

Mandates of the Special Rapporteur on the sale, sexual exploitation and sexual abuse of children; the Special Rapporteur on the human rights of internally displaced persons; the Special Rapporteur on the human rights of migrants; the Special Rapporteur on minority issues; the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; the Special Rapporteur on trafficking in persons, especially women and children; the Special Rapporteur on violence against women and girls, its causes and consequences and the Working Group on discrimination against women and girls

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(Please use this reference in your reply)

11 May 2023

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the sale, sexual exploitation and sexual abuse of children; Special Rapporteur on the human rights of internally displaced persons; Special Rapporteur on the human rights of migrants; Special Rapporteur on minority issues; Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; Special Rapporteur on trafficking in persons, especially women and children; Special Rapporteur on violence against women and girls, its causes and consequences and Working Group on discrimination against women and girls, pursuant to Human Rights Council resolutions 52/26, 50/6, 52/20, 52/5, 52/36, 44/4, 50/7 and 50/18.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received **concerning the situation of children and women, mostly of refugee, asylum-seeking, migrant and minority background, including unaccompanied and separated children, who continue to face a heightened risk of abuse and exploitation including by being subjected to immigration detention, extortion, sale, child forced labour, trafficking, sexual exploitation, child forced marriage and other forms of gender-based violence against women and girls, in the aftermath of recent earthquakes in Türkiye and Syria.**

According to the information received:

Following the two devastating earthquakes that hit Syria and south-east Türkiye in February 2023, millions of displaced children and families are at risk and in need of urgent humanitarian support.

Thousands of people lost their lives and many bodies remain unidentified. Neighborhoods and homes have been destroyed, leaving survivors displaced and homeless and without basic essentials. Nearly two million people have fled their affected cities and are now living in temporary shelters and accommodations. However, many who could not afford to leave their cities and villages remain in poor insecure environments, thus displacing and exposing them to harsh climate conditions at a time of year when temperatures were cold and freezing. Heavy snowstorms also struck parts of Syria and Türkiye earlier in the year. Also, temporary shelters and accommodations remain extremely limited, leaving thousands of internally displaced persons on their own with no guarantees for alternative and adequate housing, forcing many families to live in crowded living situations. There are no pathways

envisaged for durable solutions to this displacement.

The earthquakes have caused widespread damage to schools, hospitals and other critical infrastructure, further jeopardizing the essential basic needs of the displaced populations, their access to food, safe portable clean water and sanitation, clothing, housing, schools, documentation and medical services. The damage to roads also complicates search and rescue efforts and wider humanitarian responses. For affected women and children, the lack of accessible period products and safe cleaning facilities is one major source of distress. Many pregnant women are forced to give birth in poor, difficult, physical and mental health conditions and to face birth complications.

Reportedly, two days after the quake, authorities restricted access to Twitter following growing complaints and criticism online about the slow rescue response efforts by the Government. Soon after several media organisations were fined or forced to shut down over their coverage on the tragic earthquake. Journalists were allegedly investigated, detained and accused of spreading disinformation while attempting to report on the aftermath in the affected cities. Some were also blocked from accessing disaster sites.

This has been accompanied by increasing intolerance, violent attacks as well as anti-refugee and anti-minority sentiments in recent years, particularly after the Syrian humanitarian crisis and conflict since 2011. This has been influenced by xenophobic speeches by politicians blaming and claiming unfounded accusations against Syrians for numerous social and economic issues including unemployment, inflation, receiving better aid, rise of petty crimes, looting of properties and “ruling” certain neighbourhoods in Türkiye, hence exposing refugee and asylum-seeking persons, including women and children, to discrimination.

In Mersin, it has been reported that Syrians staying at a shelter were moved out to an inadequate accommodation to make room for Turkish citizens. Refugees, who have now been internally displaced, have reportedly been put on buses, dumped on the streets and assaulted. Women who are single parents have reportedly been declined accommodation. In some regions, Kurdish and Syrian minorities who do not speak Turkish are allegedly unable to access relief efforts and are excluded from social benefits.

Moreover, there have been reports of Syrians at risk of being subjected to arbitrary arrest, detention and deportation in violation of the principle of non-refoulement and your Excellency’s Government obligation under international law. Following the earthquakes, certain authorities considered some Syrians to have violated travel permission rules or decided to deny their permission to stay at another province. This is extremely problematic especially where clear and verified information may be more difficult to circulate across various authorities in different provinces. Also, particularly when a significant number of Syrians have lost their ID and documentation as a result of the devastating earthquakes.

