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Minimum standards and essential needs in the protection of Syrian refugees in Turkey

ABSTRACT

UNHCR Executive Committee resolutions had recognized the rights of refugees and asylum seekers in mass influx and many bilateral international conventions, treaties, and agreements. The following rights have also emerged within UNHCR Executive Committee decisions, international human rights law, and international law. The significant central rights and the principle of law towards refugee and asylum seekers which are considered as the minimum standards are: 1) non-refoulement principles, 2) right to life, 3) right to protection from torture and cruel, inhuman, or degrading treatment or punishment, 4) provision of an individual legal status, 5) right to asylum, 6) prohibition of discrimination, 7) right to liberty and security of person, 8) freedom of residence and movement, 9) family reunification, 10) right to an adequate standard of living, and 11) right to adequate housing.

Until September 2020, Turkey had been a host country for 3,621,968 Syrian refugees¹ who are located in eighty-one cities. Turkey applies the family reunification policy towards the refugees. However, because of the large number of Syrians, Turkish authorities struggle with providing adequate living and housing standards. Thus, the article will elaborate on the most crucial elements from the humanitarian point of view, that is family reunification, right to an adequate standard of living, and right to acceptable housing standards applied towards the Syrian refugees in Turkey in virtue of the Constitution of the Republic of Turkey (1982), Law on Foreigners and International Protection No. 6458 of 2013, and Temporary Protection Regulation (2014).

KEYWORD

essential needs, family reunification, mass influx, minimum standards, right to adequate housing, right to an adequate standard of living, Syrian refugees in Turkey, temporary protection regime

1 Refugees Association, Türkiye'deki Suriyeli Sayısı Eylül 2020, <https://multeciler.org.tr/turkiyedeki-suriyeli-sayisi/> (30.09.2020).

Family reunification

The UNHCR Executive Committee's decisions emphasize that it is necessary to respect family unity and reunification.² Family reunification should be ensured if families are outside of the country of origin and separated by circumstances caused by mass influx events.³

Family reunification is when a foreigner is married and when he/she legally enters the country, requesting the entry and residence of other family members, including their spouse and children. Family reunification, which constitutes another aspect of family life, becomes extremely important in mass influx cases as many families separate during the escape.⁴ Developing family unity during the temporary protection process will also ensure permanence⁵ of relevant people's solutions.

Family life is worth protecting. It is confirmed in many documents such as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights.⁶ Regulation in this direction is provided in Article 41 of the Constitution. According to the first paragraph of Article 41 of the heading *Family protection and children's rights*: "The family is the foundation of Turkish society and is based on equality between spouses".

Family unity/reunification is dealt with in Article 8 of the ECHR within the right to respect family life. Article 8, which regulates private and family life protection, is among the most frequently applied mechanisms for family life continuity.⁷ The concept of family is interpreted broadly, and "close relatives," which are essential in the family, such as children, grandparents, and grandchildren, are included in the concept. The ECHR looks for a *de facto* and real family bond and considers all aspects of family ties, such as biological ties between family members, economic dependence, sharing the same house, actual family life, and the intention to continue family life.⁸

For those under temporary protection, the right to respect for family life arises, especially in deportation. In this case, the duration of the deported person's stay in that country, his citizenship, family status, and knowledge of his family life's effectiveness will be taken into consideration in terms of the proportionality of the administration's intervention to

2 Executive Committee of the High Commissioner's Programme, Protection of Asylum-Seekers in Situations of Large-Scale Influx No. 22 (XXXII) - 1981, 21 October 1981, (hereinafter: Conclusion no. 22), section II(2-h).

3 International Law Association, Resolution 5/2002 on Refugee Procedures (Guidelines on Temporary Protection), 6.04.2002, 5/2002, Article 10(f).

4 N. Yakoob, *Report on the Workshop on Temporary Protection: Comparative Policies and Practices*, Georgetown Immigration Law Journal 1999, vol. 13, p. 304.

5 S. Akram, T. Rempel, *Temporary Protection as an Instrument for Implementing the Right of Return for Palestinian Refugees*, 2004, p. 158: https://scholarship.law.bu.edu/faculty_scholarship/552/ (13.09.2020).

