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## **Response**

**of the Turkish Government  
to the report of the European Committee  
for the Prevention of Torture and Inhuman  
or Degrading Treatment or Punishment (CPT)  
on its visit to Türkiye**

**from 13 to 22 February 2024**

The Government of Türkiye has requested the publication of this response.  
The CPT's report on the 2024 visit to Türkiye is set out in document  
CPT/Inf (2026) 35.

Strasbourg, 6 September 2026

**The Response of the Government of Türkiye to the Report by the European Committee  
for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment  
(CPT) on its *Ad-Hoc* Visit to Türkiye from 13 to 22 February 2024**

**[Paragraph 15]**

During the planning and construction of prison projects, as well as later, while remand and sentenced inmates are held within the establishments, the minimum prison standards specified in the recommendations made by the Committee of Ministers of the Council of Europe on the execution of prison sentences are taken into consideration. In a number of provinces, temporary overcrowding might be observed owing to a rapid surge of detentions depending on court proceedings. Nevertheless, this circumstance is eliminated within a short period of time through referrals and transfers to other establishments.

Currently 404 prisons operate in Türkiye, with a total capacity of 295,268 inmates.

In response to an unforeseen rise in the number of inmates over the last few years, construction of a total 58 new prisons are planned. This will add 48,784 to the total number of inmate capacity by the end of 2026. Currently, 24 of these prisons are under construction and 34 are in the project stage.

During the same period, 22 prisons, incompatible with modern sentence execution regime, with a capacity of 2,522 inmates, are planned to be closed down.

In this context, of the 24 establishments under construction, with a capacity of 19,986 inmates;

- By the end of 2024, 10 prisons with a capacity of 8,364,
- By the end of 2025, 4 prisons with a capacity of 3,524, and
- In 2026, 10 prisons with a capacity of 8,098 inmates are planned to be put in service.

In this context, with a view to finding a lasting solution to the problem of overcrowding and improving issues related to the execution regime in general, legislative works have been launched and are still continuing vigorously.

**[Paragraph 21]**

The following provisions are laid down in the “Law on the Execution of Sentences and Security Measures” (“LESSM”):

Closed prisons

Article 8.

(1) Closed prisons are establishments with internal and external security personnel, equipped with technical, mechanical, electronic or physical barriers against escape, in which the doors of the rooms and the corridors are kept closed, where contact between convicts not sharing the same room and contact with the outside world is only possible in such cases as specified in the legislation, where the sufficient level of security is provided, and where the individual, group or collective rehabilitation methods can be implemented according to the needs of convicts.

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### High-security closed prisons

#### Article 9.

(1) High-security closed prisons are facilities with internal and external security personnel, equipped with technical, mechanical, electronic or physical barriers against escape, in which the doors of the rooms and the corridors are kept closed, where contact between convicts not sharing the same room and contact with the outside world is only possible in such cases as specified in the legislation, and where convicts subject to a tight security regime are accommodated in single or three-person rooms. In such institutions, individual or group rehabilitation methods shall be implemented.

(2) Persons sentenced to aggravated life imprisonment and persons sentenced to imprisonment for establishing or leading a criminal organization, or in the framework of the activities of such an organization those sentenced for:

- a) Crimes against humanity (Articles 77 and 78 of the Criminal Code),
  - b) Murder (Articles 81 and 82 of the CC),
  - c) Production and trafficking of psychoactive substances (Article 188 of the CC),
  - d) Crimes against the security of the State (Articles 302, 303, 304, 307 and 308 of the CC),
  - e) Crimes against constitutional order and its operation (Articles 309 to 315 of the CC),
- regardless of the length of such sentence, shall serve their sentences in these institutions.

(3) Those who are in a dangerous condition due to their actions and attitudes and those determined to be kept under special control and supervision and those who violate order and discipline at the institutions in which they are held or who insist on resisting measures, instruments and procedures of rehabilitation shall be sent to these institutions.

(4) Where the institutions defined in the first paragraph are insufficient for the need, the high-security parts of other closed prisons shall be used.

(5) (Amended 25.05.2005 by Law no. 5351) It may be decided that; prisoners sentenced to life imprisonment and served two thirds of the term specified under Article 107 for conditional release, those sentenced to definite terms and served one third of the total term, as well as those specified in paragraph 3 herewith, who served one third of the total term in these establishments and displayed good conduct; be sent to other prisons appropriate to their behavior and character.

[...]

### Execution of the sentence of aggravated life imprisonment

#### Article 25.

(1) c) Depending on risk and security considerations and on his/her effort and good behavior in rehabilitation and treatment activities, the time for which he/she goes out and does physical exercises in the open air may be extended and he/she may be allowed, to a limited extent, to have contacts with convicts who stay in the same unit with him/her.

[...]

Physical education

Article 87.

(1) To ensure his social, mental and physical development, the convict shall be permitted to take part in sport, physical education and recreational activities to the extent allowed by his physical and mental health condition, and for this purpose space and materials shall be provided to the extent available.

(2) Convicts who do not work in the open air or who are in closed penal execution institutions shall be permitted to walk in the open air for at least one hour a day, to the extent allowed by weather conditions. Individual exercises may also be performed during this time. Convicts in open penal execution institutions and in reformatories for minors may participate in activities outside the institution.

The following provisions are laid down in Article 28 (titled “Duties and Powers of the Board of Administration and Observation”), paragraph 1 (e) the Regulation on the Administration of Prisons and Execution of Sentences and Security Measures:

“Taking decisions as to the determination of inmates who may take part in activities in the scope of rehabilitation programs such as sport fields, multipurpose hall, library and workshop as well as inmates to work in the internal services of the prison”.

The following provisions are laid down in the Circular no. 46/1, dated 27.07.2007 on the Education and Rehabilitation Procedures of Young and Adult Remand and Sentenced Prisoners and Other Provisions:

“(1) In the framework of the “General Principles” laid down in Section Three, remand and sentenced inmates held in high-security closed prisons or in the high security sections of closed prisons shall be allowed to take part in education-training, social-cultural and sportive activities, individually or in groups up to 10 persons.

(2) Of the inmates held in high-security closed prisons or in the high security sections of closed prisons;

a) Those sentenced to an aggravated life sentence shall first of all attend individualized education-training, social-cultural and sports programs. Depending on the effort and good conduct displayed as a result of the programs applied, by the decision of the Board of Administration and Observation, they shall take part in the education-training, social-cultural and sports programs in groups, only with the prisoners held in the same unit.

b) Other remand and sentenced inmates held in high-security closed prisons or in the high security sections of closed prisons shall be allowed to take part in education-training, social-cultural and sportive activities in groups to the extent that this does not pose security risks.”

In Article “A- Work and Vocational Training” stipulated in Section Five, the following provisions are contained:

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“Work and vocational training shall be carried out for purposes of integrating the inmates into public life as efficient and productive individuals and of assisting them in acquiring a profession with income following their release.”

“Work and vocational training courses shall be opened during each education term in prisons, in quantity and quality determined in the “education map” and it shall be ensured that remand and sentenced inmates attend the courses.”

In this context, as it can be inferred from the legal provisions cited above, as regards the offering of social and cultural training, workshop, courses and handcrafts activities in prisons, the boards in prisons are authorized to take decisions which would not pose security risks while taking into consideration the physical structure and capacity of the establishment as well as such issues as types of crimes relevant to the inmate/detainee. In F, S and Y type establishments, maximum level of activities are realized as allowed by the facilities of prisons and legal provisions. It is ensured that the inmates take part in these activities.

It is laid down in Article 13, titled “Common activities” of the Circular no. 45/1 by the General Directorate of Prisons and Detention Centers that “to the extent that no security risks are posed, willing remand and sentenced prisoners determined by the Board of Administration and Observation may be brought together within the framework of social activities in the area foreseen for open visits and other common areas for social gatherings, as groups of up to 10 persons and up to a total of 10 hours per week, under the supervision of the administration. This activity shall be realized during the weekdays, without causing interruptions to lawyer and personal visits.” Pursuant to these provisions, it is ensured that the inmates benefit from education-training, social-cultural and sports activities.

As regards facilities available for education and rehabilitation activities in the establishments visited by the CPT;

- In Antalya L-Type Closed Prison, for common activities, one indoor sports hall with a capacity of 150 persons, one conference hall with a capacity of 90 persons, two open fields, five classrooms with a capacity of 90 persons, three workshops with a capacity of 35 persons and one computer laboratory with a capacity of 12 persons are available.
- In Antalya S-Type Closed Prison, for common activities, one indoor sports hall with a capacity of 20 persons, four outdoor fields, four classrooms with a capacity of 40 persons and three workshops with a capacity of 30 persons are available.
- In Iğdır S-Type Closed Prison, for common activities, one indoor sports hall with a capacity of 80 persons, one outdoor field, four classrooms with a capacity of 40 persons, three workshops with a capacity of 30 persons and two computer laboratories with a capacity of 20 persons are available.
- In Maltepe L-Type Closed Prison no. 3, for common activities, one indoor sports hall with a capacity of 150 persons, one conference hall with a capacity of 77, two outdoor fields, five classrooms with a total capacity of 100 persons, three workshops with a capacity of 30 persons each and one computer laboratory with a capacity of 20 persons are available.
- In Van F-Type High-Security Closed Prison, for common activities, one indoor sports hall with a capacity of 14 persons, one conference hall with a capacity of

34 persons, one outdoor field, five classrooms with a total capacity of 50 persons each and one computer laboratory with a capacity of 10 persons are available.

- In Van High-Security Closed Prison, for common activities, one high-capacity indoor sports hall, four outdoor fields, 10 classrooms with a total capacity of 100 persons each, 20 workshops with a total capacity of 200 persons and one computer laboratory with a capacity of 10 persons are available.

Detailed information as to the education-training, social-cultural and sports activities offered in the said establishments is provided under paragraphs 35 to 46.

In addition, with a view to raising the number and quality of social, cultural and sports activities in prisons, a protocol of cooperation has been signed between the Ministry of Justice and the Ministry of Youth and Sports on 27 August 2019. Pursuant to the Protocol, Executive Board meetings have been held between the two Ministries. The Third Executive Board Meeting was organized on 10 January 2024 within the premises of the Directorate General for Prisons and Detention Centers. Decisions made by the Executive Board were communicated to the prisons. In this context, Executive Board meetings have been organized in the provinces with provincial directorates for youth and sports and projects of cooperation are on the rise.

**[Paragraph 31]**

It has been provided in Article 2 (titled “the Basic Principle of Execution”), paragraph 1, that “the rules concerning the execution of penalties and security measures shall be implemented without discrimination between convicts as regards race, language, religion, denomination, nationality, color, gender, birth, philosophical belief, ethnic or social origin, political or other opinion, economic power or other social status, and without making any privilege to anyone.”

Paragraph 2 of the Article reads: “In the execution of penalties and security measures, there shall be no cruel, inhuman, degrading or humiliating treatment.”

According to Article 6 (titled “Principles to be observed in the execution of prison sentences”), paragraph 1 (a), “convicts shall be securely kept in penal execution institutions and within a framework of order, security and discipline, taking measures to prevent escape.”

By the provision in paragraph 1 (f) of the Article which reads “in penal execution institutions, all measures must be taken to protect the convicts’ right to life and their bodily and mental integrity”, the protection of all inmates held in prisons have been taken under the safeguards of the State by law.

The infliction of torture and ill-treatment to inmates held in prisons are therefore both out of question and improbable. Allegations of ill-treatment and torture are immediately and meticulously investigated by the judicial and administrative authorities and judicial review is always available against the decisions taken during these investigations, including disciplinary sanctions.

Türkiye shows zero tolerance to torture and ill-treatment and all prisoners in prisons are held in humane conditions.

Moreover, acts and procedures followed by all authorities in Türkiye are subject to judicial review. As such, inmates are able to complain against the practices of prisons, initially,

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before the prison enforcement judge, and, secondly, to oppose judgements/decisions of the prison enforcement judge before the assize courts. The executive has no right to interfere, by way of instructions or advice, with the judgements/decisions by judges, who by law enjoy judicial independence.

Furthermore, as opposed to other civil servants, judicial investigations can be launched directly in respect of prison staff, i.e. without the requirement to obtain authorization from the administration for investigation. No tolerance is shown for any act that constitutes a crime. Staff members who have been proven guilty are judicially investigated and tried by independent courts. Administratively, disciplinary procedures are followed and according to the results of these investigations, staff members are sanctioned through disciplinary measures.

Prisons are periodically monitored, from the administrative point of view, by the Parliament and by the domestic and international monitoring mechanisms.

In the context of administrative review, prisons are overseen by inspectors of the Ministry of Justice, controllers of the Directorate General of Prisons and Detention Centers, other members of the Directorate General, public prosecutors and prosecutors in charge of prisons. The elimination of shortcomings identified during these monitoring activities are followed by the Directorate General.

Within the framework of judicial review, decisions taken by the administration of the prison are reviewed by prison enforcement judges established by the Law no. 4675 of 16 May 2001. Remand and sentenced prisoners are able to file complaints and requests before the enforcement judge as regards both the execution of the sentence as well as the material conditions in the prison. Appeal against the judgements/decisions of the enforcement judge is possible before the assize courts. Therefore, all acts and actions by the establishments are subject to judicial review.

The Law no. 4681 on Monitoring Boards of Prisons and Detention Centers (dated 14 June 2001) and the relevant Regulation on Monitoring Boards of Prisons and Detention Centers (dated 7 August 2001) have been adopted within the context of monitoring by independent bodies. "Civilian monitoring boards" in question visit the prisons or detention facilities under their jurisdiction at least once every two months and whenever deemed necessary. The findings made during these visits are assessed and reports are drawn up at least once every four months. Copies of the reports are sent to the Ministry of Justice, the Human Rights Inquiry Commission of the Turkish Grand National Assembly (TGNA), the Chief Public Prosecutor's Office of the jurisdiction where the monitoring board is located, to the prison enforcement judge in the event of a complaint within their purview, as well as to the Institution of the Ombudsperson and to the Turkish Institute for Human Rights and Equality.

Save for issues relating to the security of the prisons, the Ministry of Justice publicly and in a written form, annually announces the number of reports drawn up by monitoring boards during the previous year, the issues raised, recommendations fulfilled and those not fulfilled together with the underlying reasons for non-fulfillment.

Monitoring boards of the prisons and detention centers are completely independent. The principles and procedure related to their establishment, duties and functions are governed by the Law no. 4681, which tasks the monitoring boards with observing and examining the functioning of and practices in prisons and detention centers, obtaining information, collecting

findings in the form of reports and submitting them to the relevant and competent authorities, in line with the applicable legal provisions as well as the principles determined by international conventions to which Türkiye is a contracting party.

From 1 January 2022 to 31 December 2022, a total of 1,952 visits have been made to 399 prisons by 149 monitoring boards. 1,245 reports have been drawn up as a result in which 1,839 recommendations have been made. In 2022, 64 percent of the recommendations were fulfilled.

Moreover, provincial and district Human Rights Boards, which consist of civil society representatives can also visit and monitor prisons.

The Institution of the Ombudsperson and the Turkish Institute for Human Rights and Equality, which have independent oversight authority under the UN Optional Protocol to the Convention against Torture (OPCAT), can make on-site examinations to evaluate complaints coming from prisons, without requiring any prior permission.

As regards parliamentary oversight, the head or members of The Human Rights Inquiry Commission of the TGNA or investigative commissions can visit prisons and carry out inquiry and oversight activities.

During these visits and interviews, the prison administration takes the necessary measures to avoid compromising of the security of the establishment. Visits and interviews are typically made under the supervision of the staff. However, the Human Rights Inquiry Commission, members of the monitoring boards, prison enforcement judges, probation officers and other persons and groups empowered by law can interview inmates in private.

Group interviews are not made with inmates who cannot be brought together for reasons of security. Visits and interviews may be postponed in extraordinary circumstances such as natural disaster, fire and riots, even though permission had been granted in advance.

Moreover, controllers in charge of overseeing prisons go through applied training for three years upon their recruitment, which covers the topics of the general applicable legal provisions, prevention of human rights violations of remand and sentenced prisoners held in prisons, and the compatibility of material conditions with minimum requirements. These issues are also evaluated in detail and the necessary information is provided during the meetings organized each year for prison staff members and staff responsible for oversight.

In addition, prisons can also be examined and monitored by international monitoring mechanisms with duly recognized competency in the area, such as the CPT, Council of Europe Commissioner for Human Rights, UN Working Group on Arbitrary Detention, and the UN Sub-Committee against Torture.

Therefore, as a result of serious improvement policies carried out from the beginning of 2000s and the legal reform conducted in 2005, sentence execution practices have become fully compatible with the European Prison Rules and international standards.

Any complaint or news report as to allegations of torture and ill treatment in prisons is immediately assessed. It is ensured that investigations are carried out by both the Ministry of Justice and public prosecutors. Legal actions are taken without delay in respect of those who bear the slightest responsibility.

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As regards the incident mentioned in the report, judicial and administrative investigations were launched in respect of the staff members, on the allegation of disproportionate use of force. As a result of these investigations, seven staff members were charged with “simple injury” and a criminal case was launched. For the purpose of the sound conduct of the investigation initiated, the Directorate General for Prisons and Detention Centers ordered on 12 July 2024 that the seven staff members in question were assigned to other prisons through temporary duty assignments. Judicial and administrative investigations are ongoing.

Moreover, the necessary security measures were taken in the prison concerned. Pursuant to the relevant provisions of the Circular no. 167 of 5 June 2015, the Board of Administration and Observation decided that the said prisoner be transferred to another high security establishment suitable for his condition.

In accordance with the decision of the Board, the Directorate General for Prisons and Detention Centers ordered by a letter of 13 August 2024 that the said prisoner be transferred to Manavgat S-Type Closed Prison for reasons of order and security. The person concerned is currently held in the said establishment as a sentenced prisoner.

An official document is dispatched in case of all such alleged incidents happening in prisons, on the one side, judicially, to the local Office of the Chief Public Prosecutor, and on the other side, administratively, to the local Disciplinary Chiefs of the staff in question (as per the Civil Servants Law no. 657 and the Disciplinary Regulation of the Ministry of Justice) for the required actions to be taken in order to establish whether the staff in charge were deliberately at fault, negligent or had shortcomings. The relevant units take the necessary actions and the whole process is meticulously followed up.

In Antalya S-Type Closed Prison, a total of 13 Body Worn Video Cameras are used in rapid interventions by the prison staff. Following the CPT’s visit to the establishment, the relevant staff has been duly instructed to systematically record the entire action by the rapid intervention teams and to file the records saved after the operation.

