



Home Office

Country Information and Guidance

Turkey: Prison Conditions

Version 1.0

February 2016

Preface

This document provides country of origin information (COI) and guidance to Home Office decision makers on handling particular types of protection and human rights claims. This includes whether claims are likely to justify the granting of asylum, humanitarian protection or discretionary leave and whether – in the event of a claim being refused – it is likely to be certifiable as ‘clearly unfounded’ under s94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers must consider claims on an individual basis, taking into account the case specific facts and all relevant evidence, including: the guidance contained with this document; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.

Country Information

The COI within this document has been compiled from a wide range of external information sources (usually) published in English. Consideration has been given to the relevance, reliability, accuracy, objectivity, currency, transparency and traceability of the information and wherever possible attempts have been made to corroborate the information used across independent sources, to ensure accuracy. All sources cited have been referenced in footnotes. It has been researched and presented with reference to the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), dated April 2008, and the [European Asylum Support Office’s research guidelines, Country of Origin Information report methodology](#), dated July 2012.

Feedback

Our goal is to continuously improve the guidance and information we provide. Therefore, if you would like to comment on this document, please [e-mail us](#).

Independent Advisory Group on Country Information

The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to make recommendations to him about the content of the Home Office’s COI material. The IAGCI welcomes feedback on the Home Office’s COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy.

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Information about the IAGCI’s work and a list of the COI documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector’s website at <http://icinspector.independent.gov.uk/country-information-reviews/>

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Guidance

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1. Basis of Claim

- 1.1.1 Fear of being imprisoned on return to Turkey and that prison conditions are so poor as to amount to torture or inhuman or degrading treatment or punishment.

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2. Consideration of Issues

2.1 Credibility

- 2.1.1 For further guidance on assessing credibility, see sections 4 and 5 of the [Asylum Instruction on Assessing Credibility and Refugee Status](#).
- 2.1.2 Decision-makers must also check whether there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)).
- 2.1.3 Decision-makers should also consider the need to conduct language analysis testing (see the [Asylum Instruction on Language Analysis](#)).

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2.2 Is the person reasonably likely to be imprisoned on return to Turkey?

- 2.2.1 Decision-makers must establish the likelihood that the person will be imprisoned on return, including if necessary whether the alleged offence constitutes an offence under Turkish law, and, if so, is one which is likely to be punishable by a term of imprisonment (see [Criminal Code](#)).
- 2.2.2 If so, decision-makers must also consider whether the law is discriminatory or being disproportionately applied.
- 2.2.3 If the decision-maker believes that the person is likely to face imprisonment on return to Turkey, consideration must be given as to whether Article 1F of the Refugee Convention is applicable.
- 2.2.4 For further information on this see the Asylum Instruction on [Exclusion: Article 1F of the refugee convention](#).

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2.3 Is the person reasonably likely to face the death penalty on return?

- 2.3.1 Despite some public and political support for its reintroduction, the last execution in Turkey was carried out in 1984 and capital punishment was abolished in 2004 (see [Death Penalty](#)). A person would not therefore currently face the death penalty if returned to Turkey.

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2.4 Are prison conditions so severe that prisoners suffer treatment contrary to Article 3 ECHR?

- 2.4.1 Prison conditions in Turkey vary widely. Conditions in some prisons can be harsh and overcrowded, with access to medical care varying between prisons. Prisoners frequently lacked adequate access to potable water, proper heating, ventilation, and lighting and there were reports that hygiene and overcrowding are serious problems in some prisons. However, the Turkish government have begun a major prison reform programme, and as part of this, 10 new prisons were constructed during the period October 2013 to September 2014. It is planned that 194 new prisons which conform to international standards will be in service by 2017 (see [Numbers of Prisons and Prisoners](#) and [Physical Conditions](#)).
- 2.4.2 There are reports of complaints of ill-treatment of prisoners by prison guards, although the number of such complaints has declined in recent years. In the course of visits to prisons by the Council of Europe's Committee for the Prevention of Torture (CPT), scores of persons in the prisons were interviewed and the great majority stated that they had been treated by prison officers in a correct manner. However, the CPT also found a number of allegations of recent physical ill-treatment of juveniles by staff at some juvenile prisons (see [Mistreatment of persons in custody](#)).
- 2.4.3 Various inter-governmental bodies have commented that domestic monitoring arrangements are inadequate and that monitoring boards are unable to carry out their inspections effectively due to insufficient resources, training, and expertise (see [Accountability and monitoring](#)).
- 2.4.4 In general, prison conditions in Turkey are not so systematically inhumane and life-threatening as to meet the threshold of Article 3 of the ECHR.
- 2.4.5 Decision-makers should carefully consider each case on its individual merits and personal circumstances. For the factors to be considered and further guidance, see Section 3.4 of the [Asylum Instruction on Humanitarian Protection](#).

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2.5 Certification

- 2.5.1 Where a claim based solely on the person being imprisoned on return to Turkey falls to be refused, it is likely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.
- 2.5.2 For further guidance on certification, see the [Appeals Instruction on Certification of Protection and Human Rights claims under Section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#).

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3. Policy summary

- 3.1.1 Prison conditions vary widely, and may be harsh; however, the government have commenced a major prison reform programme, with new prisons being built.
- 3.1.2 The majority of prisoners reported being treated correctly by prison guards, but there are some allegations of ill-treatment in juvenile prisons.
- 3.1.3 Domestic monitoring arrangements are inadequate.
- 3.1.4 In general, prison conditions in Turkey are not so systematically inhumane and life-threatening as to meet the threshold of Article 3 of the ECHR.
- 3.1.5 Decision-makers should therefore carefully consider each case on its individual merits and personal circumstances.

