey.....	6
Summary .....	7
Methodology.....	8
2. Access to territory .....	9
The Turkish-Syrian border.....	10
Irregular crossings .....	12
Abuses by Turkey's border guards.....	13
Deaths and injuries caused by use of live ammunition .....	14
Torture and other ill-treatment .....	16
Conclusion .....	18
3. Time for a secure status.....	20
The temporary protection regime .....	20
Registration .....	22
Conclusion .....	23
4. Widespread destitution .....	24
Fending for themselves.....	24
Employment.....	25
Housing.....	27
Nowhere to turn.....	30

Education.....	31
Healthcare .....	33
Conclusion .....	34
5. Conclusion and recommendations .....	36
Conclusion .....	36
Recommendations to the international community.....	36
Recommendations to the Turkish authorities.....	37
6. Annex: Key Human Rights Standards.....	39
Endnotes .....	42

# TERMINOLOGY

- AFAD: Afet ve Acil Durum Yönetimi Başkanlığı (Turkish Prime Minister's Disaster and Emergency Management Agency)
- GDMM: Göç İdaresi Genel Müdürlüğü (Turkish General Directorate of Migration Management)
- IGO: Inter-governmental organization
- INGO: International non-governmental organization
- NGO: Non-governmental organization
- Push-backs: Push-back operations, or push-backs, refer to unlawfully pushing back people who are attempting to cross a border or soon afterwards, towards the country they came from. They are unlawful because they take place without procedural safeguards and without respecting the right of individuals to challenge their expulsion or apply for asylum. If they lead to people being returned to a country where they risk serious human rights violations, then they also amount to *refoulement*, which is prohibited under international law.
- *Refoulement*: Transfer to a place where there is a risk of persecution or other serious human rights violations.
- Syrians: Includes Syrian citizens and those habitually resident in Syria, such as Palestinian refugees. Regardless of their precise status under Turkish law, Amnesty International refers to Syrians in Turkey as refugees, as it considers that all Syrians are *prima facie* entitled to refugee protection under international law.
- UNHCR: United Nations High Commissioner for Refugees
- WFP: World Food Programme

# 1. INTRODUCTION

**“There are two fires: the fire of war, and the fire of exile.”**

M, Syrian NGO worker in Istanbul, 11 June 2014

In just over three years, over 3.2 million<sup>1</sup> women, men and children have fled violence, persecution and other intolerable hardships in Syria for the hope of safety and security outside of the country. Neighbouring states have disproportionately shouldered the responsibility to receive Syrian refugees. As of October 2014, Lebanon has 1.13 million registered Syrian refugees,<sup>2</sup> Jordan is hosting 619,000 Syrian persons of concern,<sup>3</sup> while at least 1.6 million refugees from Syria reside in Turkey.<sup>4</sup>

The response of the international community to the Syrian refugee crisis has been an abject failure, with hopes of safety and security for most refugees cruelly denied. It has become the world's worst refugee crisis in a generation.<sup>5</sup> Yet late in 2014, the UN's regional response plan remains only 51% funded,<sup>6</sup> while European Union (EU) states and other wealthy countries continue to deny access to their territories.

As this report discusses, Turkey has contributed significantly not only in terms of the numbers of refugees it hosts but also the financial resources it has committed to receiving them. Yet more than three years after refugees from Syria started to arrive and despite the evolving policies of the Turkish authorities, a growing number of Syrian refugees in Turkey are struggling to survive.

Officially, Turkey maintains an open-border policy for Syrian refugees, but those without passports are routinely denied access at official border crossings unless they have urgent medical or humanitarian needs, while others live perilously far from official crossings, forcing the majority of refugees to use difficult and often dangerous irregular crossing points. At these points refugees are often forced to rely on smugglers to get them across. Turkish border guards are reported to have pushed refugees back across the border, and to have used unlawful or abusive force as they seek to prevent irregular arrivals – including beatings and the use of live ammunition, resulting in deaths and injuries.

The situation for many refugees inside the country is also dire: Turkey has built some 22 well-resourced refugee camps, accommodating over 220,000 refugees<sup>7</sup> and provided them with food and access to essential services. However the camps are operating at full capacity, which leaves the vast majority of Syrian refugees outside of the camps, and having to fend for themselves. As a result, hundreds of thousands of Syrian refugees across Turkey are likely to be destitute or at serious risk of destitution, with inadequate access to housing, education

and healthcare. Indeed, some are so desperate that they are considering returning to war-torn Syria.

## TURKEY'S RESPONSE AMID INTERNATIONAL FAILURE

Turkey's response to the Syrian refugee crisis, despite its significant resource commitment and many positive policy initiatives, is increasingly showing its limitations, following several years of crisis and an ever-growing number of refugees in the country. Despite their flaws, however, the government's policies contrast sharply with the failure of the international community as a whole to take responsibility for the refugee crisis.

The Syrian refugee crisis is now close to entering its fourth year. Beginning in March 2011, mass protests spread across Syria, triggering a brutal crackdown from the government and leading to an internal armed conflict and humanitarian catastrophe. More than 150,000 people are reported to have died, and some 10.8 million people are in need of urgent humanitarian assistance inside Syria, including approximately 6.45 million internally displaced people.<sup>8</sup> There is no end in sight to the conflict, and people continue to flee. The United Nations' Refugee Agency, the UN High Commissioner for Refugees (UNHCR) reports that as of 30 October 2014, over 3.2 million Syrian refugees had been registered – though the real number of refugees is undoubtedly higher.<sup>9</sup> The majority of this population are children.<sup>10</sup>

The international community is failing to meet the tremendous needs of these individuals. UNHCR is leading the international humanitarian response to the crisis, but its capacity is limited by grossly insufficient funding commitments. Of the UN's 2014 regional funding appeal for \$3.74 billion, as of 15 October 2014 only 51% had been received.<sup>11</sup>

Beyond their inadequate funding commitments, the world's most prosperous countries are failing Syrian refugees in other ways. Pledges for resettlement, whereby a country offers residency and assistance to refugees, as well as humanitarian admission places, which involve temporary residency and family reunification, remain shamefully scarce. In three days in September 2014, Turkey received some 130,000 refugees from Syria, more than the entire European Union had in the past three years.<sup>12</sup> Beyond Europe, many of the world's richest states are equally ungenerous. For example, Canada – which had resettled 60,000 Indo-Chinese refugees in 18 months in 1979-1980 – has pledged a total of 200 resettlement places for refugees from Syria.<sup>13</sup> But by October 2014, three and a half years into the crisis, it was unclear if even this appallingly low target had been met.

UNHCR set a goal of securing approximately 30,000 resettlement places for Syrian refugees from 2013 until the end of 2014,<sup>14</sup> and a further 100,000 places for 2015 and 2016.<sup>15</sup> Largely due to Germany's commitment to resettle 20,000 Syrians<sup>16</sup> (with another 8,500 individual sponsorship arrangements),<sup>17</sup> the 2014 goal has been met. But UNHCR's longer term goal will be impossible to reach without a meaningful and rapid shift in national policies.

Because of the scarcity of safe and legal avenues for leaving the region, many Syrians are forced to risk their lives in attempts at crossing borders irregularly. As Amnesty International has documented, the EU and its member states have created an increasingly impenetrable fortress to repel irregular migrants and refugees – including refugees from Syria. In order to

“defend” its borders, the EU has funded sophisticated surveillance systems; given financial support to member states to fortify their own borders; and created an agency to coordinate a Europe-wide team of border guards to patrol EU frontiers.<sup>18</sup>

It is the countries bordering Syria that are bearing the brunt of the most serious refugee crisis the world has seen in decades. These five countries – Turkey, Lebanon, Jordan, Iraq and Egypt – host 97 per cent of Syria’s refugees.<sup>19</sup> As a percentage of their own populace, Lebanon and Jordan have the largest Syrian refugee populations, whereas Turkey is likely hosting the largest Syrian population outside of Syria.<sup>20</sup> Syrian refugees are vulnerable to numerous types of human rights violations in host countries, as Amnesty International’s research in Jordan,<sup>21</sup> Lebanon,<sup>22</sup> and Egypt<sup>23</sup> has shown.

Turkey’s response, in many respects, has been impressive, particularly in providing well-resourced camps for more than 220,000 refugees, and granting the right to free health services to all Syrian refugees in the country. A number of state agencies are responsible for the refugee response, advised by UNHCR. Other laudable initiatives include providing registration for refugees outside of the camps and allowing more international non-governmental organizations (INGOs) to carry out work in support of refugees.

## REFUGEES FROM SYRIA IN TURKEY

Almost immediately after the first Syrian refugees entered Turkey in April 2011, the government designated the Prime Minister’s Disaster and Emergency Management Presidency (AFAD) as the lead agency responsible for Syrian refugees, and by October 2011 eight camps had been built. Since 18 January 2013, all Syrian refugees in the border provinces have been entitled to free healthcare.<sup>24</sup> And as an example of best practice, on 9 September 2013, this was extended to include all Syrian refugees throughout the country<sup>25</sup> (although as discussed in Chapter 4, this right remains unevenly implemented across the country).

Camp conditions are reported to be acceptable. Although Amnesty International – along with most other international and national NGOs – has not been granted access to the refugee camps, Syrian refugees and other credible sources affirm that material conditions are good. Beyond shelter, all the camps reportedly have medical centres, schools, recreational facilities and vocational training programs. Refugees are able to obtain permission to leave the camps on the condition that they return at night. On the other hand, some studies have reported on camp residents’ complaints, which include allegations of food poisoning from the meals provided; the uneven distribution of goods such as soap, toothpaste and baby food; and the unsuitability of the tents for winter weather conditions.<sup>26</sup>

The majority of Syrian refugees in Turkey now live outside the camps. In October 2014, AFAD estimated the country’s Syrian population at 1.6 million.<sup>27</sup> The border provinces with the highest numbers of Syrian refugees are Hatay, Gaziantep and Şanlıurfa,<sup>28</sup> and an estimated 330,000 live in Istanbul.<sup>29</sup> According to AFAD figures provided to UNHCR, as of 2 October 2014, a total of 896,702 Syrian refugees (both inside and outside camps) had been registered in Turkey.<sup>30</sup> A UNHCR source from April 2014 cites the number of residents in refugee camps across 10 provinces as 222,102.<sup>31</sup> Therefore, according to official numbers, about 85 per cent of Syrian refugees in Turkey currently live outside the camps. However, because of incomplete registration, the actual figures are likely to be higher, as Turkish



authorities have acknowledged.<sup>32</sup>

Turkey has borne almost the entirety of the expense in dealing with this massive influx of refugees. Although in the initial stages of the Syrian conflict, the Turkish government had refused outside assistance – for a number of reasons, including its prediction of a brief conflict and the wish to remain in control of the camps – it changed course in April 2012,<sup>33</sup> and joined the UN Regional Response Plan later that year.<sup>34</sup> However, meaningful international aid has not been forthcoming. Turkey says that it has spent \$4 billion on Syrian refugees.<sup>35</sup> Yet of the \$497 million earmarked for Turkey in the UN's 2014 regional funding appeal for Syrian refugees, by 15 October 2014 only 28 per cent had been received.<sup>36</sup>

Civil society is also contributing to the efforts to address the Syrian refugee crisis in Turkey, despite what is described by many as a difficult operating environment for NGOs, with onerous restrictions placed on what activities they can undertake. This is the case to an even greater extent for INGOs, which must first undergo Turkey's opaque and complex registration process, which can take months or even years to complete.<sup>37</sup> It was reported to Amnesty International that registered INGOs were prevented from distributing relief to Syrian refugees but were instead required to hand over items for distribution by AFAD.<sup>38</sup> NGOs are reportedly discouraged by AFAD from working with Syrian refugees who have not registered.<sup>39</sup> Just as in many aspects of aid for Syrian refugees, NGOs' ability to carry out their work differed markedly by province, with Hatay being a comparatively easier environment than provinces further east. The situation may be improving; as of April 2014 approximately 20 humanitarian INGOs had been registered in Turkey, compared to only three a year earlier.<sup>40</sup> However, the three months up to October 2014 have seen no new registrations of INGOs. More broadly, there remains a lack of effective cooperation and trust of civil society by the state authorities. A common understanding of humanitarian assistance still needs to be developed – in particular an acceptance that the provision of relief should be targeted at the most vulnerable based on an accurate assessment of needs, and subjected to monitoring and evaluation.

## SUMMARY

The response of the international community to the Syrian refugee crisis – the largest such crisis in decades – has been an abject failure, with hopes of safety and security for most refugees cruelly denied. Funding and resettlement commitments remain entirely inadequate, and Syria's neighbours have disproportionately shouldered the responsibility to receive the refugees.

Turkey is hosting at least 1.6 million refugees from Syria, of which over 220,000 are accommodated in government-run refugee camps. However, the country's response to the Syrian refugee crisis, despite its significant resource commitments and many positive policy initiatives, is increasingly showing its limitations. Many individuals are being denied access to the safety of Turkish territory, and those who must cross irregularly are at risk of abuses such as push-backs, being fired on with live ammunition, or torture and other ill-treatment. Once they have reached Turkey, Syrian refugees' legal status is not entirely clear or secure. And because the government-run camps are operating at full capacity, the vast majority of Syrian refugees must fend for themselves, resulting in widespread destitution.

Amnesty International is calling on the international community to significantly scale up its

support for refugees from Syria in the spirit of genuine responsibility-sharing. Amnesty International is also calling on the Turkish authorities to ensure safe passage for refugees from Syria, and to work with international partners to ensure that refugees' essential needs are met.

## METHODOLOGY

This report is based on information gathered by Amnesty International during research in Turkey in June, July, August, September and October 2014. Amnesty International delegates carried out research in Istanbul and Ankara, as well as cities and towns in the border provinces of Gaziantep, Hatay, Kilis, Mardin and Şanlıurfa. The delegates conducted individual and/or group interviews with approximately 300 refugees from Syria, including Syrian nationals and Palestinians. Amnesty International met with Turkish officials representing AFAD, the General Directorate of Migration Management and the Ministry of the Interior, as well as the Governor of Şanlıurfa province. The organization's attempts to meet with the Foreigners' Police Department were unsuccessful. Amnesty International spoke with UNHCR, as well as international and national NGOs and associations formed by Syrian refugees and others playing an active role within civil society. Additional interviews were carried out by phone.

This report focuses on Syrian refugees in non-camp settings. Amnesty International has separately raised concerns regarding other refugee populations in Turkey, who collectively number at least 100,000.<sup>41</sup> Amnesty International is particularly concerned about the situation of refugees who have fled violence in Iraq, but unlike refugees from Syria, have not been provided with temporary protection status or access to services.

Amnesty International would like to thank all those who assisted with the research and preparation of this report, including all the individuals we spoke with in Turkey, and especially the refugees who were so generous with their time and testimonies.

The names of most individuals have been withheld or changed to protect their identity.

## 2. ACCESS TO TERRITORY

**“Ali was afraid. He had been afraid before making the attempted crossing and now didn’t know what to do.”**

Gani Özdemir, telling Amnesty International how his 14-year old son Ali felt before allegedly being shot in the head by Turkish border guards in May 2014

The most basic obligation of states towards refugees is to grant persons fleeing persecution or war access to their territory, in order to satisfy the *non-refoulement* principle that underpins the international legal regime of refugee protection.<sup>42</sup> In theory, Turkey’s much-lauded “open-door policy” grants refugees from Syria the right to seek asylum in Turkey. But in practice, entering Turkey via its 900km southern border with Syria has become fraught with danger and difficulty.

Syria’s border region has been a live conflict zone for much of the period since the crisis began in March 2011. While this gives rise to legitimate security concerns, it also underscores how vital it is that refugees from Syria can seek safety in Turkey. Amnesty International is concerned about Turkey’s policy of denying entry to refugees without passports (who represent the vast majority of those seeking asylum in Turkey) at official border points, which forces them to use irregular entry points; this puts the lives of people fleeing at risk and also brings additional insecurity to Turkey’s border area. Amnesty International is similarly concerned that there are insufficient regular crossing points which remain open for Syrian refugees seeking to flee to Turkey, particularly from the north-east of Syria. In that area, where the population is predominantly Kurdish, the official border crossing points near Kobani (or Ayn al-Arab in Arabic)/Suruç, Tell Abyad/Akçakale, Ras al-Ayn (or Serêkaniye in Kurdish)/Ceylanpınar and Qamishly/Nusaybin have for the most part been closed to people fleeing Syria for much of the past two years. As a consequence of these and other closures, many Syrians have chosen to try to enter Turkey irregularly rather than trying to reach official crossings through territories controlled by different parties to the conflict, where they may be taken captive or subjected to other abuses.

This chapter explains the abuses suffered by refugees from Syria when seeking to enter Turkey. It documents refusal of entry at, and push-backs from, Turkey’s border and the use of abusive or unlawful force by Turkey’s border guards – from live ammunition to beatings

resulting in deaths and injuries. The Turkish authorities must ensure that these abuses end and commit to investigating allegations of past abuses. Amnesty International also calls on Turkey to radically revise its border practices, ending the necessity for refugees to use dangerous irregular crossings by ensuring the existence of sufficiently located, secure, regulated border crossing points for refugees irrespective of whether they have passports.

Amnesty International submitted a ten-page memorandum containing testimonies and other details relating to 17 fatal shootings and 10 incidents in which 31 individuals were allegedly beaten by Turkish border guards (thereby totalling 48 alleged victims), to both the Ministry of the Interior and the General Directorate of Migration Management on 15 and 16 September, respectively. By the time this report was completed in early November, no response had been received.