A total of 637 IP cameras, from which 4 are dome-typed, are active in the establishment. A total 20 network video recorders (NVR) are available. All cameras in the rooms and annexes have been installed based on technical specifications. The remaining security cameras have been installed once the necessary assessments have been made as regards the order and security of the establishment and placed as per the technical measurements for angle and field of vision.

Furthermore, with a view to implementing human rights standards at the highest level in prisons in accordance with the relevant domestic and international law, all establishments have been instructed so that administrative actions as part of a disciplinary investigation such as statement-taking, informing and notification of the inmates concerned be made in an area under CCTV coverage. The same instructions ask for the creation of such an area in case of its absence and that such administrative actions shall not be taken without CCTV coverage.

In Antalya S-Type Closed Prison, a shift event register is regularly kept by the chief custody officer of each shift. This register includes brief information such as counts, inmates admitted to and released from the establishment, noteworthy incidents and actions taken following the incidents. This daily register, which contains the date, time, signatures of the chief shift officers handing and taking over, as well as those of the duty director, is duly kept and followed.

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In addition, work is in progress for the creation of another register to record incidents where force and special tools (handcuffs, rubber batons, etc.) have been used by the staff against the prisoners.

With a view to ensuring that our sentence execution staff provides professional services to all inmates as per the responsibilities they have undertaken, in conformity with relevant national and international standards, their participation in regular and qualified pre-service and in-service training is provided for. By July 2023, 72,154 staff members were working in prisons. During the year 2022, 37,747 staff members completed a total of 1,726 training programs in the five personnel training centers across the country. Besides the face-to-face trainings realized in training centers, the professional quality of service and educational needs of prison staff are also being duly taken into account by regular remote and on-site training programs.

Training for sentence execution staff includes fundamental topics covering national and international sentence execution laws and standards, human rights, code of ethics, inmate psychology, coping with hard behavior, effective communication and use of force. The effectiveness of the trainings are constantly assessed using assessment and evaluation tools by electronic means and the training programs and their contents are updated in line with the needs identified.

Comprehensive training programs are available for the staff as regards the use of force in prisons. Emphasis is put on the principle that force shall be used in accordance with the principles of necessity and proportionality, particularly by the rapid intervention teams as determined in accordance with both national legislation and international norms and standards.

The basic topics and training programs offered to the staff on the use of force are:

- “Professional Intervention Methods and Tactics” in the Training Program for Custody Officers,
- “Rapid Intervention Team Training” and “Professional Intervention Methods and Tactics” as separate training programs,
- “Professional Intervention Methods and Tactics Executive Training” for executive staff tasked with the management of use of force in prisons.

As stated above in response to section “ill-treatment” in high-security prisons (paragraphs 22-31), it is laid down in Article 2 of the LESSM that the basic principles of sentence execution are non-discrimination and respect for human dignity. In all practices of the Turkish sentence execution system, as shaped through these principles, the negative and positive obligations of the State as related to fundamental rights and freedoms are observed and trainings are organized for all staff members for the prevention of human rights violations in prisons.

In Antalya S-Type Closed Prison, 82 percent of the staff has attended in-service training programs, whereas 67 percent received training on human rights.

It is planned that through remote training, staff from the said establishment will attend the “Human Rights Training” to be organized during the months of September, November and December. Thus, the aim is to increase the number of personnel who have received human rights training by the end of the year.

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The same goal is also pursued within the same establishment so that the number of personnel receiving training on Professional Intervention Methods and Tactics increase by the end of the year as well.

### **[Paragraph 34]**

It is provided in Article 63 (titled “Accommodation and bedding of convicts”), paragraph 2 of the LESSM that “Each convict shall be provided with a standard bed and a sufficient number of bedclothes suitable for the local climate.” Accordingly, upon admission to prison, all remand and sentenced prisoners are given a bed, sheet, pillow and bed linen. Upon request, bed, sheet, pillow and bed linen sets which have become worn or unusable are replaced with clean ones. Prisoners can also purchase pillows, sheets and bed linen sets from the prison store.

It is stipulated in paragraph four of the same Article that “Adequate space, lighting, heating, ventilation and hygiene shall be provided in rooms and parts in view of climatic conditions.” During the construction phase, heating systems are installed in accordance with the provision above, taking into account the geographical conditions and climate of the region where the prison is located. Heating during winter months is provided in line with weather conditions and climate.

In Iğdır S-Type Closed Prison, the total number of beds on the inventory list is 1,254. On 25 August 2024, the total number of remand and sentenced prisoners accommodated was 670. All inmates were given a bed, bed linen, sheet, blanket and pillow. All shortcomings on this matter have been eliminated. Moreover, funds have been allocated for the procurement of chairs. Chairs have been purchased and the remaining shortcomings have been completed.

In the said establishment, hygiene and cleaning products are delivered to all inmates at 15-day intervals.

A suitable section of the establishment has been designated as a laundry area. Two washing and two drying machines are available for use by women, minors and those incapable (as established by a medical report) as well as by male prisoners, subject to the discretion of the prison administration and as allowed by the legislation. These machines can be used under the supervision and oversight of the administration and in line with the program determined by the administration.

In addition, laundry such as bed linen, blankets and clothes which need to be cleaned regularly under the law are sent in bulk every month to Iğdır Open Prison in separate personal mesh laundry bags in line with the rules of hygiene and washed in large machines.

In Antalya S-Type Closed Prison, upon admission all prisoners are given one bed, one pillow, one or two blankets depending on the season, and one bed linen. All prisoners held in the prison have their own beds and there are currently no inmates without bed, having to sleep on mattresses placed on the floor. One chair has been provided for each prisoner and a table is available for shared use. Those held in single rooms are provided with one table and chair. Prisoners identified as indigent are regularly given hygiene and cleaning products such as soap, detergent and diluted bleach, free of charge.

With regard to the problem of damp forming in a number of rooms and sections at the lower floors and that of dilapidation around the sanitary annexes, measures have been taken and the necessary repair works have been conducted.

In addition, call bells not functioning in a number of cells/living units have been repaired by the prison administration and they are all now functioning.

The Directorate General for Prisons and Detention Centers has duly instructed all establishments by a letter of 21 February 2024 on 'Items allocated to prisoners' that;

- Bunk beds, beds, pillows, bed linens, blankets and lockers be timely requested from the Directorate General, having regard to the time needed for production and delivery, in numbers corresponding to the prisoner occupancy, without creating stocks of such items,
- Such items allocated by the Directorate General be handed to prisoners in full and without delay,
- Prisons with extra bunk beds, beds, pillows, bed linens, blankets and lockers communicate this circumstance to the Directorate General so that these items can be allocated to such prisons in need.

**[Paragraph 46]**

The facilities for education and rehabilitation activities in the establishments visited by the CPT are mentioned under paragraph 21. Activities organized in 2024 in these establishments are as follows.

In Antalya L-Type Closed Prison, the following activities were organized in 2024: three concerts with the attendance of 217 inmates, 53 conferences and seminars attended to by 3,927 inmates, one drama performance attended to by 97 sentenced inmates, 11 movie screenings attended to by 340 inmates, four ceremonies and anniversaries attended to by 208 inmates, one sports tournament attended to by 660 inmates, 32 general (social and cultural) courses attended to by 334 inmates, and 13 professional and technical courses, attended to by 121 inmates.

The courses were on: "Bağlama" (traditional musical instrument), Computer Use (user-operator), Work Safety and Worker Health, Quran Learning, Literacy Grade I, Literacy Grade II, Art and Painting, Hairstyling, Watercolor Painting, Accessory Design, Volleyball and Turkish Language for Foreigners Level A1.

In Antalya S-Type Closed Prison, the following activities were organized in 2024: 43 conferences and seminars attended to by 597 inmates, five ceremonies and anniversaries attended to by 159 inmates, 60 general (social and cultural) courses attended to by 364 inmates and seven professional and technical courses, attended to by 46 inmates.

The courses were on: Hygiene for Those Working in Food and Water Sectors, "Bağlama" (traditional musical instrument), Wooden Decoration Design, Quran Reading, Quran Recitation (Tajwid), Literacy for Adults Grade I and Basic Education Program, Literacy for Adults Grade II Basic Education Program, Turkish Language for Foreigners Level A1, First Aid, General Offender Behavior: Think First, Group Communication, Tobacco, Alcohol and Substance Addiction. Nine inmates sentenced to aggravated life imprisonment attended the professional and technical courses while 18 sentenced inmates attended the general (social and cultural) courses.

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In Iğdır S-Type Closed Prison, the following activities were organized in 2024: One concert attended to by 17 inmates, 71 conferences and seminars attended to by 444 inmates, one movie screening attended to by 11 inmates, six ceremonies and anniversaries attended to by 72 inmates, six sports tournaments attended to by 203 inmates and five general (social and cultural) courses attended to by 71 inmates. These latter courses were on: Bağlama and Quran learning.

In Maltepe L-Type Closed Prison no. 3, the following activities were organized in 2024: Four concerts attended to by 204 inmates, 80 conferences and seminars attended to by 1,589 inmates, 32 movie screenings attended to by 555 inmates, five ceremonies and anniversaries attended to by 157 inmates, two sports tournaments attended to by 181 inmates, 20 general (social and cultural) courses attended to by 460 inmates, and two professional and technical courses attended to by 51 inmates. The courses were on: Hygiene for Those Working in Food and Water Sectors, Quran Reciting, Quran Reading, Literacy Grade I, Watercolor Painting, Turkish Language for Foreigners Level A1, Turkish Language for Foreigners Level A2, Turkish Language for Foreigners Level B1, Time Management, Work Safety and Worker Health.

In Van F-Type High Security Closed Prison, the following activities were organized in 2024: 30 conferences and seminars attended to by 337 inmates, five ceremonies and anniversaries attended to by 51 inmates, one sports tournament attended to by 193 inmates, 30 general (social and cultural) courses attended to by 293 inmates, and six professional and technical courses attended to by 53 inmates. The courses were on: Bağlama (regular playing), Wall Painting Application, Bağlama (irregular playing), Real Estate Counselling, English Level A2, English Level A1, Quran Learning, Literacy Grade I, Literacy Grade II, Pastel Color Painting, Hairdressing and Beard Design. Three inmates sentenced to aggravated life imprisonment have attended the courses.

In Van High Security Closed Prison, the following activities were organized in 2024: three conferences and seminars attended to by 25 inmates, six general (social and cultural) courses attended to by 23 inmates, four professional and technical courses attended to by 14 inmates. The courses were on: Hairdressing and Beard Design, Hair Care, Temporary and Permanent Hair Styling and Blow-dry Shape Setting. 40 inmates sentenced to aggravated life imprisonment have attended the general (social and cultural) courses.

Within the framework of the “Twinning Project for the Improvement of the Administration of Terrorism-related and Dangerous Convicts in Prisons (CARE)”, an Intervention Program for High-Risk Convicts has been prepared. Work for extending the scope of those benefitting from the program and trainings are ongoing within the Care Project.

### **[Paragraph 49]**

The following provisions are laid down in Article 5 (titled “Basic Principles”) of the Regulation on Visits rendered to Prisoners:

“Visits rendered to remand and sentenced prisoners shall be realized in accordance with the following principles:

a) Except for those in respect of whom disciplinary sanctions of deprivation of visitors or solitary confinement have become final and these sanctions are being executed, prisoners

can meet with their visitors. Prisoners in respect of whom the sanction of deprivation of visitors is being executed, cannot be prevented from meeting official and competent authorities, lawyers and legal representatives. Prisoners in respect of whom the sanction of solitary confinement is being executed cannot be prevented from meeting official and competent authorities and lawyers.

b) Minors subjected to the penalty of room confinement cannot be prevented from meeting their parents, siblings, lawyers, official and competent authorities and legal representative.

c) Visits can be organized as closed and open visits.

d) One week per month as deemed appropriate by the prison administration is to be foreseen for open visits and the remaining weeks of the month will be reserved for closed visits. During these weeks, inmates can be visited once a week by the relatives as specified under this Regulation.

e) In respect of remand and sentenced inmates within the context of the offenses defined in Volume Two, Chapter Four, Parts Four, Five, Six and Seven of the Criminal Code, as well as offenses defined in the Anti-Terror Law (no. 3713 dated 12 April 1991), open visits may be allowed once every two months by the decision of the Board Of Administration And Observation, taking into account the population, security and order of the establishment.

f) Those sentenced to aggravated life imprisonment may have two visits per month, one being in the form of open and other being closed visit, every fifteen days.

g) In the event that one closed visit coincides with an open visit to be made on a holiday or special day, the visit shall be made open.”

The following provisions are also contained in the said Regulation:

In Article 7 (titled “Closed Visit”), paragraph one: “Closed visits are visits in which all physical contact between the prisoner and visitor is prevented, conversation may be observed and heard by an official present and carried out in an area dedicated for this purpose by the prison administration.”

In Article 13 (titled “Open Visit”), paragraph one: “Open visits are visits in which physical contact between the prisoner and visitor is allowed, conversation may be observed and heard by an official present and carried out in an area dedicated for this purpose by the prison administration.”

In Article 11 (titled “Visitors of those sentenced to aggravated life imprisonment”), paragraph one: “No one can visit prisoners sentenced to aggravated life imprisonment except for his/her spouse, children, grandchildren, children of grandchildren, mother, father, grandmother, grandfather, mother and father of grandmother and grandfather, siblings and legal guardian.”

In Article 12 (titled “Visiting procedures of those sentenced to aggravated life imprisonment”), paragraph one: “Prisoners sentenced to aggravated life imprisonment may only be visited during closed and open visits by persons specified in Article 11 herewith, one person at a time, on the day, time and conditions determined by the prison director, with an interval of fifteen days, up to one hour per day. Taking into consideration factors such as the

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security of the establishment, type of offense and risk status, two or more visitors may be allowed at the same time, as per the decision of the Board of Administration and Observation.”

In Article 15 (titled “Open visits on holidays and special days”), paragraph one: “Confined to the national holidays and the holidays and special days of the religion followed by the person, as deemed appropriate by the Ministry [of Justice], remand and sentenced prisoners may receive open visits by persons specified in paragraphs one and two of Article 9 herewith. However, those sentenced to aggravated life imprisonment may be visited by mother, father, spouse, children, grandchildren, grandmother, grandfather and siblings under this Article.”

In Article 17 (titled “Duration and time of visits”), paragraph one: “Open visits shall be made from 09:00 to 17:00, not exceeding one and half hour. The duration of the visit starts counting from the actual beginning of the meeting. For juvenile inmates, the duration of visits shall be determined as being not shorter than an hour and not longer than three hours.”

In paragraphs one, two and three of Article 18 titled “other issues relating to open visits”:

“Groups shall be formed prior to the visits by dividing the number of inmates by the number of days dedicated for open visits. The visit days and hours of each group shall be notified to enable them inform their families and the program prepared shall also be affixed to the rooms and places where it can be read by visitors.

Visits shall not be allowed outside the days and hours determined. A second permission is not granted about a visit already made by convicts, prisoners and visitors.

Once open visits have been completed by all groups, remand and sentenced inmates present in the visiting area shall be searched thoroughly by the staff, taken back to their wards or rooms and counted there. Their identity shall be checked by documents with photographs. Once it is ascertained that all members of the group are present, visitors shall be allowed to leave the establishment.”

Moreover, the following provisions are contained in Article 74 (titled “Right to telephone calls”) of the Regulation on the Administration of Prisons and Execution of Sentences and Security Measures:

“(1) Convicted prisoners held in closed establishments can make telephone conversations with their spouse, relatives and relatives by marriage up to the fourth degree as well as their legal guardian.

(2) Telephone calls shall be made under the principles stated below:

a) Convicted prisoners may use the telephones installed at suitable spots of the establishment under the control of the administration, provided that they are not at that given time subject to penalties about deprivation from communication devices, restriction penalty or solitary confinement.

b) Even at times of being subject to disciplinary sanctions, the right of the sentenced prisoner to telephone calls shall under no circumstances be prevented upon the death or severe illness of his/her mother, father, spouse, children or siblings or upon a natural disaster.

c) Upon the death or severe illness of a descendant or antecedent, epidemic or natural disaster, sentenced prisoners held in open and closed prisons shall be immediately allowed to use the telephone and fax device of the establishment. Phone conversations made in this context shall not be counted from that week's call entitlement. Calls realized will be noted down in a logbook and logbooks will be kept in a special file.

[...]

f) Convicted inmates can make uninterrupted calls to one or more relatives among the persons allowed, once per week, by connecting to a single phone number. If the call fails for any reason, he/she may call another number among those registered in advance. Call duration may not exceed ten minutes from its start. In compelling circumstances such as an earthquake, epidemic or natural disaster, the duration or number of telephone calls may be increased by the decision of the Ministry [of Justice].

g) In establishments determined by the Ministry [of Justice], where the technical infrastructure for making video calls have been installed, the weekly call duration shall be implemented as thirty minutes. This system may be installed inside rooms or wards or other areas deemed appropriate by the administration. In case a convicted prisoner has not used his/her weekly visit entitlement, thirty minutes shall be added to the weekly telephone call duration and this duration is not transferable. Such calls can be made by dividing the allocated period of time into not more than three calls per week. Three more call entitlements shall be granted for the thirty minutes added. These conversations may be realized as audiovisual or voice calls. Call duration stipulated under this paragraph shall be applied as multiplied by two in respect of juvenile and female sentenced inmates with children of up to six years old. An additional call duration of thirty minutes shall be given to sentenced inmates to be used in the religious holidays of their belief.

[...]

h) Convicted prisoners who have been identified as dangerous prisoners shall only make voice calls to their spouse, children, mother and father, once per fifteen days, for up to ten minutes.

[...]

i) Prisoners convicted for being an executive of a terrorist organization or an armed organization established for the purpose of committing crimes, may only make voice calls for up to ten minutes per week. Those prisoners who continue leading an armed organization established for the purpose of committing crimes and who gives instructions and messages to persons inside or outside the prison by any means, shall under no circumstances be allowed to make phone calls, as per the decision of the Board of Administration and Observation.

j) Prisoners sentenced to aggravated life imprisonment may make voice calls only to the spouse, descendants and antecedents, siblings and legal guardian, once per fifteen days, for up to ten minutes, in cases deemed appropriate by the Board of Administration and Observation.

[...]

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(4) Convicted prisoners held in open prisons and juvenile reformatories may freely make telephone calls through pay phones, in voice or video format. Telephone conversations by juvenile prisoners can under no circumstances be restricted or prevented.”

Therefore, the execution of the sentence of aggravated life imprisonment and phone calls of the inmates held in the establishments are realized as per the legal provisions cited above.

