

KONTEKST:

Potrebno utvrditi pritvorske uslove za uhapšene migrante u Turskoj, u cilju analize i donošenja odluke u konkretnom slučaju, a povodom odbijanja zahteva za azil tražiocima azila, u kontekstu prolaska kroz Tursku kao sigurnu treću zemlju, prema izjavi iznetoj na zahtevu za azil i usmenoj raspravi;

PITANJE: Pritvorski uslovi za uhapšene migrante u Turskoj

ODGOVOR:

Povećavanje bezbednosne kontrole granica dovelo je do povećanog broja hapšenja ilegalnih migranata u Turskoj, kao jedne od mera za kontrolu migracija.^{1 2 3 4}

Praksa u Turskoj je da se izbeglice i tražioci azila koji ilegalno uđu na teritoriju Turske pritvaraju.^{5 6} Pri tome, ne postoji vremensko ograničenje koliko oni mogu biti držani u pritvoru.⁷

Zabrinutost izaziva pritvaranje ranjivih grupa kao što su čitave porodice, uključujući i decu.^{8 9 10 11}

Ilegalni migranti, uhvaćeni od strane turskih bezbednosnih službi smeštaju se pritvorske centre – ”gostinske kuće” za strance (Guest houses for foreigners), koji se nalaze pod upravom Odeljenja za strance turske Nacionalne policije.¹²

¹ OHCHR: UN Special Rapporteur on the human rights of migrants concludes second country visit in his regional study on the human rights of migrants at the borders of the European Union: Visit to Turkey, 29.jun 2012.- <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=12307&LangID=E>

² Scoop World: Turkey-EU migration cooperation must prioritise human rights, 3.jul 2012.- <http://www.scoop.co.nz/stories/WO1207/S00106/turkey-eu-migration-cooperation-must-prioritise-human-rights.htm>

³ The refugee Voice: Migrant rights in Europe-Turkey-EU migration cooperation must prioritise human rights-UN expert, 2 jul 2012.- <http://garefugees.files.wordpress.com/2010/10/refugee-voice-july-2012.pdf>

⁴ Yerelce: Turkey to prioritize human rights of migrants, 3.jul 2012.- <https://yerelce.wordpress.com/2012/07/03/turkeyturquie-to-prioritize-human-rights-of-migrantsrespecter-les-droits-des-migrants/>

⁵ US Department of State: Country Report on Human Rights Practices for 2011 – Turkey/freedom of spemovement, internalu displaced persons, protection of refugees and stateless persons/refugess abuse, 24. maj 2012. http://www.ecoi.net/local_link/221212/328491_en.html

⁶ Infomobile: protest at the dtention center in Edirne, Turkey : The border is the problem, 21.mart 2012.- <http://infomobile.w2eu.net/2012/03/21/protest-at-the-detention-center-in-edirne-turkey-the-border-is-the-problem/>

⁷ US Department of State: Country Report on Human Rights Practices for 2011 – Turkey/freedom of spemovement, internalu displaced persons, protection of refugees and stateless persons, 24. maj 2012. http://www.ecoi.net/local_link/221212/328491_en.html

⁸ OHCHR: UN Special Rapporteur on the human rights of migrants concludes second country visit in his regional study on the human rights of migrants at the borders of the European Union: Visit to Turkey, 29.jun 2012.- <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=12307&LangID=E>

⁹ Scoop World: Turkey-EU migration cooperation must prioritise human rights, 3.jul 2012.- <http://www.scoop.co.nz/stories/WO1207/S00106/turkey-eu-migration-cooperation-must-prioritise-human-rights.htm>

¹⁰ The refugee Voice: Migrant rights in Europe-Turkey-EU migration cooperation must prioritise human rights-UN expert, 2 jul 2012.- <http://garefugees.files.wordpress.com/2010/10/refugee-voice-july-2012.pdf>

¹¹ Yerelce: Turkey to prioritize human rights of migrants, 3.jul 2012.- <https://yerelce.wordpress.com/2012/07/03/turkeyturquie-to-prioritize-human-rights-of-migrantsrespecter-les-droits-des-migrants/>

¹² US Department of State: Country Report on Human Rights Practices for 2011 – Turkey/arbitrary and unlawful deprivation of life, 24. maj 2012. http://www.ecoi.net/local_link/221212/328491_en.html

Ovi centri više podsećaju na zatvore nego na "gostinjske kuće".¹³ Ocena je da tretman i odnos prema pritvorenim migrantima smeštenim u pritvorske centre zahteva poboljšanje.¹⁴ Prijavljeno je i par slučajeva maltretiranja od strane policije u ovim centrima.¹⁵

Glavni nedostaci i problemi u ovim centrima su nedostatak prostora i prevelik broj smeštenih ljudi, kao i ograničen pristup prirodnom svetlu.¹⁶ ¹⁷ Pritvorenici, među njima i deca ponekad bivaju zaključani u njihovim sobama ili odeljenjima, bez mogućnosti da izlaze napolje.¹⁸

Takodje, jedan od problema koji različiti izvori navode je taj što pritvorski centri za ilegalne migrante koji se nalaze u gradovima Erdinu i Kumkapi ne poseduju dovoljno pripadnika snaga reda, tj. stražara.¹⁹ ²⁰ ²¹ ²²