Furthermore, separated children and unaccompanied children without legal guardian or parents are facing increasing vulnerabilities and are at risk of being exposed to many forms of gender-based violence, including rape,

violence, abuse, exploitation, transactional sex for food or money, trafficking, forced labour and child marriage. Many of these children are missing identity documents, which complicates their special care needs, protection and identification. Consequently, some women and children may feel reluctant to report such cases to local authorities. We understand that your Excellency's Government placed numerous children found "without their parents" in care institutions and homes in Istanbul. However, serious concerns have been raised about the safety of unaccompanied children, mostly Syrian, Kurdish and Alevi, as they are being allegedly handed over to adults without any supervision, further information or follow-up. Many families are finding it difficult to locate their children.

Indeed, Turkish legislation stipulates different treatment between Turkish citizen and non-citizen children. The "Unaccompanied Minors Directive" enforced in 2015, reportedly provides that unaccompanied non-citizen children may be handed over to any individual if the unaccompanied children can confirm the nature of their relation. The legislation lacks appropriate review and identification procedures to ensure the best interest of the unaccompanied non-citizen child. There is allegedly no functional monitoring and coordination systems in place and Türkiye's Disaster Response Plan¹ does not provide for any specialized protection measures concerning the needs of women and children prior, during and after disasters.

We note with serious concern the reported lack of child sensitive, gender-responsive, trauma-informed protection measures to victims and survivors even though women, children and the poorest families are often recognized to be among the most vulnerable to natural hazards, including earthquakes. We also express concern about the situation of migrant/non-citizen, refugee, and asylum-seeking children and women, including unaccompanied and separated children, among whom victims and survivors of gender-based violence. In this regard, we wish to stress that unaccompanied migrant and asylum-seeking children should have access to the same mainstream child-care system as national children and enjoy all relevant safeguards with regard to the protection of children. The lack of adequate care and reception in Türkiye for migrant/non-citizen children, including refugees and those seeking asylum, as well as pregnant and breastfeeding women, and other individuals with specific vulnerabilities, who are in need of care, protection, education, rehabilitation or treatment is deeply concerning. There is also a strong concern about what may happen to the individuals if they are returned to their home countries, as it is reported that their communities remain unsafe and may be targeted or further re-victimized if returned. Deporting migrants back to potentially harmful environments constitutes a breach of the principle of non-refoulement under international human rights, humanitarian and refugee law. In this regard, we stress that, under international law, the decision to expel, remove or deport a non-national may only be taken after an examination of each individual's circumstances and in accordance with the law and when procedural guarantees have been respected.

We also emphasize that all internally displaced persons, including all Turkish nationals regardless of ethnic or social origin, as well as refugees, asylum-seekers, migrants, minorities and other displaced populations habitually resident in Türkiye are entitled to the same measures for protection, assistance, and durable solutions without

¹ See https://www.afad.gov.tr/kurumlar/afad.gov.tr/e_Kutuphane/Planlar/TAMP.pdf

discrimination.

We also note with concern the reported poor detention conditions, the overcrowding, insufficient and poor-quality food and poor sanitation, limited access to healthcare, the lack of basic sanitation facilities, which are particularly unsuitable for children, babies and nursing mothers.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please outline the preventive measures taken to combat the risks of abuse, sale and sexual exploitation of children, which may have been exacerbated due to the recent devastating earthquakes.
3. Please outline the measures envisaged to ensure adequate child and women protection, regardless of their nationality and migration status, including for the access to rehabilitative services for the child victims and survivors, including of gender-based violence.
4. Please also indicate what measures have been taken to protect unaccompanied and separated children, including non-nationals, refugees and those seeking asylum, and to ensure their best interests without discrimination, including measures to undertake family tracing and reunification.
5. Please provide information on the availability of child-sensitive victim identification, assessment and referral procedures in place and standard operating procedures for coordination among law enforcement, humanitarian actors and civil society organizations/other service providers.
6. Please provide information on the availability of child and women protection shelters and mechanisms, and the provision of appropriate protection and humanitarian assistance, comprehensive health care and counselling to child and women victims of sexual abuse and exploitation and other human rights violations and their families, regardless of their migration status and, as far as possible, in their languages or in a language they understand.
7. Please provide information on the accessibility of child- and gender-sensitive justice complaints, reporting and referral mechanisms allowing victims to report abuses, without fear of deportation and violation of immigration laws.