## THE TURKISH-SYRIAN BORDER

The situation in Syria presents multiple border management challenges to Turkey. In addition to the front lines being contested by parties to Syria's conflict who seek to control strategic areas on the border, there has been a spill-over of the conflict into Turkey itself. By April 2014 more than 75 Turkish nationals had died from stray shells, car bombs and clashes on Turkish territory.<sup>43</sup> Irregular crossings from Turkey are used by individuals seeking to join the fighting in Syria, and almost certainly by members of armed groups seeking to enter Turkey. There is also a longstanding smuggling trade across the border with people, as well as fuel oil, cigarettes, food items, auto parts, and weapons being smuggled.<sup>44</sup> While many smugglers are unarmed (according to information given by refugees to Amnesty International, as well as numerous reports), some smugglers operating on the border are armed and occasionally have fired on Turkey's border guards.<sup>45</sup>

The insecurity of the border area, and Turkey's policies designed to cope with it, have had a devastating impact on people trying to leave Syria to seek safety in Turkey. Official border crossings have become largely accessible only to the small minority of refugees from Syria who possess valid passports and live within a safe travelling distance of such points. In meetings with Amnesty International, Turkish officials acknowledged that official border crossings were only open to refugees with passports or "an urgent medical or humanitarian need," frequently citing the lack of capacity in Turkey's refugee camps as a justification.<sup>46</sup> However, even for refugees with passports, in practice entry at an official crossing gate may be impossible. In addition to the closures of four crossings cited above, border crossings have otherwise been closed when violence escalates in Syria: for example, the Öncüpınar/Bab al-Salamah crossing in September-October 2013 and February 2014; Cilvegözü/Bab al-Hawa in December 2013 and late January 2014; and Karkamış/Jarablos in early January 2014.<sup>47</sup>

Despite this, there have been positive examples of Turkey facilitating open and regulated border crossing points for refugees from Syria without passports.<sup>48</sup> On 25 September 2014 an Amnesty International delegate observed one such example at the Yumurtalık border crossing established by Turkey to facilitate the arrival of refugees from the Kobani area (also known by its Arabic name, Ayn Al-Arab) in the north of Syria's Aleppo Countryside governorate, south of Suruç, in Turkey's Şanlıurfa province. In addition to medical and registration services present at the border, police officers were present to ensure unauthorized items were not brought in. This example of good practice – at least briefly adopted during the September-October 2014 attack on Kobani – is one that should be

implemented as a general border policy, ensuring both the security of the border and the safe passage of refugees into Turkey. However, when Amnesty International delegates returned to Turkey's border with Kobani later in October, the border was closed to people without urgent medical conditions,<sup>49</sup> just as it had been during most of the period since the Islamic State armed group began its assault on the area in July 2013.<sup>50</sup>

### **Unlawful detention of 300 Kobani refugees**

In October 2014 almost 300 refugees from the Syrian city of Kobani, also known as Ayn Al-Arab, were held in a sports hall for up to 15 days in Suruç, in Turkey's Şanlıurfa province, which is close to the border.<sup>51</sup> The Syrian refugees had fled Kobani, under assault by the Islamic State armed group which was fighting with YPG (People's Defence Units), the armed group of the Kurdish Democratic Union Party (PYD) that had held Kobani since July 2012.

The group of women, men and up to 30 children, who were not told the reasons for their detention, were held together in very poor conditions without access to their family members or medical care. The detention took place after they attempted to cross into Turkey at the Mürşitpınar border gate on 5 October. A number of the refugees told Amnesty International that they were beaten, threatened with a knife and otherwise ill-treated by Jandarma (military police) officers while being interrogated.

The unlawful and irregular detention of so many refugees is an exceptional case, but Amnesty International has received reports of other instances of extended administrative detention of Syrian refugees. According to a lawyer who spoke to Amnesty International, the authorities sought to justify the detention as "administrative supervision ahead of deportation" under Article 57 of the Law on Foreigners and International Protection.

Amnesty International was granted access to the refugees detained in the sports hall on 18 October, by which time there were 95 men remaining in detention after two groups of women, men and children had been sent back to Kobani in Syria and a third, smaller group of women and child refugees had been released and allowed to remain in Turkey.

The refugees told Amnesty International that those who had been sent back were coerced by the Turkish authorities, who said that they would be detained indefinitely unless they agreed to be returned and not attempt to re-enter Turkey. This would amount to constructive *refoulement*, which is prohibited under international law and Turkey's domestic law.

Among those who were returned, a 15-year old boy came back to Turkey the next day, having reportedly sustained a serious injury to his legs in an apparent bomb attack by the Islamic State armed group. He has since had one of his legs amputated in a hospital in Suruç.

During the interviews that Amnesty International conducted with the refugees in the sports hall, the refugees said that they were not given reasons for their detention. One said "If we have committed a crime, then take us before a court and let them prove it." Many of the refugees told Amnesty International that their families did not know that they were in detention. Those whose family members were aware of their detention were not allowed to see them.

Refugees also told Amnesty International that they were individually interrogated on the third day of their detention, during which time they were ill-treated by gendarmerie officers, who put them on the floor and stood on their limbs. Some of the refugees told Amnesty International that when they were questioned as to whether

they were members of the Kurdish PYD administration, they were threatened with knives put to their throats and told “We will cut off your heads and throw them into Syria.”

The refugees were held in the sports hall 24 hours a day, which Amnesty International observed to have inadequate ventilation and only one filthy toilet and shower. Amnesty International spoke to nine men who had urgent medical complaints. One man told Amnesty International that he had suffered a heart attack while in detention in the sports hall. An ambulance took him to hospital but he was returned to the sports hall after an hour and not provided with medication or further medical examination. The refugees told Amnesty International that none of the others had been given any access to medical examination, treatment or medication during their detention. A further eight men reported medical problems to Amnesty International including a spinal injury, respiratory problems, a heart condition, anaemia, urinary infection, kidney stones and skin diseases. Many of the refugees told Amnesty International that their conditions had arisen or worsened during their detention.

The refugees told Amnesty International that they were civilians. Nine asserted that they were journalists working for the Hawar news agency and had remained in Kobani to transmit news of the situation there to the outside world.

The remaining 95 detained refugees were finally released on 20 October and allowed to remain in Turkey with their families. As of the end of October 2014, however, there had been no response from the authorities to criminal complaints into the unlawful detention, ill-treatment and return of the refugees.<sup>52</sup>

## IRREGULAR CROSSINGS

The absence of sufficient open official border crossings, combined with the fact that the vast majority of refugees from Syria do not possess passports, means that many have been forced to use irregular entry points to enter Turkey. Virtually all Palestinians resident in Syria are forced to enter Turkey irregularly as a result of their documents not being accepted by Turkey’s border guards (See boxed text, “Palestinians from Syria,” below). Beyond Palestinians from Syria, it is likely that the majority of the 1.6 million refugees in Turkey entered the country through irregular channels. In some cases the crossing may be straightforward, but in many others it represents a difficult and potentially dangerous journey that prevents access to Turkish territory.

Refugees told Amnesty International of instances where Turkish border guards turned a blind eye or even facilitated refugees arriving at irregular entry points. The tens of thousands of refugees reported by AFAD to have arrived from Kobani to Suruç in the days following 18 September 2014 are reported to have arrived irregularly, unobstructed by, and occasionally with the assistance of, Turkish border guards.<sup>53</sup> In another instance of refugees from Syria being allowed entry via irregular means, a Syrian man in Turkey’s Kilis province told Amnesty International that while attempting to cross near the Bab al-Salameh/Öncüpınar border crossing in the Aleppo countryside governorate, south of the city of Kilis in Turkey, in April 2012, he, his wife and three children were caught by Turkish border guards and sent back to Syria three times over the course of six days. Finally, when one of the border guards found out that they were on their fourth attempt, he took pity on them and let them through.<sup>54</sup>

Many refugees who spoke with Amnesty International reported being summarily returned to Syria by Turkish border guards in “push-back” operations across the border. Indeed, many of

the reported push-backs involved not only denial of entry to Turkey but also violence against the refugees by Turkish border guards (see “Abuses by Turkey’s border guards,” below).

Forcing refugees to use irregular entry points is problematic for several reasons. Turkey’s border with Syria is mined at many points, and a number of refugees have been reported to have been killed and injured by mines when making the crossing.<sup>55</sup> Refugees told Amnesty International that they had been required to pay smugglers in order to make the crossing. Others told Amnesty International that the crossings were physically arduous. Thus, the necessity to use irregular crossing points may be denying those most in need of safety entry to Turkey – either because they are too poor or physically unable to make the journey. For example, a Syrian refugee in Istanbul told Amnesty International that she is desperate for her elderly parents in Aleppo city to join her. But because they do not have passports, they cannot use a regular border crossing, and they are physically unable to make the journey required for an irregular crossing.<sup>56</sup> The reliance on irregular crossings has also created a vast smuggling economy to add to the existing illicit trade, which also transports items including weapons that present a threat to Turkey’s security.

### **Palestinians from Syria**

Most Palestinian refugees who were living in Syria and who sought safety in Turkey have been unable to enter the country through official border crossings. While UNHCR has affirmed that an unpublished Turkish Ministry of the Interior regulation of March 2012 (discussed further in Chapter 3) states that Palestinians from Syria seeking refuge in Turkey have the same rights to temporary protection as Syrian citizens and do not need a visa,<sup>57</sup> this has frequently not been applied in practice by Turkish border guards at the country’s land and air borders. All but one of the dozens of Palestinian refugees from Syria who spoke with Amnesty International during the preparation of this report had to enter the country by crossing the border irregularly.

A representative of a charitable organization working with Palestinians from Syria in Turkey told Amnesty International: “All Palestinians [from Syria] enter Turkey irregularly as they cannot get the visa. There is no Turkish embassy in Syria to apply for a visa and it is almost impossible to get a visa from the Turkish embassy in Lebanon.”<sup>58</sup> When Palestinians from Syria did have a valid passport, Amnesty International was told, border guards would ask them for visas, even though they do not require visas of Syrian nationals. One family of mixed Palestinian and Syrian nationality carrying valid travel documents was told that those with Syrian nationality could enter while those with Palestinian nationality could not.<sup>59</sup>

Nevertheless, thousands of Palestinians from Syria have managed to flee Syria to Turkey. Estimates understandably vary, with one report indicating that some 10,000 may have entered since the start of the upheaval in Syria in 2011, although three quarters of these may have since left.<sup>60</sup> Well-informed individuals Amnesty International met in Turkey, including Palestinian-Syrian human rights defenders and a Syrian journalist, estimated that there are currently around 500 Palestinian families in Turkey, or a total of some 3,500 individuals.<sup>61</sup>

### **ABUSES BY TURKEY’S BORDER GUARDS**

During the course of its research, Amnesty International received credible and consistent testimonies regarding abuses by Turkey’s border guards in violation of human rights conventions to which Turkey is a party, as well as Turkey’s own laws.<sup>62</sup>

The cases below illustrate the two main types of abuses against refugees that were reported

by victims, their relatives and others: the use of live ammunition at the border, as well as torture and other ill-treatment, often accompanied by being pushed back to Syria. The cases represent an illustrative sample of the more than 40 individuals reportedly shot or beaten about whom Amnesty International wrote to the Turkish authorities in September 2014. All but one of the incidents took place in 2014, and all but one of the victims were males, aged between 14 and 60 years old. The exception was a teenage girl who said she was beaten at the same time as her father. Most of the abuses documented in this chapter involve irregular crossings from the predominantly Kurdish areas of Syria, south of Turkey's Cizre, Mardin and Şanlıurfa provinces. Shootings were also reported at irregular entry points in Turkey's Kilis province. Similar but less well-documented abuses were reported to Amnesty International in Hatay province. All of the victims were credibly reported to be unarmed civilians seeking safety in Turkey, were not accompanied by armed individuals and did not pose any risk to Turkish border guards or others. It is very likely that many more refugees from Syria have suffered abuses at the hands of Turkish border guards, without reporting it. At the same time, the majority of refugees that Amnesty International spoke to were able to cross the border safely.

Amnesty International sought a response from the Turkish authorities regarding the alleged abuses, submitting the testimonies in writing to the Ministry of the Interior and General Directorate of Migration Management on 15 and 16 September 2014, respectively. However, no response was received from the authorities by the time of completion of the report in early November.

Amnesty International calls for prompt, impartial and effective investigations to be held into all alleged cases of unlawful use of force by Turkey's border guards. The organization also calls on the Turkish authorities to ensure that any use of force by Turkey's border guards henceforth adheres strictly to international standards on the use of force and firearms, in particular the requirements of necessity and proportionality.<sup>63</sup>

#### DEATHS AND INJURIES CAUSED BY USE OF LIVE AMMUNITION

The 17 deaths were reported to have been caused by the use of live ammunition between December 2013 and August 2014, having taken place relatively evenly across that time period. For 11 of those cases, information was received both from Syrian human rights defenders, including lawyers, as well as media reports. Information on one case was received from an eye-witness as well as from media reports; on one case from a friend of the deceased as well as a human rights defender and a video-clip; on one case from a relative, a lawyer and media reports; and information on three cases was from media reports only. One case of serious injury from the use of live ammunition is based on information received from the family, from photographs of the injuries, from lawyers and from media reports.

All the alleged shootings took place at irregular crossing points into Turkey's Cizre, Kilis, Mardin and Şanlıurfa provinces. In none of the information seen or received by Amnesty International was it stated that meaningful warnings were issued before shots were fired; in one case only it was reported that the shooting occurred at the same time as a shout to stop. Amnesty International is aware of investigations taking place into only two of the incidents.<sup>64</sup>

**Suleiman Ahmad Khalaf**,<sup>65</sup> a 25-year old carpenter from al-Derbasiyah in al-Hasakah governorate, was fatally shot on 29 December 2013. According to a close relative who was



with him, the two of them were part of a group of seven or eight refugees seeking to enter Turkey from al-Derbasiyah to Şenyurt, a town in Turkey's Mardin province a few hundred metres from the border. The relative told Amnesty International that they crossed the border at about 4:30pm and were immediately spotted by Turkish border guards in a vehicle.

*"There was one shout to stop but at the same time they began shooting. There were two of them, one soldier and one officer. They shot once from about 30 to 40 metres then they shot again, this time hitting Suleiman's chest. He fell to the ground. One of the men with us asked the soldier, who spoke Kurdish, to help pull Suleiman into their car and throughout the officer was silent and just watched. He eventually called an ambulance, which arrived 15 minutes later. Suleiman was still alive. The ambulance came and he was taken to the government hospital in Mardin city, in Turkey. He died one hour after being shot."*

The relative was held overnight at a police station. The next day he was released and the father of Suleiman Ahmad Khalaf was permitted to cross into Turkey from where the two of them escorted the body back to Syria.

This same relative made a statement to the Turkish military regarding the shooting on the day of the incident. According to official documents related to the investigation seen by Amnesty International, a 21-year old conscripted soldier admits to shooting Suleiman Ahmad Khalaf. He stated that three members of the group attempting to cross the border were armed, and that they attempted to escape despite the soldier shouting an order for them to stop. The soldier also claims that he shot Suleiman Ahmad Khalaf accidentally after his gun went off when he tripped on a wire fence. As of the end of October, the criminal investigation into the incident was ongoing.

**Ali Özdemir**,<sup>66</sup> aged 14, was shot in the head on the night of 18 to 19 May 2014 when approaching the Turkish border near al-Derbasiyah in al-Hasakah governorate in Syria and Kızıltepe in Turkey. Gani Özdemir, Ali's father, told Amnesty International about what happened to his son. Gani was not with his son, but the events were relayed to him by Ali and others who were with him. Ali was with nine other refugees – his cousin, two friends and a family of six. They had not paid smugglers to take them across. They planned to enter Turkey from near the Syrian town of al-Derbasiyah to Kızıltepe in Turkey's Mardin province, where Ali's family had been living for most of the crisis in Syria.

*"About 10 metres before the Turkish border, they heard people talking Turkish. Ali was afraid. He had been afraid before making the attempted crossing and now didn't know what to do. Just as he decided to turn back from the border and turned his head and body slightly to his left to begin to do so, he was shot in the side of the head. There was no verbal warning and there were no warning shots in the air. It was a single shot that entered his skull just behind the right eye socket and exited his head just behind the left eye socket."*

Ali was blinded in both eyes.

Ali fell to the ground, saying "I can't see," but did not lose consciousness. Other shots were then fired but no one was hit. Ali was carried away by members of the group he was with and taken to al-Derbasiyah hospital in Syria. However, due to a lack of medical staff and facilities the hospital was unable to treat him. He was subsequently transported to hospitals in several

Syrian towns – including ‘Amudah, Qamishly and Derek – none of which were able to provide adequate medical care. Once more he was taken to Qamishly hospital. The people who helped him in Syria contacted the authorities in Mardin city and Kızıltepe in Turkey, and eventually Ali was brought into Turkey for emergency medical treatment. He was taken to a private hospital in Kızıltepe where he stayed for three days. Thereafter he was admitted to a hospital in Diyarbakır where he stayed for 15 days, seven of which were in intensive care. He underwent an operation on 2 June. Four days later he was taken to his father’s home in Kızıltepe. Later in June, Ali was eventually granted a visa to join his mother in Germany.

Gani Özdemir told Amnesty International that there has been no official apology from anyone in Turkey. A legal aid lawyer from Mardin took a statement from Ali and himself on or around 10 June but Gani Özdemir did not know his name – nor was he given any contact information or informed about the outcome of any investigation.

