

# REPORT ON ACCESS TO HUMAN RIGHTS OF AFGHANISTAN REFUGEES

## LIVING IN KAYSERİ DURING COVID-19 OUTBREAK



# REPORT ON ACCESS TO HUMAN RIGHTS OF AFGHANISTAN REFUGEES LIVING IN KAYSERİ DURING COVID-19 OUTBREAK

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**Afghanistan Volunteers Educational and  
Solidarity Association (GESDER)**

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# TABLE OF CONTENT

- 1. INTRODUCTION ..... 6**
  - a. Why was this human rights monitoring work needed? What is the purpose? .....6
  - b. Current State.....8
  
- 2. METHOD ..... 10**
  - a. Scope.....10
  - b. Ethical Framework.....11
  - c. Limitations of the Monitoring Study.....11
    - 1. Covid-19 ..... 11
    - 2. Language ..... 11
    - 3. Low Literacy Rate..... 11
    - 4. Low Refugee Representation in the Media..... 12
  
- 3. MONITORING RESULTS AND EVALUATIONS..... 13**
  - a. Demographic Information .....13
  - b. Right to Health Standard.....15
  - c. Right to Fair and Decent Work .....17
  - d. Right to Education .....18
  - e. International Protection Against Refugees .....20
  - f. Prohibition of Discrimination .....21
  - g. Gender Equality .....23
  
- 4. ADVICES .....25**
  - a. Right to Living Standard.....25
  - b. Right to Health Standard.....25
  - c. Right to Fair and Decent Work .....25
  - d. Right to Education .....26
  - e. International Protection Against Refugees .....26
  - f. Prohibition of Discrimination .....27
  - g. Gender Equality .....27

## **Afghanistan Volunteers Educational and Solidarity Association (GESDER)**

Afghanistan Volunteers Educational and Solidarity Association (GESDER) was established by the volunteers who support education and basic needs of the Afghan refugees in Kayseri since 2018 on 09/04/2019.

The main objectives of the association are further strengthening Turkey and the mutual recognition of the Afghan people and the bonds, education and providing social assistance and in particular to facilitate the Afghan people's access to vocational training and to strengthen local and national non-governmental organizations carrying out work in this area and to ensure cooperation with public administrations.

Association's center is in Kayseri. It also has representatives in the provinces of Istanbul, Izmir, Antalya, Eskisehir, Erzurum, Konya and Bolu. These representatives will be increased when necessary.

**AFGHANISTAN VOLUNTEER EDUCATION AND SOCIAL SOLIDARITY, SOLIDARITY  
ASSOCIATION PRESIDENT ASADULLAH BAKTASH**

# 1. INTRODUCTION

## a. Why was this human rights monitoring work needed? What is the purpose?

Turkey has witnessed many different sides of immigration for many years. While sometimes it witnessed internal migration due to economic, cultural or political reasons, it has become a country that emigrates to other countries due to education, economic and security reasons. While these all continued at the same time, it was used as a passage country due to its geopolitical location linking Europe and Asia and forming a critical border between the Middle East countries and European Union countries. Turkey has also become a destination country at the same time due to many other reasons such as world's changing political stability, border policies in recent years.

Although the migration in Turkey has become a subject discussed over only the Syrian refugees after the Civil War, Turkey actually is a host to a multi-identity refugee population from many different countries such as Iran, Iraq, Afghanistan, Uzbekistan. According to the data published by the Ministry of Interior's Migration Administration in 2019, 35.042 of applications for international protection to Turkey was from Afghanistan, 15.532 from Iraq and 3.558 from Iran.<sup>1</sup>

The constant movement of the Afghans in and from Afghanistan has been shaped with the combination of security, conflict, political and economic factors since the end of 1970s. At the end of 2019, approximately 2.6 million Afghans were displaced in the country, about 2.7 million Afghan refugees were enrolled as refugees and they have been the population displaced under the authority of the United Nations High Commissioner for Refugees (UNHCR).<sup>2</sup>

Turkey has been living a compulsory transition in terms of migration due to these developments in the last 10 years. Although this transformation is greatly associated with the refugees seeking asylum from Turkey after the Syrian Civil War, the multi-identity structure of the refugee population has shown that the immigration has a multi-dimensional transition in Turkey. In this respect, the immigration in Turkey should not be addressed on one plane as well as the situation of migrants and refugees in Turkey should not be discussed as one-dimensional.

While immigration has always been the constant agenda of the whole world, it has become more visible and requires active responsibility for states in the last 10 years with the Syrian Civil War. Afghan refugees were seeking asylum from Turkey before the Syrian refugees have begun their migration to Turkey and they were waiting for their third country resettlement process and international protection from Turkey. Refugees who found the waiting period long or preferred to move to western countries before the process were using

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<sup>1</sup> <https://www.goc.gov.tr/uluslararasi-koruma-istatistikler>

<sup>2</sup> <http://www.mixedmigration.org/resource/destination-unknown-afghans-on-the-move-in-turkey/>

irregular crossing paths to cross the borders. However, the intense influx of refugees and immigrants in the western border of Turkey in the last 10 years has caused the European border security to make more strict policies. This security approach that has triggered a lot of human rights violations has mandatorily made Turkey a destination country rather than a transition country. For this reason, the Afghans took refuge in Turkey for transition to a third country were forced to make long-term life plans in Turkey.

Refugee and immigration situations should also be discussed and evaluated in the context of current changing conditions such as political balances, climate crises, epidemics. Especially with the Covid-19 outbreak, the lack of an equal system for everyone in access to human rights has emerged more clearly all over the world. This unequal system affected refugees and migrants more deeply before the outbreak conditions, and this effect has increased exponentially under the current conditions.

In this context, the purpose of the report is to monitor the access of Afghan refugees living in Kayseri during the Covid-19 outbreak to human rights under the current conditions, to reveal concrete data on the current situation and to support advocacy activities by raising awareness on this issue at national and international level.

