

Refugees and their Way through Turkey to the European Union



The protection of foreign refugees in Turkey

**Report and documentation
on a study trip to Turkey,
8th – 17th June 2005**

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Preface: Responsibility does not end at state borders

Already in June 2003, during the 6th Conference on Asylum Legislation in Europe in Berekfürdö, Hungary, the idea of a follow-up in Turkey was born. Then came a phase of intense communication on the programme for such a meeting – with Turkish NGOs, specialised institutes at Turkish universities, Turkish governmental offices, the UNHCR, the EU representation to Turkey and the German embassy. It soon became clear that given the immense diversity of migration-related problems, we would have to concentrate on only one very closely delimited topic. From the perspective of the Conference on Asylum Legislation, it was natural to focus on Turkey's role as a transit country for foreign refugees on their way to Europe.

- From which countries and how do refugees with a hope of continuing to the EU enter Turkey?
- How are these refugees received in Turkey?
- What kind of special protection is given to women refugees and their children?
- What education opportunities to refugee children have?
- What kind of counselling infrastructure is there?
- How can refugees reach the UNHCR, which is conducting the asylum procedure for non-European refugees?
- To which third countries can refugees continue and how are they helped in this?
- What is the role of voluntary organizations in caring for refugees and what kind of support do they receive?
- How is Turkey preparing for EU standards in the context of its EU accession negotiations?

The Churches' Commission for Migrants in Europe (CCME/KEK), the Church Office of the EKD / Office of the Plenipotentiary of the EKD at the Seat of the Federal Republic of Germany and the European Union, the Württemberg Social Service Agency (Diakonisches Werk Württemberg) and the Protestant Church in Baden cooperated

very closely to decide on the programme for the study trip to Turkey documented in the present publication. Participants of this trip also visited projects for returnees to Turkey as well as returnee families. Experts for refugee questions and migration from Belgium, France, the Slovak Republic, the Czech Republic and Germany took part in the trip.

In June 2005, the participants spent some deeply impressive days in Turkey. The meetings were often very emotional, and there was an almost general feeling of tentative optimism and a sense of a new era. The strong hope in the positive power of the coming EU accession negotiations was the background to all our talks. In fact we felt that ethnic and religious minorities, civil society organizations, social, legal aid and women's projects are strengthened and encouraged by current developments.

However, we were also often told that the EU was pushing its refugee problems outward to Turkey as a neighbouring state and encouraging border security more than refugee protection. "The churches are resolutely opposed to the EU project to delegate the responsibility for receiving refugees to poorer states outside the European Union," was the churches' answer to this problem in Article 17 of the Liebfrauenberg Declaration of May 2004 (www.liebfrauenberg-migration.de). The responsibility of churches for human rights and also the responsibility of the EU for refugees cannot be suffered to stop at state borders.

I wish to thank all the cooperation partners mentioned above, all who helped make this study trip through Turkey a success and who put down their experiences in the following reports. We would be glad to receive any feedback and to continue the discussion on this problem that has been started between European churches.

Thomas Dermann

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Thomas Dermann, Jürgen Blechinger*

Refugees in Turkey – A first overview

Van – Southeast Turkey, on the border to Iran

Meeting in Van

Zahra A. is visibly desperate. The 33-year-old Iranian woman has tears in her eyes when we tell her that one of our group is a woman pastor. She says she hasn't seen a woman pastor in years. Zahra A. fled from Iran four years ago. She had converted to Christianity there and also had had some political problems. In case of a return, she fears for the worst, especially because she often had to interpret for other Iranians with Turkish police authorities. The Iranian authorities might torture her in order to obtain information about other Iranian refugees in Turkey. After four years in Turkey, Zahra A. is still living in Van, a provincial capital housing 150,000 inhabitants and several hundred thousand internally displaced persons. Van is more than 1000 km to the east of Ankara, in the very East of Turkey, 150 km from the Iranian and 200 km from the Iraqi border.

Zahra A. was lucky. She wasn't arrested directly at the border. The Turkish army often send refugees on their way to Van back to Iran. Zahra A. made it into the city and filed an asylum application with the field office of the United Nations High Commissioner for Refugees (UNHCR). Now, the Turkish police are waiting for a decision on her case.

Like Zahra A., many refugees of other than Turkish nationality live in Van. Not all of them file an asylum application; many try to continue to the EU, others stay in Van without any money. Some have run out of money to continue their flight, some want to register in order to prevent refoulement or removal.

Their countries of origin are Iran, Iraq, Afghanistan, Pakistan and many others, mainly in Asia.

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The Geneva Convention on Refugees in Turkey

As foreign refugees, the families and individuals here in Van face a difficult legal as well as social situation. Up to now, Turkey has only signed the Geneva Convention on Refugees with a geographical reservation. Thus, the Geneva Convention on Refugees is applicable only to persons fleeing from European countries including, according to the definition used in Turkey, mainly for exterior policy reasons, the Caucasian countries. Refugees from Asian and African countries do not fall under the Geneva Convention on Refugees in Turkey. These refugees have to register with the police and with the UNHCR in the province they entered within the very short period of 10 days. The UNHCR is then permitted to conduct an asylum procedure for them. Refoulement or removal is usually postponed until the UNHCR has decided whether the applicant is a refugee according to the Geneva Convention. Applicants whose refugee status is acknowledged are then suffered to remain until another country accepts them. Canada, the US, New Zealand and now also Norway and Ireland accept individual refugees from Turkey. In case the application for asylum is not granted, the applicants are asked to leave the territory and have to be prepared to be removed to the country they came from.

Work bans and waiting periods

Asylum procedures with the UNHCR can take up to four years or even longer. Once applicants are accepted as refugees, they have to wait again for months or even years for a chance of resettlement. During the whole of the procedure, all applicants are forbidden to take up any job; they may not leave their appointed province and have to report to the police several times a week. The state provides no accommodation, nor do the families and individual concerned receive any tangible social support. In Van we learn that foreign refugees are not allowed to visit state schools while their case is pending.

Zahra A., as a Christian, does not want to stay in Turkey. For her, Europe is far away. To flee there would cost more than € 5000. Protection of the EU's borders has been stepped up more and more during the last years. Her only hope is acceptance by the UNHCR and resettlement to the US, Canada or New Zealand. She doesn't really care where she goes; she just wants to get away. And she doesn't even want to think about the possibility of her application being rejected, like those of a few other Iranian Christians. If that happened, she would be removed from Turkey to Iran in a few weeks, she says. "I'm sure I wouldn't survive that."

Lake Van, at an altitude of 1720 m, in summer



The situation of refugees in Van

Caroline Intrand*, Jürgen Blechinger

The situation at the borders to Iran and Iraq

One of the main escape routes from Asia to Europe crosses the Iranian border. Whoever makes it across the mountains, often covered in metre-high snow in winter, has made a big step towards the EU. It then takes about 30 hours by bus to get to Istanbul. From there, people are transported hidden in trucks or boats. One of the main points of transit on this route is Van, a provincial capital of about 500,000 inhabitants, the centre of the province of the same name, on the banks of Lake Van, at an altitude of 1720 m.

At least 200 people per week cross the Iranian border illegally. They come from Iran, Afghanistan, Sri Lanka and other Asian crisis regions. 90% of the applicants asking for asylum at the UNHCR office in Van have come to Turkey this way. Some of the asylum applications are filed by Iraqi Kurds, but the number of these cases has decreased strongly.

Many refugees are crossing the border at the official checkpoints, hidden in trucks; others try to cross the mountains on foot. This is live-threatening because of the extreme weather conditions, especially in winter – and winter lasts from October to May. But also in summer there are often sudden snowfalls up in the mountains. The military are another considerable risk. In the dark, they have difficulties telling whether they are dealing with terrorists, smugglers or refugees. We have been told that the soldiers often start shooting and only later stop to see that they were faced with unarmed refugees.

In eastern Turkey, people who have just crossed the border illegally are often brought to the hospitals with severe injuries, such as gunshot wounds, frostbite and injuries by mines.

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Hakkâri Province

Hakkâri province is situated in the extreme southeast of Turkey and includes the Turkey-Iran-Iraq trilateral triangle. The Hakkâri mountains have many summits of over 3000 m high and are difficult to cross in winter. Many villages are cut off from the exterior by the snow every year.

60% of all villages in Hakkâri province have been destroyed. The province used to have 300,000 inhabitants, 30,000 of which were living in the capital. Today, there are still 240,000 people in the province, but 70,000 of them live in the capital. About 100,000 former inhabitants of Hakkâri province are now living in Europe. Many are afraid to return because their names are registered with the security forces.

A lot of foreign refugees come to Turkey crossing the international borders of Hakkâri province. The ways from Hakkâri into Van and to the UNHCR's office there are under surveillance by many military posts.

On the roads to Van, vehicles are systematically controlled. When refugees are found, they are often detained but just as often returned directly to Iran or Iraq. Refoulement becomes improbable only when refugees have succeeded in registering at the UNHCR in Van.

In Van, the tense security situation can be felt everywhere. Military and police are on the streets, soldiers conduct regular checks. Besides PKK terrorists, these checks are aimed mainly at people having crossed the border illegally, at smugglers and refugees.

From the Cumhuriyet of 09/IX/2005

Death of a refugee

A refugee from Pakistan died in Ercis district (Van). The police were tipped off that a small truck standing all alone outside the district capital contained people who had come into the country illegally. In the bolted cargo area of the truck, they found 47 people who had been imprisoned there for three days. One of the refugees, whose name was not mentioned, died in hospital.

Asylum procedures in Van

As Turkey has only ratified the Geneva Convention on Refugees with a geographical reservation, non-European refugees cannot file an application for asylum with the Turkish asylum authorities. However, Turkey accepts that the UNHCR investigates whether such persons are refugees. Non-European applicants are suffered to remain for the time their procedure is pending with the UNHCR. In case their refugee status under the Geneva Convention is acknowledged, Turkey continues to tolerate their presence on its territory until the refugees are accepted by a third country.

The asylum application has to be filed with the UNHCR field office in Van, a three-storey building on the outskirts of the city, surrounded by barbed wire. The regulations for the procedure put down in a decree by the Turkish interior ministry stipulate that applicants have to register with the UNHCR as well as with the foreigners' authority of the police security directorate within 10 days of their illegal entry. Only then are they suffered to remain while their case is being considered. UNHCR workers told us that this ten-day period has lately been enforced less strictly. The UNHCR office in Van and the foreigners' authority regularly exchange the personal data of the registered refugees in order to ensure registration with both authorities. Information given during hearings is protected, however, and according to the UNHCR field office it is not passed on to Turkish authorities.

When registering with the UNHCR, applicants have their personal data recorded and get a registration number as well as an appointment for a personal hearing with a UNHCR officer. This hearing is held in English, if necessary with the help of an interpreter for the applicant's language.

The UNHCR field office runs a 24-hour telephone hotline. Applicants are told an emergency telephone number always served by a UNHCR worker.

If an applicant's refugee status is acknowledged, they may have to wait a long time for acceptance by a third country. This can take several years. While they are waiting, officially accepted refugees do not have any more rights than asylum seekers. (Cf. the articles "Foreign refugees and Turkey's health system" and "The social situation of refugees".)

If they are denied asylum, applicants can file an appeal against this decision with the UNHCR. A UNHCR officer who has not yet been involved with their case looks at it a second time. Some-

times, there will be a second hearing, e.g. in Ankara. In this case, the UNHCR bears the cost of the journey to the hearing. In 2004, 13% of appeals against decisions by the UNHCR field office in Van were granted. In 2005, 24% were granted until the end of June.

If there is a legally binding rejection, the case is closed and can only be reopened when new facts or new pieces of evidence have to be considered. Rejected applicants can then be removed by Turkish authorities, but many of them continue to live in the country under very difficult circumstances.

There is a faster procedure for Bahai people from Iran. First, the ICMC (International Catholic Migration Commission) looks at the case and gives a provisional statement on it to the UNHCR, which then takes the final decision. If refugee status is acknowledged, the applicant can move on immediately to the US.

According to the head of the UNHCR field office in Van, decisions at first instance in the asylum procedure are taken after nine months on average. In June 2004, 448 cases were being considered in Van. The 2004 acceptance rate was at 46%

Border monitoring

As the Iranian border is very long and the terrain is difficult, the arrival of asylum seekers is hard to monitor. The UNHCR field office in Van is insufficiently equipped for such a task. However, members of the field office visit border police checkpoints from time to time in order to help people wishing to apply for asylum. Sometimes, the police call in the UNHCR on individual cases when they think it necessary. The UNHCR confirms that there are probably cases of refoulement and arbitrary removal. According to the UNHCR field office, they are helpless to prevent this.

Networking

One of the main problems in Van is the absence of Turkish NGOs with adequate knowledge and resources as well as of other international organizations. That is why the Van women's organization VAKAD and a counselling centre for human rights working closely with the Van bar association were supported by European funds. (For information on VAKAD, cf. the report "VAKAD – A women's organization in Van".)

The counselling centre for human rights also helped to hold a training workshop on asylum legislation. The UNHCR wishes for better legal counselling for refugees.

Legal counselling for refugees

It is extremely hard for foreign refugees in Van to find a properly trained lawyer, even if they could pay one. At the moment, there are no lawyers in Van who are specializing in refugee law and are regularly involved in asylum procedures. As the UNHCR hearings are held in English, it is very dif-

ficult for Turkish lawyers to plead in such cases. Only few Turkish lawyers have a sufficient command of English. Further support of a network for proper legal counselling and representation of refugees is urgently needed, especially in Van.

Fanny Dethloff*

TEGV – The school project of Türkiye Eğitim Gönülleri Vakfı

Türkiye Eğitim Gönülleri Vakfı, the foundation of volunteers in education in Turkey, is a nationwide organization. The state has placed a large plot of land and classrooms outside the city of Van, near the airport, at the disposal of its Van department.

The building is modern and in good repair. Everything is new and clean and has been lovingly decorated with the children's artwork. Outside, a school garden with a lot of trees is being laid out, there are playthings and pavilions with inviting benches. It is an oasis of peace for children who often suffer extreme want.

We met the project's headmistress in her spacious and well-equipped office in order to learn more about the goals of the school project.

In addition to general compulsory education, TEGV offers afternoon classes and leisure activities for children and young people, independent of their ethnic or social background. TEGV's work is a form of voluntary educational assistance, a complementary measure aimed at easing the workload of state schools.

Schooling is coeducational and includes coaching in the compulsory subjects as well as literacy courses. These courses are also open to youths of over fourteen years of age, although compulsory education in Turkey ends at 14. There are courses in painting and handicrafts, computer education, technology classes, sports and leisure activities. Teachers at state schools can take part in further education courses.

Another goal of the voluntary project is to bring new ideas for integration to the state schools. It is mainly children from poorer families (about 60% of Van's inhabitants) who come here; many are internally displaced persons without a suf-



Entrance of the TEGV in Van

ficient command of Turkish. A lot of children who are difficult to handle are "gotten rid of" by state schools by sending them here.

The situation of foreign refugees is still more difficult – during the asylum procedures as well as after they have been accepted. They are not allowed to visit state schools. Refugee children need special care and cannot be provided for adequately in the state schools, which have class sizes of up to 60. That is why these children get their normal school education at TEGV. Many refugee children do not speak Turkish at first, but after one year with TEGV's school project, most of them speak it well enough to get by.

Right from the start, the children are taught by voluntary teachers fluent in Persian, so that refugees from Iran and Afghanistan have no trouble communicating. Many of the children, however, are traumatised and there is no therapy available.

All children can register with TEGV and take part in the classes. The children get an ID with a pho-

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The head of the school project, Ms. Rezzan Bayram



Music lesson with foreign refugee children

tograph from the school and do not need state ID documents to enrol. In practice, it is almost only children of accepted refugees who come here, because asylum applicants' children often have to work to help their families survive.

The TEGV project in Van has been running for seven years. The school project has five employees: one headmistress, two people to draw up the educational programme, one head of the volunteer programme and one chief of technical staff. Most of the actual work is done by 250 volunteers (students, teachers and housewives) teaching classes. Individual study programmes are drawn up for the children. Each year, TEGV supports 8,000 to 12,000 children. In 2005, about 40 children whose families are accepted refugees take part in the project.