8. Please provide information on measures taken to assess the individual circumstances and protection needs of each foreign national prior to their deportation, including the evaluation of the irreparable risk they would face if returned to their country of origin, and particularly of persons in situation of vulnerability such as women and children. Please explain how these measures are compliant with the non-derogable principle of non-refoulement.
9. Please provide information on measures taken to provide protection and assistance to all internally displaced persons, regardless of ethnic, national, or social origin and facilitate durable solutions to their displacement.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

A copy of this communication has been sent to the Syrian Arab Republic.

Please accept, Excellency, the assurances of our highest consideration.

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Special Rapporteur on the sale, sexual exploitation and sexual abuse of children

Paula Gaviria
Special Rapporteur on the human rights of internally displaced persons

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Reem Alsalem

Special Rapporteur on violence against women and girls, its causes and consequences

Dorothy Estrada-Tanck

Chair-Rapporteur of the Working Group on discrimination against women and girls

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation described above.

Article 2 (1) of the Convention on the Rights of the Child (CRC), which your Excellency's Government ratified on 4 April 1995 requires States Parties to respect and fulfil the rights to "each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status".

Article 3 (1) of the CRC, states that '[i]n all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.'

Article 22 (1) of the CRC states that 'States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.' Article 22 (2) further clarifies that '[f]or this purpose, States Parties shall provide, as they consider appropriate, co-operation in any efforts by the United Nations and other competent intergovernmental organizations or non-governmental organizations co-operating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the present Convention.'

Article 34 of the CRC provides that States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. Moreover, article 35 provides that States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

This position has been affirmed by joint general comment No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families/No. 23 (2017) of the Committee on the Rights of the Child (CMW/C/GC/4-CRC/C/GC/23) on State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return.

With regards to the principle of non-refoulement, we wish to draw your attention to the CRC General Comment No.6 (2005) – Treatment of unaccompanied and separated children outside their country of origin. States must fully respect non-refoulement obligations deriving from international human rights, humanitarian and refugee law.

Furthermore, article 3 of the UN Convention Against Torture prohibits the refoulement of persons to another State where they would face a substantial risk of torture or other forms of ill-treatment. In this regard, the Committee Against Torture, in its General Comment No. 4 (2017) on the implementation of article 3 of the Convention in the context of article 22, paragraph 13, provides that “Each case should be individually, impartially and independently examined by the State party through competent administrative and/or judicial authorities, in conformity with essential procedural safeguards, notably the guarantee of a prompt and transparent process, a review of the deportation decision and of a suspensive effect of the appeal...” In addition, paragraph 29 (o) includes “Whether the person concerned is below the age of 18 years and would be deported to a State where his fundamental child rights were previously violated and/or would be violated creating irreparable harm, such as his/her recruitment as a combatant participating directly or indirectly in hostilities or for providing sexual services,” as a consideration to be taken into account by States in assessing the risk of torture in the decisions to remove a person from their territory.

We would like to stress that every migrant child, regardless of their migration status, should be considered as a child first and foremost. All migrant children should be entitled in law and in practice to all the rights enshrined in the CRC. Heightened consideration must also be given to children in the context of *non-refoulement*, whereby the best interests of the child should be the paramount consideration in any actions or decisions taken by the State. As stated in the report of the United Nations High Commissioner for Human Rights on Principles and practical guidance on the protection of the human rights of migrants in vulnerable situations, a formal procedure to determine best interests should be conducted with certain safeguards, for example, with the meaningful participation of authorities responsible for child protection, and the right of the child to be heard and to have competent and independent legal representation (A/HRC/37/34, principle 6, guideline 6). In particular, a child should not be returned if such return would result in the violation of their fundamental human rights, and where return is deemed not to be in the child’s best interests, families should be kept together in the country of residence.

We would like to recall the Human Rights Council resolution A/HRC/RES/47/12 , which addresses the issue of the human rights of migrants, “deeply concerned about the large and growing number of migrants, especially women and children, including children who are unaccompanied or are separated from their parents, who have lost their lives, have been injured or have gone missing in their attempt to cross international borders, including at sea, and recognizing the obligations that States have to protect and respect the human rights of those migrants, regardless of their migration status, and reaffirming the commitment to take action to avoid the loss of life of migrants, including by preventing human rights violations resulting from pushback practices, in particular collective expulsions and refoulement”. In addition, we would like to refer your Excellency’s Government to a recent report of the Special Rapporteur on the human rights of migrants on ending immigration detention of children and providing adequate care and reception for them (A/75/183).

