

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 20 to 29 September 2022

The Government of Türkiye has requested the publication of this response. The CPT's report on the 2022 visit to Türkiye is set out in document CPT/Inf (2026) 39.

Strasbourg, 12 October 2026

**COMMENTS BY THE TURKISH GOVERNMENT IN RESPONSE TO THE
REPORT BY THE EUROPEAN COMMITTEE FOR THE PREVENTION OF
TORTURE AND INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT
(CPT) ON ITS VISIT TO TÜRKİYE FROM 20 TO 29 SEPTEMBER 2022**

Executive Summary page 3:

"Foreign nationals detained under immigration legislation

The CPT expresses its appreciation of the measures taken by the Turkish authorities over the past several years to provide protection, shelter and support to the world's largest refugee population and acknowledges the tremendous challenges posed by the unprecedented number of migrants arriving in Türkiye. The Committee also notes the measures taken to modernize the physical infrastructure used for immigration detention and to ensure that the administrative detention of foreign nationals is used as a last resort.

Further, whilst welcoming the adoption of a legal provision according to which unaccompanied minors shall not be held in removal centers, the CPT considers that additional efforts should be made to avoid detaining families with children in removal centers and to ensure that when, exceptionally, children are held in a removal center, the deprivation of liberty is for the shortest possible time."

Comment: The principle of administrative detention as a last resort is an important principle in irregular migration proceedings. Especially for families and persons with special needs, deportation processes are carried out with alternative measures instead of administrative detention, except in required cases. In this context, the Department of Irregular Migrant Monitoring was established on October 29, 2021 and it is aimed to monitor the deportation processes of irregular migrants outside the Removal Centers. In addition, the Regulation on Alternative Measures to Administrative Detention (Annex-1) was issued and entered into force on September 14, 2022. In the light of these developments, observing international principles and standards in terms of not restricting personal freedom and minimizing public spending, alternative measures to administrative detention are prioritized for many irregular migrants, especially families with children, and administrative detention is applied as a last resort.

Deportation and administrative detention decisions are not taken for children under the age of 18. If parents, who have been subject to deportation and administrative detention orders, request to bring their children with them, they are allowed to stay in the center under appropriate conditions, accompanied by adults. The following measures have been taken for families deemed necessary to stay in Removal Centers:

- Families with children who are admitted to the centers are housed together. They are not accommodated with anyone other than their family members.

- Important needs of the child, such as supplementary food and diapers, are met immediately and uninterruptedly.

- Teachers are assigned by the Provincial Directorate of National Education for the education of the children.

- Children are allowed to spend time with their families in playgrounds set up in each center and in playgrounds set up outside the center building. Thus, the adverse impact of administrative detention for children are minimized.

Executive Summary page 3:

"The vast majority of the foreign nationals interviewed by the delegation in the establishments visited stated that they were treated correctly by staff and made no allegations of ill treatment. However, at Gaziantep Removal Center the delegation received a few allegations of physical ill treatment (such as punches to the body) by custodial staff."

Comment: The prohibition of ill-treatment of detainees has been communicated in writing and verbally to all staff more than once. In addition, personnel from all branches working in Removal Centers, especially security guards, are given trainings on basic human rights, non-discrimination, and prohibition of ill-treatment. In addition, the Removal Centers are monitored by cameras 24 hours a day, cases submitted through complaint mechanisms are carefully examined, and judicial and administrative proceedings are initiated immediately in case of any suspicion. Regarding ill-treatment allegations, Removal Centers are frequently inspected by internal and external oversight mechanisms and the principle of zero tolerance for ill-treatment is applied. The Directorate has prepared Guidelines for the Inspection of Removal Centers (Annex-2) together with the International Organization for Migration (IOM) for the benefit of those authorized to inspect the aforementioned issues.

Executive Summary page 3:

"Further, at Silivri Removal Centre, several accounts were heard from women of the use of excessive force (with truncheons) by gendarmerie officers in the context of their interventions to stop inter-detainee violence. In addition, at Gaziantep, Silivri and Istanbul-Tuzla Removal Centres, a number of foreign nationals complained about verbal abuse and disrespectful language by some custodial staff and gendarmerie officers."