TEGV is a foundation and depends on donations for its funds. Local businesses do not have much to give; there are hardly any big companies in Van. A long train made of small cardboard squares runs the walls of the school's corridors. Each donor is named on one of the train wagons.

There are many donations in kind, such as food or clothes. 100 New Turkish Lire (about € 70) are considered a huge donation.



From left to right: Hanns Thomä, Rezzan Bayram, Fanny Dethloff, Berthold Münch, Caroline Intrand, Jürgen Blechinger, Zerrin Konur

Once a year, a TV advertisement for donations is shown in the whole of Turkey. The UNHCR supported education for refugee children with its funds for three years. Now, funding is restricted to the school busses. There are two large busses and four vans taking children to and from school as the project is situated on the outskirts of the city.



Two voluntary teachers, who are refugees themselves, and their class



„Train of Donations“

The TEGV project would like to offer free school dinners. This is urgently needed as many of the children suffer from hunger. Regular health check-ups by the Turkish Red Crescent have shown that nearly 100% of the children suffer from vitamin and iron deficiency, none of them had normal blood values. TEGV gets deliveries of vitamins and iron that are then given out to the children, but the pills do not come regularly.

Children who wish to participate in the TEGV programme need to fill in an enrolment form and have a health check-up. Their state of health is recorded. Health education plays an important part in the school project.

In one of the classrooms, we meet children from Afghanistan and Iran. Children's pictures, many of which are very beautiful, line the walls. There are theatre projects and other opportunities for the children to express their experiences through artistic creativity.



The end of the fundraising train, which runs many classrooms, two refugee volunteers with Caroline Intrand and Jürgen Blechinger

They often tell of up-rootedness and flight. Their tales of how they lost their favourite pillow or their doll reflect all the desperation of their being far from home. The pictures on the walls tell of the war in their country, but also of their longing for peace and protection.

The burden children carry to school with them:
"I don't have shoes",
"My father is out of work",
"We are eight brothers and sisters",
"I couldn't sleep, my tooth ached all night long",
"After school, I have to go and sell Simits" (sesame pastry),
"I don't have a coat, either",
"I was freezing all night because we don't have any wood",
"Actually, I don't have a reason to be unhappy",
"No matter what, I have to go to school because I have an exam"





An Iranian refugee in Van

Fanny Dethloff

Refugees from Iraq – Women refugees from Iran

In Van, there are internally displaced persons as well as refugees, individuals and families from Iran or come from Iraq and Afghanistan via Iran.

The situation of the Iraqi refugees is desperate. Asylum seekers do not get any kind of support, are not allowed to work, and their children do not go to school. As the UNHCR has stopped all decisions on Iraqi cases, this situation is going to last for years. On the other hand, the Turkish state promised not to remove anybody to Iraq, so there is no way forward and no way back. Many people are quite desperate.

I also met several women from Iran in Van:

An Iranian Christian

One of them is K., an Iranian woman with one daughter who works as a volunteer teacher and has now been waiting for acceptance as a refugee by the UNHCR for four years. Before she fled, she used to work as an English teacher in Iran. Her husband spent four years in prison because of his political activities, and she says that she documented his case to the UNHCR. Her brother-in-law was killed in Iran. After being released from prison, her husband was not allowed to take up a job in Iran any more. Now that they have escaped, he is not allowed to work, either. She says he is in very bad shape. They live in a house with damp walls; the Turkish state does not give them a work permit.

She says that four interviews on her case have already been held at the UNHCR. Her application is now in the second instance, that is, it is being

investigated again by another UNHCR officer. The last interview was six months ago. She says it was held in "bad English" and in a tough, accusing tone. All the family have converted to Protestant Christianity several years ago, she tells me. Both women cry when I tell them I am a pastor and embrace me. They say it has been years since they talked to another Christian.

It makes me wonder why only the Bahai people from Iran are accepted as refugees after just three months, immediately supported and given access to the resettlement programme of the UNHCR and the ICMC, while Christians are excluded. Is it because the UNHCR judges that Bahais are in greater danger than Christians in Iran? Or is it because Bahais have good chances of continuing to a third country while nobody wants to receive Christians from Iran?

A worker for the "Iranian Refugee Organization"

Another Iranian woman introduces herself as a member of the Iranian Refugee Organization, funded from Canada. Her own application for asylum has been refused by the UNHCR after four years. She tells me that before she fled from Iran, she was a member of and secretary for the Labour Party, which she documented to the UNHCR. She has a son. Her husband divorced her back in Iran. As a divorced woman and single mother with her political background she considers returning to Iran unthinkable. She claims a lot of people with a clear history of political persecution are refused by the UNHCR and that documents brought before them are not properly considered.

A member of the opposition

I talk to another woman who is about my age, forty-something. She has two sons and unclear reasons for persecution. On the one hand, she smuggled and delivered letters, that is to say, worked as a messenger for the opposition. On the other hand, her second husband tried to sell her eight-year-old boy, which made her run away. She is waiting for the decision at last instance on her asylum application. It has been eight years since she came to Van and she survives on cleaning jobs. She lives in a small adobe hut with two rooms. Everything is clammy and mouldy. Once a week, she reports to the Turkish police. If she was to be removed to Iran now, she could get imprisoned for having spent a long time abroad.



Fanny Dethloff

VAKAD workers

VAKAD – A women’s organization in Van

VAKAD – the Van Women Foundation – is a women’s organization fighting violence against women. They support Turkish and Kurdish women and foreign women refugees independent of their status.

VAKAD was founded by about 45 women. Since the Turkish state has changed the law on associations last year, they are now able to accept EU funds for their projects. The organization is one and a half years old and concentrates on gender issues, especially on their implications in daily life, and less on political activity. Women are counselled in legal, social and health matters. VAKAD offers counselling hours, classes and individual events. Before a class is started, there is a demand analysis for the respective field, e. g. literacy, sex education or legal coaching.

On March 8th, 2005, the International Women’s Day, VAKAD workers were reported to the police because they used Kurdish as well as Turkish texts in their press conference and could thus be accused of separatism. They tell us that many of the women they work for do only speak Kurdish.

VAKAD has four woman employees: a psychologist, a social worker, a doctor and a legal counsel-

lor. They are networked with other Turkish women’s organizations and cooperate with IW-RAW (International Women’s Rights Action Watch). VAKAD edits the multilingual magazine “Purple Pen”.

Women’s crisis centre

At the moment, VAKAD is planning a women’s shelter. They want to establish a crisis centre that is able to accept women refugees, taking them in for 12 to 14 days at most. This time span is to be used for intensive individual work with the women in order to find perspectives for the future. VAKAD hope that they will be able to implement this project in cooperation with the UN-HCR in Van.

We are told that there is an official count of fourteen state-run women’s shelters in Turkey, only nine of which are really operational. These shelters can only accept Turkish nationals, and the paperwork needed to get a woman accepted is complicated. Women can stay for no more than three months in the state-run shelters, which is often not long enough to find a solution to their problems. When women are threatened with murder, there is no place to go but these shel-

ters, the VAKAD workers stress. We are told that it is highly dangerous for social workers to help a woman take shelter in order to prevent a murder.

VAKAD is trying to improve women's knowledge of their legal situation with their counselling work.

Developments in Turkish penal law

Violence against women is a criminal offence in Turkey. When the penal code was changed in 2005, rape in marriage was also made an offence.

Turkish women's organizations have fought hard for these changes, but there are still certain aspects not taken into account by penal law. So-called honour killings continue to be seen as petty crimes while custom killings, i. e. killings of women decided upon within the family clan, are now punished more severely. This is especially relevant in rural Kurdish areas where the family's honour is considered more valuable than women's lives. Rape victims and women who dare to choose their own

offender can be jailed. This legal instrument has been established in 1997.

The standard procedures in such cases, however, seem to deteriorate. When VAKAD started working one and a half years ago, it took only one day to get a decision in Van. Now, it can take up to a month in court, which is a long time when the victim is in danger of being murdered.

VAKAD sees itself as an educational organization. Some members of the association's managing committee are also active in the Turkish Human Rights Association. They see the defence of women's rights as an issue less closely connected to politics than human rights in general, because women's rights are already anchored in Turkish law.

In 2004, VAKAD supported 300 women, 17 of which were refugees. In four cases of women reporting under the law on protection against violence, VAKAD helpers were threatened by angry husbands.

Refugee Issues

The members of VAKAD stress the difficult situation of refugees in Van. They think that in addition to about 2,000 registered refugees / asylum applicants, there are about 7,000 unregistered asylum seekers living in the city.

Refugees have to wait very long, sometimes over five years, for a final decision on their case.

Especially women refugees are vulnerable to violence during their flight. There is sexual crime by social workers and soldiers.

The lack of perspective is also extremely hard to bear for children. Refugee children cannot go to school, they are impossible to integrate into their respective age groups at school, and the classes offered by the school project are not sufficient for the asylum seekers' children.

Many refugees are homeless because no state accommodation is provided. Often, two to four refugee families share a small flat because they cannot afford more living space. This situation also breeds violence.

The men are traumatised by war and persecution and take their anger out on the women and children. VAKAD wants to go on tackling these problems.



*VAKAD poster in
Turkish, Kurdish and
English*

husband are punished with murder. The family is the dominant social unit and its honour is a key concept. In such a social system, women are not seen as individuals with personal rights.

The VAKAD workers doubt whether the new laws will be implemented effectively. The police and judicial systems are sleazy, and violence within the family is not considered a crime by the public.

VAKAD supports women during legal proceedings, e.g. when they report bodily harm, and informs them about their rights.

The Turkish law on protection against violence is the strongest instrument in such cases. According to this law, a judge can decide that the injuring party has to leave the victim alone for six months and is not allowed to enter the common apartment or establish any kind of contact, e.g. per phone. If this condition is not respected, the

Evening prayer in Van on Psalm 91*

June 11th, 2005

The situation: The hotel management have told us that we could use the roof terrace for our meeting. Nobody except our delegation is up there. We enjoy the soft rays of the evening sun. When the sun touches the horizon, the muezzin's call to prayer, the azan, rises.

*At first, I would like to ask you for silence.
Let us find peace,
pay attention to our breath and
raise our thoughts up to God.*

*What gifts have we received today,
which impressions are important for us?*

Silence.

*Let us sing together: Laudate omnes gentes (Taizé)
(At the end of our song, the muezzin of another mosque joins in with his loud call.)*

*Reading from Psalm 91:
God will put his angels in charge of you to protect you wherever you go. They will hold up their hands to keep you from hurting your feet on the stones.*

We have experienced hospitality as Hanns explained it to us in our last evening prayer on Hebrews 13.2, where it says that any guest you welcome might be an angel.

*The angels in today's text stand for protection by God. They are God's messengers, and their first message is "Do not be afraid!"
The violence which surrounds us and of which we are told makes us be afraid.*

*Angels are God's messengers of reconciliation and healing.
Healing is not just an individual process, it is all-encompassing and deep. It is a development that takes the suffering that is there seriously, accepting and enduring it.
Healing does not bring instant solutions, it always takes time.*

*Open Intercessory Prayer
Lord's Prayer
Blessing*

* The evening prayers were held only for the members of our delegation.



The social situation of refugees in Turkey

Sleeping places in condemned buildings are let by the hour

Benita Suwelack*

The daily fight for survival – On the overall social situation of refugees

Asylum applicants as well as accepted refugees waiting for resettlement are not allowed to work under Turkish law. That is why many of them work “illegally”, often by the day and under dangerous or unhealthy conditions. More often than not, they get a salary well below that of Turks doing the same job and also not registered with social security.

In Turkey, there is no operational system for housing and supporting asylum seekers or accepted refugees in need of help. Asylum seekers have to register with the UNHCR and the province’s foreigners’ authority within ten days. During the time their case is pending, they have to comply with a strict reporting regime and can be assigned to different cities. The authorities are under no obligation to provide housing for asylum applicants or refugees. In practice, these are

not offered any accommodation but have to try to find cheap living space and pay for it out of their savings, money transfers by their relatives or illegal work. Many of them share small, completely dilapidated rented rooms with other families they do not even know.

Some also rent a shared sleeping place in a condemned building. Others seek shelter in **Gecekondu**, the Turkish cities’ shantytowns. Sociologists’ studies have found that asylum seekers and refugees often pay higher rents than Turks for comparable living space.

The asylum seekers and refugees have to pay for their food and personal necessities, as well. Sometimes, the city authorities give out cheap food to the needy. In order to profit from such programmes, asylum seekers have to be regis-

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** Gecekondu translates as „built in one night“

tered and to be considered entitled to them. In theory, registered asylum seekers and accepted refugees could also apply for support from the social budget of their municipality, but these budgets are generally ill endowed. Whether individual asylum seekers and refugees have access to such support is a case decision by the local authorities. The authorities are faced with the problem of how to finance which support for the many poor in their own communities, of who is entitled to a share in the meagre means and of whether individual asylum seekers and refugees can be supported. If there is support by local social funds it is usually not enough to live on. Resources from local social funds are generally very scarce and there are huge differences between cities as to whether they are used to support asylum seekers and refugees.

In some special cases, asylum applicants and refugees can also get support from the UNHCR. The UNHCR stresses, however, that there is only a very small budget for this kind of support. They can only help about 10% of refugees. ICMC, Caritas and national NGOs in Istanbul also try to give financial support in some individual cases of extreme hardship. They all stress, however, that financial support is never enough for asylum seekers and refugees to live on.

Asylum seekers and refugees often live in hiding. They are afraid of being detained and removed. Even refugees with their papers in order are afraid of the police, as police officers sometimes doubt that their documents are genuine or valid. Women, especially single women, report sexual harassment by police officers.

Often, asylum seekers and refugees do not have any contact to the local population and only seek it in emergency situations. Many refugees stated in interviews that they feel a high level of discrimination against them by the Turkish population. Apparently, this holds true especially for refugees looking "alien", such as black people.

The "illegals" in Istanbul have created their own communities, down-to-earth networks helping to come by the basic necessities.

Benita Suwelack

Redistribution to provincial cities

Asylum seekers are usually redistributed to smaller cities. There, they have to report to the police regularly, often up to three times a week. If they do not comply with these redistribution measures, they are considered to be staying in Turkey "illegally".

We often heard criticism of the redistribution system in our meetings. The smaller cities are not able to cope with the asylum applicants, who do not get either a work permit or financial support and housing. In smaller cities, it is also more difficult to earn money "unofficially" and the refu-

gees cannot use their own supportive networks. The current redistribution system, we were told, forces many people into illegality because they cannot survive otherwise. Health care and education for the children are also insufficient in smaller cities. Asylum seekers who comply with a redistribution decision often apply to the NGOs back in Istanbul for help because they cannot handle their new situation.

In some individual cases, NGO workers from Istanbul travelled across Turkey to the cities concerned and found the information given by the asylum seekers correct.



View of Van state hospital

Johannes Flothow*, Jürgen Blechinger

Foreign refugees and Turkey's health system

This is Dr. Cavit T.'s description of the situation of foreign refugees: "The refugees are in an extremely difficult situation. Many of them are homeless, and they don't have food. They are suffering from hunger. They don't get any financial support from the city or from the state, and they are not allowed to work. Accordingly, they are often in bad health: They are malnourished and often have psychological problems."

It is virtually impossible for refugees to get the so-called "green card" entitling its holder to free medical treatment. In acute, life-threatening cases, nobody is refused admittance to a state hospital, but especially for refugees with chronic diseases, it is hard to get proper medication. In 2003, the UNHCR tried to improve the refugees' access to the health system in various talk rounds, e.g. in the context of the EU accession negotiations. In emergency cases, the UNHCR pays 100% of doctors' fees and 80% of other expenses for individual asylum seekers. The same percentage is paid by the UNHCR for accepted refugees. In individual cases, help can also be obtained via the Turkish Red Crescent or the Social Aid Foundation. When the Turkish Red Crescent (Kizilay) has enough funds, it provides

blankets and clothes for refugees. There are also controls and vaccinations in the context of epidemic hygiene.