Moreover, one week per month as deemed appropriate by the prison administration for open visits and the remaining weeks of the month for closed visits, remand and sentenced inmates may be visited each week by the relatives specified in Article 9 of the said Regulation, as well as by three more visitors, as specified by themselves.

Open visits are realized in the area dedicated for this purpose by the prison administration where physical contact between the prisoner and visitor is allowed, and conversation may be observed and heard by an official present during the visit.

Closed visits are realized in the area dedicated for this purpose by the prison administration where all physical contact between the prisoner and visitor is prevented, and conversation may be observed and heard by an official present during the visit.

Work on legislative amendment is underway in respect of Article 25 (titled “execution of the aggravated life sentence”) of the LESSM, Article 74 (titled “right to telephone calls”) of the Regulation on the Administration of Prisons and Execution of Sentences and Security Measures, and Article 12 (titled “Visiting procedures of those sentenced to aggravated life imprisonment”) of the Regulation on Visiting Prisoners.

Occupancy rates in almost all prisons are over capacity. Transfers made for compelling reasons such as discipline, security, collective transfers and court proceedings of remand detainees, lead to changes in occupancy rates on a daily basis.

Therefore, since many prisons accommodate inmates over their capacity, and as factors such as capacity and security of the establishment, type of offense and safety of life of persons are taken into account in the determination of transfer requests, every request cannot be deemed appropriate.

Despite the fact that due care is being displayed to transfer inmates to establishments which are closer to their families, this is not always possible for reasons stated above.

It is laid down in Article 54 (titled “Transfer at the convict’s own request”), paragraph one of the LESSM that, a convict may be transferred from the establishment he/she is held to another one at his/her own request on the condition that he/she agrees to pay the expenses of the transfer in advance.

In this context, it is obligatory for the prisoner to pay for the travel expenses in such transfers made on his/her own request.

Moreover, in addition to those sentenced to aggravated life imprisonment, “those who were found to pose danger due to their actions and attitudes and thus kept under special custody and supervision as well as those who violate order and discipline in the prison or who persistently resist measures, instruments and procedures of rehabilitation” shall be held in high

security prisons or high security sections of prisons. Therefore, transfer requests are evaluated having regard to the sentence and status of the convicted in the illegal organization.

The procedure relating to transfer requests is applied without distinction as to race, language, religion, denomination, nationality, color, gender, birth, philosophical belief, ethnic or social origin, political or other opinion, economic power or other social status and without granting privilege to anyone.

Once transfer requests by remand and convicted inmates as well as those at the appeal stage reach the Directorate General, the evaluation is made on the basis of the actual capacity of the prison requested, including up-to-date data, on the provisions of the Constitution and the European Convention on Human Rights, and every effort is made to grant the request of transfer to the preferred establishment to ensure that family visits are facilitated, family life is maintained and family ties are not impaired.

Furthermore, detailed information on the ACEP (Project for the Integration of Smart Technologies in Prisons) system for the inmates' contact with the outside world is provided under paragraphs 65 to 92.

**[Paragraph 59]**

All Chief Public Prosecutor's Offices have been informed by letters dated 20 March 2015, 27 November 2017 and 14 May 2019 regarding the use of rooms padded with soft material to prevent certain inmates experiencing crisis and aggressive behavior for various reasons from harming themselves and others. Accordingly, all prisons have been instructed that:

- The placement of remand and convicted inmates in such rooms is not a disciplinary penalty and these rooms are not considered as areas for imposing disciplinary penalties;
- The incident occurring in the prison or the type or style of behavior shall firstly be tried to be eliminated by other measures. In case this fails the inmates will be placed in such rooms. Placement of inmates in such rooms is to be considered as a final and exceptional resort.
- An inmate can be placed in such a room for periods of time that can be considered in terms of "hours" and should immediately be taken out of such a room and returned to his/her room or section appropriate to his/her status, as soon as a change is observed in his/her situation.
- Inmates are to be placed in such rooms only on the order of the highest manager of the establishment and the name of the ordering manager, reason of placement, and entry and exit times should be written on the special register to be prepared for the purpose.
- Having regard to the fact that padded rooms are not a place for treatment, all procedures required by the health condition of the prisoner, including first and foremost transfer to hospital, should be carried out prior to his/her placement in the room.
- In the event that aggressive behavior by the inmate placed in the padded room persists, whether the inmate has calmed down or not should be observed and checked in at certain intervals using CCTV footage and logged as report.

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The Project on “Enhancing the Disciplinary and Reward Procedures for Prisoners in Türkiye”, realized by the Directorate General for Prisons and Detention Centers with the technical assistance of the Council of Europe, is aimed at development and implementation of effective and standardized disciplinary and reward procedures, and review and improvement of legal provisions on disciplinary and reward procedures, which will contribute to the improvement of inmates’ conditions in prisons.

Within the framework of this project, recommendations on the amendment of the disciplinary and reward procedures in the LESSM have been submitted as draft legislative work. One of the recommendations proposed is about the sanction of deprivation from visits under Article 43 and foresees proposals questioning the incompatibility of the sanction with the actions committed and thus requiring revision.

In addition, proposals for amendment in legislation are worked upon as regards Article 44 (“Placement in Solitary Confinement”) of the LESSM.

In this context, all legal provisions on reward and discipline and similar practices are reviewed and being evaluated within the context of legislative amendments.

### **[Paragraph 64]**

Article 12 (titled “Psychosocial assistance service”), paragraph one of the Regulation on the Administration of Prisons and Execution of Sentences and Security Measures states that:

“Psychosocial assistance service is a service that examines and implements protective and rehabilitative programs concerning the mental and physical well-being of the staff and prisoners, participates in the treatment process and provides psychological assistance and intervenes where necessary, helps the personal development of prisoners by identifying their personal traits, living conditions and reasons for committing crimes, ensures that they become adapted to life in prison and harmonized with social life, takes the measures to prevent recurrent crime by the person and endorsed by the highest authority of the establishment, realizes interviews with the families and social circles for this purpose. A psychologist, social worker, sociologist and child development specialist shall work at the psychosocial assistance service.”

In this context, upon their admission to prison, remand and convicted inmates are asked by psychologists and social workers to fill out the Research Assessment Form (ARDEF), pursuant to the Individualized Rehabilitation System (BİSİS). Thanks to the ARDEF form filled within the context of BİSİS, the prisoner’s risks and needs are discovered and individual and group intervention program is determined for each prisoner, in line with their economic, social, legal, psychosocial and moral needs.

In accordance with the results obtained from ARDEF, prisoners are directed to individual intervention or group works matching their needs. BİSİS aims at prompt, standard and accurate diagnosis and assessment of prisoners with mental problems, ensuring that effective intervention programs are formed and implemented, making the necessary arrangements for creating an environment within the prisons supportive of mental health of all, protecting the mental well-being of prison staff, and raising awareness of the staff on mental health.

Moreover, the Project for the Development of Assessment, Profiling Tools and Rehabilitation Programs (DEPAR), as funded by the European Union and where the Directorate

General for Prisons and Detention Centers is the beneficiary, is aimed at individualizing execution and rehabilitation processes for convicted prisoners and their classification according to crime motives. As a result of the DEPAR Project, the Fast Assessment Tool has been developed, enabling 15 different intervention programs to be implemented according to the requirements established through the Project.

“Intervention Program for Female Prisoners” and “Intervention Program for Domestic Violence Offenders” have also been developed within the scope of the DEPAR Project.

Furthermore, the Project “Technical Assistance for Developing an Institution Model for Children Staying within the Prisons together their Mothers” is aimed at the development of an environment whose physical and social conditions are arranged having with due regard to children staying with their mothers in prisons. Within the scope of the project, “Daily Life and Education Program” for children staying with their mothers, “Parenting Program” for female prisoners and “Conduct Program for Mothers and Children” for the staff working with children staying with their mothers. Works is in progress for the dissemination of the project conduct to a wider group of persons.

An integrated establishment model has been built, integrated to the Diyarbakır Women’s Closed Prison, for children staying with their mothers. The establishment has been designed exclusively for mothers and children. Six units are planned to be formed to accommodate in total a group of 48 persons. In each unit, eight rooms will be available where mothers can stay with their children. Furthermore, indoor and outdoor playgrounds where children inside the units can spend time together, small kitchen, social living area, laundry room and dryer room, large playgrounds for all children, cinevision shows, closed spaces sufficient for music and art works, kindergarten to be used for different age groups and infirmary for healthcare services have been planned. Technical equipment and furniture to be used in the mother-child unit, according to the age group of children and their periodic needs, have also been purchased.

In addition, diapers, other sanitary material and toys which might affect the development of the child are procured without awaiting the allocation of funds, priority being on pregnant and breastfeeding women and indigent prisoners, as well as cleaning and hygiene products (hygienic pad, etc.) upon the request of other women prisoners, on the basis of positive discrimination principle.

In order to address the rise in the number of female prisoners, a Women Closed Prison with a capacity of 526 inmates was completed in Çarşamba, Samsun upon the instructions of the Ministry of Justice on 9 May 2023. The establishment will be shortly put in service. Moreover in Konya, the construction of a Women’s Closed Prison with a capacity of 526 is underway and planned to be put in service in 2026.

Taking into account the rise in the number of female prisoners, over the last two years, as per the vacancy notice for the recruitment of 5,455 officers, 408 female custody officers and 156 other officers; and as per the vacancy notice for the recruitment of 10,158 officers, 970 female custody officers and 658 other officers were employed. It is planned that as per the permit for the recruitment of 21,613 officers, 2,224 female custody officers is to be employed during the year 2024.

Healthcare services in prisons are provided by family physicians affiliated with the Ministry of Health. Periodic health check-ups and screenings as recommended by the family

medicine practice, such as those for breast cancer, cervical cancer and precancerous lesions can also be performed for female convicted prisoners.

In addition to transmissible diseases, female prisoners are also provided with cancer screening tests in terms of gynecological diseases in every prison, in coordination with provincial health directorates.

The project titled “Strengthening Conditions and Women’s Rights in Women’s Prisons in line with International and EU Standards” has been submitted to the Instrument for Pre-Accession Assistance (IPA-III) program for 2023 and passed the relevance assessment. Within the framework of the project, improving prison conditions in line with international standards and best practices of the EU through respect for human rights of female prisoners and the implementation of prison management policies and practices based on human rights is among the project’s objectives. Plans are underway for the development of multi-sector cooperation between the government institutions (central, regional and local), private sector and civil society for the rehabilitation of female prisoners and their reintegration into the society under the above-mentioned objective. Designing or revision of meaningful activities for the benefit of women and girls aged between 12 and 18 is foreseen for this purpose.

**[Paragraph 65]**

As a result of the investigation, examination and inquiry of the records in Antalya L-Type Closed Prison regarding the allegation that one prisoner was ill-treated as she was pinched and slapped by one officer while her hair was pulled by another on the day of admission, it became evident that no inmates filed any complaints as regards the allegations raised. All remand and sentenced inmates can file such complaints without hindrance, by applying to the said establishment with a petition or by sending a letter enclosed in an envelope.

Nevertheless, the female prison custody officers serving at the establishment were warned that they should be more careful as regards their conduct and behavior towards prisoners. It will be ensured that the staff members in question attend the training programs organized both by the establishment and by training centers.

Moreover, the Project for the Integration of Smart Technologies in Prisons (“ACEP”) is being implemented in line with the principles of modern sentence execution, that of transparent administration, that of ensuring that prisoners make best use of technological developments, that of efficient work flow and that of reducing allegations of human rights breaches. The project is currently active in 164 prisons.

An important component of the project is the Contact the Ministry module, through which all inmates can submit voice, video or written complaints and suggestions directly to the Ministry of Justice, from the system installed in their rooms, without the assistance of the staff or being subject to supervision.

Besides demonstrating the confidence our sentence execution system has attained, this system provides significant and unique safeguards for the protection of human rights in prisons. Infrastructure works have been completed and pilot implementation phase has been launched. The goal is for the system to be installed in a short span of time in all establishments where the ACEP system is active. By 2 October 2024, a total of 2,110 calls have been made through the

system, whereby the inmates were able to send complaints, suggestions and requests directly to the Ministry of Justice.

On 19 April 2024, the Contact the Ministry module has been made active in Antalya L-Type Closed Prison, as well as in Sincan Women's, Sincan Juvenile, Kayseri Juvenile, Mersin E and Kayseri T-Type no. 1 prisons and calls through the system continue. In Akçadağ T-Type Closed Prison works have begun to install the module and work is underway for the dissemination of the use of the module.

**[Paragraphs 66, 67 and 68]**

In Antalya L-Type Closed Prison, female remand and convicted inmates are held in Block A. By way of placing additional bunk-beds to the rooms/dormitories, it is ensured that women and children staying with their mothers are accommodated in a more comfortable environment. Currently there is no inmate at the said establishment who has to sleep on a mattress placed on the floor.

Of the 12 dormitories in Block A, in which female inmates are held, all repair and refurbishment works have been completed in dormitories A-1, A-5, A-6, A-8 and A-11. Since the remaining dormitories were holding more inmates than their capacity, repair works shall resume as soon as the occupancy levels in these dormitories are reduced.

The cold water used by the inmates at Antalya L-Type Closed Prison is supplied from the 1,000-ton depot, connected to the city's water grid. As the said prison is located in a touristic region, restrictions may be witnessed in seasonal water supply. Works are in progress to supply hot water to the establishment from the heating plant inside the prison campus. Following the completion of the project, the demand for hot water and heating of the establishment will be supplied by the heating plant of the Antalya Open Prison.

According to the "Regulation on Water for Human Consumption", promulgated in the Official Gazette on 17 February 2005 and implemented by the Ministry of Health, and having regard to the monitoring programs in line with the minimum requirements for drinking and utility water supplied for human consumption, it has been found that human consumption per person is 200 liters/day.

In international researches it is stated that in developed countries water consumption per person is 80 liters and water consumption in prisons is over this standard. According to the regulation cited above, daily water consumption per capita is 200 liters, 150 liters of which is cold and 50 l is hot water. However, cold and hot water supplied to prisons is well over this quantity.

Centrally supplied hot and cold water installations exist in rooms and dormitories. The quantity of water supplied daily is 50 liters hot and 150 liters of cold water per prisoner. Water supplied to the establishment goes through purification before reaching the prisoners and used in the entire prison campus including dormitories and rooms.

In Antalya L-Type Closed Prison, living spaces and annexes are heated to ambient room temperature by the natural gas central heating system. From 21 August 2024 on, in accordance with the hot water supply program for the inmates, sufficient quantities of water are supplied on the basis of two hours per day to all dormitories, with the exception of Saturdays, on which hot water is not supplied due to maintenance and cleaning works.

**[Paragraph 77]**

In Antalya L-Type Closed Prison, each remand and sentenced prisoner newly admitted to the establishment is given one bed linen, pillow and blanket. In addition, regardless of gender and detention status (remand or convicted) all inmates are given personal sanitary products they need (shampoo, soap, laundry detergent and hygienic pad) on admission. Female prisoners with children are given baby food and diapers. Besides, following admissions, items such as personal sanitary products, diapers, baby food and clothes continue to be provided to indigent prisoners once this situation is identified by the relevant unit.

In Antalya L-Type Closed Prison, a needs assessment has been made for the establishment of a mother-child friendly area and work is underway for the procurement of relevant material.

As regards the recommendation that “the specific dietary needs of pregnant women, breastfeeding mothers, infants and children are provided for, and that children receive the necessary clothing and hygiene products”, nutritional items such as baby food and milk for children staying with their mothers in prisons are provided by the State in accordance with the provision under Article 72 § 4 of the LESSM, which reads: “Children staying with their mothers in the institution, and nursing mothers, shall be given suitable food.”

Moreover, clothes and hygiene products for indigent prisoners as well as for children staying with their mothers are provided by the Ministry of Justice in accordance with cooperation works.

In the establishment in question, as of 21 August 2024, 17 children are staying with their mothers. The dormitories A-5 and A-6 have been set up for the mothers and children, where they are accommodated together. Play yards have been provided for each 17 children and a playground is set up in the living area of the dormitories. A child-friendly space has been created by having the concrete ground of the stairs covered with carpet and by having safety nets installed at the sides of stairs. The maintenance of the heating system of the dormitories have been completed. All sanitary installations in WCs and bathrooms have been repaired and the dormitories were improved for the mothers and children by painting the walls.

In the said prison, children staying with their mothers use the kindergarten of the establishment on workdays from 09:00 to 16:30, where all kinds of material are available for games and in order to contribute to children’s development. Besides, upon request, toys which do not pose risks to security are given by the Psychosocial Service for use in the remaining time at the dormitories.

Through the Ministerial Consent issued pursuant to Articles 4 and 5 of the Regulation on the Provision of Food for the Prisoners and Prison Staff, from 22 January 2024 on, an allowance of 150 Turkish Liras are paid for children staying with their mothers, breastfeeding mothers and pregnant inmates. Meals for all prisoners held in the establishment are provided by the Antalya Open Prison. Weekly meal lists, which include additional food provided for children up to the age of 6, pregnant and breastfeeding mothers are sent to the Open Prison and delivered to the recipients by the said the establishment.

Upon the request of prisoners or upon the finding of the Psychosocial Service, the procurement of baby food and diapers for babies accommodated with their mothers in the prison

is carried out without delay by way of purchasing from the general budget and delivered to the mothers. In case brand or type has been specified for the baby food or diapers, purchasing is made from the external store, using the personal deposit account. If other special nutrition needs for infants are established by a medical report, procurement is also made from the general budget. All repairs and maintenance works have been carried out as regards the heating systems (heater radiators) of the dormitories to provide suitable ambient temperature.

As of 22 August 2024, 39 persons (of which 7 are children) in Dormitory A-5 and 37 persons (of which 10 are children) in Dormitory A-6 were accommodated in Antalya L-Type Closed Prison. From July 1 to September 1, 2024, an average of 61 inmates were held in Dormitories A-5 and A-6.

**[Paragraph 82]**

In Antalya L-Type Closed Prison, a total of eight literacy courses have been organized in 2024 for 78 female remand and convicted inmates. Of the female inmates, seven are attending open education middle school, 18 open education high school, and 13 are attending open education faculties. 16 female inmates take part in workshop activities while five inmates serve in the internal services of the establishment. Moreover, in 2024, 115 female prisoners used the library.

In accordance with the main objectives of prisons as well as education, training and rehabilitation activities, libraries and bookshelves are considered as facilities contributing to the social and cultural development of inmates and prison staff, helping to raise knowledge and skills, providing a setting for research works and assisting in their education and training needs.

