



Response

of the Turkish Government to the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on its visit to Turkey

from 16 to 23 June 2015

The Turkish Government has requested the publication of this response. The CPT's report on the June 2015 visit to Turkey is set out in document CPT/Inf (2017) 32.

Strasbourg, 17 October 2017

INTRODUCTION

The views of the Turkish Government to the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on its visit to Turkey from 16 to 23 June 2015 are set out below in the order adopted in the report. Extracts from the CPT's reports are reproduced in bold typeface with paragraph references.

The Turkish Government is pleased to learn that the CPT received very good cooperation at all levels of the visit.

Turkey gives due consideration to the recommendations and comments of the CPT and will continue to take necessary measures to make improvements on their bases.

GENERAL REMARKS

As stated in the report, the visit was carried out at a time when Turkey was facing an ever-increasing influx of foreign nationals mainly from the neighbouring countries. According to the UNHCR, Turkey is the biggest refugee-hosting country in the world today.

At present, Turkey is home to more than 2.6 million Syrians. 274.000 of them are living in temporary protection centers. More than 152.000 Syrian babies are born in Turkey since the beginning of the Syrian crisis. Syrians are provided with food, non-food items, health and education services as well as psychological support, vocational training and social activities in 26 temporary protection centers. Syrians living outside these centers are also under our protection and benefit from free medical services. In order to ameliorate the living conditions of the Syrians, the by-law allowing access of Syrians under temporary protection to the labor market in Turkey came into force on 15 January 2016.

Turkey has so far spent over 10 billion US Dollars for the needs of the Syrians, whereas the total contribution it received bilaterally and multilaterally from the international community is limited to 455 million USD.

Despite all the challenges, Turkey continues to pursue an "open door" policy towards all Syrians and strictly complies with the principle of non-refoulement.

Turkey, while hosting the biggest number of Syrians, is at the same time exerting every possible effort to minimise irregular migration. In 2015, Turkish authorities apprehended more than 200.000 irregular migrants in total. The Turkish Coast Guard has rescued almost 92.000 migrants at sea. This number is six times bigger than the total number of rescued migrants at sea in 2014.

Believing in the global characteristics of migration crisis, Turkey continues to draw attention to the need for developing global responses in addressing the massive challenges deriving from this crisis.

With this understanding, Turkey has led several international initiatives to raise awareness on the issue; such as hosting the 8th Global Forum on Migration and Development (GFMD) Summit in Istanbul on 14-16 October 2015 under the theme of "Strengthening Partnerships: Human Mobility for Sustainable Development"; and promoting the inclusion of Syrians issue in the agenda of the 70th session of the United Nations General Assembly under the title

“Global awareness of the tragedies of irregular migrants in the Mediterranean basin with a specific emphasis on Syrian asylum-seekers” on 20 November 2015, which marked the starting point for the series of activities foreseen in the UN Roadmap on Migration for 2016.

Turkey will be hosting the World Humanitarian Summit at the level of Heads of State and Government in Istanbul on 23-24 May 2016, which will be a vital opportunity for the international community to upgrade its methods and synchronise its perspectives in refugee issues.

RESPONSES TO RECOMMENDATIONS, COMMENTS AND REQUESTS FOR INFORMATION SET OUT IN THE REPORT

Preliminary Remarks

- Placement of foreign nationals in holding facilities within the transit zone of international airports / Inadmissible passengers (para. 10)

The International Civil Aviation Organisation (ICAO), established pursuant to Chicago Convention dated 5 June 1945 which Turkey ratified by the Law No. 4749, determines international rules and standards in all areas of civil aviation and ensures their implementation. It also regulates “Inadmissible Persons and Deportees” in the Chapter 5 of its Annex 9 on Standards and Recommended Practices on Facilitating the Entry and Departure of Air Crafts, Persons, Cargo and Relevant Persons in the international airports.

As regards the national legislation in Turkey, inadmissible passenger is described as “the person whose entry is not permitted or will not be permitted in a country by the competent authorities of that country” in Article 4, Paragraph 1, Subparagraph (p) of the Regulation on Facilitating Aviation published in Official Gazette No 28734 and dated 13.09.2013.

Article 16 of the said Regulation lays out the rules on transit and transfer passenger, transit and transfer cargo as well as entry in and departure from the country of other articles. Article 16 foresees compliance with Annex 9 titled as Facilitation published by ICAO and Document 30, Chapter 1 titled Facilitation published by ECAC; and development of the necessary infrastructure in line with the standards determined by World Health Organisation and World Customs Organisation for the entry and departure of the transit and transfer passenger, cargo and other articles in the airport.