We are told, however, that refugees and asylum seekers are often only treated as second-class patients in comparison to Turks.

There is no psychotherapy for asylum seekers and refugees – such therapy is not even available for the poor among the local population. The doctors in Van did not know a single case of a refugee being given psychological treatment.

Asylum seekers who are not registered cannot approach the state health care system because they might consequently be removed.

In March 2005, Turkey passed a national action plan aimed at improving refugees' access to medical care.

Overview of Turkey's health care system

Hospitals

All provincial and district capitals have state hospitals reporting directly to the Ministry of Health. Larger cities usually also have university hospitals which accept mostly difficult cases and demand a higher proportion of the cost from the patient. Then there are hospitals run by the social security providers. Treatment there is mainly for patients having social security, which excludes many people from the poorer strata of society. Patients without social security have to pay all the treatment, medication as well as aids and appliances they receive in these hospitals.

Besides the state health care system, there are private hospitals where all patients have to pay the entire cost of the treatment. (An operation can easily cost several thousand Euros). Those who can afford it prefer to be operated in a private hospital, be it only because hygiene is usually better there.

Outpatient treatment

In the state health care system, outpatient treatment is provided by health stations and by the hospitals' emergency rooms. For patients who have health insurance, treatment there is free,

except, in some cases, for a certain co-payment, and medication is given out on prescription. Patients without health insurance have to pay a fee for the treatment and pay their own medication.

There are many private medical practices and clinics. Patients are often referred there for certain examinations. The system is further complicated by the fact that many state doctors have an additional private practice. This is planned to be made illegal.

The "green card"

Poor people who cannot afford medical treatment can apply for a so-called "green card" with their local authorities. This card entitles them to free treatment. During the last years, NGOs have reported cases of Kurds being refused the "green card" in spite of their being in need of help. For holders of the "green card", treatment is free, but patients are still often asked to cover expenses themselves, especially for expensive medication, aids and appliances or operations. Some doctors ask an additional unofficial recompense from their patients.

The Turkish Red Crescent in Van

Kizilay, the Turkish Red Crescent, is a nationwide independent organization. Its main offices are in Ankara, and it has more than 300 local associations. Kizilay was established in 1886 and is generally well accepted by the public. It is an international partner organization of the Red Cross.

Kizilay gets its funds from donations, from rental income and from the management of real estate and money it is endowed with. It does not get any state support and most of its workers are volunteers.

Fields of work of Kizilay in Van:

- a health centre offering medical treatment for patients with health insurance and for paying patients, as well as free treatment for the poor and patients without health insurance
- first-aid courses
- courses on behaviour in catastrophe situations
- free food for the poor

- medical treatment for refugees registered with the UNHCR (paid for by the UNHCR)
- health check-ups, such as blood tests, when required by rural communities
- counselling and support in difficult social situations
- helping poor students to get scholarships
- commissioned projects, such as a support project for Iranian refugees financed by Iranians living in the US

The health centre also offers treatment for foreign refugees, which is paid for mainly by the UNHCR. We learned that besides the Turkish Red Crescent, there is also a more or less unofficial Kurdish Red Crescent in Van.

Hope for resettlement

Olga Auchenbach and Michael Donner talking to Ekin Öğütoğulları, ICMC

When refugees from outside Europe are granted refugee status by the UNHCR in Turkey, they are not allowed to remain in the country. Turkey expects the refugees to be admitted by third countries, and under certain circumstances, refugees can indeed go on to other countries. It is mainly the US, Canada, Australia, New Zealand, the Scandinavian countries and Ireland that accept persons for resettlement on humanitarian grounds.

The resettlement procedure itself can take years. While their case is pending, many of the people concerned do not know whether resettlement is a realistic perspective for themselves, whether they will find a third country willing to accept them, or where they will be travelling.

In Istanbul, it is the International Catholic Migration Commission (ICMC) that offers counselling on resettlement issues. (You can find further information on ICMC in the article "ICMC – Training projects by ICMC for Turkish asylum authorities") ICMC is the only international NGO working on

migration that is accepted by the Turkish state. Its mandate is "[...] to find durable solutions for forcibly displaced people." The ICMC is the United States' partner for the resettlement programme, conducts interviews for the US authorities, keeps the resettlement file of refugees and is also responsible for the preparation for emigration from Turkey in the case of a positive decision.

The dream of resettlement to the US. A poster in the ICMC's Istanbul office.



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Michael Donner is a theologian and works for the Churches' Commission for Migrants in Europe in Brussels.

ICMC's near east office in Istanbul used to be responsible for five countries and is now servicing ten. 4,200 people are currently being counselled in Istanbul by 25 to 30 full-time workers. ICMC helps refugees to prepare for a new life in the accepting third country, offers school education for refugee children, gives counsel as to where to find social services for migrants and does advocacy work for refugees.

Third countries do not always demand legal refugee status in order to accept people for resettlement. However, refugees without a legal status, e.g. because they did not comply with a redistribution decision (cf. "Redistribution to provincial cities"), have serious difficulties when trying to emigrate from Turkey to the accepting third country.

In 2004, there were 2,936 accepted refugees in Turkey. 1,200 of them were members of the Bahai religious group from Iran, who have access to a faster resettlement procedure. This procedure takes only about six months and thus shortens the average duration of resettlement procedures significantly. 95% of refugees in the fast procedure are Bahai people from Iran. Baptism as a Christian is not normally documented in Iran, so Christians hardly ever have the opportunity to access a fast procedure as proof of membership of a religious group is demanded.

View of the Bosphorus

Manfred Weidmann*, Jürgen Blechinger

Refugees in Istanbul



Most non-European asylum applicants in Istanbul come from Iran and Iraq, but there are also people from Sudan, Ethiopia, Eritrea, Sri Lanka, Pakistan and Somalia. Many of the Somali people were planning to go to Italy but were brought to the Turkish coast contrary to what the smugglers had promised them.

The Turkish authorities do not give exact statistics on the number of asylum applicants in Istanbul. Also, many of the refugees are not even registered. Many refugees are redistributed from Istanbul to other cities and then disappear (cf. "Redistribution to provincial cities").

* Manfred Weidmann is a lawyer based in Tübingen and specialising in refugee and foreigners' law. He is a member of the legal council (Rechtsberatungsfunktion) of the German Caritas, the Social Service Agency of the Protestant Church in Germany and the German Red Cross.

The "guesthouse" – a nightmare for asylum applicants

Refugees without valid papers are often detained by the police. We were told that in addition to normal police detention facilities, there is the so-called "guesthouse", a prison for people who are to be removed from the country. Jurisdiction over the "guesthouse" is with the foreigners' authority and conditions there are said to be especially degrading in comparison to other Turkish detention facilities. Conditions in the "guesthouse" were described to us by a trustworthy person who had seen the interior of the facility.

Normally, foreigners who file an application for asylum are released from the "guesthouse", but they do not have a legal claim to this. Inmates also have to be released if removal is impossible for a longer period. However, a lawyer often has to intervene in order to achieve this, and only few of the people concerned have access to one. The lawyers we talked to told us that at least there were several cases pending at different courts up to the European Court of Law because of detention practices, asylum procedures and detention conditions in Turkey.

Refugees from Chechnya and other European refugees

During the past few years, most European refugees came from former Yugoslavia (Bosnians, Kosovars, Roma), also from Bulgaria (at the end of the 1980s), and from the former Soviet Union (Georgia, Armenia and mostly Chechnya). In contrast to non-European refugees, Europeans can file an application for asylum with the Turkish authorities because Turkey has agreed to apply the Geneva Convention on Refugees to Europeans. This also means, however, that Europeans cannot register with the UNHCR.



The actual legal situation of European refugees is far less than transparent. In some cases, no asylum procedures are conducted for them and their staying in Turkey is tolerated, officially accepted or even leads to naturalization, according to the political interests of Turkey. Historically, Turkey feels bound to accept certain groups of immigrants who are of Turkic ethnicity or descendants of inhabitants of the Ottoman Empire. Conflicting interests of Turkish foreign policy also play a part concerning refugees from Caucasian countries and Turkic minorities from Russia and China (Uighurs). Some of the Balkan states have Turkish minorities or Muslim minorities with close ties to Turkey (Bosnia, Serbia, Kosovo, Macedonia, Albania).



Mr. Elban is a lawyer who also represents foreign refugees

pretation of the law. There has to be protection against formal mistakes leading to *refoulement*. *Refoulement* is the removal of refugees back to the border of the persecuting state without due consideration of their asylum application, cf. Art. 33 of the Geneva Convention on Refugees.

Another problem, so we were told, is the procedures' being conducted without involving migrants' aid organizations. Legal representation is also rather an exception. The Istanbul Refugee Legal Aid Program (IRLAP) offers counselling to all refugees but does not have access to the procedure in any way. Another problem is the possibility of detention, which can take two to six months (cf. "The "guesthouse" – a nightmare for asylum applicants").

Based on a 1994 decree, there is a formal legal asylum procedure for European refugees, which is, however, conducted exclusively by the Turkish police authorities and the interior ministry (cf. "Turkey's expectations of the EU – Discussion in the Turkish interior ministry").

Asylum applications as well as applications for toleration or for a residence permit are filed with the foreigners' authority of the local security directorate.

If an interpreter is available, a hearing is held immediately, if not, it is conducted later. Applications are transmitted to the Foreigners, Borders and Migration Affairs department of the Turkish General Directorate of Security in Ankara via a computer network and processed there. All decisions on a case, including the question whether a right to stay or asylum will be granted, are made by an Ankara officer. Appeal against such a decision can be filed with an administrative court. The procedure at the Ankara authority alone can take up to one year.

Refugees have to prove their identity when filing an application, otherwise they may have to take part in a special identity determination procedure.

In some cases, the Turkish interior ministry consults the UNHCR before making a decision, asking for their view on the case. The Ankara authorities have become more careful after having lost a test case at the European Court of Human Rights on the acceptance of a refugee.

Legal experts we talked to criticized the administrative courts for their sometimes incorrect inter-



*Discussing legal aid for refugees:
Safiye Yüksek-Bicer, Heidelberg, and Manfred Weidmann,
Tübingen, with Eren Keskin, Istanbul*

In our talks with representatives of the authorities and lawyers, we got the impression that in practice there is hardly an individual consideration of refugee status but more of a quota regulation, similar to the one in Germany for war and civil war refugees. This means that there is subsidiary protection at most, and often only for a limited time span. Asylum applicants and partly also other tolerated persons have to go into a camp if they do not have family who can supply a living. In the camps, health care and education in the mother tongue is said to be guaranteed. Legal residence is restricted to six months, afterwards, the people concerned are merely tolerated.

We were told that of more than 28,000 refugees from Bosnia and Kosovo accepted by Turkey, only 20 families are still in Istanbul.



In Istanbul, there are 1,000 refugees from Chechnya, 700 of which are living in camps. People from Chechnya are in an especially difficult situation. After the war in 1999 / 2000, 2,000 to 2,500 refugees got a Turkish residence permit. Most of them were women, children or wounded. When six months were over, the applications for further residence were not accepted, probably because of pressure exerted by the Russian authorities, which also refuse to renew the refugees' passports. The authorities are quick to suspect Chechens of terrorist attacks (for which there is no proof). If they are arrested by the police, they risk a stay in prison of up to six months. There is no legal basis for this detention practice. Removal of refugees from Chechnya is often impossible because there are no valid papers.

Istanbul airport

Istanbul airport is an important point of transit for international flights. A few cases of longer periods of detention of refugees at the airport are known. There is the risk of a high number of secret refoulements conducted here as there are no procedures guaranteeing access to asylum procedures.



Africans get waylaid in Turkey

The Christian Science Monitor vom 3.8.2005

Migrants stuck in Istanbul on their way to Europe have started their own 'African Cup' soccer tournament.

By Yigal Schleifer | Correspondent of The Christian Science Monitor

ISTANBUL - When Nigerians and Guineans faced off in a championship soccer match Sunday, neither side could claim home-field advantage. In fact, neither team even had home continent advantage. Despite stands filled with cheering African fans and the sound of pulsating drums, the game was not taking place anywhere in Africa but rather in a small, rundown stadium in the heart of Istanbul. There are so many Africans living (mostly illegally) in Turkey's largest city that for the past two years they have been able to organize an „African Cup,” an amateur tournament of teams representing their home countries. The tournament is a vivid example that Turkey is quickly becoming a major transit route for African migrants trying to reach Europe to escape warfare and economic misery. But as Europe clamps down its borders, many are getting stuck in Turkey, especially in Istanbul, where there are few services or jobs.

„We are going to be facing a growing number of people who are totally uprooted, displaced, without a home, waiting at the gates of the European Union [EU] to enter, and they will not be able to enter,” says Behzad Yaghmaian, an economist at Ramapo College in Mahwah, N.J., who is the author of a forthcoming book about migration through Turkey.

As EU-candidate Turkey gets closer to the start of its negotiations for joining the bloc, the pressure on it to stem the illegal migration flow to Europe will increase, potentially leaving even more immigrants unable to move on, Mr. Yaghmaian says.

„Putting a stop sign at the border is not going to stop the flow of people. People are going to continue to come and they are going to continue to need help,” he adds. The International Organization for Migration estimates that some 250,000 migrants - mostly from the Middle East and Africa - flow through Turkey every year, although some experts say that number could be much higher.

„We are overwhelmed,” says Ekin Ogutogullari, social-services program director for the International Catholic Migration Commission (ICMC), a Swiss aid group working in Turkey. „There is nothing available in terms of accommodations. There isn't enough in terms of financial assistance. They live in overcrowded and very substandard housing,” he adds. In a country where many Turks themselves are struggling to find work and to make ends meet, the arrival of African migrants has been greeted with a sense of bewilderment and some resentment.

One of the Cup's organizers, a young Nigerian who wished to be named only as Donald, says a main goal of the tournament was to show Turks a different side of the Africans living among them. „We found that people here focused on the negative things [about us],” says Donald, a slender man who fled Nigeria three years ago after religious riots between Christians and Muslims in his hometown killed his parents. „We thought that as footballers we could let them know about us in a positive aspect.”

Donald says he hopes the tournament will serve as an anchor for other projects to serve the African migrant community. „We believe we have the potential and the ability to contribute to this society, but we are not encouraged, there is no room for that. So we are working very hard to change this attitude,” he says.

Watching the cup's final game near a large group of singing and dancing Nigerians (whose team would go on to beat Guinea 2-0), Mahad Mahmoud, a 20-year-old Somali, says life in Turkey has been a constant struggle. He shares a two-bedroom apartment with 15 other Somalis and has only been able to do temporary work that usually pays less than 10 Turkish Lira (\$7.56) per day.

„I'm now in a place where I can't go back and I can't go forward. It's very hard,” says Mahmoud, who left the instability of Somalia last year to escape clan-related violence that targeted his family. He was smuggled to Turkey in the cargo hold of a ship, told he was being taken to Europe.

Somalia was a new entry in this year's tournament, even though the players could barely afford cleats. Although his team failed to advance, Mahmoud says seeing them play was a sweet, if brief, respite from his troubles.

„When Somalia was playing, I felt like I was in my country, encouraging my team,” he says with a smile. „I was very happy when they were playing, even if they lost.”

Turkey and European refugee policies

Susanne Weller

Europe is closing its doors – Turkey as an external refugee camp

Many refugees and migrants who wish to enter the European Union and do not succeed in reaching Italy or Greece end up in Turkey, e.g. migrants from Ethiopia, Sudan, Eritrea, Pakistan, Sri Lanka or Somalia.

The border to the EU is hard to cross for refugees. It is virtually impossible to get a visa for one of the EU states. The EU states' representations abroad have instructions to check very thoroughly whether an applicant for a visa plans to return from the EU. It is impossible to even apply for a visa without a legal status in Turkey. As Turkish security agencies often check people entering a foreign representation it is hard for "illegal" migrants merely to get into the building. That is why migrants have no other chance but to try to get into the EU illegally.

