

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	1839
Land:	Syrien
Kilde:	Amnesty International
Titel:	Türkiye/Syria: A human rights response to the 6 February earthquakes
Udgivet:	Februar 2023
Optaget på baggrundsmaterialet:	13. juni 2023

TÜRKİYE/SYRIA: A HUMAN RIGHTS RESPONSE TO THE 6 FEBRUARY EARTHQUAKES

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INTRODUCTION

The catastrophic earthquakes that devastated southeastern Türkiye and northern Syria on 6 February and again on 20 February require a committed and sustained global humanitarian response. To date, the combined death toll is over 46,000 and climbing. Hundreds of thousands have been left homeless and without shelter, food, potable water, and medical care. Thousands remain missing.

Amnesty International expresses its deepest sympathies to all those affected by the earthquakes and acknowledges the tireless efforts of volunteers and first responders in search and rescue operations in such difficult circumstances.

Aid has been slow in coming and more than two weeks after the initial quakes, the needs of people and communities in the two countries continue to grow. Türkiye has invoked a state of emergency in the affected provinces.¹ Aid provision in Syria has been slowed down and obstructed by political considerations and logistical difficulties that have eclipsed the need for an urgent and immediate response to people's needs in the northwest.

In times of such crises, **human rights are not suspended** and there must be concerted efforts towards the promotion and protection of the human rights of everyone. The rights to life, protection against arbitrary detention, security of person, freedom from torture and other ill-treatment, freedom of expression and association, and the obligation to grant and maintain international protection to refugees and asylum seekers and observe the rights of migrants all remain essential state commitments in emergency situations, with few exceptions. The protection of economic, social, and cultural rights ensuring access to housing, adequate nutrition, potable water, sanitation and healthcare are crucial, including in the delivery of aid.

Women, children, displaced people, older people, people with disabilities, LGBTI+ people, ethnic and racial minorities, and other marginalized groups often face compounded challenges in crises, including natural disasters, and require special protection against discrimination and racist attacks and abuse. The provision of aid in dire situations of natural disaster must be applied without discrimination of any kind, including on the basis of nationality, ethnicity, religion, migration status, and political views.

A human rights approach to disaster response can facilitate the fair and effective provision of humanitarian assistance and also hold governments to account regarding their compliance with international human rights standards, including the principle of nondiscrimination. States must not target in a discriminatory manner any group that is lawfully raising money and/or distributing disaster relief and must not arbitrarily confiscate such relief funds or materials.

The human rights challenges in Türkiye and Syria are set out below and are based on Amnesty International's past work on natural disasters, including the catastrophic 2010 earthquake in Haiti, and on best practice guidelines for the protection of human rights in such crisis situations.²

NON-DISCRIMINATION

The fundamental principle of non-discrimination must be integrated into all disaster prevention, response, relief, recovery and reconstruction efforts from the earliest stages. States must respect, protect, and fulfill their human rights obligations without discrimination. Any state response must ensure that people are able to assert their rights and are not otherwise disadvantaged or subjected to reprisals based on their race,

¹ Türkiye declared a state of emergency (SoE) on 7 February 2023 in the disaster affected provinces and subsequently notified the Council of Europe Secretary General of derogations under Article 15 of the European Convention on Human Rights for Articles 4§2, 8, 10 and 11 and Articles 1 and 2 of Protocol No. 1, "to the extent required by the exigencies of the situation." Under international law, a state of emergency must threaten the life of the nation, be provided in law, and must be necessary and each measure proportionate to a legitimate state objective. Such emergencies must be exceptional and thus temporary, and the key goal of the state must be to return to a situation of normalcy as soon as possible. No derogation is permitted from the right to life, the absolute prohibition on torture and other ill-treatment, or the principle of nondiscrimination, among others. Amnesty International will be monitoring the state of emergency in Türkiye to ensure that all measures implemented meet the strict requirements of Türkiye's obligations under the ECHR and other international standards.