Furthermore, Article 19 on Inadmissible Persons of the aforementioned Regulation states that “(1) The responsibility of the air carrier on carrying a passenger ends when the passenger is accepted conclusively in the country. The air carrier, which delivers either the passengers who transit Turkish airports to third countries, but who are not admitted by the third countries; or the passengers who directly fly to Turkey but cannot be admitted in Turkish airports, shall be responsible for sending these passengers to their commencement point of journey or another destination where they may be accepted; as well as for providing food, accommodation and health expenses for these inadmissible persons. Airport operator shall ensure the provision of the required infrastructure for such passengers. (2) Risk assessment on air travelling of inadmissible and deported passengers shall be performed by the local authority. (3) For the entry and departure procedures of inadmissible passengers who are not accepted in the country at the airports, the required infrastructure shall be ensured and necessary measures be taken by the pertinent institutions and organisations, in accord with the standards laid down in the Annex-9 titled Facilitation published by ICAO; Document 30, Section 1, titled Facilitation published by ECAC and National Civil Aviation Security Program.”

The foreigners awaiting in the holding areas regarded as international area in İstanbul Atatürk Airport are inadmissible passengers who are not accepted by Turkey. At any time inadmissible passengers can leave holding areas to travel a country where they would like to go. In this regard, Turkey does not apply any administrative sanction regarding these awaiting passengers.

Pursuant to international law, it is not possible for any country to impose any restriction or any time limit for the departure of these inadmissible passengers.

- Directive on Removal Centres of the Directorate General of Migration Management (para. 11)

Regulatory rules on actions and procedures of central management and foreigners being held in the removal centres operating under Law No. 6458 on Foreigners and International Protection (LFIP) were prepared and these regulations were entered into force by “Directive on Removal Centres of Directorate General of Migration Management” dated 16.10.2015. The Turkish and English texts of the Directive are enclosed herewith.

It lays out the rules and procedures as to the working units, provisions on personnel, acceptance and entry procedures of foreigners into centres, settlement procedures, notification of rights and responsibilities to the foreigners being held, services provided in the centres, communication, visits as well as general safety of centres.

Furthermore, the drafting work on “Directive on Working Procedures and Principles of Removal Centres” continues. It is planned to be finalised and put into practice soon.

With this new Directive, regulations on the mandate of the personnel, working units, all administrative procedures of foreigners including their admission to and departure from centres and deportation, provisions on settlement of foreigners into centres, rules to be followed by foreigners, services provided in centres and service provision methods, physical conditions, communication, visits, provisions on risk groups and safety of centres will be regulated.

Through the implementation of these both Directives, consistency and supervision of the services provided in all centres will be ensured.

- Transfer of the management of removal centres to DGMM (para. 12)

The management of the removal centres has been transferred from the Turkish National Police to the Directorate General of Migration Management. Their capacities have increased from 1740 to 2980-people with the improvement during the transfer process. Following refurbishment works, current capacity has reached to 3210-people.

Current Situation

| Removal Centres Operated by DGMM | | |
|---|-----------------|-------------------------------|
| NO | Province | Accommodation Capacity |
| 1 | ADANA* | 120 |
| 2 | ANTALYA | 60 |
| 3 | AYDIN | 380 |

| | | |
|-----------------------|------------|-------------|
| 4 | BURSA | 32 |
| 5 | ÇANAKKALE | 84 |
| 6 | EDİRNE | 400 |
| 7 | ERZURUM* | 750 |
| 8 | GAZİANTEP | 50 |
| 9 | HATAY* | 192 |
| 10 | İSTANBUL | 300 |
| 11 | İZMİR | 260 |
| 12 | KIRIKKALE | 40 |
| 13 | KIRKLARELİ | 50 |
| 14 | KOCAELİ** | 50 |
| 15 | TEKİRDAĞ | 50 |
| 16 | VAN | 392 |
| Total Capacity | | 3210 |

16 removal centres that currently operate in Turkey are run by the Directorate General of Migration Administration. Out of 16, 13 removal centres with a capacity of 1740 people were transferred from the Turkish National Police on 23 November 2015. During the transfer process, some capacities were increased whereas some were decreased.

A removal centre with a capacity of 50 people was closed in Adana and a new centre with a capacity of 120 people was opened.