"Illegal" migration across the border into the EU is dangerous. Many migrants try to hide in trucks, but by now border checkpoints to Greece and to the EU candidate country Bulgaria have



Visa counter in the German embassy

refugees try to reach Europe by sea with the aid of smugglers. Every week, Turkish newspapers have reports of refugees drowning in trying to cross the border.

We were told that apparently there is a significant number of refugees coming to Turkey from Libya via the Mediterranean who had already reached Greek territory before entering Turkey. It is suspected that these people are arrested by the Greek coastguards and brought to the Turkish coast. There are also known cases of refugees being refused entry at the Bulgarian and Greek borders without consideration of their claim to asylum.



Visa applicants' entrance to the German embassy in Ankara

modern equipment and the risk of being caught is getting higher. The relatively short land border between Turkey and Greece is extremely well protected and up to today also used to have minefields. Time and again, refugees fell victim to mine explosions. These mines are now meant to be cleared, but the general protection of the border is stepped up at the same time. A lot of

From the Hürriyet and Radikal of 22/IX/2005

Refugees die

In the night of September 18th, coast guards near Seferihisar in Izmir province opened fire on a boat trying to smuggle 30 refugees into Greece. The Syrian national Fezans Hashakczan (26) died in the incident, Ammar Bozan (31), Metas Shab (23) and the boat's captain, Agiadis Dimitris (Greek national) were wounded. Agiadis Dimitris and his assistant Aygiadis Georgios were later arrested. Two Somali refugees also died, 28 people, 25 Somalis and three Palestinians, were detained when the ship sank near Cesme in Izmir province in the night of September 20th

Readmission agreements

Turkey and the EU are currently negotiating a readmission agreement for third country nationals having entered the EU via Turkey. If this agreement comes into force, asylum seekers in the EU having entered via Turkey have to face the possibility of having to return to Turkey for their asylum procedure.

Turkey and Greece have already signed an "Agreement on cooperation on combating crime, especially terrorism, organized crime, illicit drug trafficking and illegal immigration" in January 2000 and a readmission agreement for illegal migrants in November 2001 that was published in April 2002 and ratified by the Greek parliament in August 2002. We learned that there are difficulties concerning the application of these agreements.

Further readmission agreements exist between Turkey and Syria (since June 2003), Romania (since January 2004), and Kyrgyzstan (since February 2004). Negotiations with the Russian Federation, Uzbekistan, Belarus, Hungary, Macedonia, Ukraine, Lebanon, Egypt, Libya and Iran are in progress.



The entrance to the UNHCR in Ankara is well protected.

Additionally, Turkey has suggested readmission agreements to Pakistan, Bangladesh, India, the People's Republic of China, Tunisia, Mongolia, Israel, Georgia, Ethiopia, Sudan, Algeria, Morocco, Nigeria and Kazakhstan.

Because of all these agreements, a proper asylum procedure in Turkey is not guaranteed in the case of a *refoulement* from the EU. The asylum seeker could be removed to still another country and it is doubtful whether asylum procedures or protection will be granted there.

Olga Auchenbach*, Martin Rozumek*

Turkey's expectations of the EU – Discussion in the Turkish interior ministry**

Our delegation was welcomed very warmly by Mr. Mehmet Terzioğlu, head of the Foreigners, Borders and Migration Affairs department at the Turkish interior ministry. His department is housed in the building of the Turkish General Directorate of Security in Ankara.

Mr. Terzioğlu's department has jurisdiction over all border police stations and the departments for foreigners' law in the provincial security directorates. Later we learn that the foreigners' authorities of the provincial security directorates often

only take down the facts for an individual's file while a lot of decisions, e.g. on whether to grant asylum to a European refugee or on whether to return a person, are made in Ankara. The data and reports are sent to Mr. Terzioğlu's department via the police computer network and the provincial authorities act on the decisions taken here.

Mr. Terzioğlu explains that Turkey prevents about 150,000 persons per year from entering the EU. He also gives a short introduction to the history of Turkish asylum and migration policies and stresses the high number of refugees coming to Turkey from Iraq, Iran and other countries.

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* Martin Rozumek is the director of the "Organization for Aid to Refugees (OPU)" in Praha. OPU organizes legal and social counselling for refugees and migrants in the Czech Republic. More information at www.opu.cz



Our delegation in front of the Turkish security directorate in Ankara

Left to right / back: Martin Rozumek, Horst Krank, Thomas Dermann, Berthold Münch, Manfred Weidmann, Michael Donner

Middle: Fanny Dethloff, Jürgen Blechinger, Dr. Monika Lüke, Hanns Thomä, Johannes Flothow, Olga Auchenbach

Front: Benita Suwelack, Caroline Intrand, Susanne Weller, Safiye Yüksek-Bicer, Zerrin Konur

According to Mr. Terzioğlu, Iran is the most problematic case among Turkey's neighbouring countries. Iran refuses to sign a readmission agreement with Turkey and regional cooperation between Turkish and Iranian border authorities does not function well. Mr. Terzioğlu mentions that in one incident in 2004, 9,296 Pakistanis crossed the border from Iran into Turkey illegally.

Iraqis who have filed an application for asylum in Turkey are currently not being removed back to Iraq if the UNHCR does not acknowledge their refugee status, Mr. Terzioğlu tells us.

As for Turkey's expectations of the EU, all Turkish officials we met emphasized their wish to become a member of the EU.

Mr. Terzioğlu is well informed about the current debate on EU asylum politics and legislation. He is aware of the fact that if Turkey wants to become a member, it will have to implement the *aquis communautaire* also in the area of asylum and migration. On the other hand, he stresses that Turkey should not become a sort of "rubbish bin" for the current members and underlines several times that the burden of refugee protection has to be shared equally among member states. Without burden sharing within the EU, Turkey would not be able to handle the high number of asylum applicants and migrants who wish to enter the EU via Turkey.

Mr. Terzioğlu also mentions that his government and the EU are currently negotiating a readmission agreement that also applies for third country nationals.

In his view, the successful creation of readmission agreements with the main countries of origin of refugees is crucial for the future of Turkish asylum and migration policy. The Turkish government has asked India, Sri Lanka, Pakistan, China and Iran for readmission agreements, but all of these countries declined the offer.



Entrance lobby of the security directorate in Ankara. To the right: Mustafa Kemal Pascha, also known as Atatürk, founder of the modern Turkish state.



Some of the former heads of the Foreigners, Borders and Migration Affairs department at the Turkish General Directorate of Security in Ankara in the office of the current head Mehmet Terzioglu.

Mr. Terzioglu also stresses that Turkey is against a harmonization process which leads to the EU's solving its problems with illegal migrants and asylum seekers at Turkey's expense. As long as this point has not been clarified to Turkey's satisfaction it cannot be expected to renounce the geographical reservation to the Geneva Convention on Refugees.

We also learned that Turkey relies wholly on the UNHCR to deal with non-European refugees. The question of the protection of refugees from European countries could not be satisfactorily answered in the interview.

Mr. Terzioglu only mentioned the acceptance of refugees from Kosovo without giving details on how many of them have had a Turkish asylum procedure, how many were granted refugee status and how many were refused and repatriated.

During the interview, some of the listeners got the impression that the UNCHR was held responsible for all flaws of the Turkish asylum system, but that in fact the Turkish state does hardly ever grant reliable protection.

Despite repeated questions, it also remained unclear how access to the asylum procedure can be guaranteed in Turkey.

Michael Donner

Visit to the human rights commission of the Turkish national assembly in Ankara

Before we met members of the human rights commission of the Turkish Grand National Assembly, we made several preparatory phone calls in order to explain the background to our tour and to our visit in parliament. Our delegation wanted to learn more about what specific plans there are for the implementation of a reformed Turkish asylum system and what expectations parliament has of the EU concerning foreign refugees in Turkey.

We were surprised to be met not only by a member of the sub-commission on refugees but by the commission's head and various other members of the human rights commission. The head

of the commission, the lawyer Mr. Cavit Torun from Diyarbakir of the governing party of prime minister Erdogan (the AKP), had invited some representatives of the media without informing the delegation beforehand.

In front of two TV cameras, Mr. Torun greeted the delegation and thanked its "devout members" for their commitment to refugee work. He presented Turkey as a bridge between the Eastern and the Western world and as such as a country conscious of refugee issues. In connection to the war in Iraq, one million refugees were said to have come to Turkey. After the war, Turkey was to remain open to refugees. To the astonishment

of the delegation, Mr. Torun said the reason for this was that Iraq had just exchanged one oppressive regime for another, Saddam Hussein for George W. Bush. (Part of the public's reaction to these claims can be appreciated in the press clippings at the end of this documentation.) Mr. Torun said that Turkey was a country of transit for refugees from Afghanistan, protected refugees from Chechnya, and cooperated with the UNHCR in refugee matters.

He also mentioned a problem specific to his constituency. In Diyarbakır, which is a place with some Christian tradition, Evangelical Christians had started to use their social work among Alevi youths and refugees from Iran and Iraq in order to proselytise. Mr. Torun protested against taking advantage of the vulnerability of certain people for religious purposes and stressed that the church was not allowed to interfere with interior policy issues.

Our delegation made clear that we did not know of this group, had nothing to do with them and had not met their representatives when visiting Diyarbakır. We also emphasized that we respect everyone's individual religious feelings and their right to their own faith. It is part of Christianity's mission to help others and to protect individuals and their human rights. We explained once more the objective of our tour: to learn more about the situation of refugees coming to Europe via Turkey and of foreign refugees remaining in Turkey. We also repeated that we were interested in the details of the planned new asylum law.

The head of the commission answered that the human rights commission had not yet received a bill on this topic from the government and added that, up to now, Turkey had also fulfilled the criteria of the Geneva Convention on Refugees. He explained that there were further means of support for refugees in accordance with the tradition

of the Ottoman Empire. Turkey was open to new developments and in case our delegation discovered any flaws in the system of protection, we were invited to report them.

The members of parliament were then questioned on the geographical reservation by the delegation. Apparently they had not heard of this problem before. Our delegation repeatedly tried to explain the issue but did not succeed in opening a discussion. (Turkey has ratified the Geneva Convention on Refugees with a geographical reservation, so that non-European refugees cannot apply for asylum with the Turkish asylum authorities. Turkey merely accepts that the UNHCR investigates whether such persons are refugees. For details, see "The situation at the borders to Iran and Iraq".)

When asked how asylum procedures for European refugees are carried out in Turkey, Mr. Torun answered that there were few refugees from Europe. As for the Chechens, the Turkish felt ethnically close to them. These people had family in Turkey so that they did not need to rely on state support.

According to Mr. Torun, there are 1.2 million foreign workers in Turkey. Turkey was unable to encourage everybody to enter the country. Many of the migrant workers were staying in Turkey illegally, and the UNHCR was looking after people in need.

Mr. Torun seemed interested in cooperation in the field of migration and refugee protection. He added that neither Germany nor Turkey could afford to open their borders completely. All in all, we got the personal impression that our visit was not very welcome, which we would not have expected from human rights politicians. We also were astonished that the meeting was used for a public attack on President Bush and certain Christian missionaries.



View from the office of the EU commission's representation to Ankara

Olga Auchenbach

Twinning projects or how Turkey is prepared for its new role in the European asylum system

Before the 1990s, Turkey was depicted as a country of origin for asylum seekers and a country of emigration. The trends in migration in the last decade have resulted in Turkey becoming a transit country for many refugees and illegal immigrants trying to access the EU. Turkey has been faced with the challenge of adjusting its asylum system to meet EU and international standards, but also meeting the expectation to combat illegal migration through improving border control and to stop the influx of illegal migrants to the EU.

In its efforts to become a member of the European Union, Turkey has adopted a National Action Plan* which addresses the issue of lifting the geographical restriction to the Geneva Convention on Refugees, sets out the necessary institutional changes in the status determination process and in the asylum and migration system as a whole, and identifies the necessary infrastructure for the implementation of the Plan. Several twinning projects are being implemented to support the work of Turkish authorities.

To address the issue of border management, Denmark and the United Kingdom will be the twinning partners helping to develop a detailed framework for institutional reform, staff training, infrastructure development and development of IT equipment. To provide training for border police, a twinning project was carried out in partnership with the Hungarian border guards and the Spanish Guardia Civil.

With the influx of illegal migrants, there is also a growing concern regarding human trafficking. In March 2003, a National Action Plan against trafficking was adopted and a Task Force on trafficking was established. A twinning project in cooperation with the German border police will be implemented in November 2005 to strengthen institutions helping victims of trafficking and to train police officers dealing with this issue. The project will be carried out in cooperation with IOM (International Organization for Migration), national NGOs, and a junior partner from Austria.

*The National Action Plan (in English) can be accessed at www.ekiba.de/referat-5 via the link "Migration und Islam".

To train border guards dealing with asylum seekers and migrants in integrated border management, an ongoing project is being implemented with France and the United Kingdom as the twinning partners. The overall focus of the twinning projects on border management and border protection indicates an effort to meet the expectations of the EU with regards to security concerns. However, more needs to be done to ensure the protection of vulnerable refugees and adequate treatment of women and children at the borders. Lack of reception centres for applicants while in the procedure and the overall lack of infrastructure to improve the situation of asylum seekers are issues that need to be addressed for Turkey to effectively take on its new role in the European asylum system, also according to the EU Commission.

Turkey's main concern regarding its acceptance to the EU is the growing possibility of it becoming a buffer zone or a dumping ground. If Turkey does join the EU, it will be responsible for status determination as the "first country of asylum." Without substantial burden-sharing efforts on part of the EU, this will have considerable implications on several levels. In addition to adequate financial assistance, it will be essential for the other EU members to continue to accept refugees. Finally, even though Turkey has demonstrated efforts to make improvements in the area of asylum work, much still needs to be done to improve the situation of asylum seekers, especially regarding a fair asylum procedure and the access to services (social services, education, accommodation, and healthcare) while in the procedure.

Susanne Weller/ Michael Donner

ICMC

Training projects by the International Catholic Migration Commission (ICMC) for Turkish asylum authorities

The ICMC has conducted a training programme for Turkish police together with the UNHCR, other NGOs and the Turkish government. The aims of this programme were:

- to raise awareness of the situation and problems of refugees
- to explain the legal rights of refugees
- to train officers for the asylum procedure (interviews, especially of children and women)
- to bring police training up to EU standards

ICMC's experiences were positive. The training programme was especially important because it was the first official partnership between Turkish

authorities and NGOs and thus all those involved had a lot to learn. Direct cooperation between different levels of hierarchy and different police bodies during the training was especially valuable. The training units were held by expert officers from Denmark, Poland and Germany as well as representatives of NGOs and the UNHCR. During the evaluation phase of the project, concerns about the Turkish asylum system and its practical implementation were voiced openly.

An English language description of ICMC projects can be found at www.icmc.net

Non-governmental organizations and refugees

Susanne Weller

Role and expectations of Non-Governmental Organizations in Turkey

Civil society initiatives and non-governmental organizations (NGOs) in the field of refugee issues and migration have not been very strong in Turkey so far. They need state acceptance as a legal entity in order to work effectively, e.g. to accept financial support. In the past, there have been problems for NGOs employing foreigners or based abroad. There are only few well-developed NGO structures working with refugees, e.g. Caritas, ICMC and the Helsinki Foundation in Istanbul, and even they can only keep up their work with financial support from abroad. Accordingly, there are few professional aid services for refugees and migrants in an officially accepted, institutionalised NGO framework, although the existing facilities and organizations often do remarkable work under difficult circumstances. In Istanbul, it is mainly churches and church-related organizations that offer social counselling and material aid such as clothing, food or schooling for refugees and migrants. One example is the Istanbul Interparish Migrants' Program, which is supported by eight churches. It is to be hoped that more initiatives supporting refugees will develop from the mainstream of Turkish society.

The EU commission as well as the UNHCR point out a lack of sustainable NGO structures and favour growth of civil society initiatives. However, currently there are no EU funds allotted to civil society building, while twinning projects in the field of state cooperation in border protection and in the fight against trafficking in human beings are supported. The UNHCR cooperates with existing NGOs and has supported some of them in their initial phase.

