

The Speech of Ms Habibe KARA at the Global Detention Project's Webinar on "The Many Tools of OPCAT for Preventing Harmful Migration-related Detention"

Dear Participants,

I would like to thank Global Detention Project for hosting this significant webinar, which provides a valuable forum for both NPM and civil society representatives. I also wish to thank all participants for their valuable contributions and for sharing their experiences.

In my speech, I will give some brief information about the Human Rights and Equality Institution of Türkiye and mention the Institution's activities related to monitoring immigration detention centres. And finally, I will talk about the current practices regarding cooperation and engagement with civil society.

Türkiye signed the OPCAT in 2005 and ratified it in 2011. The former Human Rights Institution of Türkiye was designated as the NPM through a Cabinet degree in 2013. As a further step, in conjunction with the adaptation of the Law on Human Rights and Equality Institution of Türkiye (HREIT /TIHEK in Turkish) in 2016, the NPM function of the Institution gained a legal basis.

The Institution has three main functions. It acts as the National Human Rights Institution, Equality Body and NPM. In addition to the duties stemming from the OPCAT, the Institution also has the duty of examining the applications filed by people deprived of their liberty.

As the NPM, monitoring the conditions in immigration detention centres is one of the main fields of activity for the Institution. In Türkiye, currently, there are 30 immigration detention and accommodation centres, two of which are temporary. As of August 2022, the number of foreigners hosted in these centres is more than one hundred and fifty thousand, precisely 162,423.

Since 2018, HREIT has visited 24 immigration detention and accommodation centres, some of which were follow-up visits. In 2022, 5 immigration detention centres were visited by the Institution. The visit reports are shared with the public through the Institution's website.

In addition to the visit reports, the Institution has also published several thematic reports regarding the rights of migrants and refugees, such as a report on pushback activities against migrants and the deportation of immigrants and the Principle of Non-Refoulement: ("Report on the Deportation of Foreigners and the Principle of Non-Refoulement" and "the Report on the Evaluation of Pushback Actions Toward Asylum-Seekers and Irregular Migrants from a Human Rights Perspective")

By also drawing upon the findings from the monitoring visits, the Institution, in collaboration with all other stakeholders, aims to protect and promote human rights in all detention centres through raising awareness activities. Within this scope, the Institution has provided several training programmes on human rights and the prevention of torture and ill-treatment for the administrators and personnel of immigration detention centres and gendarmerie personnel.

The Institution attaches great importance to cooperation with existing monitoring mechanisms and relevant non-governmental organisations. In this regard, the Institution has signed several Memoranda of Understanding (MoU) with other NPMs, 16 universities and the Union of Turkish Bar Associations. Joint visits have been carried out in close cooperation with regional organisations and other NPMs to immigration detention and accommodation centres. Furthermore, attention is paid to the representation of all stakeholders, including civil society, in the symposiums, workshops, and seminars organised by the HREIT. As such, civil society representatives are invited as speakers and participants at these events.

In addition, HREIT has held several consultative meetings with the participation of non-governmental organisations, unions, and social and professional organisations in provinces.

The inputs of civil society are considered while determining the visiting place and during the pre-report and reporting processes. Accordingly, the activities of relevant NGOs are closely followed by the Institution. Especially in situations that require instant reaction, the Institution carefully considers the demands and calls of NGOs in this direction. For instance, the visit to the İzmir Harmandalı Removal centre was conducted upon the call of the Association for Solidarity with Refugees in 2022. Furthermore, representatives from civil society and bar associations are included in the visiting delegations.

Also, in the visit reports, the Institution has recommended to the respective administrations to facilitate the visits to the immigration detention centres by the civil society and bar associations (such as the Report on the Visit to Antalya Removal Centre).

Finally, while the Institution prepares annual and thematic reports, it conducts correspondence with civil society working in this field, and their contributions, opinions and suggestions are reflected in these reports.

Despite these positive aspects, unfortunately, like other NPMs, our Institution also faces several challenges in monitoring the detention centres. There have been approximately nine thousand detention centres (including all types of detention centres in line with the OPCAT) in Turkey in total. According to UNHCR's data, Turkey has also hosted the world's largest refugee

population since 2014. Furthermore, as I mentioned, the Institution has a broad mandate and huge workload as the NHRI, Equality Body and NPM. Therefore, the Institution has been experiencing difficulties in monitoring such a large number of detention centres due to the lack of staff in terms of both number and experience. In this regard, to overcome this challenge to some extent, cooperation with civil society becomes even more critical. To benefit from the expertise of non-governmental organisations working in this field, we seek possibilities for further collaboration and mutual support. As underlined in our recent annual Report, non-governmental organisations are the Institution's most important stakeholders and closest partners. We aim for a continued engagement with civil society, especially during the visits to detention centres.

Thank you for your attention. I would be happy to elaborate on any questions you may have during the Q&A session.