Article 5 of the Guidelines on Prison Libraries and Bookshelves states that:

“With a view to ensuring that remand and sentenced prisoners spend their spare time by reading, facilitating the realization and enhancing of the education and training works and reaching the objectives set out, making available the resources needed in the education and rehabilitation works for the prison staff, a library, in each prison headed by a director, and bookshelves, in other prisons, shall be established.”

In Article 61 of the LESSM:

“(1) In prisons, a library or bookshelves shall be created according to the size of the institution. In the library, there shall be reference books for the subjects that are taught in classes, as well as, such books enabling convicts to make good use of their free time, to acquire the habit of reading and to open up their horizons culturally will be made available as far as possible.

(2) Convicts shall be allowed to use the library of the institution. In addition, convicts may be allowed to use publications which meet the conditions under Article 62, from libraries affiliated to public institutions and organizations.

(3) This service may also be provided by means of a mobile library.”

The total numbers of books available in prison libraries are:

- In 2020 - 1,012,000,
- In 2021 - 1,075,000,

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- In 2022 - 1,330,000,
- In 2023 - 1,480,756,
- In 2024 - 1,554,254.

The total numbers of books borrowed from prison libraries are:

- In 2020 - 911,000,
- In 2021 - 1,427,550,
- In 2022 - 2,126,271,
- In 2023 - 2,316,476,
- In 2024 (from January 1 to July 31) - 1,761,388.

With a view to ensuring that prisoners develop reading habits, develop skills for using the library effectively and have easier access to more books, the “Cooperation Protocol Between the Ministry of Justice and the Ministry of Culture and Tourism” was signed on 24 October 2019.

Within the framework of the Protocol, and under the coordination of the Provincial Directorates of Culture and Tourism, “Basic Library Training” and “Library Automation (KOHA)” courses were offered to prison staff by the staff of provincial public libraries.

The cooperation works envisaged by the Protocol have begun and access to 23 million books have been enabled. Lists of books available in public libraries were distributed to the dormitories and rooms in prisons.

Since the signing of the Cooperation Protocol, 160,200 remand and convicted inmates became members of the provincial/district public library and 956,679 books have been borrowed.

The “Protocol of Cooperation on the Establishment of Libraries in Prison Campuses” was signed on 29 March 2021 between the Ministry of Justice and the Ministry of Culture and Tourism so as to meet the library demand by inmates, staff and families of staff, and to help them develop reading habits.

With a view to ensuring the reintegration into the society of female prisoners in Antalya L-Type Closed Prison, helping them attain personal skills, self-confidence and development and reducing the risk of recurrent crime, professional and technical trainings are provided in accordance with requests received from the inmates. In 2024, trainings on “Accessory Design”, “Temporary and Permanent Hair Styling”, “Work Safety” and “Worker Health” have been offered. In 2023, training programs were organized in 20 different fields (computer operating, hairdressing, assistant cook, wooden decoration design, hygiene in service duty, personal development, etc.). 172 female prisoners in total successfully completed the above-mentioned trainings.

Furthermore, in 2024, five movie screenings were made in the said establishment for mothers and children. In coordination with the social worker of the establishment, several educative seminars are foreseen to be organized on child health, nutrition of the child and child development.

In Antalya L-Type Closed Prison, exclusively in women’s dormitories, during the daylight hours of the day (from 07:00 to 19:00), convicted prisoners take advantage of the

adjacent yard without restriction. In addition, there are three sports fields (two outdoor and one indoor) and in line with the sports program prepared on an egalitarian basis, every prisoner is able to use it for about an hour.

As to the allegation that a woman was illegally recruited for the purpose of cleaning common areas in the unit in exchange for money, an inquiry has been launched in Antalya L-Type Closed Prison.

Article 81, paragraph one of the Regulation on the Administration of Prisons and the Execution of Sentences and Security Measures reads that:

“Sentenced prisoners without profession and those willful prisoners having a profession, who have been identified as physically and mentally healthy by the physician of the establishment may work in the workshops and work dorms, taking into account the provisions in Article 29 of the LESSM, in exchange for the wage determined in accordance with the facilities of the establishment.”

Therefore, it has been found that 54 sentenced inmates (47 men and 7 women) worked in the said prison by the decision of the Board of Administration and Observation, that they received the wages determined in accordance with the legal provisions and that no such informal employment was present.

In Antalya L-Type Closed Prison, as regards the person referred to as N.S., held as the only woman-child during the CPT’s visit, the necessary inquiries were made, according to which the following facts were revealed: Since her admission to the establishment, this prisoner signed up for the religious education “Learning Quran” (from 29 December 2023 to 29 March 2024). However, she failed due to non-attendance. Later, she signed up for the course of “Temporary and Permanent Hair Styling” (from 12 January 2024 to 29 March 2024). However, she failed once again due to non-attendance. Finally, she signed up for the course “Turkish for foreigners A-1” (from 30 November 2023 to 21 March 2024) and successfully finished the course. It is found that the inmate was able to use the indoor or outdoor sports fields at least one hour per week, on an equal basis with other dormitories, in accordance with the sports program prepared by the establishment.

In Türkiye, each having 100 or 150-person capacity depending on the year of construction, four juvenile reformatories with a total capacity of 520 persons, and nine juvenile and youth closed prisons are in operation with a total capacity of 2,736 persons, each having a capacity of 288 or 360 persons.

Sentenced girls of ages varying from 12 to 18 are held in Urla Juvenile Reformatory while girls on remand detention are held in rooms set up for juveniles in separate prisons for women or in sections of general prisons reserved for women. Thus, mixed accommodation does not exist. Work is underway for the creation of a separate establishment for remand/sentenced girls.

The project titled “Strengthening Conditions and Women’s Rights in Women’s Prisons in line with International and EU Standards” has been submitted to the Instrument for Pre-Accession Assistance (IPA-III) program for 2023 and passed the relevance assessment. Within the framework of the project, it is planned that regional Awareness Raising Conferences be organized for the strengthening of women in prisons, to ensure that female prisoners are

reintegrated to the society in a sustainable way, and to address rising concerns for the prevention of prejudices in the private sector regarding the employment of former prisoners. Public authorities and regional stakeholders such as the Ministry of Industry and Technology, Employment Agency (İŞKUR), Regional Development Agencies, and Small and Medium Enterprises Development Organization (KOSGEB) are foreseen to attend the programs. In addition, the activities/training programs currently offered to female prisoners will be revised and programs previously reserved for men as well as new programs for women will be designed or re-designed. Therefore, renewed and newly developed vocational programs will help eliminate prejudices about women's traditional gender roles and outdated programs. The new programs will be motivating on "innovative and technology-focused fields" and will better answer the needs of women and female investors by matching with sectorial needs.

**[Paragraph 88]**

With a view to ensuring that dynamic security is implemented in prisons in an effective, institutional and practical manner, it is important that the subject matter is dealt with as a separate course in certain training programs. The intention is that the participant staff members acquire the necessary professional knowledge regarding custody and security practices in the light of dynamic security principles during the "Terrorism Specialization Training", "Care Project Dynamic Security Training", "Open Prisons Specialization Training" and the course of "Prison Security" which is part of various training programs. Moreover, the components of dynamic security approach are taught to the participating staff at the course of "Prison Security" as part of the "Prison Custody Officer Training Program",

As mentioned above, the "Specialization Project for the Staff Working with Female Inmates", developed by the İstanbul Training Center and implemented since 2019, was attended to by 10 of 66 (15%) custody officers serving at Antalya L-Type Closed Prison as of 29 August 2024. Work is in progress for offering the training program to a larger number of prison staff in the future.

The topics taught in the training program are: Prisoner Psychology, Communication Skills, Sensitive Care, Child Neglect and Abuse, Violence against Women, Psychosocial Skills, Conscious Awareness, Trauma Strategies, Visits and Separation, Nutrition, Modern Sentence Execution Systems, Being a Woman, Self-Conception, Legal Framework and International Provisions Regarding Female Prisoners, Prison as a Living Space, Approach to Prisoners, Approach to Vulnerable Groups, Introduction to Development, Differences and Approach. It can be observed that the existing contents fulfill, to a large extent, the issues raised above. As of 29 August 2024, a total of 795 prison staff attended the specialization training program, which has been organized since 2019. It is considered that thanks to the specialization training program the participants attain awareness on the needs of female prisoners and female offenders and their professional conduct and actions are promoted on the basis of security and respect.

Moreover, as stated above, in Antalya L-Type Closed Prison, as of 29 August 2024, of the 298 staff members working in the establishment, 226 (76 %) have attended training programs in which human rights course is included.

On 10 May 2024, 8 July 2024, 9 July 2024 and 10 July 2024, 48 prison staff from Antalya L-Type Closed Prison were offered the "Human Rights Training in Prisons" under the coordination of the Directorate General for Prisons and Detention Centers. As regards other

gender specific needs and special needs of foreign prisoners, the Social Worker of the establishment is foreseen to offer a training seminar.

Furthermore, in 2004, within the context of the vacancy announcement for 9,512 contractual positions, eight more female custody officers have been recruited in Antalya L-Type Closed Prison.

Within the framework of the project titled “Strengthening Conditions and Women’s Rights in Women’s Prisons in line with International and EU Standards”, submitted to the Instrument for Pre-Accession Assistance (IPA-III) program for 2023 and passed the relevance assessment, plans are underway for offering training to prison executives, staff dealing with female prisoners and psychosocial service staff, on the topic of working with female prisoners. The existing intervention programs are intended to be updated with a gender-sensitive approach.

**[Paragraph 92]**

Article 74 (“Right to telephone calls”), paragraph (r) of the Regulation on the Administration of Prisons and the Execution of Sentences and Security Measures states that:

“In the existence of a suspicion that the phone numbers registered by foreign national convicted prisoners for calls might not belong to the persons stated and that the person with whom the prisoner wishes to have conversation might not be the person stated, information shall be requested from the relevant consular authorities. Turkish translation of the official document drawn up by the competent authorities, indicating the owners of the numbers called, may also be represented by the legal representative or relatives of the prisoner.”

In this context, in Antalya L-Type Closed Prison, for making the required identification to enable foreign inmates talk to their families, the inmates are asked to fill one form for phone call requests. The forms are submitted to the relevant Consulate, awaiting their written response. In accordance with the letter in response from the Consulate, the person and corresponding phone numbers are recorded to the system and phone calls are enabled. However, in some cases replies to letters might be late or no reply might be received as a result of internal disorders or wars in the relevant country.

Upon the allegation in the report that one “juvenile girl had reportedly had no contact by telephone with her mother for five months as she could not afford to buy a telephone card”, an inquiry has been made in Antalya L-Type Closed Prison. It was found that the inmate was admitted to the establishment on 9 June 2023. From 3 July 2023 to 24 May 2024, amounts of money were deposited regularly to her account. However, the inmate did not fill the form for telephone calls or submit any such petition from her admission on 9 June 2023 to 2 February 2024. On the latter date, she submitted a petition for making a phone call to her mother, asking it to be sent to the Consulate of her country. The said petition was received for action by the establishment and sent to the relevant Consulate, following which the inmate started making telephone calls.

As regards the allegation in paragraph 91 that in Antalya L-Type Closed Prison several women had applied for, but had been denied conjugal visits; and the relevant recommendation that female prisoners should be able to benefit from such visits on an equal basis with male prisoners, the following facts were revealed through an inquiry by the said establishment: From

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1 January 2023 to 16 February 2024, the reward of “visits by married remand and convicted inmates in private with spouse without the close supervision of the prison staff” was granted to 25 inmates, of which 23 are men and 2 are women.

The name of the female inmate was among those suggested for granting of the conjugal visit in February 2024. However, as it was understood in an interview that they were in the process of divorce, the permission was not accorded.

It is laid down in Article 1, paragraph (c) of the Regulation on Rewarding Prisoners that:

“It should not be overlooked that reward for convicted and remand prisoners is not a right but may be given as a privilege for the purpose of promotion”

Article 8 (“Rewardable Conduct and Behavior”), paragraph one of the Regulation reads:

“Of the remand and convicted prisoners who have not received disciplinary penalties or whose penalties have been lifted, those who have displayed one or more of the following conduct or behavior may be rewarded, on the condition that they have not acted expressly in contravention of the remaining types of behavior:

- a) Being a good example to other prisoners with one’s conduct and behavior;
- b) Displaying personal improvement by continuous and effective participation to rehabilitation activities, save for cases of valid excuses;
- c) Continuous participation in work, education and training activities except for valid excuses and displaying exceptional success;
- ç) Displaying utmost care for the personal and common spaces in the establishment, and the cleanliness, order and protection of items located in these spaces;
- d) Displaying personal improvement by continuous and effective participation to social, cultural and sports activities inside and outside the establishment;
- e) Being voluntary and displaying exceptional effort in the internal services of the establishment, which are required for the continuity of the work of the establishment;
- f) Having previous addiction to drugs, alcohol or tobacco and participating in the education or treatment programs carried out by the establishment for addressing these addictions, and displaying improvement on this matter.
- g) Helping to reveal an illegal act which may compromise the peace and order of the establishment;
- ğ) Making efforts for self-improvement by making regular use of the library services.”

It is stated in Article 1 (“Rewarding procedure”) of the said Regulation that “the Board may ex officio or upon proposals by the relevant services, decide on rewarding the prisoners concerned”.

In Article 11 (“Conjugal Visit Reward”), paragraph one:

“Sentenced and remand prisoners in closed prisons may be given the reward of receiving visits by the spouse in private, without the close oversight of the staff, at sections designated

for such visits in the establishment, for a duration of three to twenty-four hours, in intervals of three months at the latest.”

In Article 12 (“General Provisions on the Reward of Conjugal Visits”), paragraph one:

“It is obligatory for visitors coming to establishments for conjugal visits to present an official identity document with a photograph, bearing the Turkish nationality ID number for Turkish nationals and passport or equivalent identity document as well as Turkish translation of the official certified document proving marriage to the sentenced or remand prisoner”

Therefore, the reward to be given to the inmate is not a right, it is not taken into consideration upon their request and the Board of Administration and Observation of the establishment evaluates and decides on the names proposed by the relevant services (the Duty Chief Custody Officer, Psychosocial Service, Training Unit, etc.).

The Project for the Integration of Smart Technologies in Prisons (“ACEP”) is being implemented by the Ministry of Justice. It is intended by the Project that various services carried out by taking the prisoners out of their dormitories/rooms will be realized through multimedia devices installed in dormitories/rooms, in sound-insulated cabins, without the need for the circulation of the staff, with less human resources, in a faster and more reliable way.

Within the framework of the project, applications previously not realized, such as video talk and e-doctor are planned to be implemented. A versatile design has been preferred in terms of content, and currently active applications are: sound and video calls, count, petition, order from store and online payment, book requests from library, e-letter, e-doctor and Contact the Ministry.

As regards the ACEP Project, which has been mentioned in the “Judicial Reform Strategy” and “Human Rights Action Plan”, work for introducing the system in all prisons has begun following pilot implementation in Sincan and Bakırköy Women’s and Sincan Juvenile and Youth Closed Prisons and after the necessary revisions have been made. The system is currently in active use in 164 establishments.

Therefore, the inmates held in the said establishments are able to use the video and voice call application under the provisions of Article 66 (“the prisoner’s right to communication by telephone”) of the LESSM and Article 74 (titled “Right to telephone calls”) of the Regulation on the Administration of Prisons and Execution of Sentences and Security Measures.

By the putting into service of the project, sentenced prisoners have been given the opportunity to have video conversations with their families for the first time. The ability to make video calls has particularly saved relatives of inmates living out of the city/country from the huge burden of having to travel to the establishments for visits. Moreover, prisoners’ young children are also able to talk to their parents without having to come to the establishment, thus saving them from being offended in a prison setting.

Only during the week of 23-29 September 2024, in the 164 establishments in which the ACEP system has been installed, a total of 2,199,272 calls have been made, of which 974,696 video and 1,224,576 are voice calls. During the same period, the system was actively used by 195,472 inmates and 263,618 relatives of inmates. A total of 218,440,801 calls have been made.

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As explained above, the system eliminated the need to travel to the establishments for visits under the conditions of the COVID-19 pandemic and the video call facilities gave the prisoners and their relatives the opportunity to communicate without the risk of illness and transmission of diseases.

Thanks to legislative amendments within the scope of the project, the inmates' existing right to 10 minutes of voice calls per week with one number, has been raised up to 60 minutes in the establishments where the technical infrastructure has been installed. The inmates are able to use their right to call by making video calls six times to communicate with different relatives.

Children forced to crime and all female convicted inmates with children up to the age of six, staying in or out of the establishments, can make use this right twice the prescribed duration.

In this context, children forced to crime can use their right of up to 120 minutes by making 12 telephone calls to different relatives. All remand and sentenced inmates are given an additional 30 minutes for religious holidays.

By the instalment of 20,000 multimedia devices, the project is planned to be set up in all establishments.

In the context of cooperation works, assistance is provided to cover video calls expenses for indigent juveniles and female prisoners staying with their children.

Within the context of the COVID-19 pandemic, since the open and closed visits for all inmates have been restricted, to maintain contact with the outside world, 10 minutes were added to weekly telephone call entitlements instead of visits until the elimination of the risk of the outbreak. It was made possible that the existing phone call entitlements can be used in a single call of 20 minutes.

### **[Paragraph 97]**

Searches in prisons are carried out as per the provisions of Article 36 ("Search") of the LESSM and Article 34 ("Searches, security drills and counts") of the Regulation on the Administration of Prisons and Execution of Sentences and Security Measures.

However, by the amendment put in force on 12 November 2021 on Article 34 of the said Regulation, significant steps have been taken in the direction of strengthening human rights. In this context, the phrase "Strip Search" was replaced with "Detailed Search" stressing that this is not a common practice to be applied for each prisoner admitted to the establishment but an exception. In addition to the condition of suspicion, already contained in the provision, that a banned item or substance may be brought to the establishment, the condition of "in case the identification of the banned item or substance cannot be made by other means" has been added.

Moreover, with the purpose of performing the search in a more humane way, additional safeguards such as providing single-use gowns, using gloves during searches and recording of the search action in a report were introduced.

Furthermore, by the phrases that "it is essential that respect for human dignity and the non-violation of the sense of shame during search", and that all measures shall be taken for this purpose, the emphasis on the protection of human rights was enhanced.

Article 36 (“Search”) of the LESSM reads:

“(1) In the establishments, searches may be made without notice at all times in rooms and in their annexes and of prisoners and their belongings. A search shall be made once every month in any case.

(2) When required, searches may be conducted jointly with external security personnel or law enforcement bodies or other public officers.”