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4. Criminal Code

4.1 Criminal Code

4.1.1 The stated objective, under Article 1(1) of the Criminal Code of the Republic of Turkey is 'to protect the individual rights and freedom, public order and security, state of justice, public health and environment, and communal peace, as well as to discourage commitment of offences. This Law defines the basic principles for criminal responsibility and types of crimes, punishments and security precautions to be taken in this respect.'¹

4.1.2 A full version of the Criminal Code is available via the link in footnote 1.

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5. Death Penalty

5.1.1 Amnesty International's report on Death Sentences and Executions 2014 published in April 2015 lists Turkey as having abolished the death sentence for all crimes.² Various sources report that Turkey banned the death penalty in all cases in 2004 as part of its negotiations to join the EU.^{3, 4 & 5}

5.1.2 A May 2014 article in AI Monitor explains further that 'The last execution took place in 1984, even though the death penalty was not abolished until 2002 – except for treason during times of war or a threat to national security – and then in 2004 for all crimes, including treason.'⁶ The report went on to note Erdogan's comments following the murder of woman, when he stated: "Such crimes merit the death penalty. Even if we do not reinstate the death penalty, I have instructed our friends to work on much tougher punishments."⁷

¹ Legislation Online. 'Criminal Code of the Republic of Turkey', Law No. 5237, dated 12 October 2004. <http://www.legislationline.org/documents/action/popup/id/6872/preview> Date accessed: 8 April 2015.

² Amnesty International. 'Death Sentences and Executions 2014,' dated April 2015 (Annex II). Abolitionist for all crimes, page 64).

https://www.amnesty.org.uk/sites/default/files/death_sentences_and_executions_2014_en.pdf Date accessed: 20 July 2015.

³ International Commission against the Death Penalty. 'How States Abolish the Death Penalty,' dated April 2013 (page 29). <http://www.icomdp.org/cms/wp-content/uploads/2013/04/Report-How-States-abolition-the-death-penalty.pdf> Date accessed: 20 July 2015

⁴ BBC News. 'Turkey agrees death penalty ban', dated 9 January 2004.

<http://news.bbc.co.uk/1/hi/world/europe/3384667.stm> Date accessed: 8 April 2015.

⁵ Bloomberg News. 'Turkey's Death Penalty Debate Demonstrates Waning EU Influence', dated 16 February 2015. <http://www.bloomberg.com/news/articles/2015-02-16/turkey-s-death-penalty-debate-demonstrates-waning-eu-influence>. Date accessed: 8 April 2015.

⁶ AI Monitor. 'Turkey's child murders revive death penalty debate,' dated 3 May 2014 <http://www.ai-monitor.com/pulse/originals/2014/05/turkey-murders-child-death-penalty.html#ixzz3WjA2LJIY> Date accessed: 8 April 2015.

⁷ AI Monitor. 'Turkey's child murders revive death penalty debate,' dated 3 May 2014. <http://www.ai-monitor.com/pulse/originals/2014/05/turkey-murders-child-death-penalty.html#ixzz3WjA2LJIY> Date accessed: 8 April 2015.

- 5.1.3 In 2012, then Prime Minister Erdogan suggested that most people in Turkey backed a restoration of the death penalty, citing the suffering of hundreds of families who had lost loved ones in attacks by the ‘terrorist’ PKK. The Foreign Minister reportedly made clear that Turkey had no intention of going back on changes it had made in pursuit of its EU membership bid.⁸ According to news reports, in 2014 several brutal murders of children⁹ and in 2015 the attempted rape and murder of a 20-year-old university student¹⁰ sparked outrage across Turkey and has prompted widespread calls to bring back the death penalty.
- 5.1.4 Following the murder of a young woman in February 2015, there have been proposals to reintroduce the death penalty. Bloomberg reported on 16 February 2015 that:
- ‘Turkish officials including the economy minister, the head of parliament’s judicial committee and the lawmaker chosen by the ruling party to rewrite the nation’s constitution all advocated the reintroduction of the death penalty in response to the murder... Prime Minister Ahmet Davutoglu said on Sunday that he would do “whatever it takes” to ensure such incidents don’t recur, without naming specific proposals... While Erdogan didn’t explicitly call for the death penalty after the Aslan [murder] case, he has done so several times in the past. In May last year, he said: “Turkey has a problem because we lifted the death penalty during the EU process.”’¹¹
- 5.1.5 EU diplomatic sources told Hurriyet Daily News in a report dated 16 February 2015 that: ‘We have no comment to make specifically on statements made by public figures about reintroducing the death penalty in Turkey, as no official proposal has been tabled. The EU remains firmly against the death penalty.’¹²

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6. Prison Conditions

6.1 Numbers of Prisons and Prisoners

- 6.1.1 As of 7 June 2015, the Turkish Ministry of Justice’s General Directorate for Penal and Detention Houses noted that there are 360 prisons in Turkey with a capacity of 167,620.¹³ The total population as of 18 February 2015 was 164,461.¹⁴

⁸ Al Arabiya. ‘Alarm in EU as Turkey moots return to death penalty,’ dated 17 November 2012. <http://www.alarabiya.net/articles/2012/11/17/250114.html> Date accessed: 20 July 2015.

⁹ The National. ‘Turkey child murders sparks outrage prompting calls to reinstate death penalty,’ dated 5 May 2014 <http://www.thenational.ae/world/europe/turkey-child-murders-sparks-outrage-prompting-calls-to-reinstate-death-penalty> Date accessed: 20 July 2015.

¹⁰ Al Arabiya. ‘Should Turkey reinstate the death penalty?’ dated 21 February 2015 <http://english.alarabiya.net/en/views/news/middle-east/2015/02/21/Slain-young-woman-sparks-death-sentence-debate-in-Turkey.html> Date accessed: 20 July 2015.

¹¹ Bloomberg News. ‘Turkey’s Death Penalty Debate Demonstrates Waning EU Influence,’ dated 16 February 2015 <http://www.bloomberg.com/news/articles/2015-02-16/turkey-s-death-penalty-debate-demonstrates-waning-eu-influence> Date accessed: 6 September 2015.