6 UDHR, Article 16(3). The family is the natural and fundamental group unit of society and is entitled to protection by society and the State. ICCPR, Article 23(1). The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

7 B. Çiçekli, *Yabancılar ve Mülteci Hukuku*, Seçkin Yayınlar 2014, p. 64.

8 *Ibidem*, p. 65.

the right to respect for family life.⁹ In terms of the intervention's proportionality, the person's difficulties in the country of departure may also be decisive.¹⁰ In other words, the protection provided by Article 8 is not absolute. It is dependent on the existence of certain conditions.¹¹ In determining the foreigner's right to stay in the country, considering an approach that balances individual interests and state interests, each deportation case is handled within its concrete conditions.¹²

Although family reunification is generally accepted in comparative law, the family's issue can be regulated in different ways. According to the EU Temporary Protection Directive, family members consisting of spouses and young children have the right to reunite automatically. Reunification may be possible in cases where people will encounter serious difficulties (Article 15 (2), (3)).

UNHCR Executive Committee decisions take a broader stance. The conclusions noted that family relations were not restricted to one "closer" than the other, advising against "excessive restrictions" and that "offended beneficiaries" might particularly have a strong need for family reunification.¹³ The elderly, children, people with disabilities, and those who have suffered traumatic psychological and physical injuries may be these people in a particularly serious need. Although the definition has not been made yet, family reunification is directly regulated in the Temporary Protection Regulation. According to clause (b) of Article 3 of the Regulation, family members include the foreigner's spouse, minor child, and dependent adult child.¹⁴ Therefore, the Regulation adopted a narrower family scope under the scope proposed by the UNHCR Executive Committee and the EU Temporary Protection Directive. The content of family reunification regulated in Article 15 of the EU Temporary Protection Directive is broader than the Temporary Protection Regulation. Member states that accept regular partnerships will be able to include them within the scope of family reunification. Family reunification will also have relatives who lived with the family before the event that led to the mass influx.¹⁵

According to Article 49 of the Temporary Protection Directive, foreigners under the Regulation are in accommodation centers with their spouses, minor children, and dependent adults. General Directorate evaluates these applications, and necessary actions may be carried out with relevant public institutions, organizations, international organizations, and non-governmental organizations. The second paragraph of Article 49 states that family reunification procedures will be initiated without waiting for children's requests.

9 Ibidem, p. 295.

10 Ibidem, p. 296.

11 Ibidem, p. 64. Indeed, the ECtHR generally takes the view that states are not under an absolute obligation to unite their family members.

12 B. Çiçekli, op. cit., p. 64–65.

13 J. Fitzpatrick, *Temporary Protection of Refugees: Elements of a Formalized Regime*, American Journal of International Law 2000, no. 2, vol. 94, p. 304.

14 Here, the concept of "dependent adult child" emerges. However, the Regulation, which defines a child and an unaccompanied child, did not define this concept.

15 N. Ekşi, *Geçici Koruma Yönetmeliği Uyarınca Geçici Korumanın Şartları, Geçici Koruma Usulü, Sağlanan Haklar ve Geçici Korumanın Sona Ermesi*, İstanbul Barosu Dergisi 2014, no. 6, vol. 88, p. 86.

Some articles of the Regulation, even if it is not directly stated, do consider family reunification. Article 8 of the Regulation stipulates that the family members of those who will be excluded from the scope of temporary protection will stay in the country for humanitarian reasons and be accommodated in the same place, regardless of the temporary protection status they request. Therefore, although there is discretionary power here, it is understood that family reunification is prioritized. Although not clearly stated, it may be believed that such a situation exists in Article 23 of the Regulation. While transferring to the temporary accommodation center determined by the General Directorate, the foreigner's request and the fact whether he/she has unique needs and his/her family status are considered.

Ensuring adequate standards of living, food, clothing, and housing

The Executive Committee Decision No. 22 states that those under temporary protection must be provided all the necessary assistance and basic needs, including food, shelter, basic hygiene, and health facilities.¹⁶ The 2014 UNHCR Temporary Protection Guide looks in the same direction. It mentions the need to implement humane and dignified treatment, including access to shelter/accommodation, adequate health and other services, and education.¹⁷ These needs, which must be met for social dignity protection, have been confirmed in international documents. According to Article 25 of the UDHR, everyone has the right to an appropriate standard of living, including food, clothing, housing, medical care, the right to security in the event of unemployment, sickness, disability, widowhood, old age, both for himself and his family.