We also recall the Human Rights Council resolution 9/5, which addresses the issue of the human rights of migrants, “requests States to effectively promote and protect the human rights and fundamental freedoms of all migrants, especially those of women and children, regardless of their immigration status, in conformity with the Universal Declaration of Human Rights and the international instruments to which they are party”. Resolution 9/5 also “reaffirms that, when exercising their sovereign right to enact and implement migratory and border security measures, States have the duty to comply with their obligations under international law, including international human rights law, in order to ensure full respect for the human rights of migrants” and “urge States to ensure that repatriation mechanisms allow for the identification and special protection of persons in vulnerable situations, including persons with disabilities, and take into account, in conformity with their international commitments, the principle of the best interest of the child and family reunification”.

In addition, we wish to refer to the Global Compact for Safe, Orderly and Regular Migration, in particular to objective 7, according to which States have committed to responding to the needs of migrants who face situations of vulnerability, which may arise from the circumstances in which they travel or the conditions they face in countries of origin, transit and destination, by assisting them and protecting their human rights, in accordance with their obligations under international law.

The Guiding Principles on Internal Displacement specify that internally displaced persons shall enjoy the same rights and freedom under international law as do other persons in their country (principle 1) and this without discrimination including on the basis of race, language, national, ethnic or social origin (principle 4(1)). Certain internally displaced persons, including children, especially unaccompanied minors, shall be entitled to protection and assistance required by their condition and to treatment which take into account their special needs (principle 4(2)). Internally displaced persons shall be protected by law, and in particular against enforced disappearances (principle (10)(1d)). Internally displaced persons shall also be protected in particular against direct or indiscriminate attacks or other acts of violence (principle 10(2d)). Internally displaced persons shall also be protected in particular against rape and gender-specific violence (principle 11(2a)). Internally displaced persons should also be protected from arbitrary arrest or detention and discriminatory arrest and detention (principle 12).

All internally displaced persons have the right to know the fate and whereabouts of missing relatives, and the authorities should endeavour to establish the fate and whereabouts of internally displaced persons reported missing, and cooperate with relevant international organizations engaged in this task. (principle 16(1-2)). Families which are separated by displacement should be reunited as quickly as possible, and all appropriate steps shall be taken to expedite the reunion of such families, particularly when children are involved. The responsible authorities shall facilitate inquiries made by family members and encourage and cooperate with the work of humanitarian organizations engaged in the task of family reunification (principle 17). All internally displaced persons have the right to an adequate standard of living, including safe access to essential food and potable water, basic shelter and housing, appropriate clothing, and essential medical services and sanitation (principle 18). The authorities shall issue to internally displaced persons all documents necessary for the enjoyment and exercise of their legal rights; in particular, the authorities shall facilitate the issuance of new documents or the replacement of

documents lost in the course of displacement, without imposing unreasonable conditions such as requiring the return to one's area of habitual residence (principle 20). Internally displaced persons shall not be discriminated against in enjoyment of the right to associate freely and participate equally in community affairs, and the rights to freedom of thought, conscience, religion or belief, opinion and expression (principle 22).

Furthermore, we would like to bring to your Excellency's Government attention to paragraph 14 of the CEDAW General Recommendation No. 32 (2014) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, where [...] [t]he Committee recognizes that displacement arising from armed conflict, gender-related persecution and other serious human rights violations that affect women compounds existing challenges to the elimination of discrimination against women. It also recognizes the persistence of other forms of exploitation concomitant with displacement, such as trafficking for purposes of sexual or labour exploitation, slavery and servitude. The Committee therefore reiterates the obligation of States parties to treat women with dignity and to respect, protect and fulfil their rights under the Convention at each stage of the displacement cycle, as well as in the enjoyment of durable solutions, including integration and/or resettlement in receiving States and/or voluntary repatriation to their State of origin. The Committee is therefore of the view that States parties have an obligation to ensure that no woman will be expelled or returned to another State where her life, physical integrity, liberty and security of person would be threatened, or where she would risk suffering serious forms of discrimination, including serious forms of gender-based persecution or gender-based violence. What amounts to serious forms of discrimination against women, including gender-based violence, will depend on the circumstances of each case (CEDAW/C/GC/32, para. 23).

