

# PRISONS OF TURKEY REPORT

This report has been prepared for European Prison Observatory by Civil Society in the Penal System Association

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## **WORKSTREAM 1: DETENTION IN EUROPE**

### *GUIDELINES FOR THE COLLECTION OF AVAILABLE DATA*

*University of Padua*

This is the final version of the data collection grid

We remind you that all the responses to the qualitative questions should follow this structure (in the box below) using not more than 200 words:

#### **Structure of the answers**

1. the legal provisions
2. the general actual conditions of the prisons of your country
3. the worst conditions (public scandals, legal cases and violations of fundamental rights)
4. the best practices (to be focused in WS 2)

**GENERAL DATA** (updated to December 2012 for daily data and to the entirety of 2012 for flow data)

*(If some information is not available, please, do not write only N/A but specify why this information is not available. For example: N/A, this information is under request – or – N/A, our criminal justice system does not collect these kinds of data - etc.)*

1. Total population of your country: 80.810.525 (2017 -Turkish Statistical Institute Data)
2. Total prison population rate per 100,000 inhabitants: 288, according to World Prison Brief-ICPR Data 1.1.2018. (It increased to 316 by the updated prisoner data -2018 November- and the projection of the increase on the total population as of November 2018 by using the increase rates last 3 years.)

### Adult prisons

3. Number of prisoners (including pre-trial detainees): 258.660 General Director of Prisons and Detention Houses Declaration November 2018
4. Number (and % of the total number of inmates) of detainees serving a final sentence (i.e. excluding pre-trial detainees):199.861 - %76 General Director of Prisons and Detention Houses Declaration November 2018
5. Total capacity of penal institutions (with reference to legal criteria. If legal criteria are not available explain the reasons for this lack of information): 213.186 Ministry of Justice Statics 5.10.2018
6. M<sup>2</sup> provided per prisoner (legal criteria):There is no legal criteria.
7. Prison density – total number of prisoners in relation to capacity (%): %121-General Director of Prisons and Detention Houses Declaration November 2018
8. Number of foreign prisoners (and % of the total number of inmates): 7.897 %3 General Director of Prisons and Detention Houses Declaration November 2018
9. Number of foreign pre-trial detainees (and % of the total number of inmates): 4.158- %1,6
10. Number (and % of the total number of inmates) of female detainees: 10.208 female detainees.%3,9 (as of 11.2018-General Director of Prisons and Detention Houses Declaration November 2018
11. Number of female foreign inmates: 610-11.2018-General Director of Prisons and Detention Houses Declaration November 2018
12. % of female foreign prisoners of the total number of female prisoners: %6 as of 11.2018-General Director of Prisons and Detention Houses Declaration November 2018
13. % of female foreign prisoners of the total number of foreign prisoners: %7,7-as of 11.2018-General Director of Prisons and Detention Houses Declaration November 2018
14. Number of prisoners (including pre-trial detainees) between 18 and 20 (inclusive) years of age (and % of total prison population): 10.313 -%4,5 (as of 01.11.2017 Ministry of Justice Prison Statistics)
15. Total number of entries to prison facilities: 188.764 according to SPACE I 2016 (<http://wp.unil.ch/space/files/2018/03/SPACE-I-2016-Final-Report-180315.pdf>)
16. Total number of deaths in penal institutions (specify if this datum includes only the detainees who died inside the prisons or if it also includes those who died outside the prisons – for

example, in ambulances, in hospitals etc.): 277 (January -September 2016) Ministry of Justice Statistics

17. Total number of suicides in penal institutions (specify if this datum includes only the detainees who died – from suicide - inside the prisons or if it also includes those who died outside the prisons – for example in ambulances, in hospitals etc.): 66- 2016 Ministry of Justice Statistics
18. Budget for the Justice System and % of Gross Domestic Product:  
2017 Budget for Justice System:1.917.193.730 EUR representing %0,38 of GDP  
2017 GDP:499.181.189.000 EUR
19. Specific budget aimed at penal institutions and % of the previous:In 2016 542.026.000 EUR for penal institutions and in 2015 it was 439.698.000. So it was increased by %23 in 2016.
20. Specific budget for staff and % of budget for penal institutions:  
2016- Budget for staff: 332.664.469 EUR - %61 of the budget for penal institutions.  
2016 Budget for penal institutions: 542.026.000 EUR
21. Specific budget for prison facilities and % of budget for penal institutions: Budget for facilities: 100.824.336 -Total budget 542.026.000 EUR -%18 of the budget for penal institutions.
22. Specific budget for inmates (support, activities, etc.) and % of budget for penal institutions: N/A-There is no data since the MoJ does not share this kind of information.

#### Juvenile prisons

23. Number of juvenile prisoners (including pre-trial detainees): 3.019 General Director of Prisons and Detention Houses Declaration November 2018
24. Number (and % of all juvenile inmates) of juvenile detainees serving a final sentence (i.e. excluding pre-trial detainees): 1778 of 2800 (63,5%) ministry of Justice's datum at 07.04.2018
25. Total capacity of juvenile penal institutions (with reference to legal criteria): The capacity of juvenile penal institutions is 2.172 according to the latest number shared by the annual report of Ministry of Justice at the end of 2016. In fact, some of these institutions became active and started to accept prisoners in 2018.
26. M<sup>2</sup> provided per juvenile prisoner (legal criteria): *There is no legal criteria.*
27. Actual surface available per juvenile prisoner (m<sup>2</sup>) (i.e. m<sup>2</sup> available divided per total number of prisoners): *N/A, MoJ do not share this kind data*
28. Prison density – total number of juvenile prisoners in relation to capacity (%): 3.085 of 246.416 (1,2%) Ministry of Justice's datum at 15.05.2018
29. Number of foreign juvenile prisoners (and % of the total number of juvenile inmates): 144 foreign juvenile prisoners of 2.671 total juvenile prisoners Ministry of Justice's datum at 15.03.2017
30. Number of foreign juvenile pre-trial detainees (and % of the total number of juvenile inmates): *N/A, MoJ do not share this kind data*
31. Number (and % of the total number of juvenile inmates) of female juvenile detainees: 82 of 3.085 Ministry of justice datum at 15.05.2018
32. Number of female juvenile foreign inmates: *N/A, MoJ do not share this kind data*

33. % of female juvenile foreign prisoners of the number of all female juvenile prisoners: *N/A*, MoJ do not share this kind data
34. % of female juvenile foreign prisoners of the total number of juvenile foreign prisoners: *N/A*, MoJ do not share this kind data
35. Number of prisoners (including pre-trial detainees) between 18 and 20 (inclusive) years of age (and % of total juvenile prison population): 8726 of 200.709 Ministry of Justice datum at 02.01.2017
36. Total number of entries to juvenile prison facilities: *N/A*, MoJ do not share this kind data
37. Total number of deaths in juvenile penal institutions (specify if this datum includes only the detainees who died inside the prisons or if it also includes those who died outside the prisons – for example, in ambulances, in hospitals, etc.): Between 01.01.2009 28.02.2017 there are 17 deaths in juvenile penal systems. According to official records 3 were outside of prisons, 3 were natural death, 9 were suicide, 2 were killed.
38. Total number of suicides in juvenile penal institutions (specify if this datum includes only the detainees who died inside the prisons or if it also includes those who died outside the prisons – for example in ambulances, in hospitals, etc.): Between 01.01.2009 28.02.2017 there are 9 suicides. 3 of them are sentenced prisoners and the rest was detained.