Comment: The incidents of riots and turmoil in Gaziantep, Istanbul Silivri and Tuzla Removal Centres were intervened by the Gendarmerie personnel in accordance with the "Guidelines on the External Protection of Removal Centers and Transfer and Transport Services for Foreigners". In this context, caution was exercised against ill-treatment and excessive use of force in accordance with the obligations to respect human rights. However, all personnel have been warned about ill-treatment and excessive use of force, and it has been reported that the personnel who do not behave accordingly will be given the appropriate punishment specified in the legislation.

Executive Summary page 3:

"At Gaziantep, conditions in several rooms were cramped and a number of detainees had to sleep on mattresses placed on the floor. Further, at Tuzla Removal Center several of the accommodation containers were in a poor state of hygiene."

Comment: Each person taken into administrative detention is provided with a clean bed, pillow and bed linens. Since it is unpredictable how many irregular migrants will be apprehended, some centers may experience overcrowding from time to time. However, in these cases, which last for a very short period of time, capacities are brought back to normal by transferring some to another center or applying an alternative measure to administrative detention in accordance with the situation of the person after the necessary planning is made. In any case, even in cases of overcrowding, all foreigners are provided with a bed where they can sleep comfortably.

Tuzla Removal Center is one of the centers with high circulation. Measures have been taken to improve the hygiene of the containers. After the delegation's visit, the renovation works of Tuzla Removal Center were initiated and a significant part of them were completed. In this context, first of all, it was aimed to eliminate the problems arising from the infrastructure of the facility, the broken floors of the containers were dismantled and reinforced with iron profiles. Afterwards, the floors were covered with cement bonded particle board and covered with PVC flooring. Broken shower heads, fountains, dents on the ceiling in bathrooms and toilets were repaired. The pipes and drains of all bathrooms and toilets were checked and the faulty ones were repaired. The drains were then covered with cement bonded particle board and reinforced with waterproof insulation materials. All underground fire lines were renewed and those that were possible were taken into the installation gallery. All installation pipes in the added installation gallery were renewed. The pipe type was determined as geothermal pre-insulated pipe. With this pipe, it is planned to minimize heat losses. A waste water pump was added to prevent water filling in the installation gallery. Gratings were added in the boiler room and storage room. Ventilation fans have been added to prevent problems such as corrosion due to moisture in the installation gallery. In addition, in 2023, Tuzla Removal Center's extensive renovation work, including the removal of deformations and dents on the exterior facades of the containers, pouring asphalt, strengthening the wire fences in the inner courtyard, roof renewal, renewal of doors, windows and railings, has been included in the plans.

Executive Summary page 4:

"However, the minimum entitlement of one hour of outdoor exercise per day was not always guaranteed at Gaziantep and Silivri, including in respect of women with children. By far the worst situation observed was at Tuzla Removal Center; it appeared that foreign nationals were usually locked up in their container rooms for more than 23 hours per day."

Comment: In accordance with one of the criteria accepted by the European Committee for the Prevention of Torture (CPT), which is to benefit from at least one hour of open air, foreigners have the opportunity to benefit from open air for at least one hour a day. This is a routine practice. If the camera records of the aforementioned Removal Centers are examined, rather than a snapshot, it will be seen that it is a regular practice that allows foreigners to benefit from open air for more than one hour. During this period of time, it is possible for foreigners to access social areas such as gardens, sports fields, etc. within the facilities of the center.

The minimum limits for open air are regulated by the Directive on Removal Centers dated 16 October 2015 (Annex-3) and are applied in all Centers without exception. In addition, taking into account the recommendations made after the CPT inspection, the issue was taken into consideration with the letter of Presidency of Migration Management dated 11.10.2022 and numbered 118857 (Annex-4).

Executive Summary page 4:

"Whilst acknowledging that most foreign nationals were held in the latter two establishments for only short periods of time (days rather than weeks), the CPT considers that at least a basic minimum of activities (such as providing access to television or other appropriate means of recreation) should be introduced."

