



Global Detention Project
 Submission to the UN Committee on Migrant Workers
 Session on Turkey

17 March 2013

Contact:

Global Detention Project

Online: <http://www.globaldetentionproject.org>

Articles 16, 17 and 18

Legal Framework

The principal norm governing immigration detention the [Law No. 6458 on Foreigners and International Protection](#) was adopted on 4 April 2013 ([YABANCILAR VE ULUSLARARASI KORUMA KANUNU Kanun No. 6458](#)). Please indicate if / or when the norm will be implemented.

Please indicate if / when the specialized civilian institution (Directorate General for Migration Management) foreseen in Law No. 6458 under the Ministry of the Interior to manage international protection and prepare the implementing regulations for the establishment, management and inspection of the detention centres has been established.

If the Directorate has been established: please indicate if/when the regulation for “the establishment, management, operation, transfer and supervision of removal centers” as well as transfers of foreigners for deportation to removal centres (Law No. 6458 Article 58) will be drafted, adopted and implemented.

If the Directorate has not been established, indicate what obstacles has the government encountered in establishing the Directorate and what measures have been taken to draft and adopt the regulations (note: the UN Special Rapporteur on the Human Rights of Migrants recommended in 2013 that the regulations should be “in line with international human rights standards concerning procedural safeguards and conditions of detention”).

Statistical information

Please indicate the number of persons – desegregated along age and gender lines – placed in immigration-related detention each year in Turkey. Please indicate the average length of immigration related detention. Please indicate if and where are children, including unaccompanied minors, detained (in law and in practice).

Global Detention Project
 Geneva, Switzerland
www.globaldetentionproject.org

Phone: +41 (0) 22 548 14 01
Email: admin@globaldetentionproject.org

Detention infrastructure for immigration-related detention

Please indicate the names and address of places of immigration detention facilities (Removal Centres), including their respective capacity. Please indicate if age and gender segregation is implemented, as well as segregation of criminals and immigration detainees. Please indicate if removal centres include family units.

Indicate whether construction removal centres subsidized by the European Commission and referred to in the European Commission 2013 Progress Report, in Erzurum, Edirne, Aydın, Bitlis and Van has been completed. If so are these removal centres in operation?

Please indicate which authorities are responsible for detention and management of immigration detention facilities.

Conditions of detention

Please provide information about cell space, hygiene, food, bedding and access to health care for immigration detainees. Please indicate what monitoring mechanisms are in place to protect immigration detainees from abuse and ill-treatment, including complaints procedures.

Procedural Standards

Please indicate – in law and in practice – what procedural standards are in place for immigration-related detainees including information about the grounds and conditions of detention (in a language the persons understand), access to legal counsel, visits and contacts with relatives, access and visits by NGOs and national human rights institutions, review of detention order, access to consular representatives (upon request from the detainees). Please indicate who takes the detention order.

Alternatives to detention

Please indicate if there are non-custodial alternatives to detention (in law and in practice). If there are, please describe when they are used and the impact they have had on the numbers of people detained in the country.

Readmitted persons

Please indicate if the Readmission agreement signed with the European Union (EU) (Agreement between the European Union and the Republic of Turkey on the readmission of persons residing without authorisation signed in December 2013) has come into force. If so, please indicate how many persons have been readmitted to Turkey from the EU. Please indicate what is happening to readmitted persons. Are they placed in immigration detention?

If the readmission agreement has not come into force, please indicate when it is foreseen that the agreement will come into force.

Turkey holds a readmission agreement with Greece since 2002. Please indicate how many persons have been readmitted under this agreement and whether readmitted third-country nationals are placed in immigration detention.

Article 22

Please indicate the number of persons expelled from Turkey for immigration-related reasons. Please give details on expulsion procedures,

In 2009 Turkish authorities told the European Commissioner for Human Rights that deportees are responsible for their own deportation costs, as stipulated in Turkish law. Please indicate if this is still the case. This can lead to lengthy detention periods for persons who are unable to pay for their travel costs. The European Commissioner was informed that only a limited (and generally insufficient) Ministry of Interior budget was allocated to deport those unable to pay their own way. Is this still the case?