

2023 MONITORING REPORT: RIGHTS VIOLATIONS IN TURKISH PRISONS



2023 Monitoring Report:
Rights Violations
in
Turkish Prisons



This report is a summary of the larger *2023 Monitoring Report: Rights Violations Turkish Prisons* and is drafted by İHD's Central Prisons Committee and İHD specialists based on visits and reports by prisons committees of İHD branches, on information received from a network of İHD's lawyers and prisoners' families, on allegations stated in applications to İHD, and on news reports.

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ABBREVIATIONS

AKP	<i>Adalet ve Kalkınma Partisi (Justice and Development Party)</i>
ALF (ÖHD)	<i>Association of Lawyers for Freedom (Özgürlük İçin Hukukçular Derneği)</i>
ATC	<i>Anti-Terror Code</i>
CCP	<i>Code of Criminal Procedure</i>
CHP	<i>Cumhuriyet Halk Partisi (Republican People's Party)</i>
CoE	<i>Council of Europe</i>
CISST	<i>Civil Society in the Penal System Association</i>
CPT	<i>European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment</i>
DGPDH	<i>Directorate General of Prisons and Detention Houses</i>
ECohR	<i>European Convention on Human Rights</i>
ECTHR	<i>European Court of Human Rights</i>
FMI	<i>Forensic Medicine Institute</i>
GNAT	<i>Grand National Assembly of Turkey</i>
HREIT	<i>Human Rights and Equality Institution of Turkey (TİHEK)</i>
HRFT	<i>Human Rights Foundation of Turkey</i>
HRJP	<i>Human Rights Joint Platform</i>
ICCPR	<i>International Covenant on Civil and Political Rights</i>
İHD	<i>İnsan Hakları Derneği (Human Rights Association)</i>
MED TUHAD-FED MED	<i>Prisoners' Families Law and Solidarity Associations Federation</i>
OHCHR	<i>Office of the High Commissioner for Human Rights</i>
PLA (ÇHD)	<i>Progressive Lawyers' Association (Çağdaş Hukukçular Derneği)</i>
TMA	<i>Turkish Medical Association</i>
TPC	<i>Turkish Penal Code</i>
TurkStat	<i>Turkish Statistics Institute</i>
UN	<i>United Nations</i>

INTRODUCTION

Since its foundation in 1986, the Human Rights Association [İHD] has prioritized prisons and the problems faced in prisons as one of its primary fields of work. We know that prisons in Turkey function as a place of incarceration and punishment in a way that goes beyond the criminal law, far beyond the function of serving the sentences of people associated with crime. Thus, many problems are encountered in terms of access to fundamental rights and freedoms both within the criminal law and the penal system.

In accordance with its principles and statute, İHD considers itself obligated to conduct research and enlighten the public on these issues in order to ensure that convicted and non-convicted prisoners and detainees live in conditions worthy of human dignity. In this respect, its activities and the reports it publishes are diligently followed both nationally and internationally, and these activities make significant contributions to the struggle for rights. The basis of İHD's activities is the annual, periodic and special reports it publishes and the public awareness-raising activities it carries out. Annual reports on human rights violations give extensive coverage to rights violations in prisons. In addition to the annual human rights violations report, it publishes an annual special report on rights violations in prisons. In addition to these, it publishes special reports on rights violations arising from special cases through the headquarters or branches when needed.

With 28 branches and 6 representative offices, İHD, as the largest and institutionalized human rights organisation, has annual reports on prisons as well as quarterly and special reports. In 2023, a total of 22 reports were published, including 8 regional annual reports, 8 quarterly reports and 6 special reports.

İHD endeavours to monitor and report all the problems in prisons and all the cases of injustice faced by prisoners at branch, regional and national levels. While carrying out this work, it draws on many sources to collect information and data.

As in other fields of work, İHD branches and headquarters receive many applications regarding prisons. Some of these applications are made directly by prisoners, while others are made by prisoners' relatives or lawyers. Applications can be made online through the İHD website or directly to the branches and headquarters. Prisoners and their relatives also apply to İHD via letters.

The association immediately informs the relevant official institutions about the applications made to our association. We write to the Ministry of Justice, the Directorate General of Prisons and Detention Houses (DGPDH), the Human Rights Commission of the Grand National Assembly of Turkey (GNAT), the Ministry of Health, the Ombudsman Institution, Human Rights and Equality Institution of Turkey (HREIT), Turkish Medical Association (TMA), the Ministry of Interior Law Enforcement Oversight Commission, the relevant prosecutors' offices, the relevant prison directorates, provincial health directorates and other institutions specific to the application and provide the necessary information to eliminate the existing rights violations. After informing the applicants, İHD follows up and, if necessary, sends lawyers to the prisons to confer with the prisoners to the extent of the available means. After these procedures, it makes press releases and prepares reports to inform the public.

We know that the problems in prisons in Turkey go far beyond the problems discussed and the examples recorded in this report. However, in Turkey, as in many other areas of rights, it is almost impossible to access information and data that would reveal the full picture. Thus, the data in this report is the limited data that İHD has access to and probably constitutes only the tip of the iceberg. Nevertheless, considering the general situation in prisons and the number of prisoners, the sample it has reached is representative and allows it to draw a picture that is sufficient to describe the situation.

Trying to ascertain the attitudes, perceptions, expectations and needs of the public through certain methods plays an important role both in determining political policies and in determining the areas where public opinion is lacking and policies for these areas. Therefore, identifying perceptions and attitudes towards one of the most fundamental human rights violations in Turkey, namely violations of the rights of prisoners and detainees, and identifying and using the necessary tools to change these perceptions and attitudes, where possible, can also be a guide in determining the activities of civil society organisations working on prisons in this field.

In the report, the main rights violations are addressed in the sections on right to life, allegations of torture and ill-treatment, right to health, right to communication and correspondence, right to access to information, disciplinary investigations and enforcement of sentences, transfer requests and forced transfers, right to a fair trial, and other problems. Hunger strikes in prisons, the situation of women prisoners and sick prisoners are also given special attention. However, if one looks at the data that forms the basis of the report, which is approximately 300 pages long, it will be seen that the violations and problems in prisons are much deeper and systematic

and include data on many other areas of rights.

Foreign prisoners, prisoners with disabilities, women prisoners, LGBTI+ prisoners, women prisoners with children, and minors, which we have presented examples of in this report based on the applications we received and the interviews we conducted, but which we could not cover in detail, require special attention.

Civil society organisations working on prisons are generally in contact with prisoners, prisoners' relatives or official representatives. On the other hand, in democratic societies, the attitude of the public opinion on an issue can also seriously affect the activities of political powers in that field. In particular, the lack of coverage of prisons and rights violations in prisons in different media organs leads to the continuation of many rights violations, especially ill-treatment and torture against detainees and convicts. Therefore, revealing the attitudes, perceptions and expectations of the public regarding prisons and rights violations in prisons, and ensuring that they are informed on this issue will only be possible through effective monitoring and reporting of rights violations in prisons. It also provides guidance in the programming of IHD's activities in prisons.

IHD will continue to make violations in prisons more visible and bring them to the attention of the public through its ongoing prison work. We hope that we will contribute to prisoners' access to fundamental rights and freedoms.

EARTHQUAKE AND PRISONS

On 6 February 2023, two major earthquakes, one with a magnitude of 7.7, centred in Pazarcık district of Kahramanmaraş, and the other with a magnitude of 7.6, centred in Elbistan district of Kahramanmaraş, caused great destruction and countless casualties. Many problems were faced in prisons in the cities affected by the earthquake, and these problems brought along various rights violations. Especially the inability of prisoners to communicate with their families caused the families and relatives of prisoners to be worried. Families with relatives in prisons in the cities affected by the earthquake called İHD and requested information. However, during the interviews with prisoners' families, it was stated that communication with prisoners in prisons especially in Malatya province could not be established and they were worried about the prisoners' lives.

On 6 February 2023, the General Directorate of Prisons and Detention Houses released a press statement and provided the following information:

We wish Allah's mercy to our citizens who lost their lives in the 7.4 magnitude earthquake that occurred in Kahramanmaraş province and was also felt in our neighbouring provinces, and we wish a speedy recovery to our wounded. None of the convicts and detainees held in our penal execution institutions in the region affected by the earthquake were injured or lost their lives. Convicts and detainees held in the penal and execution institutions in the region are provided with the necessary facilities to meet with their families.

It was learnt that prisoners were subjected to torture and ill-treatment after the earthquake and such torture and ill-treatment continued during transfers. Prisoners were also subjected to torture and ill-treatment in the places they were transferred to. Prisoners were transferred in handcuffs, their needs were not met, they were subjected to strip searches and beaten in the places they were transferred. At least 41 prisoners were subjected to torture and ill-treatment. It was learnt that some prisoners were handed down disciplinary penalties on the grounds that they knocked on the doors on the day of the earthquake. For example, it was learned that 7-8 prisoners in Iskenderun T Type Closed Prison were taken to the courtyard on 10 February 2023

and some of them were beaten. It was reported that two of the prisoners who were subjected to torture were sent to another prison. It was learned that a prisoner who was transferred from Hatay T Type Closed Prison on 7 February 2023 was first taken to Bandırma, then to Antalya and finally to Bodrum and was beaten in every prison they were sent to. It was learned that prisoners who were transferred from Türkoğlu to Samsun/Kavak S Type Closed Prison on 11 February 2023 were subjected to strip search, beatings and continuous swearing on entry to the prison, and when one of the prisoners asked “Why did you beat me?” the correction officers responded as “It was a welcome party”. In Hatay T Type Closed Prison on 7 February 2023, prisoners, mostly from Afrin region, were rear-handcuffed and kept facing the wall for 22 hours. It was learned that the gendarmerie formed a corridor one metre apart while the prisoners were being taken to the buses for transfer, and that they were beaten with truncheons by each gendarmerie along this corridor of about 100 metres, and that the prison director could not prevent the gendarmerie despite saying “They did not do anything, why are you doing this?”

On 7 February 2023, families of prisoners in Maraş/Türkoğlu L Type Closed Prison were informed that there was a gas leak in this prison due to earthquake, masks were distributed to prisoners and some prisoners were affected by gas.

According to news reports and images published on social media, a riot broke out in E Type Malatya Prison, gendarmerie opened fire and there were dead and wounded prisoners. In the videos and pictures shared, it was seen that smoke was coming out of the buildings, prisoners were lying on the ground injured, a fire broke out in the courtyard and prisoners and officials confronted each other. In the morning of the same day, the personnel of the General Directorate of Prisons and Detention Houses were contacted, but they were told that they could not disclose information on the phone and that they had no information about the incident. Thereupon, MPs from the region were contacted and asked to confirm the news. However, no reliable information was received.

On 8 February 2023, images of the incidents in Hatay T Type Closed Prison were shared on social media accounts and a prisoner told his family that “prisoners were shot at” on a phone call. On 9 February 2023, Directorate General of Prisons and Detention Houses released a statement and shared with the public that 12 common prisoners (adli mahpus) were wounded during the intervention into the incidents in Hatay T Type Closed Prison and 3 of them died.