According to the first paragraph of Article 11 of the International Covenant on Economic, Social and Cultural Rights

the States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing, and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure this right, recognizing to this effect the essential importance of international cooperation based on free consent.

The UN Human Rights Committee referred to the fulfillment of these requirements as a "positive obligation." It is vital to meet the basic needs, stating that these issues fall within the scope of Article 2 of the Convention.

Therefore, looking at this information, it becomes evident that people should reach a life worthy of human dignity. As a result, some needs should be met on a minimum basis. First, the need for food and clothing must be met for the person to continue his life, sometimes

¹⁶ This requirement in the Executive Committee's decision is fulfilled by international solidarity and responsibility-sharing principles. Executive Committee, Conclusion no. 22, section II (2-c); International Law Association, *op. cit.*, Article 10(b). The necessity of providing adequate healthcare services: *ibidem*, Article 10(c).

¹⁷ UN High Commissioner for Refugees (UNHCR), Guidelines on Temporary Protection or Stay Arrangements, February 2014, Article 16.

at the same time, sometimes immediately after the needs arises. It should be noted that these services for the influx of Syrians initially presented themselves as situation-specific and *ad hoc*.

In the decisions of the Executive Committee, basic needs like food, clothing and hygiene are mentioned. These basic needs causally relate to the demand for housing. Undoubtedly, the level of need that may be met varies depending on whether the person can stay in the country where they have shelter or on the condition of the place where they find shelter.

Right to shelter in terms of temporarily protected persons. The situation of those living in camps

Since 2012 Turkey has been providing a variety of services for Syrians who applied for temporary protection. While some of the Syrians are accommodated in tent cities, others had to live elsewhere. Two groups that differ in terms of access to these facilities, which we examined under the heading of adequate living standards, emerged as those living in the camps and those living outside the camps, analyzed through different situations.

Due to one of the biggest mass influxes in history, Turkey has become a subject of criticism in terms of temporarily protected persons' benefits and services.¹⁸

However, both those living inside the camps and those outside the camps face various difficulties. Access to an adequate living standard is becoming more difficult, especially for those living outside the camps. When the services within the Temporary Protection Regulation scope are mentioned, the evaluations can be made more clearly since there is legislation to be examined.

In general, the camps receive positive assessment in terms of services and accommodation facilities. These camps provide many such services, from psychological assistance to television viewing rooms.¹⁹ In the Human Rights Commission of the Parliament, various facilities are provided in the centers in terms of food, health, security, social activities, entertainment, education, worship, interpretation, cleaning services, and other needs. With the government's food aid program in cooperation with the World Food Fund, every camp resident can get their food and other necessities from the camp markets with specific monthly amounts topped up on electronic cards.²⁰ This "Red Crescent Card" given to Syrians in the camps is topped up by the World Food Fund with 80 Turkish Liras each month. Turkey gives 20 Turkish Liras additional. However, these amounts are insufficient. Syrians' biggest problem whilst living in the camps, after the freedom of movement, is the high prices in the camp markets

18 T. Kılıç, *Suriyeli Mülteciler*, Zaman, 14.05.2013, http://www.zaman.com.tr/yorum_suriyeli-multeciler_2089308.html.

19 K. Kirişçi, *Misafirliğin Ötesine Gerçekten Türkiye'nin "Suriyeli Mülteciler" Snavı*, Uluslararası Stratejik Araştırmalar Kurumu & Brookings Enstitüsü, June 2014, p. 22; TBMM, İnsan Hakları İnceleme Komisyonu, *Ülkemize Sığınan Suriye Vatandaşlarının Barındıkları Çadırkentler Hakkında İnceleme Raporu*, 2012.