New removal centres in Hatay and Erzurum were opened, with a capacity of 192 and 750 respectively.

Kocaeli removal centre with a capacity of 50 people was taken over from the Turkish National Police on 8 January 2016 following refurbishment and improvement of the center.

The capacity of Van removal centre was increased from 200 to 392.

The capacity of Çanakkale removal centre was increased from 32 to 84.

The capacity of Bursa removal centre was decreased from 48 to 32.

The capacity of Aydın removal centre was increased from 200 to 380.

Four removal centres with the capacity of 153 people in Hatay, Muğla, Batman and Diyarbakır were closed on 31.12.2015.

Closure of the removal centre in Ankara has to be postponed due to the presence of foreign missions in Ankara. Foreigners may need to stay a few days at the Ankara removal centre until their registration documents are prepared by the relevant foreign mission. It is currently operating under the responsibility of the Turkish National Police and it is planned to be closed down in 2016.

Istanbul-Kumkapı removal centre will be closed down in 2016.

Closure of the removal centre in Ağrı (located in the eastern border of Turkey) has been postponed due to the vast number of foreigners awaiting to be transferred to other removal centres. At present, it is operating under the responsibility of the Turkish National Police.

- The construction of new removal centres (para. 13)

Five of six reception and accommodation centres established within the scope of an EU Project will be transformed into removal centres. The works on installing security iron bars for windows, adding doors in necessary locations and increasing surveillance cameras have been started. These centers are planned to be put into operation as of April 2016.

Planned Centre Capacities

The Removal Centres Project, which foresees the construction of 12 new centres, was included in the National Investment Programs of 2014 and 2015 respectively. The project will be funded from the national budget. Within the framework of this project, a centre in Çanakkale with a capacity of 4820 people is under construction. Lands have already been allocated for some other centres, whereas tender processes or construction bidding for some others have been completed. The quotas for men, women and children will be determined following the termination of the construction phase.

| Removal Centres included in the 2014 and 2015 Investment Program | | |
|---|-----------|-----------------------|
| NO | Province | Accomodation Capacity |
| 1 | ANKARA | 500 |
| 2 | AĞRI | 400 |
| 3 | ÇANAKKALE | 250 |
| 4 | KOCAELİ | 250 |
| 5 | KONYA | 250 |
| 6 | MALATYA | 250 |
| 7 | TEKİRDAĞ | 400 |
| 8 | İSTANBUL | 1200 |

| | | |
|-----------------------|-------------------|-------------|
| 9 | HATAY | 400 |
| 10 | KIRIKKALE | 400 |
| 11 | ANTALYA | 120 |
| 12 | AYDIN (Container) | 400 |
| TOTAL CAPACITY | | 4820 |

Ill-treatment

- Continuous presence of female custodial staff at İzmir Removal Centre (para. 16)

The employment of female staff is ensured in all removal centres pursuant to the provision set forth in the Directive on Removal Centres stating that “sufficient number of male and female personnel working as public officer and employed through service purchasing is provided.” Currently, at all centres, female personnel are employed as provincial migration experts, cleaning staff and private security guard.

There is a total of 40 male and 17 female personnel employed at the Izmir removal centre.

Conditions of detention in removal centres

- Material Conditions (para. 22, 23, 24, 25)

Necessary legislative work has been carried in order to address the hygiene conditions in the centres. In accordance with current rules and procedures, cleaning personnel are being employed at the removal centres through service purchasing for cleaning and hygiene conditions.

Legal arrangements have been made in order to ensure the provision of personal hygiene equipment to foreigners residing in the removal centres and necessary infrastructure is established to ensure their access to hot water for 24-hour.

Furthermore, the DGGM gives due consideration to cleaning and hygiene conditions during its supervision visits to the centers.

Blades for personal use are given to the foreigners who are under administrative detention in the centres under scrutiny of the private security personnel and taken back after they meet their needs.

Regime

- Access to open air (para. 30)

As to the access to open air by the foreigners held in the removal centres, the legislative framework has been formulated under the “Directive on Removal Centres of DGMM”. And in line with this Directive, measures are taken to ensure that foreigners in the removal centres have

access to open air at least one hour a day, with the necessary security measures. Gardens have been redesigned at the centres if they were not appropriate for open air. Presently foreigners in all removal centres have access to open air at least one hour a day.

Outdoor exercise facilities have been arranged at Izmir, Ankara and Kumkapı removal centres and foreigners have been given the opportunity to benefit from these facilities at least an hour per day.