Comment: The following measures have been taken to ensure that those detained in Removal Centers can spend time in meaningful activities, that children can participate more in educational activities and have more access to outdoor exercise, and that they can spend more time in playgrounds:

- Playgrounds have been created for children inside and outside the center. Children have access to these areas at any time of the day under the supervision of their families in accordance with weather conditions.
- Regarding the issues mentioned in terms of social activities, the Psychosocial Support Unit, which is staffed by psychologists and social workers employed in each center, carries out activities in various fields such as education, training, handicraft courses, painting, art therapy, cultural, artistic and sports activities for both accompanied children and adults in order to minimize the negative factors that may come with keeping people in a closed environment.
- Special activities and celebrations are organized for women shelters on special days for women such as Women's Day and Mother's Day, and for children on days such as April 23rd National Sovereignty and Children's Day.
- Indoor and outdoor sports halls have been established within the facility for sports activities.
- Nursery activities for children were made available in the centers and a Protocol (Annex-5) was signed between the Ministry of Interior and the Ministry of National Education on March 16, 2022 to ensure that children effectively benefit from the right to basic education.
- For women, educational and training activities, especially social activities such as handicraft courses, etc. are organized.
- Foreigners have access to the center's TV rooms and libraries. The libraries are stocked with books in the languages most commonly used by the residents.
- Books have been purchased for the development and enrichment of the libraries and will be distributed shortly.

Tuzla Removal Center is not used for long-term stays. It is mostly used as a station for irregular migrants apprehended in Istanbul to be transferred to other Removal Centers. Its physical structure is formed of container accommodation areas accordingly. Activities suitable for short-term stays are tried to be carried out. Despite these, in 2022, 510 events were held at Tuzla

Removal Center with the participation of 4728 shelters and 7680 events were held at Silivri Removal Center with the participation of 7680 shelters, while in the first five months of 2023, 155 events were held at Tuzla Removal Center with the participation of 1750 shelters and 305 events were held at Silivri Removal Center with the participation of 4254 shelters.

In addition, a guidance document (Annex-6) was prepared with the IOM within the scope of the project Supporting the Capacity of Removal Centers and Developing Alternative Measures to Administrative Detention, which includes standard principles on the need for leisure activities and spaces in Removal Centers.

In addition, a workshop will be held with the Ministry of National Education and teachers working in Removal Centers in order to improve and enrich the educational activities carried out in Removal Centers in the framework of the Rules of Operation of Removal Centers and Educational Activities Provided in Removal Centers.

Executive Summary page 4:

"The visit revealed that some progress had been made since the 2017 visit as regards the presence of doctors in removal centers; the healthcare staff in all the establishments visited included the equivalent of at least one full-time doctor. It is also positive that Gaziantep and Tuzla Removal Centers benefited from the round-the-clock presence of nursing staff.

However, the CPT notes that Tuzla, Edirne and Gaziantep Removal Centers had a very high turnover of immigration detainees. This placed an extremely heavy workload on the healthcare staff working in these centers, with the result that the provision of healthcare to foreign nationals was generally limited to symptomatic control. It is also a matter of concern that, despite the specific recommendations repeatedly made after previous visits, no proper medical screening was usually carried out on newly admitted foreign nationals in any of the removal centers visited and medical confidentiality was still far from guaranteed."

Comment: Foreigners accommodated in Removal Centers are admitted to the center with a physician's report, the health status of the foreigner is assessed during admission to the center, the status of foreigners with chronic diseases or those taking medication daily is taken into consideration. The medications used, diagnosed diseases, examination in the health institution, the result of the physician's examination are kept in the health records. Depending on the capacity of the center, each center is staffed with at least one doctor and one health care staff to work on a full-time basis during working hours. In line with the protocol signed between the Ministry of Interior and the Ministry of Health, they can be referred to secondary or tertiary health service providers affiliated to the Ministry of Health in cases where it is not possible to treat foreigners in the centers. If there is no tertiary health service provider of the Ministry of Health in the same province or if the treatment cannot be provided, they may be referred to a university hospital within the province, and if there is no university hospital or the treatment cannot be provided, they may be referred to a private health service provider within the province. The referral decision is made by the physician in charge at the center. The foreigner is readmitted to the center after receiving the necessary treatment and the prescribed medication.

During admission to the center, detainees go through a psychosocial assessment by an expert psychologist or a social worker, taking into account some criteria such as illnesses, pregnancy,

age, disability, being a single mother or father with an accompanying child, unaccompanied child, individuals with antisocial personality traits, sexual orientation, chronic illnesses, current drug use or drug use history. People are referred to relevant specialists and institutions according to the vulnerabilities identified in this assessment.