The Committee states further that [g]ender sensitivity should be reflected in reception arrangements, taking into account the specific needs of victims of sexual abuse and exploitation, of trauma and torture or ill-treatment and of other particularly vulnerable groups of women and girls. Reception arrangements should also allow for the unity of the family as present within the territory, in particular in the context of reception centres (ibid, para 34). As a general rule, pregnant women and nursing mothers, who both have special needs, should not be detained. Moreover, [a]s a general rule, detention of pregnant women and nursing mothers, who both have special needs, should be avoided, while children should not be detained with their mothers unless doing so is the only means of maintaining family unity and is determined to be in the best interest of the child (CEDAW/C/GC/32, para. 49).

Moreover, CEDAW General Recommendation No. 38 (2020) on trafficking in women and girls in the context of global migration highlights that refugee women and girls are highly vulnerable to trafficking and are in need of international protection, especially against refoulement. In particular we would also like to recall recommendations regarding victim identification and victims' assistance and protection, as stated in paragraph 38 on the positive obligations on States to identify victims of trafficking, and paragraph 39 to 41 on the obligations of States to provide victims with high-quality support services with immediate availability, which must be inclusive and accessible, include access to information on their rights, the medical, psychological, social and legal services available to them and how to acquire access to them, as well as to safe and appropriate accommodations.

We would like to bring to Your Excellency's attention Article 1 of the United Nations Declaration on the Elimination of Violence against Women which provides that the term "violence against women" means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life. Similarly, article 2 provides that violence against women shall be understood to encompass, but not be limited to, the following:

- (a) Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;
- (b) Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;
- (c) Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.

Similarly, we would like to draw the attention of your Excellency's Government to the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol), ratified by your Excellency's Government on 25 March 2003. The Protocol defines trafficking in persons as the recruitment, transportation, transfer, harbouring or receipt of persons, by proscribed means for the purpose of exploitation, which includes, inter alia, forced labour or services, or servitude.

In addition, we would like to refer to the Recommended Principles and Guidelines on Human Rights and Human Trafficking ("Recommended Principles and Guidelines"), issued by the Office of the High Commissioner for Human Rights in July 2002. Principle 13 of the Recommended Principles and Guidelines provides that "States shall effectively investigate, prosecute and adjudicate trafficking, including its component acts and related conduct, whether committed by governmental or by non-State actors". We would like to draw your attention to Guideline 8, paragraphs 2 to 5, which set out that States should consider ensuring that procedures are in place for the rapid identification of child victims of trafficking and locating family members where children are not accompanied by relatives or guardians with a view to consider either 1) facilitating the reunion of trafficked children with their families where this is deemed to be in their best interest or 2) establishing adequate care arrangements that respect the rights and dignity of the trafficked child in situations where the safe return of the child to his or her family is not possible or where such return would not be in the child's best interests.

Your Excellency's government has also ratified and is therefore bound by the ILO Forced Labour Convention (1930) and its Protocol, which define forced labour as all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily (art. 2) and by the

ILO Convention No. 182 on the worst forms of child labour (1999), which includes among worst forms of child labour all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict (art. 3).

We would further like to draw your Government's attention to article 9.1 of the International Covenant on Civil and Political Rights (ICCPR), which provides that everyone has the right to liberty and security of person. The enjoyment of the rights guaranteed in the ICCPR is not limited to citizens of States parties but "must also be available to all individuals, regardless of nationality or statelessness, such as asylum seekers, refugees, migrant workers and other persons, who may find themselves in the territory or subject to the jurisdiction of the State Party" (CCPR/C/21/Rev.1/Add. 13 (2004), para. 10). We would also like to draw your attention to article 10 of the ICCPR, which provides that all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person. We would also like to draw your Excellency's attention to Article 8 of the ICCPR which prohibits slavery and the slave-trade in all their forms.

We would also like to bring to your Excellency's Government attention to article 27 of International Covenant on Civil and Political Rights, ratified on 23 September 2003, in which States agree that in "those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language".

We would also like to draw your Excellency's Government's attention to article 5 of the International Convention on the Elimination of all Forms of Racial Discrimination in which States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, in the enjoyment of all civil, political, economic, social and cultural rights. In its concluding observations to Turkey's review on the implementation to the Convention, the Committee recommended that the State party take appropriate measures to ensure that persons belonging to minority groups, including migrants, refugees and asylum seekers are able to enjoy their economic, social and cultural rights on an equal footing with the rest of the population (CERD/C/TUR/CO/4-6).

The Committee against Torture and the Human Rights Committee have consistently found that conditions of detention can amount to inhuman and degrading treatment. In this context we wish to draw your Government to the absolute prohibition of torture and other ill-treatment as enshrined in article 3 of the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), ratified by your Excellency's Government on 2 August 1988.