This monitoring work is based on the UN International Covenant on Economic, Social and Cultural Rights<sup>3</sup> and the 1951 Geneva Convention<sup>4</sup> Relating to the Legal Status of Refugees as reference texts on human rights. Turkey takes the provisions of all these international conventions as basis pursuant to the Article 90 of the Constitution.<sup>5</sup>

According to the UN ICESCR, the states party to these conventions have agreed on the terms of the conventions by;

- Considering that, in accordance with the principles declared in the Charter of the United Nations, recognizing the inherent dignity and equal and inalienable rights of all members of the human family is the basis of freedom, justice and peace on earth,
- Recognizing that these rights derive from the inherent dignity of man,
- Recognizing that, according to the Universal Declaration of Human Rights, the ideal of free human beings who can exercise their freedom from fear and poverty can be realized if conditions are created in which economic, social and cultural rights can be exercised together with personal and political rights,
- Considering the obligation of States under the Charter of the United Nations to ensure that human rights and freedoms are respected everywhere and to act in accordance with these rights and freedoms,
- Being aware that individuals who have duties to the society in which they live and to other individuals have a responsibility to promote the rights recognized in this convention and to strive to ensure compliance with these rights,

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<sup>3</sup> [https://web.archive.org/web/20190808162848/http://www.unicankara.org.tr/doc\\_pdf/metin134.pdf](https://web.archive.org/web/20190808162848/http://www.unicankara.org.tr/doc_pdf/metin134.pdf)

<sup>4</sup> <http://www.multeci.org.tr/wp-content/uploads/2016/12/1951-Cenevre-Sozlesmesi-1.pdf>

<sup>5</sup> [https://www.tbmm.gov.tr/develop/owa/tc\\_anayasasi.maddeler?p3=90](https://www.tbmm.gov.tr/develop/owa/tc_anayasasi.maddeler?p3=90)

Although Turkey has made a geographical limitation on 1951 Geneva Convention, it is still a contracting party and is obliged to implement the remaining provisions. According to the convention, these provisions will be applied to all individuals who are out of their country of their citizenship and cannot benefit from the protection of this country because they fear that they will be persecuted due to their race, religion, nationality, affiliation to a certain social group or political opinions and as a result of the events that took place before January 1, 1951 or who do not want to benefit due to this fear, or who is out of their country of residence as a result of such events, cannot return there or does not want to return because of the fear in question.

Turkey is obliged to fulfill its international obligations to protect human rights for all refugees and migrants it hosts in the country pursuant to these conventions.

Thus, this monitoring work should be considered under the above-mentioned international human rights standards and conventions to which Turkey is a party.

## **b. Current State**

Turkey is a signatory to 1951 Geneva Convention on the Legal Status of the Refugees, but as a result of the geographical limitations that have brought by it, it provides temporary international protection for people wanting to come and seek asylum outside the Council of Europe member countries. Due to the geographical limitation, the concepts in national and international legislation differ. The asylum seekers from countries such as Iran, Iraq, Afghanistan, Somalia, Sudan which are not Council of Europe member countries cannot have refugee status due to the geographical limitations. Therefore, the citizens of Afghanistan living in Turkey are considered as international protection status holders.

Grand National Assembly of Turkey has admitted the Law on Foreigners and International Protection Nr. 6458 on 04.04.2013 and it was announced in the Official Gazette dated 11 April 2013. It has been effective as of April 11, 2014, one year after the date of publication. This important law introduces new regulations on asylum.<sup>6</sup>

Foreigners and the application owners as per International Protection Law are considered as people requesting international protection and not yet been given the final decision and the international protection types were classified under three headings as refugee, conditional refugee or secondary protection status.<sup>7</sup>

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<sup>6</sup> <https://www.goc.gov.tr/gigm-mevzuati>

<sup>7</sup> <https://www.goc.gov.tr/>



When considered within the scope of monitoring work, firstly the right of access to asylum must be thought for drawing a framework regarding the status of the Afghan refugees before the outbreak. Refugees from Afghanistan who mostly enter the country from the Iran-Van border face the risk of freezing during the border crossing or drowning as a result of the sinking of boats in Van Lake. However, the most common problems faced by Afghan refugees before the epidemic were the inability of single persons to be officially registered, too long waiting for resettlement to a third country, language barrier and the lack of related policies, precarious working conditions, deficiencies of social cohesion policies, while the scope and effects of all these problems during the epidemic period were determined to increase.

## 2. METHOD

Survey, in-depth interview, literature and media scanning methods were used in the monitoring study. The survey, conducted with 105 interviewers in total, was conducted in Persian by GESDER volunteers by calling the participants by phone. Participants of the study were selected with a distribution suitable for the gender equality balance. The in-depth interviews were performed with the activists and local journalists from Afghanistan living in Kayseri.

Media scanning work were performed with the keywords of "Kayseri Afghan", "Afghan immigrant", "Afghan refugee", "Kayseri asylum seeker" between 11.03.2020-11.10.2020 using advanced search tools on social media.

In addition, Kayseri Anadolu Haber, Kayseri Haber, Kayseri Olay Haber, which are the most frequently followed local publications of Kayseri, were scanned in terms of the content they produced within the specified time interval.

During the monitoring study, the reports prepared by many institutions from related fields were used. The main ones are "Unknown Aspects - Afghans Progressing in Turkey (*Bilinmeyen Yön Türkiye'de İlerleyen Afganlar*)" prepared by the Mixed Migration Center<sup>8</sup>, "Sectoral Analysis of Impacts of the Covid-19 Outbreak on the Refugees in Turkey (*COVID-19 Salgınının Türkiye'de Mülteciler Üzerindeki Etkilerinin Sektörel Analizi*)" prepared by the Association for Solidarity with Migrants and Refugees<sup>9</sup> and "Attitudes towards Syrian Refugees in Istanbul (*İstanbul'da Suriyeli Sığınmacılara Yönelik Tutumlar*)" prepared by ISTANPOL<sup>10</sup>.