On 30 October 2014, Gani Özdemir made a criminal complaint to prosecutors regarding the shooting of his son.<sup>67</sup>

#### TORTURE AND OTHER ILL-TREATMENT

In its memorandum to the Turkish authorities, Amnesty International provided information on 10 separate incidents in which a total of 31 individuals, all said to be civilians, were beaten by Turkish border guards when seeking to enter the country irregularly. In one case, the individual died (see below, case of Mustafa Shams al-Din Haj Ismail). All of the victims were males except for one 14-year old girl. Men who were not travelling in the company of family members appeared to be particularly targeted for beatings, while families, women and children were generally spared abuse. The most commonly reported beatings were with hands, kicks and sticks. Rifle butts were also used. In three cases individuals stated that guns were pointed at them; in one case the victim was threatened with death, in another case bullets were reportedly fired into the ground beside the victim. In several cases the victims were reportedly humiliated – such as being stripped, being urinated upon, or being made to crawl like an animal. The individuals beaten, as well as anyone else with them, were subsequently forced to return to Syria.

The 10 incidents occurred at fairly regular intervals between November 2013 and August 2014 and at different locations from Idlib (Syria) / Hatay (Turkey) to the west to al-Hasakah (Syria) / Mardin (Turkey) in the east, with a majority in the latter, predominantly Kurdish region. In eight of these 10 cases, testimony was received directly from individuals who suffered abuse, while in one it was from a brother who told Amnesty International that he saw the injuries sustained and heard a description of what had happened. In nine of the cases, the beatings and other abuses took place in the open, near the border, and in two of those cases beatings continued in military dug-outs. In one case, the beatings occurred at a military base. In the fatal case of Mustafa Shams al-Din Haj Ismail, described below, for which information has been received from his family as well as from a man who had accompanied him on the attempt to cross the border and also from the autopsy report of a Syrian coroner, it is not known where the abuse took place.

**Mustafa Shams al-Din Haj Ismail**<sup>68</sup> was a 44-year old unemployed man from Syria’s Tell Hajar in al-Hasakah governorate. According to two of his relatives, he died in the custody of Turkish border guards after seeking to enter Turkey with three other refugees via an irregular

border crossing on the night of 18 to 19 February 2014, in an area to the west of al-Derbasiyah in Syria, immediately south of Şenyurt, in Turkey's Mardin province. His relatives told Amnesty International that he wanted to enter Turkey to seek medical treatment for kidney problems. He had to enter Turkey irregularly as the official border crossings in the area were closed.

One of the men accompanying him gave written testimony to the family that was passed in turn to Amnesty International. He wrote:

*"When we crossed the border it was 4am. I and my friends Mustafa and [M, name withheld] and a guide...crossed the first barbed wire then a second and a third. The guide went first, then me, then M was the third and Mustafa last. We arrived at a very high wire, around three metres high, so we crossed underneath it. Each of us would raise the wire for the other to cross and after we crossed the border by about 10 metres we suddenly heard the voices of [Turkish] soldiers who....fired at us. We ran. I thought Mustafa was with us, and suddenly I could not find him and I could not go back as they were still shooting. We arrived in Syria, [from where we] saw a [Turkish] military car stop. They put him [Mustafa] in the car and took him... The following day ... they threw him on the barbed wire [between Turkey and Syria]."*

His relatives told Amnesty International that his corpse was placed on the barbed wire fence between the two countries by a vehicle with a crane lift. The relatives provided Amnesty International with a copy of the report by a Syrian coroner, in Syria, [name withheld] who examined the body:

*"On Thursday 20 February 2014 at exactly 20:00 hours, I was summoned ... to examine a body brought to the medical centre in al-Derbasiyah after it was found thrown on the barbed wires on the Turkish-Syrian border. The body was examined in the medical centre... The cause of death was brain haemorrhage due to hard blows with a metal instrument on the skull. Also found were: A bruise to the upper lip accompanied by breakage to the upper teeth (two of them) with tears to the inner cheek and gums; fracture to the base of the skull due to the violence on the skull before death; a bruise was found on the left cheek; a bruise was found on the back of the neck to the left; all that is mentioned above was inflicted with a metal object (the butt of a rifle, a stick, a metal bar); also found were a variety of bruises to the face and hands; first-degree burns on the left wrist – indicating that he had been tortured and subjected to violence in different ways and with different instruments; no indication of first aid being administered before death; after death occurred, marks in the shape of the barbed wires were found on the back. Time of death approximately 5am on Wednesday 19 February 2014, indicating that he had suffered more than one hour under torture without administering first aid to him until he died."*

The family is not aware of any investigation having been established by the Turkish authorities to look into the death.

Additionally, the following three cases represent typical testimony regarding beatings of people caught while trying to cross the border irregularly before being pushed back into Syria.

**"Lokman"**<sup>69</sup> [real name withheld], a 35-year old Syrian Kurdish activist from Serêkanîye (also known by the Arabic name Ras al-Ayn), south of Ceylanpınar in Turkey's Şanlıurfa province,

told Amnesty International that he was beaten by Turkish border guards on the night of 3 to 4 August 2014 when attempting to enter Turkey close to his home. He explained to Amnesty International that he had to cross the border irregularly as the official border crossing points nearby were closed, and it was too dangerous to travel to an open border crossing, due to his fear of being caught by either the Islamic State armed group or Syrian government forces. He said:

*“By the village of al-Aziziyah, about 10km west of Ras al-Ayn, I entered Turkey with 16 other people including two children and five women, all of us civilians. About 20 metres into Turkey, three armoured personnel carriers arrived, out of which came about 15 soldiers. After some insults and beatings, the border guards returned everyone to the Syrian side except for myself and two others who were not accompanied by families. At a dug-out on the border, they beat us for about 30 minutes with wooden and rubber or plastic sticks about a metre long. They threatened us that if we returned we would be shot.”*

**“Mohammed Ali”**<sup>70</sup> [as he told Amnesty International he should like to be referred to], aged 60, and his daughter, **“Hervin”** [real name withheld] aged 14, from Serêkanîye / Ras al-Ayn, were beaten by Turkish border guards on or around June 2014, according to the testimony that he gave Amnesty International. At around 8pm, Mohammed Ali, his daughter and eight-year old son, together with other men, women and children, all civilians, crossed irregularly into Turkey from the al-Aziziyah area in Syria, west of Ras al-Ayn which is south of Ceylanpınar in Turkey’s Şanlıurfa province. Mohammed Ali described how they heard three shots fired – assumed to be warning shots fired by Turkish border guards – while they were running inside Turkish territory and Hervin fell to the ground, where she was kicked several times by a Turkish border guard. Mohammed Ali was kicked in the head and in the chest when he went back to comfort his daughter. He showed Amnesty International a partially healed split eyelid that he said he sustained in the beating. One other man was beaten during the episode. While Mohammed Ali was lying on the ground, the border guard shot three bullets into the ground approximately 20cm away from him. The border guard insulted the group and humiliated them by forcing them to take off their shoes and walk barefoot back to Syria.

**“Mohammed”**<sup>71</sup> [as he gave his name to Amnesty International] and two other young men from Jebel al-Zawiyah told Amnesty International that they were beaten by Turkish border guards when they sought to enter Turkey irregularly in or around late May 2014 from Azmareen in Idlib governorate, towards Hacıpaşa in Turkey’s Hatay province. They said they were caught by five border guards who came in an armoured patrol car and beat them with sticks for five minutes, then made them swim across the al-Aassi river, which at that point they said was 20 metres wide, back to Syria.

## CONCLUSION

It is clear that Turkey’s current border policies are not working. Syrian refugees are being denied access to Turkey, pushed back or even killed or injured while attempting the crossing.

The right to leave Syria, one of the world’s worst humanitarian disasters, to seek asylum, is a life or death issue. Turkey must change its border policies to ensure that refugees can access its territory, and do so safely. The necessity for refugees to enter irregularly is dangerous and may prevent the most vulnerable from even attempting to enter Turkey. It also serves the

interests of Turkey badly, boosting the smuggling economy and increasing insecurity.

In line with Turkey's open door policy, the government should open enough regulated and secure entry points, and ensure that all persons seeking international protection, irrespective of whether they have valid travel documents, are granted access.

The abuses by border guards need to be brought to an end. Allegations of use of unlawful or abusive force and push-backs should be effectively investigated. The authorities must ensure that border guards are required to respect the rights of refugees from Syria to seek safety in Turkey and that any use of force complies with international human rights standards, in particular the principles of necessity and proportionality.

### 3. TIME FOR A SECURE STATUS

Turkey has devoted significant resources to the reception of refugees from Syria, and the Prime Minister and other senior public officials have restated Turkey's commitment to receiving refugees until it is safe for them to return.

However, for three and a half years the government of Turkey failed to provide clarity as to the legal status and entitlements of refugees from Syria once they entered Turkey. With the exception of free access to healthcare, refugees from Syria remained unsure of what they could expect in terms of support from the Turkish authorities and how long they would be welcome in the country. The situation was not helped by frequent statements from the authorities referring to Syrians as “guests” rather than refugees.<sup>72</sup>

The authorities took an important and welcome step in addressing this situation when the Council of Ministers passed the Temporary Protection Directive in October 2014 (see boxed text, below).<sup>73</sup> This long-awaited move replaces an unpublished circular from March 2012 setting out the terms of temporary protection. The Directive grants a secure legal status for refugees from Syria and enables them to receive identity cards. If fully and promptly implemented, it should help refugees to access a range of rights and entitlements.

#### THE TEMPORARY PROTECTION REGIME

Temporary protection status was initially conferred on refugees from Syria in October 2011.<sup>74</sup> The temporary protection regime was subsequently set out in an unpublished Ministry of the Interior circular issued in March 2012. According to UNHCR, the directive met international standards, in particular guaranteeing all Syrian residents (including Palestinians resident in Syria) access to Turkish territory, protection against *refoulement* and access to basic services. However, the directive (as well as the meaning of “basic services”) was not communicated to Syrian refugees or civil society organizations working with them. In some cases public officials also seemed unaware of the rights to which refugees from Syria were entitled.<sup>75</sup> The fact that the temporary protection circular was unpublished and that the entitlements contained within it were unknown created a host of problems.

The Turkish authorities took another step towards defining temporary protection status in April 2013, when Parliament passed its first piece of primary asylum legislation – the Law on Foreigners and International Protection (no. 6458), which came into force on 11 April 2014. The new law provided for the awarding of temporary protection status but did not confer it nor set out the rights afforded by it.<sup>76</sup> The law stipulated that the precise meaning of “temporary protection” and the entitlements that flow from it would be set out in secondary legislation.<sup>77</sup> Perhaps the most significant failing of this legal framework was the uncertainty around Syrian refugees’ legal status, which created multiple problems for refugees. Refugees from Syria told Amnesty International that they were unsure how long they would be able to remain in Turkey

and that they were afraid to approach the authorities – for example to report a crime to the police, or even to register, for fear of being negatively treated or even returned to Syria. The combination of factors has contributed to Syrian refugees living on the margins of society in Turkey.

Refugees from Syria to whom Amnesty International spoke frequently articulated their sense of feeling vulnerable in Turkey. A young Syrian woman in Hatay told Amnesty International she believed that “At any minute, the government can say to Syrians: just leave.”<sup>78</sup> A Turkish NGO worker from Izmir said that the government needed to inform all Syrian refugees that they cannot be removed, as there was confusion about this issue.<sup>79</sup> The absence of a public document setting out the terms and entitlements conferred by temporary protection status also resulted in public officials either being unaware of them or simply disregarding them. Examples of this could be seen in the conduct of public officials running contrary to the terms of the unpublished 2012 temporary protection circular, including for instance the failure of border guards to accept travel documents held by Palestinians resident in Syria, and the deportation of refugees to Syria for public order offences.

### The Temporary Protection Directive

The Temporary Protection Directive – the secondary legislation envisaged by Turkey’s April 2013 asylum law – was finally passed by the Turkish Council of Ministers in October 2014,<sup>80</sup> and applies to all Syrian refugees in Turkey (Provisional Article 1). At the time of completion of this report in early November, it had not yet been implemented.

If properly and fully implemented, the directive should provide a solid legal status for refugees from Syria. Certain previously guaranteed rights – such as the right to remain in Turkey (Article 25) and access to free healthcare (Article 27) – should now have a firmer basis in Turkish law. Among other positive features, the Directive also: prohibits people from being punished for irregular entry and stay (Article 5); prohibits *refoulement* (Article 6); provides for an identity card that can be used to access state schools as well as in applications for work permits (Article 22); makes it more straightforward to obtain work permits (Article 29); provides for free translation services (Article 30); and removes the requirement to obtain exit visas for those slated for resettlement in other countries (Article 44).

Article 3 identifies particular types of refugees that may be in need of additional assistance and Article 48 sets out targeted assistance that can be provided for these groups. Article 54 of the Directive provides for “denunciations and complaints regarding procedures and proceedings” conducted within the scope of the Directive to be made to governorates, potentially increasing the accountability of public officials with regard to refugees’ access to rights and entitlements contained within the Directive. Finally, the Directive sets out the terms under which temporary protection can be ended (Articles 11, 12).

Although an important step forward, the Directive has shortcomings. It is framed principally in terms of opportunities rather than obligations; governorates, for instance, are permitted but not obliged to provide housing for at-risk groups of refugees (Article 24), or to grant refugees access to state social assistance programmes (Article 30). Furthermore, some of the language is vague, which may impede full and prompt implementation. Finally, the Directive does not clarify the status of non-state schools, but instead leaves this to be resolved by the Ministry of Education, and leaves the issue of access to universities to the Council of Higher Education (Article 28).

## REGISTRATION

The registration of refugees in Turkey is undertaken by the national authorities. In March 2013 the Turkish authorities – specifically the Turkish Prime Minister's Disaster and Emergency Management Agency (AFAD) – began registering refugees from Syria living outside of the camps. Technically all refugees from Syria should have been able to obtain AFAD registration cards. However, Amnesty International received numerous reports of single men being denied access to registration (although other single men have been able to register). For example, a young man in Kilis told Amnesty International that AFAD denied his application because he was not part of a family,<sup>81</sup> and NGO workers said that AFAD prefers to register families rather than single men.<sup>82</sup>

The AFAD registration drive was discernibly less apparent in some provinces than others – with Istanbul and Mardin being particularly problematic. In provinces where registration was being more actively conducted by the authorities, refugees and NGOs frequently reported delays of months before individuals' registration was completed.<sup>83</sup>

During Amnesty International's early June 2014 visit to Istanbul – where the government estimates that there are 330,000 Syrian refugees residing<sup>84</sup> – an NGO worker asserted that registration was being conducted with the assistance of district governors (Kaymakamlığı), but registered refugees were not provided with any sort of identification papers.<sup>85</sup> None of the Syrian refugees who spoke with Amnesty International were aware of this registration process. For instance, a Syrian refugee family living in Istanbul told Amnesty International: "We want IDs from the government, but you can only get IDs from the camp. There are no IDs here."<sup>86</sup> By July 2014, an NGO informed Amnesty International that the General Directorate for Migration Management had taken over the registration of Syrian refugees in Istanbul, through the Foreigners' Police branches and district police stations. Under this system, fingerprints were taken and refugees were provided with an identification document with Turkish and Arabic information, a barcode, and an ID number starting with 98. Due to technical problems, however, as of July 2014 the system was running only in 12 (out of 39) districts in Istanbul: Arnavutköy, Ataşehir, Avcılar, Beşiktaş, Beyoğlu, Büyükçekmece, Çekmeköy, Esenyurt, Eyüp, Gaziosmanpaşa, Güngören, and Pendik.<sup>87</sup>

Across Turkey, full registration has not been achieved. In 2013, the government stated that 45 per cent of Syrians outside the camps had registered with AFAD, but simultaneously acknowledged that because "the total number of refugees out of the camps is not known with any certainty, [...] the proportions of the refugees who have no registration are thought to be much larger."<sup>88</sup> One NGO worker informed Amnesty International that in his meetings with public authorities, they told him that only one third of Syrians in the country are registered.<sup>89</sup> As of the end of October 2014, the proportion of Syrian refugees living outside of camps who were registered was approximately 50 per cent, based on the official estimate that 1.6 million refugees from Syria reside in Turkey.<sup>90</sup> While the proportion of refugees who were registered with AFAD differed from province to province, many NGO workers told Amnesty International that the majority of refugees remained unregistered, nearly a year and a half after AFAD registration procedures for refugees living outside the camps began, possibly reflective of the fact that the number of Syrian refugees is significantly higher than official estimates.<sup>91</sup>

The delay in achieving complete registration may be caused by a number of factors. There are



obvious logistical difficulties associated with registering the hundreds of thousands of Syrian refugees who have arrived in the past three and a half years – many of them irregularly. Another significant challenge is that Syrian refugees sometimes choose not to register. Some people avoid registration because AFAD registration requires individuals to reside in the province in which they are registered, preventing them moving if work or accommodation opportunities arise elsewhere.<sup>92</sup> Others told Amnesty International that they are afraid to register; some people's experiences with the authoritarian regime in Syria have made them nervous about interacting with government agencies.<sup>93</sup> An NGO worker told Amnesty International that there were different rumours about registration; some Syrian refugees thought that the first to be registered would be the first to get jobs and assistance, whereas others thought that these would be the first to be deported from the country.<sup>94</sup>

The Temporary Protection Directive of October 2014 requires all Syrian refugees – including those already registered under the previous system – to register with the General Directorate for Migration Management (GDMM), upon which they will receive an identity card with which they can access the entitlements foreseen under the Directive (see “Temporary Protection Directive” in boxed text, above).<sup>95</sup>

## CONCLUSION

The Temporary Protection Directive has the potential to address many of the concerns raised by Syrian refugees in Turkey regarding their lack of a secure legal status. However, thus far, policies and procedures regarding the rights and entitlements of Syrian refugees in Turkey have not been communicated effectively by the authorities. It remains to be seen therefore, whether the Directive will fulfil its potential. Delays in registration to date, and in some cases the alleged refusal to register single men, add to concerns, since registration provides the key to accessing the rights and entitlements foreseen within the Directive.