**GENERAL DESCRIPTION OF THE PENITENTIARY SYSTEM OF YOUR COUNTRY** (max.600 words)

*(In this section you should describe the general characteristics of the penitentiary system of your country. This description should include all the information that you consider useful and necessary to give a general picture of your country's penitentiary system, for example: the total number of institutions, the age of those institutions, the role and the tasks of the director of the prison, the kind of workers whom the regulations allow to work inside the prisons etc.)*

The total prison capacity of Turkey is increasing while the number of penal institutions is decreasing. There are 338 prisons in Turkey and the total capacity is 213,186. According to the statement of Ministry of Justice (MoJ), 171 prisons and 34 additional buildings were built between 2000-2017 while the number of prisons decreased from 559 to 361 within the same time frame and then increased to the current number. MoJ plans to build more prisons and it was stated that within this year 70 prisons will be built. In fact, prisons of Turkey are mostly new and the system is going through a transformation since 2000's. From district/city based, small capacity and ward type prisons, penal architecture is shifting to campus-type, which constitute of several prisons that are high in capacity and in some cases includes courtrooms, hospital, mosque etc. They are established far away from city centers, families, lawyers and any other related individuals which are mainly built as high security prisons with cell type units made for 1 or 3 persons. In some cases prison workers live in housings around the campus which makes their life inseparable from prison. Between 2005 and 2015, prison population have increased from 55 to 176 thousand and now, it is more than 259.000. In prior statements MoJ considered this change as the result of new legislations enacted in 2005. Law have stipulated longer durations of imprisonment in order to be conditionally released. Further, the Criminal Code which was enacted in the same year regulated longer sentences for several crimes. The immediate and fast increase of prison population can be evaluated as the result of the penal policy that prioritizes imprisonment. Prison population is significantly affected by the military coup attempt and following imprisonments. As a result, there is a severe problem with overcrowding. According to the statement of representatives of MoJ, current capacity is "increased capacity" which is reached by transforming the existing conditions to hold more prisoners. According to law, the main goal to be reached punishment and security measures is primarily to achieve general and special prevention, to strengthen factors which prevent recidivism, to protect society against crime, to promote the re-socialisation and to facilitate her/his adaptation to a productive and responsible life." Nevertheless, social workers, educators, psychologists working in penal institutions have been and now even more far from meeting the requirements. Law stipulates educational programs but it is commonly stated that they are not applied or insufficient and not updated. Conditional release is foreseen by the law but prisoners are required to be in good behavioural status which can be lost due to a disciplinary punishment. This results with the postponement of the release. The law that stipulates the prison system, allows prison administration to limit or not practice prisoners rights, due to lack of staff, area or security. Prison officers employed by the MoJ, are responsible with the security inside while gendarmerie which is under Ministry of Interior is responsible with the outside of prisons and they can cooperate

if needed. Prison officers are mostly excluded from improvements on the conditions of state officers including raise on salary and do not have the right to found union. There are closed, high security closed and open prisons, which have no outside security and where prisoners have permission to leave in periods. Prisoners may be transferred to open prisons before being conditionally released. Prisoners do all of their daily practices inside the room/cell/ward. They leave their unit only for family/lawyer visits, phone calls and social activity. Information or statistical data regarding prisons and prisoners are not share sufficiently or periodically.

## **CONDITION OF IMPRISONMENT**

### ADMISSION

**a. At admission many details concerning the prisoner shall be immediately recorded (for example, the identity of the prisoner, the reason for commitment, etc.). In your country's institutions what kinds of data are recorded? Among the information collected are any visible injuries and complaints about prior ill-treatment also recorded?**

According to the law every prisoner should be passed through body and belongings search before taken into reception room. After the examination of a physician, accommodation process is started. The name and surname, crime type and duration, date and number of the conviction and the starting date of the execution of the sentence regarding the prisoner who is taken to the penitentiary institution are registered to the "conviction book". Each new registration gets a number according to the list in this book which becomes the number of that prisoner. The finger and palm prints of the prisoners are taken for diagnosis, the photos are taken, blood groups, external properties and dimensions of their bodies are determined. Recorded information of prisoners are kept in the personal file or stored electronically. This information cannot be given to any institution or person except if it is required by law. There is an examination process before/after custody and visible injuries and complaints about ill-treatment are reported by a physician in this examinations before the admission.

**b. At admission all prisoners shall be informed in writing and orally, and in a language they understand, of the regulations governing prison discipline as well as of their rights and duties within prison. Do the institutions of your country follow this rule?**

According to the law all sentenced prisoners shall be informed according to rehabilitation activities, disciplinary rules and punishments, procedures on right to information and to file complaints, rights and responsibilities and other information for them to comply with the life in the institution by prison administrative oral or written. They shall also be informed regarding the protection and support after release. Prisoners who do not speak Turkish, shall be informed in a language they can understand or when it is not possible in English, French or German. Hearing impaired and speaking impaired prisoners shall be informed in sign language while visual impaired prisoners shall be provided with a booklet in braille alphabet

According to the information CİSST/TCPS received, prisoners generally do not benefit from this right. In practice, prisoners do not know that they have the right to learn about their rights and even if they do, they are not provided with above-mentioned tools including foreign and physically impaired prisoners. As a result of this fact CİSST/TCPS and Human Rights Institution of Turkey prepared a book on prisoners rights and CİSST/TCPS has been sending it to prisoners without charge via post.

**c. Upon admission to prison, in the event of a prisoner's death, serious illness, serious injury, or the transfer to a hospital, the authorities shall, unless that prisoner expressly requested them not to do so, immediately inform the spouse or partner of the prisoner, or, if the prisoner is single, the nearest relative or any other person previously designated by the prisoner. Do the institutions of your country follow this rule?**

According to law, admission to institutions, transfers to other institutions or hospitalization of all prisoners shall be notified to their families or persons they designate, if it is requested. For foreign prisoners, law stipulates that the diplomatic representative or the consulate shall be informed unless prisoner submits written objection.

**d. As soon as possible after admission, the information about the health of the prisoner on admission shall be supplemented by a medical examination (in accordance with rule 42 of EPR). Does this examination really happen in the institutions of your country? How long does it take for the medical examination to be accomplished?**

According to the law, all prisoners shall be medically examined in admission as well as in every situation they leave or enter the institution. According to data we receive this examination occurs but there have been claims of unrecorded physical injuries that happened in detention center. We don't have information in regards to duration of the examination.

**In the institutions of your country are there measures in place aimed at the prevention of prisoner self-injury and suicide?**

The psycho-social service of a penal institution has an “Awareness Program on Suicide and Self-Harm”. It is an approach model prepared to inform personnel about the prevention of suicide cases in prisons, to raise awareness and to develop teamwork for those who will intervene in these issues. It is a program consisting of 11 sections prepared for the personnel of the institution. The content of the program consists of Risk Assessment, Maintenance and Surveillance, Teamwork, Case Studies, First Response to Case. There are *padded cells* or *observation cells* which are used on the grounds to prevent prisoners hurting themselves or others. Nevertheless, the information we received shows that this program is not sufficiently practised. This year, a trans woman who had a history of self injury and was known having psychological problems have committed suicide after one day when she was sent to a male prison since the sex affirming surgery was not materialised, being given with male clothes and kept in solitary confinement.

**f. In the institutions of your country are there some sections used for solitary confinement of the prisoners? What is it used for (for example, punishment, protection etc.)? Are there different kinds of solitary confinement?**

Law stipulates three types of solitary confinement: a) *cells* used for disciplinary punishment, observation and evaluation process that may be applied after admission to the institution up to 60 days, b) *single room* used for aggravated life prisoners, and c) *padded cells* or *observation cells* used on the grounds to prevent prisoners hurting themselves or others. Aggravated life prisoners stay in *single rooms* which are mainly same with *cells* that are 8 square meters, includes a toilet and rarely kitchen facilities. *Padded cells* are surveilled day and night with open toilets and nothing is allowed including water bottles.

#### ALLOCATION AND ACCOMODATION

**a. Prisoners shall be allocated, as far as possible, to prisons close to their homes or places of social rehabilitation. Allocation shall also take into account the requirements of continuing criminal investigations, safety and security and the need to provide appropriate regimes for all prisoners. Does this happen in your country?**

According to applications submitted to CİSST/TCPS, prisoners are frequently transferred to institutions far away from their families. Due to SEGBIS system that allows trials to proceed with prisoners attending through online video, pre-trial detainees are also in similar conditions. In the last few years, mass transfers occurred and hundreds of prisoners were moved far cities, some cases several times in few months, and occasionally without the allowance of taking their personal belongings with them. In case where several members of the family is imprisoned and they are allocated in far cities, families face economical and time-related problems.

**b. As far as possible, prisoners shall be consulted about their initial allocation and any subsequent transfers from one prison to another. Does this happen in your country?**

The law does not regulate a specific principle on this but prisoners have the right to protect their family ties due to Constitution and ECHR. According to applications submitted to CİSST/TCPS, this

does not occur. Especially transfers within the last years were very sudden that prisoners did not had the chance to pack their belongings. CİSST/TCPS received several complaints in this regard and also applications demanding their belongings to be sent from their prior prisons. Prisoners were requested to pay for the transfer of their belongings and in some cases their new prison did not accept cargo from their prior prisons. Further, it is not easy to be transferred to a prison of choice. There are several requirements for a transfer request to be materialised including, a list of three institutions and their capacities, accepting to compensate expenses and prisoner being in good behaviour status.