### a. Scope

The main purpose of this human rights monitoring study is to monitor and analyze the situation of the Afghan refugees and immigrants living in Kayseri in terms of the International UN Convention on Economic, Social and Cultural Rights. Another important qualification of this monitoring study is that the whole field process was performed by the right owners themselves, that are the Afghan activists and civil society experts living in Kayseri.

When considered in this context, it must be noted that the rights owners have participated and they have been a part of the study as the subjects.

The reason why the monitoring study was conducted in Kayseri is that Kayseri is a satellite city, which makes it a host location for an intensive population of Afghan refugees and it also has two associations established by the Afghan people living in the city.

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<sup>8</sup> [http://www.mixedmigration.org/wp-content/uploads/2020/07/115\\_destination\\_unknown\\_policy\\_brief\\_tr.pdf](http://www.mixedmigration.org/wp-content/uploads/2020/07/115_destination_unknown_policy_brief_tr.pdf)

<sup>9</sup> <https://www.stgm.org.tr/e-kutuphane/covid-19-salgininin-turkiyede-multeciler-uzerindeki-etkilerinin-sektorel-analizi>

<sup>10</sup> <https://www.istanpol.org/post/istanbul-da-suriyeli-siginmacilara-yonelik-tutumlar>

## **b. Ethical Framework**

The group subject to monitoring is a highly sensitive group whose security should be observed. Refugees and migrants can easily be exposed to hate speech and crimes following a changing agenda or unfounded rumors. For this reason, attention has been paid to the collection and analysis of all data anonymously, with personal and community security. Prior to the interview, all respondents were interviewed with an information form stating that personal data will not be shared with third parties under any circumstances and that the data they share will be destroyed if they request. During the fieldwork, care was taken to select the survey participants according to gender equality.

## **c. Limitations of the Monitoring Study**

Human rights monitoring was conducted under the conditions of Covid-19 outbreak. The limitations, together with the language barrier, low literacy rate, difficulties in accessing digital tools, before the outbreak are listed as follows. However, the lack of agenda and content in the media about Afghans, who are the most populated group after the Syrians in Turkey, has been an obstacle to the realization of a comprehensive scan of the media.

### **1. Covid-19**

The main limitation of the monitoring study was that all the interviews and data collection process had to be carried out on digital media due to the Covid-19 outbreak. The decision to carry out the work taken in digital environments to prevent contamination unfortunately caused various problems for the interviewees who had difficulty in accessing digital tools. Although the surveys are more likely to be able to observe the conditions experienced by the participants when they are conducted face-to-face, and to access supportive data from those transmitted with body language, the study attempted to create the broadest scope from the interviews conducted in digital media.

### **2. Language**

The survey form was prepared in Turkish and it was translated into Persian, the mother tongue of the participants. The field workers who performed the surveys were selected from among native speakers of Persian language. Despite this care taken for the correct transmission of the survey questions, the language barrier caused some questions to be misunderstood by both the surveyors and the respondents and therefore the data collection process was delayed. The respondents were contacted again to confirm these incorrectly submitted questions, or the data that did not affect the content of the monitoring study at a high level were removed from the survey results.

### **3. Low Literacy Rate**

Due to the Taliban regime and many other reasons, the rate of access to basic education of girls in Afghanistan is quite low. Unfortunately, the limited access of boys to education due to

internal turmoil in the country causes the literacy rate to be low among the people of Afghanistan. During the study, it was revealed that 40.4% of the participants in the survey do not have literacy skills. For this reason, while the survey study was aimed to be filled by the individuals under normal conditions, it was decided to conduct the surveys by phone call method in line with the findings made during the study and the surveys were conducted with this method.

#### ***4. Low Refugee Representation in the Media***

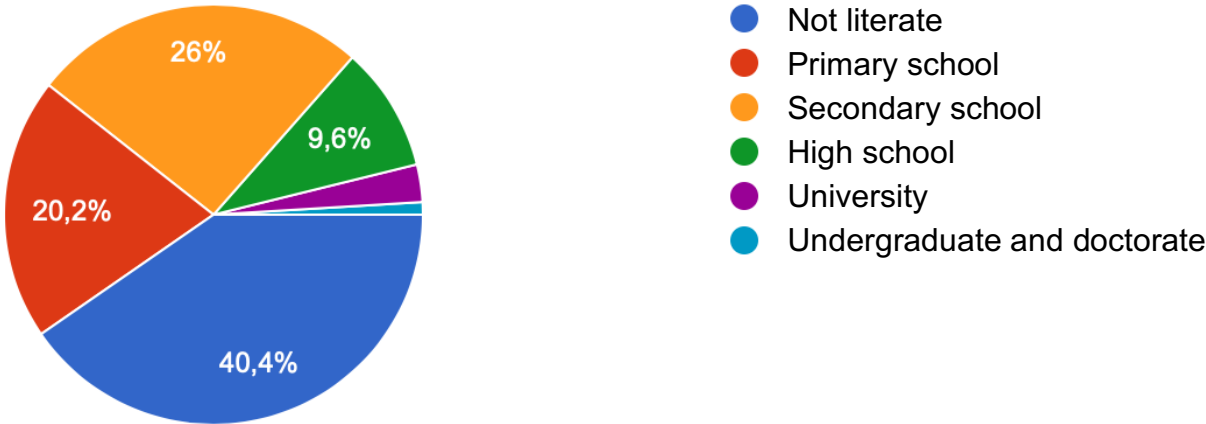
Due to the fact that rights-based journalism perspective is not sufficiently developed in national and local media institutions in Turkey, the news produced on refugees are often shaped over rhetoric of the politicians or judicial events. Considering the local media institutions in Kayseri and the content they produce regarding refugees, it is observed that the same trend is also valid for the local media of Kayseri. During the news scan, no reports were encountered regarding the situation of Afghan refugees in Kayseri at the time of the outbreak.