Turkey should fully and promptly implement the October 2014 Temporary Protection Directive in consultation with UNHCR, refugee organizations and civil society with expertise in refugee protection and service provision. It is also vitally important that the Directive, its contents, and the rights and responsibilities contained within it, be communicated effectively to refugees from Syria, as well as public officials. The Turkish authorities should also make efforts to ensure that all Syrians are informed about the procedures for, rationale behind, and benefits of registration. At the time of registration they should be provided with information on how to access the entitlements that accompany it. Registration procedures should go beyond the recording of basic data, and should also aim to identify particularly vulnerable individuals who will require further assistance.

## 4. WIDESPREAD DESTITUTION

### “We have nothing more to lose.”

Z, Syrian refugee living in Kilis, 20 July 2014

Most Syrian refugees arrive in Turkey with few or no personal possessions, and have no means to meet their basic needs.<sup>96</sup> Those who do have savings exhaust them soon after arrival. To their credit, the Turkish authorities are accommodating more than 220,000 Syrian refugees in camps and providing them with food and access to essential services. However, the camps are operating at full capacity. There is virtually no support from government or humanitarian agencies or the international community for the estimated 1.38 million refugees from Syria who live outside of the camps, and who must fend for themselves.

This chapter provides an overview of some of the challenges faced by refugees struggling to secure access to even minimum levels of economic and social rights, such as housing, education and healthcare. In an effort to support themselves, some refugees are attempting to work in Turkey but few are able to do so legally. This renders them vulnerable to exploitation by unscrupulous employers.

The Temporary Protection Directive of October 2014 (see box in Chapter 3) could help alleviate the destitution of refugees. It has ignited hope that refugees from Syria will have more straightforward access to the legal labour market.<sup>97</sup> If implemented in a way that genuinely offers a practical means of obtaining permission to work, the Temporary Protection Directive will represent an important step forward in combating the widespread destitution of refugees from Syria. However, access to employment will not address the plight of many refugees, and assistance programmes must also expand to cope with the needs of the large and growing refugee population. Indeed, the Temporary Protection Directive provides for the rights and entitlements foreseen within it to be realized in cooperation with international organizations and NGOs.<sup>98</sup> It also enables the Ministry of Foreign Affairs to seek international assistance from foreign states, international organizations and NGOs.<sup>99</sup> Throughout the course of the research, interviewees told Amnesty International that the Turkish authorities were reluctant to allow international NGOs to conduct evaluation and monitoring of projects conducted in partnership with AFAD and were inflexible when dealing with international donor agencies. The Turkish government, when seeking the assistance of the international community, has frequently sought international support for the creation of a “buffer-zone” in Syria’s border region with Turkey, rather than call for international assistance for Syrian refugees within Turkey’s borders.<sup>100</sup>

### FENDING FOR THEMSELVES

AFAD reports that only 15 per cent of Syrian refugees living outside the camps receive assistance from humanitarian agencies,<sup>101</sup> and UNHCR affirms that “Refugees living outside

the camps face enormous challenges in accessing essential services and very often their living conditions are substandard.”<sup>102</sup> UNHCR reports that most refugees outside the camps have not been provided with non-food items to meet their basic needs.<sup>103</sup> Only individuals who live in the camps are eligible to benefit from the World Food Programme’s e-voucher program, which enables people to purchase their own food in selected stores.<sup>104</sup> UNHCR had planned to extend this programme outside the camps, but they were stymied by lack of funds.<sup>105</sup> Furthermore, housing is a significant gap. UNHCR reports that “*no assistance* has been provided for non-camp Syrians with regard to rent subsidies and improving their living conditions.”<sup>106</sup> Indeed, an NGO worker in Istanbul, for instance, when asked what she told homeless Syrian refugees, said she told them “Go to the camps.”<sup>107</sup> Very few of the Syrian refugees who spoke with Amnesty International receive any kind of outside support, with the most common being Turkish neighbours providing food on an ad-hoc basis, and many said that they were unable or barely able to pay their rent and feed their families.

## EMPLOYMENT

Under Turkish law, Syrian refugees currently do not have the legal right to work. Although Syrian refugees with passports are entitled – like other foreign nationals – to apply for a work permit, these are extremely difficult to obtain. Under existing law, in order to get a work permit, foreign nationals need a valid passport, a residence permit, and a job offer; additionally the employer must show that a Turkish citizen could not be found for the position. In an important step forward, the October 2014 Temporary Protective Directive allows for registered Syrian refugees with the new General Directorate of Migration Management identity cards to apply directly for work permits in sectors and locations to be subsequently defined by the Council of Ministers under a separate legal regime, without the obligation to first obtain a residence permit.<sup>108</sup>

During the course of the research, Amnesty International could not find any Syrian refugees – or organizations working with Syrian refugees – who were aware of any refugees who had obtained the right to work. As such, refugees from Syria who do work, do so irregularly. And although it appears that the Turkish authorities tend to turn a blind eye to this irregular work rather than prosecuting or punishing them, refugees from Syria are clearly vulnerable to exploitation at the hands of employers.

Discrimination in wages was a common complaint. The Syrian refugees who spoke with Amnesty International consistently reported that they received lower wages than their Turkish counterparts in sectors where most Syrian refugees work – frequently construction and other forms of manual labour. Workers from Turkey have also complained about the undercutting of their labour, creating tensions between the refugee and host communities.<sup>109</sup> In Akçakale, Amnesty International was told that Syrian refugees received 80 per cent of what Turkish workers earned;<sup>110</sup> in Şanlıurfa between one half and 80 per cent;<sup>111</sup> in Hatay, Kilis and Gaziantep one half;<sup>112</sup> and in Istanbul as low as one third.<sup>113</sup> The numbers cited by refugees from Syria were consistent across all interviews, and corroborated by several international and local NGO workers, as well as by Syrian lawyers living in Turkey. Although Amnesty International was not able to conduct a comprehensive survey across a wide range of sectors and locations, these reported numbers do suggest that at least some Syrian refugees are being paid significantly less than Turkish nationals.

Amnesty International also received reports of abuses of other rights at work. Many people

who spoke with the organization stated that their meagre wages were sometimes unfairly reduced or withheld entirely.<sup>114</sup> Others reported being fired arbitrarily – for taking a sick day,<sup>115</sup> for example, or because a state labour inspector had arrived to check the workers' IDs.<sup>116</sup> Excessive working hours was another reported problem for refugees. For instance, one Syrian woman in Hatay – “Fatima” – told Amnesty International of her husband who had been working 8am-11pm in a restaurant and was fired after requesting a two-hour rest.<sup>117</sup> A Syrian man in Şanlıurfa said that his brother had been working as a painter for several months but that one day his Turkish employer disappeared, despite having owed him many weeks' pay.<sup>118</sup>

Most Syrian refugees' wages are not enough to support an adequate standard of living. The national minimum wage is currently 891.03 TL per month – about \$445.<sup>119</sup> A 2013 AFAD study reported that over half of the Syrian refugees living outside the camps had earned less than \$250 in the previous month – this represents 56 per cent of the minimum wage.<sup>120</sup>

Amnesty International's research confirms these findings of inadequate wages. In Istanbul, a father of two children told Amnesty International that he received 400 TL (\$200) per month,<sup>121</sup> and another man said that his income of \$400 per month supported himself, his wife and his five daughters.<sup>122</sup> Refugees from Syria who met with Amnesty International in the southern provinces tended to work as day labourers in construction, collecting plastic from the garbage for recycling, washing dishes in restaurants, or doing other menial jobs, earning between 5TL (\$2.50) and 30 TL (\$15) per day.<sup>123</sup> This type of work was very unpredictable; sometimes people found work for several days in a row, but sometimes they would go long periods without any income at all. In Hatay, one Syrian man had found a steady job, but the 400 TL (\$200) per month he earned as a full-time music teacher in a day-care centre was the only income supporting his mother, wife, 12-year old son and nine-year old daughter.<sup>124</sup> Fatima, the woman whose husband had been fired for asking for a two-hour rest, said that her 17-year old son is now the sole breadwinner for the family; he works 12 hours a day in a shop, gets one day off every two weeks, and earns 200 TL (\$100) per month.<sup>125</sup> Amnesty International was unable to speak with any women who were the sole earners (according to AFAD 22 per cent of the heads of non-camp Syrian households are women),<sup>126</sup> but the organization was told by local NGOs that it is particularly difficult for women to find work,<sup>127</sup> so destitution is likely to be even more prevalent among female-headed households.

The inadequacy of wages to cover basic needs such as housing has pushed some families to send their children to work. Nationally, the minimum age for employment is 15 years,<sup>128</sup> but Amnesty International spoke with children younger than that who were working (including “Ibrahim” and his brother – see boxed text, below). For example, Amnesty International met with a refugee family in Kilis whose four children were working; a 10-year old girl, as well as her brothers aged 12, 15, and 17. Their father, who had been a specialist medical doctor in Damascus, said “If these children don't work, they will die from hunger.”<sup>129</sup> In Şanlıurfa, a 17-year old boy told Amnesty International that he had already missed two years of schooling, but because his father is still in Syria and his mother is injured, he must work to support himself and his family.<sup>130</sup> As discussed further below, the sons of some teachers in Kilis city are dropping out of school to support their families.<sup>131</sup> An NGO worker in Istanbul asserted that it is often easier for Syrian children to find work because they will work for even lower wages than adult Syrian refugees, and that unemployment is high among regular heads of

households – usually fathers.<sup>132</sup>

### **Working since the age of eight: “Ibrahim” and his family**

The situation of one family<sup>133</sup> who met with Amnesty International in the Ekrem Çetin neighbourhood of Kilis illustrates the destitution in which many Syrian refugees are living, as well as the interdependence between the rights to work, adequate housing, education and health.

The family had fled Aleppo two years previously, and were told that they could not live in a refugee camp because there was no room. They moved to the border town of Kilis, where the father had managed to grow a few fresh vegetables from the parched soil behind the cement bunker in which the family lived. At times these meagre crops might be the only thing keeping his family from starvation. He told Amnesty International that he has not been able to find any decent work in Kilis. To survive, he and his 10-year old son – a soft-spoken boy called “Ibrahim” (real name withheld) – collect plastic from garbage bins. They take it to the recycling depot, earning 1 TL (50 cents) for each ½ kg of plastic. Ibrahim said that he wakes up each day at 6am and finishes around 4pm. He has been working since his family arrived in Turkey two years ago. On some days he has time to learn reading and writing from the local imam, but none of the other children have access to any form of education. Sometimes Ibrahim works alone, sometimes with his father. Ibrahim, his father, and his 13-year old brother (who works in a shopping centre, carrying bags to cars), can together sometimes earn up to 15 TL (\$7.50) per day.

They are the sole breadwinners for the family, which includes nine children as well a diabetic, bed-ridden grandmother. Although she should be entitled to free medical care in Turkish hospitals, her health prevents her from undertaking the AFAD registration procedures, which means that she is unable to access treatment. She cannot use the washroom without assistance, so during the day her son returns from work to help her, which further reduces the time he can spend earning money.

The family lives in a concrete building consisting of two large rooms: one with a sink and fridge but no stove, and another room whose only furniture is a number of mattresses on a concrete floor. Their monthly rent with electricity and water is 300 TL (\$150). There is one window, but it has no pane. In the winter, the average temperature in Kilis is just a few degrees above freezing, but the family cannot afford wood or coal for their small stove. They make do with five blankets donated by a Turkish neighbour, and they cover the window with plastic.

Initially Amnesty International was told that there were 10 children in the family, but there seemed to be someone missing. Eventually the father explained that a third son had been injured from shelling in Syria, and died after a month of treatment in an Adana hospital. He was close to tears when speaking of this.

At the end of the interview, when asked what the nicest part of each day was, 10-year old Ibrahim looked puzzled, paused and said quite simply: “Nothing.”

## **HOUSING**

The vast majority of Syrian refugees are not able to live in the government-run camps, since they are operating at full capacity, and no form of rented social housing is available to anyone in Turkey – including Syrian refugees. The October 2014 Temporary Protection Directive allows governorates of the Ministry of the Interior to provide housing assistance for at-risk groups, but does not oblige them to do so.<sup>134</sup>

As discussed further below, the housing needs of Syrian refugees outside the camps are generally unmet, with a large number residing in accommodation that ranges from inadequate to inhumane. According to AFAD, 25 per cent of Syrian refugees residing outside of the camps live in “ruins or make-shift arrangements.”<sup>135</sup> Others who are in less dire circumstances are nonetheless vulnerable to discriminatory actions by private landlords and are forced to live in overcrowded, unaffordable housing without any security of tenure.

In Akçakale, a small town on the Syrian border in Turkey’s Şanlıurfa province, the housing conditions were particularly shocking.<sup>136</sup> There is a large AFAD-run refugee camp, but it is full, and many refugees live in the vicinity, hoping that space will open up. Immediately outside the camp, Amnesty International saw about 150-200 people living on the side of a highway, with a few thin blankets or sheets propped up on poles and tied to fences to afford a little protection from the harsh sun. When Amnesty International visited, the temperature was about 40 degrees and people said it was a cooler day than usual. At night, people said, they just take their blankets and sleep in the fields. Residents said that the only food they had was that which was collected from refugees from within the camp itself and donated to those outside. A five- or six-person family would receive two eggs, two potatoes, two cucumbers and three pieces of bread daily, for the whole family to share. They said that basic toilet facilities were available beside the refugee camp, but there were no other sanitary, medical, educational facilities or services available to them. Many had skin infections and other health conditions that were not being treated. Every two or three days, Amnesty International was told, armed members of the Turkish Jandarma (military police) would come to the informal settlement, accompanied by an armoured personnel carrier, shooting bullets into the air and in other ways seeking to evict the residents. Refugees living outside the camp said that they would disperse into the fields, and then return when the Jandarma left. About two weeks after the Amnesty International delegation visited in late July 2014, a journalist in Akçakale told Amnesty International that the entire population of those waiting outside the camp had been removed – it was unclear to where.<sup>137</sup>

Also in the town of Akçakale, slightly further away from the camp, is an abandoned prison, in and around which some two dozen families were living. They told Amnesty International that they had been staying there for eight or nine months, ever since their savings ran out and they were no longer able to pay rent. One man from Aleppo governorate in Syria, who said his wife and six children had been killed in a missile strike, now lives alone on a cardboard mat in the yard of the old prison. The only assistance he had received was one *iftar* meal during Ramadan that was provided by a local charity.<sup>138</sup>

### **Past and present suffering: The case of “Maha”**

In Akçakale, Amnesty International spoke with a group of refugees from Idlib and Aleppo in Syria,<sup>139</sup> who for 45 days had been living with their families in empty concrete shells with three walls and no doors.

All the children, including a young infant, had skin conditions on their faces, arms and legs. Unlike any other Syrian children the delegates met in Turkey – including those in extremely difficult circumstances – the children at this site were virtually immobile, with dull eyes and grave faces. One girl living there, “Maha” (real name withheld), aged eight, was being cared for by her uncle who said she had been orphaned when her parents were killed in a missile strike on their home in Aleppo city. The girl no longer spoke, in apparent consequence of the trauma she had suffered. The uncle said that there was no psychosocial support available to her. “All the children here have fevers and diarrhoea and the heat makes them collapse. Each and every



Turkey's government-run camps accommodate over 220,000 Syrians, but they are operating at capacity. Pictured is a makeshift shelter outside the refugee camp in the town of Akçakale, in and around which 150-200 refugees from Syria were living, in the hopes of entering the camp. © Amnesty International



A Syrian child in Akçakale with a skin condition. For weeks his family, along with several others, had been living in an empty concrete shell, with no cooking, washing or sanitation facilities. All the children at the site, including a young infant, had skin conditions on their faces, arms and legs. © Amnesty International





Ten-year old “Ibrahim” (third from left, featured in boxed text in Chapter 4), with some of his brothers and sisters. Ibrahim has been working for two years. © Amnesty International



An abandoned prison in the town of Akçakale, in and around which some two dozen families from Syria have been living for 8 or 9 months, ever since their savings ran out and they could no longer afford to pay rent. © Amnesty International





At a construction site in the city of Kilis, in which some 60-70 Syrian refugees were living, some – as pictured – with no shelter of any kind. © Amnesty International



A three and a half-year old boy in the city of Kilis, looking out from his home – a tent by the side of the road, in which he and his family have been living for over two years. © Amnesty International



One half of an extremely small two-room apartment in Istanbul, in which twelve refugees from Syria were living. © Amnesty International



A section of a mural in the Syrian School in Kilis, painted by the teachers. Over 2,000 Syrian students attend the school, which is operated in partnership with the municipality and international donors. © Amnesty International

family here has suffered so much and now we suffer again here," her uncle said.

Whereas some of the residents in the area had a roof, others were sleeping on the hard ground beside the buildings, without even basic bedding material. The Turkish owner of the site told Amnesty International that his property has not been empty for the last two or three years, but that he would need to ask people to leave permanently when the coming holiday was to end. Although there were some 100 individuals living there in July, in the winter that number reportedly rises to 500. There was a hose from which the residents drank (and which they said caused their skin conditions), but there were no toilet facilities of any kind, nor were there any cooking or washing facilities.