**c. Do the accommodations of your country's institutions respect human dignity and, as far as possible, privacy, as well as meet the requirements of health and hygiene, with due regard being given to climatic conditions and especially to floor space, cubic air space, lighting, heating and ventilation?**

According to information received by CİSST/TCPS from prisoners, physical conditions are oftenly meets CPT and ECtHR criteria. Nevertheless, the standard of CPT as 3 square meters for floor space can be considered as insufficient since prisoners mostly spend their time in their cells or wards. CİSST/TCPS also receives complaints on non functioning or insufficient radiators. Prisons are mostly built without taking climate into consideration. In very hot cities prisons do not have central ventilation and they are supposed to buy fan with their own money. Prisoners are responsible for the cleaning of their cells or wards and purchase cleaning materials which results with different complaints. Aggravated life prisoners who are accommodated in single rooms/cells frequently complain about space and lighting. With the fast escalation on prison population, applications regarding access to health, hygiene, floor space, lack of bed, amount of food, cubic air space have severely increased due to over capacity. Within the last years CİSST/TCPS has been receiving applications regarding privacy that the range of camera system inside wards includes toilets and beds. We have also been informed that non-smokers may be allocated in smoking wards which makes the quality of air even worse and dangerous especially for the prisoners who have asthma.

**d. In all buildings where prisoners are required to live, work or congregate, are there alarm systems that enable prisoners to contact the staff without delay?**

There are alarm systems in every cell or room in newly established prisons. They are mostly utilized. We received complaints about late response or no response to alarm buttons especially in night shifts.

**e. Prisoners shall normally be accommodated in individual cells during the night, except where it is preferable for them to share sleeping accommodations. Does this happen in the institutions of your country?**

Prisoners mostly share their units (cells) with others, except aggravated life prisoners who are solely confined according to law. There are several types of prisons in Turkey with units for 2, 3 or more prisoners' accommodation. In high security closed prisons, prisoners are accommodated in 1 or 3 person units. According to law, doors opening to corridors are kept closed, all the time.

**f. Are untried prisoners separated from sentenced prisoners?**

According to law, prisoners are grouped and accommodated together on several criteria including pre-trial or sentenced as well as the stage of the sentence. According to information we receive, it is not often practiced. There are no special prisons for untried prisoners but they may be separated from sentenced prisoners within different wards. As far as we know from the information we receive

from prisoners untried prisoners and sentenced prisoners are kept in same wards, mostly due to crowdedness.

**g. Are male prisoners separated from females prisoners?**

According to law they must be accommodated separately. In practice, we have not been informed any imposition that contradicts this regulation. Nevertheless, in case there isn't free space in women prisons, women prisoners can stay in separate rooms in man prisons. Approximately half of women prisoners in Turkey stay in men prisons in separate rooms which results with not fulfilling many of their needs. Further, men prisons do not have kindergarten which negatively affects children who are staying with their mothers in men prisons.

**h. Are young adult prisoners separated from older prisoners?**

There is no specific regulation for young adult prisoners in Turkey.

HYGIENE

**a. When prisoners are admitted to prison, the cells or other accommodation to which they are allocated shall be clean. Does this happen in the institutions of your county?**

Prisoners are mostly allocated to units where other prisoners already stay and prisoners is responsible of the cleaning of their units, so this question differs depending on the specific situation. There is no specific regulation but prisoners' right to have health is assured by national and international legislation. Some prisoners are not able to get cleaning supplies from the administration. According to the complaints we receive, hygiene is an increasing problem due to over capacity. We received complaints about being forced to sleep on the floor because of crowdedness.

**b. Prisoners shall have ready access to sanitary facilities that are hygienic and respect privacy. Does this happen in the institutions of your country?**

Prisoners are mostly allocated to units where other prisoners already stay so this question differs depending on the specific situation. Prisoners are having problems with keeping facilities clean due to crowdedness. We have been informed that in some prisons unhealthy and neglected conditions of facilities may cause contagious diseases.

**c. Do prisoners have access to a bath or shower, at a temperature suitable to the climate, daily, if possible, but at least twice a week (or more frequently if necessary) in the interest of general hygiene?**

Yes. Though there is no specific data for hot water according to MoJ report dated November 2018, the amount of water used in one prison per day is around 350-600 litre. Due to overcrowding, applications regarding lack of sufficient number of showers increased from all prison types, with a high rank from open prisons. Further, many prisons provide hot water for one or two hour, once in two or three days. Prisoners use this time to wash their clothes as well. In result we received complaints regarding prisoners having shower less than once a week due to overcrowding.

**d. Do prison authorities provide inmates with the necessary means to maintain personal hygiene and sanitation, including toiletries and general cleaning implements and materials?**

Every prison room have toiletries but as a result of above mentioned *increased capacity* we have been informed that these facilities are not sufficient in some prisons.

## CLOTHING AND BEDDING

### **a. Prisoners who do not have adequate clothing of their own shall be provided with clothing suitable for the climate. Does this happen in your country?**

According to law prisoners who are in need will be provided with adequate clothing of their own and they shall be suitable for the climate, if they request. Nevertheless, we receive frequent requests for clothing, especially shoes and winter clothing showing that this need is not appropriately met. Trans prisoners frequently request clothing as well.

### **b. Is this clothing degrading and humiliating? (Specify)**

According to our knowledge based on prisoners, clothing support is from charities and they are not degrading or humiliating. But this service is very rare.

## NUTRITION

### **a. Prisoners shall be provided with a nutritious diet that takes into account their age, health, physical condition, religion, culture and the nature of their work. Does this happen in your country?**

The law stipulates that every prisoner shall be provided with a nutritious diet that takes into account their age, health, physical condition, religion, culture and the nature of their work. In practice we received complaints on amount as well as the quality of food provided . According to data we receive, the only alternative option in nutrition is “diet food” which is prepared by cooking the same food designated for other prisoners without oil or salt. Diet food is served to prisoners with all kinds of health problems, vegetarians and also elderly. We have not been informed regarding a special menu designated for prisoners’ working conditions. We have received complaints from some Alewi prisoners about the difficulties of reaching proper food in their fasting period. Though the law stipulates that prisoners shall be provided with drinking water, it is not applied and prisoners purchase drinking water from prison canteen.

### **b. How many meals a day are prisoners served? How many of those are warm meals?**

Prisoners get meal three times a day. The number of warm meals are not regulated and we did not receive complaints regarding this issue. Nevertheless, the quality or the amount of food served is frequently complained. We received complaints about the fact that the food is in poor quality and there are some cases that even insects are found in their food.

### **c. How are the requirements of a nutritious diet decided?**

Meals in prisons are determined by the officer (mostly by family doctor) who are assigned by the administration to ensure the variety of nutrients needed. According to the latest report of MoJ dated in November 2018, nutrition providing 2300 calories per prisoner is served. Same report states that 7 TL per day is spent for the nutrition of prisoners and prison workers while 10 TL is spent for juveniles, children staying with their mothers, pregnant prisoners and prisoners who are breastfeeding.

## LEGAL ADVICE

**a. Is there a recognized scheme of free legal aid?**

According to law, every person has the right to free legal aid if they are not able to afford to a lawyer, including prisoners. The person has to request and prove that she/he has insufficient income, no properties etc. Further, the case has to be foreseen as right and just. For criminal prosecutions, law regulates that for all suspects who are being charged with a crime for more than five year imprisonment, an attorney shall be appointed by Bar Associations without the request of the suspect. Constitutional Court also accepts legal aid requests from applicants who are in prisons.

**b. Where there is a recognized scheme of free legal aid, do the authorities bring it to the attention of all prisoners?**

According to our communication with prisoners, most of them are not aware that they have this right, and even if they do it is rare they know how to use it. During our interviews with all bar associations in Turkey for a study, it was found out that most bar associations have not received an application from prisoners which may also be understand through the lack of knowledge.

**c. Are the consultations and other communications (including correspondence about legal matters) between prisoners and their legal advisers confidential?**

According to law all kinds of communication is confidential between the lawyer and prisoner. Although it is rare, we have received applications regarding letters sent to an attorney that have been approved by the *letter reading committee* meaning that they have been examined by prison officers.

**d. Do prisoners have access to, or are allowed to keep in their possession, documents relating to their legal proceedings?**

According to law they have the right to access to their files. In practice it takes long time to reach to their documents especially when the court is in a distant city.