The big challenges are in building networks between existing services and organizations, in working together more closely, in enhancing the NGOs' capabilities and in professionalizing their services. First steps towards an official coopera-

tion between state authorities and NGOs were taken with a training programme for the police on refugee protection and refugees' and asylum seekers' rights (ICMC).

Refugee issues and migration are relatively "new topics" for Turkey. For a long time, human rights questions were only discussed in connection with inner-Turkish problems. According to the NGOs working on refugee issues and migration, there is a lot of awareness raising needed among the general population, with state authorities such as police and border guards, with municipalities to which refugees are distributed, with schools, social services, lawyers, etc. Language barriers were often mentioned as a serious problem. There are only few interpreters for important refugee languages and few lawyers speak sufficient English.

The difficulties are especially big when refugees are redistributed to provincial cities, where there are often no support networks and people are left to their own resources, without even state support. For many, an illegal status is the only way to get by. (See "Redistribution to provincial cities".)

Some NGOs strongly criticized the role of the UNHCR in Turkey, especially the extremely long time span of a procedure with the UNHCR, which leaves people in uncertain and precarious situations for years. At the moment, no decisions are made concerning Iraqi refugees, enquiries by NGOs often go unanswered, in many cases the lawyers and interpreters are overtaxed and burnt-out.

NGOs expect improvement of the standards of protection and of the acceptance of refugees in the framework of the accession negotiations between the EU and Turkey. They urgently need a more solid basis for their work.

ASAM

Association for Solidarity with Asylum Seekers and Migrants

ASAM was founded in 1995 with the aid of the UNHCR. Up to date, the Turkish state does not give financial support to NGOs dealing with refugee issues.

ASAM's main task is public relations and advocacy work on behalf of refugees. They also raise clothing donations for refugees, give counsel as to where to find health care services and organize support for school children. ASAM see them-

selves as a think tank on refugees in Turkey. They want to offer a platform for a regular exchange of ideas. Every two months, ASAM edits the newspaper "Towards Hope", which can also be found on the internet at www.sgdd.org.tr. We were told that ASAM is currently trying to create a closer network with seven other associations, such as MAZLUM-DER, ICMC, migrants' associations, Amnesty International, etc. ASAM cannot afford to give financial support to refugees.

Olga Auchenbach

IRLAP - The Refugee Legal Aid Program

NGOs dealing with refugee issues are instrumental in providing legal advice and social services to asylum seekers and refugees. One of them is the Turkish Helsinki Citizens Assembly (THCA). This NGO runs the Istanbul Refugee Legal Aid Program (IRLAP), a project that has the mandate to serve the most vulnerable and the poorest. In addition to this project, THCA runs the human rights training programme, the Roma programme, and an outreach programme to Armenians. The Refugee Legal Aid Program grew out of the Istanbul Interparish Migrants' Program, which is an organization of ten churches providing social help and assistance to migrants. IRLAP primarily works with asylum seekers from Iran, Iraq, Afghanistan, Africa (Congo, Somalia, Eritrea, Sudan (Darfour)), Pakistan, Sri Lanka and others. They also work with European refugees from Kosovo, Bosnia, and Chechnya. The program is open for services once a week.

There are seven full-time staff at the IRLAP offices, assisting asylum applicants and refugees and supporting them during their asylum procedures. Additionally, there are 12 to 14 volunteers and about 20 interpreters. However, there is a lack of interpreters between Turkish and African languages.

The legal officers conduct an interview with each asylum seeker, have a look at their reasons for flight and draft a testimony on these reasons based on the information they collect in the interview. They follow up with researching the situation in the country of origin and then compile a written legal brief and sometimes even accompany their clients to the hearing. Because of the language barrier, Turkish lawyers are de-

facto excluded from the UNHCR asylum procedures, which are conducted in English. In addition to the legal officers, IRLAP has a volunteer psychotherapist available for clients dealing with depression and PTSD, which are often a result of the harsh living conditions and the hopelessness caused by having to wait for their decision for a very long time.

IRLAP is also active in monitoring the situation of police detention (2-6 months) and administrative detention (which should not be more than 24 hours) at airports, focusing on the living conditions in the "guesthouses" (prisons or removal centres) and circumstances leading to deportation. They identified numerous cases of refoulement. The major issues which have been identified in their work with asylum seekers include the absence of a law regulating deportation, insufficient funding for interpreters helping with asylum cases, and only a small number of local NGOs involved in asylum issues.

Therefore, IRLAP conducts trainings with other NGOs and tries to encourage them to get involved in addressing asylum issues. Trainings for Turkish lawyers and for interpreters are planned. The interpreter training courses are meant to include issues such as PTSD, cultural sensitivity, gender sensitivity, etc. Since February 2005, IRLAP receives funding from the Soros foundation, the Canadian embassy, the German Heinrich Böll foundation, and the Netherlands' consulate, which allows them to employ full-time staff. However, there is still not enough funding allocated for interpreters during therapy sessions. IRLAP works closely with other NGOs such as Caritas or IIMP.

ai Turkey

Amnesty International Turkey – Aid for refugees

The Turkish department of Amnesty International (www.amnesty-turkiye.org) works only with non-Turkish nationals. This is in accordance with the overall principle of AI not to do human rights work on one's own country. That is why the mandate of AI Turkey does not include the large number of internally displaced persons in Turkey or Turkish nationals having escaped from Turkey to Germany or other countries.

Despite this work also not being part of their mandate, AI is often approached by foreign refugees living in Istanbul. Neither do they invite refugees in any way nor is the doorbell marked "AI", but still many refugees find their way to Amnesty International, especially via their website.

This is what AI can offer foreign refugees:

- a friendly welcome and a cup of tea
- legal counselling
- in some cases, an "urgent action" against removal (This has not happened so far.)
- somebody to attend an UNHCR interview with an asylum seeker
- legal protection against removal (One case was taken up to the European Court of Human Rights.)

Johannes Flothow

MAZLUM-DER - A Muslim human rights association

MAZLUM-DER is an organization working for human rights and for solidarity with the oppressed. It is a Muslim organization with its headquarters in Ankara. Their website is at: www.mazlumder.org.tr

What does MAZLUM-DER do?

MAZLUM-DER

- draws up reports on the human rights situation in Turkey in cooperation with other human rights organizations.
- offers voluntary legal support in human rights matters free of charge.
- organizes training units for awareness raising in human rights issues.
- has trained more than 500 imams in 13 provinces on human rights, refugee protection and freedom of expression.
- organizes public action on religious freedom in Turkey, also on behalf of Alevi Muslims.
- tries to influence Turkish legislation, e.g. in connection to the current reform in penal law, on the topics of freedom of expression, interference with state interests or misuse of religious functions.

MAZLUM-DER has conducted a study on the psychosocial situation of women and children staying in Turkey temporarily as refugees. This study was supported by the EU's EIDHR programs for micro-projects and covered refugee housing units in ten cities and provinces (Ankara, Istanbul, Konya, Kayseri, Afyon, Sivas, Nevşehir, Yozgat, Van and Ağrı). Close to 500 persons were interviewed.

The aims of the study were

- to document the psychosocial situation of refugees statistically,
- to document and describe individual histories of persecution,
- to identify the most pressing problems and draw up suggestions for their solution by the government and the municipalities, and
- to raise public awareness of the problems of refugees in Turkey.

The results can be downloaded from MAZLUM-DER's website.

In addition to the work described here, MAZLUM-DER is also present in different cities and supports refugees directly.



The delegation visits the German embassy for discussions – afterwards, we have lunch together

Jürgen Blechinger

IIMP The Istanbul Interparish Migrants' Program and the work of Caritas Istanbul

From IIMP's fundraising letter:

Churches in Istanbul help refugees and migrants

Istanbul is a melting pot of human destiny. Refugees and migrants from African countries, Iran and Iraq are stranded in the metropolis on the Bosphorus. They have fled from poverty, war or persecution. Many of them are Christians who were living as a religious minority in their home countries. They are looking for a place to lead a life in dignity. Life in Istanbul is hard for refugees. There is no working social system and everybody has to fight for themselves. Many live in poverty, subject to arbitrary police controls, and have to wait several years for their recognition as a refugee.

Eight churches from Istanbul have formed a network for coordinating their work with refugees

and migrants. As an ecumenical community reaching from Protestants and Roman Catholics to Armenian Apostolic and Greek Orthodox Christians they support the "Istanbul Interparish Migrants' Program".

The IIMP offers refugees counselling services for their future life, help in dealing with Turkish and international authorities, health care, food, one warm meal per week, clothing from donations and financial support in case of a voluntary return to their country of origin. Many of the migrants are illiterate. The IIMP also organizes classes for migrant children.

Most of the work is done by volunteers, but still the programme cannot be kept up without donations.

If you wish to support the "Istanbul Interparish Migrants' Program", we are thankful for any donations.

Caritas Refugee Service

Caritas Istanbul is housed in the building of the Vatican's representation and always has an open door for those in need. Many refugees use the "Refugee Service" whose staff help in any way they can: They offer counselling, support refugees in obtaining valid papers, during the asylum procedure or concerning resettlement, get personal files in order, offer medical care in certain individual cases (sponsored by the Swiss Caritas), establish contact to doctors in emergency cases, hand out clothes from donations and in some cases visit refugees at home. However, the capacity for support is often limited. For

example, food vouchers for individuals without contacts abroad cannot be distributed any more for lack of funding.

In November 1991, during the Gulf War, the St. Vincent society and Caritas Istanbul started a school project for the children of Iraqi war refugees. Currently about 200 children aged 6 to 15 years get English language lessons five days a week until their family travels on to their new country of asylum. In this way, children can prepare for their new home country, mostly the US or Australia.

The situation of refugees from Turkey returning to Turkey

Berthold Münch*

Internally displaced Kurds in Turkey

During armed conflict in southeast Turkey (1984 to 1998), about 3,400 villages in the region were destroyed. A study by the university of Hacetepe finds that between 1995 and 2000, 6.7 million people have left their original home in Turkey. Most of them (57%) went to live in the big cities. Cities like Diyarbakır, Van or Gaziantep have grown by several hundred thousand inhabitants. Diyarbakır had about 250,000 inhabitants at the beginning of the 80s and now has more than one million. Many internally displaced persons also went to live with relatives in the big cities in western Turkey, such as Istanbul, Izmir, Adana or Ankara.

People started to return to their villages in 1999 and their number increased until 2004. Since conflict resumed in 2004, the situation for internally displaced persons has been deteriorating again. The risk connected to a return home has become harder to calculate.

The Compensation Law

On 29th July 2004, influenced by the compensation decisions by the European Court of Human Rights in Strasbourg (ECHR) and by the EU's accession criteria, Turkey passed a Compensation Law for internally displaced persons which was limited to one year. Under this law, civilians who have suffered from the war can claim up to € 9,000 in damages. It was expected that between 14.3 and 15 million people have claims. Up to now, many cases have been settled in which the legal heirs of civilians who were killed in the war but not themselves active in combat were compensated for the loss of their breadwinner. Compensation can be got for damages to life, limb and health. Immaterial damages are not compensated and there is no support for reintegration. There are a lot of traumatised persons who do not get any help.

* Berthold Münch is a lawyer based in Heidelberg and specializing in refugee and foreigners' law. He is a member of the legal council (Rechtsberatungskongferenz) of the German Caritas, the Social Service Agency of the Protestant Church in Germany and the German Red Cross.

The Diyarbakır bar association

The Diyarbakır bar association runs several projects in order to help impecunious persons claim their rights.

Among these projects are:

- free legal counselling
- 24-hour telephone hotline
- help with the filing of applications for compensation
- attending test cases up to the European Court of Human Rights

More information in Turkish can be found at:
www.diyarbakirbarosu.org.tr

The application for compensation has to be filed with the respective regional commission. Abroad, an application can be filed with Turkish consulates. All applications have to be registered by 29th July 2005. In Diyarbakır, 20,000 applications have been filed so far. Applicants do not have to get a lawyer, but the bar association offers free counselling in the framework of its project "Justice for all". Demands on evidence are very high, so that many people concerned will not win compensation. We were told that the Compensation Law is deficient, so that the European Court of Human Rights will again have to be appealed to in many cases. When filing the application with a Turkish consulate, applicants will probably have to face staff who think that persons staying abroad illegally do not have the right to apply for compensation.

Unclear ownership situations

A typical and often very difficult problem for returnees is getting back their property. Estimates say that 25% of the land is not included in state registers. Lawsuits for ownership can take decades, especially when both parties are large families. There are cases that have been pending now for 30 or 40 years. A lot of land has also been appropriated by village elders. In one land dispute in Bismeh / Ugrak, three people were shot.

Aids for returnees

We were told by the Turkish lawyers that there is no working government returnee / settlement programme besides the Compensation Law. One programme for the rebuilding of destroyed homes has been started in 1999, before the Compensation Law, but it has practically no effect. Reintegration support by social welfare organizations is extremely important. We were told that especial-

ly internally displaced persons were in need of help, while those who found refuge abroad could remain there in peace. The problem of internal displacement had to be solved before refugees could be invited to return from abroad.

The situation of returnees

Turkish refugees removed from abroad are interviewed on arrival. The same procedure holds for people returning voluntarily but without a valid Turkish passport or with a passport showing that they were staying in Germany without a residence permit. In the latter case, the Turkish border police can infer that the person concerned is either a former asylum applicant or has stayed abroad illegally – in both cases, they are suspicious. The risk to a person on return depends on the circumstances of the individual case, on whether the returnee was politically active in Turkey or abroad. In our talks to different lawyers across Turkey, we learned that there is often a high risk of treatment violating human rights. Even returnees who were not very active politically in Turkey and then became so abroad are persecuted. The most common charges are support or membership of a terrorist organization and separatist propaganda.

In addition to this, there are the social problems of reintegration. There is no support for impecunious returnees. Financial means can only be got via close family links to rich relatives or via successful professional reintegration for those with special skills. Otherwise, returnees have to fight for bare survival without a guaranteed means of existence. This situation is especially hard for returnees who invested all their belongings into escaping from Turkey.

We visited a Kurdish village near Batman and met families removed from Germany after their application for asylum was refused. They did not know anybody in western Turkey and felt safer in their own village, so they decided to return. The next article is a report on our visit there.

A report by Fanny Dethloff (in German) on the situation of returnees to Turkey who suffer from mental diseases can be found in the publication "Landesflüchtlingsräte zur Bundestagswahl 2005" at:
www.frsh.de/schl_32/48.pdf



A Kurdish village housing returnees.

Martin Rozumek

Returnees to a Kurdish village

We visited family C. who were removed from Germany in 1998 when their application for asylum had been refused. The German authorities had first removed the husband and a little later the rest of the family was forced to return to Turkey "voluntarily". At the time of our visit the region around the village was safe, but the living conditions lacked any perspective for the future. The family is living at the centre of the village, which is very poor. Most of the houses are built from unfired mud brick, sewage is drained off above ground, there are no paved roads, and dust and unpleasant smells accompanied us during the whole of the visit.

The family C.'s house is one of the most dilapidated in the village. It is owned by some relatives of theirs. Two parents and six children live in two small rooms. The main room, serving as living room and parents' bedroom, has no furniture. The roof is covered only with cardboard and plastic sheets. When we met her, Mrs. C. was very unhappy with her family's current situation. She, her husband and her children were all out of work. They lived as subsistence farmers. Some time ago, the villagers used to grow cotton for a living. When the price for cotton fell rapidly because of better conditions for its cultivation in

Southeast Asia, growing it did not pay off any longer. The village's cotton fields are now lying fallow.

The older children do not go to school because of the family's difficult financial situation. Their parents told us they could not pay the material that was needed.

As for visiting secondary school, this was completely out of the question because there is none in the village and they cannot pay boarding school in the district capital Batman. One of the boys still speaks a little German, as he went to primary school in Germany for two years. All the children have clean clothes.

Before they fled, the family were not poor by their village's standards, they had some property, a tractor and animals. They told us that they sold all their belongings in order to pay their way to Germany.

Now, family C. is visibly one of the poorest in the village, and the village itself is one of the shabbier settlements in Southeast Turkey. There are only a few freshly renovated houses at the edge of the village, owned by apparently much wealthier families.