In Kilis, conditions were also very poor. Amnesty International was told by an NGO that in this province, only 40-50 per cent of Syrian refugees live in accommodation that is actually fit for human habitation.<sup>140</sup> Amnesty International delegates saw numerous tent settlements, some reportedly housing Turkish Roma, and others housing refugees from Syria, including Roma. A family who spoke with Amnesty International in Kilis had been living in a tent on the side of the road for 14 months, but rather than complain about their situation, expressed their gratitude towards a Turkish neighbour who had provided them with a more robust tent equipped with a hole for a woodstove in the winter.<sup>141</sup>

Amnesty International also met four male Syrian teenagers living in a construction site in Kilis city's Yavuz Sultan Selim neighbourhood. The refugees – aged 16, 17, 18 and 19 – worked in the construction industry, and were only at the site because they had not succeeded in finding employment that day. They slept on thin mattresses on the ground, without shelter of any kind. They told Amnesty International that there were 60-70 people living on the site, and pointed out dozens of mattresses: some laid out on abandoned trucks, some placed underneath makeshift arrangements of bricks and plastic sheeting, and others simply in the open air without any cover at all.<sup>142</sup>

When Amnesty International spoke with the Turkish owner of the site, he acknowledged that these people were in a difficult situation, but said he does not want them to stay on his land. He said that the municipality of Kilis would shortly be coming to make a road there, and all the residents would need to leave. The residents told Amnesty International that people had previously been moved off the site, with shelters knocked down and burned by municipal authorities; Amnesty International delegates saw bricks scattered about, as well as the charred remains of a fire.<sup>143</sup>

In other provinces, although the conditions witnessed by Amnesty International were sometimes less dire than those in Akçakale or Kilis, human rights concerns remain. For instance, many Syrian refugees said that they were discriminated against in the private housing sector. They complained that Turkish landlords would refuse them as tenants, simply because of their national origin. This was reported to Amnesty International delegates in Hatay, Istanbul, Gaziantep and Şanlıurfa.<sup>144</sup> In Şanlıurfa city, a well-known local lawyer told Amnesty International that he had intended to rent a house in which Syrian refugees could stay, but when the landlord discovered the purpose of the rental, he refused.<sup>145</sup>

Furthermore, extreme overcrowding was also commonly reported. In 2013 AFAD estimated that for Syrian refugees living outside of the camps, the average number of people per housing unit is 8.6 people, with the average number of rooms per housing unit being 2.1

rooms.<sup>146</sup> AFAD also reported that 62 per cent of Syrian refugees outside of the camps live in housing units that have eight or more people.<sup>147</sup> Amnesty International's research findings are in line with these assessments. In Istanbul, for instance, Amnesty International visited a two-bedroom basement flat in which nine people were living,<sup>148</sup> a three-bedroom flat in which eighteen people from four different families resided,<sup>149</sup> as well as another extremely small two-room apartment in which twelve people were living.<sup>150</sup>

Amnesty International also has other concerns about the adequacy of accommodation in Istanbul. The homes that the organization visited – which were in the Zeytinburnu and Fatih neighbourhoods – although expensive and extremely crowded, were generally physically sound; they provided shelter from the elements, had adequate ventilation and light, as well as proper cooking facilities, running water, and functioning sanitation systems. However, the Turkish Medical Association has reported on the poor accommodation of many Syrian children in Istanbul, with inadequate access to sanitation as well as crowded and unhealthy living conditions.<sup>151</sup> And an NGO worker whose organization had assessed hundreds of families in Istanbul stated that many refugees from Syria live in inadequate accommodation, such as mouldy basements, which cause respiratory problems.<sup>152</sup>

Another challenge in many towns in cities is that the influx of Syrian refugees has precipitated a housing shortage, which has led to an increase in rents. Although Amnesty International heard conflicting testimony about whether Syrian refugees are being charged higher rents than Turkish citizens, it is clear that rents have increased dramatically across the country. In Gaziantep, Syrian refugees and Turkish nationals told Amnesty International that an apartment that cost 500 TL (\$250) in November 2013 had doubled in price by July 2014.<sup>153</sup> In Istanbul, one Syrian woman said that she paid 500 TL (\$250) a month to share a small bedroom with two other women.<sup>154</sup> Another Syrian woman told Amnesty International that in Istanbul's Fatih neighbourhood, in 2012 a two- or three-bedroom flat used to cost a maximum of 600 TL (\$300) per month – now it can be as high as 1500 TL (\$750).<sup>155</sup> A group of families in Istanbul's Zeytinburnu neighbourhood lived in an apartment whose rent had tripled in 2014 to from 500 TL (\$250) to 1500 TL (\$750).<sup>156</sup>

Many refugee families to whom Amnesty International spoke did not have formal written tenancies. Those who do have formal contracts told Amnesty International that they either did not know what channels there were to complain about unfair practices by landlords, or that they would be afraid to approach the authorities with any complaints.<sup>157</sup>

## NOWHERE TO TURN

Most Syrian refugees are not in a position to seek redress for infringements of their social or economic rights. Turkish workers and tenants are able to access complaints procedures through the administrative and consumer courts (Tüketici Mahkemeleri). Those who are in irregular employment and lack legal tenancy agreements cannot access these procedures. Although any Syrian refugees who have legal contracts are not barred from these procedures, there are structural reasons why they might not access them; as reported to Amnesty International, they are frequently unaware of these processes, unable to access them because of the language barrier, or frightened of doing so because they feel their legal status is far from secure.<sup>158</sup>

Many Syrian refugees who spoke with Amnesty International thought that the only authority to

which they could take complaints was the Turkish police – a course of action that some were scared to pursue, at least partly because of the perceived precariousness of their legal status. A worker at one of UNHCR's implementing partners told Amnesty International: "Many Syrians don't know that they cannot be deported – even without a passport or residence permit – so they are afraid to approach the police."<sup>159</sup> Furthermore, some Syrian refugees who spoke with Amnesty International have had negative experiences with Turkish police. A lawyer in Şanlıurfa asserted that if Syrian refugees complain to the police about anything, the police tell them to go away.<sup>160</sup> Indeed, a refugee couple from Syria told Amnesty International that their home in Istanbul's Aksaray neighbourhood had been robbed, and even though the theft had been recorded on camera the police had laughed at them, telling them that they needed to either go to the border cities or to stay in a hotel because they were "tourists."<sup>161</sup> Another Syrian family in Şanlıurfa told Amnesty International that their friend was seriously beaten (to the point of requiring medical attention) and sought the intervention of the police, but the latter were not interested in the complaint.<sup>162</sup>

## EDUCATION

Access to education was a major concern for the Syrian families to whom Amnesty International spoke. Despite the fact that many of those interviewed were unable or barely able to provide food and shelter for their families, many of them nonetheless ranked education as their top priority.

However, very few Syrian refugee parents are able to send their children to either Turkish state schools or private Arabic-language schools set up for Syrian refugee children.<sup>163</sup> They face a range of challenges – from bureaucratic requirements to financial constraints.

It is possible that the October 2014 Temporary Protection Directive will improve access to education. The Directive removes the bureaucratic hurdle of families having to obtain residence permits in order for their children to access Turkish state schools. According to the Directive, henceforth children with the new identity cards will not additionally require residence permits to access state schools.<sup>164</sup> However, the Directive does not do anything to facilitate the opening of private Arabic language schools for Syrian refugees. The lack of clarity around the legal procedures for opening such schools has both prevented them from opening and inhibited international funding from being secured.<sup>165</sup> The Directive signals that the Ministry of Education will address the issue in due course.<sup>166</sup> Likewise the Directive refers the issue of access to higher education for Syrian refugees to the Council for Higher Education.<sup>167</sup> The Directive does not address other challenges with access to education, such as language problems or parents' financial constraints.<sup>168</sup>

The Turkish authorities and international agencies are well-aware of the importance of ensuring that Syrian refugee children do not lose out on any more schooling, and the extent to which current access to education is wholly inadequate. A 2013 AFAD report stated that the very low percentage of children attending school outside of the camps needed to be addressed.<sup>169</sup> UNHCR has warned that: "Many Syrian children living in Turkey have now missed up to three years of education and are running the risk of becoming a lost generation."<sup>170</sup> The "No Lost Generation" project, initiated by UNICEF, UNHCR and several international aid agencies, is being promoted in Turkey.<sup>171</sup> The UN's regional response plan has estimated that it requires \$62M for its education-related initiatives both inside and outside the camps.<sup>172</sup> UNICEF reported in 2014 that it supported four schools in Turkey with

supplies, furniture and other equipment (though it was not clear if they were inside camps), and that two additional UNICEF-supported schools outside of camps were under construction.<sup>173</sup>

Despite the frequent acknowledgment of the importance of this issue, the vast majority of Syrian refugee children in Turkey remain without access to primary education. Prior to the October 2014 Temporary Protection Directive, Syrian refugees with residence permits (which require passports and border stamps from official crossings, as well as payment) could technically enrol their children in state schools, provided that they too had residence permits, but the numbers who succeeded in doing so were very low – reportedly due to language barriers and to a lesser extent, the reluctance of schools to admit them.<sup>174</sup> In Hatay, a Turkmen refugee woman from Syria told Amnesty International that despite her Turkish-speaking daughter possessing the required residence permit, local state schools had refused to admit her, but did not provide any reason.<sup>175</sup> According to the Turkish Ministry of National Education, as of March 2014, only 6,000 Syrian children were enrolled in Turkish state schools.<sup>176</sup> As discussed further below, most Syrian refugees who attend school go to private, Syrian refugee-run institutions. UNICEF reports that only 26 per cent of Syrian school-age children living outside camps in Turkey have access to any form of education.<sup>177</sup> However, NGO workers and Syrian activists frequently put the proportion of school-age children living outside of the camps attending regular classes at 10 per cent or less, including in the city of Gaziantep, which boasts some of the most developed infrastructure for Syrian refugees in Turkey.<sup>178</sup>

Few of the families from Syria who spoke with Amnesty International had any access to schooling. The organization met with families across Turkey's southern provinces who said that their children had not been to school for more than three years.<sup>179</sup> One of the few Syrian refugee families Amnesty International met who had a residence permit (which should entitle the children to attend local schools), had made multiple attempts to enrol their young children in Turkish state school in Şanlıurfa but had been refused by the school without any reason provided.<sup>180</sup> Another Syrian man in Kızıltepe said that his three children had attended a Turkish school on several occasions but felt uncomfortable due to language difficulties and being laughed at by Turkish children, so they had stopped attending.<sup>181</sup> And at a park in Şanlıurfa in which scores of Syrian refugees were eating their Ramadan *iftar* meal, Amnesty International delegates could not find anyone who had children attending school.<sup>182</sup>

Those Syrian children who do have access to education generally attend private Syrian refugee-run, Arabic-language schools. Turkey is host to many such institutions. Because they are largely unregulated, the exact number is difficult to determine; an international education expert estimated this number at 150-200,<sup>183</sup> while a Syrian and a Palestinian activist said there were only 55 such schools in the country.<sup>184</sup> There are no data on the number of students enrolled in these institutions. When asked, most interviewees told Amnesty International that they would prefer to send their children to private schools, at least partly because of the Arabic-language instruction.<sup>185</sup> These institutions usually charge tuition, with the cost varying widely from place to place. But even small fees can be prohibitive to many Syrian families. Although technically all schools and education facilities that have not been approved by the Turkish Education Ministry Council risk closure,<sup>186</sup> the manager of a Syrian school in Istanbul's Başakşehir neighbourhood told Amnesty International that although he has not received any support from the Turkish authorities, neither has his school been shut

down.<sup>187</sup>

In some places, local authorities are actively supporting Syrian refugees in their efforts to set up schools. The Syrian school in Kilis, which opened in December 2012, is remarkable. The manager told Amnesty International that the municipality donated the building, and also pays for electricity, Internet and water. International funding agencies cover the teachers' salaries, and allow the school to operate without charging any tuition fees or charge for books. The 2,100 students are taught in three shifts: 7-11am, 11am-2:30pm, and 2:30-6pm.<sup>188</sup> The schoolyard, though made of cement and containing only a single dilapidated play area, was brightened by a large multi-coloured mural. Painted by the teachers, the mural shows a group of smiling children holding hands under a banner reading "Thank you Turkey" in Arabic and Turkish.

Although justifiably proud of the school's accomplishments, the school manager is also keenly aware of its shortcomings. Some of his youngest students must walk 3km to school because there is no transportation. Other Syrian children – at his estimate, 4,000 in Kilis city – remain without any access to schooling at all. He laments the fact that his teachers are overqualified and yet their 500 TL (\$250) monthly salary is insufficient to cover rent and bills; in fact, he said that the sons of some teachers are dropping out of school in order to work to support their families.<sup>189</sup>

## HEALTHCARE

On 9 September 2013, Turkey granted all registered refugees from Syria the right to free healthcare, extending a provision which had originally included only Syrian refugees in border provinces.<sup>190</sup> The Temporary Protection Directive of October 2014 maintains this entitlement of registered refugees from Syria to free healthcare.<sup>191</sup> Syrian refugees are entitled to free consultation and free hospitalization at public hospitals across the country, but are not covered for chronic diseases or illnesses requiring continuous treatment. Access to healthcare is predicated on being registered (at least 50 per cent of Turkey's Syrian refugee population remain unregistered).<sup>192</sup> A Turkish government study claimed that about 60 per cent of Syrian refugees outside the camps had used health services in Turkey,<sup>193</sup> and that 97 per cent of births outside the camps took place in a hospital or infirmary.<sup>194</sup> Following the passing of the Directive, Amnesty International was told by an NGO that they were warned not to provide services to unregistered refugees, and that if they did so, that it would have a negative impact on their permission to operate.<sup>195</sup> Given the delay in achieving full registration, reports of some single men being denied registration entirely, and Syrian refugees' dependence on NGOs for many medical services, such a policy would be a serious threat to Syrian refugees' access to healthcare. It would also represent an unfair interference with the work done by NGOs on behalf of Syrian refugees.

Despite the September 2013 AFAD circular, by mid-2014, access to healthcare at state hospitals had not been fully implemented across the country, and it remains to be seen whether the October 2014 Temporary Protection Directive will improve implementation. Access to free health services in Istanbul was reported as being particularly problematic. A comprehensive report by the Turkish Medical Association found that Syrians who live outside of camps experience serious difficulties accessing hospitals and health services, and that access to health services for Syrian refugees in Istanbul was "negligible."<sup>196</sup> Indeed, several Syrian refugees in Istanbul told Amnesty International that they had been denied access to



hospitals entirely.<sup>197</sup> A woman who said she had been beaten and raped in an Aleppo prison had an MRI scan done in an Istanbul hospital; she has problems with seven of her discs, but she has been told that treatment is not free and she cannot afford to pay for it.<sup>198</sup>

The reasons behind the lack of uniform implementation of access to healthcare are not entirely clear. The Turkish Medical Association has identified a number of obstacles to achieving full access, including the language barrier, the cost associated with medication, and the fact that many Syrians are unaware of their rights or how to access healthcare providers.<sup>199</sup> In addition, Amnesty International was told by local NGOs that healthcare providers were often unaware of the AFAD circular granting Syrian refugees free healthcare.<sup>200</sup> Another reported problem is that existing infrastructure, especially in the southern border provinces, is simply overwhelmed. As an NGO worker explained: "Access to health has improved, but local practices are very, very different. Hospital staff are burned out from the local demand, let alone Syrian refugees."<sup>201</sup>

For obvious reasons, the health needs of Syrian refugees – in terms of both medical treatment and psychosocial care – are tremendous. About half of the Syrian refugees interviewed by a government agency responsible for refugees stated that they or their family members needed psychological support.<sup>202</sup> NGO workers who spoke with Amnesty International confirmed the significant – and largely unmet – psychosocial needs of refugees from Syria.<sup>203</sup> Importantly, the October 2014 Temporary Protection Directive establishes an entitlement for those in need to receive psychosocial counselling.<sup>204</sup> However, it remains unclear how this huge need will be met in practice.

Sometimes medication is also subsidised for refugees from Syria (even though this is not required by law), but this depends on location. In certain pharmacies across Gaziantep and Şanlıurfa provinces, AFAD, in coordination with the Chamber of Pharmacists, has agreed to cover 80 per cent of prescription costs for medication.<sup>205</sup> However, according to a local NGO, "The enthusiasm of pharmacies is faltering, as they wait a really long time to get reimbursed by the government."<sup>206</sup> One Palestinian Syrian man told Amnesty International in Gaziantep city that he had had a heart attack and had been hospitalized for one day free of charge, but was not given any medication, so he was still taking the pills that he had brought with him from Syria.<sup>207</sup> A Syrian refugee in Kilis with a broken leg told Amnesty International that he was sometimes able to obtain free painkillers at a local Syrian-run dispensary.<sup>208</sup> Another refugee told Amnesty International that he had been severely tortured by the Syrian regime and requires strong painkillers, which even though he had friends in an Istanbul hospital, cost him \$15 per week.<sup>209</sup> NGOs confirmed that access to medication varies widely across the country.<sup>210</sup>

## CONCLUSION

The current situation of the vast majority of Syrian refugees who live outside of the camps being required to fend for themselves – with very little assistance either from the Turkish authorities, NGOs or international funders – is not tenable, and is leaving many Syrian refugees destitute and unable to access their social and economic rights.

The situation is unlikely to change unless the international community accepts its financial responsibility for Syrian refugees, in order to enable neighbouring states such as Turkey to better fulfil the essential needs of this ever-growing refugee population. For its part, Turkey



should be much more active in seeking international assistance and cooperating with international donors. The international community must also significantly expand the number of resettlement places, humanitarian admissions and other admission programmes for Syrian refugees. States should expedite resettlement and admission processes, and facilitate family reunification for refugees with family members abroad – including extended family. In addition, as well as fully funding the UN's Regional Response Plan for the Syrian crisis, the international community must provide significant support to Turkey and other countries neighbouring Syria to increase the capacity of national services, as discussed below.