¹² Hurriyet Daily News. ‘EU remains against death penalty in Turkey,’ dated 16 February 2015 <http://www.hurriyetdailynews.com/eu-remains-against-death-penalty-in-turkey.aspx?pageID=238&nID=78448&NewsCatID=351> Date accessed: 20 July 2015.

¹³ Turkish Ministry of Justice’s General Directorate for Penal and Detention Houses. ‘Prisons: General

6.1.2 The US Department of State (USSD) reported in its Human Rights report covering 2014 that:

'On September 5 [2014], according to the Ministry of Justice, there were 368 prisons with a designed capacity of 158,073. As of August 18 [2014], the prisons held 150,126 inmates, including 20,233 persons in pretrial detention and 129,893 convicts. The ministry reported the average length of arrest was eight months and 25 days. The military reported that 21 military prisons held eight convicted prisoners and 212 pretrial detainees. The [domestic NGO Human Rights Association] HRA reported that despite official numbers suggesting the opposite, the number of prisoners was actually higher than prison capacity and overcrowding was a problem. Authorities occasionally held detainees together with convicts.

'As of September [2014] there were 5,358 women in prison, of whom 721 were in pretrial detention and 4,637 were convicts. There were 1,724 children in prison, including 1,232 in pretrial detention and 492 convicts.'¹⁵

6.1.3 For further information on the size of the prison population, see The Daily Sabah,¹⁶ the International Centre for Prison Studies¹⁷ and Today's Zaman.¹⁸

6.1.4 In its response of October 2014 to the UN Committee against Torture, the Turkish government stated:

'In the context of ongoing works on measures to decrease the rate of imprisonment, international legislation and best practices are examined.... by 2017, it is planned that 194 new prisons will be put to service, 163 district prisons that are not in accordance with contemporary execution regime will be closed and, by the end of 2017, it is intended that the capacity of prisons will be increased to 254.161 persons and the problem of overcrowding will be solved.'¹⁹

6.1.5 The International Centre for Prison Studies stated that, as of 2 March 2015, Turkey had a prison capacity of 163,129, leading to an occupancy rate of

Information.' <http://www.cte.adalet.gov.tr/#> Date accessed: 6 September 2015.

¹⁴ Turkish Ministry of Justice's General Directorate for Penal and Detention Houses. 'Prisons: General Information.' http://www.cte.adalet.gov.tr/menudekiler/istatistikler/yeni_yillar.asp Date accessed: 6 September 2015

¹⁵ US Department of State. 'Country Report on Human Rights Practices 2014,' Turkey, dated 26 June 2015 (Section 1c. Prison and Detention Center Conditions).

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dclid=236586> Date accessed: 21 July 2015

¹⁶ Daily Sabah. 'Buildup in Turkey's prison population raises concerns,' dated 27 November 2014.

<http://www.dailysabah.com/nation/2014/11/27/buildup-in-turkeys-prison-population-raises-concerns> Date accessed: 23 February 2015.

¹⁷ International Centre for Prison Studies. 'World Prison Brief: Turkey,' date unknown.

<http://www.prisonstudies.org/country/turkey> Date accessed: 5 September 2015.

¹⁸ Today's Zaman. 'Turkish prisons full to the brim as number of inmates rises to 160,000,' dated 14 January 2015. http://www.todayszaman.com/national_turkish-prisons-full-to-the-brim-as-number-of-inmates-rises-to-160000_369815.html Date accessed: 23 February 2015.

¹⁹ UN Committee against Torture. 'Replies of the Government of Turkey to the list of issues prepared by the Committee against Torture' (CAT/C/TUR/Q/4), dated 22 October 2014 (paragraphs 256-257). http://www.ecoi.net/file_upload/4232_1422523472_g1501025.pdf Date accessed: 21 July 2015.

101.2%. The same source gave the prison population trend in the following table:²⁰

Year	Prison population total
2000	49,512
2002	59,187
2004	57,930
2006	70,277
2008	103,235
2010	120,814
2012	136,020
2014	158,537

- 6.1.6 In its 2014 Progress Report on Turkey (which covered the period from October 2013 to September 2014), the European Commission reported that: 'Reform of the prison system continued. As of August 1[2014] 612 prison staff members received training on European and international rules and standards and 3 248 additional staff were recruited. A shortage of probation officers remained an issue.

'The government constructed 10 new prisons; however, overcrowding remained a concern in many of them. There were reports on significant number of transfers of inmates, mainly from the east and south-east of Turkey to other provinces. This has an impact on the inmates' capacity to access justice and on their family contacts. There were a number of reported cases of ill-treatment in juvenile prisons.'²¹

- 6.1.7 The January 2015 report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), following a June 2013 visit to Turkey, noted that: 'The CPT's delegation observed disturbing levels of overcrowding in some of the establishments visited, in particular at Gaziantep and Şanlıurfa E-type Prisons.

'More generally, the increase in the size of the prison population in recent years has continued: at the time of the 2013 visit, the total number of prisoners being held in Turkish prisons was 131,650, compared to some 112,000 at the time of the CPT's previous periodic visit in 2009. The existing official capacity of the prison estate was said to be 147,266; however, it became clear during the visit that this capacity had been reached not only by bringing into service new establishments but also by putting additional beds

²⁰ International Centre for Prison Studies. 'World Prison Brief: Turkey,' date unknown. <http://www.prisonstudies.org/country/turkey> Date accessed: 8 April 2015.

²¹ European Commission. '2014 Progress Report on Turkey,' dated 8 October 2014 (Chapter 23: Judiciary and fundamental rights, page 50). http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-turkey-progress-report_en.pdf Date accessed: 22 July 2015

in existing accommodation units (which often led to extremely cramped conditions)....

