

EXECUTIVE SUMMARY

The main objectives of the CPT's 2024 ad hoc visit to Türkiye were to examine the treatment of persons held in high-security prisons and to assess the situation of women and LGBT+ persons in prison. To this end, the CPT's delegation visited four high-security prisons (in Antalya, Iğdır and Van) and two L-type prisons (in Antalya and Istanbul-Maltepe).

Throughout the visit, the delegation received excellent co-operation from both the national authorities and the management and staff of the establishments visited.

However, the visit brought to light that, following a significant decline observed by the CPT at the time of its 2021 periodic visit, the country's prison population had started growing again. According to official statistics, the total number of prisoners in Türkiye reached some 338 000 in June 2024; this represents an incarceration rate of some 395 prisoners per 100 000 inhabitants, which is significantly higher than any other Council of Europe member state. The Turkish authorities should therefore attach the highest priority to curbing the growth of the prison population and to addressing the problem of prison overcrowding at its roots in order to bring about a permanent end to this nefarious phenomenon. If no steps are taken to limit the number of persons sent to prisons and to reduce the time spent by them in these facilities, all attempts to solve the problem – including by building an ever-increasing number of prisons – will inevitably fail. A further consideration regarding an increasing prison population to be borne in mind is the human, social and financial implications of sending more and more people to prison, including the costs of recidivism.

High-security prisons

No allegations of recent physical ill-treatment by staff were received at Iğdır S-type Prison, Van F-type Prison and Van High-Security Prison. By contrast, at Antalya S-type Prison, the delegation heard several credible allegations of ill-treatment consisting of slaps, punches, kicks and truncheon blows to the head and body, mainly in the context of interventions by the rapid response team. In two cases, the allegations related to blows with a truncheon on the soles of the feet ("falaka"); in one of these cases, the prisoner displayed recent injuries which were consistent with his allegations of ill-treatment.

The Turkish authorities should deliver a clear and firm message to the management and staff of Antalya S-type Prison that physical ill-treatment of prisoners, including the use of excessive force, is illegal and will be subject to appropriate sanctions. It is also important to ensure that the supervising prosecutors in prisons are particularly vigilant when examining cases of the use of force by staff.

Material conditions of detention at the high-security prisons visited were generally satisfactory. However, steps should be taken to ensure that prisoners do not have to sleep on mattresses placed on the floor due to a lack of beds (as observed by the delegation in several living units at Iğdır S-type Prison).

As regards the regime of activities, the situation found in the prisons visited was highly unsatisfactory. With the exception of a limited number of prisoners involved in educational/vocational courses, prisoners were not offered any organised out-of-unit activities, apart from one to two and a half hours of sports/conversation sessions three times a month. The Turkish authorities should develop the communal activity programmes at the high-security prisons visited, in terms of both the range of activities on offer and the number of prisoners engaging in those activities. This will require increasing the number of facilities for common activities (workshops, classrooms and other activity rooms) in each establishment.

The situation as regards communal activities in the establishments visited was even more worrying in respect of persons serving aggravated life imprisonment. Such prisoners were effectively subjected to small-group isolation and a significant proportion of them even to de facto solitary confinement, and that for months and even years on end. Many of these prisoners were locked up in their cells alone for 21 hours or more per day, with the only regular out-of-cell activity available to them being daily outdoor exercise of up to three hours which they had to take alone.

The CPT stresses that prolonged solitary confinement can have an extremely damaging effect on the mental, somatic and social health of those concerned and may, in certain circumstances, amount to inhuman and degrading treatment. The Turkish authorities are therefore called upon to take urgent steps at the prisons visited to ensure that all aggravated life-sentenced prisoners (and any other prisoners held alone in their cells) are offered meaningful human contact for at least two hours every day and preferably more. More generally, the Committee emphasises once again that the very concept of the detention regime of persons sentenced to aggravated life imprisonment, as defined in the law, is fundamentally flawed and should be subject to a complete overhaul.

Women and LGBT+ persons

The CPT found that both Antalya L-type Prison and Maltepe L-type Prison No. 3, where it focused on the treatment of women and LGBT+ persons, were severely overcrowded. The Turkish authorities must redouble their efforts to tackle this phenomenon as it undermines the resocialisation function of prisons.

The vast majority of persons met by the delegation stated that they were treated correctly by staff.

As regards women held at Antalya L-type Prison, the CPT is critical of the poor state of repair and hygiene in many of the accommodation units which was exacerbated by the overcrowding. In particular, it found that mothers and their children were not held in appropriate living conditions. The Turkish authorities should establish a dedicated mother-and-baby unit at Antalya L-type Prison which offers a child friendly environment in the best interest of the child. Further, mothers should never be placed together with their children in solitary confinement as a punishment. Steps also need to be taken to provide for the specific dietary needs of pregnant women, breastfeeding mothers, infants and children.

As regards the regime, women should have access to meaningful activities on an equal basis to male prisoners. Consideration should also be given to introducing compensatory measures for women to maintain greater contact with their families.

As regards transgender women in prison, the CPT found that the Turkish authorities were making efforts to provide them with a safe space. Nevertheless, they should develop a clear framework and protocols for the treatment of transgender persons in prison in accordance with the Committee's recently published standards. The Turkish authorities should also end the requirement at Antalya L-Type Prison whereby persons declaring themselves to be gay are held in de facto solitary confinement for several months until they receive a certificate that declares them gay. Further, every effort should be made to alleviate the de facto solitary confinement conditions for those transgender and gay prisoners who are held in single occupancy cells.

As regards staff, the CPT underlines the importance of ensuring both sufficient staffing levels and appropriate training for staff on the specific needs and human rights of women, LGBT+ persons and foreign nationals in prison.

Healthcare services

The CPT sets out a series of measures that the Turkish authorities should take to address the various shortcomings observed in the establishments visited as regards the provision of healthcare to prisoners. In particular, recommendations are made to reinforce the healthcare staff resources in the prisons visited, to improve the provision of psychiatric and psychological care to prisoners and to develop a comprehensive strategy for the provision of assistance to prisoners with drug-related problems. Further, the authorities are once again called upon to ensure that medical confidentiality is respected in prisons and to improve the existing procedures for the medical screening of newly arrived prisoners and the recording of injuries observed.