Turkey should fully and promptly implement the October 2014 Temporary Protection Directive's provisions on social and economic rights. Furthermore, as an important means of addressing both destitution and the exploitation of irregular workers, Turkey should take steps to expand the possibilities for Syrian refugees to work legally in Turkey. Having a secure legal status at work should also encourage refugees from Syria to lodge complaints against private actors such as employers or landlords who discriminate against them or otherwise exploit them. Turkey should ensure that Syrian refugees are aware of and able to access these procedures.

Access to employment is not a panacea, however. The social and economic rights of the refugee population must be fulfilled through humanitarian assistance. The international community should fund and develop these programs, and the Turkish authorities should facilitate the registration and work of NGOs, INGOs and IGOs with expertise in providing this type of assistance.

The lack of primary education for Syrian refugee children needs to be urgently addressed. Regardless of whether these children are educated in the Turkish school system as facilitated by the October 2014 Temporary Protection Directive, or whether they receive schooling in privately run Arabic-language institutions, they must not miss out on any more education. The Turkish authorities should clarify the procedure for opening and licensing private schools for Syrian refugees. The international community should provide funding and technical support for educational institutions, and the Turkish authorities should actively facilitate their work.

Despite Turkey's considerable efforts, the one right that has been unequivocally granted to Syrian refugees since September 2013 – access to healthcare – remains unevenly implemented, over a year later. Turkey should identify and address challenges to access, ensure that all medical facilities are aware of the policy, and put in place translation services. The international community should provide funding and technical support to increase Turkey's healthcare capacity (particularly in the overstrained southern provinces), with the aim of ensuring that necessary medical and psychosocial care is accessible to all refugees from Syria.

## 5. CONCLUSION AND RECOMMENDATIONS

### CONCLUSION

In the face of the worst refugee crisis the world has seen in decades, the international community's response has been nothing short of shameful. The UN funding appeal remains unmet, and the number of resettlement and humanitarian admission places for refugees is woefully inadequate. The international community has not provided anything like the required support for refugees from Syria, or offered genuine responsibility-sharing.

Since early 2011, Turkey has devoted significant resources to addressing the needs of refugees and has carried out several positive legislative and policy initiatives, such as hosting over 220,000 Syrian refugees in well-resourced refugee camps, granting them the right to free healthcare in September 2013, and issuing the Temporary Protection Directive in October 2014.

Nonetheless, following nearly four years of upheaval in Syria, Turkey's response is increasingly showing its limitations. Despite Turkey's official open-border policy, entering the territory from Syria has become fraught with danger and difficulty. Turkey's border guards have used abusive or unlawful force at irregular crossing points – from push-backs to the use of live ammunition and beatings resulting in deaths and injuries. Once Syrian refugees reach Turkish territory, their legal status is still not entirely clear or secure. Furthermore, with the government-run camps operating at full capacity, the vast majority of refugees from Syria are left to fend for themselves, resulting in widespread destitution.

### RECOMMENDATIONS TO THE INTERNATIONAL COMMUNITY

#### Responsibility-sharing

- Significantly expand the number of resettlement places, humanitarian admissions and other admission programmes for Syrian refugees, over and above annual resettlement quotas;
- Expedite resettlement and admission processes to reduce the time it takes between cases being submitted and refugees leaving for the resettlement country;
- Facilitate family reunification for refugees who have family members living abroad, applying a broad definition of family members to include extended or non-nuclear family;
- Fully fund the UN's Regional Response Plan for the Syrian crisis;

- Provide significant support to Turkey and other countries neighbouring Syria to increase the capacity of national services – including healthcare institutions and education facilities, as well as housing initiatives and food security measures – to meet the needs of refugees from Syria as well as affected local populations;

## RECOMMENDATIONS TO THE TURKISH AUTHORITIES

### Ensuring access to territory

- In light of widespread human rights abuses and the ongoing conflict in Syria, allow all civilians seeking to leave Syria to enter through official border crossings, regardless of whether they have valid passports or urgent medical needs;
- Maintain sufficient, appropriately located, secure, and regular border crossing points open for Syrian refugees fleeing the conflict;
- Give clear instruction to border guards that any use of force must adhere strictly to international standards on the use of force and firearms, in particular the requirements of necessity and proportionality;
- Implement training of police and military personnel, as well as other agents of the state operating in the border areas with Syria, to ensure they can identify and assist all persons in need of international protection and allow them to enter Turkey;
- Establish prompt, thorough, independent and impartial investigation into reports of abuses at the border and ensure that any Turkish officials found to be responsible for ordering or carrying out abuses are held accountable and that victims and their families are granted access to an effective remedy;

### Ensuring the security of legal status

- Fully implement the October 2014 Temporary Protection Directive in consultation with UNHCR, refugee organizations and civil society with expertise in refugee protection and service provision;
- Ensure that public officials and Syrian refugees are fully informed of the rights, entitlements and obligations flowing from the Temporary Protection Directive;
- Launch information campaigns targeting refugees from Syria about the procedures and rationale for, and benefits of, registration;
- At the time of registration, provide Syrian refugees with information in a language they understand with comprehensive information on how to access rights and entitlements;

- Ensure that registration procedures identify vulnerable individuals;
- Ensure that all Syrian refugees seeking protection, including single men, are able to register;
- Ensure that there are no bureaucratic barriers to registration;

Upholding social and economic rights

- Fully and promptly implement the October 2014 Temporary Protection Directive's provisions on social and economic rights;
- Take steps to expand the possibilities for Syrian refugees to work legally in Turkey, as an important means of addressing both destitution and the exploitation of irregular workers;
- Ensure that Syrian refugees are aware of and able to access effective channels to lodge complaints against employers and landlords;
- Clarify the procedure for opening and licensing Arabic-language private schools for Syrian refugees;
- Identify and address challenges in ensuring access to healthcare;
- Ensure that healthcare institutions and personnel are aware that all Syrian refugees are entitled to receive free healthcare;
- Put in place translation services in healthcare institutions;
- Be more active in pursuing international assistance and be more open to receiving international assistance and cooperating with international donors;
- Facilitate the registration and work of NGOs, INGOs and IGOs with expertise in addressing the essential needs of refugee populations, especially their housing, healthcare (both medical and psychosocial), food security and educational requirements.

## 6. ANNEX: KEY HUMAN RIGHTS STANDARDS

### RIGHT TO SEEK ASYLUM

The right to seek and enjoy asylum from persecution is enshrined in the *Universal Declaration of Human Rights*.<sup>211</sup> The *Convention Relating to the Status of Refugees (Refugee Convention)* is the key legal document establishing the international refugee regime.

The United Nations High Commissioner for Refugees (UNHCR) has reiterated the civilian and humanitarian character of asylum.<sup>212</sup> In situations of mass influx, there may be combatants and others who are not eligible for refugee status attempting to cross the border along with refugees. Nonetheless, UNHCR has affirmed that “[i]n all cases, the determination of whether or not a person is undeserving of international refugee protection requires an individualized assessment – the exclusion clauses may never be applied on a group basis.”<sup>213</sup>

### NON-REFOULEMENT

The cornerstone of the international refugee protection system is the principle of *non-refoulement*. This principle prohibits the transfer of anyone in any manner whatsoever to a place where they would be at risk of serious human rights violations or abuses. It has been codified in the *Refugee Convention*<sup>214</sup> and numerous international human rights instruments;<sup>215</sup> and additionally forms part of customary international law and therefore applies to all states, regardless of whether they are parties to the relevant treaties.<sup>216</sup> A breach of this principle can occur in a variety of ways, including directly through forcible returns to the country of origin, indirectly through return to an intermediary country, as well as denying access to the territory or to a fair and satisfactory asylum procedure. Even in situations of mass influx, UNHCR’s Executive Committee has underlined that “[i]n all cases the fundamental principle of *non-refoulement* involving non-rejection at the frontier must be scrupulously observed.”<sup>217</sup>

### USE OF FORCE

The ban on torture and other cruel, inhuman or degrading treatment or punishment is one of the strongest norms in international law. It is prohibited by the *International Covenant on Civil and Political Rights (ICCPR)*,<sup>218</sup> among other instruments, and is additionally a *jus cogens* norm of international law. The *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* specifies: “No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.”<sup>219</sup> Torture is also banned in the Turkish Constitution.<sup>220</sup> Furthermore, as a signatory to the *ICCPR*, Turkey is obliged to respect Article 6, which prohibits the arbitrary deprivation of life.<sup>221</sup> In order to respect these international legal rules, Turkish officials must follow internationally recognized norms on the use of force, which require that law enforcement officials “shall, as far as possible, apply non-violent means before resorting to the use of force and firearms. They may use force and firearms only if other means remain ineffective or without any promise of achieving the intended result.”<sup>222</sup>

## NON-DISCRIMINATION

The *International Covenant on Economic, Social and Cultural Rights (ICESCR)* prohibits discrimination on the basis of nationality and national origin.<sup>223</sup> The UN Committee on Economic, Social and Cultural Rights (CESCR) has affirmed that *ICESCR* rights apply to “everyone including non-nationals, such as refugees, asylum-seekers, stateless persons, migrant workers, and victims of international trafficking, regardless of legal status and documentation.”<sup>224</sup> Not all distinctions between citizens and non-citizens are forbidden; rather, for distinctions to comply with the principle of non-discrimination, they must be reasonable, objective, proportional and with a legitimate aim.<sup>225</sup> States parties must not only refrain from discrimination; they must also “adopt measures, which should include legislation, to ensure that individuals and entities in the private sphere do not discriminate on prohibited grounds.”<sup>226</sup>

## RIGHT TO AN ADEQUATE STANDARD OF LIVING

The *Universal Declaration of Human Rights* enshrines the right of everyone to “a standard of living adequate for the health and well-being of himself and of his family.”<sup>227</sup> This is also protected in the *ICESCR*.<sup>228</sup>

## RIGHT TO HEALTH

Syrian refugees – like all others within Turkey’s territory – benefit from the right to “the enjoyment of the highest attainable standard of physical and mental health,” as guaranteed by the *ICESCR* and other international instruments, and which entails non-discriminatory access to services which are equivalent to those available to the host community.<sup>229</sup>

## RIGHT TO WORK

The right to work is central to the fulfilment of other fundamental human rights. As the CESCR has affirmed, “The right to work is essential for realizing other human rights and forms an inseparable and inherent part of human dignity.”<sup>230</sup> Likewise, one of the drafters of the *Refugee Convention* declared in 1950 that “without the right to work, all other rights are meaningless.”<sup>231</sup>

The right to work and rights at work are fundamental entitlements under international and domestic law. As a state party to the *ICESCR*, Turkey has an obligation to respect, protect and fulfil the rights therein, including the right to work as set out in Article 6. In particular, it must take steps – to the maximum of its available resources – towards achieving progressively the full realization of the right to work for everyone without discrimination, including national origin.<sup>232</sup> The *ICESCR* protects the right to just and favourable conditions at work, including equal pay for equal work, safe and healthy working conditions, and reasonable working hours.<sup>233</sup> The Turkish Constitution states that everyone has the right and duty to work, and guarantees the right of workers to rest and leisure.<sup>234</sup> Furthermore, the *International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)* requires that Turkey guarantee the right of everyone, without distinction (including on the basis of national origin) to “the rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration.”<sup>235</sup>

Under the *Refugee Convention*, refugees lawfully staying in a state's territory must be granted "the most favourable treatment accorded to nationals of a foreign country in the same circumstances, as regards the right to engage in wage-earning employment."<sup>236</sup> Once refugees are working, the *Refugee Convention* requires that they receive the same treatment accorded to nationals in respect to their conditions, including remuneration, working hours, and minimum age of employment.<sup>237</sup> Similarly, the committee that oversees the implementation of *ICERD* affirms that once an employment relationship has been initiated, "all individuals are entitled to the enjoyment of labour and employment rights."<sup>238</sup>

## CHILD LABOUR

Under the *Convention on the Rights of the Child*, state parties must take measures to ensure that children are protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with their education, or to be harmful to their development.<sup>239</sup> The Turkish Constitution affirms that no one shall be required to perform work unsuited to his or her age.<sup>240</sup>

## RIGHT TO EDUCATION

Turkey's international obligations require it to provide free and compulsory primary education to all children without discrimination, including distinction on the basis of national origin.<sup>241</sup> In particular, the *Refugee Convention* provides that states parties "shall accord to refugees the same treatment as is accorded to nationals with respect to elementary education."<sup>242</sup> Furthermore, the CESCR has asserted that the principle of non-discrimination in education "extends to all persons of school age residing in the territory of a State party, including non-nationals, and irrespective of their legal status."<sup>243</sup> Although the Turkish Constitution asserts "No one shall be deprived of the right of [sic] education," and that primary education shall be free, it only makes attendance compulsory for Turkish citizens.<sup>244</sup>

## RIGHT TO ADEQUATE HOUSING

Having ratified the *ICESCR*, Turkey must take steps – to the maximum of its available resources – towards achieving progressively the full realization of right to adequate housing to everyone without discrimination, including national origin.<sup>245</sup> Furthermore, under *ICERD*, Turkey must prohibit and eliminate discrimination on the basis of national origin with respect to the right to housing.<sup>246</sup> The CESCR has identified seven criteria for determining the adequacy of housing: legal security of tenure; availability of services, materials, facilities and infrastructure; location; habitability; affordability; accessibility; and cultural adequacy.<sup>247</sup>

## RIGHT TO A REMEDY

States parties to the *ICCPR*, including Turkey, must ensure that everyone whose rights are violated has access to an effective remedy.<sup>248</sup>

# ENDNOTES

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- <sup>7</sup> UNHCR, "Protection of Syrian Refugees in Turkey: An Overview," PowerPoint presentation given at meeting "UNHCR Turkey and Implementing Partners Meeting," 21 April 2014, Ankara.
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- <sup>14</sup> UNHCR, *Syrian Refugees in Europe: What Europe Can Do to Ensure Protection and Solidarity*, July 2014, <http://www.refworld.org/docid/53b69f574.html>, p. 23.
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- <sup>26</sup> See for instance Şenay Özden, *Syrian Refugees in Turkey: MPC Research Report 2013/05*, Migration Policy Centre (2013), <http://www.migrationpolicycentre.eu/docs/MPC-RR-2013-05.pdf>, p. 6-7.
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<sup>34</sup> European Commission, *Turkey: 2013 Progress Report*, [http://ec.europa.eu/enlargement/pdf/key\\_documents/2013/package/brochures/turkey\\_2013.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2013/package/brochures/turkey_2013.pdf), p. 16.

<sup>35</sup> *Istanbul fears 'Arabization' with Syrian refugee influx*, Today's Zaman, 27 September 2014, [http://www.todayszaman.com/anasayfa\\_istanbul-fears-arabization-with-syrian-refugee-influx\\_359862.html](http://www.todayszaman.com/anasayfa_istanbul-fears-arabization-with-syrian-refugee-influx_359862.html).

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<sup>37</sup> Various interviews July-August 2014; International Crisis Group, *The Rising Costs of Turkey's Syrian Quagmire* (Europe Report No. 230, 30 April 2014), p. 16.

<sup>38</sup> Şanlıurfa interview, 26 September 2014.

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<sup>43</sup> International Crisis Group, *The Rising Costs of Turkey's Syrian Quagmire* (Europe Report No. 230, 30 April 2014), p. 34.

<sup>44</sup> International Crisis Group, *The Rising Costs of Turkey's Syrian Quagmire* (Europe Report No. 230, 30 April 2014), p. 36.

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<sup>47</sup> International Crisis Group, *The Rising Costs of Turkey's Syrian Quagmire* (Europe Report No. 230, 30 April 2014), p. 35.

<sup>48</sup> Gaziantep interview, 23 July 2014.

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<sup>62</sup> *International Covenant on Civil and Political Rights*, UNTS, vol. 999, p. 171, 6 December 1966, Art. 7; *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, 10 December 1984, [1987] 1465 U.N.T.S. 113, p.85, Art. 2(1); *Constitution of the Republic of Turkey*, 1982, [http://global.tbmm.gov.tr/docs/constitution\\_en.pdf](http://global.tbmm.gov.tr/docs/constitution_en.pdf), Art. 17; *UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials*, Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990; *International Covenant on Civil and Political Rights*, UNTS, vol. 999, p. 171, 6 December 1966, Art. 6(1).

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<sup>66</sup> Kızıltepe interview, 28 July 2014, and subsequent communications on-line and by telephone.

<sup>67</sup> Interview with lawyer, 3 November 2014.

<sup>68</sup> Skype communications 21 February 2014 - 11 August 2014 and phone interviews 15 July 2014 and 6 August 2014. Also media report: *Kurdish national from al-Derbasiyah beaten to death by Turkish security* (in Arabic), <http://ciwanekurd.net/index.php/2013-06-26-10-12-46/2013-06-12-08-52-11/1846-2014-02-21-19-40-57>.

<sup>69</sup> Telephone interview, 6 August 2014.

<sup>70</sup> Ceylanpınar interview, 27 July 2014.

<sup>71</sup> Akçakale interview, 26 July 2014.

<sup>72</sup> See for example AFAD, *Suriye'den Türkiye'ye Nüfus Hareketleri, Kardeş Topraklarındaki Misafirlik*, 29 May 2014, <https://www.afad.gov.tr/Dokuman/TR/79-20140529153928-suriye-den-turkiye-ye-nufus-hareketleri,-kardes-topraklarindaki-misafirlik,-2014.pdf>.