'The CPT welcomes the Turkish authorities' efforts to tackle the problem of prison overcrowding; however, it is clear that the measures taken to date have not been sufficient.'²²

6.1.8 In its submission for the 2015 Universal Periodic Review of Turkey, the UN Country Team (UNCT) in Turkey noted that 'Improved detention conditions and efforts to prevent overcrowding by enhancing the prison capacity as well as the adoption of a probation system are positive developments with regard to the reform of the prison system in Turkey.'²³

6.1.9 In its response of October 2014 to the UN Committee against Torture, the Turkish government stated that:

'With the purpose of solving the problem of overcrowding of prisons and making the alternative methods for prison sentence functional, on 11 April 2012, Law No. 6291 on 'Amending the Law on the Execution of Punishments and Security Measures and the Law on Probation, Help Centres and Protection Board' came into force. By this law:

- (a) Remaining punishments of the convicts displaying good behavior and who serve the last six months of their punishments uninterruptedly in open prisons or complete 1/5 of their term of punishment in juvenile reformatories, can be released on probation within at most one year;
- (b) Remaining punishments of the convicts displaying good behaviour and who could not leave the open prisons for reasons beyond his/her will although conditions occur for their leave or transferred back to a closed penal institution for this reason and are expected to be released on probation within at most one year may be executed in the form of probation.'²⁴

6.1.10 The Daily Sabah reported on 24 August 2015 that: 'A new regulation enacted by the Justice Ministry decreased the requirement for transfer to open prisons to serve out one-fifth of a sentence to one-tenth.

'Under the new regulation, convicts with good conduct while serving out their sentences will be eligible for transfer. Time spent in open prisons allows for a reduction in sentences as a 2012 regulation allows convicts to be released one year earlier than their original release date if they spend at least six months in an open prison. Under the new regulation, which took effect last

²² Council of Europe. 'Report to the Turkish Government on the visit to Turkey carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 9 to 21 June 2013,' dated 15 January 2015. <http://www.cpt.coe.int/documents/tur/2015-06-inf-eng.pdf> (Section C, paragraph 45) Date accessed: 23 February 2015.

²³ United Nations. 'Universal Periodic Review of Turkey 2015 - UNCT Submission,' 2015 (paragraph 24). <http://www.refworld.org/docid/54c109084.html> Date accessed: 21 July 2015

²⁴ UN Committee against Torture. 'Replies of the Government of Turkey to the list of issues prepared by the Committee against Torture' (CAT/C/TUR/Q/4), dated 22 October 2014 (paragraph 252). http://www.ecoi.net/file_upload/4232_1422523472_g1501025.pdf Date accessed: 21 July 2015.

week, for instance, a convict sentenced to 18 months will be released after spending 54 days in an open prison.²⁵

- 6.1.11 A full list of prisons and their type can be found on the Turkish Ministry of Justice's General Directorate for Penal and Detention Houses website at <http://www.cte.adalet.gov.tr/#> (click on 'Turkish Enforcement System' under 'Information' on the left-hand side of the page).

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6.2 Physical Conditions

- 6.2.1 For comparison with statistics provided for deaths in Turkish prisons, the death rate for prisons in England and Wales in 2013 was 2.55 deaths per 1,000 prisoners.²⁶
- 6.2.2 The US Department of State (USSD) also reported in its Human Rights report covering 2014 that: 'Prison facilities remained inadequate and did not meet international standards. Underfunding and lack of access to adequate health care were problems. Overcrowding in some prisons remained a problem.

'The HRA [Human Rights Association, a domestic NGO], reported 27 deaths of prison inmates and detainees in the first eight months of the year, including one suspicious death. The HRF [Human Rights Foundation, an NGO] counted at least 31 deaths in the first nine months. The Ministry of Justice reported that as of September 5 [2014], 162 inmates and 26 detainees had died in prison. The General Staff reported there were no deaths of detainees or convicts in military prisons during the year.

'According to human rights organizations, prisoners frequently lacked adequate access to potable water, proper heating, ventilation, and lighting. According to the HRA, prisoners sometimes complained about food quality and access to sufficient water. For example, in Gaziantep Prison prisoners complained about insects in their food. The HRA cited these problems frequently in prisons across the country. The HRF reported that physical and hygiene conditions in prisons were inadequate due to overcrowding.

'Human rights associations expressed serious concern over the inadequate provision of health care to prisoners, particularly the insufficient number of prison doctors, although the Ministry of Justice and the General Staff emphasized that there were doctors assigned to each prison. The HRA reported that guards and doctors often treated inmates receiving medical care with hostility, particularly if inmates asked guards to leave the examination room or remove their handcuffs. In August [2014] the HRA reported that 632 inmates were sick, including 228 in critical condition. The HRA reported that through the end of August, 12 inmates had been released because of critical health conditions. The Ministry of Justice reported that between January 2013 and August 28 [2014], authorities released 246

²⁵ The Daily Sabah. 'Open prisons instead of pardons to decrease prison populations,' dated 24 August 2015. <http://www.dailysabah.com/nation/2015/08/25/open-prisons-instead-of-pardons-to-decrease-prison-population> Date accessed: 6 September 2015

²⁶ BBC. 'Deaths in prison custody reach all-time high in 2013,' dated 24 April 2014. <http://www.bbc.co.uk/news/uk-27139272> Date accessed: 26 February 2016.

inmates for health reasons. The HRF emphasized the number of prisoners released due to illness was very low. Chief prosecutors have discretion, particularly under the wide-reaching antiterror law, to keep inmates in prison whom they deem dangerous to public security, regardless of medical reports confirming serious illness.²⁷

6.2.3 Today's Zaman reported on 23 August 2015 that: 'There were 212 deaths in Turkish prisons in the first six months of 2015, according to a report published by the Radikal news portal on Sunday, putting the death tally on course to beat the previous worst year for prison deaths in the country in the Justice and Development Party (AK Party) government's 13-year rule.