İHD, pursuant to the applications made by their families, conducted conferences with prisoners in the prisons to which they were transferred and violations were identified. The detailed “Monitoring Report on Rights Violations in Prisons in the Earthquake Region,” which includes our findings on rights violations after the earthquake, was shared with the public on 15 March 2023. In our report, as a result of the information provided by prisoners’ families, applications made to İHD and interviews with prisoners, detailed information on violations of the right to life, torture and ill-treatment, violations of the right to health, transfers and forced transfers, violations due to material conditions, prison conditions, access to social rights and other rights violations identified in prisons in the earthquake region were shared.

GENERAL CONDITIONS IN PRISONS

It is not possible for non-governmental organisations to access information and data to reveal the current situation in prisons in Turkey because they are prevented from reporting. The violations in this report reveal a very limited part of the actual situation and are only those which İHD has access to.

Ministry of Justice Directorate General of Prisons and Detention Houses [DGPDH] regularly shares data on the “Current Number of Prisoners,” “Distribution of Prisoners by Institution Status”, “Distribution of Prisoners by Institution Status and Gender,” “Distribution of Prisoners by Educational Background” and “Distribution of Prisoners by Age Groups.” However, we have witnessed that there have been problems of continuity in the sharing of these data in the past years. On the other hand, it does not share with the public the data on LGBTI+ individuals, political prisoners, foreign national prisoners, sick prisoners, prisoners who lost their lives, disabled prisoners, women prisoners who are held in prisons with their babies and so on.

According to the data of the Directorate General of Prisons and Detention Houses, as of 1 July 2024, there were 403 penal institutions in Turkey, including 272 closed prisons, 99 detached open prisons, 4 children’s education centres, 11 women’s closed, 8 women’s open, 9 minor and youth closed prisons.¹

The official total capacity of prisons is 295.328 persons. However, it should be noted that this number is an increased capacity. Under normal conditions, these prisons should accommodate 2/3 of the number of prisoners. Even under these conditions, according to the data in the Council of Europe Annual Penal Statistics - SPACE 2022 report, Turkey is the fifth country with the highest occupancy rate after Romania, Cyprus, France and Belgium with an occupancy rate of 113%.² According to the 2023 report, the occupancy rate appears to be 100%. However, the

¹ <https://cte.adalet.gov.tr/Home/SayfaDetay/cik-genel-bilgi>

² wp.unil.ch/space/files/2023/06/230626_Key-Findings-SPACE-I_Prisoners-and-Prisoners-in-Europe-2022.pdf

figures on prison population quoted below show that this rate can only be valid for a short period of time and that the current occupancy rate has again exceeded 110%.

According to DGPDH data, 6 prisons were closed in 2022 and 16 in 2023. Yet, 22 new prisons were opened in 2022 and 16 new ones were opened in 2023. According to the Ministry of Justice's 2024 budget proposal, next year's target is to open 12 new prisons. This shows that the current understanding of the government in Turkey envisages a future based on imprisoning people in general. Moreover, among the new prisons, especially since 2021, new types of prisons are being built under the names of "S Type", "Y Type" and "High Security" prisons. According to the list of prisons available on the DGPDH website, a total of 51 new type prisons have been opened for use, including 22 Type Y prisons, 22 high security prisons and 7 Type S prisons.³

The total number of prisoners was around 70 thousand before the amnesty commonly known as "Rahşan Amnesty," which was announced in 2000 right after the 19 December "Return to Life Operation." As of 1 December 2023, the number of prisoners almost quadrupled. According to 2 May 2024 statistics, the number of prisoners increased 4.702 times. This increase is reflected in the Council of Europe Annual Penal Statistics - SPACE data. According to these data, Turkey ranks first in terms of the increase in the number of prisoners in Council of Europe member states between 2005 and 2022 with an extraordinary increase of 369%.⁴ The increase in the number of prisoners in Malta, which ranks second, was stated as 87% in the same period. In 29 countries, the number of prisoners decreased. According to SPACE data, Turkey was ranked second after Russia in terms of prison population before Russia was expelled from the Council. Now it is in the first place. According to the same data, Turkey has the highest number of prisoners per 100,000 inhabitants with 355.2. According to the data in the issue of the Penal Execution Institution Statistics Newsletter dated 22 May 2023, the number of prisoners per 100 thousand people in Turkey increased from 352 in 2021 to 400 in 2022.⁵

Considering that the number of prisoners, which was 360.722 on 3 July 2023 according to DGPDH data, decreased to 270.607 on 2 August 2023 and 251.101 on 1 September 2023 after the "2023 Enforcement Regulation"⁶ was published in the *Official Gazette* on 15 July 2023 and entered into force, it can be said that approximately 110.000 prisoners were released based on

³ <https://cte.adalet.gov.tr/Home/haritaliste>

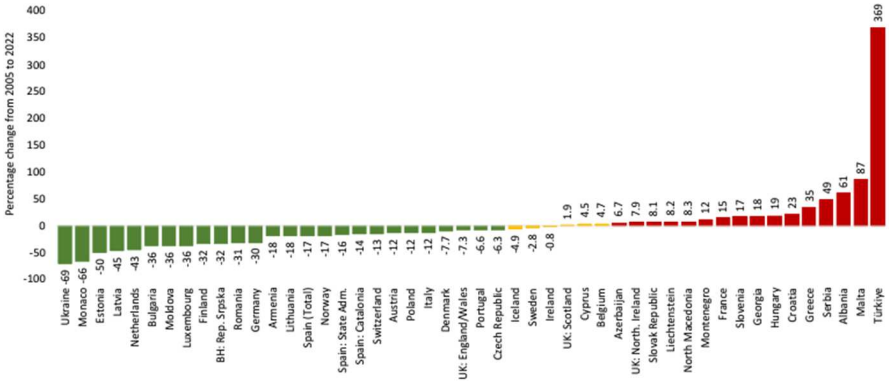
⁴ https://wp.unil.ch/space/files/2023/06/230626_Key-Findings-SPACE-I_Prisoners-and-Prisoners-in-Europe-2022.pdf

⁵ <https://adlisicil.adalet.gov.tr/Resimler/SayfaDokuman/22052023101534Haber%20Bulteni%20-%20CTE%20%2022.05.2023.pdf>

⁶ On the "Law on the Amendment of Certain Laws and the Decree Law No. 375 for the Compensation of Economic Losses Caused by the Earthquakes Dated 06.02.2023", the following comment of the HRFT is important:

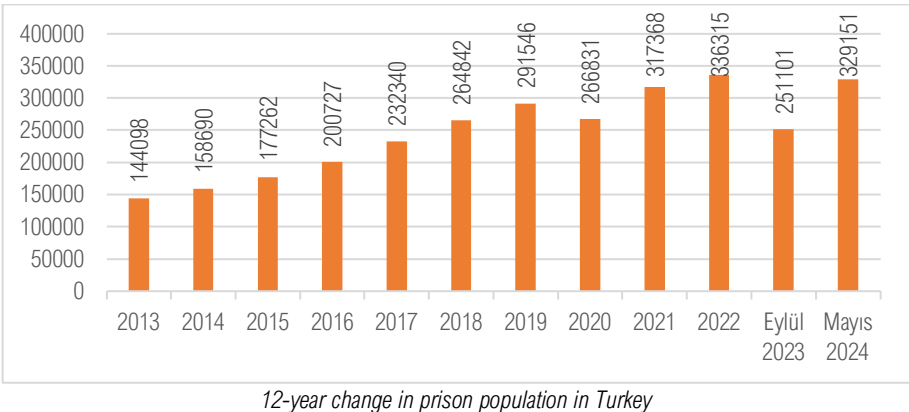
With this regulation, which excludes certain types of offences and political prisoners with an approach contrary to the principle of equality and the prohibition of discrimination, many prisoners were released. With this regulation, the prerequisite for benefiting from rights such as probation and (transfer to) open prisons is determined as the offence committed by the prisoner. On the other hand, the phrase "the Enforcement Judge may decide" in this regulation is far from certainty, and a situation far from legal certainty has been created by leaving discretionary power to the Enforcement Judges. [HRFT, Treatment and Rehabilitation Centres Report 2023: p.21]

this regulation, although there is no exact information. The number of detainees and convicts in prisons increased from 251.101 on 1 September 2023 to 329.151 as of 2 May 2024, in other words, the number of detainees and convicts in prisons increased by 78.050 in only 8 months, which is the fastest increase in Turkey's recent history.



Increase rate in prison population between 2005 and 2022 according to SPACE data [%]

Moreover, according to the data of the Ministry of Justice as of 1 April 2024, there are 233,824 people on supervised release in Turkey. When we add this number to the number of prisoners and convicts, the number of people who are deprived of their freedom or whose freedom is restricted in some way reaches 556,604 people.⁷



12-year change in prison population in Turkey

⁷ <https://www.ihd.org.tr/iskence-kotu-muamele-ve-hak-ihlallerinin-yasandigi-kuyu-tipi-hapishaneler-kapatilsin/>

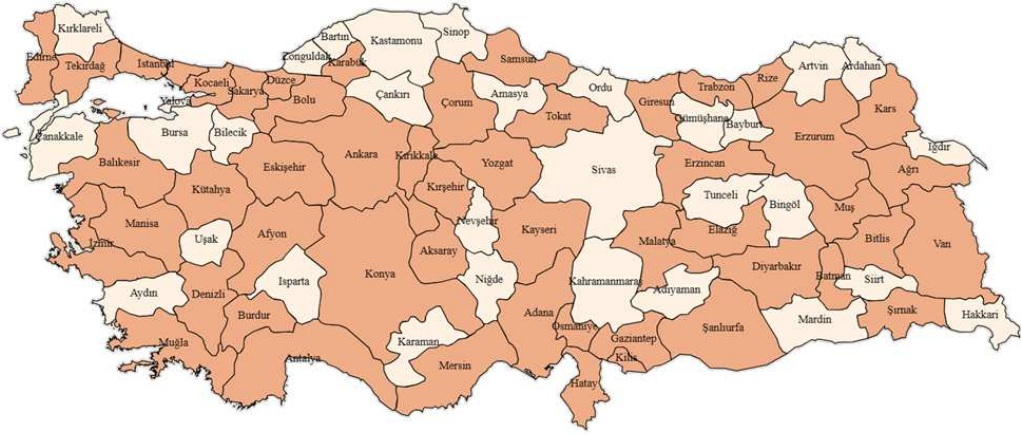
APPLICATIONS TO İHD

As it is shown with examples in the annexes of the *2023 Monitoring Report on Rights Violations in Prisons in Turkey*, which is a compilation of letters sent by prisoners, prisoner-lawyer conferences, applications made by their families and relatives, and reports prepared by the branches of İHD, it is seen that a wide variety of rights violations take place in prisons.⁸ The applications made or prisoner interviews may reflect individual rights violations, as well as violations that multiple prisoners are exposed to, and in many cases refer to multiple rights violations.