Accordingly, general searches are carried out in the said prisons once per month. At least one inmate accompanies the prison staff performing the search. So far no complaints have been received by the administration of the prisons that inmates’ belongings were thrown onto the floor or damaged. Nevertheless, the necessary warnings have been made to the prison staff that they should be more careful and gentle during searches.

In addition, except for reasons of order, security and tipoffs, searches in the said establishment are often performed during daylight hours. While searches are performed, children staying with their mothers remain in the kindergarten, where they spend their time during the day.

**[Paragraph 100]**

Regarding the findings of the CPT following their visit to Antalya L-Type Closed Prison, repair, care, maintenance and renewal works have been completed as of 21 August 2024 in nine rooms/dormitories (B-9, E-2, F-5, F-3 ÜST, F-9, A-1, A-5, A-6 and A-8). Renewal and repair works for the remaining rooms/dormitories are underway.

As a result of the inquiry made as regards the incident in paragraph 100 of the CPT report, the following facts were disclosed: The prisoner concerned was admitted to the establishment on 27 August 2023 for the second time with her child. She had two more children accommodated at the social services. During the time she was held at the establishment, she had no visitors and no legal guardian. Although she was married, her husband could not be contacted, nor did she have any person to legally hand over her child.

The provisions in Article 44 (“confinement in cell”) of the LESSM, insofar as relevant, state that:

“(1) The penalty of confinement in a cell is keeping the prisoner in a cell alone, for night and day, and depriving of all contact, without prejudice to the right to go in the open air, from one day to twenty days according to the nature and seriousness of the acts committed.

[...]

(4) The cell shall be arranged so as to meet vital needs.”

It is laid down in Article 47 (“Disciplinary investigation”), paragraph five of the Law that:

“(5) Disciplinary penalties shall be discussed by the disciplinary board on the basis of documents and shall be decided within three days. The disciplinary board may decide to impose the disciplinary penalty specified in the law or that no disciplinary penalty shall be imposed. The decision of the disciplinary board shall be substantiated by justification and clearly indicate the authority and the time-limit for appeal.”

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In this context, while the authority to decide on imposing solitary confinement to the inmate rests with the disciplinary board, the determination of the place where the disciplinary punishment will be executed rests with the prison administration. Taking into account the best interests of the child during the execution of penalties of female inmates staying with their children, measures such as handing over the child to relatives, or placing in temporary protection in the absence of a relative are taken. If taking such measures is not possible, the place for imposing the penalty shall be chosen from the living space/room for children. Prison administrations also ensure that during the day, the child is able to get out of the room for activities such as playground and kindergarten.

Detailed observations as regards the CPT's concerns on this matter are contained under the paragraphs 59 and 64.

### **[Paragraph 106]**

In prisons, remand and convicted juveniles, women, disabled persons, elderly, persons with different sexual orientation, foreign nationals and children up to 6 years of age staying with their mothers are regarded as special and vulnerable groups as stipulated in the national and international legal texts.

Due care is displayed in all activities organized in prisons to ensure that inmates with a different sexual orientation are protected, abuses are prevented, disciplinary measures are taken in respect of the non-complying staff, and the right to privacy of inmates is respected in accordance with sexual orientation and sexual identity.

Within the framework of the Structured Mental Evaluation and Intervention Program (YARDM), developed by the Directorate General for Prisons and Detention Centers, trainings are offered to psychologists and social workers in prisons on the basic principles of approach to prisoners with different sexual orientations, and on how the follow-up, referral and intervention should be as regards the mental problems they may experience, as well as trainings for all prison staff on how to approach prisoners with different sexual orientations. Sections are contained in the YARDM Manual under the section "Special Cases" on the issues requiring care while working with prisoners with different sexual orientations and the psychosocial assistance services in prisons carry out their works in line with this manual. A "Institutional Approach Manual" was also prepared to develop the inmates' awareness of their mental state and to ensure that the staff demonstrates the right and standard approach to all inmates. The relevant trainings have been completed and the manual was delivered to all establishments.

In cooperation with civil society organizations, seminars are organized in prisons where the issues to which both individuals with different sexual orientations and the staff working with them should be attentive are conveyed.

An inquiry made in Antalya L-Type Closed Prison as regards the incident detailed in paragraphs 104 and 105 of the CPT report revealed the following facts: The prisoner was first examined on 20 February 2023 and diagnosed as having gastritis. The inmate underwent intestinal surgery, had asthma and used Ventolin, used Glifor 1,000 mg, for diabetes and Monodur Beloc Zok 50 mg. for hypertension, used Latixa 375 mg. as allegedly had heart disease, no contagious diseases were diagnosed, did not have an addiction, and no signs of battery or coercion were observed.

During the examination upon first admission, the inmate did not make any declaration as to her being an LGBT person or on hormonal therapy. When asked on 23 February 2023 upon first placement, the inmate did not state any different sexual orientation, and since she declared herself in a petition as heterosexual, the inmate was placed in room C-05, in line with her figure as a man.

The inmate was referred to the Faculty of Medicine, Forensic Medicine Department at Akdeniz University for obtaining a report about her condition. It was stated in the report dated 24 May 2023 by the said hospital that, since the sexual orientation of the inmate could not be ascertained, she was not registered as an LGBT individual. As a result, she was not taken to an LGBT unit in the prison.

Upon a later declaration by the inmate, she was referred to the health board of Antalya Training and Research Hospital for the establishment of her sexual identity. In the report dated 5 March 2024 by the medical board of the hospital, the inmate was referred to as transsexual. Therefore, by the decision of the Board of Administration and Observation of the said establishment on 15 March 2024, the inmate was transferred to the room F-09 ÜST 1.

An examination of the Prisons Medicine Monitoring System (CETAS) records revealed that the inmate had been prescribed hormone medications in Ödemiş T-Type Closed Prison, namely three cartons of Elleacnelle tablets on 22 August 2022, which finished on 23 October 2022, three cartons of Androcur 100 mg on 17 August 2022, which finished on 14 November 2022, three cartons of Progeston 200 mg. on 20 June 2022, which finished on 17 September 2022.

The checks on the CETAS system revealed that the inmate did not have any hormone medications with her during transfer to the current establishment. The inmate did not have any written or oral request during the first-admission examination to the family physician that she used or brought with her hormone medication.

During her term in prison, the inmate was taken to the family medicine unit of the establishment for 16 times and was prescribed medicine, which were handed to the inmate by the establishment. The inmate was referred by the family physician to the relevant clinics for treatment, where necessary.

The inmate did not have any illnesses requiring treatment or follow-up. She was examined by the relevant family physicians at the establishment in accordance with her petitions and received healthcare services.

From 18 February 2023 to 21 August 2024, for 19 times, the inmate was referred to the Emergency, General Surgery, Gastroenterology, Medical Board, Cardiology, Internal Medicine, ENT, Pulmonary Diseases, Eye Diseases and Urology departments of Antalya Training and Research Hospital, Kepez State Hospital, and Döşemealtı Hüseyin Savaş Local Polyclinic upon complaints of abdominal pain, hearing loss, lump in breast, shortness of breath, high heart rate, loss of eyesight, and sexual identity disorder. Following the necessary examinations and diagnosis, medications were prescribed, which were procured by the establishment and handed to the inmate.

Moreover, upon the medical report by the Antalya Training and Research Hospital of 5 March 2024, indicating that the inmate was transsexual, the inmate was moved to room F-9

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ÜST 1, in accordance with the decision dated 15 March 2024. All works and actions during this process as regards the state of the inmate were implemented in full and on time and were followed closely by the prison administration and staff.

The staff serving in women's and men's prisons are offered awareness-raising training programs on how to work with trans individuals.

Work is in progress for the provision of educative seminars for the male and female staff members at the said establishment on how to approach trans persons and inmates with different sexual orientation, by contacting both the Psychosocial Service of the establishment and universities. It is intended that the staff receive the relevant training at the shortest time possible.

### **[Paragraphs 102 and 107]**

Yogyakarta Principles cannot be considered as established and binding international human rights norms. Turkish Civil Code Article 40 enshrines our legal framework and our society's understanding on the issue.

### **[Paragraphs 109, 110, 111 and 112]**

In respect of prisoners who declare upon admission that their sexual orientation is different, or make such a declaration in later stages or submit such a petition as well as those who arrive at the establishments through transfers but without a report from a full-scale hospital, an appointment shall be made without delay from the relevant medical institution.

During this period, transfers to hospitals for obtaining the report are realized by the gendarmerie command. However, owing to factors such as an overload of emergency or inpatient services, delays might be witnessed in some periods due to priority given to emergencies and queue procedure. Remand and convicted inmates who had such declarations are held along with a small number of inmates who made the same declaration, pending medical reports.

A hygiene pack consisting of soap, shampoo, hygienic pad, toothpaste, toothbrush and towel are given to remand/convicted inmates upon their admission, as well as one bed linen, pillow and blanket.

In addition, in case indigent inmates are identified by the prison administration, personal sanitary products and clothes are provided from the donations made by private foundations, associations and charity organizations.

The allegation that at Maltepe L-Type Prison no.3, transgender women "had to remove all their clothes and squat several times while naked under the supervision of one or more male officers" is not true. As mentioned under paragraph 97, searches are based on respect for human dignity and the non-violation of the sense of shame.

Searches in the said establishment are not carried out in this manner. In line with general rules, all prisoners admitted to the establishment firstly go through the metal detector gate and hand detector search, following which the body and clothes are subjected to physical search. However, in the presence of reasonable and strong suspicion that the inmate might bring banned items into the establishment despite general search, the necessary searches are performed with the knowledge of the duty director.

**[Paragraphs 119 and 120]**

As regards the allegation that in Antalya L-type Prison, Block F9 (ground floor) “three cells were in an appalling state of repair with peeling paint, crumbling walls and a pervasive dampness and the sanitary annexes were decrepit and musty with moldy walls”, measures were taken to refurbish these cells, the repair and maintenance of the sanitary annexes, walls and fittings of all single rooms in Block F9 have been completed.

In Maltepe L-Type Closed Prison no.3, funds from the large repairs appropriation budget have been requested by an official letter on 5 April 2024 for the refurbishment and paint works of the main corridor, shared areas, and the rest of the establishment; repairs of the deformations, stains and peeling problems of the walls in the rooms/dormitories where the inmates are held; rusts and crumbling in the kitchen and sanitary annexes of most rooms and broken tiles and mold in wet floor areas were fixed.

As regards the refurbishment of rooms, following the appropriation of funds at an amount of 500,000 Turkish Liras as a result of the letter of 3 June 2024 by the Directorate General for Prisons and Detention Centers, the purchase of general repair material has been realized and the staff of the establishment has started the repair, refurbishment and maintenance work in the dormitories and rooms, which is currently underway.

In addition, call bells not functioning in a number of cells/living units in the said establishment have been repaired by the prison administration and resumed functioning.

As stated above, in Antalya L-type Closed Prison a hygiene pack consisting of soap, shampoo, hygienic pad, toothpaste, toothbrush and towel is given to remand/convicted inmates upon their admission, as well as one bed linen, pillow and blanket. In case indigent inmates are identified by the prison administration, personal sanitary products and clothes are provided from the donations made by private foundations, associations and charity organizations.

There are no restrictions in the establishment concerned as regards brewing tea or coffee by the inmates. Products such as tea and coffee are available at the store of the establishment.

In Maltepe L-Type Closed Prison no.3, both in single rooms and multiple occupancy rooms/dormitories all inmates are given a pillow, bed linen, blanket and personal cleaning set on admission, without exception. Furthermore, from time to time indigent prisoners identified by the relevant units are provided essential material and clothes.

As regards the allegation that “the regime of activities offered to the transgender women and gay men accommodated in the multiple-occupancy wards was extremely limited” and “at Maltepe L-type Prison no 3, the one hour per week access to the outdoor sports field stopped in November 2023 and no opportunities to access the indoor sports gym were offered”, the necessary examinations and inquiry was carried out, which revealed the following:

The following provisions are contained in Article 87 (“physical education”) of the LESSM:

“(1) To ensure the social, mental and physical development of the sentenced prisoner, he/she shall be permitted to take part in sports, physical education and recreational activities to the extent allowed by the physical and mental health condition, and for this purpose space and materials shall be provided to the extent available.

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(2) Sentenced prisoners who do not work in the open air or who are in closed prisons shall be permitted to walk in the open air for at least one hour per day, to the extent allowed by weather conditions. Individual exercises may also be performed during this time. Convicts in open prisons and in reformatories for minors may participate in activities outside the establishment”

It is stipulated in Article 28 “the Duties and Powers of the Board of Administration and Observation”, paragraph one, subparagraph (e) of the Regulation on the Administration of Prisons and Execution of Sentences and Security Measures that:

“Taking decisions as to the determination of inmates who may take part in activities in the scope of rehabilitation programs such as sport fields, multipurpose hall, library and workshop as well as inmates to work in the internal services of the prison.”

In this context, courses are organized in prisons and announced to all remand/sentenced inmates through the centralized system. Following announcements, petitions received from requesting inmates are evaluated by the boards and their attendance is ensured.

In Antalya L-Type Closed Prison, it is observed that most inmates with different sexual orientation do not sign up for the courses or do not continue the courses by their will. One inmate sentenced to aggravated life imprisonment with a different sexual orientation attended 12 sports activities over the last year while other inmates with a different sexual orientation attended a total of 150 activities (sports, cinema, conference, quiz, religious conference, etc.).

The CPT’s visit to the Antalya L-Type Closed Prison coincided with the ongoing repair and refurbishment works as deterioration was present in the ground covering and wire fence of outdoor sports fields. Following repair works, the said sections were reopened for the use of the inmates and is currently open for activities. As to the indoor sports hall, its use by the inmates is ensured in accordance with the weekly program for dormitories.

Moreover, the allegation that cartoon screenings were offered in the said establishment does not reflect the truth. In fact, the animation movie “Monsters, Inc.” was screened as part of the Values Education Plan, as it was contained in the movie list of February, conveyed in the letter dated 17 April 2023 by the Directorate General for Prisons and Detention Centers.

In 2024, 11 inmates with a different sexual orientation participated in conferences and seminars in Antalya L-Type Closed Prison. They submitted a petition and did not attend the movie screening on 26 February 2024. Moral guidance interviews were made with five inmates and six inmates continued their education through the open high-school.

In Maltepe L-Type Closed Prison no.3, in 2024, of the inmates with a different sexual orientation, nine attended the concert activity, 11 participated in conferences and seminars and 18 attended the movie screening.

As regards activities by the Psychosocial Assistance service, psychosocial support is provided in the form of individual interviews, group works and family interviews, without distinction as to language, religion, race, religious denomination, nationality, gender, sexual orientation etc., in accordance with Article 2 of the LESSM.

Care is displayed in the protection of inmates with different sexual orientation in all activities realized in prisons, in the prevention of abuse, taking disciplinary measures in respect

of the staff who do not comply with these principles, and the recognition of the right to privacy of inmates in accordance with their sexual identities.

**[Paragraph 124]**

As regards the evaluation of the request for gender reassignment surgery, the following provisions are laid down in Article 40 of the Turkish Civil Law:

“Anyone who wants to change their gender can apply in person and ask the court to allow gender reassignment. However, in order for the permission to be granted, the applicant must be over the age of eighteen and not married; as well as be in transgender nature and document by an official medical board report from a training and research hospital that gender reassignment is a necessity in terms of mental health and that the person is permanently deprived of reproductive capabilities. In the event that a gender reassignment surgery that is appropriate for the purpose and medical methods are confirmed by the official health board report, the court decides to make the necessary corrections in the civil registry.”

Therefore, firstly the conditions envisaged by the provisions stated above must be fulfilled. Although gender reassignment surgery has been permitted by a court decision, in order for this surgery to be performed for an inmate, a conclusive remark must be contained in the report by the medical board that affirming surgery is “necessary or of vital importance”.

It is stipulated in Article 102 § 2 of the Regulation on the Administration of Prisons and Execution of Sentences and Security Measures that: expenses of “medical treatments which have the purpose of aesthetics or not in the context of the Health Implementation Principles, shall be paid by the person.”

In Article 102 (titled “health expenses of Prisoners”), as to medications and needs for medical devices and tools such as prostheses and orthoses, the following provisions are set out in the said Regulation:

“[...] (2) medical treatments which have the purpose of aesthetics or not in the context of the Health Implementation Principles, shall be paid by the person.

(3) Expenses for the prisoner’s examination, diagnosis and treatment in healthcare institutions including university hospitals shall be covered by the Ministry of Health while medicine and medical material shall be covered by the Ministry of Justice. How the payments to healthcare providers for treatment expenses are to be made shall be determined by the Ministry of Health.”

The following provisions are contained in the Circular no. 2013/2 of 3 January 2013 by the Ministry of Health, regarding the Treatment expenses of Remand and sentenced Inmates:

“3. Of the remand and convicted inmates who have been referred by prisons or detention centers to the hospitals affiliated to the Ministry of Health, or by such hospitals to university hospitals (except for foundation universities);

a) all kinds of medicine, examination, diagnosis and medical material deemed necessary during inpatient treatment shall be covered by the healthcare provider.

b) expenses pertaining to medical examination, check, diagnosis, and of dental prosthesis and treatment in outpatient care shall be covered by the healthcare provider.

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Expenses for medicine and medical material which are impossible to be obtained by the hospital (orthosis, prostheses, eyeglasses, hearing devices, glucose test strip, disposable underpads, etc.) shall be covered by the Ministry of Justice.

c) medical expenses which have the purpose of aesthetics shall be paid by the person.”

As per the provisions cited above, all medications and material such as medical device, prosthesis/orthosis, dental prosthesis for all inmates in prisons shall be covered by the Ministry of Justice while all inpatient or outpatient examination and treatment services shall be covered by the Ministry of Health.

Healthcare services fee, which is applicable for medications, examinations and treatments are never requested from the inmate. A special budget is reserved for the medicine and medical material/devices expenses for inmates separate from the annual general budget reserved for prisons.

Moreover, having a child with assisted reproductive therapy, gender reassignment surgery, organ donations for relatives and in urgent and compelling circumstances, treatment in private healthcare institutions is also evaluated for prisoners in accordance with medical necessity and the relevant legal provisions and healthcare services may also be provided in these fields.

As regards telephone calls, inmates held in the said establishments are able to use the video and voice call application under the provisions of Article 66 (“the prisoner’s right to communication by telephone”) of the LESSM and Article 74 (titled “Right to telephone calls”) of the Regulation on the Administration of Prisons and Execution of Sentences and Security Measures.