'Of the 212 deaths in Turkey's 61 prisons, 176 detainees died from natural causes, 29 committed suicide and seven more died from other causes. This number is strikingly higher than the 2005 total figure of 59 deaths, but lower than 2014's 380 - the most under an AK Party government.'²⁸

6.2.4 Earlier this year, CİSST released a report saying the number of people dying in prisons was worrying, stating, 'More than 1200 people died in prisons since 2010, the report said, adding 307, 321, 346 and 316 people died behind bars every year between 2010 and 2013.'²⁹

6.2.5 Hurriyet Daily News noted the findings of Turkey's Parliamentary report on prisons in an article dated 11 December 2013: 'Parliament's Human Rights Research Commission's Prisons Subcommittee has released its report on three prisons in the southern province of Antalya, highlighting the inhumane conditions faced by prisoners.

'Some of the shocking conditions include food containing insects, beatings, and full body cavity searches. A number of inmates in the Antalya L Type Jail, where 1,600 prisoners are currently serving sentences, are forced to sleep on the floor in front of the toilet doors and stairwells, the report stated.

"Inmates cannot wash their clothes due to water problems and hygiene is a serious problem..." the report... read.³⁰

6.2.6 Hurriyet Daily News noted the findings of a report on social and psychological care in prisons in an article dated 25 March 2014: 'The Civil Society in the Penal System Foundation (CİSST) requested information about the number of personnel working for the social and psychological

²⁷ US Department of State. 'Country Report on Human Rights Practices 2014,' Turkey, dated 26 June 2015 (Section 1c. Prison and Detention Center Conditions).

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236586> Date accessed: 21 July 2015

²⁸ Today's Zaman. '212 die in Turkish prisons in first half of 2015,' dated 23 August 2015.

http://www.todayszaman.com/national_212-die-in-turkish-prisons-in-first-half-of-2015_397296.html Date accessed: 6 September 2015

²⁹ Hurriyet Daily News. 'Inmate gets poor social, psychological help,' dated 25 March 2014.

<http://www.hurriyettailynews.com/inmates-get-poor-social-psychological-help-report.aspx?pageID=238&nID=64037&NewsCatID=341> Date accessed: 6 September 2015

³⁰ Hurriyet Daily News. 'Parliamentary report reveals inhumane conditions in Turkish prisons,' dated 11 December 2013. <http://www.hurriyettailynews.com/parliamentary-report-reveals-inhumane-conditions-in-turkish-prisons-.aspx?pageID=238&nID=59339&NewsCatID=339> Date accessed: 6 September 2015

conditions in prisons. According to the figures released by the Justice Ministry, there is one psychologist for every 549 inmates and one social worker for every 986.

'CISST also cites prison conditions that are not suitable for inmates with disabilities. For paralyzed inmates and those who are in wheelchairs, there is not enough equipment, such as special beds to avoid bruises or exercising materials. They also face difficulties when entering through the security gates. The foundation added that some NGOs had begun working to try to improve the conditions after the project was released.'³¹

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6.3 Remand prisons

6.3.1 The US Department of State (USSD) also reported in its Human Rights report covering 2014 that:

'According to the Ministry of Justice, the use of measures other than detention as an alternative to confinement continued to increase. As of March [2014] the number of alternative measures applied to adults was 232,776 and for children 16,865, compared with 198,952 total alternative measures in March 2013 (adults 185,840 and children 13,112). The Ministry of Justice reported house arrest and bail often were used as alternative measures, with 142 convicts and 5,661 suspects and defendants under house arrest as of July 31.'³²

6.3.2 In its January 2015 report, following a June 2013 visit to Turkey, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) reported that:

'As regards Diyarbakır and Gaziantep E-type Prisons [of which 80% and 60% of the inmate population was held on remand], there was an almost total lack of organised activities for adult remand prisoners. At Diyarbakır E-type Prison, the only regular out-of-unit activity for these prisoners was one hour of sport once a week (either indoor or outdoor). At Gaziantep Prison, with the exception of several inmates who attended computer courses, the programme of out-of-unit activities for remand prisoners was limited to monthly football matches and occasional film sessions.'³³

6.3.3 For further information about the judicial system see the [country information and guidance on Turkey: Background Module](#).

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³¹ Hurriyet Daily News. 'Inmate gets poor social, psychological help,' dated 25 March 2014.

<http://www.hurriyetdailynews.com/inmates-get-poor-social-psychological-help-report.aspx?pageID=238&nID=64037&NewsCatID=341> Date accessed: 6 September 2015

³² US Department of State. 'Country Report on Human Rights Practices 2014,' Turkey, dated 26 June 2015 (Section 1c. Prison and Detention Center Conditions)

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236586> Date accessed: 21 July 2015

³³ Council of Europe. 'Report to the Turkish Government on the visit to Turkey carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 9 to 21 June 2013,' dated 15 January 2015 (Section C, paragraph 48). <http://www.cpt.coe.int/documents/tur/2015-06-inf-eng.pdf> Date accessed: 6 September 2015.

6.4 Juvenile prisons

6.4.1 In its 2014 Progress Report on Turkey, the European Commission reported that, 'As of May 2014, 1 649 children aged between 12 and 18 were in prison, of which around 487 had been convicted. Juvenile prison conditions varied; there were complaints of overcrowding, inadequate hygiene, ill-treatment, staff shortages and violence and/or abuse by inmates.'³⁴

6.4.2 The US Department of State (USSD) also reported in its Human Rights report, covering 2014, that:

'As of September [2014] there were... 1,724 children in prison, including 1,232 in pretrial detention and 492 convicts. The law provides for children to be held in separate prisons. The government reported separate prisons were the practice where such facilities were available; otherwise, children were kept in separate sections within adult prisons. The HRA [Human Rights Association] reported that on January 6 [2014], guards in Sincan Juvenile Correction Facility beat 12 child inmates and used tear gas and high-pressure hoses against them. Four of the children were transferred to another prison (Sakran) where mistreatment continued, including strip searches and isolation. The Ankara Prosecutors' Office declined to open a human rights case on behalf of the children.'³⁵