The project tender of Ankara Removal Centre with the capacity of 500 people was lodged in December 2015. Its construction is planned to begin as of April 2016.

- **Developing recreation activities for foreign nationals in the removal centres (para. 32)**

As to the extent possible, recreation activities are conducted at removal centres. Furthermore, sport facilities will be included in the new removal centres which are under construction.

- **Unaccompanied minors (para. 33, 51, 52)**

The issue of unaccompanied minors is regulated under the Article 66 of the Law on Foreigners and International Protection. Furthermore, "Directive on Unaccompanied Minors No. 152065 dated 20.10.2015" by the Ministry of Family and Social Policies sets forth the rules and procedures to be followed in this field. According to the Directive, detection and transfer procedures of unaccompanied minors are carried out as follows:

Provincial Directorate of Migration Management shall conduct a research whether foreign children are unaccompanied minors or not. For the children detected as unaccompanied, taking into account their best interest, below procedure is followed.

a) On behalf of the unaccompanied minor, Provincial Directorate of Migration Management shall carry out the application procedure for international protection as well as actions and procedures on granting foreigner ID Number.

b) Age assessment report is required for the children who do not possess an ID card indicating their age and whose physical development and declared age seem incompatible. The procedure shall be conducted by the Provincial Directorate of Migration Management. The foreigner, whose age assessment report be prepared, will be informed duly on the purpose and process of age assessment procedure.

c) Until the age assessment report be finalised, the children shall be given accommodation in the reception and accommodation centres, established by the DGMM, which shall be appropriate for the children's physical development.

d) Children who are granted with a foreigner identity number or a temporary protection identity card shall be directed to the Provincial Directorates of Family and Social Policies.

e) Before the unaccompanied children be delivered to the Provincial Directorates of Family and Social Policies, Provincial Directorates of Migration Management shall ensure that these

children go through necessary medical examination confirming that there is no inconvenience in terms of health for these children to stay in an institution or unit in which people live collectively.

f) Before the unaccompanied children are delivered to the Provincial Directorates of Family and Social Policies, the Provincial Directorate of Migration Management shall ensure that these children go through necessary medical examinations regarding the contagious diseases, chronic illnesses or substance addiction; necessary medical check-ups; and shall receive necessary treatments if they have any health problems.

g) The unaccompanied children shall be placed in an appropriate institution or unit, in the care of his/her adult relatives or a foster family, taking into account the opinion of the unaccompanied child.

h) Children over 16 years of age may be placed in reception and accommodation centres, provided that appropriate conditions are available.

i) Siblings shall be accommodated together to the extent possible, taking into account the interest of the children, their age and level of maturity. They shall not be transferred to a different accommodation facility unless it is obligatory.

i) Children shall be interviewed in the most appropriate places by the Provincial Directorate of Migration Management. The counsellor of the children shall accompany them during the interview. (Counsellor is the person who is responsible for enabling and monitoring the adaptation of children admitted in the institution/unit, monitoring implementation and occupational working plans.)

j) The opinions of the counsellor shall also be taken into consideration when the interview report is being prepared. One copy of the interview report shall be sent to Provincial Directorate to be kept in the personal file of the children in accordance with the principle of confidentiality.

Pursuant to the Article 7 of the Directive, the admission of the unaccompanied children in the institutions shall be carried out by the Provincial Directorates of Migration Management and Directorates of Family and Social Policies, in coordination with each other. Requests to place unaccompanied minors to an appropriate institution are reported to the Ministry of Family and Social Policies by the Provincial Migration Administrations.

Children may be transferred to different provinces in case that there is not an appropriate unit in the province that they are found in. The Provincial Directorate of Migration Management and related court shall be informed on the transfer procedures.

In view of their own opinions and for their high benefit, unaccompanied minors are placed with families preferably of their own nationality or at an appropriate institution.

Unaccompanied minors under age 18 are not admitted to removal centres. Sheltering and social needs of this age group are met by the Provincial Directorates for Family and Social Policy within the scope of the Child Protection Law and the Directive on Unaccompanied Minors No. 152065.

- **Playground facilities at the removal centers (para. 34)**

There are playgrounds in removal centres. In some removal centres these playgrounds are in closed areas whereas in others, they are in the gardens.

- **Accommodation of parents and children /Family Sections (para. 35)**

In all removal centres in Turkey including the ones in Aydın and Van, necessary arrangements are made to enable children to stay with their attendants. Children are sheltered with their parents in family sections.