<sup>73</sup> The Temporary Protection Directive sets out the rights and obligations of persons afforded temporary protection in Turkey, as provided for under Article 91 of the Law on Foreigners and International Protection, no. 6458. The directive entered into force on 22 October 2014.

<sup>74</sup> UNHCR, *2014 UNHCR country operations profile – Turkey*, 2014, <http://www.unhcr.org/pages/49e48e0fa7f.html>.

<sup>75</sup> For example, Turkish border guards' refusal of access to Turkey for Palestinian refugees from Syria, despite the temporary protection status being conferred to them on an equal basis to Syrian nationals (See boxed text – "Palestinians from Syria" in Chapter 2).

<sup>76</sup> *Law on Foreigners and International Protection*, 2013, No. 6458, unofficial English translation prepared by UNHCR at <http://www.refworld.org/docid/5167fbb20.html>, Art. 91(1).

<sup>77</sup> *Law on Foreigners and International Protection*, 2013, No. 6458, unofficial English translation prepared by UNHCR at <http://www.refworld.org/docid/5167fbb20.html>, Art. 91(2).

<sup>78</sup> Hatay interview, 18 July 2014.

<sup>79</sup> Istanbul interview, 4 June 2014.

<sup>80</sup> *Geçici Koruma Yönetmeliği*, 22 October 2014, <http://www.resmigazete.gov.tr/eskiler/2014/10/20141022-15-1.pdf>.

<sup>81</sup> Kilis interview, 21 July 2014.

<sup>82</sup> Gaziantep interviews, 22-23 July 2014.

<sup>83</sup> Kilis interview, 20 July 2014; Gaziantep interview, 22 July 2014.

<sup>84</sup> *İşte il il Suriyeli sayısı*, 9 August 2014, <http://www.konhaber.com/yeni/haber-171048-iste-il-il-Suriyeli-sayisi.html>.

<sup>85</sup> Istanbul interview, 9 June 2014.

<sup>86</sup> Istanbul interview, 7 June 2014.

<sup>87</sup> Email correspondence, 8 July 2014.

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- <sup>88</sup> AFAD, *Syrian Refugees in Turkey, 2013 Field Survey Results*, [https://www.afad.gov.tr/Dokuman/TR/61-2013123015505-syrian-refugees-in-turkey-2013\\_print\\_12.11.2013\\_eng.pdf](https://www.afad.gov.tr/Dokuman/TR/61-2013123015505-syrian-refugees-in-turkey-2013_print_12.11.2013_eng.pdf), p. 20.
- <sup>89</sup> Istanbul interview, 5 June 2014.
- <sup>90</sup> See UNHCR, *Syria Regional Refugee Response: Turkey*, <http://data.unhcr.org/syrianrefugees/country.php?id=224>.
- <sup>91</sup> Gaziantep interview, 23 July 2014; Şanlıurfa interview, 26 July 2014; Türk Tabipleri Birliği, *Suriyeli Sığınmacılar ve Sağlık Hizmetleri Raporu Açıklandı*, 2014, <http://www.ttb.org.tr/kutuphane/siginmacirpr.pdf>, p. 68.
- <sup>92</sup> Hatay interview, 18 July 2014.
- <sup>93</sup> Hatay interview, 18 July 2014.
- <sup>94</sup> Istanbul interview, 9 June 2014.
- <sup>95</sup> *Geçici Koruma Yönetmeliği*, 22 October 2014, <http://www.resmigazete.gov.tr/eskiler/2014/10/20141022-15-1.pdf>, Art. 26.
- <sup>96</sup> UNHCR, *Turkey: Regional Response Plan (2014)*, <http://www.unhcr.org/syriarrp6/docs/Syria-rrp6-full-report.pdf>, p. 35.
- <sup>97</sup> *Geçici Koruma Yönetmeliği*, 22 October 2014, <http://www.resmigazete.gov.tr/eskiler/2014/10/20141022-15-1.pdf>. Articles 21 and 22 of the Temporary Protection Directive set out the procedures for registration, and the provision of identity cards, respectively.
- <sup>98</sup> *Geçici Koruma Yönetmeliği*, 22 October 2014, <http://www.resmigazete.gov.tr/eskiler/2014/10/20141022-15-1.pdf>, Art. 46.3.
- <sup>99</sup> *Geçici Koruma Yönetmeliği*, 22 October 2014, <http://www.resmigazete.gov.tr/eskiler/2014/10/20141022-15-1.pdf>, Art. 47.1.
- <sup>100</sup> See for example Daily Sabah, *Turkey calls on world to help with Syrian refugees*, 1 October 2014, <http://www.dailysabah.com/politics/2014/10/01/turkey-calls-on-world-to-help-with-syrian-refugees>.
- <sup>101</sup> AFAD, *Syrian Refugees in Turkey, 2013 Field Survey Results*, [https://www.afad.gov.tr/Dokuman/TR/61-2013123015505-syrian-refugees-in-turkey-2013\\_print\\_12.11.2013\\_eng.pdf](https://www.afad.gov.tr/Dokuman/TR/61-2013123015505-syrian-refugees-in-turkey-2013_print_12.11.2013_eng.pdf), p. 9.
- <sup>102</sup> UNHCR, *Turkey: Regional Response Plan (2014)*, <http://www.unhcr.org/syriarrp6/docs/Syria-rrp6-full-report.pdf>, p. 2.
- <sup>103</sup> UNHCR, *Turkey: Regional Response Plan (2014)*, <http://www.unhcr.org/syriarrp6/docs/Syria-rrp6-full-report.pdf>, p. 34.
- <sup>104</sup> UNHCR, *Turkey: Regional Response Plan (2014)*, <http://www.unhcr.org/syriarrp6/docs/Syria-rrp6-full-report.pdf>, p. 54-55.
- <sup>105</sup> UNHCR, *Turkey: Regional Response Plan (2014)*, <http://www.unhcr.org/syriarrp6/docs/Syria-rrp6-full-report.pdf>, p. 55.
- <sup>106</sup> UNHCR, *Turkey: Regional Response Plan (2014)*, <http://www.unhcr.org/syriarrp6/docs/Syria-rrp6-full-report.pdf>.

[report.pdf](#), p. 36. Emphasis added.

<sup>107</sup> Istanbul interview, 2 June 2014.

<sup>108</sup> *Geçici Koruma Yönetmeliği*, 22 October 2014, <http://www.resmigazete.gov.tr/eskiler/2014/10/20141022-15-1.pdf>. Article 29 of the Temporary Protection Directive sets out the terms under which access to the labour market will be granted to refugees from Syria.

<sup>109</sup> Evrensel, *Urfa'da 'Suriyeli işçi' gerginliği*, 8 August 2014, [http://www.evrensel.net/haber/89641/urfada-suriyeli-isci-gerginligi.html#.VDP51\\_mSz9w](http://www.evrensel.net/haber/89641/urfada-suriyeli-isci-gerginligi.html#.VDP51_mSz9w).

<sup>110</sup> Akçakale interview (one NGO worker), 26 July 2014.

<sup>111</sup> Three Şanlıurfa interviews (five Syrian refugees, five NGO workers, one lawyer), 25-26 July 2014.

<sup>112</sup> Three Hatay interviews (two local NGO workers, three Syrian refugees, five Syrian refugee lawyers), 18-19 July 2014; Kilis interview (four Syrian refugees), 20 July 2014; Gaziantep interview (two NGO workers), 23 July 2014.

<sup>113</sup> Istanbul interview (13 Syrian refugees), 7 June 2014.

<sup>114</sup> Istanbul interviews, 7-8 June 2014; Şanlıurfa interview, 25 July 2014.

<sup>115</sup> Istanbul interview, 7 June 2014.

<sup>116</sup> Istanbul interview, 7 June 2014.

<sup>117</sup> Hatay interview, 19 July 2014.

<sup>118</sup> Şanlıurfa interview, 25 July 2014.

<sup>119</sup> T.C. Çalışma ve Sosyal Güvenlik Bakanlığı, *Asgari Ücretin Net Hesabi Ve İşverene Maliyeti*, 2014, <http://www.csgeb.gov.tr/csgebPortal/cgm.portal?page=asgari>.

<sup>120</sup> AFAD, *Syrian Refugees in Turkey, 2013 Field Survey Results*, [https://www.afad.gov.tr/Dokuman/TR/61-2013123015505-syrian-refugees-in-turkey-2013\\_print\\_12.11.2013\\_eng.pdf](https://www.afad.gov.tr/Dokuman/TR/61-2013123015505-syrian-refugees-in-turkey-2013_print_12.11.2013_eng.pdf), p. 8.

<sup>121</sup> Istanbul interview, 7 June 2014.

<sup>122</sup> Istanbul interview, 8 June 2014.

<sup>123</sup> Hatay interview, 18 July 2014; Kilis interview, 20 July 2014; Şanlıurfa interviews, 25-26 July 2014; Akçakale interview, 26 July 2014.

<sup>124</sup> Hatay interview, 19 July 2014.

<sup>125</sup> Hatay interview, 19 July 2014.

<sup>126</sup> AFAD, *Syrian Refugees in Turkey, 2013 Field Survey Results*, [https://www.afad.gov.tr/Dokuman/TR/61-2013123015505-syrian-refugees-in-turkey-2013\\_print\\_12.11.2013\\_eng.pdf](https://www.afad.gov.tr/Dokuman/TR/61-2013123015505-syrian-refugees-in-turkey-2013_print_12.11.2013_eng.pdf), p. 8.

<sup>127</sup> Gaziantep interview, 22 July 2014; Şanlıurfa interview, 25 July 2014.

<sup>128</sup> UN Committee on the Rights of the Child, *Consideration of reports submitted by States parties under*

article 44 of the Convention, Concluding observations: Turkey, UN Doc. CRC/C/TUR/CO/2-3, 20 July 2012, [www2.ohchr.org/english/bodies/crc/docs/co/CRC\\_C\\_TUR\\_CO\\_2-3.pdf](http://www2.ohchr.org/english/bodies/crc/docs/co/CRC_C_TUR_CO_2-3.pdf), para. 62.

<sup>129</sup> Kilis interview, 20 July 2014. The children were said to be doing “light manual work” several times for long hours at a time.

<sup>130</sup> Şanlıurfa interview, 25 July 2014.

<sup>131</sup> Kilis interview, 21 July 2014.

<sup>132</sup> Istanbul interview, 9 June 2014.

<sup>133</sup> Kilis interview, 20 July 2014.

<sup>134</sup> *Geçici Koruma Yönetmeliği*, 22 October 2014, <http://www.resmigazete.gov.tr/eskiler/2014/10/20141022-15-1.pdf>, Art. 24.

<sup>135</sup> AFAD, *Syrian Refugees in Turkey, 2013 Field Survey Results*, [https://www.afad.gov.tr/Dokuman/TR/61-2013123015505-syrian-refugees-in-turkey-2013\\_print\\_12.11.2013\\_eng.pdf](https://www.afad.gov.tr/Dokuman/TR/61-2013123015505-syrian-refugees-in-turkey-2013_print_12.11.2013_eng.pdf), p. 9.

<sup>136</sup> Unless otherwise indicated, all information from this paragraph is from Akçakale interviews, 26 July 2014.

<sup>137</sup> Email correspondence, 7 August 2014.

<sup>138</sup> Akçakale interview, 26 July 2014.

<sup>139</sup> Akçakale interview, 26 July 2014.

<sup>140</sup> Gaziantep interview, 23 July 2014.

<sup>141</sup> Kilis interview, 20 July 2014.

<sup>142</sup> Kilis interview, 20 July 2014.

<sup>143</sup> Kilis interview, 20 July 2014.

<sup>144</sup> Istanbul interview (13 Syrian refugees), 7 June 2014; Hatay interview (two Syrian refugees), 18 July 2014; Gaziantep interview (three IGO workers), 24 July 2014; Şanlıurfa interview (one NGO worker), 24 July 2014.

<sup>145</sup> Şanlıurfa interview, 26 July 2014.

<sup>146</sup> AFAD, *Syrian Refugees in Turkey, 2013 Field Survey Results*, [https://www.afad.gov.tr/Dokuman/TR/61-2013123015505-syrian-refugees-in-turkey-2013\\_print\\_12.11.2013\\_eng.pdf](https://www.afad.gov.tr/Dokuman/TR/61-2013123015505-syrian-refugees-in-turkey-2013_print_12.11.2013_eng.pdf), p. 34, 36.

<sup>147</sup> AFAD, *Syrian Refugees in Turkey, 2013 Field Survey Results*, [https://www.afad.gov.tr/Dokuman/TR/61-2013123015505-syrian-refugees-in-turkey-2013\\_print\\_12.11.2013\\_eng.pdf](https://www.afad.gov.tr/Dokuman/TR/61-2013123015505-syrian-refugees-in-turkey-2013_print_12.11.2013_eng.pdf), p. 9.

<sup>148</sup> Istanbul interview, 7 June 2014.

<sup>149</sup> Istanbul interview, 8 June 2014.

<sup>150</sup> Istanbul interview, 8 June 2014.

- <sup>151</sup> Türk Tabipleri Birliği, *Suriyeli Sığınmacılar ve Sağlık Hizmetleri Raporu Açıklandı*, 2014, <http://www.ttb.org.tr/kutuphane/siginmacirpr.pdf>, p. 64.
- <sup>152</sup> Istanbul interview, 9 June 2014.
- <sup>153</sup> Gaziantep interview, 23 July 2014.
- <sup>154</sup> Istanbul interview, 7 June 2014.
- <sup>155</sup> Istanbul interview, 10 June 2014.
- <sup>156</sup> Istanbul interview, 7 June 2014.
- <sup>157</sup> In cases where there is a lawful tenancy agreement, disputes can be taken to the office of the Provincial Governor (Kaymakam) and then to consumer courts (Tüketici Hakem Heyeti).
- <sup>158</sup> Istanbul interview, 9 June 2014.
- <sup>159</sup> Istanbul interview, 2 June 2014.
- <sup>160</sup> Şanlıurfa interview, 26 July 2014.
- <sup>161</sup> Gaziantep interview, 23 July 2014.
- <sup>162</sup> Şanlıurfa interview, 25 July 2014.
- <sup>163</sup> AFAD, *Syrian Refugees in Turkey, 2013 Field Survey Results*, [https://www.afad.gov.tr/Dokuman/TR/61-2013123015505-syrian-refugees-in-turkey-2013\\_print\\_12.11.2013\\_eng.pdf](https://www.afad.gov.tr/Dokuman/TR/61-2013123015505-syrian-refugees-in-turkey-2013_print_12.11.2013_eng.pdf), p. 9.
- <sup>164</sup> *Geçici Koruma Yönetmeliği*, 22 October 2014, <http://www.resmigazete.gov.tr/eskiler/2014/10/20141022-15-1.pdf>, Art. 22.
- <sup>165</sup> Gaziantep interview, 24 July 2014. The authorities have also acknowledged the need to provide clarity on the procedure for opening private schools for refugees (Şanlıurfa interview, 25 July 2014).
- <sup>166</sup> *Geçici Koruma Yönetmeliği*, 22 October 2014, <http://www.resmigazete.gov.tr/eskiler/2014/10/20141022-15-1.pdf>, Art. 28.
- <sup>167</sup> *Geçici Koruma Yönetmeliği*, 22 October 2014, <http://www.resmigazete.gov.tr/eskiler/2014/10/20141022-15-1.pdf>, Art. 28.
- <sup>168</sup> *Geçici Koruma Yönetmeliği*, 22 October 2014, <http://www.resmigazete.gov.tr/eskiler/2014/10/20141022-15-1.pdf>. Article 28.1.c of the Temporary Protection Directive does provide for the possibility of language training, stating: "Language education, vocational courses, skills trainings and hobby courses addressing all age groups may be organized depending on the demand."
- <sup>169</sup> AFAD, *Syrian Refugees in Turkey, 2013 Field Survey Results*, [https://www.afad.gov.tr/Dokuman/TR/61-2013123015505-syrian-refugees-in-turkey-2013\\_print\\_12.11.2013\\_eng.pdf](https://www.afad.gov.tr/Dokuman/TR/61-2013123015505-syrian-refugees-in-turkey-2013_print_12.11.2013_eng.pdf), p. 9.
- <sup>170</sup> UNHCR, *Turkey: Regional Response Plan (2014)*, <http://www.unhcr.org/syriarrp6/docs/Syria-rrp6-full-report.pdf>, p. 25.
- <sup>171</sup> UNICEF, *Syria Crisis Monthly humanitarian situation report*, 18 March-17 April 2014,



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<http://reliefweb.int/sites/reliefweb.int/files/resources/UNICEF%20Syria%20Regional%20Crisis%20Humanitarian%20SitRep%20%28Syria%20Jordan%20Lebanon%20Iraq%20Turkey%20Egypt%29%20-%2017April2014.pdf>, p. 19.

<sup>172</sup> UNHCR, *Turkey: Regional Response Plan (2014)*, <http://www.unhcr.org/syriarrp6/docs/Syria-rrp6-full-report.pdf>, p. 25.

<sup>173</sup> UNICEF, *Syria Crisis Monthly humanitarian situation report*, 18 March-17 April 2014, <http://reliefweb.int/sites/reliefweb.int/files/resources/UNICEF%20Syria%20Regional%20Crisis%20Humanitarian%20SitRep%20%28Syria%20Jordan%20Lebanon%20Iraq%20Turkey%20Egypt%29%20-%2017April2014.pdf>, p. 20.

<sup>174</sup> Hatay interview, 17 July 2014; Gaziantep interview, 24 July 2014.