20 E. Cebeci, S. Sall Judson, *Syrian Refugees in Turkey*, Perspective, April 2014, <http://www.setadc.org/index.php/publications/seta-dc-perspectives/494-syrian-refugees-in-turkey> (13.09.2020).

and market card insufficiency.²¹ Three meals a day are distributed through private catering companies selected in a tender procedure.²²

All camps existing until mid-2013 were under the control of AFAD. Several UN observers in the camp and AFAD provide service in the region with its staff assigned from the center in 2-month periods. In almost all bases, there is a Turkish Red Crescent in addition to AFAD officials.²³ There are many opportunities in the camps, from kindergarten, high school, market, cutting, sewing or hairdressing courses.

Turkey's scope of available resources showed that one-fifth of the Syrians could stay in the camps.²⁴ Another problem is that these camps' conditions differ significantly from one another and they are mostly overcrowded.

Kilis may be considered as an example of the situation in the camps. According to Amnesty International, only 40–50 percent of Syrians in Kilis live in conditions that meet humane standards of living.²⁵ Some people stay in abandoned cabins, others in makeshift places made of brick and nylon, others in the open air. Residents of the construction stated that the municipal authorities dismantled the shelters.²⁶

Security should be provided primarily in the camps in terms of adequate shelter conditions. Host states have primary responsibility for ensuring safety in the camps where asylum seekers are placed and in other areas where they are located.²⁷ In addition to the security provided inside the camps, the center should deploy external security.

These persons should be kept at a reasonable distance from the country of origin whenever possible.²⁸ Camps established close to the border pose a risk to residents' safety, as was indicated before. Camps in Turkey should be located at least 50 km from the wall, and those in border provinces especially do not meet this criterion.

To ensure security in the camps, measures that will prevent shelters from deprivation of other rights and that lead to extortion should not be implemented. The centers were called

21 AFAD, Türkiye' deki Suriyeli Sığınmacılar, 2013 Saha Araştırması Sonuçları, https://afad.gov.tr/Dokuman/TR/602013123015491-syrian-refugees-in-turkey-2013_baski_30.12.2013_tr.pdf, p. 48.

22 Güçer et al., op. cit., p. 22.

23 Ibidem, p.17.

24 Although the camps are close to the Syrian border and have large capacities, they are not sufficient to meet the incoming refugees' numbers. In addition to the camps established at the borders, efforts are made to deliver aid to the *de facto* buffer zones between the two regions.

25 Amnesty International, Hayatta Kalma Mücadelesi: Türkiye'deki Suriye'den Gelen Mülteciler, <https://www.amnesty.org/en/documents/EUR44/017/2014/tr/>, p. 29.

26 According to the Amnesty Organization, the living conditions in other provinces in Turkey, like Akçakale, faced severe problems regarding human rights here. Ibidem, p. 30.

27 When the security in the camp where Syrian refugees are hosted is evaluated, the shelters are most satisfied with security. Güçer et al., op. cit., p. 41. However, the authorities should note the security problem caused by the physical environment in the camps, such as fire risks or provocation and explosive tension environment in these crowded environments. Ibidem, p. 21–22.

28 Executive Committee, Decision No. 22 (XXXII), 1981, II (2-g); J. Fitzpatrick, op. cit., p. 305. Temporary protection is sometimes depicted as a regional intervention against forced migration, mainly because it focuses on returning as a permanent solution. However, protection provided close to the area could harm asylum seekers and aggravate the ethnic conflict. The criterion for planned evacuation to safer and more distant countries can be put forward as an additional element to the temporary protection system.

prisons. The control of the camps is of great importance to ensure adequate living conditions. Centers where Syrians are accommodated have been closed to human rights organizations, parliament members, and journalists, except in exceptional cases. The policy is frequently criticized for keeping the camps closed and not applying transparency, preventing camp residents, due to their living conditions, from enjoying services and assistance.²⁹ Therefore, reasonable precautions should be taken to ensure both security and non-isolation.