**CONTACTS WITH THE OUTSIDE WORLD**

**a. How many phone calls can a prisoner make per week (specify length)? Is there a limit to the number of letters that can be sent out? Are there other forms of communication that prisoners can use?** According to the regulation, prisoners can have one phone call with their family members up to 3rd degree, once a week. This right is limited exclusively with 3 phone numbers. The length of the phone call can not exceed 10 minutes. For aggravated life prisoners it is one phone call in every 15 days and it is limited to relatives upto 2nd degree. Prisoners have the right to phone call in case of death or disaster. According to the regulation the time of the phone calls are determined by the administration due to security reasons. However in practice the right can be lifted due to disciplinary punishments. The conversation is listened by the officers and can be cut if it constitutes threat to security of prison. The law does not set forth any restriction on the number of letters but the prisoners have to pay the delivery charge. In addition all received and sent letters are examined by a committee of officers, in every prison. Sending or receiving letters is accelerating banned by the administration due to security precautions or punishments. Prisoners can also use fax.

**b. How many visits can a prisoner receive per week (specify length)? Do the arrangements for visits allow prisoners to maintain and develop family relationships?** According to the regulations a prisoner can receive visitors once a week and the length of the interview cannot exceed 1 hour. Only relatives up to 3rd degree, three friends designated by the prisoner and legal guardian have the right to visit prisoners. For aggravated life prisoners it is once in every 15 days and limited to only relatives up to 2nd degree. Others can request permission from prison prosecutor which constitutes a possibility but not a right. While three of these visits occur behind a soundproof glass (close visit), once a month prisoners have the right to open visit where they can have slightly human contact. It is not enough neither for the visitors nor the prisoners especially considering that many family member, friends and partners(not-married) are not included. In addition, the right of family visit is often banned due to disciplinary punishments. The conversations in closed visits are listened by the authorities. Conjugal visits are regulated as a reward for prisoners.

**c. Whenever circumstances allow, can prisoners be authorized to leave prison, either under escort or alone, in order to visit a sick relative, attend a funeral or for other humanitarian reasons?**

According to law, except for aggravated lifers, prisoners can leave prison under escort to visit a sick relative or attend to a funeral, if it is not considered problematic due to security reasons. Prisoners pay for the expenses of travel and per diem & travel expenses of security. According to information we gather, especially political prisoners do not get permission and many prisoner can not utilize this regulation due to economical reasons.

**d. Can prisoners keep themselves regularly informed of public affairs by subscribing to and reading newspapers, periodicals and other publications, and by listening to radio or television transmissions?**

According to law prisoners have the right to purchase newspapers, periodicals, books if the content does not break any law. Nevertheless, in practice prisoners received and delivered books through postal service until the limitations initiated in 2015 and escalated since then. A significant amount of prison administration stopped this practice and obligated prisoners to purchase books. This caused economical difficulties for prisoners and severely narrowed down their access to books they request. We have also been informed that there are some newspapers that prisons do not accept even if they are legally distributed in outside world. All channels except fm broadcasting are banned on radios. Having said that the opportunities of foreign prisoners' receiving news in their native language is restricted. Some local tv channels such as fox and cnn turk are also banned in some prisons.

**e. Can prisoners communicate with the media (unless there are compelling reasons to forbid this for the maintenance of safety and security, in the public interest or in order to protect the integrity of victims, other prisoners or staff)?**

According to law, media representatives of the printed media may enter prisons by requesting permission from Ministry of Justice which rarely occurs. Other than this, prisoners can reach to the press through their families or through letters.

**f. Can prisoners participate in elections and referenda?**

According to law, prisoners who are not imprisoned with intentional crimes and all pre-trial detainees have the right to vote. Pre-trial detainees also have the right to be elected. We did not receive any complaints regarding the right to vote. Until 2013 conditionally released prisoners did not have the right to vote. On the judgement *Soyler v. Turkey* (29411/07, 17/9/2013) ECtHR decided that the legislation that did not allow conditionally released prisoners to vote was violating rights protected under article 3 of the Protocol 1 of the ECHR. Following this judgement Supreme Committee of Elections allowed conditionally released prisoners to vote. Nevertheless, though on *Soyler v Turkey* judgement, ECtHR have stated that the legislation that does not regulate any distinction between convicted prisoners according to their offense in regards to their right to vote, is wide and also infringes rights protected under the same article, no amendment have been enacted.

## PRISON REGIME

**a. Does the prison regime offer a program of activities?** It is stated in the law that prisoners can participate in the courses arranged by the administration. The activities could be painting, handicraft, sport courses, music courses (baglama), theatre and drama. The organisation of such activities depends on the number of volunteers, budgets of the prison and requests of the prisoners. There isn't a standard program for the activities. In practice, activities may not be materialised due to lack of educators or interested prisoners.

**b. How many hours a day do prisoners spend outside their cells to improve human and social interaction?**

It is stated in the law that the prisoner who is not working outdoors or in closed penitentiaries is allowed to spend at least one hour per day in the open air as long as weather permits. Individual sport activities also can be done during this time. Law also stipulates an hour of social interaction per week which is materialised with other prisoners from other cells, rooms or wards (depending on the type of institution) which mostly occurs in the sports area. Prisoners commonly complain that this is not practiced or that it can be easily postponed. Only prisoners who are in open prisons or in children's education centers can participate the outside activities. In practice a fresh air area that is accessed through ward/cell is available during daylight, except for aggravated life prisoners. Prisoners utilize this area with the same people they live inside ward/cell.

In practice there isn't a standard for the social interactions and the period differs from one prison to another.

**c. Is there any particular attention given to the needs of prisoners who have experienced physical, mental or sexual abuses?**

There is no specific legislation stipulating a particular treatment for prisoners who have experienced physical, mental or sexual abuse. On the other hand, Law No. 6284 stipulates the establishment of Violence Prevention and Monitoring Centers (ŞÖNİM) where all people who have experienced physical, psychological, sexual or economical abuse would have psychological, economical and other supports. We have not been informed any prisoner sent to a ŞÖNİM.

The psychological support provided inside prison includes programs on anger management, prevention of drug addiction. It does not include any specific attention for the needs of these prisoners.

## WORK

**a. Do prison authorities provide work opportunities (either on their own or in co-operation with private contractors, inside or outside prison)?**

According to law prisoners who do not have a profession and are found to be mentally and physically healthy by the physicians, and those who have a profession and eager to work can be employed in workshops or workplaces for a fee determined by the institution. The purpose of the working is to enable inmates to learn about the profession and skills that will make them reintegrate after their release, and to develop or strengthen their desire to work and produce. According to law the ability, tendency, mental and physical conditions of the inmates are taken into consideration in the workshops. Aggravated life prisoners are banned from working in prisons.

Working outside of the prisons: Prisoners who are in open penitentiary institutions and who are deserved to leave closed penal execution institutions can be employed outside the institution.

Prisoners in open penitentiary institutions shall be employed in the custody of penitentiary officers and those in the closed penitentiary institution shall be employed under internal and external security officers' supervision.

In practice, close and high security prisons have less work opportunities compared to prison population which results with not being able to work. In open prisons, prisoners have to accept to work that is designated by the administration. Rejecting to work is considered as a disciplinary act and the prisoner is sent back to closed prison. On the other hand, since working is mandatory in open prisons, if a prisoner is not able to work she/he is not sent to open prisons. Therefore, some disabled and elderly prisoners do not benefit from this right in case a suitable job for them is not found.

Further, we received information regarding race-based division of work. In some prisons, African prisoners complain that they are not allowed to work in the kitchen and they mostly work with cleaning or collecting garbage.

**b. Are work opportunities encompassing vocational training provided for prisoners able to benefit from them (especially for young prisoners)?**

The offered job opportunities are manufacture of goods, manhandling, textile etc. and vocational training is often provided. However there is no separate assessment for young prisoners.

**c. The organization and methods of work in the institutions shall resemble as closely as possible those of similar work in the community in order to prepare prisoners for the conditions of normal occupational life. Does this happen in your country?.**

Working and production conditions are not the same as working conditions outside the prison. The jobs that are offered to prisoners are generally manhandling and textile which are low-tech and labor intensive jobs and most probably they will have a very low salary paid job in normal occupational life considering the stigmatization. In addition to this prisoners who are working in prison do not have rights such as organizing or unionization. Labor law is not applicable for prisoners.