Kafro – destroyed houses

Hanns Thomä*

The Syriac villages of Kafro, Ücköy, Badibe and Seyderic

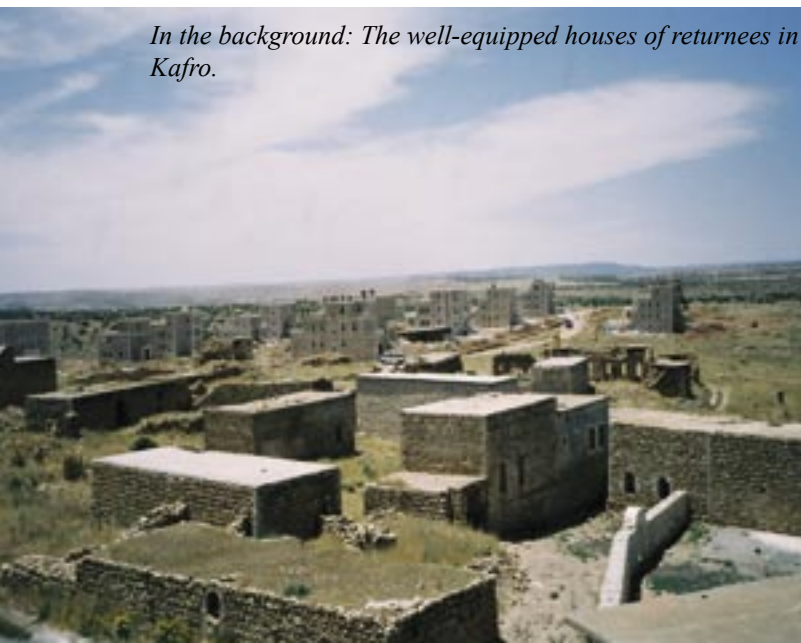
In 2000, 80 Syriac Christians living in Germany, Switzerland and Sweden with their families visited their former home region near Midyat in order to find out whether they and other families they knew could return. After this tour, some families from the village of Kafro decided to start building in their old village and to prepare their return. This return project is currently said to be the best organized one by Syriac Christians.

Kafro

After a troublesome trip along bad roads from Midyat, we reached Kafro on 9th June 2005.

The rough roads are just one aspect of the extremely bad infrastructure. Kafro was left by all of its former inhabitants. The village sits on a soft hill offering a wide view of the country. About fifteen beautiful, large new houses will soon be completed. These villas contrast remarkably with the very simple houses typical for the area.

Some of the ruins of the old houses are still there. The church is heavily damaged and has been robbed of all its contents. The graves have been desecrated and the church walls are covered in graffiti. Turkish soldiers, who are also said to have painted the graffiti, have written their identity numbers on the walls. The locals who accompanied us hope to be able to rebuild their church as well as their houses.



In the background: The well-equipped houses of returnees in Kafro.

* Hanns Thomä is responsible for foreigners' issues (Ausländerbeauftragter) at the Protestant Church Berlin-Brandenburg-Silesian Upper Lusatia (EKBO).

We talk to Mr. Demir, who was the first in his village to look for work in Germany in 1968. He has an uneasy conscience because he thinks he might have given the signal for emigration to Europe. That is why he also returned first. Just after his coming back, he was attacked by several armed persons, but remained unhurt as if by miracle. He stayed here in spite of this incident. He is the only one who already lives in the village and he hopes others will soon follow. However, there is no schedule yet for the return of the other house owners.

Ücköy

We continue our journey on rough country lanes. In Ücköy, some emigrants have started to renovate their houses. They usually come visit in summer, but there is no schedule yet for their return.

Badibe

We see a car but no people. Two single men live in this village. We have a picnic in the shade of a tree.

Seyderic

In Seyderic, we meet Mr. Musa Göktas who worked in Gütersloh in Germany for 16 years. He has returned to prevent the village "being taken over by other people". He hopes that democracy in Turkey will be strengthened by the process of accession to the EU. His village is one of seven in the region that used to have only Christian inhabitants. The villagers married among themselves so that the population remained exclusively Christian until the emigration. At the moment, five returnees from three families live here. They get their money from abroad, as it is not yet possible to start a self-sustained existence here. Infrastructure is bad, roads, water pipes and many other things are lacking. Mr. Göktas is a German citizen and his children have lost touch with their original culture during the time they have lived in Europe. He would like his son, who is currently working in a pizza house in Germany, to return here, although he would probably not find a job in the region.

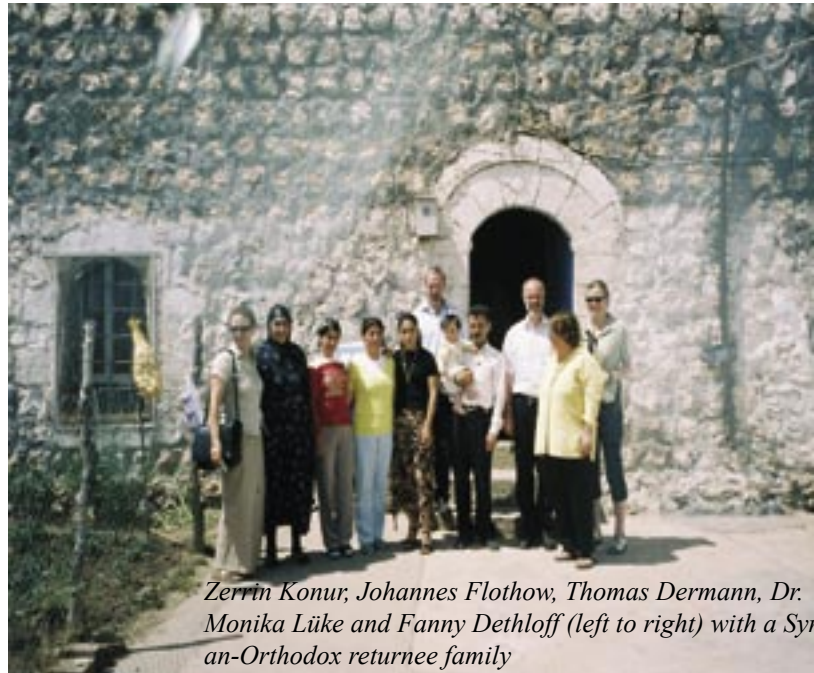
Ücköy

We end our round trip in Ücköy where we are welcomed by pastor Ibrahim Gök, by the village mayor, who also used to live in Gütersloh, and by about fifteen other men from the village.

Three days ago, Pastor Gök, the mayor and one other man had been the target of a bomb attack that luckily only damaged their car. The accession process and the demands by the EU are improving security in general in comparison to some



Graffiti in the heavily damaged church



Zerrin Konur, Johannes Flothow, Thomas Dermann, Dr. Monika Lücke and Fanny Dethloff (left to right) with a Syrian-Orthodox returnee family



In the shade on the village square: Conversation with returnees and people planning their return. To the right: pastor Gök.

years ago. This improvement, however, is only relative, as the attack shows. When we asked who could have committed the bomb attack, the villagers' answers were evasive. They said they had to wait for the results of the police inquiry, and that this bomb attack had been planned professionally.



Making cheese

The suspected reason for the attack is the perpetrators' having noticed the resolve of the Syriac Christians to really come back and retake their land.

The land in Ücköy is not yet listed in the official register. The men have come back in order to get this done. Around here, there are also a lot of old monasteries that are in a very bad state. We were told that many of their graveyards have been plundered and destroyed.

The people we talked to were thankful for having been accepted into EU countries. Most of them are citizens of the receiving states. Still, they lament the alienation from their original culture. The reason for their return plans is the longing for their old home. When they emigrated decades ago, they knew that they were leaving for good, but now, they wish to return if this is at all possible.

Having a German or other European passport makes life significantly easier for the returnees. It gives them more security and faster access to Turkish authorities, but it could also be a disadvantage when trying to get their land registered. "The authorities will only listen to us if we have European passports." Without pressure by the EU, they say they cannot hope for security or for protection of their property. Accordingly, the returnees would prefer holding a European as well as a Turkish passport. The problem with that,



In this spot, a remote-controlled ignition bomb exploded on 6th June 2005, targeting a delegation of Syrian-Orthodox returnees

however, is that Turkey would then accept them only as Turkish nationals and they would not enjoy diplomatic or consular protection.

Pastor Ibrahim Gök asked us to communicate the following information to the German government: It is not true that people are safe in the region and that all conditions for return are fulfilled already. The men who are here have returned in spite of all this in order not to lose their claims to their property, which need to be filed by the end of July 2005, and in order to help Christianity survive in this region. It is impossible for

everybody to return and those who are here do not want them to. At the moment, only the older people who can live on their property or on money transfers from Europe want to come back. For the young, it is impossible to live here, as there is no way to earn a living. The returnees need the money the others transfer from the EU in order to be able to live in Turkey. Those who return still feel unsafe or at least unwanted. The returnees' aim is to bring back ten families to each of the seven villages in order to keep up their religion and their traditions. It is highly important

for them to be able to return to Europe whenever the security situation should deteriorate again.

In the 1960s, tens of thousands of Christians lived in this region, now there are only 300 families left in the Tur Abdin mountains.

Churches in Europe who want to support Christians in Turkey should commit themselves to the European process and to bringing security, human rights and democratic development to Turkey in its course.

Hanns Thomä

Evening prayer on Hebrews 13.2 in Mor Gabriel monastery, Midyat, June 9th, 2005

The grace of the Lord Jesus Christ and the love of God and the fellowship of the Holy Spirit be with us all. Amen.

Song 171 from the German Protestant Hymn-book: Keep us and be with us, God.

Psalm 23 "The Lord Our Shepherd" read in turns.

Meditation on Hebrews 13.2

At the end of his letter to the Hebrews, the apostle Paul addresses a number of exhortations to the congregation. He begins thus:

"Keep on loving one another as Christian brothers.

Remember to welcome strangers in your homes. There have been some who did that and welcomed angels without knowing it.

Remember those who are in prison, as though you were in prison with them. Remember those who are suffering, as though you were suffering as they are."

This warning by the apostle Paul has a special meaning for us today, at the end of a day of travelling full of new experiences. During our stay in Turkey, we are in need of the hospitality of others. Here, we are not hosts but guests, so maybe we can feel better how important the protection is that hospitality offers. But Paul does not address us as guests, he addresses us as hosts. I think all of us are of the opinion that we are tolerable hosts when at home. At the time of Paul, hospitality was seen as even more central than in our modern world. So why does he think this exhortation at all necessary? We can approach this topic by some more questions:



The church of Mor Gabriel monastery near Midyat

What kind of experiences have you had as a guest?

Were you ever in need of being invited in without prior knowledge of the host?

Do you like to be somebody's guest?

Do you think you are good guests?

Do you prefer staying with friends and relatives or paying for being the guest of a hotel?

Are you able to accept hospitality without having to pay for it with a counter-invitation?

Do you feel better as a guest or as a host?

Have you ever had to accept guests you did not want?

What do you expect from a guest? A gift, praise for your cooking, not staying too long? There is a saying: "Guests and fish will start to stink in three days." Do you agree?

When do you feel you receive the greater gift – as a guest or as a host?



„Remember to welcome strangers in your homes. There have been some who did that and welcomed angels without knowing it.“ This is what Paul tells the congregation.

When I was a child, we were living in a large parsonage. The church's Social Service Agency, then called the "Innere Mission" (Internal Mission), also had their offices there. When we came out of the kitchen, we met strangers in the corridor. Sometimes, they knocked at our kitchen windows when the staff did not answer the doorbell. Some of them, especially the men, made us a little afraid, some were alcoholics or homeless, looked shabby or stank of alcohol or because they had not washed in a long time. Sometimes, my mother would bring them a dish of soup out to the corridor. We children were happy she did not bring these people to sit at the table with us. Some of them behaved aggressively when they were offered only food instead of money. We children were especially afraid of drunken people until my father dissipated this fear, saying: "You only need to tap them a little with your finger and they'll fall over." I never tried, but of course I believed my father implicitly. Suddenly, I felt the strength springing from my trust in my father's word. From this point, I was less afraid of the strangers.

I do not know whether there were any angels among the guests seeking help and counsel in our house. At the time, I certainly did not see them as such, as messengers of God. But who knows?

Only much later, when I met refugees in Berlin, I had the feeling of being close to God when being with strangers. I sometimes felt that I had received much more than I had given. This feeling had nothing to do with how much I had done for a certain person or with whether my work

had been successful or in vain. It always came as a surprise, contrary to my expectations. Sometimes, when I as a helper felt at a loss and saw no more hope, when I expected desperation from others, refugees I met would be confident and trusting in a way that even today I feel to be inexplicable. Sometimes, refugees who were desperately in need of consolation themselves would give me new hope. Sometimes I did feel that refugees were messengers of God.

Hospitality means being open for the strange, the unknown and the unplanned, being ready to change one's plans and being curious for all a guest might bring with them. Hospitality means becoming conscious of the fact that we can only live fully when we break the mould of our security and commodity and are open for the gift of the other and the unexpected. If all our thoughts are centred on security, calculability and plannability, we will not find a fulfilled life.

How do we deal with insecurities in our lives? Do we make reasonable provisions for the future or are we governed by fear? Can we accept the existence of insecurity or are we paralysed by anxiety? Are strangers part of our life or do we want to keep them at a distance? Is our circle of friends, our family, our congregation a home where we can invite strangers hospitably and with an interest in them, or is our home our castle that keeps away the others?

We need such familiar spaces where we can feel safe and to where we can retreat. We need a home, places for our roots, and protective barriers to the exterior. Such places can be physical ones like a landscape, a town or a house,

but they can also be spiritual, as in a community of worship, a culture, a language or in meeting other people.

However, these familiar spaces can also oppress us or even wither away if we do not cross their protective borders time and again. Now and then, fresh air needs to come in, we need to open windows and doors in order to let in other things. The familiar and the strange are both needed in order to stay alive.

"Remember to welcome strangers in your homes. There have been some who did that and welcomed angels without knowing it."

Fear of strange things destroys life. "Angst essen Seele auf" ("Fear eat soul") says the title of a film by Rainer Werner Fassbinder. A fulfilled life needs hospitality, the readiness to accept a certain amount of insecurity and the unknown. A fulfilled life needs (this is the title of a series of conferences by the Katholische Akademie Berlin) "Confidence instead of Security". Confidence, or "Faith" can give us power to tackle times of insecurity.

Confidence in meeting a stranger, a guest, means opening one's house and maybe also one's heart and hoping for the same openness in return. I want to know who you are, what your opinions are and what you think of me. In learning about you, I also learn more about myself. I feel my own insecurities more than at other times, but I can also test and strengthen my own opinions and convictions when faced with yours. When meeting you, I feel what changes I should make in my life.

Hospitality has a lot to do with our own faith. This is not a moral commandment – we are not asked to be hospitable in order to be better people. Paul is reminding us to be hospitable because this is an opportunity for ourselves. When we open our doors to others, when we cross our own borders and are hospitable to strangers, we have an opportunity of being close to God.

Therefore, let us remember to welcome strangers in our homes. Amen.

Prayer

*God, our mother and our father,
give us a voice
for those who have been silenced,
give us community without many words
when only silence will do to cope with the pain.*

*Give us a clear perception
in order to discover injustice,
and persistent goodness to those
who cross our path in great desperation.
Let us speak openly of our helplessness.
Let us weep when we see sorrow
and laugh when we feel the joy of your creation.*

In your mercy, our God, there is the limitless opportunity of hope.

Lord's prayer

*Blessing
The Lord be before us
to show us the right path.
The Lord be beside us
to embrace and to protect us.
The Lord be behind us
to keep us from the malice of evil people.
The Lord be among us
to comfort us when we are sad.
The Lord be around us
to protect us when we are attacked.
So may the gracious God bless us.*

Bridge over the Tigris - Hasankeyf



Press releases and press reactions

Press release of the Churches' Commission for Migrants in Europe and the Protestant Church in Baden, 24/VI/2005

"Protection of refugees in Turkey needs to be improved" **Delegation of churches visited Turkey**

Turkey applies the Geneva Refugee Convention only with regard to refugees from Europe. Refugees from Asia and Africa could apply for asylum with the United Nations High Commissioner for Refugees (UNHCR), but in case of recognition they would have to find a third country to receive them. This is what a delegation of representatives of various Protestant churches and diaconical organizations from Germany, France, the Czech Republic and Slovakia as well as of the ecumenical Churches' Commission for Migrants in Europe (CCME) learned during a study visit to Turkey. The delegation met last week with representatives of the UNHCR, the Turkish government and non-governmental organizations.