### 3. MONITORING RESULTS AND EVALUATIONS

#### a. Demographic Information

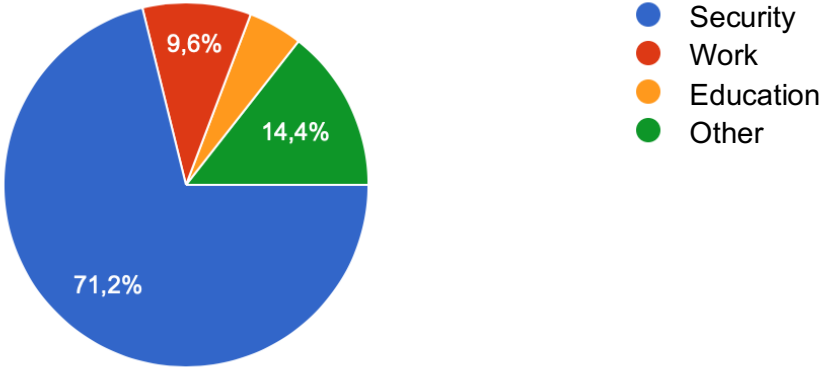
The survey was conducted with 66 female and 40 male participants, which was 106 in total. The age range of the participants varies between 18-73.

18-25: 16 people  
25-45: 79 people  
45-65: 9 people  
60+: 2 people



When asked about the educational status, it was found that 40.4% of the participants were illiterate, and the participants who completed undergraduate and graduate education constituted only 3.8% of all participants.

Your purpose of arrival  
104 answers



71.2% of respondents stated that they have come to Turkey due to security concerns.

99 of the 104 participants answering the question of "For how many years have you been in Turkey?" stated that they have been here for 3 years or less. However, it is seen that the duration of living in Turkey of almost all participants were equal to their duration of living in Kayseri. In this regard, it is understood that the majority of participants lived in Kayseri after they arrived to Turkey.

41 persons: 1 year  
46 persons: 2 years  
12 persons: 3 years  
4 persons: 4 years  
1 persons: 5 years

During the monitoring study, the data taken from the in-depth interview with an association member working with the Afghan refugees for 6 years in Kayseri have shown that the Afghan refugee came to Turkey to go to the other western countries. Especially in the year 2015, a large proportion of the Afghan population has gone to the western countries with the increasing migration mobility in the Aegean Sea. Considering only the transition data between January and September 2019, 38% of transition to Greece were made by refugees from Afghanistan.<sup>11</sup>

All participants of the survey stated that they have an international protection identity.

According to the UN ICESCR, the party states are obliged to provide everyone with the opportunity to have an adequate standard of living for themselves and their families. This standard includes adequate nutrition, clothing, housing and the continuous improvement of living conditions. In this human rights monitoring study, it is primarily aimed to determine the adequate food, nutrition and living conditions of the people, the factors that prevent provision of these conditions and the measures to be taken against them.

According to the survey results,

When 104 people interviewed were asked about the number of people living together in the household, the following answers were taken:

1 person: 11  
1 person: 12  
2 persons: 9  
6 persons: 8  
10 persons: 7  
19 persons: 6  
24 persons: 5  
20 persons: 4

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<sup>11</sup> <https://reliefweb.int/sites/reliefweb.int/files/resources/72161.pdf>

11 persons: 3

10 persons: 2

According to the results, 65 of the participants live with five and more people. This stands out as an important factor that makes it difficult to meet basic needs with self-efficacy.

When the question of "Which basic needs did you have difficulty in accessing during the Covid-19 period?" was asked to the participants, 15.4% said clean water, hygiene supplies and food access, 84.6% the rent and the bills. 82.5% of the participants have applied to authorities such as civil society institutions, governorates or mukhtar offices for the difficulties and 17.5% have stated that they did not apply to anywhere. 63% have stated that the SSIs have supported them for the basic needs and 37% have stated that they could not get any help from the SSIs.

When the people were asked about the total expenses of the households, the following answers were taken:

13 Persons: between 500-1000 TL

75 Persons: between 1000-2000 TL

16 Persons: between 2000-3000 TL

According to the results, income-expense inequality within the household prevents individuals from accessing the right to a standard of living. In order for refugees to feel belonging to the country they live in and to live in dignity, it is of great importance that public administrations monitor the access of people to the right to a standard of living and take the necessary steps to access this right.

## **b. Right to Health Standard**

The monitoring study examined the extent to which Afghan refugees in Kayseri were able to enjoy this right during Covid-19, referring to the article "*Everyone has the right to have the highest possible level of physical and mental health standards*" in the UN ICESCR. With the monitoring study, access to health services, the quality of the services, the sources of the problems that refugees experience in accessing services and the extent of the precautionary mechanisms were tried to be determined.

While refugees' access to healthcare is always vital, this importance has increased exponentially during the pandemic. When the question of "Could you apply to a doctor / hospital or a health institution for your health needs and get service before Covid-19?" was asked to the survey participants. 53% of them answered no and 47% answered yes. The data obtained from both the literature review and in-depth interviews with key individuals regarding why the rate of not being able to access health services is so high reflects that the main barriers to accessing these services are primarily due to the problem of registration and therefore the failure of public hospitals to provide services to unregistered persons. In addition, the study data show that due to the lack of interpreters in hospitals, Afghan refugees are concerned about not being able to receive effective care when they need health care.

It is critical to implement holistic and inclusive policies in the fight against Covid-19, which should be handled as a public health issue. For this reason, necessary measures should be taken by public administrations to protect refugees from the epidemic, regardless of which country they come from, whether they are registered or unregistered, and to prevent any deficit that threatens public health. Since all of the survey participants have an international protection identity, they did not have any procedural problems in accessing the right to health. However, data obtained from field observations and in-depth interviews reveal that refugees who are not officially registered receive health care services by paying higher than the normal rate in private health institutions when they need diagnosis and treatment. It is also among the findings that these people, whose current economic situations are quite bad, cannot always meet these high health payments and cannot access the necessary intervention. This reflects that refugees who are Covid positive and unregistered cannot access treatment if they do not have sufficient income. In this respect, this public injustice in accessing basic health services becomes a problem that negatively affects both refugees' access to fundamental rights and public health.