At least 23,899 violations took place in 2023 for all violation titles. Violations were recorded according to the number of each applicant and the number of prisoners included in the applications. Although İHD receives a certain number of applications, it can be said that these violations are widespread and systematic and that a large number of prisoners are subjected to them, since they cover almost every region of Turkey. Considering this situation, it would not be an exaggeration to argue that violations occur hundreds of times more. Moreover, it should be remembered that the applications that make up the data set come mostly from political prisoners or prisoners who are better informed about their fundamental rights. Although we do not have objective data to support this fact, we should not forget that other prisoners may be subjected to more violations of rights than those who do not apply for various reasons.

In 2023, applications/information were received from 147 prisons in 50 cities, 6 of which were open prisons. In addition, 1 application was received from Baghdad Rufese Prison in Iraq. Considering that information and applications were received from 50 of 81 cities and 147 of 403 prisons, it will be seen that the representative power of the report's findings is high.

⁸ See the full report: <https://www.ihd.org.tr/wp-content/uploads/2024/06/2023-Y%C4%B1%C4%B1-Hapishane-Raporu.pdf>



Map of Cities of Prisons that İHD Received Applications

When one looks at the map showing the cities where applications were made to İHD in the darker colour, it is seen that İHD received applications from almost all of the prisons in Turkey for rights violations.⁹

When the applications made to İHD are grouped according to their content, it is seen that the applications are mostly concentrated in the fields of right to health, prevention of release, prevention of social rights, violations of torture and ill-treatment and prohibition of discrimination, right to fair trial, economic and social rights, violations of communication and information rights. In addition to these, prisoners also apply for legal and financial support. İHD also receives a large number of applications from prisoners for their applications to be transferred to prisons in regions close to their families, which are not taken into consideration by the prison administrations. Violations, letters sent by prisoners, prisoner-lawyer conferences, applications made by families and loved ones, violations identified from the documentation created by bringing together the reports prepared by İHD's branches constitute this report.

⁹ The full list of prisons can be accessed in İHD's full report: <https://www.ihd.org.tr/wp-content/uploads/2024/06/2023-Yılı-Hapishane-Raporu.pdf>

HUNGER STRIKES AND ISOLATION

Prisoners are subjected to isolation or incommunicado detention practices, torture and ill-treatment, forced transfers, arbitrary disciplinary penalties, failure to solve prisoners' health problems in a timely and effective manner, failure to treat seriously ill prisoners, as well as preventing the release of prisoners through administrative observation board decisions, prevention of release. Many prisoners in different prisons across the country announced that they were going on hunger strikes on 27 November 2023, demanding an end to the ongoing isolation in İmralı F Type High Security Closed Prison and a democratic solution to the Kurdish issue, as well as pointing to general problems such as the poor physical structure and material conditions of prisons. In Turkey, there have been many death fasts, indefinite and alternating hunger strikes for many years to protest such practices or problems in prisons and in the penal system. Protests like hunger strikes are the last remaining means of combating the unlawfulness faced. They are acts that must be approached with the utmost seriousness in terms of the consequences they may bring about. The increasing pressure on prisoners due to the methods they use to seek solutions to their problems, the fact that they are forced to turn to a life-threatening act more frequently, thinking that there is no other way to find solutions to their problems and to make their voices heard by the authorities, and the increasing prevalence of hunger strikes among common prisoners increase our concerns.

Upon this development, the Central Hunger Strikes Monitoring and Follow-up Coordination was established within İHD. Immediately after the hunger strikes started, based on the applications made to the hunger strikes monitoring and follow-up coordination components by the prisoners themselves, their representatives or their families, prison visits were made by the institutions in order to monitor the hunger strikes, to learn the demands of the prisoners and to monitor the health conditions of the prisoners on strike, conferences were held with the prisoners, and the issues identified as a result of these interviews were published as a report.¹⁰

¹⁰ <https://www.ihd.org.tr/aclik-grevi-izleme-raporu/>

From the beginning of the hunger strike until 3 April 2024, when the report was published, at least 1997 prisoners went on hunger strike in 91 prisons. Hunger strikes were organised in periods of minimum 5 and maximum 15 days each. It has been observed that during the hunger strikes, prisoners did not have routine health checks, they were not given food suitable for the strike, their need for vitamins was not met, prisoners were subjected to different disciplinary penalties, and prisoners on hunger strike were “isolated.” According to information reported by the press, prisoners on hunger strike ended the hunger strike as of 4 April 2024 and changed the protest to not making phone calls, not appearing in courts and not appearing in family visits, and this type of protest was still ongoing at the time of this report.

ISOLATION

Isolation or incommunicado detention continues to be practised in various forms in Turkish prisons. In many prisons, especially in İmralı F Type High Security Prison, the isolation of Abdullah Öcalan, Hamili Yıldırım, Ömer Hayri Konar and Veysi Aktaş continues as a method of punishment. There have been hunger strikes to end the isolation of prisoners held in İmralı High Security F Type Closed Prison before, and the isolation was temporarily lifted or relaxed with the effect of these strikes. However, in violation of the United Nations Standard Minimum Rules for the Treatment of Prisoners, CPT recommendations and Enforcement Law No. 5275, visit bans and isolation have been re-imposed under various pretexts since 7 August 2019. Although İHD applied to the Ministry of Justice on 29 November 2023 to visit İmralı F Type High Security Prison as an independent delegation, our request has been left unanswered.

On 12 January 2024 after the reporting period; PLA, İHD, LFA, HRFT, TOHAV, CİSST, Batman Bar Association, Diyarbakır Bar Association, Hakkari Bar Association, Mardin Bar Association, Muş Bar Association, Şanlıurfa Bar Association, Şırnak Bar Association and Van Bar Association sent a letter to the CPT regarding the unlawful prevention of Abdullah Öcalan, Ömer Hayri Konar Hamili Yıldırım and Veysi Aktaş's right to meet with their families and lawyers for many years, and the letter and the joint evaluation of the organisations were shared with the public through a joint press release on 27 March 2024.¹¹

The European Committee for the Prevention of Torture (CPT) announced in a press release on 23 February 2024 that it paid an ad hoc visit to Turkey between 13-22 February 2024.¹² In the said statement, the CPT stated that the main purpose of the visit was to examine the practices towards persons held in high security prisons and included the names of the prisons visited. It also stated that, although İmralı F Type High Security Prison was not among the prisons visited, the situation of prisoners held in İmralı, in particular their contact with the outside world, was raised during discussions with the relevant authorities.

¹¹ <https://www.ihd.org.tr/imrali-f-tipi-yuksekk-guvenlikli-hapishanesinde-tecrit-ve-mutlak-iletisimsizlik-devam-ediyor/>

¹² <https://www.coe.int/en/web/cpt/-/the-council-of-europe-anti-torture-committee-cpt-visits-%C3%BCrkiye>

NEW TYPE HIGH-SECURITY PRISONS

Since 2021, the Ministry of Justice has started to concentrate on the construction of prisons where most of the prisoners are held in solitary cells and very few are held in rooms for 3 people. Especially in High Security, Y Type and S Type prisons, all prisoners are incarcerated in the same conditions as "aggravated life sentence convicts".

According to DGPDH data, there are currently 14 Type F, 22 High Security, 14 Type Y and 7 Type S prisons in Turkey. With the newly opened Type Y, High-Security Closed Prisons and Type S Closed Prisons, the isolation system has been further aggravated. High Security and S Type Prisons were built to provide an even more aggravated isolation than F Type Prisons. Due to the isolation caused by single and 3-person rooms and the fact that the fresh air is only allowed for one hour, prisoners who have to spend 23 hours in their rooms are exposed to serious physiological and psychological damage. It should be kept in mind that the cell-type punishment system will cause psychological disorders in prisoners, physically damage the musculoskeletal system, weaken the immune system, and cause respiratory and lung disorders and rheumatic diseases due to the humidity and lack of ventilation in the room.

High-Security Closed Prisons are 2-storey prisons with a capacity of 487 people, consisting of cells for 1 and 3 people. In these prisons, "the right to fresh air from sunrise to sunset" of prisoners and those who are not on aggravated life imprisonment is not implemented. Prisoners are allowed to fresh air for 1 to 2 hours daily. Rooms for 3 persons are designed as 20 m².

Y Type Closed Prisons are architecturally an increased capacity of High Security Closed Prisons and other features are the same as High Security Closed Prisons. Y Type Closed prisons have a capacity of 1135 people.

S Type Closed Prisons consist of 2 floors and are complexes built similar to F Type Closed Prisons. They have a total construction area of 35 thousand 811 m². There are cameras in the fresh air areas and indoors. It is stated that the cameras can record private areas and even the toilets.

IHD published a special report in September 2023¹³ in order to draw attention to the rights violations and aggravated problems arising from the increasingly severe isolation conditions of prisoners, especially after their transfer to the newly opened High Security and S Type Closed Prisons. This report incorporates letters from prisoners, family applications and conferences with lawyers and the problems identified.

The essence of imprisonment is to deprive the person of his/her liberty, but in line with the statements of the applicants and the findings of our association, we can safely argue that the isolation practices applied in High Security Closed Prisons wear prisoners down physically,

¹³ <https://www.ihd.org.tr/wp-content/uploads/2023/09/YGC-ve-S-Tipleri-Raporu-.pdf>

mentally and psychologically, and create hard-to-recover grievances. It is not possible to reconcile the isolation practice with the purpose of incarceration. These practices cannot be reconciled with the right to protect and develop one's material and spiritual existence guaranteed by Article 17/1 of the Constitution. The current practices can only be explained by the concepts of ill-treatment and torture spread over time. High Security, S, Y and F type prisons must be closed and prisoners must be provided with a life in accordance with human dignity.

RIGHT TO LIFE

The right to life, which is a sacred and fundamental right, must be realised by protecting both the body and the psychology of the human being. However, apart from the fact that confinement is punitive, prisoners are subjected to many rights violations and suffer biological and psychological damage and their right to life cannot be protected.