² See The Brookings-Bern Project on Internal Displacement, IASC Operational Guidelines on the protection of persons in situations of natural disasters, January 2011, https://www.ohchr.org/sites/default/files/Documents/Issues/IDPersons/OperationalGuidelines_IDP.pdf; UNDP Pacific Centre and OHCHR Regional Office for the Pacific, Checklists for integrating human rights in natural disaster management in the Pacific, 2007, <https://reliefweb.int/report/world/checklists-integrating-human-rights-natural-disaster-management-pacific>; Amnesty International, Haiti's human rights challenge. 29 January 2020, <https://www.amnesty.org/en/latest/news/2010/01/haitis-human-rights-challenge-20100129/>

ethnicity, colour, sex, language, religion, political or other opinion, national or social origin, sexual orientation, marital status, property, disability, birth, age or other status. No person should be denied access to aid due to the absence or loss of identity or other documentation. A human rights-compliant approach to natural disasters that takes into account the particular needs of at-risk groups can also prevent exposure to future human rights violations.

In Syria, the government continues to prevent or restrict aid from entering areas with populations perceived to be opposed to the government or areas outside its control. At least four million people living in northwest Syria under the control of opposition groups were already living in appalling conditions, entirely dependent on humanitarian aid due to the Syrian government's denial and obstruction of access to aid and essential services. They had no capacity to cope with additional destruction and damage inflicted by the earthquakes. After the earthquakes, both the Syrian government and armed opposition groups restricted aid crossing from Damascus to the northwest.

The Syrian government has prevented aid from reaching predominantly Kurdish neighbourhoods in areas under the control of the Kurdish civilian council in Aleppo city, which were severely impacted by the earthquake.

The government also restricted and/or delayed the Autonomous Administration, the de-facto authority in north-east Syria, from delivering fuel, food and non-food items, and medical supplies to affected areas under government control and in the northwest. In northern Aleppo, armed opposition groups supported by Türkiye restricted the delivery of aid to Syrian Kurds living in the area and obstructed rescue efforts.

RIGHT TO LIFE

The immediate provision of life-saving aid in the form of personnel, machinery and operational equipment to rescue people trapped in the earthquake rubble is essential. In both Türkiye and Syria, such operational organization has been severely lacking to the point that countless deaths might have been avoided had more concerted rescue plans been triggered from the start of the crisis.

The Turkish authorities called for international assistance, which was forthcoming, but the lack of coordination, personnel and equipment including heavy machinery and specialized search and rescue technology significantly hampered lifesaving intervention. Türkiye's Disaster and Emergency Management Presidency under the aegis of the Ministry of Interior has come under fire for lack of experience and expertise. Relatives of those stuck under the rubble have taken to social media to voice their cries for help, while many reported contracting heavy equipment themselves to save lives. On 7 February, President Erdoğan acknowledged that there were problems with the state's initial response to the earthquake.

As of 15 February, only small rescue teams from Egypt and Spain were sent to assist volunteer groups in northwest Syria. Local organizations told Amnesty International that they received minimal support in terms of heavy machinery and other rescue tools that severely hampered their search and rescue efforts. However, Arab, north-African countries, Iran and others sent support to the Syrian government, which was used only in government-held areas and not in the northwest.

The first UN aid convoy to northwest Syria, travelling from Türkiye through the Bab al-Hawa border crossing -- the only UN Security Council authorized border crossing -- arrived three days after the earthquake. The Syrian government issued a three-month authorization for two new border crossings, Bab al Salam and al-Rai, for UN aid deliveries to northern Syria on 13 February -- more than a week after the earthquakes. Local organizations told Amnesty International that the delay in UN aid was partially attributed to the insufficient number of border crossings and coordination related challenges. The Bab al-Hawa crossing has been the only lifeline to millions in northwest Syria since July 2020 when Russia and China vetoed the reauthorization of the Bab al-Salam crossing.

Türkiye, Syria and the international community must commit to faster, more efficient provision of aid, free from undue political influence and maneuvering. UN member states should do everything in their power to ensure that the UN has sufficient access to northern Syria for as long as necessary to meet survivors' urgent needs.

RIGHT TO INFORMATION

Survivors of humanitarian disasters have a right to timely, relevant, accessible and accurate information in a language they understand, without discrimination. Provision of such information can prevent further loss of life. Disaster affected people and communities must also be afforded meaningful participation and consultation in any decisions/strategies for addressing their needs, including opportunities for self-help and mutual aid within and among communities. At minimum, survivors should have access to timely information regarding those who are dead or presumed to be dead; any available information about missing relatives or friends; and specific details regarding the provision of food, water, shelter, medical, reproductive health, and other essential services.