**d. Are prisoners remunerated fairly in relation to the outside world? Are there some restrictions in the use of remuneration?**

Labor prisoners work under economic conditions that are far below the wage of workers conditions outside. Daily wages vary between 7 and 14,5 TL depending on the work experience of the prisoner and in some cases also deductions such as food subsistence allowance are applied on this fee.

After deductions the monthly salary of prisoners comes to 1/8 of Turkey's workers' minimum wage( Net minimum wage:1.603 TL approx 240 EUR)

Interns 7 TL ,

Apprentice 11,5 TL

Foreman 12,5 TL  
Master 14,5 TL per day

**e. Are there any health and safety precautions for prisoner workers in order to protect them adequately? Are these the same precautions that are applied to workers**

Personal Accident insurance is only available for the duration of their work. In terms of occupational safety, they are not under the protection of the law. We have recently been informed that an HIV+ prisoner is working for garbage collecting which increases the possibility of infection.

**f. Are prisoners who work included in the national social security system?**

No social security is provided for the labor prisoners. This makes it nearly impossible to retire especially for long-term prisoners.

### EXERCISE AND RECREATION

**a. Does every prisoner have opportunity for at least one hour of exercise every day in the open air, weather permitting?**

According to the law prisoners are allowed to participate in sports, physical education and entertaining activities permitted by their physical and mental health conditions and means are provided within possibilities in order to ensure the social, psychological and physical development. The prisoner who does not work in the open air or in closed facilities, is allowed to spend at least one hour a day in the open air as long as weather permits. Individual sport can be done during this time.

In practice prisoners are entitled to go to an area adjoint to their cell or ward, which has high walls but is without a ceiling, during day time. This is a common area for all prisoners staying in that cell/room/ward thus, it is not effective for exercise except walking. Further prisoners have the right to do sportive activities one hour in a week, but this right can be limited very often.

**b. Are there appropriate installations and equipment, in order to facilitate such activities?**

In some prisons there are green fields for the activities such as football and volleyball. In other prisons there are basketball courts. According to the information we receive prisoners can benefit from these facilities less than before, due to overcrowding.

### EDUCATION

**a. What kind of educational programs are there in the institutions of your country?**

It is stated by the regulation that special attention is given to training programs in education services of penitentiary institutions so that prisoners can reintegrate to society and have a sense of responsibility as an individual. There are 4 types of educational program that prisoners can participate in educational institutions.

**Non formal education**

**Formal education**

**Literacy courses**

**Distance Education**

In practice, prisoners complain that these programmes are not sufficient and the does not meet the requirements of the economic life in outside world.

**b. How many prisoners are attending an educational program (for each kind of educational program)?**

Non formal Education- Open Education Total:34.380 (Secondary,High School,University)

Formal Education:2.570 (Bachelor's Degree,Post Graduate, Secondary,High School)

Distance Education :316

Literacy Courses : 5.248 -2017

**c. Do these educational programs take place under the auspices of external educational institutions?**

Only literacy courses are held in the prisons. Prisoners in open penal institutions can participate in lessons and exams in their school or university. Prisoners in closed and high security closed prisons can participate examinations with special permission of the school or university. If not, their only alternative is distance education. According to a protocol signed between the Ministry of Justice and Ministry of Family and Social Policy on June 12, 2014 “the examination and tuition fees for detainees and prisoners studying at Open Education University, Open Education High School or Middle School” have been paid by Ministry of Family and Social Policies. The protocol was valid for 3 years and terminated on June 12, 2017. The Ministry of National Education continues to pay the tuition fees for students enrolled in Open Education Middle School and Open Education High School “due to the order given to it”, but students enrolled in Open Education University are faced with deprivation of educational rights.

**d. Does every institution in your country have a library? Is it adequately stocked with a wide range of both recreational and educational resources, books and other media? Are books available in different languages? Is it connected with public libraries in the outside community?**

According to law, a library is established according to the capacity of the institution. We have also been informed that all closed prisons have a library. As prisoners often request educational resources from us and other institutions outside we understand that there is lack of materials in the libraries of prisons.

### FREEDOM OF THOUGHT, CONSCIENCE AND RELIGION

**a. Is the prison regime organized so far as is practicable to allow prisoners to practice their religions and follow their beliefs, to attend services or meetings led by approved representatives of such religions or beliefs, to receive visits in private from such representatives of their religions or beliefs and to have in their possession books or literature relating to their religions or beliefs?**

The law stipulates above-mentioned rights. In practice an Imam regularly visits prisons while representatives of other religions visit according to the request of prisoners. The number of imam staff is more than the social workers and psychologists. According to information we receive Alewi prisoners rarely receive visits from a Dede. The Alewi Dede and priest can only be brought from outside upon requested.

### INFORMATION

**a. Are all prisoners informed about any legal proceedings in which they are involved and, if they are sentenced, the time to be served and the possibilities of early release?**

Yes, but in practice we receive applications complaining different legal documents prepared by prosecutors of different penal institutions regarding the conditionally release date, especially after legal modifications regulated within the last years.

#### PRISONERS' PROPERTY

**a. Are prisoners entitled to purchase or obtain goods, including food and drink for personal use? Are the prices of these goods similar to those charged for comparable goods in free society? Is the quality of these goods the same as that of comparable goods in free society?**

Prisoners can purchase food, drinking, underclothes, paper, etc. from prison canteen. They are mostly similar to prices and quality of the outside world. Prisoners commonly complain that it is expensive for them. Prisoners are having difficulties due to lack of product range. As they mostly have one option in terms of each product, they have no chance of finding cheaper options.

#### RELEASE OF PRISONERS

**a. Are released prisoners provided with immediate means of subsistence; are they suitably and adequately clothed with regard to the climate and season, and are they afforded sufficient means to reach their destination?**

Ministries and state institutions are obligated of providing the necessary support and services to prisoners before and after their release for overcoming obstacles, rehabilitation and reintegration. Further, law set forth prison administration's responsibility for providing fundamental needs of prisoners including clothing and nutrition. Nevertheless, there is no standard procedure for prisoners' release and they mostly depend on officers' personal judgement and/or capability. In practice prisoners are released with their own clothes that they wear inside and are mostly not supported economically. Further, in most cases, when a prisoner is released from a closed institution, she/he is supposed to reach and submit to a designated open penal institution. We have been informed several cases where the prisoner was not able to reach the open institution on time due to lack of money and also lack of information on transportation and/or address.

**b. Are released prisoners assisted in finding suitable accommodations and work?**

Probation services are responsible to provide social and psychological support as well as economical means for prisoners who were sentenced with a crime and conditionally released. There is a unit working to help them on finding jobs, established under probation services, called the protection board. Law also stipulates right to leave prison for job searching before 1 month to the release. There isn't a support for accommodation. Further, there is no legislation for prisoners who stayed in penal institutions as pre-trial detainees. According to information we gathered, this mechanism is mostly insufficient and ineffective.

#### WOMEN

**a. Are special provisions made for the sanitary needs of female prisoners in your country?**

Prisoners have to purchase sanitary pads from prison canteen. According to data we received, if prisoner can not afford to purchase, either other prisoners or administration provides it but many prisoner also use cottons. Last year CİSST/TCPS have organized a campaign for right to sanitary pad for women and trans prisoners with 88 LGBTI, woman and human rights organisations/initiatives and carried out lobbying visits. Though state authorities have stated that they were conducting a similar plan it has not been materialized.

**b. Are prisoners allowed to give birth outside prison?**

According to law, the execution of the sentence of pregnant prisoners or prisoners who have given birth within the last 6 months, is postponed. In practice, there have been few cases where pregnant women got imprisoned, even as a pre-trial detainee.

**JUVENILE PENITENTIARY SYSTEM**

**a. Are minors (aged less than 18) detained in establishments specially designed for the purpose?**

According to law, minors shall be accommodated in institutions established for them. Nevertheless, law also sets forth that in case there isn't enough capacity -or for other legitimate reasons-, minors may be accommodate in separate areas inside adult institutions. There are 1.265 minors accomodated in establishments which are specially designed for minors according to the data dated October 2018. According to this information, 1754 minors are in adults prisons. Staying in an adult prison for a juvenile may increase the risk of rights violations in various ways. On *Coselav v Turkey*, No.1413/07 18.03.2013 judgement ECtHR stressed the serious and negative effect of applicant's accomodation in an adult prison on his psychology and eventually his suicide and found violation of Article 2 of the Convention. Nevertheless, juveniles staying in adult prisons is more than the others accommodated in institutions established for themselves.