The prohibition of discrimination should strictly apply to the treatment of temporarily protected persons. Discriminatory practices should be avoided to provide shelter that respects human dignity and to ensure security. However, there are reservations regarding the neutrality of the camps. According to the report of the Monitoring Platform for Asylum Seekers Coming to Istanbul from Syria³⁰, many families are concerned that their children will be forced to choose a political party under the pressure and influence of political groups in the camps. Again, some groups such as Christians, Roma, Kurds, Circassians, and Alevis worry about being discriminated against because of their ethnic origin or religious beliefs. One example that causes this anxiety is the fact that religious services are only provided for Sunni Muslims in the camps. The vulnerability of women and girls when it comes to the risks of sexual abuse, harassment, rape, and violence causes single women and people with children to hesitate to stay in the camps.³¹

The situation of persons living outside the camps

Syrians with valid passports enter the country legally or illegally. Syrians also enter the country without a passport outside the border gates. Syrians register in the camps, but those who want to live outside the camps, the reasons stated above, or who cannot settle in the camps altogether, constitute those living outside the camps.³² Since there is no specific social support mechanism for Syrians living outside the camps, these people have to take care of their housing by themselves.

Three-quarters of Syrians living outside the camps live in rented houses or apartments. However, three-quarters of Syrians and more than half of those living outside the camps stay in housing that does not meet adequate living standards.³³ Sixty-two percent of Syrians living outside the camps share a house with eight or more people.³⁴ The AFAD report

29 MAZLUMDER, *Türkiye’ de Suriyeli Mülteciler İstanbul Örneği*, p. 9: <https://world.mazlumder.org/>. (13.09.2020); T. Kılıç, op. cit. Requests from Amnesty International representatives, representatives of the Parliamentary Assembly of the Council of Europe Committee on Migration, Asylum and Population, Deputies from the main opposition party, and camps of civil society organizations from Turkey have not been granted.

30 Monitoring Platform for Asylum Seekers Coming to Istanbul from Syria <https://www.esihaklar.org/2013/10/suriyeden-gelen-siginmacilar-raporu-aciklandi/> (13.09.2020).

31 Ibidem, p. 10.

32 M.E. Büyükkalk, *Mülteci Hukuku’nun Gelişimi ve Türkiye’de Mültecilerin Sosyal Hakları*, İstanbul 2015, p. 240–241.

33 AFAD, op. cit., p. 9.

34 AFAD, ibidem, p. 9. About 76 percent of Syrian refugees in Turkey live outside of the camp. These people experience difficulties in terms of access to shelter, healthcare and food assistance. K. Kirişçi, op. cit., p. 22.

shows that one-fourth of Syrian males and more than one-fourth of females live in makeshift temporary shelters, under plastic roofs or in open areas.³⁵ Those who live in the hope of settling in a camp do not have places and services related to cleaning, health, and education.³⁶

The high number of children under the age of ten among those living outside the camps makes their living conditions more difficult. Local aid organizations manage food and other needs, and the public is hampered by a lack of resources.³⁷ A report about those living outside the Istanbul camps shows that they live in inhumane conditions.³⁸ According to a report published by the Turkish Medical Association in 2017, many Syrian children in Istanbul live in crowded and unhealthy environments without adequate access to sanitation facilities.³⁹ The AFAD report also shows that the basic needs of Syrians are not adequately met.⁴⁰

Pursuant to Article 2 of the International Convention on the Elimination of All Forms of Racial Discrimination regarding the right to housing, Turkey is obliged to prohibit and eliminate all kinds of racial discrimination and secure the right to equality before the law (Article 5 (e-iii)).⁴¹ Syrians who are living outside the camps do not have appropriate shelters that meet living-standard requirements and the places where they are staying are of an inadequate and inhumane condition. Those who live in appropriate conditions are subject to discriminatory practices by their homeowners. They live in overcrowded houses that are in a bad condition without any security.⁴² Observations in Hatay, Istanbul, Gaziantep, and Sanliurfa show that asylum seekers are denied rental accommodation because of their national origin.⁴³ Most of these people do not have formal lease agreements. On the other hand, they also do not know how to complain against landlords' unfair actions or refrain from using these methods.⁴⁴

35 AFAD, *op. cit.*, p. 34.

36 Amnesty International, *op. cit.*, p. 28–30.

37 Güçer et al., *op. cit.*, p. 24.

38 MAZLUMDER, *op. cit.*, p. 11–13.

39 Turkish Medical Association, *Suriyeli Sığınmacılar ve Sağlık Hizmetleri Raporu*. The majority of Syrians have to live in damp ground floors that cause respiratory problems: https://www.ttb.org.tr/yayin_goster.php?Guid=d795989c-9476-11e7-914a-a458ccf77150&1534-D83A_1933715A=8e430145de63f93f75d32c69b9d5f0744ead67d2. (13.09.2020). Amnesty International, *op. cit.*, p. 30.