The data obtained once again demonstrates that the article "*The prevention, treatment and control of epidemics, local diseases, occupational diseases and other diseases should be ensured*" should be taken as base as a party to the ICESCR in combating the pandemic and policies based on human rights perspective are needed.

Survey data show that 55.8% of Afghan refugees are concerned that they will not have access to adequate treatment if they get infected with Covid 19. When the question of "Did you encounter any problems when you went to the hospital due to Covid-19?" was asked to the participants during the study, 100 participants answered yes and 4 participants answered no. 99 of the participants who answered yes stated that the problems encountered were related to the language barrier or financial problems, while one person stated that the problem was related to the exposure to discrimination during the service procurement.

From the first day of the Covid-19 outbreak, statements have been made that people with chronic diseases should take more precautions. It was found that 58 people participating in the survey had a chronic illness that requires constant health surveillance in themselves or in their family. However, during the study, no regulations were encountered in order to identify the refugees with chronic diseases, to take necessary additional measures or to facilitate their access to health services.

In the UN ICESCR, the health standard clearly states the necessity "*to ensure the healthy development of children by reducing the existing birth rate and infant deaths*". All 10 participants who were pregnant during Covid-19 stated that they could easily go to doctor's controls during the pandemic. 16 participants answered yes and 8 participants answered no to the question "Was your child's vaccination tracked easily?". In this regard, it is seen that during the pandemic, refugees from Afghanistan have access to necessary women's and child health services, but have problems in accessing health services related to Covid-19.



On the other hand, as the majority of the participants stated during the study, many Afghan refugees have psychological problems due to the increasing concerns about their health conditions, economic and social uncertainties and worsening financial problems during Covid-19.

### **c. Right to Fair and Decent Work**

Everyone has the right to work in fair and favorable conditions. In the monitoring study, it was questioned whether these conditions are secured during Covid-19 and unemployment, poverty and being forced to work for unfair wages were considered as violations of rights based on the conventions to which we are a party.

Covid-19 outbreak has led to an increase in unemployment both internationally and nationally. According to the report of the International Labor Organization<sup>12</sup>, there have been a significant employment loss in the second quarter of 2020 in the world in terms of the labor market. When this process is evaluated in the context of refugees, a qualified data monitoring cannot be performed since a large proportion of the refugee population is employed informally.

The quarantine process, which was applied for about 4 months to combat the epidemic, deeply affected the production and service sector on the one hand, and increased the duration of people's stay at home, causing an increase in household expenses. The decrease or loss of income in the face of increasing expenses causes a deep feeling of helplessness in people.

Before the pandemic, the refugees who were insecure, low-paid and working outside their field were the first group to be sacrificed under the pandemic conditions. While the most important requirement was to meet the basic needs in the pandemic period, 67 of the 104 surveyed people have stated that they currently do not have a job. 37 participants stated that they can generally work in sectors such as furniture, paper collecting and construction. 32 of the 36 participants, who stated that they actively work, were determined to earn less than the monthly minimum wage of 2.324 TL.

When asked about the number of home workers and the average monthly income of the household, it is seen that the amount of income is lowest 360 TL and highest 4.000 TL. The average monthly income of all participants is 945 TL. It is understood from the data that this average is 1.572 TL below the hunger limit of 2.517 TL announced by Türk-İş<sup>13</sup> on November 2020.

It was found out that 57 respondents were fired after Covid-19 and 30 of them have returned to their jobs within the normalization process. In the in-depth interviews made with the Afghan refugees in the area in December 2020, which is considered as the second wave of

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<sup>12</sup> [https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS\\_749398/lang-en/index.htm#:~:text=According%20to%20the%20ILO%20Monitor,48-hour%20working%20week.](https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_749398/lang-en/index.htm#:~:text=According%20to%20the%20ILO%20Monitor,48-hour%20working%20week.)

<sup>13</sup> <http://www.turkis.org.tr/KASIM-2020-ACLIK-VE-YOKSULLUK-SINIRI-d464750>

the pandemic, it was found out that everyday a number of refugees, which cannot even be calculated, are fired. The main reason for this was stated in the audits regarding the Covid-19 measures carried out in the workplaces; the fear of facing a penalty due to the unregistered employees. Dismissal of registered Turkish citizens due to the pandemic has been banned with the "**Law on Reducing the Effects of the New Coronavirus (Covid-19) Pandemic on Economic and Social Life and the Law on Amending Some Laws**"<sup>14</sup> published in the Official Gazette on April 17, 2020.

And the ban has been extended periodically<sup>15</sup>, but employers can easily dismiss those they employ informally during this process. Since these people also did not have access to any complaint mechanism, those who were dismissed had to struggle with unemployment and poverty.

According to the survey data, it was seen that the participants have given the answers of "teachers, police officers, farmers, engineers, florists, driver, operator, tailor" when asked about their jobs in Afghanistan, and they have given the answers of "self-employment", "whatever" or "unemployed" when asked about the same in Turkey. This situation reveals that the refugees and the immigrants do not have the opportunity to work in jobs appropriate to their qualifications and capacities, and that the necessary effort is not made to bring in qualified workforce to the country as an added value. Although it is possible to provide the necessary infrastructure for the Afghan refugees to access fair and decent works in Kayseri, which is a city with developed industrial and commercial sectors throughout Turkey, this cannot be achieved due to lack of policy in this regard.

In line with the article of the ICESCR, "*It should be ensured that women work in conditions not lower than the working conditions of men, without being subjected to any discrimination, and equal and fair wages should be provided for equal work.*", the assessment of rights monitoring for gender equality in business life remains limited due to absence of women in working life. 50 of the 66 women surveyed stated that they lived as housewives during their residence in both Afghanistan and Turkey. This result has shown that the political and cultural preventions of the women in Afghanistan in terms of social and economic participation have also been effective in Turkey. In addition, this result underlines the need to provide the necessary opportunities for domestic worker women from Afghanistan to gain their economic freedom and to be included in the social life.