Since the Directorate General of Prisons and Detention Houses does not disclose any data on prisoners who have lost their lives in prisons, we only have partial information about those who have lost their lives. On 20 November 2023, the Ministry of Justice responded to a parliamentary question by CHP's Aydın MP Süleyman Bülbül dated 21 June 2023 with a total number of prisoners who died in prisons. The following statements were found in the answer:

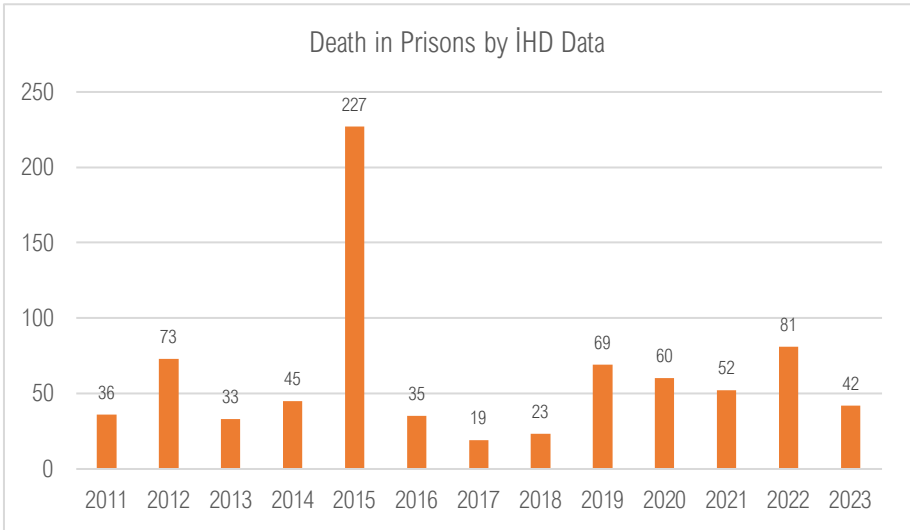
An examination of the Ministry's records reveals that as of 24 July 2023, there were a total of 2,258 convicts and detainees who died of natural causes in prisons between 2018 and 2023.¹⁴

Although the parliamentary question asked for detailed data on the deaths in prisons and the subsequent investigations, the ministry only provided a "number". No further data on why prisoners lost their lives were shared. İHD was able to determine that 522 prisoners lost their lives from the beginning of 2018 until the end of 2023. We were only informed about 23% of the figure provided by the Ministry of Justice. When we take into account the data for the years between 2009 and 2016 in the answer given in 2017 by the then Minister of Justice Bekir Bozdağ to a parliamentary question by CHP's İstanbul MP Sezgin Tanrıkulu, we reach the data that 4,558 prisoners died in prisons in the 15-year period between 2009 and 2023, taking into account that the official data of one year is missing.¹⁵

¹⁴ <https://cdn.tbmm.gov.tr/KKBSPublicFile/D28/Y1/T7/WebOnergeMetni/e4d194c5-9f96-465c-92fe-34893c30f202.pdf>

¹⁵ <https://bianet.org/haber/bakan-bozdag-cezaevlerinde-sekiz-yilda-2-bin-300-kisi-oldu-182558>

According to the response of then Minister of Justice Bekir Bozdağ to a parliamentary question by CHP İstanbul MP Sezgin Tanrıkulu, 242 people died in prisons in 2009, 260 in 2010, 285 in 2011, 286 in 2012, 265 in 2013, 312 in 2014 and 373 in



As far as the HRFT Documentation Unit was able to determine, at least 48 prisoners died in prisons in 2022 and at least 20 prisoners died in 2023 due to illness, suicide, violence, neglect, etc. As far as İHD was able to determine, at least 42 prisoners died in prisons in Turkey in 2023. This number includes 5 prisoners who were released on the brink of death due to severe illnesses.

- 1 prisoner's cause of death is unknown.
- 3 prisoners were killed by firearms.
- 1 prisoner died as a result of a traffic accident.
- 23 prisoners died due to illnesses.
- 5 of 23 prisoners died shortly after their release.
- 10 prisoners died under suspicious circumstances.
- 4 prisoners allegedly died by suicide.

Effective investigations into deaths in prisons, in which families, lawyers and rights defenders are also a part, are not carried out. Even if the prisoner actually died by suicide, there is no sufficient information as no effective investigations are carried out into what led him/her to suicide, what his/her bio-psycho-social well-being was before, or whether he/she was subjected to torture and other ill-treatment.¹⁶

2015. According to data collected by İHD, 36 people died in 2009, 35 in 2010, 36 in 2011, 73 in 2012, 33 in 2013, 45 in 2014, and 227 in 2105 (with the addition of Ministry of Justice data).

¹⁶ tihv.org.tr/wp-content/uploads/2024/06/TIHV-ORG-TR-tihv-tedavi-raporu-2023.pdf

Prisoners Who Died in 2023 [42 Prisoners Total]

	Name and Last Name	Prison	Date of Death	Cause of Death
1	Ö.K	Erzincan Open Prison	XX January 2023	Unknown
2	Hamdin Ördek	Giresun/Espiye L Type Closed Prison	4 January 2023	72-year-old Ördek who was suffering from Alzheimer died 6 days after this release.
3	Necip Bulut	Ödemiş T Type Closed Prison	17 January 2023	Bulut who was suffering from a cardiac condition died of a heart attack on the way to the hospital in the prison vehicle.
4	Cengiz Karlı	Tokat T Type Closed Prison	18 January 2023	Died of a heart attack.
5	Kasım Sandoğan	Isparta T Type Closed Prison	27 January 2023	Died under suspicious circumstances. https://ispartanlik.com/cezaevinde-hayatini-kaybetti-kasim-saridogan-hayatini-kaybetti/
6	Talip Alan	Hatay T Type Closed Prison	7 February 2023	Died of a bullet wound to his heart during the intervention staged on claims of a riot in the prison after the earthquake.
7	Hakan Dernekçi	Hatay T Type Closed Prison	7 February 2023	Died during the intervention staged on claims of a riot in the prison after the earthquake.
8	XXX Bayraktar	Hatay T Type Closed Prison	7 February 2023	Died during the intervention staged on claims of a riot in the prison after the earthquake.
9	Beyza Sağ	Denizli D Type Closed Prison	16 February 2023	Died under suspicious circumstances. Allegedly died of a heart attack.
10	Alparslan Aslan	Maltepe L Type Closed Prison	17 February 2023	Died under suspicious circumstances.
11	Siddik Durğun	Elazığ R Type Closed Prison	11 March 2023	Durgün, a 72-year-old prisoner with severe dementia, died under suspicious circumstances in the room where he was held on his own.
12	Abdullah Oran	Sincan No. 2 High Security Closed Prison	19 March 2023	Died of a heart attack.
13	Duygu Koral	Sincan No. 2 High Security Closed Prison	20 March 2023	Allegedly died by suicide but her body had cuts and traces of battery when she died.
14	Divali Güzel	Kandıra F Type Closed Prison No 1	27 March 2023	Died of heart and kidney failure.
15	Erhan Konuk	Şırnak T Type Closed Prison	7 April 2023	Died of a heart attack at a hearing in the court.
16	Nazmi Arıkan	Bursa Prison	9 April 2023	Allegedly died by suicide.
17	Ufuk Akçekaya	Izmir Buca Open Penal Institution	10 April 2023	Allegedly died by suicide.
18	Neşet Özçelik	Kırıklar F Type Closed Prison No 2	16 April 2023	Allegedly died by suicide.

19	Abdullah Kaynar	Elazığ Prison	30 April 2023	Died in an accident in the prison transfer vehicle.
20	Abdulhalim Kırtay	Burhaniye T Type Closed Prison	12 May 2023	Critically sick prisoner who was incarcerated for 30 years, died 51 days after he was released.
21	Behçet Kaplan	Ahlat T Type Closed Prison	16 May 2023	Died of stomach cancer.
22	Ömer Can Yavuz	Isparta T Type Closed Prison	16 May 2023	Allegedly died by suicide.
23	Kamil Turanlıoğlu	Elazığ F Type Closed Prison No. 2	21 May 2023	Died of a heart attack.
24	Ahmet Rıza Özkan	Trabzon/Beşikdüzü T Type Closed Prison	21 May 2023	Özkan, who was diagnosed with cancer while imprisoned, died 1 year after he was released.
25	Ali Kara	Rize/Kalkandere L Type Closed Prison	29 May 2023	Kara, who was suffering from cancer when he was imprisoned and had his treatment interrupted, died 5 months after he was released.
26	Kutluhan Söylemez	Alanya	11 June 2023	Died of diabetes.
27	Bayram Tekin	Sincan Closed Prison	20 June 2023	Died of various illnesses.
28	Bişar Yazıcı	Van High Security Closed Prison	8 July 2023	Died of liver failure.
29	Ümit Mutlu Akpınar	Denizli D Type Closed Prison	8 August 2023	Allegedly died by suicide.
30	Erhan Baştin	Van T Type Closed Prison	19 August 2023	Died of cancer.
31	Şakir Turan	Erzincan L Type Closed Prison	30 August 2023	Died of cancer.
32	Sinan Ayyıldız	Kandıra Closed Prison	4 September 2023	Died of a heart attack.
33	Mevlüt Karaaslan	Isparta T Type Closed Prison	7 September 2023	Died of a heart attack.
34	İsmail Hakkı Erdem	Bursa H Type Closed Prison	29 September 2023	Allegedly died by suicide.
35	Yılmaz Özalp	Şakran T Type Closed Prison No. 1	1 October 2023	Died of a heart attack.
36	Mehmet Selim Onçulu	Diyarbakır T Type Closed Prison No. 4	7 October 2023	Died of a heart attack.
37	Durmuş Ali Yıldız	Karaman M Type Closed Prison	17 October 2023	Allegedly died by suicide.
38	Sedat Yamuktu	Urfa T Type Closed Prison No. 2	8 November 2023	Died under suspicious circumstances.
39	Eyüp Yıldız	Çorum L Type Closed Prison	20 November 2023	Allegedly died by suicide.
40	Cemal Tanhan	Bolu F Type Closed Prison	4 December 2023	Died in the ICU due to illnesses.
41	Mehmet Güvcin	Şırnak T Type Closed Prison	12. December 2023	Died of cancer at the hospital.
42	Naif Aybar	Van T Type Closed Prison	30 December 2023	Died of cancer.

RIGHT TO HEALTH AND SICK PRISONERS

According to the applications received by IHD and interviews with prisoners, it is seen that the major health problems in prisons in terms of the right to health are multidimensional and diverse. There are problems such as overcrowded wards, transfers to hospitals in single-seater transport vehicles which are unworthy of human dignity, imposition of oral cavity searches, not being taken to infirmary, not being able to access outpatient clinics from infirmaries and 3rd tier health services from outpatient clinics, imposition of handcuffed examination and presence of gendarmerie and wardens in the examination room which ignores patient-doctor privacy, fresh air problems, restriction of access to clean water and hot water, lack of diet meals, non-nutritive and/or small amount of food. In addition, most of the prisoners do not go to the hospital due to the imposition of oral cavity searches while being taken to the hospital and being brought back to the prison from the hospital. However, Articles 51 and 52 of the United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules) state that body searches cannot be used to unnecessarily interfere with the privacy of the prisoner and can only be used if there is an absolute necessity. The World Medical Association's statement on body searches states that body searches should be carried out by persons who have received the necessary training.

Furthermore, prisoners in critical condition are not released even though they are in the last stages of their illnesses. The fact that the Forensic Medicine Institution (FMI) renders politically motivated release decisions, that hospital reports are not accepted by the FMI and that the reports or decisions taken are not implemented on the grounds of "security" increases the seriousness of the situation of seriously sick and sick prisoners.