- **The holding facility at the transit zone of Istanbul Atatürk Airport (para. 38)**

The construction and the refurbishment of the new holding facility at the transit zone of Istanbul has been completed. It will be brought into service in the following months.

- **Health care (para. 44)**

Pursuant to Article 13 of the Directive on Removal Centres;

(1) Each foreigner shall be taken to hospital by the relevant law enforcement unit and go through a medical examination prior to his/her reception to the centre. Following the examination, a health status report shall be prepared by the doctor.

(2) At the reception stage, the health status report of the foreigner shall be checked and other information related to foreigner's health condition like whether he/she has any disease or is on medication shall be registered by the personnel responsible for those tasks in the centre. If it is considered that the health status report of the foreigner is missing or false, the foreigner shall again be taken to health institution together with a personnel assigned by the central director and accompanied by law enforcement officer. A new health status report shall be prepared for the foreigner following medical examination.

(3) Health records of the foreigners accepted into the centre shall be kept in health record book. Health record book shall be formed and sent to the centres by the DGMM and be reserved for five years.

(4) When a foreigner leaves temporarily the centre in order to be taken to bank, notary, hospital, consulate etc., he/she, when deemed necessary by the centre administration, shall be taken to health institution and undergo a medical examination before he/she enters into the centre and a health status report shall be received from the doctor.

(5) When the foreigner leaves permanently the centre for the reasons that his/her administrative detention has ended; he/she is transferred to another centre; and he/she is removed, the foreigner shall be taken to health institution, together with the personnel assigned by the centre

administration and accompanied by law enforcement officer; and health status report shall be received.

(6) The health report shall be prepared in three copies. A copy of the report shall be kept in health institution that prepares the report, the second copy shall be given to the foreigner and the third copy shall be submitted to the relevant centre officer so as to put it into his/her folder.

(7) The unit which gives the health report shall be informed that the foreigner is brought there in order to take a report for entry into or exit from the centre.

(8) The primary consideration is that the patient will be alone with doctor and the examination will be performed within the confines of doctor-patient relation. However, in case of personal security concerns, the doctor may request the examination to be performed under the officer control. This request shall be met with documentation. In such cases, the legal representative, upon request of the person, may be ready during the examination provided that it does not cause a delay.

(9) Upon request and to the extent possible, the examination of a female foreigner shall be performed by a female doctor. In case there is no female doctor despite the request of the female foreigner to be examined, it will be paid attention to ensure the presence of a female health professional together with the doctor during the examination.

There is an ongoing work to ensure the employment of nurses on a regular basis at the removal centres.

- **HIV test (para. 45)**

This practice is not peculiar to foreigners of African origin and no foreigner is forced to take this test upon entry to the country. However, the necessary health checks are carried out during law enforcement operations for combating prostitution in accordance with the relevant regulations.

Other issues

- **Notification forms (para. 47)**

If foreigners fall within the scope of Article 54 of LFIP, they shall be either summoned to leave Turkey with a Leave Permit pursuant to the Article 56 or issued removal or administrative detention decision pursuant to the Article 57. "Removal and Administrative Notification Form" including the rights and obligations of the foreigners shall be signed by foreigner following the administrative detention. The notification form is prepared in 5 (five) different languages English, Arabic, Persian, Russian and Chinese besides Turkish due to the diversity of foreign nationalities. If the foreigner does not speak any of these languages, a translator shall be provided and the notification shall be done in the company of the translator. One copy of the notification form shall be given to the foreigner. However, it has been witnessed that sometimes foreigners rip off the notification forms, they do not want to read the form or refuse signing the form.

Before the date of 23.11.2015 removal centres were administered by the Turkish National Police. Since the removal centres are now run by the DGMM, the above-mentioned procedure is followed. Furthermore, personnel working in the removal centres are provided training programmes in this field.

Para. 48, 49, 50, 51

- Access to lawyer

As to the access to lawyers for the foreigners, duties assigned to the DGMM with the Law No. 6458 are set out below.

Pursuant to Article 57 of the the Law No. 6458, “those who appeal against an administrative detention action but do not have the means to pay the attorney’s fee shall be provided legal counsel upon demand, pursuant to the Legal Practitioner’s Law No 1136 of 19/03/1969”.

Furthermore, in accordance with Article 81 of the said law,

(1) Applicants and international protection beneficiaries may be represented by a lawyer regarding activities and actions stipulated in this Part, provided that the attorney’ fee is covered by them.