#### **d. Right to Education**

Everyone has the right to access education. As the States Parties to the CESCRC have approved, education should be geared towards the full development of human personality and dignity and strengthening respect for human rights and fundamental freedoms. Access to education is very important for refugees to adapt to the country they seek refuge in and to imagine a future for them, as demonstrated by studies and researches within this subject<sup>16</sup>.

<sup>14</sup> <https://www.resmigazete.gov.tr/eskiler/2020/04/20200417-2.htm>

<sup>15</sup> <https://ailevecalisma.gov.tr/cgm/duyurular/160420duyuru/>

<sup>16</sup> <https://www.hrw.org/tr/report/2015/11/09/282910>

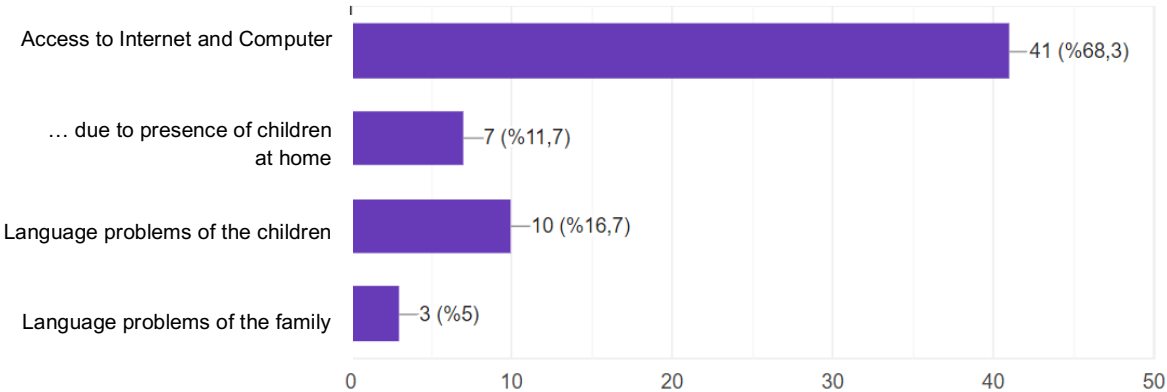
During this monitoring study, the problems encountered in accessing the right to education and the solutions to be brought to these problems were emphasized.

66 people among the survey participants have one or more children studying at primary-secondary and high school levels in their homes.

States that are parties to the ICESCR are obliged to provide basic education at primary education level. During the Covid-19 period, education is largely carried out on digital platforms. However, distance education seems to make it difficult for almost all children to access education. The biggest problem encountered in this period was determined as the difficulty in access to internet and computer while the language problem faced by the children and their families from Afghanistan was not considered as a problem unique to the Covid-19. Interviews and field analyzes reflect that Afghan children had a low academic achievement due to their limited command of Turkish during and before Covid-19. However, there are still people who find EBA system successful as it protects the children against the risk of infection.

If yes, which of the following problems have you encountered in access to EBA System?

60 answers



Distance education poses similar problems for university students in Afghanistan. While the restriction of internet and computer access is again the most common problem, language barrier and difficulties in expressing oneself during online communication come to the fore.

The field interviews and observations performed have revealed the conclusion that many unaccompanied and orphaned children cannot access education under any circumstances, and that monitoring and follow-up cannot be done. It is also among the data determined during the field study that children who cannot access education, especially children over the age of 14-15, work for low wages. When we look at the sectoral distribution of working children in terms of gender, it is observed that Afghan girls generally work in the textile sector and boys work in all the jobs they can find without any preference. In line with the obligations of the states parties to the ICESCR regarding primary education and equal opportunities, it is critical to create the necessary policies for the access of all children who are deprived of educational opportunities to this right.

## e. International Protection Against Refugees

The types of international protection mentioned in the Law on Foreigners and International Protection<sup>17</sup> are divided into refugee, conditional refugee and secondary protection. According to the 1951 Geneva Convention, refugee status only applies to people seeking asylum in another country due to events occurring in European countries, while conditional refugee and secondary protection status applies to people from countries other than European countries. The ongoing conflicts in Afghanistan since 1978 have deeply affected the peace atmosphere in the country. On the one hand, political and military instability persisted, and the economic downturn triggered by this situation made access to livelihoods almost impossible. Under all these conditions, refugees from Afghanistan are obliged to migrate to other countries due to the ongoing conflict environment and the multidimensional problems it brings.

As stated in the YUKK, every foreign or stateless person can apply for international protection for themselves. The applicants can also apply on behalf of their family members who come with them, whose applications are based on the same justification. In this case, the consent of adult family members to apply on their behalf is obtained. In this context, the main problem identified in the monitoring study is that applications are not received and asylum seekers are forced to act without any security. This situation creates serious problems that affect the Afghan refugees vitally, such as not being able to access health services and not obtaining HES Codes especially during the Covid-19 period.

According to the in-depth interviews made with GESDER activists and the field observations, the Immigration Administration has been rejecting the registration applications especially of the single refugees since June 2019. While families can have an international protection ID card within 1-2 months, single people are forced to live without security for years. Although not being able to register creates many obstacles for refugees, it raises much more vital problems in the days of Covid-19, especially in relation to the HES Code application. Since unidentified persons cannot obtain HES Code, they cannot use public transportation or enter public offices and banks. However, people who do not have a HES Code also pose a danger to public health. While under normal conditions, infected persons can be tracked through the HES Code, this monitoring is not valid for unregistered persons. In this regard, difficulties in accepting official registration applications pose great risks to both refugees and public health during the Covid 19 outbreak.

In the Covid-19 process, meeting basic needs has become one of the critical problems for refugees. Refugees who cannot overcome these problems with their own resources try to cope with this process by applying to various institutions.