With our letter dated 10.10.2022 and numbered 118573 (Annex-7) regarding the privacy of the shelters during access to health services, the directorates of the centers were instructed to carry out the health services provided in the Removal Centers according to the principles of medical confidentiality and personal privacy. A protocol was signed between the Ministry of Interior and the Ministry of Health in order to improve the standard procedures of health services provided at the Removal Centers and to ensure the deployment of sufficient health equipment and health personnel. (Annex-8) With the protocol, all foreigners who are admitted will undergo health screening.

Brochures on prevention and protection against common communicable diseases in Removal Centers were prepared and distributed to all Removal Centers. In addition, standard operating procedures were developed for referral mechanisms to public health institutions and a Guide for the Management of Common Communicable Diseases in Removal Centers (Annex-9.1.) and a standard operating procedure for the prevention of communicable diseases (Annex-9.2.) were prepared.

Executive Summary page 4:

"As regards legal safeguards, notification forms regarding the imposition of removal and detention orders with information on rights (including legal remedies) were usually presented to foreign nationals upon their admission to a removal centre. However, many foreign nationals claimed that they had not been given time to read the notification forms before signing them and were thus not aware of their contents. Further, numerous complaints were once again received from recently arrived foreign nationals that they had not been given an opportunity to notify their family of their detention and whereabouts."

Comment: Foreigners who are admitted to the center are provided with written and verbal information on legal guarantees, matters to be notified, center rules and legal aid in a language understood by the foreigner. The Shelter Rights Guide (Annex-10), which explains the services provided at the centers and the rights of the shelter residents, was updated with the help of an academician and distributed to the centers. A workshop was held in partnership with IOM and the United Nations High Commissioner for Refugees (UNHCR) on the translation, printing and distribution of notification forms, information notes, reports and brochures used in the centers. These documents will be translated into 10 languages and distributed to the centers. There are also posters and brochures on legal aid in the 7 most spoken languages in the centers. (Annex-18) Drafting of a standard working procedure with the UNHCR on increasing cooperation with bar associations on legal aid and access to a lawyer and improving its effectiveness has reached the final stage.

Infographic videos and posters in different languages were prepared in cooperation with the UNHCR and the IOM in order to provide information on the procedures, rights and obligations of foreigners in a more effective manner. These videos and posters will be translated into 10 languages. In this way, it is aimed to inform foreigners of their rights and obligations within

the center through monitors placed in the areas where foreigners are received in all centers. The processes for the completion of the said activity are ongoing and the information videos on the rules of the center and the rights of foreigners are in the design stage and will soon be ready for use to be shown to every foreigner admitted to the Removal Centers. In addition, with the aforementioned tools, it is aimed to establish an effective mechanism for foreigners to access information within the center.

In order for the detainees to reach their family members, legal representatives or to obtain information, payphones are located in appropriate areas of the center. Phone cards are provided free of charge for financially disadvantaged foreigners. In this context, 81.312 phone cards were distributed free of charge, 48.616 in 2021, 27.039 in 2022 and 5.657 on 15.05.2023. In addition, foreigners are given the opportunity to meet with their family members via online platforms such as Skype in Removal Centers where technological facilities allow.

The detainee is provided with the opportunity to meet with his/her legal representative. The meetings are held in the interview room in accordance with the attorney-client privacy rules. The detainee has the right to meet with a lawyer without a power of attorney three times. Such lawyer can examine the center's non-confidential documents. In case a power of attorney is presented, the lawyer can also obtain a copy of non-confidential documents.

COMMENTS ON THE VISIT TO REMOVAL CENTERS

[Paragraph 12]

With the Regulation on Alternative Measures to Administrative Detention (Annex-1), which entered into force on 14 September 2022, alternative measures to administrative detention have become more widely and effectively applied. A total of 116.969 irregular migrants, 94.962 in 2022 and 22.007 until 05.05.2023, were subjected to alternative measures. In this context, the Department of Irregular Migrant Monitoring was established on 29 October 2021, with the aim of monitoring the deportation processes of irregular migrants outside the Removal Centers.

