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The Plight of the Turkish Asylum Seekers

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by

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Turkey has been a bastion of hope and source of inspiration for the Muslim world as a liberal, democratic, secular and progressive country for having achieved a consistent developmental momentum, ensured wider distributive justice and established robust democratic institutions and responsive governance. Since assumption of power in 2002, the ruling Justice and Development Party (AKP) pursued inclusive growth and at the same time created plethora of opportunities for the people to exercise and expand their right and development choices freely. Even during the global financial crises of 2007-08 when the entire western world was witnessing economic downturn, Turkey managed to sustain its economic growth rate between 4 to 5%; maintained its credit worthiness, portfolio investment and foreign trade; and above all ensured the unflinching confidence of the citizens, consumers and investors. Turkey's perception as role model for the Muslim countries was at its zenith during the Arab Spring; many Muslim countries, engaged in the strife to transform the totalitarian and authoritarian regimes, ardently aspired to emulate the Turkish model.

However, some of the recent events and actions by the Government of Turkey are indeed a cause of concern for the democratic world and especially for those who were inspired by the country political maturity through pluralist and inclusive institutions; civilian supremacy and oversight of the armed forces and state security apparatus; and its role in reshaping the global economic and political order. There has been a continuous deterioration of human rights, freedom of expression, persecution of opponents and abuse of government's authority and writ to curtail pluralist forums and voice of dissent especially since 2013. The July 2016 failed coup emboldened the government to further stifle and curb these rights. More than 160 media and publishing houses have been

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closed down; 165 journalists imprisoned and over 100,000 civil servants, among others, arbitrarily dismissed without observing due process. The hotly contested constitutional referendum of 16 April 2017 led to a narrow margin victory of the ruling party and instituted the Presidential form of government. With the concentration of powers in the office of President, there is a gross risk for further erosion of fundamental rights, rule of law and independence of judiciary.

The changing political culture and intolerance to dissent in Turkey has had its toll even beyond the territorial borders of the country. In Pakistan, Pak-Turk Education Foundation (PTEF) and the teaching staff seem to be victims of this aberration. PTEF has been working in Pakistan since 1999 to promote quality education in the country as a tool of human and social development. The focus of their School System is on imparting high quality education to the Pakistani students, character building and creating future leaders committed to establishing a peaceful, tolerant and harmonious society based on the principles of humanism as enunciated by great Muslim scholar and saint Maulana Jalal-ud-din Rumi. The Foundation had 26 Pak Turk International Schools in 10 Cities (Islamabad, Rawalpindi, Peshawar, Lahore, Multan, Jamshoro, Karachi, Khairpur Mirpur, Hyderabad and Quetta) with more than 11000 Pakistani students. The fact that its students won more than 30 gold, 65 silver and 80 bronze academic medals besides notable achievements in sports and national and international competitions speaks volume of the Foundation's contribution to Pakistani education system.

Ill luck would have it, the Government of Pakistan ostensibly under pressure from the Turkish government declined in November 2016 the Turkish staff and their families extension of visa and subsequently ordered them to leave the country within 3 days despite the fact that a lot many were serving the education cause of Pakistan for more than 20 years. Fearful of violence, persecution and oppression on their return to Turkey and based on the direct knowledge of the plight and victimization of their colleagues who were already repatriated, the affected staff sought a temporary relief from the High Court and at the same time, filed a petition to UNHCR Pakistan for asylum, or of proper refugee

status or resettlement in another democratic country. Their petition is under consideration of UNHCR.

An asylum-seeker, under the international law, has a right to seek sanctuary in another country for safe and secure living as a result of threat of oppression, violence or persecution in his or her own country. According to the latest data, around one million people seek asylum every year.

UNHCR, as the lead UN lead agency for refugees and asylum seekers, is mandated to protect and safeguard the rights of all those affected individuals who are desirous to seek asylum from persecution.

The United Nations 1951 Convention Relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees provides the framework for national governments on legislations concerning political asylum. The 1951 Convention, ratified by 154 countries including Pakistan, also embodies a core principle of "non-refoulement" which envisages that a refugee or an asylum seeker should not be returned to the country of origin where they face serious threats to their life or freedom. All the signatories of the Convention are obliged to cooperate with UNHCR to respect, protect and create conducive environment for the affected persons.

While UNHCR should ideally determine the legitimacy and grant of asylum to the desirous applicants, there are many governments who do not accede this determination to UNHCR. In such cases, UNHCR has to play a very active role as a watchdog in ensuring that the applicants case is considered strictly on merit to the total exclusion of the possible influence of the country of origin of the applicant. UNHCR may even press for or manage to grant subsidiary protection for the asylum seekers who do not have a well founded fear of persecution- a condition precedent under the 1951 Convention to get refugee status - if the applicants face possibility of a substantial risk of being subjected to persecution, torture or serious harm on return to their country of origin. The Universal Declaration of Human Rights also enjoins upon the member countries and the UN system to respect and protect the fundamental human rights including the right to seek asylum.

Turkey has contributed tremendously under the leadership of President Erdogan to demonstrate to the world that a Muslim country, without departing from the fundamentals of Islam, can articulate and implement a shared vision characterized by political pluralism, policy stability, democratic order, rights-based and inclusive approach to development with equity, an enlightened citizenry and above all robust political, legal, economic and judicial frameworks. In the quest to retain power, hopefully, it will not squander away the cumulative gains made ever since the inception of AKP government and revert to the journey for ascendance which it earlier embarked on with all earnestness and commitment. This is important not only for the people of Turkey but also for the Muslim world and beyond. The staff of PAK Turk School and their families are citizens of the country and need to be treated by government with all respect to their basic rights. Equally important, it is for the government of Pakistan to provide relief at least in the interregnum to the affected Turkish families especially when they have served with dedication and commitment in advancing education for the last 20 years. UNHCR is a key player in the process- true to its mandate - it must facilitate the "asylum seekers" either to obtain refugee status or to relocate them in the countries where they could find a temporary abode pending return of normalcy and conducive conditions in their great country of origin.