FREEDOM OF EXPRESSION/MEDIA FREEDOM

The state is obligated to respect, protect, promote and fulfill the right to freedom of expression. Any restrictions on this right must be provided by law and be necessary and proportionate. In Türkiye, people trapped under the earthquake debris had been communicating via social media regarding their whereabouts in order to effect their own rescues. The Turkish government's apparent banning of Twitter and Tik Tok on 8 February was a blow to such rescue efforts. Although access without requiring VPN (Virtual Private Network) has been restored, any such ban was neither necessary nor proportionate to meet a legitimate state objective, which should have been to facilitate lifesaving technologies, not cut them off because authorities were offended by criticism about their handling of the crisis.

Media provide news and other information in the public interest and must be permitted to operate freely, especially in times of crisis when such information could be lifesaving. Media in both Türkiye and Syria are tightly controlled and journalists, including from foreign outlets, and independent media outlets have struggled to operate in both countries. In government-controlled areas in Syria, the authorities control all media and online expression, and there are no independent media outlets. In April 2022, following increasing criticism of the Syrian government's socio-economic policies, a new cybercrime law was passed that imposed harsh sentences and fines against anyone who criticized the authorities online.

The Turkish government's response to the catastrophe led to widespread criticism, including in the media, regarding the lack of and deficiencies in rescue efforts in the hours and first days after the earthquake. On 7 February, President Erdoğan publicly threatened to target those who criticized the authorities. In the first two days following the earthquake, the state detained over 90 people, including journalists, some based solely on their social media posts. The same day, the head of media and communications at the Presidency Fahrettin Altun announced the launch of a mobile app to fight disinformation. While disinformation is a serious concern, a key way to prevent it is to ensure more media freedom.

ARBITRARY DETENTION

The prohibition against arbitrary detention is absolute. As noted, in Türkiye the authorities have detained persons critical of the government's slow response to the earthquakes. Several people have been arbitrarily detained based on nothing more than their condemnation of the poor state response to the disaster and pleas for more help. In Syria, the government and armed opposition groups have routinely arrested or apprehended individuals simply for expressing critical opinions. There have been reports that those criticizing the Syrian government's aid distribution efforts and accusing the government of siphoning off aid were arrested. People's right to freedom of expression includes the right to criticize their government without reprisals such as arbitrary detention.

TORTURE AND OTHER ILL-TREATMENT

The ban on torture and cruel, inhuman and degrading treatment is absolute, allowing no exceptions, even in times of national emergency. People who have been detained for alleged looting following the earthquake

in Türkiye have been subjected to torture and other ill-treatment in state custody. Videos of such abuse are under review by Amnesty International and people's testimonies regarding their ill-treatment continue to be collected. In Syria, torture and other ill-treatment in detention by Syria's security forces, and to a lesser extent armed opposition groups, are prevalent and fostered by a culture of impunity.

Deaths in custody: At least one person is confirmed to have died in state custody in Türkiye after being detained by the police. On 15 February, it was reported that three gendarmes have been suspended in connection with this death.

RIGHTS OF DISPLACED PEOPLE

Hundreds of thousands of people in Türkiye and Syria have been left without homes or other adequate shelter by the earthquakes and many have fled the devastated areas.

All survivors should be able to access emergency shelter in hotels, dormitories, hostels or other accommodation reserved for earthquake victims. People in earthquake-affected areas must be permitted to leave and seek shelter and humanitarian aid in other cities. The authorities, in collaboration with humanitarian aid agencies, civil society organizations and representatives of the affected people must devise a time-bound plan for relief and recovery measures, including for moving people will be out of emergency accommodation into more permanent forms of housing.

Displaced people must be supported to make voluntary and informed decisions about their future, without discrimination and irrespective of citizenship or residence status.

Any relocation of internally displaced persons from camps or disaster areas must be voluntary, unless the safety and health of those affected requires evacuation. Procedural safeguards should be put in place to ensure that any evacuations comply with international standards on evictions. After people are moved away from danger, states must ensure that terms of resettlement and conditions at all resettlement sites comply with the criteria for adequacy of housing under international human rights law. Displaced people should not be coerced in any way, including through the suspension of assistance. All displaced persons have the right to return to their former homes unless safety issues prevent it. Where displaced persons are unable to return to their former homes because of safety concerns, the government must prepare a clear time-bound plan for the restoration/rebuilding of those areas so that they are safe for living and people can return to their former homes as soon as possible.