[Paragraph 13]

The principle of administrative detention as a last resort is an important principle in irregular migration proceedings. Especially for families and individuals with special needs, deportation processes are carried out with an alternative measure instead of administrative detention, except in mandatory cases. In this context, the Department of Irregular Migrant Monitoring was established on 29 October 2021 to monitor the deportation processes of irregular migrants outside the Removal Centers. The Regulation on Alternative Measures to Administrative Detention (Annex-1) was issued and entered into force on September 14, 2022. In line with international principles and standards in terms of not restricting personal freedom and cost to the public, alternative measures to administrative detention are prioritized for many irregular migrants, especially families with children, and administrative detention is applied as a last resort.

Deportation and administrative detention decisions are not taken for children under the age of 18. If parents, who have been subject to deportation and administrative detention orders, request to bring their children with them, they are allowed to stay in the center under appropriate

conditions under the accompaniment of adults. The following measures have been taken for families deemed necessary to stay in Removal Centers:

- Families with children who are admitted to the center are housed together. They are not allowed to stay with any foreigner other than their family members.
- Basic needs of the child, such as supplementary food and diapers, are met immediately and continuously.
- Teachers from the Provincial Directorate of National Education are assigned for the education of the children.
- Children are allowed to spend time with their families in playgrounds set up in each center and outside the center building. This minimizes the negative effects of administrative detention for children.

[Paragraph 14]

The Presidency of Migration Management and other relevant stakeholder institutions regularly train the staff working in Removal Centers, especially private security guards, on human rights, prohibition of torture and ill-treatment, intercultural communication, anger management and secondary trauma. Through these trainings, it is aimed to ensure that all personnel working in the center treat the detainees with respect for human rights and dignity.

The "United Nations Supplementary Guidance on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol)" has been added to the training curriculum for the staff of the Removal Centers. In addition, the training curriculum was enriched with topics such as human rights, recognition of different cultures, communication, and country of origin. Many different project activities (Annex-11) are carried out to improve the capacity of staff, in particular the Project on Supporting the Capacity of Removal Centers and Developing Alternative Measures to Administrative Detention carried out with UNHCR and IOM. In this context, all managers and staff working in the Removal Centers have been trained on all necessary subjects. The agendas of some of the trainings organized on different topics on various dates are attached as Annex-12.

In order to psychologically support the staff of the Removal Centers, an employee support guide was prepared. All personnel were trained on this manual by experts trained as trainers. In addition, within the scope of the Psychosocial Support Services Directive (Annex-13), psychosocial support staff working in the centers also provide support to the staff of the Removal Centers. In addition, a Workplace Stress Management Guide for Psychosocial Support Workers (Annex-14) was prepared in cooperation with the IOM under the COVID-19 pandemic.

Support is provided for staff to improve their language skills, in the form of facilities to attend classes and partial reimbursement of course fees.

[Paragraph 18]

The prohibition of ill-treatment of detainees was communicated in writing and orally to all staff on more than one occasion. In addition, trainings on basic human rights, non-discrimination, prohibition of ill-treatment, etc. are provided to the staff of all branches working in the Removal Centers, especially security officers.

Furthermore, while the referral and transfer services are planned in all Removal Centres by the Gendarmerie General Command, personnel planning is carried out by evaluating the legal status, quality and quantity of the foreigner who has been transferred. For the professional development of the staff, removal centre focused distance/face-to-face trainings and trainings on effective communication techniques, public relations, conflict and stress management, anger management, communication and interpersonal communication, have been provided.

The incident in Gaziantep Removal Center took place on 26 July 2022, before the delegation's visit. The relevant center directorate detected the incident on August 04, 2022 and submitted the minutes, camera footage and other documents kept by the authorities of the Removal Center to the police department and initiated an administrative investigation on August 05, 2022 and filed a criminal complaint to the Prosecutor's Office. Following the administrative investigation, one private security guard was dismissed by the Disciplinary Board on August 9, 2022 and 5 private security guards were subjected to various disciplinary penalties. Regarding the judicial investigation, the prosecutor's office decided not to prosecute.

[Paragraph 19]

As part of the security measures taken, as any sovereign country does, no one is allowed to come to our borders and attempt to cross illegally. At the Iranian border, where irregular migrants have been attempting to cross, more stringent measures are being taken to reduce the pressure of irregular migration towards our country.