6.4.3 In its submission for the 2015 Universal Periodic Review of Turkey, the UN Country Team (UNCT) in Turkey stated:

'The number of children in detention in Turkey remained stable (around 2,000) and even slightly decreased, with a high proportion of those awaiting trial or appeal. After the sexual abuse in detention "Pozanti case" of 2012 (addressed by the CRC Committee), in May 2013 renewed allegations of systematic ill-treatment and discrimination against children in the İzmir Şakran and Antalya prisons were voiced by civil society and members of Parliament. Inquiries, staff changes and children's transfers to other detention centres took place. No compensation or remedies to victims were reported. The Ministry of Justice is urged to further prevent cases of abuse against children in detention, whether by staff or other inmates, ensuring that independent monitoring is guaranteed. Alternatives such as probation and conditional release in line with the "detention as a last resort" principle should be developed.'³⁶

6.4.4 Hurriyet Daily News reported on 25 February 2015 that:

³⁴ European Commission. '2014 Progress Report on Turkey,' dated 8 October 2014 (Chapter 23: Judiciary and fundamental rights, page 58).

http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-turkey-progress-report_en.pdf
Date accessed: 22 July 2015

³⁵ US Department of State. 'Country Report on Human Rights Practices 2014,' Turkey, dated 26 June 2015 (Section 1c. Prison and Detention Center Conditions).
<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dldid=236586> Date accessed: 21 July 2015

³⁶ United Nations. 'Universal Periodic Review of Turkey 2015 - UNCT Submission,' 2015 (paragraph 26). <http://www.refworld.org/docid/54c109084.html> Date accessed: 21 July 2015

'An internal notice by officials at a juvenile prison in the town of Aliğa in the Aegean province of İzmir has revealed that child inmates were torturing each other, while rape and other sexual crimes were almost ordinary occurrences at the prison. Much of the torture was committed by the older and stronger children, according to the document also signed by the Şakran Prison's head, Hamit Karslıoğlu.

'In addition, the prison guardians were poorly audited, exceeding their authority and misusing power, the report dated Dec. 2, 2014 showed, adding that they often provided children with equipment that should not be used of inmates.'³⁷

- 6.4.5 Rudaw News reported on 23 February 2015 that: 'Rights groups across Turkey are calling for the closure of five juvenile jails, after an incident where 50 guards allegedly attacked child inmates at the Sincan prison last month with metal objects, pepper gas and water guns. The trouble reportedly began after a sick child could not get up from his bed during a roll call.

'The incident led to 22 human rights and children's groups unifying under "The Initiative to Close down Children's Prisons," which held simultaneous protests outside children's prisons in five cities in Turkey on February 12 [2015].'³⁸

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7. Mistreatment of persons in custody

- 7.1.1 In its January 2015 report, following a June 2013 visit to Turkey, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) reported that:

'In the course of the visit, the CPT's delegation interviewed scores of persons in the prisons visited. The great majority of those persons stated that they had been treated by prison officers in a correct manner. Moreover, in certain establishments, such as Diyarbakır D- and E-type Prisons, many prisoners spoke positively about staff and the overall atmosphere appeared to be relaxed.'³⁹

- 7.1.2 The same CPT report also stated:

'That said, at Sincan Juvenile Prison, the delegation once again received – though not on the scale of the 2012 visit – a number of allegations of recent physical ill-treatment of juveniles by staff. Most of those allegations concerned slaps, punches, kicks or blows with a plastic pipe on the hands

³⁷ Hurriyet Daily News. 'Children torturing children in notorious Turkish juvenile prison,' dated 25 February 2015. <http://www.hurriyetdailynews.com/children-torturing-children-in-notorious-turkish-juvenile-prison-report.aspx?pageID=238&nID=78784&NewsCatID=509> Date accessed: 6 September 2015

³⁸ Rudaw. 'Rights Groups in Turkey want Closure of Five Notorious Juvenile Jails,' dated 23 February 2015. <http://rudaw.net/english/middleeast/turkey/23022014> Date accessed: 6 September 2015

³⁹ Council of Europe. 'Report to the Turkish Government on the visit to Turkey carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 9 to 21 June 2013,' dated 15 January 2015 (Section C, paragraph 48). <http://www.cpt.coe.int/documents/tur/2015-06-inf-eng.pdf> Date accessed: 23 February 2015.

and/or the soles of the feet, as a form of corporal punishment for misbehaviour (usually fights)...

'A large number of allegations of a similar nature were received from juveniles at Şanlıurfa E-type Prison (where some of them also claimed to have received so-called "welcome beatings") and to a lesser extent at Gaziantep E-type Prison.

'In contrast, only a few allegations of physical ill-treatment by staff were received at Izmir Juvenile Prison. Indeed, a number of juveniles who had been transferred from certain adult prisons told the delegation that they felt safe in this prison.'⁴⁰

7.1.3 The CPT report continued:

'As regards adult prisoners, the delegation received many allegations of physical ill-treatment by staff at Gaziantep and Şanlıurfa E-type Prisons. Most of those allegations came from sex offenders who referred to "welcome beatings" in the form of slaps, punches and kicks as well as truncheon blows to the hands. Some allegations of physical ill-treatment were also received at Izmir T-type Prison No. 2 and Tekirdağ F-type Prison No. 2.'⁴¹

7.1.4 The US Department of State (USSD) also reported in its Human Rights report covering 2014 that:

'Prisoners and detainees had reasonable access to visitors and could observe their religious practices. Authorities permitted prisoners and detainees to see a judge once a month, although there was no prison ombudsman institution. Authorities at times investigated credible allegations of inhumane conditions but generally did not document the results of such investigations in a publicly accessible manner or take action to hold perpetrators accountable. The Ministry of Justice reported that by August 14 [2014], they had received 152 complaints of inhuman treatment by prison guards towards detainees.'⁴²

7.1.5 In its submission for the 2015 Universal Periodic Review of Turkey, the UN Country Team (UNCT) in Turkey stated:

'Several measures have recently led to a downward trend in incidents of torture and ill-treatment by law enforcement officials in Turkey. Audio-visual recording systems started to be installed in detention and interview rooms. The statute of limitations for the offence of torture was lifted by the 4th Judicial Reform Package in 2013, though retroactive application of the law is

⁴⁰ Council of Europe. 'Report to the Turkish Government on the visit to Turkey carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 9 to 21 June 2013,' dated 15 January 2015 (Section C, paragraph 49). <http://www.cpt.coe.int/documents/tur/2015-06-inf-eng.pdf> Date accessed: 23 February 2015.