Even before the earthquake, 2.7 million people who resided in northwest Syria were internally displaced from different parts of the country due to the conflict in the country. The majority live in tents and appalling conditions that exacerbate disease and expose women and girls to gender-based violence. After the earthquakes, the UN said that almost 60,000 people were displaced in the area. Urgent steps should be taken to ensure that internally displaced people affected by the earthquake have equal access to relief and rehabilitation measures.

In government-held areas of Syria, some neighbourhoods were evacuated and buildings demolished after damage assessment teams deemed them unsafe. It is still unclear if the government will provide all the owners of these structures with financial support or alternative housing. To date, the government announced the start of the construction of 300 prefabricated housing units in Aleppo city.

Authorities must commit to, develop, and implement a plan to either provide affected people with adequate alternative housing or rebuild housing in the area that is safe and earthquake resistant. All decisions concerning alternative housing whether in the form of resettlement or built in-situ must be taken after a process of genuine consultation with affected people.

TREATMENT OF REFUGEES AND MIGRANTS

Persons requiring international protection due to their status as refugees and asylum seekers must have their rights safeguarded. There have been credible reports from Türkiye that Syrian refugees have been targeted by both civilians and state actors for physical abuse and verbal harassment in racist attacks and/or

with hate speech. Reports also indicate that Syrian refugees have been evicted from emergency camps in Türkiye to make room for Turkish survivors.

The Turkish authorities must not engage in the scapegoating of refugees or tolerate such abuses by others against them. Apart from their obligation to refrain from discrimination, state authorities also have a general positive obligation to secure human rights on a non-discriminatory basis to persons and groups subject to their jurisdiction. This includes positive obligations to counter racism and discrimination by taking protective action against threats and attacks.

Migrants must be treated in accordance with international human rights standards, including the International Convention for the Protection of the Rights of all Migrant Workers, to which both Türkiye and Syria are state parties.

CHILDREN'S RIGHTS

In their response to the earthquakes, Türkiye and Syria must take into consideration the general principles of the UN Convention on the Rights of the Child and the specific risks for children's rights.

The child's right to non-discrimination, the best interests of the child, the right to be heard and the right to life, survival and development principles remain of fundamental importance to the governments' responses to the earthquakes.

In both countries, hundreds of children have been rescued, but their parents remain missing. Many children cannot even be identified as they are too young to know their full names or home addresses. Türkiye and Syria must take all necessary measures to identify separated children at the earliest possible stage and reunify separated children with their families as a matter of urgency. When temporary alternative care is considered to be in the best interests of the child, suitable alternative care should be provided.

The adoption of separated and unaccompanied children should only take place if it is considered to be in the best interests of the child and after efforts to trace and reunite a child with their family have been unsuccessful. Adoption arrangements should be avoided if the situation remains unsettled. International adoption should be a measure of last resort, used only after domestic alternatives – including rigorous efforts to locate parents, other relatives, or domestic adoptive parents -- have been exhausted. Competent authorities must ensure that children are not taken out of the country without adequate safeguards in place and the completion of formal legal proceedings for international adoption.

With families separated, hundreds of children in Türkiye and Syria face greater risks of violations and abuses. Türkiye and Syria have an obligation to protect children from any forms of abuse and exploitation, including trafficking; child labour; contemporary forms of slavery, early and child marriage, and sexual exploitation, among others. Turkish and Syrian state institutions must provide the capacity to determine the status of children and every effort should be made to minimize family separation in the context of rescue and disaster relief operations.

Family tracing and reunification should be a priority for the international community, the Turkish and Syrian authorities and international aid agencies.

The return of children to schools must be facilitated as quickly as possible. Special measures must be put in place to ensure that girls, children with disabilities and other marginalized groups have equal access to education.

VIOLENCE AGAINST WOMEN AND GIRLS

In post-disaster situations, women and girls are often particularly at risk of sexual violence, exploitation by traffickers and reduced access to sexual, reproductive and maternal health services and care. Their disadvantage in accessing aid is well documented.