The social situation of refugees is difficult, too. During an asylum procedure, often lasting for several years, the asylum applicants as a rule are not allowed to work, while they neither receive accommodation nor support to make their living. Non-governmental structures of assistance have yet to be built up on a larger scale.

"Considering the poverty in parts of its own population, as well as the over one million of internally displaced persons, one can understand that Turkey does not want to become the default shelter for refugees looking for protection in the European Union", says Cristian Popescu, member of the Executive Committee of the Churches' Commission for Migrants in Europe.

The unrestricted application of the Geneva Refugee Convention is fundamental to the EU refugee policy and will figure in the negotiations beginning this year on a possible EU accession. "It will still take considerable time to build up an asylum system in Turkey according to European standards", says pastor Thomas Dermann from Karlsruhe, head of the delegation. "We want to accompany this process constructively and critically."

The Churches' Commission for Migrants in Europe (CCME) is the ecumenical agency on migration and integration, asylum and refugees, and against racism and discrimination in Europe. Members are Anglican, Orthodox and Protestant Churches and Councils of Churches as well as church-related agencies across Europe. CCME formally cooperates with the Conference of European Churches and the World Council of Churches.

Bush should not hear this!

"Oppressors do not change, it does not matter whether they are called Saddam or Bush," said Mr. Torun, a member of Erdogan's ruling party, while his leader declared on a visit to the US: "Anti-Americanism is marginal in Turkey."

ANKARA, Milliyet

After a visit to America by prime minister Recep Tayyip Erdogan who tried to improve the strained relationship between Turkey and the US and, on his way across the Atlantic, accused the opposition CHP* of Anti-Americanism, a member of his own AKP** party from Diyarbakır, Cavit Torun, declared: "Yesterday, Iraqis were fleeing to Turkey from the cruelty of Saddam, today they are fleeing from the cruelty of the US."

In spite of Erdogan's messages of support to the Bush administration on the occasion of his visit to the US, which had the goal of normalizing Turkish-US relations, Anti-American outbursts continue to erupt from his party.

"US cruelty"

Yesterday, a delegation of the German Protestant Church who are visiting Turkey to look at the situation in Van, Mardin und Diyarbakır met members of the Human Rights Commission of the Turkish Grand National Assembly in the parliament building. Instead of the commission's president Mehmet Elkatmis, Mr. Torun held a speech in which he declared:

"We have shared our bread."

"Turkey is a country that has been open to all religions and cultures in the past and continues this tradition even today. Disastrous situations in our region continue. We received with open arms a million refugees fleeing from the cruelty of Saddam, and we have shared our bread with them. Yesterday, Iraqis were fleeing to Turkey from the cruelty of Saddam, today they are fleeing from the cruelty of the US. Oppressors do not change, it does not matter whether they are called Saddam or Bush."

When Erdogan was asked in a press conference in the White House whether Anti-Americanism in Turkey was growing, he said there were some "marginal groups" who were making trouble.

Torun complained about the church

In the above-mentioned meeting, Cavit Torun reacted to increased activity by Evangelical groups especially in Diyarbakır who, he said, were focusing on Alevi youths and trying to convert them to Christianity. Torun said that these Christian groups were working with people who had trouble with the system and claimed he knew about the work with Iranian and Iraqi migrants. "We do not think it proper that the difficult situation of such people is abused and taken advantage of."

*The Republican People's Party CHP is the only opposition party represented in parliament. As there is a 10% barrier for them to pass, many parties did not manage to enter parliament in the latest elections..

**The Party for Justice and Development AKP is prime minister Erdogan's ruling party.

How will Erdoğan react?

Prime Minister Recep Tayyip Erdoğan,

upon hearing some things Justice and Development Party (AKP) Diyarbakir deputy Cavit Torun had, said must have thought to himself:

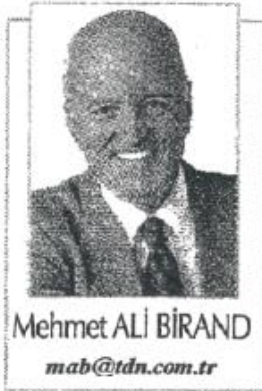
"Oh, brother. You just couldn't keep your mouth shut for a few days, could you?" Maybe the prime minister asked those around him, "Tell me how to deal with such people."

The reason is very simple. Because most of the complaints he heard in Washington were about such statements. Statements made by some AKP deputies were cited before he was asked what he would do about it.

The Americans didn't ask Erdoğan to put an "embargo" on deputies making statements. Their complaint was the AKP leadership's failure to counter such statements.

The prime minister's comments in Washington were clear in a way they had never been before. He praised Turkish-U.S. relations and acted as if he were trying to make people forget about how some AKP deputies had spoken out. Even though it seemed exaggerated, he appeared like he was championing the United States. The impression of the White House after talks between U.S. President George W. Bush and Erdoğan was: "We don't believe these words. We will assess your policies from now on before we make up our minds." The headline in daily Milliyet, "U.S. criteria," reflected the truth.

After all that has been said and done and at a time when all eyes are on the AKP in judgment, Torun's remarks ruined everything. Please don't misunderstand. The United States won't take Torun's statements seriously. What they will be watching for is how Prime Minister Erdoğan or Foreign Minister Abdullah Gül reacts to it.



what can the prime minister do?

Some anti-U.S. and anti-Israeli sentiment are in the genes of certain AKP deputies. No matter how much you tell them to be careful, they can't keep their mouths shut. They reach a limit and just burst out.

Prime Minister Erdoğan is caught between a rock and a hard place.

Let's see how he reacts.

Atlasjet needs to be protected: I am a person who believes there are always two sides to a story. If there's a mistake, be sure that there are two sides to that mistake. One side may be guiltier than the other, but all the blame cannot be placed on a single side.

After stating this principle, let's come to the Atlasjet affair.

Turkish Airlines (THY) should not have utilized the benefits of being a state enterprise to attack a private company. It should have worked more to resolve the problem and should not have pushed the matter as far as canceling Atlasjet's slots.

The attitude of THY is a "plane" example of statism.

The bureaucracy that believes in its righteousness is still alive. It continues to see the private sector as a usurper.

Atlasjet, on the other hand, should have taken the prior warnings seriously. It should have acted responsibly.

What we now expect is for the matter to be resolved as soon as possible.

Who is instigating the headscarf issue?: As I have noted many times before, we are the best at causing problems for ourselves.

Just like everyone else, I'm wondering what the sense is in not letting a mother wearing a headscarf into a university to watch her daughter's graduation ceremony.

Everybody made his or her arguments publicly, but I still fail to understand it.

I can understand the reactions of Erdoğan and Gül. I'm a secular person and am also full of anger. Don't we realize that we will go nowhere with such a state of mind?

If we pressure women who wear headscarves and declare them "persona non grata," won't we force the AKP government to take the issue to referendum? How many people would say "yes" if the Turkish people are asked, "Should the ban imposed on the headscarf be annulled?" Don't you think at least 80 percent of the people would vote for lifting the ban?

Enough is enough. Stop this divisive attitude. At a time when the country is, at last, feeling relaxed and at peace, stop trying to create tension.

**Trip to Turkey by a church delegation has unexpected consequences –
Protest against proselytism in Turkish media**

By Rainer Clos (epd)
Original article in German

Frankfurt a. M. (epd). Thomas Dermann, head of the delegation, says his group made a successful study trip and gathered a lot of helpful information on the situation of refugees in Turkey. The refugee experts from different European churches were received warmly by representatives of the Turkish state and informed in depth about refugee and asylum issues.

Accordingly, Pastor Dermann, who is responsible for Ethnic Germans, foreigners, refugees and Muslim-Christian relations at the Protestant Church in Baden, is astonished at the effect the study trip to Turkey in mid-June is now having on the Turkish media, weeks after the delegation has left. During their stay, they were not openly confronted with the claim that efforts at proselytism were behind the trip organized by the Protestant Church in Baden and the Württemberg Social Service Agency in cooperation with the Protestant Church in Germany (EKD) and the Churches' Commission for Migrants in Europe.

When the delegation met members of the human rights commission of the Turkish national assembly, Member of Parliament Cavit Torun had merely mentioned that in his constituency in Southeast Turkey, an Evangelical church from the US was doing missionary work among Muslim refugees. Dermann says that the delegation took care to distance themselves from efforts at converting people abusing their social hardships.

The Turkish deputy had said nothing about either the EKD or about Germans in general in connection with this issue. Three weeks after the end of the study trip, the third largest Turkish daily, "Zaman", reported on an alleged warning against missionaries given to state authorities in Southeast Turkey, advising them to avoid contact with the church delegation. Dermann sees this report merely as an effort at raising animosity.

German diplomats in Turkey take the reports more seriously. If the Turkish exterior ministry is quoted as one of the sources for such a warning, the issue is "highly sensitive", says the German embassy in Ankara. In spite of a deeply rooted fear of being "proselytised", it could well be expected from the Turkish authorities to make a distinction between the EKD and American free churches.

The EKD has firmly rejected the accusation of proselytism. The German language protestant community in Turkey is merely caring for the spiritual needs of its members living in Turkey, says an EKD speaker. (07656/7.7.2005)

Turkish exterior ministry and MIT* warn against "Evangelists"

Activities by Evangelical Christians, a group of which US president Bush is also a member, are felt more and more in Turkey. Apparently the Turkish exterior ministry and the MIT warned governors "not to have official talks" when a delegation by the German Protestant Church (EKD) visited South-east Anatolia saying they wanted to "look into migration issues". Last week, the exterior ministry also issued a warning to parliament when the delegation were visiting there. A letter marked "confidential" stated that Evangelical Christians supported the terrorist PKK and were trying to prevent Turkey from being accepted into the EU in case they did not acknowledge the genocide allegedly committed against the Armenians.

Before the study trip to Turkey, the EKD is said to have planned a conference in Istanbul from June 12th through June 16th, the title of which was to be "Conference of European Churches". They later desisted from this plan. The eleven delegation members were in Turkey from June 8th to June 17th. They had several meetings during this time. They had stated that they wanted to visit Van, Mardin, Midyat and Diyarbakır before going to Ankara, to gather information on Iranian and Iraqi refugees and to speak to the local police officer responsible for border protection during their visit in Van. These plans as well as the type of church concerned caused some uneasiness. Because the normal regulations were perceived not to be followed when planning the trip, the Turkish exterior ministry asked the Turkish embassy in Berlin to warn the church of the problem. The governors of East and Southeast Anatolia were warned not to have official talks with the church delegation. The embassy in Berlin suggested that the delegation could send "the persons responsible to Ankara and conduct all official talks there". In spite of this proposal, the Evangelicals came to Turkey, to Van, Midyat and Diyarbakır, and there tried to arrange meetings via unofficial channels. They were not able to meet any governors or district heads, however.

The Evangelicals then continued to Ankara and contacted parliament. Before the delegation visited there, parliament received a confidential letter from the exterior ministry, informing the human rights commission of the MIT's position on the Evangelicals: "The church-related academy Evangelische Akademie Bad Boll held conferences in 1997 and 1998 on the topic of "The lifting of the ban on the PKK in Germany", was demanding acknowledgement of the alleged genocide against the Armenians and, with the support of the Kongra-Gel**, was participating in activities directed against the Turkish state with the goal of preventing Turkey from being accepted into the EU should the alleged genocide against the Armenians not be acknowledged."

The Evangelicals visited the human rights commission of the Turkish national assembly on 15th June 2005. The AKP deputy Cavit Torun (constituency of Diyarbakır), who sharply criticized the US' operations in Iraq, called attention to the increasing activities of the church. Torun stressed that the Evangelists were focusing mostly on Alevi youths and aiming at converting people who had trouble with the political system to Christianity. He added: "It is not right to profit from and take advantage of the difficult situation of these people."

*MIT is the Turkish secret service.

**Kongra-Gel is the PKK's military wing.

"We have to work together with Turkey in solving the refugee problem."

Cooperation with Turkey is highly important in order to solve the international refugee problem, says Jürgen Blechinger, migration and refugee issues desk at the Baden Social Service Agency which is part of the Protestant Church in Germany.

Among those who use Turkey as a country of transit in order to reach the European Union, many are refugees, Mr. Blechinger adds. "The European Union plans to send these refugees who come from different Asian and African countries back to Turkey in order to have their asylum procedure there. We think that this is not right. The EU's completely shutting its borders and transferring procedures for the acceptance of asylum applicants to third states does not solve the problem." He added that this path of action is not compatible with a fair sharing of responsibility. According to statistics by the international refugee organization IOM, the number of refugees using Turkey as a country of transit in order to get someplace else is at 250,000.

In order to see the situation with their own eyes and to look for possible ways of cooperation, a delegation of representatives of Protestant churches from Germany, France, the Czech and the Slovak Republic as well as members of the Churches' Commission for Migrants in Europe took a study trip to Turkey.

During their trip, they visited border cities such as Van and Diyarbakır, where there are refugee problems, and met deputies and administrative officers in Istanbul and Ankara, explains Mr. Blechinger. "We had a very interesting meeting with the head of the department for Foreigners, Borders and Migration issues at the Turkish interior ministry, Mr. Mehmet Terzioğlu, whose department is responsible for refugee questions."

Jürgen Blechinger says that the delegation was happy to be informed on Turkey's refugee problems by Mr. Terzioğlu and adds: "Such meetings help us to better understand Turkey's problems and to have fruitful discussions during the negotiations for Turkey's accession to the European Union." He also explains that for his organization as a charity linked to the Protestant Church, it is an important field of work to help refugees who are in a difficult situation regardless of religion or race. "The problem of refugees is not a national problem anymore, it has international implications. In order to tackle this problem, we absolutely need international cooperation." The delegation from Europe were also interested in Non-Governmental Organizations' views on the issue and in the work they do in Turkey.

During their study trip, the delegation met representatives of NGOs such as the Red Crescent, amnesty international Turkey, Türkiye Egitim Gönülleri Vakfı (the foundation of volunteers in education in Turkey), the Van women's association and Mazlum-Der and also visited some of their projects. Jürgen Blechinger tells us: "Türkiye Egitim Gönülleri Vakfı has started a school project for refugee children in Van. Legal counselling by the Helsinki Foundation and social services by Caritas, both in Istanbul, are also important examples of helpful work for refugees. However, it is crucial that more civil society organizations start to work in this field."

Jürgen Blechinger gave the following summary of the delegation's conclusions after having visited official and non-governmental organizations and several projects: "For refugees in Turkey, a reliable legal and security system is not yet sufficiently developed. Steps need to be taken in order to provide solutions to the problems of housing and unemployment. Instead of applying the Geneva Convention on Refugees only to Europeans, it needs to hold for all refugees alike. This will be an issue during Turkey's accession negotiations starting on the 3rd of October. The application of the Geneva Convention on Refugees to all refugees is an important basis of EU migration policy."

RÜCKKEHR ODER ABSCHIEBUNG – WOHIN?

Die Situation von Flüchtlingen und das Asylrechts in der Türkei

Delegationsreise der EKD

Martin Link

Eine Delegation des Evangelischen Oberkirchenrats in Karlsruhe und des Diakonischen Werks Württemberg unterstützt durch die Evangelische Kirche in Deutschland und die Churches Commission for Migrants, Brüssel war vom 6. bis zum 17. Juni in der Türkei. Vorgenommen hatte sich die Gruppe, die Bedingungen des Flüchtlings-schutzes im potentiellen EU-Beitrittsland zu recherchieren. Der ausführliche Bericht der Delegationsreise wird im September 2005 veröffentlicht. Hier geben wir einen kurzen Überblick über die wichtigsten Rechercheergebnisse.