In programmes that should be implemented with a public approach and with the participation of the whole society, risk groups should undoubtedly be taken into consideration. One of these risk groups are held in places such as prisons where prisoners or persons deprived of their

liberty are located. Prisons are institutions where personal space and hygiene are the most limited. The characteristics and organisation of prisons with their dense and mobile population are very favourable environments for the spread of diseases. It is vital that states attach serious consideration to the situation of detained persons in their overall crisis plans in order to protect prisoners, prison staff, visitors and, of course, society in general. It is the responsibility of states to ensure that the rights to health and life are protected and guaranteed for all, without exception, including those who are deprived of their liberty in prisons. This is guaranteed by the 2015 United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), the 1982 "UN Code of Medical Ethics", the 1988 "UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment", the 1990 "Basic Principles for the Correction of Prisoners" and the 1990 "United Nations Rules for the Protection of Juveniles Deprived of their Liberty". Recommendation No. 2 (2006) of the Committee of Ministers of the Council of Europe on the European Prison Rules (Art. 40.3) mentions the need to ensure that prisoners, regardless of their legal status, have access to the right to health on an equal footing with non-prisoners. These regulations and decisions recognise that the state is responsible for the health and lives of prisoners. Ministries and prison administrations are obliged to ensure that prisoners enjoy and have access to treatment and health rights during their incarceration in prison. As of April 2022, there were 1,517 sick prisoners in Turkey's prisons, 651 of whom were in critical condition. This figure was the number that İHD was only able to reach within the available means.

In 2023, 6,639 violations were identified under the right to health, some of which are listed below. Some of the findings of İHD in terms of violations of the right to health in prisons are as follows:

- Failure to transfer a prisoner to another prison even though the FMI has deemed it appropriate to transfer them to another prison for health reasons,
- Keeping prisoners with disabilities and seriously ill prisoners who are at risk of having an attack and/or cannot meet their own needs in solitary confinement,
- Security guards keep the handcuffs on during hospital transfers and physicians do not demand them to be removed (handcuffed during hospital transfers, medical examinations, dental treatments, surgeries and in ward rooms),
- Drying laundry in single rooms in High Security Prisons without ventilation (risk of lung diseases and rheumatism),
- Closed windows with dense single fences, preventing the entry of air and daylight,
- Since there is no kitchen counter in the wards where aggravated life sentence prisoners stay, they have to wash the dishes in the toilet and bathroom section.

ALLEGATIONS OF TORTURE AND ILL-TREATMENT

Although there are well-developed standards regarding the rights of prisoners in domestic laws and international human rights law, prisoners cannot enjoy the relevant rights and regulations directly, they can use them through the authorities in the places where they are held. Authorities and prison directors carry out procedures and practices contrary to the legal regulations which are based on international human rights conventions and the Constitution. This situation creates serious distrust in the prison system among prisoners, their families, lawyers and human rights organisations. As a whole, these findings show that in the enforcement of prison sentences, the fact that deprivation of liberty is a sufficient punishment in itself is ignored and that both the physical conditions of the prison and the regime applied further increase the severity of the punishment being served. There is no mechanism to effectively monitor these "aggravated" conditions of imprisonment. The Human Rights and Equality Institution of Turkey (HREIT), which also functions as a National Prevention Mechanism, does not fulfil this function.

Despite its absolute prohibition by the Constitution and universal law, of which Turkey is a part, and its status as a crime against humanity, torture continues to be the most prominent human rights problem in Turkey in 2023. There has been a significant increase in cases of torture and other ill-treatment practices in official detention centres due to the violation of procedural safeguards due to reasons such as avoidance of the control of laws, rules and norms, arbitrariness, conscious negligence, length of detention periods, dysfunctional monitoring and prevention mechanisms or the absence of independent monitoring and prevention. Yet, state authorities deny acts of torture and other ill-treatment that have become routine practice or defend acts of torture by referring to security strategies, terrorist threats, epidemics, etc.

BATTERY/THREATS/INSULTS AND PROVOCATIVE CONDUCT

Torture and ill-treatment practices in prisons include beatings/threats/insults and provocative approaches, strip searches, oral searches, handcuffed examinations, standing roll-calls/phone calls/marching single file in military order, beatings, all kinds of arbitrary treatment and arbitrary disciplinary penalties, solitary confinement, forced transfers, prevention of the right to fresh air. There are various headings such as problems with rooms and wards, informant-making efforts,

cameras recording living spaces, raid searches and scattering of property during searches, police officers wearing gendarmerie vests, denial of the right to visit to those whose relatives are seriously ill and the right to attend funerals for those whose relatives have died, and isolation. A total of 17,218 violations were identified under these headings.¹⁷ Among the HRFT applications, the most common violations in prisons between 2016 and 2023 were insults (71.4%) and beatings (54.4%).

STRIP SEARCH

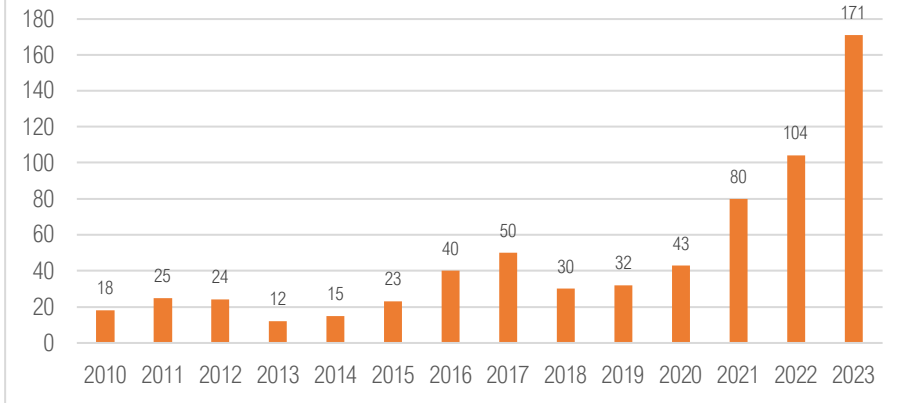
Naked searches and forced strip searches are carried out as acts of torture that violate the privacy of the person, target their moral values and social identity, damage their mental integrity and amount to sexual violence. However, as stated in the "United Nations Standard Minimum Rules for the Treatment of Prisoners" (Nelson Mandela Rules), it is clearly stated that "searches (should) be conducted in a manner that respects human dignity and the privacy of those searched, and also within the framework of the principles of proportionality, legality and necessity".

The legal basis for the practice of "strip search" in Turkey was included in the "Regulation on the Administration of Penal Institutions and the Enforcement of Criminal and Security Measures". In 2020, after AKP Group Deputy Chairperson Özlem Zengin's statements targeting people who had been subjected to strip searches and denying the reality of strip searches, the issue reappeared on Turkey's agenda. Although it was denied by the government at the time, Article 34 of the regulation regulated the conditions under which "strip searches" could be conducted in prisons. Following these discussions, with Article 14 of the Presidential Decree No. 4773 published in the *Official Gazette* on 12 November 2021, the phrase "in case there are serious indications and it is impossible to determine as such in any other way" was added to the first sentence of the relevant paragraph, and the phrase "naked" was changed to "detailed". Despite these amendments, there has been no change in practice. There were at least 175 violations in 2023 regarding strip searches imposed on prisoners and their families in prisons. According to HRFT's data, there were 167 cases of strip search and 4 anal/vaginal searches in 2023. We also observe that those who object to strip searches in prisons are subjected to physical violence or forced to strip search.

In conclusion, strip searches and forced undressing are acts of torture and other ill-treatment that violate the privacy of the person, target their moral values and social identity, damage their mental integrity and amount to sexual violence. Human rights defenders have persistently expressed for years that strip searches and forced undressing are one of the worrying manifestations of the reality of systematic torture in Turkey.

¹⁷ <https://www.ihd.org.tr/wp-content/uploads/2024/06/2023-Yili-Hapishane-Raporu.pdf>

HRFT Application Figures on Strip Search, Stripping, Anal/Vaginal Search between 2010 and 2023



ORAL CAVITY SEARCHES

Although intraoral searches in prisons, which are both a violation of the right to health and a method of torture, are carried out in the body cavity of the person, the procedures to be followed in such a search are not followed. In its statement on intraoral searches, the DGPDH states that the searches need to be carried out in accordance with the articles of the "Regulation on Visits of Convicts and Detainees", and the regulation includes the following statements:

Despite the general search procedures, if there is a reasonable and intense suspicion that the person concerned will bring prohibited substances or goods into the institution, a detailed search is carried out. Necessary care is taken to avoid touching the body during the detailed search. First of all, the detainee or convict is asked to remove and deliver the forbidden substance or item by himself/herself. Otherwise, in cases where the body cavities need to be searched, the detailed search is carried out by a physician.

Yet, in the applications made to our association, it was stated that prisoners are subjected to oral cavity searches by correctional officers every time they enter and exit the prison without any suspicion. In the year 2023, 567 violations were identified due to the imposition of oral cavity searches. This practice is applied by law enforcement officers in almost all prisons. Prisoners refrain from going to hospital due to the oral cavity search and their right to health is also violated.

STANDING ROLL-CALLS / ROLL-CALLS ON THE PHONE / SINGLE FILE MARCHING

The imposition of standing roll-calls, roll-calls in phone calls, the obligation to wear an ID card, the imposition of marching in single file in military order are not only a means of imposing the authority of the administration in prisons, but also stand out as practices of torture and ill-treatment in prisons.

Standing roll-calls are imposed even in cases where the number of prisoners in cells is very low. This also includes prisoners in solitary cells. It is also a means of psychological pressure. During the counts, there are also situations such as standing at attention, buttoning the front of the clothes, (military) salute. Even prisoners who are known to be ill or who have physical difficulty in standing up or standing are forced to stand during the counts. As a means of pressure, in some prisons, counting is also carried out at night.

During the phone calls, prisoners are forced to give a call-take. In this practice, both the prisoner and the person he/she talks to are asked to introduce himself/herself (name and surname), and when this is not done, the phone calls are interrupted. In some prisons, prisoners are forced to wear ID cards, and prisoners who refuse to do so are subjected to disciplinary proceedings. According to the applications received, prisoners are asked to walk by the wall, in military order and in single file during their transfers (hospital, prison, court etc.), phone calls, contact/non-contact visits. Prisoners who object or resist these practices are threatened and even subjected to torture and ill-treatment, and disciplinary proceedings are initiated against them. In many cases, they are punished by solitary confinement and measures are taken to delay their releases.

PREVENTION AND VIOLATIONS OF THE RIGHT TO FRESH AIR

Especially in the newly opened high security and S types, the right to fresh air, which is the most important need of prisoners within the scope of the right to health, is restricted. The ventilation periods of prisoners should be extended without leaving it to the initiative of prison administrations and should be made accessible during daylight hours as it is for other prisoners, fresh air areas should be enlarged, prisoners' access to land and green areas should be ensured and the number of people using the same fresh air area should be increased. In the applications to İHD and prisoner interviews, 240 complaints on these issues were identified.