Women and girls must have access to menstrual products and healthcare that specifically addresses their medical needs. Local authorities responsible for aid distribution must not discriminate against women based on their gender or marital status.

Those involved in relief and reconstruction efforts must ensure that the prevention of all gender-based violence, particularly sexual violence, is integrated into their work. Survivors of such violence must be provided with appropriate medical and psych-social support.

RIGHTS OF LGBTQI+ PEOPLE

People in the LGBTQI+ in Türkiye have endured harassment, physical assault, and other rights abuses in for many years. In the aftermath of the earthquakes, many LGBTQI+ people have refrained from attempting to access shelter, medical care or other aid for fear of reprisals and concerns about their safety. State authorities and civic volunteers have prioritized “traditional” families in providing transportation to access aid and services.

Amnesty International is monitoring reports of physical assaults on members of the LGBTQI+ community and access to economic and social rights, including adequate housing and access to employment. The Turkish authorities must not discriminate against LGBTQI+ people in the provision of aid, refrain from rhetoric or other action that targets or scapegoats LGBTQI+ people, and hold accountable any person who discriminates against, levels hate speech at or physically assaults members of the LGBTQI+ community.

INCLUSION OF OLDER PEOPLE AND PEOPLE WITH DISABILITIES

Older people and people with disabilities have been recognized among the most marginalized groups during crises. There are often gaps in humanitarian response programmes affecting them, including significant barriers in equally accessing their rights and exclusion from meaningful participation and representation in decision making. Older women and women with disabilities often face compounded risks of exclusion.

Relief efforts must ensure that infrastructure in displacement sites – for example, shelters, latrines, water points – is accessible for older people and people with limited mobility. Entities involved in distribution of aid, whether rations or cash-based assistance, must ensure it equally reaches older people and people with disabilities and that these efforts are not centralized. Health services must also not be exclusively centre-based and must ensure that older people and people with disabilities have access to medication, referral and follow-up services as well as quality assistive devices and prostheses. Where older people and people with disabilities are not able to access relief and other distribution points, special measures must be put in place to ensure that relief – whether rations, cash or healthcare is delivered to them.

BUSINESS AND HUMAN RIGHTS

All businesses are expected to respect human rights and should avoid engaging in any activities/operations that harm the rights of others. In this context, it is appropriate for the authorities to investigate the role that companies may have played in the disaster, for example by flouting building safety and construction rules. In Türkiye, the Ministry of Justice announced the detention of over 100 building contractors for building code and other regulatory violations. The Ministry also announced the establishment of Earthquake Crimes Investigation bureaus “to identify contractors and others responsible for building works, gather evidence, instruct experts including architects, geologists and engineers, and check building permits and occupation permits.”

However, the focus on private contractors and businesses should not detract the authorities from the state’s own responsibility and liability for poorly constructed buildings that could not withstand the force of the earthquakes due to structural deficiencies. States are obligated under international human rights law to protect against human rights abuse within their territory by third parties, including business enterprises. Authorities in Türkiye have faced criticism for the large-scale government amnesties for buildings constructed without adherence to strict building regulations. In a written reply dated December 2022 to an opposition parliamentary question from October 2022, the Minister for the Environment, Urbanization and Climate Change Murat Kurum stated that the last such amnesty was granted in 2018 with over three million

building registration documents being issued. The state is responsible for regulating the construction industry, eliminating corruption within it and holding those that violate regulations to account.

MILITARY OPERATIONS

Attacks on areas in northern Aleppo and northwest Syria continue to be reported in the aftermath of the earthquakes. All parties, including the Syrian and Turkish governments, and armed opposition groups, must immediately cease attacks on civilians and civilian infrastructures, as well as all indiscriminate attacks in the region.

Amnesty International is a movement of 10 million people which mobilizes the humanity in everyone and campaigns for change so we can all enjoy our human rights. Our vision is of a world where those in power keep their promises, respect international law and are held to account. We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and individual donations. We believe that acting in solidarity and compassion with people everywhere can change our societies for the better.

Contact


info@amnesty.org


facebook.com/
AmnestyGlobal


@Amnesty


amnesty.org



Amnesty International
Peter Benenson House
1 Easton Street
London WC1X 0DW, UK

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Index: **EUR 44/6470/2023**

Publication: **February 2023**

Original language: **English**

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