40 Around 26 percent of those living inside the camps and 73 percent of those living outside the camps used sleeping materials in the houses; 21 percent of those living inside the camps and 81 percent of those living outside the camps stated that the heating sources in the houses are insufficient. Twenty-six percent of those living inside the camps and 71 percent of those living outside the camps used kitchen tools and utensils; 38 percent of those living in the camps and 75 percent of those living outside the camps think that basic foodstuffs the houses are not sufficient. Nineteen percent of those living inside the camps, 42 percent of those living outside the camps, 56 percent of the refugees living inside the camps, and 77 percent of those living outside the camps stated that the clothing materials were insufficient. As can be seen from these data, basic needs are insufficient for a high proportion of those living outside the camps, except for prayer requirements – Amnesty International, *op. cit.*, p. 36.

41 UN General Assembly, *International Convention on the Elimination of All Forms of Racial Discrimination*, 21 December 1965, United Nations, Treaty Series, vol. 660, p. 195 (13.09.2020).

42 Amnesty International, *op. cit.*, p. 28.

43 *Ibidem*, p. 30.

44 The exorbitant price of rents due to the increasing demand causes another problem. The house/room in lowest physical conditions starts from TL 300 and goes up to TL 1000 depending on the house's condition and the neighborhood.

Accommodation service in the Temporary Protection Regulation

Pursuant to Article 23 of the Temporary Protection Regulation titled “Transfer Procedures to Temporary Accommodation Centres,” foreigners will be directed to temporary accommodation centers which are deemed appropriate by the General Directorate, in coordination with the governorates, either directly from the referral center or after being placed in the provinces, taking into account capacity information received from AFAD. According to Article 24 of the Regulation, persons enjoying temporary protection may be allowed to stay in provinces determined by the General Directorate in cases where this poses no harm to public order, public security, or public health. Those in need who reside outside the temporary accommodation centers may be accommodated in places allowed by the governorate to the extent possible. The residence of temporarily protected persons in a province, temporary accommodation center, or a specific area determined by the General Directorate is included in the Regulation’s general obligations (Article 33 (2-a)).

Article 24 of the Regulation does not stipulate accommodation as a right. However, as an opportunity to exercise the governorates’ discretion as much as possible, the accommodation service relies on temporary accommodation centers.

In the Regulation of Reception and Accommodation Centres and Removal Centres, the Regulation’s implementing rules, a “temporary” center refers to the center established as a reception and accommodation or removal center in case of an emergency. Therefore, temporary accommodation, temporary reception, or temporary removal centers, specific to extraordinary or emergency situation, may be established. In the “Reception and Accommodation Shelter”, the applicant and the person enjoying international protection status are entitled to food, shelter, and health care. The General Directorate, governorates (province directorates), public organizations and institutions, Turkish Red Crescent, and other aid associations declared cooperation in the field of migration to meet social and other needs. For this reason, the same center will become a temporary admission and accommodation center if such shelters are used temporarily, that is, for extraordinary or emergency situations.

The Regulation prescribes the working principles, establishment, management, operation, security and other rules. According to Article 4 of the Regulation titled “Centers’ Working Principles”, the following procedures and directions shall be followed in the establishment and operation of the centers, and in the provision of services stipulated in this Regulation: (a) protection of the right to life, (b) people-oriented approach, (c) best interests of unaccompanied minors, (d) keeping personal information confidential, (e) informing those concerned about procedures and processes which refer to them, (f) social and psychological empowerment of residents, (g) providing services in shelters without discrimination due to language, race, color, gender, political opinion, philosophical belief, religion, sect, or similar reasons.