<sup>175</sup> Hatay interview, 17 July 2014.

<sup>176</sup> Cited in UNICEF, *Syria Crisis Monthly humanitarian situation report*, 18 March-17 April 2014, <http://reliefweb.int/sites/reliefweb.int/files/resources/UNICEF%20Syria%20Regional%20Crisis%20Humanitarian%20SitRep%20%28Syria%20Jordan%20Lebanon%20Iraq%20Turkey%20Egypt%29%20-%2017April2014.pdf>, p. 19.

<sup>177</sup> UNICEF, *Syria Crisis Monthly humanitarian situation report*, 18 March-17 April 2014, <http://reliefweb.int/sites/reliefweb.int/files/resources/UNICEF%20Syria%20Regional%20Crisis%20Humanitarian%20SitRep%20%28Syria%20Jordan%20Lebanon%20Iraq%20Turkey%20Egypt%29%20-%2017April2014.pdf>, p. 19.

<sup>178</sup> Gaziantep interview, 23 July 2014.

<sup>179</sup> Interviews in Akçakale, Ceylanpınar, Kızıltepe, July-August 2014.

<sup>180</sup> Şanlıurfa interview, 25 July 2014.

<sup>181</sup> Kızıltepe interview, 28 July 2014.

<sup>182</sup> Gaziantep interview, 23 July 2014.

<sup>183</sup> Istanbul interview, 6 June 2014.

<sup>184</sup> Gaziantep interview, 23 July 2014.

<sup>185</sup> Various interviews, June-August 2014.

<sup>186</sup> UNICEF, *Syria Crisis Monthly humanitarian situation report*, 18 March-17 April 2014, <http://reliefweb.int/sites/reliefweb.int/files/resources/UNICEF%20Syria%20Regional%20Crisis%20Humanitarian%20SitRep%20%28Syria%20Jordan%20Lebanon%20Iraq%20Turkey%20Egypt%29%20-%2017April2014.pdf>, p. 19.

<sup>187</sup> Istanbul interview, 2 June 2014.

<sup>188</sup> Kilis interview, 21 July 2014.

<sup>189</sup> Kilis interview, 21 July 2014.

<sup>190</sup> AFAD Communiqué, 9 September 2013, 2013/8 No. 12816. For a description of access to healthcare for Syrian refugees prior to November 2014, see Amnesty International, *Turkey and the international community must work in partnership to meet the needs of Syrian refugees*, 25 April 2013,

(EUR 44/009/2013), <http://www.amnesty.org/en/library/asset/EUR44/009/2013/en/25f4a914-0009-4dd1-822f-49cd2785df67/eur440092013en.pdf>.

<sup>191</sup> *Geçici Koruma Yönetmeliği*, 22 October 2014, <http://www.resmigazete.gov.tr/eskiler/2014/10/20141022-15-1.pdf>, Art. 27.

<sup>192</sup> UNHCR, Syria Regional Refugee Response: Turkey, <http://data.unhcr.org/syrianrefugees/country.php?id=224>.

<sup>193</sup> AFAD, *Syrian Refugees in Turkey, 2013 Field Survey Results*, [https://www.afad.gov.tr/Dokuman/TR/61-2013123015505-syrian-refugees-in-turkey-2013\\_print\\_12.11.2013\\_eng.pdf](https://www.afad.gov.tr/Dokuman/TR/61-2013123015505-syrian-refugees-in-turkey-2013_print_12.11.2013_eng.pdf), p. 39.

<sup>194</sup> AFAD, *Syrian Refugees in Turkey, 2013 Field Survey Results*, [https://www.afad.gov.tr/Dokuman/TR/61-2013123015505-syrian-refugees-in-turkey-2013\\_print\\_12.11.2013\\_eng.pdf](https://www.afad.gov.tr/Dokuman/TR/61-2013123015505-syrian-refugees-in-turkey-2013_print_12.11.2013_eng.pdf), p. 44.

<sup>195</sup> Telephone interview with NGO worker, 3 November 2014.

<sup>196</sup> Türk Tabipleri Birliği, *Suriyeli Sığınmacılar ve Sağlık Hizmetleri Raporu Açıklandı*, 2014, <http://www.ttb.org.tr/kutuphane/siginmacirpr.pdf>, p. 50.

<sup>197</sup> Istanbul interviews, 7-8 June 2014.

<sup>198</sup> Istanbul interview, 7 June 2014.

<sup>199</sup> Türk Tabipleri Birliği, *Suriyeli Sığınmacılar ve Sağlık Hizmetleri Raporu Açıklandı*, 2014, <http://www.ttb.org.tr/kutuphane/siginmacirpr.pdf>, p. 48.

<sup>200</sup> Istanbul interview, 2 June 2014.

<sup>201</sup> Istanbul interview, 10 June 2014.

<sup>202</sup> AFAD, *Syrian Refugees in Turkey, 2013 Field Survey Results*, [https://www.afad.gov.tr/Dokuman/TR/61-2013123015505-syrian-refugees-in-turkey-2013\\_print\\_12.11.2013\\_eng.pdf](https://www.afad.gov.tr/Dokuman/TR/61-2013123015505-syrian-refugees-in-turkey-2013_print_12.11.2013_eng.pdf), p. 9.

<sup>203</sup> Kilis interview, 20 July 2014; Gaziantep interview, 23 July 2014.

<sup>204</sup> *Geçici Koruma Yönetmeliği*, 22 October 2014, <http://www.resmigazete.gov.tr/eskiler/2014/10/20141022-15-1.pdf>. Article 48.1 of the Temporary Protection Directive provides for individuals from at-risk groups to be provided with psychosocial care, free of charge.

<sup>205</sup> UNHCR, *Frequently Asked Questions: Syrian Refugees in Turkey*, <http://www.unhcr.org.tr/uploads/root/faqenglish.pdf>, p. 4.

<sup>206</sup> Istanbul interview, 9 June 2014.

<sup>207</sup> Gaziantep interview, 23 July 2014.

<sup>208</sup> Kilis interview, 20 July 2014.

<sup>209</sup> Istanbul interview, 8 June 2014.

<sup>210</sup> Istanbul interview, 5 June 2014.

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- <sup>211</sup> *Universal Declaration of Human Rights*, GA Res. 217(III), UN GAOR, 3d Sess., Supp. No. 13, UN Doc. A/810 (1948) 71, Art. 14.
- <sup>212</sup> UNHCR, *UNHCR Guidelines on the Application in Mass Influx Situations of the Exclusion Clauses of Article 1F of the 1951 Convention Relating to the Status of Refugees*, 7 February 2006, <http://www.refworld.org/docid/43f48c0b4.html>, para. 2.
- <sup>213</sup> UNHCR, *UNHCR Guidelines on the Application in Mass Influx Situations of the Exclusion Clauses of Article 1F of the 1951 Convention Relating to the Status of Refugees*, 7 February 2006, <http://www.refworld.org/docid/43f48c0b4.html>, para. 18.
- <sup>214</sup> *United Nations Convention Relating to the Status of Refugees*, July 28, 1951, [1969] Can. T.S. No. 6, Art. 33.
- <sup>215</sup> *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, 10 December 1984, [1987] 1465 U.N.T.S. 113, p.85, Art. 3(1). In addition, the United Nations Human Rights Committee has affirmed that *non-refoulement* obligations arise in respect of a real risk of serious human rights violations of certain rights protected in the *International Covenant on Civil and Political Rights*.
- <sup>216</sup> UNHCR, *The Principle of Non-refoulement as a Norm of Customary International Law: Response to the Questions Posed to UNHCR by the Federal Constitutional Court of the Federal Republic of Germany in Cases 2 BvR 1938/93, 2 BvR 1953/93, 2 BvR 1954/93*, 31 January 1994; UNHCR, *Advisory Opinion on the Extraterritorial Application of Non-refoulement Obligations under the 1951 Convention relating to the Status of Refugees and its 1967 Protocol*, 26 January 2007, para. 15; UNHCR ExCom, *Conclusion No. 6 (XXVIII) Non-refoulement*, 28th Session, 1977, para. (a); Sir Elihu Lauterpacht and Daniel Bethlehem, "The Scope and Content of the Principle of Non-Refoulement: Opinion," in *Refugee Protection in International Law: UNHCR's Global Consultations on International Protection* (edited by Erika Feller, Volker Türk and Frances Nicholson, Cambridge University Press, 2003), para. 216.
- <sup>217</sup> UNHCR ExCom, *Protection of asylum seekers in situations of large-scale influx*, 1981, <http://www.unhcr.org/print/3ae68c6e10.html>.
- <sup>218</sup> *International Covenant on Civil and Political Rights*, UNTS, vol. 999, p. 171, 6 December 1966, Art. 7.
- <sup>219</sup> *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, 10 December 1984, [1987] 1465 U.N.T.S. 113, p.85, Art. 2(1).
- <sup>220</sup> *Constitution of the Republic of Turkey*, 1982, [http://global.tbmm.gov.tr/docs/constitution\\_en.pdf](http://global.tbmm.gov.tr/docs/constitution_en.pdf), Art. 17.
- <sup>221</sup> *International Covenant on Civil and Political Rights*, UNTS, vol. 999, p. 171, 6 December 1966, Art. 6(1).
- <sup>222</sup> *UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials*, Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990, General Provision 4.
- <sup>223</sup> *International Covenant on Economic, Social and Cultural Rights*, UNTS, vol. 993, p. 3, CTS 1976/46, Art. 2(2).
- <sup>224</sup> UN Committee on Economic, Social and Cultural Rights, *General Comment No. 20, Non-*

*Discrimination in Economic, Social and Cultural Rights*, UN Doc. E/C.12/GC/20, 2 July 2009, <http://www.refworld.org/docid/4a60961f2.html>, para. 30.

<sup>225</sup> UN Committee on Economic, Social and Cultural Rights, *General Comment No. 20, Non-Discrimination in Economic, Social and Cultural Rights*, UN Doc. E/C.12/GC/20, 2 July 2009, <http://www.refworld.org/docid/4a60961f2.html>, para. 13.

<sup>226</sup> UN Committee on Economic, Social and Cultural Rights, *General Comment No. 20, Non-Discrimination in Economic, Social and Cultural Rights*, UN Doc. E/C.12/GC/20, 2 July 2009, <http://www.refworld.org/docid/4a60961f2.html>, para. 11.

<sup>227</sup> *Universal Declaration of Human Rights*, GA Res. 217(III), UN GAOR, 3d Sess., Supp. No. 13, UN Doc. A/810 (1948) 71, Art. 25(1).

<sup>228</sup> *International Covenant on Economic, Social and Cultural Rights*, UNTS, vol. 993, p. 3, CTS 1976/46, Art. 11.

<sup>229</sup> *International Covenant on Economic, Social and Cultural Rights*, UNTS, vol. 993, p. 3, CTS 1976/46, Art. 12; *International Convention for the Elimination of All Forms of Racial Discrimination*, UNTS, vol. 660, p. 195, CTS 1970/28, Art. 5(e)(iv); *Convention on the Rights of the Child*, UNTS, vol. 1577, p. 3 (20 November 1989), Arts. 24-25.

<sup>230</sup> UN Committee on Economic, Social and Cultural Rights, *General Comment No. 18: The Right to Work (Art. 6 of the Covenant)*, 6 February 2006, UN Doc E/C.12/GC/18, <http://www.refworld.org/docid/4415453b4.html>, para. 1.

<sup>231</sup> *Statement of Mr. Henkin of the United States*, UN Doc. E/AC.32/SR.37, 16 August 1950, at 12.

<sup>232</sup> *International Covenant on Economic, Social and Cultural Rights*, UNTS, vol. 993, p. 3, CTS 1976/46, Arts. 2, 6.

<sup>233</sup> *International Covenant on Economic, Social and Cultural Rights*, UNTS, vol. 993, p. 3, CTS 1976/46, Art. 7.

<sup>234</sup> *Constitution of the Republic of Turkey*, 1982, [http://global.tbmm.gov.tr/docs/constitution\\_en.pdf](http://global.tbmm.gov.tr/docs/constitution_en.pdf), Arts. 49, 50.

<sup>235</sup> *International Convention for the Elimination of All Forms of Racial Discrimination*, UNTS, vol. 660, p. 195, CTS 1970/28, Art. 5(e)(i).

<sup>236</sup> *United Nations Convention Relating to the Status of Refugees*, July 28, 1951, [1969] Can. T.S. No. 6, Art. 17(1). Also see University of Michigan Law School, *The Michigan Guidelines on the Right to Work*, 16 March 2010, <http://www.refworld.org/docid/4bbaf1242.html>; Asylum Access, *Global Refugee Work Rights Report*, September 2014, [http://asylumaccess.org/AsylumAccess/wp-content/uploads/2012/09/FINAL\\_Global-Refugee-Work-Rights-Report-2014\\_Interactive.pdf](http://asylumaccess.org/AsylumAccess/wp-content/uploads/2012/09/FINAL_Global-Refugee-Work-Rights-Report-2014_Interactive.pdf); Council of Europe: Parliamentary Assembly, *Refugees and the right to work*, 11 April 2014, Resolution 1994 (2014), <http://www.refworld.org/docid/537ef91a4.html>; UNHCR, *Livelihood Programming in UNHCR: Operational Guidelines*, 2012, <http://www.refworld.org/docid/512611392.html>, p. 10.

<sup>237</sup> *United Nations Convention Relating to the Status of Refugees*, July 28, 1951, [1969] Can. T.S. No. 6, Art. 24(1).

<sup>238</sup> Committee on the Elimination of Racial Discrimination, *General Recommendation 30, Discrimination*

*Against Non-Citizens*, UN Doc. CERD/C/64/Misc.11/rev.3 (2004),  
<http://www1.umn.edu/humanrts/gencomm/genrec30.html>, para. 35.

<sup>239</sup> *Convention on the Rights of the Child*, UNTS, vol. 1577, p. 3 (20 November 1989), Art. 32.

<sup>240</sup> *Constitution of the Republic of Turkey*, 1982, [http://global.tbmm.gov.tr/docs/constitution\\_en.pdf](http://global.tbmm.gov.tr/docs/constitution_en.pdf), Art. 50.

<sup>241</sup> *International Covenant on Economic, Social and Cultural Rights*, UNTS, vol. 993, p. 3, CTS 1976/46, Arts. 13, 14; *Convention on the Rights of the Child*, UNTS, vol. 1577, p. 3 (20 November 1989), Arts. 28, 29; *International Convention for the Elimination of All Forms of Racial Discrimination*, UNTS, vol. 660, p. 195, CTS 1970/28, Art. 5(e)(v). Also see Special Rapporteur on the right to education, *The right to education of migrants, refugees and asylum seekers*, UN Doc. A/HRC/14/25, 16 April 2010, [http://www2.ohchr.org/english/bodies/hrcouncil/docs/14session/A.HRC.14.25\\_en.pdf](http://www2.ohchr.org/english/bodies/hrcouncil/docs/14session/A.HRC.14.25_en.pdf).

<sup>242</sup> *United Nations Convention Relating to the Status of Refugees*, July 28, 1951, [1969] Can. T.S. No. 6, Art. 22(1).

<sup>243</sup> UN Committee on Economic, Social and Cultural Rights, *General Comment No. 13: The Right to Education (Art. 13 of the Covenant)*, UN Doc. E/C.12/1999/10, 8 December 1999, <http://www.refworld.org/docid/4538838c22.html>, para. 34.

<sup>244</sup> *Constitution of the Republic of Turkey*, 1982, [http://global.tbmm.gov.tr/docs/constitution\\_en.pdf](http://global.tbmm.gov.tr/docs/constitution_en.pdf), Art. 42.

<sup>245</sup> *International Covenant on Economic, Social and Cultural Rights*, UNTS, vol. 993, p. 3, CTS 1976/46, Arts. 2, 11(1).

<sup>246</sup> *International Convention for the Elimination of All Forms of Racial Discrimination*, UNTS, vol. 660, p. 195, CTS 1970/28, Art. 5(e)(iii).

<sup>247</sup> UN Committee on Economic, Social and Cultural Rights, *General Comment No. 4, The Right to Adequate Housing*, UN Doc. E/1992/23, 13 December 1991, <http://www.refworld.org/docid/47a7079a1.html>.

<sup>248</sup> *International Covenant on Civil and Political Rights*, UNTS, vol. 999, p. 171, 6 December 1966, Art. 2(3).







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## STRUGGLING TO SURVIVE REFUGEES FROM SYRIA IN TURKEY

The response of the international community to the Syrian refugee crisis – the largest such crisis in decades – has been an abject failure, with hopes of safety and security for most refugees cruelly denied. Funding and resettlement commitments remain entirely inadequate, and Syria's neighbours have disproportionately shouldered the responsibility to receive the refugees.

Turkey is hosting at least 1.6 million refugees from Syria, of which over 220,000 are accommodated in government-run refugee camps. However, the country's response to the Syrian refugee crisis, despite its significant resource commitments and many positive policy initiatives, is increasingly showing its limitations. Many individuals are being denied access to the safety of Turkish territory, and those who must cross irregularly are at risk of abuses such as push-backs, being fired on with live ammunition, or torture and other ill-treatment. Once Syrian refugees reach Turkish territory, their legal status is still not entirely clear or secure. And because the government-run camps are operating at full capacity, the vast majority of Syrian refugees must fend for themselves, resulting in widespread destitution.

Amnesty International is calling on the international community to significantly scale up its support for refugees from Syria in the spirit of genuine responsibility-sharing. Amnesty International is also calling on the Turkish authorities to ensure safe passage for refugees from Syria, and to work with international partners to ensure that refugees' essential needs are met.

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