**b. Does every prisoner young enough to yet be subject to compulsory education have access to such education?**

There are two types of prison for juveniles in Turkey. Educationhouses for sentenced prisoners and closed prisons for detained prisoners and sentenced prisoners who has disciplinary penalty as returning to close prison. According to law both are based on education. Efficaciously, at educationhouses (as open prison), juveniles are subject to compulsory education. For juveniles in closed prisons there is no encouragement or rules for the compulsory education.

## INFANTS

### **a. How many infants are there in the institutions of your country?**

743, according to the data shared by General Director of Prisons and Detention Houses Declaration November 2018.

### **b. How many years after birth can the infants stay in the institution?**

Infants can stay with their mother until they are 3 years old which can be lengthen to six years with a court decision.

### **c. Are there nurseries, staffed by qualified personnel, where the infants may be placed when the parents are involved in activities which do not permit for the infants to be present?**

According to the knowledge we gathered there is no special staff for infants except for kindergartens where a kindergarten teacher may be employed.

### **d. Are there special accommodations in the prison to protect the welfare of the infants?**

There is a kindergarten in some women prisons for infants who has toilet training but these accommodations are not enough for the welfare of the child. Prisoners can buy formula from some prison canteens. As a result of donations, some prisons may have baby products such as criddle or walking supporter but they are very rare and complained to be old and dirty.

## FOREIGN NATIONALS

### **a. Can prisoners who are foreign nationals request contact, and be granted reasonable means to communicate with the diplomatic or consular representatives of their state?**

It is stated in the law that the requests of foreign prisoners to be visited by the diplomatic representative or consulate of her/his own state shall be fulfilled without delay in accordance with the principles and procedures specified in the legislation.

Prisoners are reported to their consulate after being sent to the institution unless she/he requests not to be informed and this request should be written. They can also communicate with consulates through letters, fax and lawyers.

### **b. Are prisoners who are foreign nationals informed of the possibility of requesting that the execution of their sentence be transferred to another country?**

According to the foreign prisoners' letters we receive, the state has informed the foreign prisoners in some prisons in June 2018 that they have the right to be transferred in their countries. As far as we know the information was given in Turkish. We do not exactly know whether all the foreigners were informed.

**c. Are prisoners who are foreign nationals divided by country of origin within the sections of each institution?**

As they are not in many numbers, they are not divided by their origin.

**d. Are interpreting services available to foreign nationals in the prison facilities of your country?**

Interpreting service is not available for foreign prisoners. We are informed by some prisoners that in some prisons translation service is provided by the social workers and even by prisoners who knows the related foreign language. The privacy of prisoner is disclosed by this application in such cases.

## ETHNIC MINORITIES

**a. Are there any particular ethnic minorities among the prison population of your country? What is their percentage of the total prison population?**

Ministry of Justice have replied to our prior applications based on Right to information Code that no statistical data is recorded regarding prisoners ethnicity. In practice it is known that mostly Kurdish and Roman prisoners are in high numbers and most possibly overrepresented.

## HEALTH

**a. Are medical services in prison organized in close relation with the general health services of the community or nation?**

Prisons which have more than 1000 employees and prisoners in total, provide family practice 5 days a week. Prisons with 500-1000 employees and prisoners provide family practice 5 half days a week and prisons which have less than 500 employees and prisoners can provide family practice only 2 half days a week.

Family Practice: It consists of doctors who are specialists or general practitioners and who are trained in a certificate program.

Disease follow-up and treatment are often disrupted in prisons without regular physicians.

**b. Are all necessary medical, surgical and psychiatric services (including those available in the community) provided to the prisoners?**

Even if they have the same opportunities in terms of medical conditions and surgical operations, reaching the same service is very difficult due to the ratio of per capita prisoners. It is the same also for psychiatric problems.

**c. Is there at least one qualified general medical practitioner in every institution?**

Prisons with population over 5.000 have campus hospitals with 30 bed capacity. Only 4 out of 386 prisons has this condition. ( Ankara – Sincan, İstanbul – Silivri ve Maltepe, İzmir – Aliğa). The number of specialist doctors assigned in Turkey is 471.(out of 404 prisons). There is 1 medical practitioner for every 533 prisoners.( as of 11.2018)

**d. Are the services of qualified dentists and opticians available to every prisoner?**

The number of staff dentist is 26 for all prisons of Turkey. The health service is provided to prisoners mostly by the organisation of Local Health Authority. It takes frequently so long to reach the health service due to long procedures.

**e. Are prisoners suspected of infectious or contagious diseases isolated for the period of infection and provided with proper treatment?**

It is stated in the law that inmates in the prisons that do not have a special department to provide treatment are transferred to the health facility where they can be treated. By the administration of the institution, necessary measures are taken to prevent the spread of the disease. In practice the crowdedness of prisons and wards cause contagious diseases. Since there is no regular check-up service in prisons it is impossible to detect a disease before the symptoms. The contagious disease is prevented by keeping the infected prisoner isolated from the others. No any precaution is taken to stop the diseases, in practice.

**f. Are sick prisoners who require specialised treatment transferred to specialty institutions or to civil hospitals, when such treatment is not available in prison?**

The rehabilitation type prisons (R-Type) have been established since 2012 in order to give service for the prisoners who require special treatment. There are only 3 R type prisons which has hospital in all across Turkey and their capacity is limited. Therefore it is very hard for prisoners to use this opportunity. It is necessary to get the approval from the family doctor for the transfer of prisoners to the nearest city or district hospital. Treatment processes and gathering information about the diseases generally takes too long.

**h. Persons who are suffering from mental illness and whose state of mental health is incompatible with detention in a prison should be detained in an establishment specially designed for the purpose. Does your country follow this rule?**

There is a separate ward inside R-Type prisons for prisoners with mental health problems. Some hospitals have places dedicated for prisoners with mental problems however it is learned that prisoners usually avoid this alternative because they are much worse than the prison conditions.

**j. What is the treatment available for drug users and for drug addicts in the institutions of your country? Are there harm reduction programs?**

According to MoJ There are events for drug and alcohol addicts which are carried out by social workers or psychologists but there is no data how often it is used and how effective they are. Courts may decide on treatment or probation to drug users if they are not charged with other offenses. and these people are taken into follow-up and treatment programs.

## ORDER

**a. In the institutions of your country are there any special commissions composed of prisoners with the aim of discussing issues related to detention conditions? How are they constituted?**

No, there isn't a practice that allows prisoners to participate in a commission to discuss their detention conditions.

## SECURITY

**a. What are the main security measures applied to individual prisoners in use in the institutions of your country? How are they applied?**

According to the law the internal security of institutions is ensured by the guardians of the Ministry of Justice. Internal security officers, if necessary, cooperates with external security officials. Main security measures are;

-Keeping doors closed and avoiding contacts of prisoners

-Limiting Personal items in rooms and ad-ons: personal items, food, medical materials and other necessities that prisoners in the closed penal institutions can hold in their rooms and additions shall be regulated by law.

-Search: The items of prisoners can always be searched unannounced in wards, cells and add-ons. Search is done at least once in a month. Search can be carried out in cooperation with external security officers or law enforcement or other public officials when necessary. In practice we have been informed that search is done arbitrary and during the search personal items, letters and even books of prisoners are taken, even though they were approved by the administration.

**b. According to the training course of the prison staff, how should security measures be applied?**

There are educational materials developed in regards to human rights of prisoners. They include specific criteria especially for body search which necessitates serious suspicion for it to be implied. Nevertheless, we have been informed that they are mostly arbitrary imposed.

### SEARCHING AND CONTROLS

**a. How are visitors (such as legal representatives, social workers, volunteers, etc.) controlled by the prison staff? Is special equipment, such as metal detectors, used?**

According to regulations all entrants including institution officials and external security officials must pass through a sensitive door regardless of charges and duties. These people are searched by metal detectors; items are passed through x-ray devices or similar security systems, and entrants are searched manually in case of doubt. Search and control are done manually where these devices are not available. However, the deputies, administrative chiefs, judges, public prosecutors, lawyers, notaries, penal institutions and detention facilities controllers, chairman and members of the monitoring committee, representatives that are recognized and authorized by international conventions, commander of penal institution and prison, the superiors of the institution manager may not be searched by hand except those who are subject to severe penalty. In case the warning of the sensitive door device continues, these people can enter the institution only if they accept the manual search. Visiting sites are also searched and controlled at the end. The documents and files which are related to the defense are not subject to examination in case of declaration in written form.