⁴¹ Council of Europe. 'Report to the Turkish Government on the visit to Turkey carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 9 to 21 June 2013,' dated 15 January 2015 (Section C, paragraph 50). <http://www.cpt.coe.int/documents/tur/2015-06-inf-eng.pdf> Date accessed: 23 February 2015.

⁴² US Department of State. 'Country Report on Human Rights Practices 2014,' Turkey, dated 26 June 2015 (Section 1c. Prison and Detention Center Conditions). <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236586> Date accessed: 21 July 2015

not foreseen. Despite these positive developments, an independent and effective investigation system for allegations of torture by law enforcement officials is not in place and is urgently required.⁴³

- 7.1.6 The UN Human Rights Council's Special Rapporteur noted in a report in May 2015 that: 'During his visit, the Special Rapporteur noted the positive measures taken to improve prison conditions and surveillance, which had contributed to a significant decrease in deaths in custody....

'The Special Rapporteur called for prompt reporting of deaths in custody and independent and public investigations into such deaths. He urged Turkey to ensure that surveillance cameras in security and detention facilities were fully operational and that footage from the cameras was available immediately and in its entirety...

'The Special Rapporteur notes with concern reports that installed surveillance cameras are not always fully operational.'⁴⁴

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8. Accountability and monitoring

- 8.1.1 The US Department of State (USSD) also reported in its Human Rights report covering 2014 that:

'The HRA and the HRF reported the government did not allow NGOs to monitor prisons. The parliament's Human Rights Investigation Commission (HRIC) and the Ombudsman Institution had authorization to visit and observe prisons, including military prisons, without advance permission. During the year the HRIC visited nine prisons. The government reported it allowed prison visits by the EU, the Council of Europe's Committee for the Prevention of Torture, and UN bodies as well as provincial and local human rights councils. It also permitted visits to individual foreign prisoners by representatives of their embassies and consulates. The European Commission's 2014 progress report noted that domestic monitoring boards could not carry out their inspections effectively due to insufficient resources, training, and expertise.'⁴⁵

- 8.1.2 In its submission for the 2015 Universal Periodic Review of Turkey, the UN Country Team (UNCT) in Turkey recommended that 'Further efforts are needed to strengthen standards of prison monitoring, reflecting the

⁴³ United Nations. 'Universal Periodic Review of Turkey 2015 - UNCT Submission,' 2015 (paragraph 22). <http://www.refworld.org/docid/54c109084.html> Date accessed: 21 July 2015

⁴⁴ UN Human Rights Council. 'Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions,' Addendum Follow-up to country recommendations: Turkey, dated 6 May 2015, A/HRC/29/37/Add.4, B. Unlawful deaths in counter-terrorism operations (paragraph 19). http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session29/Documents/A_HRC_29_37_Add_4_en.doc Date accessed: 6 September 2015

⁴⁵ US Department of State. 'Country Report on Human Rights Practices 2014,' Turkey, dated 26 June 2015 (Section 1c. Prison and Detention Center Conditions). <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236586> Date accessed: 21 July 2015

international standards promoted by the UN as well as ensuring that the capacity of prison monitoring boards and probation officers are improved.’⁴⁶

8.1.3 The UN Human Rights Council’s Special Rapporteur noted in a report in May 2015 that:

‘The Special Rapporteur recommended the establishment of a national preventive mechanism under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, without delay (see A/HRC/23/47/Add.2, para. 104). The Government stated that the Turkish Human Rights Institution was the designated national preventive mechanism pursuant to Decree no. 2013/5711 which was published in the Official Gazette on 28 January 2014. While this may be seen as a positive measure, concerns have been raised about the independence of the Institution and its capacity, in terms of sufficient and trained staff and the budget to fulfil its mandate.’⁴⁷

8.1.4 In its response of October 2014 to the UN Committee against Torture, the Turkish government stated that:

‘Significant amendments have been made to criminal execution legislation since 2005. Within the framework of harmonization of domestic legislation with the European Union (EU), and in accordance with the policy of “zero tolerance towards torture”, the necessary legal amendments have been made for the prevention of torture. Supervisory and judicial mechanisms have been introduced. In this context, prisons are monitored periodically and as the need arises by NGOs and other parliamentary and international monitoring mechanisms.

‘Within the context of administrative monitoring, prisons are monitored by inspectors from the Ministry of Justice, controllers and other officers from the General Directorate of Prisons and Detention Centers, chief public prosecutors and public prosecutors in charge of prisons. The elimination of any shortcomings found during their visits is followed up by the General Directorate of Prisons and Detention Centers of the Ministry of Justice.

‘Within the context of judicial monitoring, decisions by administrations of establishments are monitored by prison enforcement judges, who perform their duties pursuant to the Law on Prison Enforcement Judges, enacted on 16 May 2001. Remand and sentenced inmates may file complaints to the enforcement judge, on issues relating to sentence execution or conditions of detention. They may also appeal the decisions of the judge before the competent assize court. Thus, all actions and activities by establishments go through judicial monitoring.