(2) In cases where the applicant and international protection beneficiary is unable to afford the attorney’s fee for their judicial appeals regarding activities and actions stipulated in this Part, legal assistance shall be provided pursuant to the provisions on legal assistance stipulated in the Attorneyship Law No 1136.

According to the provisions of the Law mentioned above, the Directorate General is not assigned to allocate an attorney to foreigners; the DGMM may demand foreign attorney services by applying to bar associations pursuant to the judicial assistance provisions. Bar associations have the characteristic of public organisations and institutions but they are autonomous institutions with their own budget. Therefore, DGMM have no chance to interfere with the bar associations due to the fact that they are autonomous organisations and attorneys are independent.

Persons, who are subject to a removal decision within the scope of Article 54 of the Law on Foreigners and International Protection and who are under administrative surveillance to complete the procedures to leave Turkey, can have access to a lawyer upon their written requests. In order to prevent possible violations and protect personal information of these persons, the lawyer, along with the consent of the foreigner, has to apply to the administration by petition. Thus, the lawyer can have access to the file of the foreigner and meet with him/her. The Directorate General on Migration Administration informed all Governorates upon the above mentioned practice on 17 December 2015.

- Regulations in the Attorneyship Law regarding the Legal Aid Institution

General provisions regarding the legal aid are stipulated in the Articles from 176 to 181 of the Attorneyship Law, and procedures and principles of the legal aid are regulated in the Legal Aid

Regulation of the Union of Bar Associations of Turkey. Pursuant to the Article 177 of the Law, bar associations are assigned to form legal aid bureaus in the centre of bar associations consisting of sufficient number of attorneys appointed by bar association board of directors in order to offer legal aid services to people with no means to pay the attorney's fee and other court expenses. Legal aid bureaus have no legal personality and work under the bar associations' board of directors. Legal aid demands are made to legal aid bureaus or agencies where the legal aid is offered. After the examination of the necessary documents by the legal aid bureau or agency, if it is decided that the applicant has no potential to pay for the necessary expenses regarding the issue being subject of the demand and his/her demand is just, the legal aid demand is accepted and required service is provided to the applicant. In order to benefit from the legal aid, the reciprocity principle must be fulfilled. The case of the person benefiting from the legal aid service in accordance with the provisions of the law is opened by an attorney appointed by legal aid bureau or agency. Legal aid beneficiary cannot personally choose the attorney to be appointed in his/her case according to the legal aid decision.

- **Validation of powers of attorney**

In case that foreigners and Turkish citizens ask to be represented by an attorney, they must have a warrant of attorney from the notary. Pursuant to Article 88 of the Law No 6458 "The rights and benefits granted to applicants, persons whose application has been refused or international protection beneficiaries shall not be construed to provide more rights and benefits than those accorded to Turkish Citizens." Therefore, like Turkish citizens, foreigners cannot be represented by an attorney without the warrant of attorney.

According to the General Paper of the Union of Turkish Notaries No. 93 dated 19.09.2014, the notaries can issue warrant of attorney for foreigners, upon the presentation of certain types of identity cards given by the DGMM. The explanation regarding these cards are described as follows:

Pursuant to the Law No. 6458 on Foreigners and International Protection, "Residence Permit Documents", which are issued after 11.04.2014 and have no photograph on it, shall not be accepted alone as an ID card even after a photograph is attached on it. Since the the holder of "Residence Permit Document" also have passports or foreigner identity cards, during the procedures, "Residence Permit Document" will be used together with the translated version of their passports or foreigner identity cards.

Residence Permit Documents

As to the application for residence permit, pursuant to Article 21 of the said Law,

- (1) Applications for residence permits shall be lodged with the consulates in the foreigner's country of citizenship or legal stay.
- (2) Foreigners applying for a residence permit shall be required to hold a passport or a travel document valid at least sixty days beyond the duration of the requested residence permit.

- (3) Where the information and documents required for the application is incomplete, the assessment of the application may be postponed until such information and documents are submitted. The applicant shall be informed of the missing information and documents.
- (4) The consulates shall convey the residence permit applications, together with their remarks, to the Directorate General. The Directorate General shall, after finalising the assessment of the applications, inform the consulate to issue a residence permit or refuse the application, seeking the opinion of the relevant institutions when it deems necessary.
- (5) The assessment of the applications shall be finalised no later than ninety days.
- (6) The actions related to the refusal of a residence permit application shall be notified to the applicant."