The provision of these services and related standards is determined by the General Directorate (Article 14). The Regulation stipulated that the services to be provided at the centers

The physical conditions of most of these houses are far below a sufficient standard of living. *Ibidem*, p. 30; MAZLUMDER, *op. cit.*, p. 12–13.

shall be as follows: (a) shelter and nutrition, (b) internal and external security, (c) emergency and primary health care services not covered by the foreigner, (d) psychological and social support activities, (d) allocation of suitable areas for special needs, (e) taking valuable belongings for safe-keeping, (f) inter-center transfer and out-of-border transfer operations, (g) other services deemed appropriate by the General Directorate.

Consequently, when the Regulation provisions regarding the parallel procedures and principles and the services provided are considered, necessary regulations foresee an adequate living standard, including food, clothing, and housing. The services within the Temporary Protection Regulation scope are handled one by one. Part 8 (Articles 36-41) of the Temporary Protection Regulation is reserved for the “Establishment, Management, Operation of Referral Centres and Temporary Accommodation Centres and Services to be Provided in Temporary Accommodation Centres.” According to Article 38, food, accommodation, health, social assistance, education, and similar services shall be provided for those staying in the temporary accommodation centers to the extent possible. Necessary arrangements are made to allocate places for families and people with special needs in temporary accommodation centers. Persons benefiting from temporary protection who stay outside of this center may benefit from the services in the center to the extent possible.

Article 40 regulates the “Security of referral centers and temporary accommodation centers”. Another issue related to provision of services relating to adequate living standards, that is visiting temporary accommodation centers, is laid down in Article 39. This article stipulates the procedures and principles regarding visits of foreign delegations, representatives of international organizations and non-governmental organizations, press members, scientific researches, and representatives of other institutions and organizations. Such visits are to be determined jointly by the Ministry of Foreign Affairs, the Ministry and AFAD upon receiving the opinions of public institutions and organizations. They will be then implemented by governorates. Undoubtedly, allowing visits in temporary accommodation centers will significantly affect the supervision of the services offered in these centers, as stated before.⁴⁵

Summary

Family unity and reunification are critical aspects that the host country should ensure to refugees and their families. During the mass influx, many families may face a risk of separation of family members. The international conventions and the Turkish Constitution regulate the protection of family life, unity, and reunification. It is vital that the construction of the terms “family member” and “close relatives” are interpreted as broadly as possible in

⁴⁵ It is necessary to mention the letter sent to universities by the Council of High Education stating that field studies regarding Syrians, even within universities, are subject to the Ministry of Interior's permission. This article, dated April 10, 2015, is a strike against academic freedom and an obstacle to examining how temporary protection is implemented by the legislation and evaluating the application. Related article and related news: Another blow to academic freedom from the Ministry of Interior, Agos, 21.05.2015, <http://www.agos.com.tr/tr/yazi/11641/akademik-ozgurluge-birdarbede-icisleri-bakanligindan> (13.09.2020).

international and domestic laws. The rule of family reunification is concretized in deportation processes and during mass influx events. The current and vital issue is to accept or deny the partnership relations within the family scope.

The right to an adequate standard of living, food, clothing, and housing described as a “positive obligation” is the host country’s essential responsibility towards refugees. This right derives from human dignity, and it applies to humane and dignified treatment of refugees. The basic requirements include food, access to shelter/accommodation, hygiene, health facilities, education, medical care, or necessary social services.

It is essential not to forget about the differences in living standards and the needs of those refugees who decided to stay inside camps (“tent cities”) and outside the centers.

Turkey has been criticized for not providing an efficient and adequate living standard for refugees who live in tent cities. On the one hand, Turkish authorities try to provide a wide range of activities, facilities, aid programs, and security inside the camps. On the other hand, the biggest problem when it comes to failing to fulfill international standards is the vast numbers of refugees, overcrowded camps, restrictions on freedom of movement, unreasonably close distance of Turkish centers to the Syrian border, and their refugees’ discrimination. Accommodation services are not regulated as a right. They are provided according to the capacities and possibilities of the municipality. Besides, persons enjoying temporary protection may be allowed to stay in the provinces determined by the General Directorate. In the Regulation of Reception and Accommodation Centres and Removal Centres, Turkish authorities try to provide a wide range of services, aid, and facilities.

There is no mechanism of help or support for those who are living outside of refugee camps. There are many infamous cases when Turks used their advantage to apply exorbitant rental prices towards refugees.

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