### DISCIPLINE AND PUNISHMENT

**a. Are disciplinary procedures used as a mechanism of last resort?** According to the information we receive disciplinary punishments are more common and frequent. Prisoners from different backgrounds and from all types of prisoners frequently and persistently inform that disciplinary punishments are arbitrary and unnecessarily used. They are referred as a threat mechanism especially for the last 2 years.

**b. What are the main types of punishment of prisoners used in the institutions of your country? How are they applied?**

Main types of punishments for adult are ;

1-Reprimand

2-Prevention from participating in certain activities

3-Deprivation of paid work

Deprivation or restriction of access to communication means

5-Deprivation of accepting visitors

6-Cell Confinement

For juveniles;

1-Warning

2-Reprimand

3-Repairing,, compensating, or restoring to former condition

4-Imposing a limit on expenses.

5-Prevention from participating to certain activities

6-Withdrawing incentive-based privileges

7-Suspension of home leave

8-Returning to a close institution.

It is stated in the law that a prisoner is subject to disciplinary penalties as defined in Law when he/she violates the behaviours and attitudes that it imposes in laws and regulations in order to maintain a regular life, to ensure safety and discipline. However in practice discipline means are frequently applied arbitrary.

Juveniles mostly don't have an attorney when it goes on trial due to an appeal. It means punishments because of disciplinary doesn't inspected for juveniles.

**c. Can a prisoner who is found guilty of a disciplinary offence appeal to a competent and independent higher authority?** Yes they can apply to respectively Court of Execution and to Criminal Court in order to appeal. Further, in case of a rights violation claim they can apply to Constitutional Court and European Court of Human Rights in order to appeal. However when the court of execution approves the punishment, the sanction is applied in any cases.

## **INSTRUMENTS OF RESTRAINT**

**a. What are the main instruments of restraint used in the institutions of your country? How are they used?**

According to regulations handcuffs and means that restrain bodily movements can be used;

a) to prevent escape during transport and transfer,

b) for medical reasons, under the supervision and supervision of the physician,

c) by order of the highest authority of the institution to prevent the prisoner harming herself/himself or others, or to destroy the equipments in case of insufficiency of other control procedures,

In practice the concept of harming herself/himself or others can be used arbitrarily. There is no clear definition on this imposition of this measure which concludes to the detriment of prisoners. There are prisoners stating that they have been kept in padded cell for days with rear handcuffing.

## WEAPONS

### **a. Can prison staff in your country hold and use lethal weapons within the prison perimeter?**

No they are not allowed to hold and use lethal weapons. But as mentioned above, inside security can collaborate with outside security which consist of gendarmerie that have the right use weapon when it is required according to law.

## USE OF FORCE

### **Under which conditions can prison staff use force against prisoners?**

It is stated in the law that while performing the tasks given by the law, security officials are authorized to use force in order to prevent active or passive resistance during the execution of a lawful order or for the purpose of preventing events, forcing the attackers or the attackers to become ineffective in emergence of such events as riot, resistance, desertion, attempt to disrupt or disrupt. We received many complaints about torture and use of violence in the event of prisoners' rejection on nude search or stand up count. On 2008, Engin Çeber, was beaten to death because he refused to stand up during count, which then was revealed by camera recordings.

### **Can other law enforcement agencies be involved in dealing with prisoners inside prison? If so, under which circumstances?**

According to the law other law enforcement agencies cannot participate in the events in prisons. However a draft law which allows other law enforcement agencies to be involved in prisons is prepared but not brought in force yet. By this law it is also planned to use tear gas which should not be used in enclosed areas and to make pressurized water and firearm basic intervention equipment in prisons.

## REQUESTS AND COMPLAINTS

### **a. Do prisoners (and their families) have the opportunity to make requests or complaints to the director of the prison or to any other competent authority?**

According to regulations the prisoner is given the opportunity to report their requests or complaints every day to highest authority of the institution, or the staff assigned by them. Requests or complaints shall be communicated to judicial authorities or other competent authorities according

to their interests or subject. The prisoner shall be informed about the outcome of the application in connection with the request or complaint without delay. Within the last years, complaints regarding unanswered or lost complaints is escalating. Some prisoners state that they do not get an answer for months from administration, prosecutor or judges.

## MANAGEMENT AND STAFF

### **a. Give number of administrative staff, prison officers, and educational staff (per prisoner) that work inside prison facilities.**

Administrative officers: 1.155 -0,004 per prisoner

Prison Officer : 2.118 -0,008 per prisoner

Support Staff : 10.601 -0,04 per prisoner

Security Staff: 49.036 0,2 per prisoner

Total Staff: 61.092 (as of November 2018)

### **b. Give percentage of staff gender per function (i.e. administrative, officers, educational).**

N/A, MoJ does not share these kinds of data.

### **c. Are there some special units among prison officers?**

According to our knowledge there is only hierarchy between officers except for chief officers and regular officers.

## SENTENCED PRISONERS

### **a. Are there individual sentence plans for sentenced prisoners (including work, education, other activities, and preparation for release)?**

According to the law there is individualisation program for prisoners. Individualization is the whole of the studies that includes the process of recognizing and understanding the prisoner herself /himself , recognizing her/ his personal characteristics, interests and abilities, taking decisions and taking responsibility for herself / himself and creating expectations. The aim of individualization is to end the convict's tendencies towards crime. In practice, the number of prisoners is above capacity and there is not enough personnel in psychosocial services. Also no prisoner (or prison worker) has ever shared information about an individual plan designed for themselves yet but it is commonly shared that no support is provided for preparing them to be released.

### **b. Are sentenced prisoners encouraged to participate in drawing up their individual sentence plans (that should include work, education, other activities, and preparation for release)**

As mentioned in the prior answer individual plan is not practised although it is stated in the law.

**c. Is there a system of prison leave as an integral part of the overall regime for sentenced prisoners?**

Yes there is a system about the leaves. According to law prisoners who have spent a period of at least six months of convictions continuously in prison and have only 1 month left to their release on probation can have up to 8 hours permission in the working days provided by the offer of the supreme supervisor of the institution and approval of chief public prosecutor's office in order to prevent the adaptation problems outside and to provide job opportunities. It is also stated that the prisoners are encouraged to find a job or to start their own business. In this regard, cooperation is made with voluntary persons and organizations and official institutions. In practice prisoners can rarely find opportunities to work after their release. Prisoners in open prisons are also entitled to leave once in every three months.

**d. Can prisoners be involved in programs of restorative justice and in making reparations for their offences?**

Yes, according to law reconciliation, compensation, reparation are methods for restorative justice. Nevertheless, it is known that they are not utilized efficiently.

**d. How many prisoners are serving sentences of more than 10 years of imprisonment?**

The latest data we received from MoJ is dated 2014 January, stating that 5114 prisoner have been imprisoned for more than 10 years. Our following applications requesting the same information were not answered. The only relevant information can be shared is from SPACE I report 2016 -which shares data regarding 2015- showing that %44.9 of prison sentences imposed as final sentence, is longer than 10 years. (<http://wp.unil.ch/space/files/2018/03/SPACE-I-2016-Final-Report-180315.pdf>)

**LIFE SENTENCE**

**a. Is the sentence of "life in prison" available in your nation's penal code?**

There are two types of life imprisonment in Turkey: life imprisonment and aggravated life imprisonment. The first one foresees release of hope after 24 (for non-political prisoners) to 30 years (for political prisoners). For non-political aggravated lifers conditionally released after 30 years while political aggravated life prisoners are life without parole.

**b. Are there any alternative measures for prisoners serving life sentence provided in your criminal justice system?**

According to ordinary lifers are entitled to stay in open prisons and be on probation while this practice is forbidden to aggravated life prisoners by law.

**c. Are there prisoners serving *actual life sentence* in your country (i.e. a life sentence without any possibility of reduction or admission to leaves or any measure alternative to life imprisonment)?**

According to law, there are two types of life imprisonment: normal and aggravated life. The law stipulates no possibility of conditionally release for aggravated life prisoners who are sentenced with a crime against the state, nation or the constitution. According to Ocalan vs Turkey (46221/99, 12 May 2005), Kaytan vs Turkey (27422/05, 15 September 2015) and Gurban vs Turkey (4947/04, 15 Aralık 2015) judgements of ECtHR LWOP regulation is violating Article 3 of ECHR. Court reiterated its prior decisions and stated that prisoners must have the possibility of parole after 25 years of imprisonment and a mechanism to apply for release. Nevertheless, there has not been amendment in the related law or any change in the execution of the sentence.