Stateless Person Identity Card

Persons who are regarded as stateless persons in Turkey do not carry any identity cards or passports issued by any country since they do not have any citizenship connection with any country. Therefore, they may undergo notary procedures with respect to "Stateless Persons Identity Cards" due to the lack of any passports or foreigner identity cards."

Determination of Statelessness

Pursuant to Article 50 of the Law No. 6458,

- (1) The statelessness status shall be determined by the Directorate General. Stateless persons shall be issued a Stateless Person Identification Document, which entitles such persons the right to legally reside in Turkey. Persons, who are in the process of being considered as stateless in another country shall not benefit from this right.
- (2) Stateless persons shall obtain a Stateless Person Identification Document. The governorates shall issue this document, upon approval of the Directorate General. This document shall substitute a residence permit and shall be renewed by the governorates every two years without subject to any fee. The Stateless Person Identification Document shall bear the foreigner identification number.
- 3) "Registration Document for International Protection Applicant", "Identity Document for International Protection Applicant" and "Identity Document for Holder of International Protection" with foreigners' identity number, which are granted in accordance with the provisions of the Law No 6458 on Foreigners and International Protection, may be used for notary transaction due to the fact that they have the characteristic of identity card issued by official authorities."

Registration Document for International Protection Applicant

As to registration and control, Article 69 of the Law No. 6458,

- (1) International protection applications shall be registered by the governorates.
- (2) The applicant shall report identity information truly and, if available, submit identification and travel documents to the competent authorities at the time of the registration. The applicant and his/her belongings may be searched to this end in order to fulfil the obligation.

(3) Where there is no documentation regarding the identity of the applicant at the time of registration, information obtained from the comparison of personal data and from investigation shall be used for the identity determination. In case no information is obtained as a result of the identity determination investigation as well, the statement of the applicant shall be referred to.

(4) At the time of registration, information pertaining to the applicants' reasons for leaving their country of origin or former habitual residence; their experience following departure, and events that led to the application; their way, means of transportation and routes of entering Turkey and, in cases where applicants have previously applied for or are a beneficiary of international protection in another country, information and documentation regarding this application or protection shall be taken.

(5) At the time of registration the applicant shall be informed of the time and place of the interview

(6) An applicant who is assessed to be posing public health a threat shall undergo medical screening

(7) At the time of registration, the applicant shall be issued a registration document valid for thirty days indicating the international protection application and containing identity information. The registration document would be extended with thirty days validity periods when necessary. The registration document shall enable applicant to stay in Turkey and shall be issued without being subject to any fee."

Identity Document for International Protection Applicant

Pursuant to Article 76 of the Law No. 6458,

(1) Upon completion of the interview, the applicant and, if any, accompanying members of his family, shall be issued an International Protection Applicant Identity Document valid for six months indicating the international protection application and bearing foreigner identification number. For those cases when the [assessment of the] application could not be finalised, the identity document shall be extended for a validity period of six months.

(2) Identity document shall not be issued to those whose applications are subject to the provisions of Articles 72 and 79 and to their family members.

(3) The form and content of the identity document shall be determined by the Directorate General.

(4) The identity document shall substitute a residence permit and shall not be subject to any fee."

Identity Document for International Protection Beneficiaries

Pursuant to Article 83 of the Law No. 6458,

(1) An identity document bearing the foreigner identification number shall be issued to persons granted refugee status, with three years validity period at a time.

(2) Persons granted conditional refugee or subsidiary protection status shall be given an identity document bearing the foreigner identification number issued with one year validity period at a time.

(3) The identity documents set out in first and second paragraphs shall substitute a residence permit and shall not be subject to any fee. The Directorate General shall determine the format and content of the identity documents."

- **House rules (para. 53)**

Informative posters including rules of Centre are hanged on the walls in the shared communal areas. In some Removal Centres, rights and obligations as well as information on rules shall be reflected digitally on screens in different languages.

- **Communication and visits (para. 54, 55)**

Pursuant to Article 41 of the Directive on Removal Centres;

(1) A sufficient number of payphone, the charge of which will be paid by detainees, shall be provided in order for detainees to communicate with their acquaintances and the authorities of their own countries. The centre personnel shall not use the phones assigned to detainees.

(2) The detainees who are not able to meet the phone expenses shall be supported by the centre administration for a reasonable number and duration of calls to be made with two acquaintances, attorney, legal representative and the authorities of their own countries.