PRISON CONDITIONS, SOCIAL RIGHTS AND OTHER VIOLATIONS

DISCIPLINARY INVESTIGATIONS AND THE ENFORCEMENT OF SENTENCES

Prison administrations respond to all kinds of rights demands or reactions against violations by keeping records and initiating disciplinary investigations. As a result of these disciplinary investigations, prisoners may be given penalties prohibiting their right to communication and placing them in solitary confinement. However, what is more important is that prisoners are not allowed to benefit from conditional release on the pretext of these investigations and penalties. Disciplinary penalties have become a threat especially for disadvantaged prisoners such as minors, elderly and disabled prisoners and have made it difficult for them to raise their voices against the violations of rights they face in prisons. Even the attempts of prisoners to publicise the violations of their rights through letters to the outside world are grounds for disciplinary punishment on the grounds of "damaging the reputation of the institution".

SINGLE CELLS AND INCARCERATION IN PADDED ROOMS

According to the applications made to İHD, some prisoners were subjected to ill-treatment and torture due to being arbitrarily kept in the so-called "padded rooms" equipped with cameras and covered with sponge or a similar material. However, judicial and administrative passivity against the legal applications made due to the fact that these unlawful and illegal practices are considered to be ordinary cases encourages those who ignore the rules.

PREVENTION OF RELEASES BY ADMINISTRATIVE OBSERVATION BOARD DECISIONS

On 29 December 2020, the "Regulation on Observation and Classification Centres and Evaluation

of Convicts" was published in the *Official Gazette* and entered into force. The boards consisting of prison prosecutor, prison director, second director in charge of observation and classification, administrative officer, prison physician, psychiatrist, psychologist, and another personnel working in psycho-social assistance service, teacher, chief wardens and technical personnel evaluate the prisoner's well-being in 6-month periods. These boards are in violation of the Constitution and the European Convention on Human Rights. İHD applied to the Council of State on 12 December 2020, demanding a stay of execution on the "Regulation on Observation and Classification Centres and Evaluation of Prisoners", but this application is still pending.

Boards established in accordance with this regulation decide whether prisoners will benefit from parole and probation rights. In addition, the Administrative and Observation Board, in their evaluations on prisoners, decides that prisoners are not in good behaviour on the grounds of disciplinary penalties received before the effective date of the regulation and prevents their release, which is against the principle of "prohibition of retroactivity".

Observation boards make abstract and subjective comments while deciding whether prisoners are in good behaviour or not, and they ask political prisoners to declare that they are in "regret." Due to these decisions, hundreds of political prisoners are deprived of their rights to probation and conditional release. İHD receives many applications from prisoners whose release is prevented by the decisions of the observation board.

VIOLETION OF PROHIBITION OF DISCRIMINATION

The prohibition of discrimination and the principle of equality are guaranteed under Article 10 of the Constitution. In addition, the principle of equality has imposed obligations on states in international and national texts. However, in prisons, which are places of confinement, prisoners are subjected to many forms of discrimination and their rights are ignored by violating the principle of equality. It has been reported to our association that foreign prisoners arrested in Turkey's cross-border military interventions and foreign prisoners who have been in Turkey as refugees are subjected to discrimination. The fact that foreign national prisoners do not speak the language, that their families are far away and that they often cannot even benefit from the support of a lawyer deepens the discrimination they experience. Unfortunately, the increasing refugee/foreign hostility in Turkey in recent years is also reflected in prisons.

VIOLETION OF THE RIGHT TO HOPE

Prisoners serving a sentence of imprisonment without the hope that one day they will be released is a violation of the prohibition of inhuman or degrading treatment or punishment under Article 3

of the ECHR. The ECtHR has developed a series of case law on the right to hope. The conclusion of the ECtHR judgements is that the sentence of aggravated life imprisonment should be reviewed at certain intervals within the scope of the convict's right to hope for release. However, although Turkey, as a party to the ECHR, has accepted the jurisdiction of the ECtHR, it does not introduce a regulation to establish the right to hope in its laws.

PREVENTION OF THE RIGHT TO PETITION

Prisoners convey their complaints and the violations to administrative authorities through petitions. However, prisoners, who were not given the numbers of their applications in most prisons, stated that their petitions were not processed and the petitions were lost. Prisoners also stated that they were threatened with disciplinary penalties due to the content of their petitions. This process has caused prisoners to be cautious about submitting their complaints and not being able to file complaints in most cases. Prisoners who want to learn about their situation or the fate of their previous letters or petitions by writing a petition also face obstacles. In some cases, their requests for paper and pen to convey their demands and to get information are not met, and the fact that prison administrations ask them to submit all their demands by petition, that is, in written form, creates an accessibility problem specific to the prison. Because there are prisoners with disabilities who cannot write due to physical and mental disabilities, as well as prisoners who cannot read and write, and other prisoners have to make their written requests on their behalf, including shopping, communicating with the outside world, going to the hospital.

RIGHT TO A FAIR TRIAL

Unfortunately, there are many prisoners in Turkish prisons who are not allowed to exercise their right to a fair trial. The right to a fair trial of these prisoners is not only prevented during their detention period, but also manifests itself in the form of preventing their efforts in the following period. Long detention periods and delayed indictments also cause significant rights violations for prisoners. It should be noted once again that their right to conditional release is prevented due to arbitrary disciplinary penalties. Another important issue is that prisoners cannot be present in the courts during the trial. Prisoners who are transferred to prisons far away from the place where they are already on trial are denied the opportunity to be present at the hearings. However, in other cases, there is a tendency to ensure their participation via SEGBIS. This situation violates the right to a fair trial and defence.

RIGHT TO EDUCATION

Prisoners who want to continue their education have many special needs, such as access to information and educational materials, the creation of appropriate study conditions, the need to be informed about the university exam, selection and registration processes. In order for prisoners to be admitted to universities offering formal education, university boards must decide on admission. There is no public information about which university accepts prisoners or not. Prisoners who do not want to lose their rights due to the uncertainty caused by this situation, mostly prefer to participate in non-formal education. The economic needs that all these processes require and the difficulties arising from these needs make education difficult for prisoners who mostly have no income other than the economic support of their families. Although the right to education is guaranteed by the Constitution, prisoners have also raised allegations that their right to education is prevented by the administrations, especially in open penal execution institutions.

RIGHTS VIOLATIONS CONCERNING SOCIAL ACTIVITIES

There are various practices regarding social activities in prisons in Turkey. In many prisons, legal rights are limited or restricted. There are many applications such as shortening the duration of activities, limiting the number of prisoners to participate in activities, forcing prisoners to participate in activities with the same people. Especially prisoners sentenced to aggravated life imprisonment have less socialisation opportunities compared to other prisoner groups. This situation has a negative psychological impact on prisoners sentenced to aggravated life imprisonment. The structure and conditions of the newly opened S-type, Y-type and High Security prisons have further restricted prisoners' participation in social activities. In order to end the arbitrary bans on social activities imposed by the administrations in most prisons, it is necessary to regulate prisoners' participation in social activities in such a way that they are not left to the initiative of prison administrations and to enhance their existing rights.

VIOLATIONS OF THE RIGHT TO COMMUNICATION AND CORRESPONDENCE

In 2023, serious problems were experienced in the exercise of the right to communication and correspondence. Prisoners have reported violations of rights such as prevention of video phone call rights, prevention of letter rights, not being allowed to send and receive letters in Kurdish. These violations also violate the right to respect for private and family life. In addition to all these, prisoners are constantly subjected to disciplinary proceedings for their letters and petitions, objections to oppression and violations, and are deprived of their right to

communication and correspondence. The imposition of communication penalties on prisoners, who are already under surveillance in a closed area, which will limit their communication with the outside world, is a secondary punishment method.

VIOLATIONS OF THE RIGHT TO ACCESS INFORMATION

Yeni Yaşam, *Evrensel*, *Birgün* newspapers are not given to prisoners on the pretext of "not receiving official announcements and advertisements from the Press Advertisement Agency" and no TV channels are allowed to be watched except the ones determined by the prison administrations. Also in some prisons, radios that prisoners bought from the canteen were confiscated. A similar situation is also valid for books taken into prisons. However, this time the practice is based on completely arbitrary grounds. Books that the prison administration finds objectionable or forbidden are not delivered even if they are sent by the prisoners' families, questions about the situation are answered as "they are banned publications", "their content is forbidden", "they disturb the security of the institution", and the number of books that can be kept in wards or cells varies from prison to prison. In addition to these; when prisoners want to send their drafts of novels, stories, etc. to be published, these publications are confiscated by the administrations on the grounds that they contain propaganda and are not sent. Kurdish books sent to prisoners are not given to them, and when they applied to the administration with a petition on this issue, they were told that "there was no officer to check Kurdish books, if they paid for a translator, they would be sent to the translator, and if it was found appropriate, the books would be given to them."

RESTRICTIONS OF THE RIGHT TO VISITATION

Applications were received regarding violations such as prevention of prisoners' right to visit both family and friends, and restriction of visitation periods. Shortening the visitation period of prisoners whose families reside in distant places and whose visits are already limited, also constitutes a violation for their families. Conducting a police investigation about the people whom the prisoners want to see and not accepting them to see them as "dangerous" based on abstract evaluations cause violation of the right to respect for private life of prisoners. In the recent period, decisions have been handed down against people on grounds such as being a visitor of prisoners and depositing money to prisoners. As a result of the judicial pressure on the families and relatives of prisoners and the criminalisation of depositing money to prisoners, prisoners are unable to meet their needs, which leads to both physical and mental problems and violations. The detention, prosecution and arrest of friends and families of prisoners for these reasons lead to irreparable consequences, they lose their jobs, are deprived of their freedom and suffer social harm.

TRANSFER REQUESTS AND FORCED TRANSFERS

When the reports on rights violations in prisons in recent years are analysed, it is seen that one of the most intense rights violations is forced transfers, i.e. exiles. Another area of violation is that transfers are usually carried out to places far away from prisoners' families. It is among our observations that these transfers create serious economic problems for the families and communication with families is completely broken. The European Committee for the Prevention of Torture reiterated its opinion in its General Report No. 2 in its report published in 2006 following its visit to Turkey in December 2005. As it stated in paragraph 22 of the report, "Special efforts should be made to ensure that family ties are not broken. In this context, prisoners should, as far as possible, be placed in prisons close to where their families or close relatives are located." More importantly, there is an ECtHR judgement on this issue. The ECtHR ruled on the application of prisoners Abdülkerim Avşar and Abdülkerim Tekin, who were transferred against their will to Kırkkale Prison, far away from their families, and concluded that Turkey had violated the "obligation to respect family life". Turkey is obliged to carry out transfer procedures in accordance with this decision, taking into account grounds such as health, distance and difficulties of visibility.

