**28.02.2022**

**Report on Human Rights Violations at International Borders:**

**Trends, Prevention and Accountability**

To the Special Rapporteur,

Migration Research Foundation (GAV), a Non-Governmental Organization operating in Turkey, has been working on migration and diaspora since 2010. Thanks to its academy, GAV provides training to train experts in different fields of migration and diaspora, while aiming to solve the problem of competent human resources in these fields and to contribute to policy-making processes in Turkey. In addition to various sub-fields of migration and diaspora, "Turkey's border management" is among the working areas of GAV.

This study aims to contribute to the report of human rights violations at international borders: trends, prevention, and accountability specific to Turkey. Among the key questions raised in the call, it is planned to contribute specifically to Turkey's "recent or current border management legislation/policies/measures (including temporary measures taken as part of the state of emergency) to control, reduce or prevent migrant inflows".

Turkey has had a deep migration memory for years and is centrally located on the migration route as a transit and destination country. While there are 3.7 million Syrians under temporary protection status in the country as of February 2022, Turkey hosts a migrant population of around 7 million, with immigrants from Afghanistan, Pakistan, Iran, and many other nationalities entering the country irregularly. This location of Turkey makes the borders of entry and exit of immigrants extremely important. At this point, Turkey's policies on the borders of Syria, Iraq, Iran, Bulgaria, and Greece and the practices of these countries on the borders of Turkey come to the fore. Turkey follows a security-oriented policy on its eastern and southeastern borders, especially with the effects of terrorist activities and mass migration flows. Wall constructions, military equipment, and personnel shipments, and surveillance vehicles equipped with high-level technologies draw attention to these policies.

Concrete modular walls were built on a 780-kilometer section of the 911-kilometer Syrian border. The walls are equipped with military-technological surveillance tools. In this way, while trying to slow down the mass migration from Syria, it is planned to prevent and control irregular entrances on the borderline. Security measures were taken in some parts of the Iraqi border, and border patrols were increased in addition to the construction of the wall. The Turkish-Iranian border, on the other hand, is the borderline where immigrants from Afghanistan and Pakistan have entered the country irregularly through Iran for years. While these irregular crossings have continued for nearly 40 years, especially since 2018, more irregular migrants from Afghanistan and Pakistan have entered Turkey than Syrians. At this point, Turkey has carried its wall policy on the borders of Syria and Iraq to the Iranian border. The wall project launched in 2021; It continues in border cities such as Van, Iğdır, and Hakkari on the Turkey-Iran border.

Although Turkey has a deep migration memory, it does not have a permanent and sustainable migration policy. Finally, this situation has been observed again in migrations from Syria, Afghanistan, and Pakistan. In addition to the capacity of Turkey, it has been tried to move forward with a project-oriented approach with the financing provided by the European Union. The support of the European Union in terms of equipment and financial resources is also in question in the border applications mentioned above. The EU especially has in-kind support for the border wall that Turkey has built along the Syrian border. These supports are mostly provided for the technological layer of the boundary wall, such as cameras, sound sensors, seismic radars. In addition, the EU supported the purchase and use of armored Cobra II type military vehicles deployed along the border wall. A grant was given to Otokar, one of Turkey's private sector defense companies, for the supply of vehicles with a total value of 47.4 million Euros. With the approval of the EU member states, 75% of the amount in question was covered by the EU. It is stated that the total number of military vehicles put into use on the Turkey-Syria border is 82.[[1]](#_ftn1)

           It is debatable that the border policies implemented by Turkey on its eastern and southeastern borders can prevent irregular immigration. Even if it is not massive, the entrances from the borders continue. However, in the field studies carried out in the cities on the borders of Syria and Iran, it is observed that the border policies in question make the conditions of the immigrants difficult. Migrants, who change their routes and extend their routes further due to the border walls, are exposed to harsh conditions that lead to death, especially in the winter months. Likewise, the measures at the border cause migrants to wait longer on the other side of the border for crossing. In particular, immigrants trying to cross the Turkey-Iran border are forced to cross into Turkey by Iranian border guards and are left to die by being exposed to armed attacks. In the interviews, it was also learned that the immigrants who passed to Turkey were sent back to the Iranian side. These developments at the borders show that the human rights of immigrants are violated.

It is known that in addition to seeing Turkey as a target country, immigrants generally aim to pass to Europe via Turkey. Immigrants who have to cross the Turkey-Greece border for this are faced with very harsh policies. Greece, which has built walls on its land border with Turkey, has activated floating barriers in the seas. In addition, it is seen by the international public that Greece, which has made its pushback policy routine, has left immigrants to die openly both at the land and sea borders. Greece, which has placed both national border patrols and Frontex employees affiliated with the European Union on the Turkish border, clearly violates the basic rights of immigrants with violence, pushback, shooting at immigrants with plastic and real bullets. At this point, it is necessary to mention the rights of immigrants, which are determined by international agreements and violated by Greece:

* 13th article of the universal declaration of human right “(1) everyone has the right to freedom of movement and residence within the borders of each state, (2) everyone has the right to leave any country, including his own, and to return to his country”, while 14. the article states that “everyone has the right to seek and to enjoy in other countries asylum from persecution”.
* The first article of the European Convention on Human Rights states “The High Contracting Parties shall secure to everyone within their jurisdiction the rights and freedoms defined in Section I of this Convention.”, 3rd Article “No one shall be subjected to torture or inhuman or degrading treatment or punishment”.
* In reference to the definition of refugees on the 31st article of the Geneva Convention, even in illegal border crossing should not be penalized as follows: “The Contracting States shall not impose penalties, on account of their illegal entry or presence, on refugees who, coming directly from a territory where their life or freedom was threatened in the sense of Article 1, enter or are present in their territory without authorization.”
* In the 33rd article of the Geneva Convention, the principle of non-refoulement is clearly stated and it is forbidden to return refugees and asylum seekers in places where there is a danger of persecution
* According to the first article of the Charter of Fundamental Rights of the European “Human dignity is inviolable. It must be respected and protected. Human dignity is inviolable. It must be respected and protected.” In the 2nd article “(1) everyone has the right to life, (2) No one shall be condemned to the death penalty, or executed” and in the 4th article “No one shall be subjected to torture or to inhuman or degrading treatment or punishment.”
* Article 7 of the Schengen Borders Code states "Border guards shall, in the performance of their duties, fully respect human dignity. While carrying out border checks, border guards shall not discriminate against persons on grounds of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation,".

Greece is in clear and persistent violation of all the above-mentioned articles. As the most recent example, 19 immigrants who were pushed back by Greece froze to death on February 2, 2022, in the Mandakoru locality of the Paşaköy Village of Edirne's İpsala District. It is not difficult to predict that Greece's deadly border applications and human rights violations will continue unless the necessary international reaction and sanctions are brought.

We hope to continue our joint work for a world where immigrants are removed as a source of problems and borders are used only to rule rather than prevent. For your report, which focuses on human rights at international borders, we tried to convey the developments in Turkey as much as possible. We hope that your report will raise awareness about the rights violations of immigrants at international borders and that these violations will be eliminated.

Regards,

Migration Research Foundation (Göç Araştırmaları Vakfı)