Pritvorenim migrantima u pritvorskim centrima često se ograničavaju osnovna prava, kao što je ograničavanje kontakta sa porodicom, skoro potpuno odsustvo pristupa advokatu i konzularnim uslugama.²³ Osim toga, ograničava im se mogućnost da zatraže azil i da zatraže medicinsku pomoć.²⁴

Iako je Turska zadržala geografsko ograničenje u tumačenju Konvencije o statusu izbeglica iz 1951.godine, na lica koja potiču sa prostora Evrope, država u većini slučajeva izlazi u susret tražiocima azila sa drugih prostora, dok im UNHCR ne pronade neko drugo sigurno mesto za boravak.²⁵ ²⁶

¹³Obianet:Borders are the actual problem, 21.mart 2012.- <http://www.bianet.org/english/minorities/137086-borders-are-the-actual-problem>

¹⁴European Commission: Turkey 2012 progressreport, 10.oktobar 2012.- http://www.ecoi.net/file_upload/1226_1350307669_turkey-rapport-2012-en.pdf, st 19

¹⁵US Department of State: Country Report on Human Rights Practices for 2011 – Turkey/arbitrary and unlawful deprivation of life, 24. maj 2012. http://www.ecoi.net/local_link/221212/328491_en.html

¹⁶US Department of State: Country Report on Human Rights Practices for 2011 – Turkey/arbitrary and unlawful deprivation of life, 24. maj 2012. http://www.ecoi.net/local_link/221212/328491_en.html

¹⁷OHCHR: UN Special Rapporteur on the human rights of migrants concludes second country visit in his regional study on the human rights of migrants at the borders of the European Union: Visit to Turkey, 29.jun 2012.- <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=12307&LangID=E>

¹⁸OHCHR: UN Special Rapporteur on the human rights of migrants concludes second country visit in his regional study on the human rights of migrants at the borders of the European Union: Visit to Turkey, 29.jun 2012.- <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=12307&LangID=E>

¹⁹OHCHR: UN Special Rapporteur on the human rights of migrants concludes second country visit in his regional study on the human rights of migrants at the borders of the European Union: Visit to Turkey, 29.jun 2012.- <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=12307&LangID=E>

²⁰Scoop World: Turkey-EU migration cooperation must prioritise human rights, 3.jul 2012.- <http://www.scoop.co.nz/stories/WO1207/S00106/turkey-eu-migration-cooperation-must-prioritise-human-rights.htm>

²¹The refugee Voice: Migrant rights in Europe-Turkey-EU migration cooperation must prioritise human rights-UN expert, 2 jul 2012.- <http://garefugees.files.wordpress.com/2010/10/refugee-voice-july-2012.pdf>

²²Yerelce:Turkey to prioritize human rights of migrants, 3.jul 2012.- <https://yerelce.wordpress.com/2012/07/03/turkeyturquoie-to-prioritize-human-rights-of-migrantsrespecter-les-droits-des-migrants/>

²³OHCHR: UN Special Rapporteur on the human rights of migrants concludes second country visit in his regional study on the human rights of migrants at the borders of the European Union: Visit to Turkey, 29.jun 2012.- <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=12307&LangID=E>

²⁴OHCHR: UN Special Rapporteur on the human rights of migrants concludes second country visit in his regional study on the human rights of migrants at the borders of the European Union: Visit to Turkey, 29.jun 2012.- <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=12307&LangID=E>

²⁵UNHCR-Countryoperational profile 2012/ Turkey/the context <http://www.unhcr.org/pages/49e48e0fa7f.html>

²⁶US Department of State: Country Report on Human Rights Practices for 2011 – Turkey/freedom of spemovement, internalu displaced persons, protection of refugees and stateless persons, 24. maj 2012. http://www.ecoi.net/local_link/221212/328491_en.html

Ali usled ove geografske ograničenosti koje se Turska i dalje pridržava, mnogim migrantima je otežan pristup da zatraže azil na teritoriji Turske, i na taj način dobiju zaštitu.²⁷ Uprkos što mnogi od njih imaju valjane izbegličke zahteve, oni završavaju u centrima za smeštaj ilegalnih migranata.²⁸

KOMENTAR/ZAKLJUČAK:

Centri za smeštaj ilegalnih migranata u Turskoj su neadekvatni i odlikuje ih prenatrpanost i ponekad ograničavanje kretanja pritvorenim migrantima van jedne prostorije. Pritvornici nemaju uvek pristup advokatu i često nisu u mogućnosti da kontaktiraju sa porodicom. Problem koji se takodje pojavljuje je pritvaranje ranjivih grupa, kao što su čitave porodice sa decom. Naročit problem predstavljaju slučajevi onemogućanja migrantima da podnesu zahtev za azil u Turskoj. Na osnovu ovih tvrdnji, jasno je da tražiocima azila u Turskoj može biti otežano, ako ne i onemogućeno da ostvare svoja prava i dobiju adekvatnu zaštitu od nadležnih organa u Turskoj.

²⁷ OHCHR: UN Special Rapporteur on the human rights of migrants concludes second country visit in his regional study on the human rights of migrants at the borders of the European Union: Visit to Turkey, 29.jun 2012.- <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=12307&LangID=E>

²⁸ OHCHR: UN Special Rapporteur on the human rights of migrants concludes second country visit in his regional study on the human rights of migrants at the borders of the European Union: Visit to Turkey, 29.jun 2012.- <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=12307&LangID=E>