‘A total of 136 monitoring boards established by the “Law on Prison and Detention Center Monitoring Boards” are tasked with visiting and monitoring,

⁴⁶ United Nations. ‘Universal Periodic Review of Turkey 2015 - UNCT Submission, 2015’ (paragraph 24). <http://www.refworld.org/docid/54c109084.html> Date accessed: 21 July 2015

⁴⁷ UN Human Rights Council. ‘Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions; Addendum Follow-up to country recommendations: Turkey,’ dated 6 May 2015, A/HRC/29/37/Add.4, B. Unlawful deaths in counter-terrorism operations (paragraph 19). http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session29/Documents/A_HRC_29_37_Add_4_en.doc Date accessed: 6 September 2015

at least once every two months, the institutions they are in charge of. The boards shall draw up reports and submit them to the relevant chief public prosecutor, the Ministry of Justice, the Human Rights Inquiry Commission of the TGNA and to the prison enforcement judge, if any complaints fall within the ambit of the latter.

‘Moreover, provincial and district human rights boards, which are composed of NGO members in provinces/districts, may also visit and monitor conditions in prisons.

‘The Ombudsman’s Institution and Turkish Human Rights Institution may also carry out on-site observations upon receiving complaints from prisons, without obtaining prior permission.

‘Within the context of parliamentary monitoring, the president and members of the Human Rights Inquiry Commission and other inquiry commissions of the TGNA [Turkish Grand National Assembly] may visit prison establishments and carry out inquiry and monitoring activities.

‘In addition, prisons are visited and monitored by international treaty bodies such as the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and the United Nations Subcommittee on Prevention of Torture and the Working Group on Arbitrary Detention.

‘With a view to preventing incidents of ill-treatment in prisons and eliminating such causes of complaints, Articles 94 (Torture), 95 (Aggravated Torture on Account of its Consequences) and 96 (Torment) of the Penal Code have been amended to introduce liberty-restricting penalties ranging from three years to aggravated life imprisonment for these offenses.’⁴⁸

- 8.1.5 In its 2014 Progress Report on Turkey, the European Commission reported that: ‘Standards for monitoring prisons were not harmonised with UN Prison Rules. Prison Monitoring Boards did not have sufficient resources, training or expertise to carry out their work effectively. Their reports on allegations of inhumane prison conditions were not made public. Civil society organisations were not allowed to monitor prisons.

‘The NHRI [National Human Rights Institution] visited prisons with the intention of reporting on conditions. In a report published in May, it outlined number of recommendations to modify the legal framework and its implementation with regard to ensure improved prison conditions. Parliamentary Human Rights Inquiry Committee members held inquiries at F-type, juvenile and youth prisons and at hospital wards for inmates and detainees. Some of these inquiries were held as a result of complaints, while others took place at the initiative of committee members.

‘Implementation of the 2011 tripartite protocol between the Ministries of Health, Justice and the Interior was uneven. This protocol stated that law enforcement officers should not be present during medical examinations of prisoners.

⁴⁸ UN Committee against Torture. ‘Replies of the Government of Turkey to the list of issues prepared by the Committee against Torture’ (CAT/C/TUR/Q/4), dated 22 October 2014 (paragraphs 28 – 36). http://www.ecoi.net/file_upload/4232_1422523472_g1501025.pdf Date accessed: 21 July 2015.

'Following a March 2013 ECtHR judgment on the failure of the State to accord an inmate proper access to health services in prison prior to her death from cancer in 2001, the number of ill prisoners released on compassionate grounds increased. At the end of 2013, however, a large number of gravely ill prisoners remained in custody. There is a need to streamline the establishment of expert reports, and the administrative and judicial decision-making process for the release of prisoners on compassionate grounds.

'In December [2013], a subcommittee of the parliamentary Human Rights Inquiry Committee issued a report criticising conditions in several prisons.'⁴⁹

- 8.1.6 In a report of May 2015, the Turkish Economic and Social Studies Foundation (TESEV) noted that: 'The Oversight Boards inspecting prison conditions can sometimes fall short of fulfilling their monitoring function. Inspection reports are generally written without conducting detailed observations and only rarely focus on rights violations experienced by inmates. Civil society must be included in the process for such oversight to be more effective....

'In order to prevent rights violations and ensure humane prison conditions, there is a need for an independent, impartial observation and oversight mechanism.'⁵⁰

- 8.1.7 The same TESEV report of May 2015 noted that:

'The law states that monitoring-board members are not allowed to share the information that they collected during their inspections or the reports they have written without the permission of the relevant authorities. This law is a clear barrier to an independent and objective oversight mechanism. Furthermore, the reports published by the monitoring boards are rarely shared with the public....

'The prison reports put out by the Turkish Grand National Assembly, another external oversight mechanism, almost always remain superficial. The reports are sometimes signed by parliamentarians who did not even participate in the inspections. Parliament must ensure that the prison-inspection work of the Human-Rights Commission be conducted according to predetermined criteria. Reports should aim to include detailed investigations of rights violations, including information as detailed as inmates' physical conditions, and should serve to strengthen external oversight so that such evaluations avoid partisanship.'⁵¹

⁴⁹ European Commission. '2014 Progress Report on Turkey', dated 8 October 2014 (chapter 23: Judiciary and fundamental rights, page 50 – 51).
http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-turkey-progress-report_en.pdf
Date accessed: 22 July 2015

⁵⁰ Turkish Economic and Social Studies Foundation (TESEV). 'Penal Policies and Institutions in Turkey: Structural problems and potential solutions' (chapter 1B), dated March 2015.
<http://www.tesev.org.tr/assets/publications/file/05032015144541.pdf> Date accessed: 6 September 2015

⁵¹ Turkish Economic and Social Studies Foundation (TESEV). 'Penal Policies and Institutions in Turkey: Structural problems and potential solutions' (chapter 1B), dated March 2015.
<http://www.tesev.org.tr/assets/publications/file/05032015144541.pdf> Date accessed: 6 September 2015

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Contacts

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Clearance

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