(3) Phone calls of those who violate order and discipline in the centre or those who lead the detainees to violate order as well as those who give damage others, themselves or centre may be restricted by the centre director.

(4) Phone calls shall not be made during the general and partial searches, lunch times, and all kinds of personal and collective cases that violate the order and security of the centre.

(5) It is not allowed to keep or use mobile telephones or similar communication devices within the centre. However, in compulsory cases, detainee may be granted access to the record and data in his/her mobile phone with the consent of the centre director and under the control of employee in charge.

(6) Detainees shall be given the opportunity to send and receive letter at their own expense. Postage rate of a reasonable number of letters of those who cannot afford it may be met by centre administration.

(7) The day and the time of phone calls, emergency calls, the number of phones in the centre, order of application shall be determined by the centre administration in accordance with the order and security of the institution.

Pursuant to Article 42 of the Directive on Removal Centres,

(1) The detainee may be visited by his/her spouse, relatives by blood up to third degree as well as relatives-in-law up to second degree. At the time of entry into the centre building the visitors shall deliver their id cards to the directorate and the directorate shall give a visitor id card bearing printed serial number approved by the centre administration. Information on hours and

duration of visit and the names of the detainee and his/her visitors shall be registered. Detainee shall see their visitors only in visiting room.

(2) Except those specified in paragraph (1), if deemed necessary the detainee may be allowed by the Centre director to meet with the visitors whose names, surnames, telephone numbers and addresses are notified by the detainee.

(3) Except the permissions given by the centre director, the visits shall be held non-working days and within the working hours, in the reception areas which are reserved for that purpose and in a way that the conversations cannot be heard, however, the visits can be monitored for security reasons.

(4) Each visit duration is thirty (30) minutes at most. Upon request, this duration can be extended once more.

(5) In case of instances requiring extra measures for security, health and order of the centre, if necessary, the visits can be restricted or removed by the Centre director. Such instances shall be recorded in an official report and immediately be reported to the Centre Coordinating Units.

(6) When necessary, the visits to the detainees are carried out in accompany with the personnel.

(7) The visitors cannot take photo and record video or sound while they are at the centre.

(8) Nobody can enter the visiting room with guns or similar tools.

(9) The visits cannot take place during meal times and ventilation.

- **Employment of psychologists and social workers at the centres (para. 56, 57)**

There is an ongoing work by the Directorate General on Migration Management to ensure the employment psychologists, social workers and health personnel on regular basis in all removal centres.

- **Presence of security and custodial staff (para. 58, 59, 60)**

Pursuant to Article 38 of the Directive on Removal Centres,

(1) The centre administration is responsible for entry into and exit from the centre as well as general security of the centre. External security of the centres is provided by general law enforcement officers while inner security is provided by private security. If asked by the centre and considered appropriate by the governorate, general law enforcement may be assigned to provide inner security.

(2) Security staff shall be responsible for ensuring order and discipline inside the centre as well as supervision and control to prevent escapes.

(3) Necessary measures shall be taken by the centre administration in order to respond, communicate and provide in-out coordination in a possible crisis situation such as riot, fighting, natural disaster, fire, mass escape. In such circumstances, if the security staff in the centre

becomes insufficient, the centre director urgently asks for general law enforcement from the local authority through provincial governor.

(4) Centre fire instruction is prepared by centre administration. A fire drill is carried out for the centre personnel once every six months. Tools and materials to be used for fire extinguishing shall always be ready to use.

(5) Detainee who violate order and discipline in the centre as well as the security and peace of other detainees, who does not change his/her acts and behaviours despite all warnings shall be notified to Directorate General with a view to transfer to another centre.

As to the usage of teargas products, they are used during public disturbances pursuant to the relevant legislation, by the trained specialist staff upon the order of the competent chief, by observing the principle of proportionate use of force and to the extent of quelling resistance, based on the nature and degree of the resistance. In demonstrations held indoors, the handheld pepper spray made of OC (oleoresin capsicum), which is also preferred by the police force of several countries including members of the European Union, is used to break resistance in such situations. Other tear-inducing substances are never used.

It is aimed to ensure the safety of the people at the centers at the highest level and the possible best conditions for them in the removal centres. To this end, necessary security measures for the foreigners and personnel in the centers are regulated. Special attention is also paid with regard to the usage of cutting and drilling tools.

Training programs are planned to be held in 2016 for the personnel working in all different branches in the Removal Centers. Special programmes are to be held in particular on the principle of proportionate use of force by security services, in accordance with the recommendations of CPT in this field.