During the survey study, 59 participants answered no and 44 participants answered yes to the question of "Did you have to go to an official institution during Covid-19?". Migration Management is the first institution to be applied in this process, followed by the governorship,

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<sup>17</sup> <https://www.mevzuat.gov.tr/MevzuatMetin/1.5.6458.pdf>

district governorship, mukhtar and NGOs. It is stated that the biggest problem encountered due to Covid-19 was lack of translators. And the second problem is deemed to be the delays in the appointments. These obstacles to access to protection services raise many other problems such as not being able to register officially, not being able to extend the residence permit, not being able to apply for social assistance and not being able to go to hospital.

## **f. Prohibition of Discrimination**

According to the Article 14 of the European Human Rights Convention<sup>18</sup> to which Turkey is a party, the contractual rights and freedoms should be given to the people without discriminating them based on sex, race, color, language, religion, political or other opinions, national or social roots.

In Turkey, hate speech regarding the refugees is repeated all the time with the hand of the media too. The content of the encouraged speech is sometimes the refugees threatening national security, sometimes causing unemployment or increasing legal cases. These allegations, which have never been based, have turned into a discourse frequently used by politicians, media or anyone who wants to seek reasons for negative events in almost all countries of the world where refugees and immigrants are present. Hate and discrimination against refugees in Turkey is a similar to that in the world. On the other hand, as an effective integration policy has not been developed, refugees face the possibility of discrimination at every stage of their daily life.

Although the monitoring work has focused on the Covid-19 period and has shaped the focus of the discrimination monitoring on the access to the right to health and the encountered discriminatory practices, it also tries to reflect the discriminatory practices encountered by the Afghan refugees within the general dynamics in Kayseri.

The ability of refugees to adapt to the city is too important to be left to their own efforts. The authorities should establish and maintain the culture of living together in the city. It can also be clearly seen from the sample of Turks in Germany, that the people who do not feel themselves adopted to the city live together with the people from their own country and therefore they cannot adopt to the whole of the city and the country. Therefore, the participants were firstly asked the question of 'do you feel adopted to Kayseri?' and 7 yes, 35 no answers were received. 85 no, 19 yes answers were received for the question of 'Have you encountered any discriminatory practice in Kayseri until now?'. Participants say that the discrimination they experienced was because they are foreigners. The people from whom they encountered discrimination are usually stated as neighbors and classmates.

One participant stated that the doctor shown a discriminatory attitude towards the children and himself because they were from Afghanistan.

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<sup>18</sup> [https://www.echr.coe.int/documents/convention\\_tur.pdf](https://www.echr.coe.int/documents/convention_tur.pdf)

In the in-depth interview made with a local journalist who has been actively working on the field for 15 years in Kayseri, he/she has stated that the local people are more familiar with the Afghan and Iraqi refugees than the Syrian refugees because Afghan and Iraqi refugees have come to the city earlier. It is also among the findings of the interview that the local people are more intimate and possessive against Iraqi and Syrian Turkmens due to racial proximity, however, the situation is different for Arabs and Kurds. The perception on Afghan people is more positive due to the belief among the employers and the people in Kayseri that the people from Afghanistan are more diligent than the people from Syria.

In addition, depending on the political conjuncture and the change of power discourse regarding Syrian refugees, there may be harsh reactions towards Syrian refugees in the city. The interviewer, who stated that the Afghan refugees are less visible in the city due to the less agenda regarding refugees from Afghanistan, also emphasized that although the population of Afghan refugees is quite low, self-organization is more common, and stated that the sympathy for Afghan refugees has increased with the social activities of the associations.

If you were Covid-19 positive, would you be afraid of discrimination on your way to the hospital? This question was answered with yes by 75 and no by 25. The reasons for fear of those who say yes are entirely due to the idea of being discriminated against because of being foreigners and refugees.

Participants follow the current developments about Covid-19 from channels broadcasting in Persian on social media, since no announcements and information are made in their own language for warnings and measures. On the other hand, those who do not speak Turkish stated that they accessed the information provided in Turkish through their children and/or their neighbors. In addition, it was seen that the informational brochures regarding Covid-19 prepared in the Persian language by Afghanistan Volunteers Educational and Solidarity Association have been useful.



According to the interview outputs, the local media in Kayseri generally produces the custom news about the refugees out of criminal cases. Rights based content production is not common, and it is carried out by sharing the content produced by national agencies regarding refugees.

In the media, reporting of the perpetrators of judicial events by associating them with a nationality puts everyone of that nationality under suspicion as potential perpetrators. As is frequently encountered in the examples encountered in local media surveys, the association of a judicial event with the nationality of the perpetrator lays the groundwork for creating mistrust and hatred towards all Afghans.

## g. Gender Equality

The definition of discrimination against women is made as follows in the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)<sup>19</sup> signed in 1985 by Turkey and entered into force in 1986.

*"Discrimination against women refers to any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field."*

Gender is structured with cultural views, belief systems, images and expectations about masculinity and femininity given by the society based on biological gender.

Discrimination based on gender inequality, on the other hand, determines the lives of women in the patriarchal system, how they live, what rights and opportunities they can and cannot benefit from.

All over the world, women are exposed to different forms of violence and rights violations based on gender inequality. Women with more than one disadvantaged situation suffer more from this inequality. Among the refugee groups, women are the disadvantaged group that has the least connection with social life. Even though the reasons for this seem to be gender-

<sup>19</sup> <http://www.kaced.org/images/files/CEDAW%20metni.pdf>

based inequality, women's full domestic responsibility and language barrier, and, when it is detailed, multidimensional reasons emerge.

For this reason, women who have to spend most of their lives at home due to gender roles cannot learn the language of that country, cannot participate in economic life and provide their own resources, and therefore they may have to live a life dependent on the man at home.

Women may be exposed to more discrimination and violence in situations such as war, disaster and epidemic. The monitoring study aimed to shed light on the problems faced by refugee women, especially during the pandemic period.

The gender equality balance was very sensitive in determining the survey participants and the people to carry out the survey. 66 of the 105 participants in total are women.