As regards the ACEP Project, which has been mentioned in the “Judicial Reform Strategy” and “Human Rights Action Plan”, work for introducing the system in all prisons has begun following pilot trials in Sincan and Bakırköy Women’s and Sincan Juvenile and Youth Closed Prisons and after the necessary revisions have been made.

A number of technical problems have been encountered during the work for introducing the system to all establishments, particularly while video calls were made to other countries. In this context, the application E-Visit (E-Görüş), whose software development was made by Türk Telekom, has been developed and updated following the experience gathered in pilot applications. Latest updated version of the software can be downloaded free of charge from Android and iOS online stores and no domestic or international restrictions exist in the sending of the PIN code in question.

In addition, the following provisions are contained in Article 66 § 1 of the LESSM: “Sentenced prisoners in closed prisons may have telephone calls using pay phones controlled by the administration, in accordance with the principles and procedures specified in the regulation issued by the President”. Accordingly, all inmates are able to make telephone calls, the price being paid by them. The price is determined by the Türk Telekom, and the current price for video calls is 1.87 Turkish Liras. The tariff for voice calls and country price categories are in line with the pay phone tariff and country categories of Türk Telekom.

As regards the inmate’s account mentioned in paragraphs 104 and 105 of the CPT report, the inmate stated particularly during the official statement-taking that she wished to stay in a

single room, the prison administration, taking into account as well her situation, granted this request. Since in the said establishment single rooms are used for serving aggravated life sentence or disciplinary sanctions, call durations in these rooms have been limited to 10 minutes in the central system for ACEP. There is no such situation as to the restriction or prevention of telephone calls.

The following provisions are laid down in Article 9 (“Persons who may visit”) of the Regulation on Paying Visits to Prisoners, paragraphs 1, 2, 3, 4, 5 and 6:

“Remand and sentenced inmates can be visited by the spouse, mother, father, grandmother, grandfather, children, grandchildren, siblings, spouse of child, brother-in-laws, sister-in-laws, brother’s wife, sister’s husband, mother-in-law, father-in-law, parents of mother-in-law and father-in-law, children of spouse, parents of grandmother and grandfather, children of grandchildren, children of siblings, their spouses, uncle, aunt and their spouses, legal guardian and trustee.

(Paragraph amended on 14 September 2021) Remand and convicted inmates shall give the name, surname and address, if known, of three more persons other than those listed in paragraph one. The visitors whose names have been registered can only be changed in compelling circumstances such as death, severe illness, natural disaster, transfer of the prisoner or change of the domicile of the visitor which eliminates the possibility of visiting; or if the visitor has not made any visit after the passage of six months. The administration of the prison may, if deemed necessary, have an inquiry be done through the law enforcement, in respect of the visitors registered, on whether risks exist on their visit. Visits by those regarded risky shall not be permitted and another visitor shall be asked to be registered.

(Paragraph amended on 5 December 2018) Remand and convicted inmates held in the same establishment or in different establishments in campuses holding two or more prisons may visit one another, on the condition that they are among the persons listed in paragraph one, as per the provisions of this Regulation and by the written order of the Chief Public Prosecutor.

Visits by visitors listed in paragraphs one and two, out of the days and hours determined and by persons other than those listed in paragraphs one and two may be permitted in writing by the Chief Public Prosecutor, if reasonable grounds exist. This provision is not applicable for prisoners sentenced to aggravated life imprisonment.

(Paragraph added on 13 January 2018) Consent by both parents or the legal representative of the juvenile prisoner shall be sought for visits by three persons from the listed persons.

(Paragraph added on 13 January 2018) In case the visitor is not of full age, consent by both parents or the legal representative of the juvenile visitor shall be sought.”

Therefore, visits to all prisoners in our establishments are made pursuant to the legal provisions quoted above. Moreover, three more persons other than relatives by blood enumerated under Article 9 can be received as visitors provided that these persons are signed up in the establishment.

**[Paragraph 125]**

***[1st Part]***

As per the Protocol Between the Ministry of Health and the Ministry of Justice on the Provision of Healthcare Services in Prisons, healthcare services in prisons are carried out by family physicians affiliated to the Ministry of Health, physicians and dentists affiliated to the Ministry of Justice, and dentists assigned by the Ministry of Health, at the existing infirmaries and dental units in prisons. A sufficient number of family physicians and dentists are assigned in coordination by the Ministry of Health to provide quality of services in an uninterrupted manner.

To answer changing needs and requests, work has been started by the Ministry of Justice and the Ministry of Health to update the Protocol cited above. A joint working group has been set up by both Ministries and meetings are being organized as to the procedure and principles relating to the work of family physicians in a solution-oriented manner.

In prisons, in accordance with petitions given by the inmates for visiting the infirmaries, medical examinations are conducted by family physicians. In cases where a medical diagnosis has been made, medications are prescribed. Medicine prescribed and medical material are procured on the same day from pharmacies and medical companies. Doses and dosing intervals are told to the patients while handing them the drugs free of charge. In cases where a referral to a higher healthcare organization is needed, such inmates are referred by the family medicine unit to the closest State or university hospitals.

Regarding this matter, the necessary actions are carried out in accordance with the Protocol between the Ministry of Health and the Ministry of Justice on the Provision of Healthcare Services in Prisons, as well as with the following provisions of Article 6 ("provision of mobile and on-site healthcare services") of the Regulation on the Implementation of Family Medicine:

"(2) Upon requests by institutions such as prisons, juvenile reformatories, nursing homes, children's homes and orphanages where children in need of protection are accommodated, communal places without a physician where the occupants are unable to apply directly to their family physician or choose their family physician freely, one or more family physicians may be obligated to provide on-site healthcare services. In such institutions family physicians providing on-site healthcare services shall keep a register of the persons held in the institutions. Institutions declared as on-site healthcare zones are under the obligation to fulfill the minimum conditions for the healthcare services to be provided by family physicians. In these places, not being less than three hours per month per 100 persons, on-site healthcare services shall be given at least once per week for up to 750 registered persons and at least twice per week for 750 and more registered persons. This period shall be applicable twice more for prisons and juvenile reformatories."

In Antalya L-Type Closed Prison, two family physicians provided healthcare services for a period of four days and 28 hours per week, in Maltepe L-Type Closed Prison no. 3 two family physicians provided healthcare services for a period of five days and 40 hours per week and in Iğdır S-Type Closed Prison, one family physician provided healthcare services for a period of five days and 32 hours per week.

**[2nd Part]**

In Antalya L-Type Closed Prison, four health officers and two family physicians provide services. Moreover, the psychiatrist assigned to the said prison by the Ministry of Health visits the establishment one day per week for examinations. Two dentists also provide services.

In Van F-Type High Security Closed Prison, following the CPT's visit, two nurses were appointed. One is currently in active service along with one computer operator and six custody officers as assistants. The other nurse has been temporarily assigned in Erciş Open Prison.

At the infirmary unit of the Van F-Type High Security Closed Prison, a total of six staff members provide services, namely one health officer, one nurse and four custody officers.

The number of officers who belongs to the "healthcare services" class, serving at Antalya L-Type, Antalya S-Type, Iğdır S-Type, Van F-Type High Security, Van High Security and Maltepe L-Type Closed Prison no. 3 is shown on the following charts:

| YEAR         | ESTABLISHMENT                          | NUMBER OF OFFICERS | INCREASE RATE |
|--------------|----------------------------------------|--------------------|---------------|
| January 2021 | Antalya L-Type Closed Prison           | 4                  | -             |
| January 2022 |                                        | 5                  | 125           |
| January 2023 |                                        | 5                  | 0             |
| January 2024 |                                        | 6                  | 120           |
| January 2021 | Antalya S-Type Closed Prison           | 0                  | -             |
| January 2022 |                                        | 0                  | 0             |
| January 2023 |                                        | 1                  | 100           |
| January 2024 |                                        | 5                  | 500           |
| January 2021 | Iğdır S-Type Closed Prison             | 0                  | -             |
| January 2022 |                                        | 0                  | 0             |
| January 2023 |                                        | 1                  | 100           |
| January 2024 |                                        | 6                  | 600           |
| January 2021 | Van F-Type High Security Closed Prison | 0                  | -             |
| January 2022 |                                        | 0                  | 0             |
| January 2023 |                                        | 1                  | 100           |
| January 2024 |                                        | 2                  | 100           |
| January 2021 | Van High Security Closed Prison        | 0                  | -             |
| January 2022 |                                        | 0                  | 0             |
| January 2023 |                                        | 1                  | 100           |
| January 2024 |                                        | 2                  | 100           |
| January 2021 | Maltepe L-Type Closed Prison no. 3     | 4                  | -             |
| January 2022 |                                        | 4                  | 0             |
| January 2023 |                                        | 4                  | 0             |
| January 2024 |                                        | 6                  | 150           |

**[Paragraph 126]**

Upon their petitions requesting to visit the infirmary, remand and convicted prisoners are examined by the family physicians at the infirmaries. Medications are prescribed in cases with a diagnosis. Medicine prescribed and medical material are procured on the same day from pharmacies and medical companies. Doses and dosing intervals are told to the patients while

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handing them the drugs free of charge. Medicine requiring red or green prescription, psychiatric and controlled drugs are given to the prisoner as daily doses and ingested in the presence of an officer, without handing them the whole carton.

In cases where the referral of the patient to a higher healthcare institution is needed, the family medicine unit sends the inmate to the State or university hospital closest to the establishment by patient transport vehicles and the necessary examination and treatment actions are taken by those hospitals.

In 2023, 3,115,834 examinations were carried out in prison infirmaries while the number of prisoners referred to hospitals was 1,050,879. In 2024, until the month of July, 2,218,558 examinations were made in infirmaries whereas 655,785 examinations of the inmates were realized in hospitals.

In case of health emergencies affecting the inmates, the prison administration calls the 112 Emergency Service without delay and the arriving emergency staff performs the required interventions and takes the patient urgently to hospital. As a result of negotiations with the Ministry of Health, Emergency Service stations have been established inside seven prison campuses where a high number of emergency transfers were present. In prisons, a total of 60 ambulances of various make and models are present.

### **[Paragraph 128]**

The number of staff members belonging to the class of “healthcare services” from the year 2021 is shown below:

|                  |        |
|------------------|--------|
| January 2021     | 1,151  |
| January 2022     | 1,176  |
| January 2023     | 1,329  |
| January 2024     | 1,333  |
| August 2024      | 1,467  |
| Rate of increase | 27.45% |

### **[Paragraph 129]**

Work is underway for the qualification of healthcare workers serving in prisons. With a view to providing effective first aid by early intervention in cases of sudden cardiac arrest in prisons, Automated External Defibrillators (AED) have been acquired for all prisons. Training is provided for the healthcare staff as regards the usage of device.

### **[Paragraph 130]**

Regarding this matter, the necessary actions are carried out in accordance with the Protocol Between the Ministry of Health and the Ministry of Justice on the Provision of Healthcare Services in Prisons, as well as with the above-mentioned provisions of Article 6 (“provisions of mobile and on-site healthcare services”) of the Regulation on the Implementation of Family Medicine.

### **[Paragraph 131]**

Diagnostic and treatment actions of the inmates held in Antalya S-Type Closed Prison are carried out in accordance with the Circular of 6 January 2020 by the Directorate General

for Prisons and Detention Centers on the Access to Human Rights Centered Healthcare and Treatment Services in International Standards of Those Held in Prisons, Transfers for Treatment and Suspension of Sentence, particularly with the provisions in the section titled "Examination in Infirmary":

"Except for cases of emergency, following provision of written information about their illness, remand and convicted prisoners is to be taken to the infirmary of the establishment within a reasonable time. Following the physician's examination at the infirmary, those whose referral to a higher healthcare institution is deemed appropriate shall be communicated to the prison administration and transfer to hospital shall be carried out at the shortest time possible, having taken the necessary security measures."

The protection of the health of the inmates held in the said establishment, carrying out the diagnosis and treatment, facilitating and protecting the right to access healthcare are among the basic elements of modern sentence execution system. All the necessary measures are taken to avoid any interruptions and breaches of rights in this respect. The inmates held in the establishment are taken to the infirmary both on their request and as deemed necessary, examinations are made, transfers are realized and the medicine prescribed are obtained and handed to the recipients.

During such incidents of use of force in the establishment, in the event that battery or violence occurs, the inmates are promptly referred to hospitals. As a result of referrals to hospitals, the medical reports obtained in respect of the inmates are added to their medical file. No such situations exist where "staff members repeatedly ignore requests to visit the healthcare service, in particular following instances of use of force by the staff."

**[Paragraph 132]**

For the protection of the physical and mental well-being of all prisoners, the initial examination for diagnosis and treatment services are given in the prison whereas those needing further diagnosis, treatment and rehabilitation are taken to State hospitals. Those needing even further healthcare services are referred to university hospitals. The results of all examinations and treatment are recorded in the personal medical file of the inmate.

In cases where the treatment of an inmate in the State and university hospitals located in the province is not possible, he/she is sent to the provinces where more advanced hospitals exist and are treated there.

Prisoners who suffer from mental disorders and sent back to prisons as their inpatient treatment in psychiatric hospitals was not deemed necessary and according to the report, shall serve their sentences in the special sections of prisons as indicated under Article 18 of the Law no. 5275.

These reserved sections of prisons are arranged distinctly from other sections of prisons. The treatment and observation of such inmates are made in prisons by the psychiatrists assigned by the Ministry of Health.

With a view to ensuring that inmates who are needed to be referred to outside hospitals, as a specialist consultation has been recommended by the prison's family physician, may be provided with a specialist's examination, including a psychiatrist, in cooperation with the Provincial or District Health Directorates.

**[Paragraph 133]**

***[1st Part]***

Article 12 (titled “Psychosocial assistance service”), paragraph one of the Regulation on the Administration of Prisons and Execution of Sentences and Security Measures provides:

“Psychosocial assistance service is a service that examines and implements protective and rehabilitative programs concerning the mental and physical well-being of the staff and prisoners, participates in the treatment process and provides psychological assistance and intervenes where necessary, helps the personal development of prisoners by identifying their personal traits, living conditions and reasons for committing crimes, ensures that they become adapted to life in prison and harmonized with social life, takes the measures to prevent recurrent crime by the person and endorsed by the highest authority of the establishment, makes interviews by the families and social circles for this purpose.”

The psychologists and social workers serving in prisons carry out their works and actions in this context.

Moreover, in accordance with Article 55 § 5-e of the said Regulation, which stipulates that “the initial information relating to the sentenced prisoner shall be taken by the psychosocial assistance service officials”, during the first interview with the sentenced inmate, the Research Assessment Form (ARDEF) is applied. ARDEF is used in the identification of mental disorders and the inmates can later talk to the psychologists or social workers working in the psychosocial assistance service, upon their request or ex officio. In the event that mental disorders are suspected during the interviews, the examination of a physician is resorted to for diagnosis and treatment. The case is followed-up.

The e-doctor application within the context of the project ACEP is aimed at;

- The improvement of healthcare services in prisons using technological developments,
- Reducing costs stemming from transfers to hospitals,
- Speeding up the inmates’ access to healthcare,
- Preventing complaints by inmates concerning health,
- Minimizing the security risks which might arise in hospitals and during transfers, and ensuring public safety, as a result of reduced transfers,
- Ensuring the inmates’ satisfaction of healthcare services in prisons.

Thanks to the e-doctor application, inmates have gained access to the doctor and nurse on a 24/7 basis. Therefore, now inmates can access healthcare services in a much easier way. Their transfer to polyclinics incompatible with their illnesses is prevented and it is ensured that follow-up examinations in the process are carried out without the need to be transferred to hospital.

Cooperation has been made between the Ministry of Justice and the Ministry of Health in the context of this application and in the stage attained, the necessary integrations have been completed between the ACEP, UYAP (IT Directorate General) and the systems of the Ministry of Health. Pilot application started on 28 December 2023 in Sincan Women’s Closed Prison. It is intended that the application be developed in accordance with the experience gathered in the

pilot application and extended to all establishments where the ACEP system is active. So far, 2,842 examinations have been carried out through the system.

E-doctor examinations continue in Eskişehir L, Bakırköy Women's, Bolu T, Gerede L, Sincan L-Type no. 1, 2, 3 and 4, Sincan Women's Closed and Sincan Open Prisons.

The e-doctor system has been made ready in the establishments located in the İzmir Prisons Campus and Menemen T-Type Closed Prison, pending the creation of an appointment list by the Ministry of Health. Trial calls have been made in İzmir T-Type Closed Prison no. 1. Work is underway to extend the system to all establishments where the ACEP system is active.

Moreover, by the application of tele-medicine methods within the framework of the project, wearable technologies will also be put in service to ensure that remote examinations be carried out more effectively.

**[2nd Part]**

In cases where a diagnosis of an illness has been made, which requires in-patient treatment, the inmate is transferred to the hospital and placed in a prisoner ward for treatment. In hospitals without a prisoner ward, a temporary prisoner ward is formed and the treatment of the patient continues without interruption. In 2020, the total in-patient capacity of prisoner wards was 936. As a result of coordinated works carried out by the Ministry of Health, capacity has risen to 1,488 beds. With the addition of 432 beds in the prisoner wards under construction, the total capacity will reach to 1,920 beds. Beside the prisoner wards completed over the last year, existing wards have been modernized.

In the event of a finding that the remand or sentenced prisoner suffers from a psychological or mental disorder, in case it is considered necessary by the family physician that the person be referred to the higher level psychiatric hospital, transfer actions are initiated. As a result of the examination in hospital, those who were decided to remain as in-patient continue their treatment in the prisoner wards of psychiatric hospitals or the modern Judicial Psychiatric Hospitals for Prisoners ("THAP"), put in service within city hospitals.

In this context, in-patient treatment services are provided in the prisoner wards of Manisa (17 beds), Samsun (5 beds), Adana (30 beds), İstanbul-Erenköy (3 beds), and İstanbul-Bakırköy (50 beds) Mental and Neurological Diseases Hospitals, all modernized and with increased capacities.

THAP services in the city hospitals of Elazığ (50 beds), Ankara-Bilkent (20 beds), Kayseri (28 beds), and İzmir (16 beds) have also begun their services and patient admission. The THAP services of Kocaeli (20 beds) and Gaziantep (10 beds) will become operational once the city hospitals are completed.

**[Paragraph 134]**

Remand and sentenced inmates who, as a result of the examination carried out by family physician or the assessment made by the 112 Emergency Service, have been transferred to a Mental and Neurological Diseases Hospital and following an examination by the psychiatrist, and for whom the decision to provide in-patient care are placed in prisoner wards or THAP services. In case there is no space in the prisoner ward, a suitable temporary prisoner ward is formed in the in-patient section of the hospital, in which the prisoner is placed.