**d. How many inmates with life sentence are there in your country (and their percentage of the total prison population)?**

The last data CİSST/TCPS have reached regarding the number of aggravated prisoners is dated February 2014, as the answer of the application based on Right to Information Code submitted by CİSST/TCPS. According to this answer there were 1453 aggravated life prisoners, “126 from terror and organized crime and 1327 from ordinary crimes” which was the 1% of total population. It is very possible to assume that this number have escalated heavily within the last years especially after the military coup attempt. Though the number of prosecutions and judgements of the sentence have significantly increased after the military coup attempt, we don't have the current data. MoJ have not answered Parliamentary Questions regarding this issue until now.

**e. Are special sentence plans (regarding work, education and other activities) provided for prisoners serving life sentence? Are these sentence plans drawn up individually, taking into account the needs of each inmate serving such a sentence?**

Law stipulates that every prisoner should be entitled to participate education and activities which also applies to life prisoners. For aggravated life prisoners participation depends on the permission of prison administration which shall decide according to prisoner's behaviour. In other words it is not a right but a possibility. Aggravated life prisoners do not have the right to work inside or outside prison which results with severe economic problems. Though law regulates that plans should be developed according to several criteria including the duration of sentence and personal needs, according to the information we gathered this is not practiced.

**f. Do prisoners serving life sentence stay in a single cell or share it with other inmates?**

Lifers (both political and non-political) lives in the same prison regime as other prisoners whereas aggravated life prisoners lives in a strict regime. They are solely imprisoned with the right to fresh air one hour per day. This can be prolonged and also prisoner may share this are with 2 other

aggravated life prisoners, according to their behaviour. They have the right to be visited and phone call 2 times in a month whereas others have 4. They can be visited only by family members up to 2nd degree whereas others can be visited up to 3rd degree and 3 friends.

## ALTERNATIVE MEASURES

### **a. How is the notion of “alternative” defined in your country?**

The definition of alternative is not defined specifically. On November 2016, Department of Alternative Measures have been established which mainly focuses on prepay, reconciliation and postponement of public prosecution. There are other several alternative measures including judicial control during trial (including international travel ban, giving signature at police station daily or weekly bases, bail etc.), addiction treatment, community service, alternatives to short date prison sentence as judicial fine, compensation for damage, deferment of the announcement of the verdict etc. They are applicable only for certain crimes.

### **b. What are the main alternative measures to detention being used in your country? (Give absolute numbers)**

According to October 2018 report, there are 474.507 individual subjected to probation measures. The main alternative measure is judicial control which is applied to 416.053 individuals including 15.284 children. Community service which can be used fo short term prison sentences, is the second most utilized measure. 95.892 individuals are doing community service. Treatment and probation is the third measure which is being applied to 63.978 individual including 2.905 children

### **c. Are they imposed before (as alternative to punishment) or during conviction (as alternative to prison)?**

Judicial controls are imposed during the prosecution. Addiction treatment, community service, reconciliation, alternatives to short date prison sentence as judicial fine, compensation for damage, deferment of the announcement of the verdict are imposed instead of imprisonment. Addiction treatment can be practised during the execution. There are other measures as alternative to imprisonment which are also practised within the probation system as execution of a sentence in own residence, electronic monitoring, being banned to visit designated places, giving signature at police station daily or weekly bases, medical examination.

## INSPECTION AND MONITORING

### **a. Has your country signed/ratified/acceded the OPCAT? If yes - when?**

Turkey has signed the OPCAT on 14 September 2005. According to official website of OHCHR, on 27.9.2011 Human Right Institution of Turkey (TİHK) was accredited as OPCAT mechanism of Turkey.

**b. Is the National Preventive Mechanism (NPM) set up, designated or maintained in your country? If yes - when?**

Through its practice, it carried out several prison visits among other institutions and involved civil society organisations to both monitoring and reporting process. By the third period of 2015 it became inactive for more than a year and then was shut down by a new legislation that established Human Rights and Equality Institution of Turkey (TİHEK) on November 2017. TİHEK has been accredited and though it has the power to do monitoring visits unlimited and without prior notice it have not published a report regarding a prison monitoring visit, yet.

**c. If the NPM exists in your country, which type of the NPM is it (a separate body; a separate department within the National Human Rights Institution (NHRI)/Ombudsman's Office; NHRI or Ombudsman's Office itself; NHRI or Ombudsman's Office together with non-governmental organisations/experts; several separate bodies etc.)?**

The NMP in Turkey is established as Human Rights (and Equality) Institution which is a separate body according to law. Nevertheless, this legislation was heavily criticised regarding the dependency of its members who are appointed by President.

**d. Are the mandate and powers of the NPM clearly set out in a constitutional or legislative text?**

The NPM has been established and it's mandate and powers are set by Law No 6332.

**e. Is the visiting mandate of the NPM extended to all places of deprivation of liberty?**

Yes, NPM has the authority to monitor all places of detention without limit and prior notice.

**f. Does the NPM in your country have its own budget? If yes - please, indicate its annual amount. If not - please, specify how the NPM is financed.**

Yes it has a special budget according to law. The budget for 2018 was 8.054.000 TL, including 3.042.000 TL for personnel payments and 4.284.000 TL for product and service purchase.

**g. Does the NPM in your country have its own staff? If yes, how many people are employed there, and what is their professional background? If not, please, specify who fulfils the duties of the NPM?**

There are 11 members of the board, including the first and the second manager. Current board consist of two lawyers, bureaucrats, and mostly ex state officers, some related with human rights. Members of the board are appointed by the President which was highly criticised by the civil

society regarding its lack of independency. There are also other staff for the operation but number and position is not publicised.

**h. Are there any other inspection and monitoring bodies dedicated to prisons in your country, and if so what are they?**

Yes, Human Rights Committee of the Parliament, city and district based human rights boards, city and district based prison monitoring boards have the right to visit prisons. Nevertheless, they are not provided with the authority of NPM. Both city and district based boards can visit prisons and gather data regarding the complaint, provide reports. While reports of the Parliament may provide suggestions to detected problems, reports of city and district based boards generally affirm administration's decision. In one occasion, a city-based human rights board have reported a prisoner's well-being and proceeding of medical treatment two months after the prisoner lost his life.

ILL-TREATMENT

**a. Who investigates prisoners' complaints of ill-treatment by prison staff or by other prisoners (inter-prisoner violence) in your country (internal investigative body of the prison; external investigative body; prosecutor's office, etc.)?**

According to law, management of the institution should start an investigation about an allegation. Also, a prosecution process should be initiated by the prosecutor in charge of that institution. When prisoners report to any of these offices, each one should report to the other.

**b. Is it possible for a prisoner to appeal the decision of the investigative body? If yes - to whom?**

Prisoner can appeal the decision of the disciplinary board to the Court of Execution. If prosecution office makes a decision of non-prosecution, prison can appeal to Criminal Court. Ministry of Justice may also start investigation as a result of an application by a prisoner. They can also apply to Human Right Committee of the Parliament, City and district based human rights and prison monitoring boards, NPM and Ombudsmanship for monitoring.

**c. Are statistics available in your country on the number of prisoner complaints of ill-treatment by the prison staff and by other prisoners (inter-prisoner violence)? If yes, please provide the numbers.**

This information is under request. In 2016, Minister of justice declared 4 application in 2015, 4 application in 2016 and 10 application in 2017 were by ill-treatment complaints juveniles. One of them was regarding an act by another prisons, while the rest was by prison staff. All eight

complaints were concluded without conviction. 10 applications' current situation isn't known by the Ministry. But according to CS reports there were much more complaints about ill-treatment.

**d. Are statistics available in your country on disciplinary/criminal proceedings initiated with regard to ill-treatment by the prison staff and by prisoners (inter-prisoner violence)? If yes, please provide the numbers.**

Ministry of Justice do not include these kind of information in its reports. Public can learn if MP's requests this information. For example the previous questions datas were taken from a parliamentary question.

**e. Are statistics available in your country on the outcome of disciplinary/criminal proceedings with regard to ill-treatment by the prison staff and by prisoners (inter-prisoner violence)? If yes, please provide how many proceedings have resulted in disciplinary/criminal sanctions. If possible, please specify which kinds of sanctions (fines, suspended sentence, imprisonment, etc.) are most applied.**

N/A. This information is under request.