When the participants are asked 'Did you have a problem with the participants due to being a woman during the Covid-19 period?', 61 said No and 5 said Yes. 7 said Yes for the question of 'Have you applied to a place such as Police, NGO, public institutions for the problem you experienced?' and 1 yes answer was taken for the question of 'Did the institution you applied for supported you enough?'. In the light of these data, 6 women could not access a protection mechanism as a result of their application.

The article '*The implementation of the provisions of this Convention by the Parties, in particular measures to protect the rights of victims, shall be secured without discrimination on any ground such as sex, gender, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, sexual orientation, gender identity, age, state of health, disability, marital status, migrant or refugee status, or other status.*' of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) entered into force on August 1st, 2014, underlines the necessity of the states to provide access to protection for the women. The convention also includes a separate section for refugee and migrant women.

One of the biggest problems that emerged from the survey, field observations and interviews was seen as the low literacy rate experienced by refugee women from Afghanistan and the inability to participate in economic and social life due to this reason.

As a result of the field observations, it was found that women living alone or with children do not participate in economic life and therefore cannot take care of their children.



## **4. ADVICES**

The results of the monitoring study show that the problems of poverty, access to health, access to education encountered by the refugees living in Kayseri before the Covid-19 have become more significant and devastating after Covid-19.

According to the results of the monitoring study, the recommendations of Afghanistan Volunteers Educational and Solidarity Association are as follows;

### **a. Right to Living Standard**

Governorship of Kayseri Metropolitan Municipality and district municipalities should cooperate with NGOs to determine the disadvantaged refugees and to run the necessary guidance and support mechanisms.

The local administrations should take action on Turkish language education of the Afghan refugees and open Turkish courses in cooperation with NGOs.

### **b. Right to Health Standard**

Kayseri Governorate, Immigration Administration and Provincial Health Directorate should ensure that all Afghan refugees with or without an international protection identity have access to healthcare without barriers and in accordance with the standards.

All information about Covid-19 made by the Ministry of Health, Kayseri Metropolitan Municipality and all local administrations should be made in the mother tongue of the refugees and these information should be made available to people through the right channels.

The Ministry of Health should make available Persian translators in the public hospitals in Kayseri to ensure qualified access of the refugees to the right to health.

The Ministry of Health should operate facilitating mechanisms for refugees' access to mental health services in collaboration with local administrations and NGOs. It should support access to bilingual treatment, with the support of mental health professionals and institutions.

### **c. Right to Fair and Decent Work**

Unregistered employment should be monitored by the Ministry of Family, Labor and Social Services, and temporary national and local policies should be implemented to prevent the imposition of cheap labor that refugees face.

A measure should be taken by the Ministry of Family, Labor and Social Services to protect all refugees who were dismissed during Covid-19, and an application mechanism should be established for these people, even if they are unregistered.

The Ministry of Family, Labor and Social Services should make the necessary guidance of persons wishing to pursue their professions in cooperation with the Ministry of Internal Affairs, Ministry of Commerce, Kayseri Metropolitan Municipality and Kayseri Chamber of Commerce and the professions should be taught with certified profession courses to those who did not have professions in Afghanistan.

#### **d. Right to Education**

The Ministry of Education should determine the number of children under the age of 18 who escaped from Afghanistan and came to Kayseri and prepare statistical information on those who can and cannot access education. The reason for those who cannot access education and what qualifications those who can access should be investigated in details. The prepared information should be shared with the public.

Activities to facilitate access should be planned for Afghanistan students who cannot access online education during Covid-19 by the Ministry of National Education.

An effective policy should be implemented by the Ministry of Family, Labor and Social Service and National Education to identify and re-educate refugee children under the age of 18 who leave education and start working because they cannot access online education due to inadequate conditions.

The Ministry of National Education should provide Turkish course support to refugee children for academic success and motivation to attend school in cooperation with the Municipality of Kayseri and NGOs in the field.

#### **e. International Protection Against Refugees**

Initiatives should be taken by the Ministry of Interior, Governorate and Immigration Administration to receive international protection applications that refugees have rights in accordance with international and national laws and conventions, and to ensure that everyone is registered in line with their application.

The Governorship of Kayseri and the Immigration Administration should remove the obstacles to registration for refugees who cannot obtain HES codes due to registration problems during Covid-19. Short-term practices should be developed to ensure that refugees, who cannot register in cases where the service cannot be provided due to the lack of capacity due to the pandemic, can receive HES code.

Access of orphans or unaccompanied children to protection services should be provided by the Ministry of Family, Labor and Social Services, and support mechanisms should be established for their participation and continuation in education.

## **f. Prohibition of Discrimination**

Applications that will reinforce the positive perception of refugees in the whole city against discrimination should be put into effect by Kayseri Metropolitan Municipality and local administrations in cooperation with NGOs and media.

Seminars and trainings should be given to refugees for people working in hospitals, schools, all public institutions and organizations, including national and international binding laws and conventions against discriminatory practices. These trainings should be provided by NGOs specialized in combating hate speech and discrimination against refugees.

Units should be established in hospitals, schools, all public institutions and organizations where refugees can make an application against hate speech and discriminatory attitude. Applications must be carefully examined and finalized.

## **g. Gender Equality**

Units such as Public Education Centers within the body of Kayseri Metropolitan Municipality should open literacy courses in their mother tongue for illiterate Afghan refugee women, and a holistic policy that encourages women's participation in courses should be established and implemented.

The Ministry of Justice should scrutinize the applications of refugee women to law enforcement agencies regarding gender inequality and carry out effective investigation-prosecution processes.

Policies should be developed by the Ministry of Family, Labor and Social Service in cooperation with civil administrations and NGOs for the participation of only women with children in economic and social life.

Kayseri Metropolitan Municipality and the Governorate should prepare informative broadcasts on the access of refugee women to protection mechanisms in cooperation with experts and institutions on gender equality and migration and ensure that they have access through correct channels.

The Ministry of Family, Labor and Social Service should conduct a data collection study on refugee girls' access to education and early marriage in cooperation with the Ministry of National Education. The study should be shared with the public and necessary precautionary mechanisms should be operated in the light of its data.