INFORMANT-MAKING EFFORTS

There are also cases in our records where prisoners were taken from their wards from time to time and forced to meet with the police or even to cooperate with them. In 2023, 2 prisoners were forced to cooperate with the police, but the exact number of those who were subjected to such coercion is not known.

PROBLEMS ABOUT ROOMS AND WARDS

Prisoners are subjected to various violations regarding their rooms and wards. Prisoners especially in high security prisons are held in solitary confinement regardless of whether they are serving aggravated life sentence, life imprisonment, term imprisonment or detention. The fact that most prisons house more prisoners than their capacity causes the wards not to be ventilated sufficiently. The windows are not large enough and in high security prisons the tightly woven wires attached to the ventilation windows prevent fresh air from entering the cells and wards.

CAMERAS RECORDING LIVING SPACES

One of the most important violations of rights that occur in prisons is the cameras installed to record the living areas. Although there are enforcement officers in every area and there are many cameras in open areas, there are many security cameras to see the living areas of detainees and convicts, especially toilets and bathrooms. This practice violates the right to respect for private life of detainees and convicts. And the right to respect for private life is also valid for prisoners and is guaranteed by domestic law and international conventions.

RAID SEARCHES AND SCATTERING AND BREAKING OF PROPERTY DURING SEARCHES

In addition to routine ward and room searches, applications were received about unannounced room searches. During these searches, items, books and letters previously bought from the canteen were seized, items were scattered and broken, and prisoners who objected to this were subjected to threats, insults and ill-treatment. Such searches and practices turn prisons into a place where prisoners feel insecure and under constant attack in addition to all other negative conditions. In addition, the fact that the searches are carried out in violation of the regulations causes the persons participating in these searches to commit the offence of disturbing peace and tranquillity.

FAILURE TO HAND IN PRISONERS' PROPERTIES

Prisoners are not given parcels sent by their friends and families. Prisoners are forced to buy underwear, towels, bed linen, socks etc. from the canteen, which causes further victimisation for prisoners with poor financial situations. It has been reported in the applications to our association that the canteens sell extremely poor quality products, which are offered at exorbitant prices, and that the products demanded by the prisoners are not brought to the canteens. Restriction of clothes or limited shopping days also cause prisoners not to meet their needs on time.

HARSH LABOUR CONDITIONS IN OPEN PRISONS

Article 18 of the Constitution states that "No one shall be subjected to forced labour. Forced labour is prohibited". However, in the continuation of the relevant article, labour in prisons is defined as an exception. According to Article 29, paragraph 1 of the Law No. 5275 on the

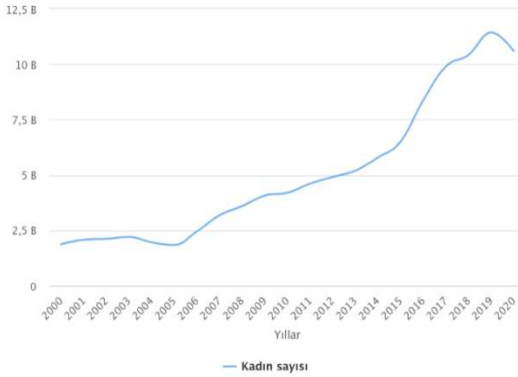
Enforcement of Sentences and Security Measures, "convicts who are determined to be mentally and physically healthy by the institution physician and those who have a profession can be employed in workshops in return for a wage determined to the extent of the institution's facilities. In this context, it is obligatory for a convicted prisoner to work in prison unless he/she has a health problem and has no profession." Paragraph 2 of the same article states that the purpose of prison labour is to enable prisoners to learn professions and crafts that can sustain their lives after their release and to strengthen their desire to produce. However, the fact that prisoners work for long hours with low wages, they are not insured, they are pressured by enforcement officers during their working hours, they are not given occupational health and safety training, the required examinations and controls are not conducted, the basic needs such as overalls, boots and gloves required for occupational health and safety are not met, distracts these works from their legal purpose and causes prisoners to become cheap labour.

ECONOMIC CONDITIONS AND POVERTY

One of the greatest problems in prisons is economic problems, especially the poverty of prisoners' families brings along the poverty of prisoners. Considering that almost everything in prisons is provided from the canteen for a fee, the depth of the deprivation of prisoners who have no income is also revealed. In addition, the fact that postal stamps and telephone cards, which are means of communication, are paid also eliminates the prisoners' contact with the outside world. Especially the fact that the small amounts of money sent to the prisoners who have no one, whose families are poor and foreign national prisoners for solidarity purposes are subject to investigations, and the detention and arrest of those who deposit money to prisoners also increase such poverty.

WOMEN PRISONERS

According to the data of the General Directorate of Prisons and Detention Houses, as of 2 May 2024, there are 13,819 women prisoners, including 11,198 convicted and 2,621 remanded. These prisoners are accommodated in 11 women's closed prisons and 8 women's open prisons, and in many cases in other prisons in wards reserved for them.



(Number of Women)

As shown in the table above, the number of women prisoners has been increasing over the years. However, in parallel with this increase, steps are not taken to improve the conditions of women prisoners.

In Turkey, women who face gender discrimination and violence by men in society face a similar situation in prisons and in the post-prison period. Both legal regulations and practices in prisons almost ignore the gender-related needs of women, and gender-sensitive approaches and practices are not developed. In Turkey, there is no separate legislation to prevent women

from being subjected to gender discrimination in prisons.

The most common allegation of torture and ill-treatment against women prisoners is the practice of strip searches. There are reportedly instances of forced strip searches that amount to physical harassment. It has been reported to our association that prisoners who object or resist the practice are beaten, subjected to violence or punished.

Health rights of women prisoners are also violated both due to not being referred to hospitals and oral cavity searches. It has also been reported to our association that they are not provided with hygiene and cleaning materials and have problems in accessing hot water and clean water.

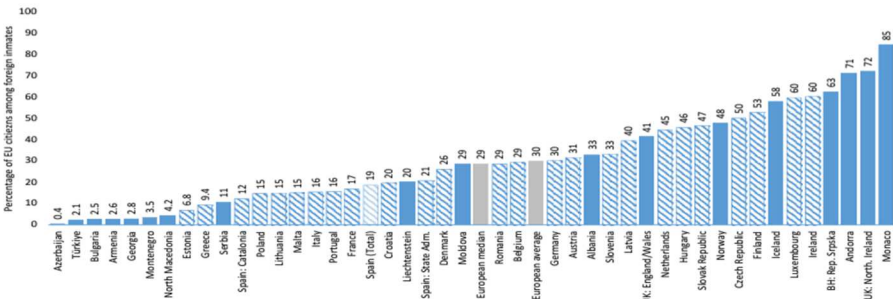
Despite the objections, the use of cameras that monitor the living areas of women prisoners, which violate their right to privacy and respect for private life, continues despite the objections. With these cameras, the entrance and exterior of wards, bathroom-toilet doors, dormitory and toilet interiors, which are called common areas, are monitored 24/7 under the pretext of security.

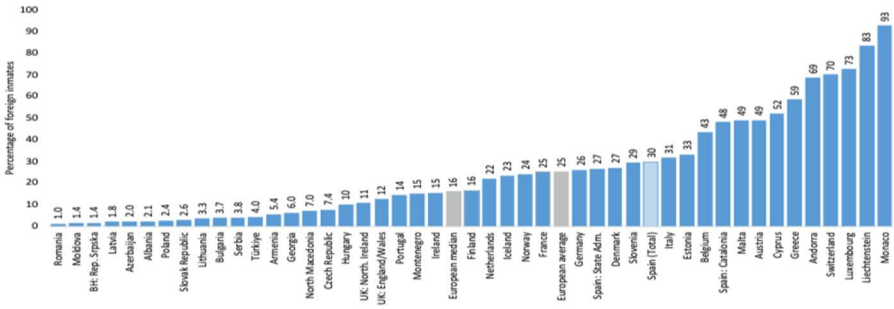
In conclusion, one can argue that the problems faced by women prisoners and the violations of rights they are subjected to are similar to those faced by other prisoners in many points. According to the United Nations General Assembly resolution of 19 December 2006, it is emphasised that efforts to eliminate all forms of violence against women should include women in need of special attention, such as women in prison or detention, and that measures should be taken to eliminate the difficulties experienced by these women due to gender discrimination. IHD believes that the "United Nations Handbook on Women Prisoners" can be taken as a reference on how to treat women whose special needs are ignored. In addition, the "Handbook on Women and Incarceration for Prison Administrators and Policy-Makers" prepared by the United Nations would be a suitable guide for training programmes to be prepared for prison administrators, staff and correctional officers.

FOREIGN PRISONERS

It is very difficult to access statistical data on the general situation of prisons in Turkey. As in many other areas, the state is very tight-fisted about sharing data. It is also comfortable enough to say that the data and statistics published in some areas are misused and therefore it will not publish them. This situation regarding data also covers foreign prisoners. There is no published statistical data on this group of prisoners, who mostly do not receive any special attention. İHD's applications for information to the Ministry of Justice and the General Directorate of Judicial Records and Statistics in the past years were left unanswered. Therefore, we do not have up-to-date data on how many foreign prisoners are in prisons in Turkey.

However, according to the Council of Europe Annual Penal Statistics - SPACE data, the rate of foreign national prisoners in Turkish prisons in 2022 was 2.1%. This rate has increased to 4% in the 2023 report. According to SPACE data, Turkey was in second place after Russia in terms of prison population before Russia was expelled from the Council. Now it is in the first place. Although it ranks first among the 47 members of the Council in terms of the number of detainees and convicts per 100,000 inhabitants, it ranks much lower with 4% of foreign prisoners in prisons. One can assume that Turkey has provided this data. When calculated according to the total number of prisoners, we can say that there are approximately 6,000 to 10,000 foreign prisoners in Turkey.





Another calculation of the number of foreign prisoners in Turkish prisons - although it will not yield a complete result - would be to look at the annual data published by the General Directorate of Judicial Records and Statistics. In these data, it is possible to determine the number of foreign nationals in the statistics on the Number of Suspects in the Investigation Files of the Chief Public Prosecutor's Offices, Number of Victims/Complainants in the Investigation Files of the Chief Public Prosecutor's Offices, Number of Defendants in Criminal Courts, Distribution of the Number of Crimes in the Cases Filed in Criminal Courts in accordance with the Turkish Penal Code by Type of Crime, Number of Crimes in the Cases Filed in accordance with Special Laws.¹⁸

The problems, pressures and violations faced by foreign prisoners in prisons can be analysed in two groups. The problems in the first group consist of pressures and violations arising from the penal execution system and the general situation of prisons in Turkey, which other prisoners also face. It is possible to trace such problems in the joint applications made by prisoners. The other group of problems is the oppression and violations arising from the specific situation of foreign prisoners.

