

ECtHR Unjustly Refuses to Protect Children and Vulnerable Individuals in Detention

On July 21st, the European Court of Human Rights (ECtHR) unjustly refused to take measures to protect children and vulnerable individuals of a persecuted religious minority group in detention in Turkey. Despite overwhelming evidence of ongoing violations of their human rights, the Court rejected an application for interim measures and left the group without support or protection.

On May 24th, [having exhausted all legal pathways](#) to enter the EU, a group of 103 members of the persecuted Ahmadi Religion of Peace and Light approached the official Kapikule border crossing point from Turkey in an attempt to legally enter and lodge claims for international protection in Bulgaria. The group reported that they were met with [extreme violence](#) before being apprehended and taken to the Edirne Provincial Gendarmeria Command and later transferred to the Edirne Migration Centre. The two Turkish members of the group were released, whilst the others remain detained there some two months later.

The remaining 101 members of the persecuted religious minority have reported inhumane and degrading treatment and conditions in the Centre. These [reports](#) attest to ill-treatment, intimidation and medical neglect resulting in deteriorating health and psychological conditions. These conditions have been [applied indiscriminately](#) to the entire group, including the 22 children aged between 1 and 17, and the 27 elderly or sick adults which may be considered vulnerable individuals. They are being held in groups of 10-15 individuals in cells of less than 35 square metres, with one bathroom available for the entire group and a critical lack of hygiene supplies and basic provisions like changes of clothing, or sufficient food supplies. Many of them, including children, have been forced to sleep on the floor or outside - one child wet himself from the trauma of the situation and was forced to stay outside in the cold wearing the same clothes. The breastfeeding mothers have been unable to produce milk and been denied milk substitutes for their babies, and serious medical conditions are being left unattended to.

It is clear that the group are exposed to ongoing severe violations of Article 3 of the European Convention on Human Rights (ECHR) and, in line with this, on July 11th a request for interim measures was lodged at the European Court of Human Rights (ECtHR) focussed on the need to terminate the ongoing violations of Article 3, inter alia by obtaining an independent medical examination of the group and an independent monitoring of their conditions. On July 21st the Court communicated their decision not to indicate to the Government of Turkey the measures requested, with no reasoning for the rejection provided. This decision is in stark contrast to the ECtHRs case law,¹ especially concerning the detention conditions of children, whose vulnerability should always take precedence over any consideration related to their documentation status. It represents a deeply concerning outcome, with [substantial press coverage](#) of the event as well as consideration in an [OSCE meeting](#) and by [UN experts](#) further confirming the conditions faced by the group. In the face of such evidence, the case has been unjustly overlooked by the ECtHR, leaving the Applicants continuously exposed to systematic and routine violations of their fundamental

¹ For jurisprudence see: Mubilanzila Mayeka and Kaniki Mitunga v. Belgium, 2006; Muskhadzhiyeva and Others v. Belgium, 2010; Popov v. France, 2012; A.B. and Others v. France, 2016; G.B. and Others v. Turkey, 2019.

rights. **We, the undersigned, call for a re-examination of the case at the earliest moment possible due to the pressing nature of the ongoing violations.**

Signatories:

The Border Violence Monitoring Network

Blindspots e.v.

Border Voices

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Human Rights Without Frontiers

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Three Peas