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Prisoners who have received in-patient treatment in psychiatric hospitals and ready for discharge are brought to prison as deemed suitable and the recommended treatment, if any, is followed-up in the establishment.

The following provisions are contained in Article 18 ("Execution of prison sentences of prisoners who suffer from mental disorders other than insanity") of the LESSM:

"(1) The prison sentences, imposed to those who suffer from mental disorders other than insanity due to imprisonment or other reasons but whom it is not considered necessary to keep in a psychiatric hospital and who are sent back to their establishments, shall be executed in special parts of the designated prisons.

(2) The specialists and other medical officers needed by the prison designated for the execution of the prison sentences of those who are mentioned in the first paragraph shall be provided by the Ministry of Health."

Such prisoners in respect of whom a health board report has been issued under Article 18 of the LESSM, are accommodated in the reserved sections of designated prisons.

These reserved sections of prisons are arranged distinctly from other sections of prisons. In İstanbul Metris R-type, Manisa E-Type, Samsun T-Type, Elazığ E-Type, Adana E-Type, Ankara Sincan L-Type no. 2, Kayseri T-Type no. 2 and Bakırköy Women's Closed Prisons, the treatment and observation of such inmates are continued in the reserved sections of the establishments. In line with the legal provisions, psychiatrists have been assigned by the Ministry of Health in these prisons for their treatment.

Works on the Mental Rehabilitation have been initiated for the establishment of Rehabilitation-type Prisons with a special physical design, where living conditions have been reorganized, healthcare staff specializing in psychiatry is always present, all staff members assigned are trained on approach to psychiatric patients, where physical areas have been created to allow for events and activities for rehabilitation and relevant staff members have appointed, and where special arrangements have been made on accommodation, rewards, penalties, visits, etc. Prisoners who suffer from mental disorders and sent back to prisons as their inpatient treatment in psychiatric hospitals was not deemed necessary and according to the medical board report, shall serve their sentences in these special sections under Article 18 of the Law no. 5275.

In the context of the Mental Rehabilitation Project, on 26-27 October 2023, a workshop on the project was organized in Ankara by the Department of Health attached to the Directorate General for Prisons and Detention Centers.

The workshop was aimed at the improvement of the treatment and rehabilitation processes and living conditions of prisoners within the scope of Article 18 of the LESSM and other inmates suffering from psychiatric illnesses. Through arrangements in the physical conditions of prisons with a special section as per Article 18 of the LESSM and health practices, it is intended that effective and on-site healthcare services are provided, that prisoners are able to receive healthcare services from psychiatrists and assisting healthcare staff within the prison without having to be transferred to outside hospitals, that the rehabilitation process in respect of inmates with psychiatric illnesses is improved, and that these prisoners have access to the necessary treatment before being released to the public in a healthier condition and that the

main topics of the work to be carried out and the outline of the road map in this respect is to be determined.

With a view to ensuring that prisoners with mental disorders, from their admission to release, effectively benefit from treatment and rehabilitation services, it is of utmost importance that those who suffer from mental disorders and have been sent back to prisons as their inpatient treatment in psychiatric hospitals was not deemed necessary and according to the medical board report, shall serve their sentences in these special sections under Article 18 of the Law no. 5275, continue to serve their sentences in conditions compatible with human dignity, in suitable living conditions and without breaches of rights and without interruption to their treatment process, that these prisoners are rehabilitated so as not to pose risks to themselves or the society and not be involved in more crimes.

**[Paragraph 135]**

Judicial Psychiatric Hospitals for Prisoners (“THAP”) are establishments affiliated with the Ministry of Health, where remand and convicted inmates held in closed prison establishments are placed for treatment and sent back to their prison establishments after treatment. Inmates;

- who have been required by courts of justice (Art. 432 of the Civil Code) to get treatment,
- who have been remanded in custody (Art. 74 of the CCP) for the issuing of a report by the medical board as regards the ability to comprehend the legal meaning of the crime committed and to control behavior (Art. 32 § 1 and 2 of the Criminal Code) and;
- who have been taken in protective treatment under Article 57 of the Criminal Code are taken to THAPs to receive treatment.

Health and security services in THAPs are carried out jointly by the Ministries of Interior, Justice and Health. The material conditions and security measures THAPs must possess have been specified in the protocol signed on 26 January 2017 between the Ministries of Justice, Health and the Interior. Accordingly;

- Remand and sentenced prisoners held in closed prison establishments and referred by the appointment system from the closest provinces are taken to THAPs.
- The inmates who have been subjected to a physical and psychiatric examination by the physician at the THAP, assessed on the basis of the file and decided to be treated are admitted for inpatient treatment. Those who have not been decided to be admitted for inpatient treatment are sent back to their prison along with recommendations for treatment.
- Inmates to be taken to THAPs as inpatient shall go through all physical and medical examinations (doctor’s examination, blood and urine samples, EKG, PA AC graphics etc., and interview with the psychologist or sociologist), following which they shall be admitted after an assessment based on Articles 21 and 9-10 and 11 of the LESSM. Works are underway to raise the number of THAPs and their capacities.

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Furthermore, through the assignment of a psychiatrist on certain days of the week at medical facilities in the nature of hospitals in the prison campuses of Ankara, İstanbul and İzmir, assistance will be offered to prisoners with addiction problems. For this particular service, the Ankara Prisons Campus Hospital, İstanbul Marmara Prison Hospital and İzmir Aliğa Prisons Campus Hospital have been designated. Psychiatric assistance is also offered to inmates with substance addiction, who apply to the psychiatric clinic of Prison Campus hospitals. Regular treatment and checks are continued for inmates with such previous conditions. Newly-admitted sentenced prisoners with addiction are also included in the rehabilitation program.

Medical records relating to the examinations carried out are stored in the Hospital Information Management System on the same day. Recommendations pertaining to the infirmary or psychosocial service of the prison are sent and communicated to prisons in response to their letters for referral to hospitals.

It is of importance for the prisoners' personal development and for ensuring that they become integrated to the society, that they are offered education/training, healthcare, psychosocial services and vocational training and tasks for integration into social life. Such legal provisions are contained in our legislation.

The planning, implementation, monitoring and assessment work for the rehabilitation of prisoners by the psychologists and social workers serving in the psychosocial assistance services of prisons are carried out within the framework of professional knowledge and field of expertise.

In this context, individual interviews, group intervention works, individual intervention programs, family interviews, programs for the staff, seminars and social-cultural activities are organized.

With a view to ensuring that all prisoners are evaluated under the risk-need-responsivity model from their admission to release, that placement in rooms is made accordingly, life in the establishment is planned and psychiatric services include standard practices based on effective evidence, the Structured Mental Evaluation and Intervention Program (YARDM) has been developed by the Directorate General for Prisons and Detention Centers. Trainings have been organized for all psychologists and social workers serving in prisons based on the Manual for Individual Intervention to Mental Problems, developed in the context of the YARDM program. Information has been provided to such staff on 26 most frequent mental and behavioral problems and relevant individual intervention program.

During the period from admission to the establishment to release, the programs determined by the Ministry of Justice, namely Anger Control, Tobacco, Alcohol and Substance Addiction, Prisoner Development Prior to Release, Think First, Special Custody and Oversight, and Awareness-Raising Programs on Protecting Self-Harm are carried out by the psychosocial assistance service using various professional methods for the solution of psychological and social problems.

Moreover, the Project for the Development of Assessment, Profiling Tools and Rehabilitation Programs (DEPAR), funded by the European Union and where the beneficiary is the Directorate General for Prisons and Detention Centers, is aimed at individualizing execution and rehabilitation processes for sentenced prisoners and classification of them

according to crime motives, as a result of which the Fast Assessment Tool has been developed and 15 different intervention programs are applied in line with the needs found.

**[Paragraph 136]**

With a view to providing effective first aid by early intervention in cases of sudden cardiac arrest in prisons, Automated External Defibrillators (AED) have been acquired for all prisons. Training is provided for the healthcare staff as regards the usage of the device.

Moreover, it was found that an AED device existed in Van F-Type High Security Prison during the visit organized on 17 July 2024 in the context of the project “SİZDE”.

**[Paragraph 137]**

Taking into consideration recommendations by the CPT delegation, a project has been developed to facilitate visits to the infirmaries in all F-type high security prisons. The aim is to set a standard through implementation in all F-type establishments.

No actions could be taken as regards the project developed and submitted in 2023 by the Van F-Type High Security Closed Prison since it was found that the project was incompatible with the static structure of the building. It is intended that the project referred to in the previous paragraph above, on which work and research is underway, be completed in a short period of time and therefore this disadvantage affecting the inmates is planned to be eliminated.

**[Paragraph 138]**

***[1st Part]***

The following facts have been revealed following the inquiry as regards the said prisoner in Iğdır S-Type Closed Prison:

The protection of prisoners' health, carrying out their diagnosis and treatment and the protection and facilitating of the right to access to healthcare are among the basic principles of modern sentence execution. All the necessary measures are taken and utmost efforts are displayed to avoid any interruptions and breaches of rights on this matter. As regards the state of health of the said prisoner, he received treatment both at the infirmary of the establishment and in State hospitals.

According to sentence execution laws, remand and convicted prisoners are firstly referred to provincial hospitals, the relevant sections of hospitals in other provinces if no treatment options are available at the provincial level, or finally to university hospitals. The question of by which specialist the patient prisoner will receive examination and treatment shall be decided by the prison's physician who examine the inmate, or, in the absence of a physician at the establishment, by the physician in the family medicine center or hospital. The prison administration has no powers at this stage.

The inmate was taken to the Infectious Diseases Department of Iğdır State Hospital and during his examination, the remark that “his e-nabız system needs to be activated” was made.

On 7 August 2023, the inmate was taken once again to the Infectious Diseases Department of Iğdır State Hospital. During his examination, the following remarks were added:

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“E-nabız system has not been activated. The system must be marked as visible to all doctors or the patient should be taken to the center he was previously treated. Since the previous illnesses of the patient cannot be seen, it would not be appropriate for us to refer the patient to another center.”

On 4 September 2023, the inmate was taken once again to the Infectious Diseases Department of Iğdır State Hospital. During his examination, the remark “HCV RNA: Positive. Referred to Van Regional Training and Research Hospital” was made and he was referred to Van Regional Training and Research Hospital.

On 8 September 2023, the inmate was taken to the Infectious Diseases Department of Van Regional Training and Research Hospital. During his examination, the remark “Patient with a chronic viral HCV diagnosis. Previously contracted HCV, got infected again. Recommended that he visits again 20 days later with blood test results” was made.

On 14 September 2023, the inmate was taken to the Infectious Diseases Department of Iğdır State Hospital. Following his examination, he was referred to the Infectious Diseases Department of Van Yüzüncü Yıl University Training and Research Hospital.

On 22 September 2023, the inmate was taken to the Infectious Diseases Department of Van Yüzüncü Yıl University Training and Research Hospital. During his examination, the remark “USG requested for cirrhosis identification. Routine requested. If cirrhosis is not present, treatment will be planned. Follow-up with USG results” was made.

On 9 October 2023, the inmate was taken to the Infectious Diseases Department of Iğdır State Hospital. Following his examination, he was referred to the Infectious Diseases Department of Van Yüzüncü Yıl University Training and Research Hospital.

On 16 October 2023, the inmate was taken to the Infectious Diseases Department of Van Yüzüncü Yıl University Training and Research Hospital. During his examination, the remark “Patient with a chronic hepatitis-c diagnosis. Has a history of Maviret use. Is of genotype 3 and Maviret is prescribed. Before examination hemogram, biochemistry INR will be checked and brought back. Follow-up one month later” was made and he was prescribed Maviret 100/40 mg.

On 2 November 2023 an official letter was sent to Bakırköy/Metris T-Type Closed Prison no. 2, by which the prescribed medicines were asked for.

On 7 November 2023, the inmate was taken to the Infectious Diseases Department of Iğdır State Hospital. Blood tests were requested and results were received.

On 16 November 2023, the inmate was taken to the Infectious Diseases Department of Van Yüzüncü Yıl University Training and Research Hospital. During his examination, the remark “Although treatment started for hepatitis-c for the patient, he was unable to take medicine as it has not arrived. Follow-up tests were requested. Will come back for follow-up one month later” was made.

On 6 December 2023, the medicine “Maviret 100/40 mg” was received from Bakırköy/Metris T-Type Closed Prison no. 2 and given to the prisoner under control.

The prisoner was scheduled for 24 January 2024 to visit the Van Regional Training and Research Hospital and Van Yüzüncü Yıl University Training and Research Hospital. However,

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transfers were canceled by the gendarmerie due to bad weather conditions and postponed to a later date.

On 8 February 2024, the inmate was taken to the Infectious Diseases Department of Van Yüzüncü Yıl University Training and Research Hospital. During his examination, the remark "Chronic hepatitis-c prescribed. Tests requested. Invited to follow-up one month later" was made and medicines were prescribed.

On 9 February 2024 an official letter was sent to Bakırköy/Metris T-Type Closed Prison no. 2, by which the prescribed medicines were asked for.

On 20 February 2024, the medicine "Maviret 100/40 mg" was received from Bakırköy/Metris T-Type Closed Prison no. 2 and given to the prisoner under control.

On 1 March 2024, the inmate was taken to the Infectious Diseases Department of Iğdır State Hospital. Following his examination, he was referred to the Infectious Diseases Department of Van Yüzüncü Yıl University Training and Research Hospital.

On 8 March 2024, the inmate was taken to the Infectious Diseases Department of Van Yüzüncü Yıl University Training and Research Hospital. During his examination, the remark "Maviret user due to chronic hepatitis-c control hepatitis HCV RNA: Negative left side pain, recommend urinary USG and come back with USG results three months later for follow-up" was made.

On 26 April 2024, during his examination in the Urology Department of Iğdır State Hospital, Urinary USG was requested and an appointment was made on 3 May 2024.

The inmate expressed in a petition his wish not to go to his appointment on 3 May 2024 for Urinary USG at Iğdır State Hospital.

On 28 May 2024, during his examination in the Urology Department of Iğdır State Hospital, Urinary USG was requested and an appointment was made on 3 June 2024.

On 3 June 2024, the Urinary USG imaging was made.

On 14 June 2024, the inmate was taken to the Infectious Diseases Department of Iğdır State Hospital. Following his examination, he was referred to the Infectious Diseases Department of Van Yüzüncü Yıl University Training and Research Hospital.

On 5 July 2024, the inmate was taken to the Infectious Diseases Department of Van Yüzüncü Yıl University Training and Research Hospital. During his examination, the remark "Patient with a chronic hepatitis-c diagnosis. Complaining of left flank pain. Outer central USG normal. Referral to urology recommended. HCV RNA requested. Follow-up one month later with results" was made.

On 31 July 2024, the inmate was taken to the Infectious Diseases Department of Iğdır State Hospital. During his examination, the remark "Tests dated 5 July 2024 of the patient on KHC diagnosis were evaluated. KCFT, INR, PLT, AFP tests are normal. Two weeks later HCV-RNA results will be checked upon polyclinic appointment. If results unreachable, will be referred to Van Yüzüncü Yıl Hospital" was made.

On 20 August 2024, during the examination at the Urology Department of Iğdır State Hospital, urine sample was requested and the results of the test were awaited.

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On 22 August 2024, during the examination at the Infectious Diseases Department of Iğdır State Hospital, the remark "According to e-nabız records HCV RNA: Negative. Recommend follow-up every six months, referring to third degree hospital not necessary" was made.

It has been observed that the inmate was examined regularly, his transfers to hospitals were regularly organized, he was taken to the infirmary of the establishment and the necessary medications were prescribed. The prisoner's general state of health is good.

Moreover, as with all prisoners held in our establishments, all necessary diagnosis and treatment were made in respect of the inmate with care. All remand and convicted prisoners held in prisons are able to use the same health rights and services enjoyed also by those not deprived of their liberty, and with priority. Therefore, the actions carried out were in line with the laws and procedure, and the healthcare records did not suggest any negligence.

### **[2nd Part]**

As previously stated above, medicine prescribed and medical material are procured on the same day from pharmacies and medical companies, checked by the healthcare staff and delivered to the establishment. Doses and dosing intervals are told to the patients while handing them the drugs by signature and free of charge. Medicine requiring red or green prescription, psychiatric and controlled drugs are given to the prisoner as daily doses and ingested in the presence of an officer, without handing them the whole carton.

All medicine obtained from pharmacies to prisoners are monitored over the Prisons Medicine Monitoring System (CETAS). Through CETAS, all medicine prescribed for the prisoners, along with their dosing and expiry dates can be viewed on the screens of the healthcare staff in charge.

### **[Paragraph 139]**

Whenever prisoners submit petitions to visit the infirmary, the family physician carries out the examination in line with the queue of patients and prescribes medicine in the event of a medical diagnosis. Medicine prescribed and medical material are procured on the same day from pharmacies and medical companies. Doses and dosing intervals are told to the patients while handing them the drugs free of charge. Medicine requiring red or green prescription, psychiatric and controlled drugs are given to the prisoner as daily doses and ingested in the presence of an officer, without handing them the whole carton. In cases where the referral of the patient to a higher healthcare institution is needed, the family medicine unit sends the inmate to the State or university hospital closest to the establishment by patient transport vehicles and the necessary examination and treatment actions are taken by those hospitals.

In case of health emergencies affecting the inmates, the prison administration calls the 112 Emergency Service without delay and the arriving emergency staff performs the required interventions and takes the patient urgently to hospital. As a result of negotiations with the Ministry of Health, Emergency Service stations have been established inside seven prison campuses where a high number of emergency transfers were present. In prisons, a total of 60 ambulances of various make and models are present.

A detailed explanation has been provided in paragraph 133 on the e-doctor application contained within the ACEP project.

**[Paragraph 140]**

Prior to their admission to prisons, remand and convicted prisoners are referred by law enforcement officers to hospitals affiliated to the Ministry of Health, where they obtain battery and violence reports. The examination by the doctor is definite and cannot be interfered with.

Healthcare services in prisons begin with the first admission examination carried out by the family physician. In case the remand or sentenced prisoner has been brought to the establishment within working hours, first examination shall be done by the family physician or the physician of the establishment. In case the prisoner is brought when the family physician or the physician of the establishment is not present (outside working hours or holiday), the “Prisoner First Admission Observation Form” is filled by the staff of the admission unit for the identification of the prisoners’ general state of health until their first admission examination is made by the doctor. These prisoners are placed in a temporary room and the first admission examination is done as soon as possible (max. three days). During the first admission examination, an assessment on chronic and transmissible diseases is made and the medical file of the person is generated by investigating the prisoner’s biography relating to the state of health before he/she was admitted to prison.