With regard to the conditions of detention, we would like to draw the attention of your Government to the Standard Minimum Rules for the Treatment of Prisoners (adopted by the Economic and Social Council by resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977). We would also like to draw your Government's attention to the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment adopted by the General Assembly on

9 December 1988 (adopted by General Assembly resolution 43/173 of 9 December 1988). The Committee against Torture and the Human Rights Committee have consistently found that conditions of detention can amount to inhuman and degrading treatment.

We would like to recall your Government's attention to article 28 of the Universal Declaration of Human Rights, which calls on States to create a social and international order in which all human rights and fundamental freedoms can be fully realized.

We also wish to highlight article 2 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), ratified by your Excellency's Government on 23 September 2003, in which States undertake to take steps through international assistance and cooperation in order to ensure the full realization of covenant rights. With respect to the allegations of lack of access to medical care while also being kept in detention, we would like to recall to your Government that this right is reflected, inter alia, in article 12 of the ICESCR, which provides for the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. This includes an obligation on the part of all State parties to ensure that health facilities, goods and services are accessible to everyone, especially the most vulnerable or marginalized sections of the population, without discrimination. Finally, article 13 recognises everyone's right to education.

We would also like to draw your Excellency's attention to its obligation under European regional human rights instruments including the Council of Europe Convention on Action against Trafficking in Human Beings, ratified by Turkey in September 2016. Article 5 (5) which sets forth obligations related to prevention of trafficking in human beings and requires States Parties to take measures to reduce children's vulnerabilities to trafficking by creating protective environments for them. We would also like to draw your attention to the European Convention on Human Rights, which enshrines obligations on the prohibition of torture (article 3) on the prohibition of slavery and forced labour (article 4), on the right to respect for private and family life (article 8) and the prohibition of discrimination (article 14).

In addition, we would also like to bring to your attention the work of the Special rapporteur on trafficking in persons, especially women and children and in particular her recommendations to made in her report to the Human Rights Council, (A/75/169 para. 70). The non-punishment provision is a key element in any system of protection of victims of trafficking. It is critical for an effective implementation that the non-punishment principle is practically applied from the starting point of the detection of a victim of trafficking to ensure effective access to protection.

We would also like to highlight that the Working Group on discrimination against women and girls noted in its report on Women deprived of liberty, of 2019, that [t]he belief that women need protection has an impact in crisis situations, where families may be displaced and destabilized and face heightened risks, including, as has been extensively documented, that of gender-based violence for women. The Working Group has received reports of severe restrictions of liberty for women, and particularly girls, in humanitarian settings, where family members may force them to remain in their homes or shelters rather than risk moving about. As a result, camps for internally displaced persons and refugees sometimes become sites of confinement for women, from where they are unable to leave to access resources or services

(A/HRC/41/33, para. 46).

In the same report, the Working Group recommended that States [s]hould ensure that measures addressing conflict, crisis, terrorism and national security incorporate a women's human rights focus and do not instrumentalize women's deprivation of liberty for the purposes of pursuing government aims (A/HRC/41/33, para. 82b).

During her visit to Türkiye in July 2022, the Special Rapporteur on violence against women and girls, its causes and consequences shared her concerns with Your Excellency regarding the “relentless wave of violence and threats of violence that many Syrian refugee women and girls face at the hands of multiple actors,” as well as the “different policies that have been introduced to regulate the entrance and stay of Syrians into the country [and] further discouraged Syrian women and girls from reporting violence, or seeking protection and support.” She also highlighted that trafficking was a matter of considerable concern in the country, particularly with regard to irregular migrant and refugee women and girls, despite the regulation of human trafficking as a crime in Article 80 of the Turkish Penal Code No. 5237, which has done little to deter perpetrators due to the lack of detailed guidance as to its various punishable elements.

In her report on violence against women and girls in the context of the climate crisis, including environmental degradation and related disaster risk mitigation and response (A/77/136), the Special Rapporteur on violence against women and girls highlighted that “the combined impacts of sudden-onset natural disasters and slow-onset events, environmental degradation and forced displacement seriously affect women's and girls' rights to life, access to food and nutrition, safe drinking water and sanitation, education and training, adequate housing, land, decent work and labour protection. She also pointed to the demonstrative evidence on the impact of climate change aggravating all types of gender-based violence against women and girls. Women and girls who are forcibly displaced are particularly exposed to violence. According to her report, although more women and girls are exposed to violence, their access to effective assistance mechanisms, including social protection, psychological and sexual and reproductive health services, is severely impeded.