Folter

Sowohl seitens des UNHCR als auch von den NGO-Vertretern wird bestätigt, dass es in der Türkei weiterhin zu Foltersituationen kommt; deshalb ist die Türkei kein sicheres Drittland. Fälle von politisch motivierter Gewalt kennzeichnen noch immer die Situation der ethnischen Minderheiten der Kurden und Assyrer in der Osttürkei; diese Vorkommnisse sollten bei Überlegungen hinsichtlich einer möglichen Rückkehr Angehöriger dieser Gruppen in die Türkei Berücksichtigung finden.

Migrationspolitik

Wegen der geographischen Lage am Mittelmeer und benachbart zum sog. Nahen und Fernen Osten nutzen zahlreiche Migranten mit dem Ziel Europa den Weg durch die Türkei.

Die türkischen Gesprächspartner der Delegation sagen, dass die verfügbaren Kapazitäten nicht ausreichen, um diese große Zahl an Ausländern verfahrensmäßig zu versorgen. Faktisch wird eine konsequente Durchführung von ausländerrechtlichen und Asylverfahren nicht umgesetzt. Formal ist die Türkei nur für die europäischen Flüchtlinge zuständig. Der UNHCR führt die sog. Feststellungsverfahren für die nicht-europäischen Flüchtlinge durch. Im Ergebnis der Unterversorgung werden sog. irreguläre Migranten zunächst weiterhin in der Türkei nur geduldet.

Flüchtlingsschutz

Die Genfer Flüchtlingskonvention wurde lediglich mit einem geographischen

Vorbehalt ratifiziert. Demnach können nur Flüchtlinge aus Europa von türkischen Behörden Asyl erhalten. Der Flüchtlingschutz ist also in der Türkei nicht effektiv gewährleistet. Es gibt erhebliche Schutzlücken. Es kommt immer wieder zu dem von der GFK verbotenen Refoulement, d.h. der Zurückweisungen ohne Chance auf eine Prüfung möglicher Verfolgungstatbestände, dies insbesondere an der Ostgrenze und an Flughäfen. Unterm Strich muss man feststellen, dass es in der Türkei kein effektives Asylsystem gibt. Es wird seitens der Behörden eigentlich gar nicht zwischen irregulären Migranten, Transmigranten, Asylbewerbern oder anerkannten Flüchtlingen differ-



renziert. Dazu kommt, dass die Betroffenen, um der im Asylverfahren obligatorischen Wohnsitzzuweisung an unattraktiven Orten zu entgehen, sich regelmäßig nicht um formales Asyl bemühen.

UNHCR

Der UNHCR ist dort wie gesagt für das Verfahren zur Feststellung der Flüchtlingseigenschaft für alle nicht-europäischen Flüchtlinge zuständig. Im Falle positiver Statusentscheidungen muss UNHCR versuchen, die Neuansiedlung der anerkannten

Flüchtlinge in einem Drittland zu erreichen. UNHCR kooperiert regelmäßig mit der Regierung. Hier besteht ein spürbarer Unterschied zum üblichen Standard des UNHCR, sich als Anwalt der Flüchtlinge für deren Schutz auch gegenüber Regierungen einzusetzen. In der Türkei sind die Mitarbeiter des UNHCR nicht nur neutrale Beobachter, sondern üben teilweise quasi-staatliche Funktionen aus. Die Kapazitäten des UNHCR sind angesichts der hohen Zahl von Anträgen auf Feststellung des Flüchtlingsstatus nicht ausreichend. Infolge dessen besteht das Risiko minderwertiger Qualität der Feststellungsverfahren, und dass sie zu lange dauern. Dass UNHCR so eng mit türkischen Innenbehörden kooperieren erweist sich u.a. beim Datenaustausch als höchst problematisch.

Humanitäre Standards notwendig

Zu wünschen wäre eine zeitnahe Einführung eines funktionierenden Asylverfahrens, das internationalen aber auch humanitären Standards gerecht wird. Die Türkei könnte dabei auf eine gute Tradition bei der Aufnahme von Flüchtlingen während des Dritten Reiches oder auch in den Zeiten des Jugoslawienkrieges anknüpfen. Des weiteren erscheint der Delegation die Umsetzung der folgenden Anliegen als ausgesprochen dringlich:

- Die Gewährleistung der Menschenrechte in der Türkei sollte weiter verstärkt werden, namentlich im Hinblick auf das Folterverbot, die Garantie des Non-refoulement, die Religionsfreiheit und soziale Rechte. Bürgerrechtsbewegungen und soziale Initiativen sollten gestärkt werden; dabei muss die Kooperation mit ausländischen Organisationen uneingeschränkt möglich sein.
- Der geographische Vorbehalt zu der Genfer Flüchtlingskonvention muss aufgehoben werden, so dass die Konvention umfassend zur Anwendung gelangt.
- Die Türkei sollte bei der Aufnahme von Flüchtlingen nicht nur in finanzieller Hinsicht unterstützt werden. Das Anliegen der Türkei an einer fairen europäischen Verteilung der Flüchtlinge ist durchaus berechtigt.
- Wenn die EU mit der Türkei ihre Zusammenarbeit in Bezug auf die Überwachung der Ostgrenzen fortführt und intensiviert, muss parallel dazu ein effektives Grenzmonitoring durchgeführt werden, um zu verhindern, dass es zu Situationen des Refoulement kommt. ■

Martin Link ist Geschäftsführer im Flüchtlingsrat Schleswig-Holstein.

Refugees on the way to the European Union

Protection of foreign refugees in Turkey

Research trip to Turkey June 8th - 17th, 2005

Wednesday, June 8th

Flight to Istanbul

2.45 pm to 3.45 pm Arrival Istanbul – Airport

4.30 pm Reception in the Catholic Church in Yesilköy
Introduction to the situation of foreign refugees in Turkey
Ms. Zümray Kutlu; Mr. Prof. Dr. Ayhan Kaya, Bilgi University, Istanbul

7.20 pm Flight to Diyarbakir

9.10 pm Arrival in Diyarbakir

Part I: Return Projects

Contents:

Visit of return projects; discussions on return in the context of a pre-examination of "if, how, and when" a project on the return of Turks could take place.

Thursday, June 9th

Group I:

8.00 am To Midyat
11.30 am Visit of villages with a return project in the area of Midyat:
Kafro (Elbegendi); Badibe (Dibek); Harabale (Ücköy); Marbobo (Günyurdu)

Group II:

9.00 am Meeting with Members of the Diyarbakır Bar Association
Avukat Sezgin Tanrıkulu, Head of the Diyarbakır Bar Association
12.00 am Visit of one district of Diyarbakır
2.00 pm Visit of a Village near Batman
8.00 pm Visit of the monastery of Mar Gabriel,
Reception by Archbishop Yusuf Aktaş
9.30 pm Evening prayer (Hanns Thomä)

Friday, June 10th

7.00 am Midyat – Van by bus
3.00 pm Arrival in Van

Part II: Situation of foreign refugees in Eastern Turkey

Contents: On their way to Europe, many refugees immigrate into Turkey via the province of Van and get their initial accommodation there. A lot of refugees live in different parts of the town of Van. The discussions and excursions in the province of Van aim at gaining an accurate impression of the living conditions of foreign refugees and of their possibility of obtaining access to protection.

3.30 pm Meeting with UNHCR, situation of refugees on the border Iran/Iraq
8.00 pm Meeting with Bedri Callı of the association Humanitate and the vice major of Hakkari

Saturday, June 11th

Group I:

9.00 am *Visit of Türkiye Eğitim Gönülleri Vakfı (TEGV), Van
Ms. Rezzan Bayram, Head of TEGV and others*

Group II:

9.00 am *Meeting with Kızılay, Van*
2.00 pm *Visit to Van Kadın Derneği, Van Woman Foundation (VAKAD)
Ms. Zozan Özgökce*
Visit to the Jandarma (planned)
5.00 pm Meeting with Lawyers of the Van Bar Association
Avukat Ayhan Cubuk, Avukat Adil Aslan and others
7.30 pm Evening prayer (Fanny Dethloff)
8.00 pm Exchange of views

Sunday, June 12th

9.00 am Visit to the castle of Van
Group I:
11.00 am *Visit to a district of Van where a lot of foreign asylum seekers are living*
Group II:
11.00 am *Visit to a project for internally displaced persons: Van Kilim workshop
Mr. Enver Özkahraman*

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| 3.00 pm | Flight Van to Ankara |
| 4.35 pm | Arrival at Ankara airport |
| 8.00 pm | Introduction for new participants |

Part III:

Situation of foreign refugees in Turkey

- Meetings with officials and organizations in Ankara**
- The Situation in Istanbul**

Contents: In the capital Ankara, discussions are planned with the government of Turkey, the committee responsible within the Turkish Parliament, the UNHCR, the EU representation and organizations working across the country and having their offices in Ankara.

Istanbul is the focus point for migration to the EU. Many refugees arrive there and struggle to make a living in this metropolis of over 15 million inhabitants. Such refugees live in several parts of the city. In discussions with organizations supporting them and in excursions we will observe the reality of living conditions of foreign refugees and of their possibility to obtain access to protection.

Monday, June 13th

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| 8.00 am | Breakfast |
| 9.00 am | Ministry of Internal Affairs, Ankara (planned) Mr. Mehmet Terzioğlu, Ministry for Internal Affairs, Department Foreigners, Refugees and Border Control |
| 11.30 am | German Embassy Ankara Mr. Jens Janik; head of the Department of Consular Affairs |
| 1.00 pm | Lunch |
| 4.00 pm | UNHCR Ankara Ms. Gesche Karrenbrock, Representative of UNHCR in Turkey, Ankara |
| | <i>Group I:</i> |
| 6.30 pm | <i>Visit to the Association for Solidarity with Asylum-Seekers and Migrants (ASAM), Prof. Dr. Ilhan Tomanbey</i> |
| | <i>Group II:</i> |
| 6.30 pm | <i>Visit to Mazlum-Der</i> |
| 8.30 pm | <i>Exchange of views</i> |

Tuesday, June 14th

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| 9.00 am | Turkish National Assembly MP Mr. Cavit Torun; MP Mr. Zafer Hıdıroğlu, MP Mr. Abdurrahman Aynı; MP Mr. Hakan Taşçı; MP Mr. Ahmet Koca; MP Mr. Hamit Taşçı |
| 11.00 am | Delegation of the European Commission to Turkey, Ankara Ms. Burçe Arı |
| 4.35 pm | Flight Ankara to Istanbul |
| 8.00 pm | Possibility to meet the Protestant Community in Istanbul |

Wednesday, June 15th

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| 9.00 am | The Turkish Asylum System Mr. Hasan Kemal Elban, lawyer, Committee for the Refugees and Asylum Seekers of the Istanbul Bar Association Ms. Rachel Levitan, Turkish Helsinki Citizenship Assembly and IRLAP (Istanbul Refugee Legal Aid Project) Possibility to speak with interpreters for refugees |
| 2.00 pm | Visit of suburbs where groups of asylum seekers are living |

Group I:

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| 4.00 pm | <i>Visit to ICMC Istanbul Ms. Derya Durmaz</i> |
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Group II:

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| 4.00 pm | <i>Visit to amnesty international Istanbul Av. Halim Yilmaz</i> |
| 19.00 pm | <i>Evening prayer (Henry von Bose)</i> |
| 19.30 pm | <i>Exchange of views</i> |

Thursday, June 16th

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| 9.00 am | Visit to Caritas, Istanbul Ms. Belinda Mumcu and others |
| 11.30 pm | Check-In / Meeting in the Airport |

Friday, June 17th

(For some participants staying longer in Istanbul)

- 10.00 pm Visit of the police of Istanbul,
department of immigration and illegal immigration
- 15.00 pm Meeting with Jürgen Gottschlich, correspondent of
the German newspaper "Taz" in Istanbul



Feedback talk in the Church of the Holy Cross of the German language Protestant congregation in Turkey in Istanbul.
Left to right:
in front: Johannes Flothow, Horst Krank, Thomas Dermann
in the back: Michael Donner, Olga Auchenbach, Cristian Popescu, Fanny Dethloff, Berthold Münch, Dr. Monika Lüke,
Susanne Weller

List of participants

Participants in parts I-III:

Jürgen Blechinger,
legal consultant on migration issues at the Administration of the Protestant Church in Baden (Evangelischer Oberkirchenrat Karlsruhe) and responsible for migration and refugee issues (Referent für Migration und Flüchtlinge) with the Baden Social Service Agency (Diakonisches Werk Baden).
www.ekiba.de/referat-5

Fanny Dethloff,
pastor, responsible for refugee issues (Flüchtlingsbeauftragte) for the North Elbian Lutheran Church in Hamburg and chairwoman of the Bundesarbeitsgemeinschaft Asyl in der Kirche.
www.kirchenasyl.de

Thomas Dermann,
pastor, responsible for pastoral care for Ethnic Germans, foreigners and refugees (Seelsorge an Aussiedlern, Ausländern und Flüchtlingen) at the Protestant Church in Baden and head of the "Stabstelle Migration" at the Baden Social Service Agency (Diakonisches Werk Baden).
www.ekiba.de/referat-5

Johannes Flothow,
responsible for Ecumenical diaconical work (Referent für Ökumenische Diakonie) at the Württemberg Social Service Agency (Diakonisches Werk Württemberg).
www.diakonie-wuerttemberg.de

Caroline Intrand,
responsible for European issues concerning the detention and expulsion of migrants at CIMADE, Paris.
www.cimade.org

Dr. Monika Lüke,
legal consultant at the Office of the Plenipotentiary of the EKD at the Seat of the Federal Republic of Germany and the European Union.
www.ekd.de

Berthold Münch,
lawyer based in Heidelberg and specializing in refugee and foreigners' law. He is a member of the legal council (Rechtsberatungskonferenz) of the German Caritas, the Social Service Agency of the Protestant Church in Germany and the German Red Cross.

Martin Rozumek,
head of the "Organization for Aid to Refugees (OPU)" in Praha.
www.opu.cz

Hanns Thomä,
responsible for foreigners' issues (Ausländerbeauftragter) at the Protestant Church Berlin-Brandenburg-Silesian Upper Lusatia (EKBO).
www.ekbo.de

Interpreters:

Zerrin Konur,
lawyer based in Heidelberg and specializing in foreigners' and asylum law.
www.anwaeltin-hd.de

Benita Suwelack,
historian and head of department at the Flüchtlingsrat Nordrhein-Westfalen e. V.
www.fnrnw.de

Safiye Yüksek-Bicer,
lawyer based in Heidelberg and specializing in foreigners' and asylum law.

Participants in part III only:

Olga Auchenbach,
programme coordinator at the Ecumenical Emergency and Development Service of the Ecumenical Council of Churches in Slovakia.
www.godscare.sk

Henry von Bose,
theologian and member of the managing committee of the Württemberg Social Service Agency (Diakonisches Werk Württemberg), responsible among others for the topics of migration and Ecumenical diaconical work.
www.diakonie-wuerttemberg.de

Michael Donner,
theologian working for the Churches Commission for Migrants in Europe (CCME) in Brussels.
www.ccme.be

Horst Krank,
chairman of the Ludwigsburg Social Service Agency (Diakonisches Werk Ludwigsburg) and a member of the synod of the Protestant Church in Württemberg.

Cristian Popescu,
theologian, head of the organization SOZE (Society of Citizens Assisting Migrants) based in Brno, Czech Republic, and a member of the executive committee of the Churches' Commission for Migrants in Europe (CCME).
www.ccme.be

Manfred Weidmann,
lawyer based in Tübingen and specializing in refugee and foreigners' law and a member of the legal council (Rechtsberatungskonzferenz) of the German Caritas, the Social Service Agency of the Protestant Church in Germany and the German Red Cross.

Susanne Weller,
graduate in social education (Dipl.-Sozialpädagogin) and head of the department for migration and intercultural openness (Migration und Interkulturelle Öffnung) at the Social Service Agency Berlin-Brandenburg-Silesian Upper Lusatia (Diakonisches Werk Berlin-Brandenburg-Schlesische Oberlausitz)
www.diakonie-portal.de