In the event that, during the first admission examination of prisoners, findings are made that a transmissible disease or signs of battery or violence is present, the person is immediately taken to hospital after taking all necessary measures.

The presence of any disability is also identified during the first admission examination of prisoners. If present, the disability state is recorded to the medical file and the necessary health assistance suitable to his/her situation is provided.

In case no reports or prescriptions exist on the prisoners regarding the use of medications they brought with them, until existing reports are presented or a new prescription has been issued, a list of such medications shall be made and until they are checked by the physician, daily doses are given to prisoners upon their statement and request.

As regards the admission of all kinds of medical devices, prosthesis, medical material, tools or items brought by the prisoner, the procedure under the provisions of the “Regulation on the Items and Substances That Can Be Kept in Prisons” is followed.

With a view to ensuring that transmissible diseases are diagnosed early and transmission between the inmates is prevented, Hepatitis B/C and HIV screenings for newly arrived or the remaining prisoners are carried out on a voluntary basis. Vaccination programs are made in accordance with the Extended Immunization Program of the Ministry of Health for protection against transmissible diseases and against their transmission in prisons.

Moreover, in Antalya L-Type Closed Prison, every year regular screenings of the prisoners for tuberculosis is made in coordination with the anti-tuberculosis dispensary through the screening vehicle which visits the establishments. As of 14 October 2021, following the lifting of the measures for the COVID-19 pandemic, such screenings are now made in the said institution, in cooperation with the provincial health directorates.

Under the coordination of provincial health directorates, monthly seminars on cleaning and hygiene are organized in the establishments for prisoners.

In case transmissible diseases are identified among the prisoners, the prison administration takes the necessary measures against vectors of disease, such as disinfection, washing of clothes and the provision of kwedella lotion and shampoo to the inmates.

Insecticide applications are performed by a private company once every 15 days against pests including flies, mosquitoes, rodents, cockroaches, fleas and other bugs and thus precautions are taken in advance against the diseases that might arise.

In coordination with provincial and district health directorates, the latest screening against cancer was done on 14 March 2022 for 67 female prisoners through the vehicle for screening. Moreover, blood, HPV, stool, height and weight, blood pressure and glucose tests are carried out regularly by the family medicine units twice per week and followed up.

**[Paragraph 142]**

With a view to ensuring the effective implementation of the “Human Rights Action Plan of Türkiye” published on 2 March 2021, and that the monitoring, reporting and evaluation process be carried out in cooperation, with the participation of all institutions and support, under the Goal 6.2, titled “Ensuring the Effective Conduct of Investigations”, the Activity 6.2.d has been determined, which reads: “Forensic medicine experts and doctors will be offered trainings in order to ensure compliance with the İstanbul Protocol and international standards in forensic/judicial medical examination and reporting procedures”. In accordance with the said Activity, starting with doctors affiliated to the Ministry of Health, trainings on İstanbul Protocol has begun for all doctors of medicine. The process is ongoing with trainings, where physicians in prisons and doctors issuing forensic medicine reports are prioritized.

Moreover, healthcare services are provided by family physicians in prison establishments in accordance with the Family Medicine Law (no. 5258), regulations put in force based on this Law and the protocols signed between the Ministries of Justice and Health. In prison establishments with an inmate population of over 1,000, healthcare services are provided through the establishment of family medicine units within prison campuses. In these establishments, physicians are present on a basis of 40 hours per week. In establishments with an inmate population of under 1,000, family physicians provide services on-site by visiting the establishment in intervals and periods determined proportionate to the inmate population. In prison establishments having a family medicine unit, healthcare services are provided in an effective manner by one family physician and one family medicine staff member.

Moreover, as regards the recommendation that screening be made upon the admission of new inmates, such planning is realized in cooperation with the Ministry of Justice and the Ministry of Health.

**[Paragraph 143]**

Medical confidentiality is laid down in Article 21 of the Regulation on Patient Rights, promulgated on 1 August 1998. The relevant provisions are as follows:

**“Respect for Confidentiality**

Article 21. It is essential that the patient’s privacy is respected. The patient can also explicitly request that his privacy is respected. All kinds of medical intervention shall be performed with respect to medical confidentiality.

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Respect for medical confidentiality and the right to request thereof requires that;

- a) Medical evaluations regarding the patient's state of health be carried out in confidentiality,
- b) The medical examination, diagnosis, treatment and other actions requiring direct contact with the patient are carried out within a setting of reasonable confidentiality,
- c) The presence of a relative alongside the patient be allowed, save for medical obstacles,
- d) Persons unrelated to the treatment are not present during medical interventions,
- e) In case it is not required by the nature of the illness, the patient's personal and family life are not interfered with,
- f) The source of health expenses remains confidential.

Death does not grant the right to breach confidentiality.

In medical institutions where training is provided, in case persons not directly related to the treatment of the patient need to be present during the medical intervention, the patient's consent shall be expressly sought in advance or during the treatment."

### **[Paragraph 145]**

User credentials for the Public Health Management System (HSYS) and Vaccination Program by the Ministry of Health have been granted for prisons and the software for the applications Life Fits Into Home (HES), Contact Tracing System (FİTAS) as well as Central Doctor Appointment System (MHRS) for tracking the appointments, have been integrated with the UYAP System. Works are underway for the integration of the Health Statistics and Causal Analyses (SİNA) for its use in health statistics for prisoners. The Medical Examination Information System (MBYS) has started to be used by family physicians in prisons. Moreover, in accordance with the Protocol on Access, Sharing and Usage of Data, technical works are ongoing for data access through the e-nabız system.

### **[Paragraph 146]**

#### **[1st Part]**

The following facts have been revealed following an inquiry regarding the sentenced prisoner in Iğdır S-Type Closed Prison:

The prisoner was admitted to the establishment on 7 March 2023. He was taken 25 times to the infirmary until 9 October 2023 and had no complaints until that date regarding the opioid agonist therapy he had. During the examination the inmate had on 9 October 2023, upon his request, his referral to the psychiatric department was decided. On 16 October 2023, he was taken to the Psychiatry Department of Iğdır State Hospital, where the remark "Planned referral to AMATEM on [the patient's] request" was made.

On 17 November 2023, the inmate was taken to the Department of AMATEM (Alcohol and Substance Addiction Treatment Center) at the Van Training and Research Hospital. During the examination, the following remark was recorded: "The opioid value came out positive. It is suspected that he might still be continuing substance abuse and it is recommended that the

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patient be reevaluated one week later and get symptomatic therapy in the meantime". He was prescribed medicine, which were given under control.

The last time the prisoner was taken to the Department of AMATEM at the Van Training and Research Hospital was on 29 August 2024, during which a report for medications was issued, the medications were prescribed and handed to the inmate under control.

The inmate's regular examinations and referrals to hospital were made. His general state of health is good and his treatment has been followed with care by the establishment he is held.

Moreover, under the heading "Mental Problems" of the program YARDM, the individual intervention programs of "Alcohol and substance addiction" and "Cigarette (tobacco) addiction" as well as the group intervention program "Tobacco, Alcohol and Substance Addiction Program (SAMBA)" are applied.

Furthermore, work is in progress for the opening of rehabilitation type prisons for prisoners with addiction problems.

### *[2nd Part]*

Furthermore, through the assignment of a psychiatrist on certain days of the week at medical facilities in the nature of hospitals in the prison campuses of Ankara, İstanbul and İzmir, assistance will be offered to prisoners with addiction problems. For this particular service, the Ankara Prisons Campus Hospital, İstanbul Marmara Prison Hospital and İzmir Aliğa Prisons Campus Hospital have been designated. Psychiatric assistance is also offered to inmates with substance addiction, who apply to the psychiatric clinic of Prison Campus hospitals. Regular treatment and checks are continued for inmates with such previous conditions. Newly-admitted sentenced prisoners with addiction are also included in the rehabilitation program.

Medical records relating to the examinations carried out are stored in the Hospital Information Management System on the same day. Recommendations pertaining to the infirmary or psychosocial service of the prison are sent and communicated to prisons in response to their letters for referral to hospitals.

### **[Paragraph 147]**

With a view to making an early diagnosis of transmissible diseases and preventing their spread among prisoners, voluntary Hepatitis B/C and HIV tests are done for newly-admitted prisoners as well as those serving their penalty.

In prisons, vaccination programs are made in accordance with the Extended Immunization Program of the Ministry of Health for protection against transmissible diseases and against their transmission in prisons. Ensuring the necessary cooperation with provincial health directorates, training is provided for the prisoners and staff on protection against transmissible diseases and the importance of preventing transmission.

As regards training on hygiene, in accordance with the instructions conveyed in Article A § 2, titled "Hygiene, Fighting Vectors, Medical Waste and Use of Tobacco Products" of the Circular no. 172 of 6 January 2020, which reads: "provincial/district education directorates and prison staff shall provide hygiene training for all prisoners, pursuant to the 'Regulation on Hygiene Training', promulgated on 5 July 2013", all necessary measures are taken.

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Within the framework of the Regulation on Hygiene Training, hygiene trainings are planned in prisons, education is given and the procedure and principles are determined on transmissible and skin diseases preventing work and how to identify that the person has recovered from these diseases.

The following facts have been revealed as a result of the inquiry carried out as regards the allegation that prisoners with HIV are being segregated in Antalya S-Type Closed Prison:

The sentenced prisoner in question is among the dangerous prisoners as per Article 9 § 3 of the LESSM. Taking into account both his situation as having a transmissible disease and the provision cited above, he is being held in a single room. Recently on 12 August 2024, the prisoner took a staff member hostage for over an hour and compromised the order and security of the establishment. Following this incident, he was transferred to Van High Security Closed Prison and has been serving his term there ever since.

### **[Paragraph 148]**

Article 50 (“Use of Constraining Devices”) of the LESSM reads:

“(1) In no case shall chaining or ironing be implemented as a measure.

Handcuffs and other body restraints may be used:

a) To prevent escape during referral or transfer, on condition that they are removed when the convict is brought before the competent authority;

b) For medical reasons, under the doctor’s guidance and supervision; or

c) By order of the highest authority of the institution, where other methods of control fail, in order to prevent the convict from injuring himself or others or causing damage to property.

(2) The provision of item (a) in the first paragraph shall not apply to minor convicts.”

It is laid down in Article 123 of the Regulation on the Administration of Prisons and Execution of Sentences and Security Measures that:

“(1) In no case shall chaining or ironing be implemented as a measure. Handcuffs and other body restraints may be used:

a) With the exception of minor prisoners, to prevent escape during referral or transfer, on condition that they are removed when the convict is brought before the competent authority,

b) During the examination, diagnosis and treatment to be performed on the convict at the infirmary of the establishment or medical institution, at the request and supervision of the prison doctor or physician if it is deemed necessary for the safe conduct of the examination, diagnosis and treatment procedures,

c) In the event that other methods would be insufficient, in order to prevent the convict from injuring himself or others or causing damage to property, by order of the highest authority of the institution.”

The following provisions are contained in Article 35 (“Protection of Remand and Convicted Prisoners in Healthcare Institutions”) of the same Regulation:

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“(1) Among remand and sentenced prisoners, those who get ill shall, as a principle, receive treatment in their infirmaries. The protection of those who have been sent to other healthcare institutions in compelling circumstances shall be made by the gendarmerie.

(2) In healthcare institutions, the opinions of the gendarmerie shall be taken in advance as regards special spaces where prisoners may be kept, these places shall be prepared and be always ready for service and well maintained. Prisoners transferred to healthcare institutions shall be placed in these spaces, by taking the measures in accordance with the principles envisaged in laws and be protected by the gendarmerie.”

Moreover, the following provisions are laid down in Article 38 of the Protocol between the Ministries of Justice, Interior and Health on the Administration, External Protection, Referral and Transfers of Prisoners and the Implementation of Healthcare Services:

“Article 38. (1) Secure examination rooms with restraints against escape shall be established in hospitals where prisons are also located.

(2) The examination of remand and convicted inmates in hospitals shall be carried out in secure rooms having restraints against escape. The gendarme officer shall remain outside the room and take the necessary security measures. In case the doctor requests so in writing, the gendarme officer, and in the event of a female prisoner, a female custody officer, where possible, shall remain in the examination room.

(3) However, any request contrary to the law by remand and convicted inmates during the examination shall immediately be communicated by the healthcare staff to the gendarmerie patrol command officer.

(4) Until the completion of secure examination rooms in hospitals for remand and convicted inmates, the gendarme officer remains inside the examination room and takes preventive measures in a distance where the conversation between the doctor and the patient cannot be heard. In the event of a female inmate, where possible, female gendarme officers shall be assigned in the examination room or place for diagnosis. In case a female gendarme officer does not exist or their number is insufficient, a female prison guard shall maintain security.

(5) In case the security of the examination room or place for diagnosis is maintained by a female prison guard, the gendarmerie shall take the necessary measures against escape at the exits of the examination room or place for diagnosis”

Finally, Article 155 of the By-Law provides:

“(1) Under no circumstances can chains or fetters be used as a measure. Handcuffs and other body restraints may be used:

a) Save for minor sentenced inmates, to prevent escape during referral or transfer, on condition that they are removed when the convict is brought before the competent authority;

b) During the examination, diagnosis or treatment of the convict in the infirmary of the establishment or medical institution, in case it is deemed necessary for the safe conduct of such actions, upon the request and under the supervision of the physician of the prison or doctor.

c) By order of the highest authority of the institution, where other methods of control fail, in order to prevent the convict from injuring himself or others or causing damage to property.”

In this context, all the necessary measures to maintain the safety of prisoners during referrals and transfers and to prevent escape, which are not detrimental to health, such as using handcuffs, restrain the person from the arms or forming a circle with sufficient number of officers, are done by law enforcement (gendarmerie) officers.

The question of whether handcuffs should be removed during the medical examination of prisoners brought to healthcare institutions is at the discretion of the physician under Article 50 § 1-b of the LESSM.

**[Paragraph 149]**

(i) As regards the treatment of the prisoner Ö. A., who is held in Van High Security Prison and has a severe mental disorder, from 6 December 2019 on, the date on which the prisoner was admitted to the establishment, he was referred at regular intervals to the psychiatry department. A total of 41 referrals to the psychiatry department have been made. On 29 November 2021, he was referred by the Psychiatry Department at Van Regional Training and Research Hospital to Adana Ekrem Tok Psychiatric Hospital. On 12 January 2022, the specialist at the latter hospital noted “treatment planned. Antisocial personality disorder, no indications for inpatient treatment” in the report. On 26 May 2022, he was referred by the Psychiatry Department at Van Regional Training and Research Hospital to the Psychiatry Department of Elazığ City Hospital. On 4 July 2022, at the latter hospital, the specialist’s report drawn up following the examination contained the remark: “transfer to the provincial prison appropriate, follow-up by the psychiatry department recommended”.

The prisoner was most recently on 29 February 2024 taken to the Psychiatry Department at Van Regional Training and Research Hospital, where the specialist referred him to the Psychiatry Department of Elazığ City Hospital. On 4 April 2024 he was taken to the latter hospital and discharged on 24 May 2024 following treatment actions. The specialist report had the following remark: “transfer to the provincial prison appropriate, follow-up by the psychiatry department recommended”. The psychiatric examinations of the prisoner have been done regularly and finally on 4 July 2024 he was examined at the Local Psychiatry Department of Van Regional Training and Research Hospital. The relevant physician prescribed medicine and asked for follow-up on the end of the medication use.

(ii) O. K. was transferred on 27 November 2023 from Aksaray T-Type Closed Prison to Antalya S-Type Closed Prison due to compelling reasons. In his first examination on 28 November 2023, it was found that he received psychological therapy, no signs of violence or ill-treatment was recorded and he did not suffer from any chronic or transmissible disease.

From 28 November 2023 to 26 August 2024 he was taken a total of 16 times to the infirmary of the establishment due to the illnesses/symptoms of “acne, depression, nausea, abscess, dermatitis, tinea pedis, tooth decay, psychosis and anxiety disorder”, regarding which examinations were made and medicines were prescribed.

The latest examination at the infirmary was done on 21 August 2024 for a soft tissue disorder when medicines were prescribed and handed to the inmate.

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From 28 November 2023 to 26 August 2024 he was taken for 14 times to the Psychiatry Department at Antalya Regional Training and Research Hospital and six times before the psychiatrist visiting the establishment. He was referred to the Manisa Psychiatric Hospital two times due to “harming himself and others, antisocial personality disorder, and multiple personality disorder”. The necessary examinations and diagnoses were made and medications were prescribed, medicine was applied daily by the establishment.

Finally he was examined by the psychiatrist visiting the establishment on 21 August 2024, when he was talked to and convinced to the benefits of the medical treatment and medicine were prescribed. The medicine was applied daily under control.

From the day he was admitted, psychiatric checks in respect of the inmate were regularly done and currently he gets Risperdal Consta 50 mg at 15-day intervals, the latest injection being done on 16 August 2024. In addition, he uses Gyrex 400 2x1. The inmate is given the daily doses and is followed with care.

On 6 March 2024, as a result of the examination in Manisa Psychiatric Hospital, the following remark was made: “patient examined. As no space exists at the prisoner ward, could not be admitted as inpatient. The patient will be admitted as inpatient after having an appointment”. Therefore, by an official letter, on 7 March 2024 appointment was requested from Manisa Psychiatric Hospital for inpatient treatment.

The Hospital informed on 19 March 2024 that the prisoner’s admission for inpatient treatment was scheduled on 17 July 2024 and the necessary planning was made on the matter.

On 17 July 2024 he was admitted to inpatient treatment at Manisa Psychiatric Hospital and was discharged on 31 July 2024.

All the necessary care is displayed for the inmate to continue his treatment. His psychiatric drugs are administered strictly by the prison staff as day and night doses by making sure that he ingests the pills. The inmate’s Risperdal Consta 50 mg injection is also done at 15-day intervals and his treatment is followed-up. The inmate is checked at regular intervals by the psychiatrist assigned by the provincial health directorate, who visits the establishment weekly.

Upon the petition of 14 August 2024 by the inmate, who stated that he no longer wished to get psychiatric medicine, medicine therapy was ceased. On 21 August 2024, he was examined by the psychiatrist visiting the establishment and resumed medicine treatment. His medicine is applied as daily doses and his treatment is closely followed.

(iii) While A.Y. (79) was serving his sentence in Van F-Type High Security Prison on convictions for “falsification of official documents” and “killing with premeditation with the motive of blood feud”, on 17 May 2024 he was released as per the Presidential Pardon under Article 104 of the Constitution.