A significant part of the problems faced by foreign prisoners are problems related to the language barrier. From the applications made and the information gathered, we understand that foreign prisoners who do not speak Turkish are more exposed to torture and ill-treatment, discrimination and racism. Foreign prisoners are discriminated both by the officials in the prison and by the officials at the point of access to health care. Moreover, since they are not sufficiently informed and do not speak the language, they cannot use complaint mechanisms effectively. Moreover, unfortunately, we have very limited information about torture and ill-treatment to which foreign prisoners are subjected.

There are significant problems regarding access to printed publications. Publications in languages other than Turkish are not given to prisoners before their examination is completed. In many cases, this examination is not completed. This is also the case for publications and

¹⁸ As an example of such a calculation, one can refer to İHD's report published in May 2021, "Garip Kaldım Gurbet Elde: Türkiye Hapishanelerindeki Yabancı Mahpuslar."

<https://www.ihd.org.tr/garip-kaldim-gurbet-elde-turkiye-hapishanelerindeki-yabanci-mahpuslar/>

letters received by mail. The limited variety of foreign language publications in prisons and the limitation of prisoners to keep a certain number of publications with them are also among the problems. Restrictions on access to non-banned publications are also reported.

Foreigners are the group most affected by the rules regarding the possession of radios in prisons. We learnt that they are unable to listen to broadcasts in their own language due to restrictions on the use of radios that allow listening to foreign broadcasts. This is also the case for television channels.

It is also understood from the applications that they claim to be victimised during the investigation and trial stages because they do not speak Turkish. The complaints include not being able to get the support of a lawyer and translator in detention, being deprived of the opportunity to prove their identity during the judicial process, and not being adequately informed about the enforcement of sentences. There are also foreign prisoners who stated that they received arbitrary punishments as a result of disciplinary investigations in prisons. Difficulties in appointing a guardian and not appointing a guardian because the requested persons are found "objectionable" are among the allegations.

In addition, being far away from their families, not being able to reach their families at all or not being able to get support from their families makes their economic conditions difficult and this brings along many other difficulties. There are foreign prisoners who state that they have problems with visits because they are in a prison in a foreign country and that they cannot use this right for many reasons. Among these prisoners, there are prisoners who have not seen anyone for many years. In order to benefit from these rights, prisoners demanded to be transferred to provinces where their relatives are or to provinces close to their home countries, and it is claimed that these requests were denied.

DISABLED PRISONERS

Prisoners with disabilities constitute one of the disadvantaged groups who are subjected to the most rights violations in Turkish prisons. Since the Ministry of Justice Directorate General of Prisons and Detention Houses does not share any data on prisoners with disabilities, we have limited information about the situation of prisoners with physical and mental disabilities as a result of the applications made to our organisation.

Prevention of torture and ill-treatment brings with it the obligation to ensure that prisoners are kept in humane conditions and treated humanely. However, the applications show that prisoners with disabilities are subjected to many violations in terms of conditions of detention, access to health and accessibility to rights.

It is stated in the applications made to İHD that prisoners with physical disabilities are not provided with prosthetic support and equipment to make their lives easier, their prosthesis needs are not met on the grounds that their families do not deposit money, and they are held in single rooms despite doctor's reports.

Prisoners with mental disabilities are held in prisons instead of being treated and their health conditions deteriorate even more in these places of confinement. The inability of these prisoners to communicate and exercise their rights forces them to convey their problems through other prisoners.

The reports provided by the Forensic Medicine Institution (FMI) are decisive for both the postponement of the enforcement of the sentences handed down to prisoners with disabilities and their transfer to R-type prisons. The FMI can also issue a report as "can stay in prison" or "can manage his/her life alone" for prisoners who have received reports from full-fledged hospital committees with the degree of "severe disability". According to the Health Regulation, while a disability rate of over 70% means "not being able to sustain life alone", we have encountered many cases where the FMI does not issue a "cannot stay in prison" report even for severely disabled prisoners. This situation causes the scientific base and impartiality of the

FMI to be questioned. Similarly, in order to be transferred to R-type prisons, besides the committee reports obtained from hospitals, reports from FMI stating that "they can stay in R-type prisons" are effective. For this reason, it is very difficult for disabled prisoners to be transferred to R-type prisons and to postpone the enforcement of their sentences due to illness. The fact that the FMI gives the report of "can stay in prison" to the persons who cannot manage their lives on their own or who have severe disabilities, or does not give the report of "cannot stay in prison" until they reach the final stage of their illness, has resulted in the death of some disabled prisoners. In addition, some disabled prisoners are not released from prison even though they have received a report from the FMI stating that they "cannot stay in prison", on the grounds that they do not meet the condition of "not posing a grave and concrete danger to public safety" stipulated in Article 16 of the Law on the Enforcement of Sentences.

CONCLUDING REMARKS AND RECOMMENDATIONS

- 1) Legal arrangements should be introduced so that relevant organisations, especially expert professional organisations and human rights organisations, take part in the inspection of prisons.
- 2) The European Court of Human Rights (ECtHR) ruled in the individual application *Ebedin Abi v. Turkey* (B.No: 10839/09, 13/3/2018) that the prohibition of treatment incompatible with human dignity was violated in relation to the failure to provide dietary food to sick detainees or convicts. Adequate and healthy nutrition is a fundamental human right. Prisoners with health problems have the right to receive food prescribed by doctors. Prison administrations should provide dietary food to sick detainees or convicts.
- 3) The number of health personnel in prisons must be increased. The practice of transferring patients to hospitals in airless, cold in winter and hot in summer vehicles and keeping them waiting for hours in rings in front of hospitals must be stopped. Patients in critical condition should be transferred to hospitals by ambulance, not by prison vehicles. Single-seater vehicles should be completely abolished.
- 4) Patients should be taken to the infirmary and their transfer to hospitals should be accelerated. Diagnosis, treatment and controls should be carried out by specialised physicians.
- 5) The sick prisoners in prisons in Turkey must be urgently and permanently treated, and the enforcement of the sentences of sick prisoners who cannot/will not be treated in prison conditions must be stopped immediately.
- 6) The practice of examining, treating and even operating on prisoners in hospitals without uncuffing them on security grounds should be abandoned. Due to this practice, many sick prisoners cannot be treated. Considering that prisoners have the

right to be examined and receive health care in an environment where their privacy is respected and in a manner befitting human dignity, law enforcement officers should not be present in the examination room during the examination by the physician and handcuffed examination should not be allowed.

- 7) In order to prevent suicide cases in prisons, threats to the mental and physical integrity of prisoners must be eliminated and practices worthy of human dignity must be developed.
- 8) The transfer requests of prisoners who are far away from their families to prisons close to their families who cannot visit them due to financial conditions and illnesses should be accepted. On 17 September 2019, the ECtHR ruled on the applications of Abdulkerim Avşar (19302/09) and Abdulkerim Tekin (49089/12) as a violation of this important problem in Turkey. The rejection of the requests of prisoners transferred to prisons far away from their families to be transferred to a prison close to their families who cannot come to see them due to illness or financial reasons, without taking into account the concrete conditions of the applicants, was seen as a violation of the right to respect for private and family life under Article 8 of the ECHR.
- 9) All obstacles to prisoners' right to education must be removed and necessary facilities must be provided. All prisoners must be guaranteed to receive free education, prisoners who want to continue their education in prison must be given the opportunity to receive scholarships from the state, studies must be carried out by the education units of prisons in order to receive educational scholarship support from private institutions, these studies must be reported annually and all relevant data must be shared with the public in accordance with the principle of transparency.
- 10) Obstacles to the admission of periodical and non-periodical publications to prisons, which are not banned or confiscated, should be removed and these publications should be provided to prisoners. In the application of "Recep Bekik and Others" to the Constitutional Court (2016/12936), the Constitutional Court ruled that the non-delivery of paid periodicals, which are not subject to a recall orders, "violates the freedom of expression" guaranteed under Article 26 of the Constitution on 27 March 2019.
- 11) Administrative and Observation Boards established in accordance with the "Regulation on Observation and Classification Centres and Evaluation of Convicts" carry out the evaluation necessary for the conditional release of prisoners. However, since the Regulation gives wide ranging powers to these boards, many prisoners who should be released are prevented from being released on unlawful grounds. The Regulation on Observation and Classification Centres and Evaluation of Prisoners must be cancelled.

- 12) The increasingly severe conditions of isolation must be abolished and living standards in prisons must be brought in line with human dignity. Especially in High Security Closed Prisons, the practice of being held in single rooms without their own ventilation must be ended.
- 13) According to Article 14 of the ECHR, the enjoyment of the rights and freedoms recognised must be ensured without discrimination on the grounds of sex, race, colour, language, religion, political or other opinion, national or social origin, membership of a national minority, wealth, birth or any other status. In order to prevent discrimination against foreign national prisoners in Turkish prisons, human rights perspective trainings should be provided to correction officers, psychosocial service of penal institutions and other employees of the institution.
- 14) Article 1 of the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment sets forth the obligation to humane treatment: "A person held in any form of detention or imprisonment shall be treated in a manner consistent with humanity and respect for the inherent dignity of the human person". These principles must be applied without exception to prisoners held in Turkish prisons.
- 15) Torture and degrading treatment are prohibited by the European Convention on Human Rights. Article 3 of the ECHR states that "No one shall be subjected to torture or to inhuman or degrading treatment or punishment." However, torture cases against prisoners continue to occur frequently in prisons. Torture and degrading treatment must be stopped, investigations must be initiated into those responsible and criminal sanctions must be imposed.
- 16) Article 10 of the UN International Covenant on Civil and Political Rights clearly states that "Persons deprived of their liberty have the right to humane treatment and respect for the inherent dignity of the human person". However, in prisons, treatment befitting human dignity is not provided and prisoners are subjected to violence, insult, ill-treatment and violations of rights. Turkey must implement the articles of the convention to which it is a signatory and ensure that prisoners serve their sentences in conditions befitting human dignity.
- 17) The United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), adopted by the UN General Assembly on 17 December 2015, contain the most important and detailed regulations on prisoners' rights. The Mandela Rules state that prisoners' rights are protected on the basis of various UN resolutions and principles. These principles consist of many principles such as the treatment of all prisoners in accordance with human dignity and worth, non-discrimination, and the protection of their relations with the outside world. Article 1 of the Nelson Mandela

Rules puts forth: "All prisoners shall be treated with respect, taking into account their inherent human dignity and worth. No prisoner shall be subjected to torture or other cruel, inhuman or degrading treatment, whatever the justification, and all prisoners shall be protected from such treatment. The safety and security of prisoners, staff, service providers and visitors shall be ensured at all times." In this context, the basic principles of the Code should be taken as a guide.

IHD has identified the need for effective administrative and judicial oversight of the prison regime, physical conditions and treatment. In accordance with the Optional Protocol to the Convention on the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, "independent" national oversight mechanisms should be established. IHD calls on the Ministry of Justice and all relevant institutions and organisations to take action against the violations of rights and access to health in all prisons.



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