In the judgment of the European Court of Human Rights (ECtHR) dated 13.02.2020 in the case of N.D. and N.T. v. Spain, the Court ruled that there was no violation of the prohibition of collective expulsion under Article 4 of Protocol No. 4 to the European Convention on Human Rights and that the right to an effective remedy under Article 13 was not violated in the deportation of two foreigners with an expedited procedure in the case of mass illegal entry into Spain through Morocco by crossing the fence in the city of Melilla. The Court held that they had rendered themselves illegal by entering Spain in an improper manner, by forcefully and deliberately breaking through the wall, using mass force, without using the legal means of applying for asylum in Spain. It is noteworthy that the Court, in reaching this conclusion, specifically considered the "illegal behavior" of the applicants as a new assessment criterion.

In this context, Türkiye's policy to combat irregular migration is to prevent irregular migrants who try to cross our borders illegally from entering our country by using technical and physical means and to protect our borders, and it is carried out in accordance with the ECtHR's decision in favor of Spain.

Within the scope of the protection of our borders, activities to prevent irregular crossings continue and the measures taken in this context are carried out with an approach that respects human rights and prioritizes human life. Within the framework of national and international

legislation for irregular migrants who somehow enter the country, the processes related to international protection are monitored and then deportation processes are followed.

Irregular migrants who are detected to have entered the country illegally are not pushed back, but are registered in the irregular migration common database by our law enforcement units and are delivered to removal centers after health checks are carried out. After the necessary information and notifications are made to the foreigners against whom administrative decisions are taken, their Removal process is initiated. In this context, in 2022, 17,991 irregular migrants, including 12,825 in Van, 4,155 in Ağrı, 784 in Iğdır and 227 in Hakkari, and 26,114 irregular migrants in all eastern provinces were apprehended and delivered to removal centers.

Within the scope of border security, all physical and technical measures are taken to prevent illegal crossings at our borders and capacity strengthening efforts are continued and no foreigner within the country is subjected to an inhumane practice such as push back, which is contrary to human rights. Regarding the improvement of notifications and translation services:

- If the notification form to be signed is signed without an interpreter, the phrase "I have read and understood" is added in handwriting in the foreigner's own language.
- If the foreigner has an attorney or legal representative, the notification is made to the foreigner's attorney or legal representative.
- For illiterate foreigners, after the notification is read to the foreigner by the interpreter, the notification form is signed with the phrase "I have fully and faithfully explained the matters in the notification to the relevant person".
- The foreigner, on the other hand, puts his/her finger on the notification form with the phrase "I understood what was explained to me".

[Paragraph 22]

The capacities of Removal Centers have been determined based on the criterion of 4 m² of living space for each foreigner. However, from time to time there is congestion due to overcrowding; this congestion is relieved by transfer to another center, acceleration of deportation processes, and active implementation of alternative practices to administrative detention for the foreigner admitted to the center.

In addition, sometimes due to the circulation in the centers, routine renovation plans have to be implemented. In such cases, the usable capacity of the centers is reduced and measures are taken to ensure that the square meter per person is not violated under any circumstances.

In any case, each person taken into administrative detention is provided with a clean bed, pillow and bed linen. Since it is unpredictable how many irregular migrants will be apprehended, some centers may experience overcrowding from time to time. However, this situation lasts for a very short time and capacities are brought back to normal after the necessary planning is done by transferring to another center or applying an alternative measure to administrative detention in accordance with the situation of the person.

[Paragraph 23]

After the delegation's visit, Tuzla Removal Center has been under renovation. First of all, it

was aimed to eliminate the problems arising from the infrastructure of the facility, the broken floors of the containers were dismantled and reinforced with iron profiles. Afterwards, the floors were made of cement bonded particle board and covered with PVC flooring. Broken shower heads, fountains and dents on the ceiling in bathrooms and toilets were repaired. The pipes and drains of all bathrooms and toilets were inspected and the faulty ones were repaired. The drains were then covered with cement bonded particle board and reinforced with waterproof insulation materials. All underground fire lines were renewed and those that were possible were taken into the installation gallery. All installation pipes in the added installation gallery were renewed. The pipe type was determined as geothermal pre-insulated pipe. With this pipe, it is planned to minimize heat losses. A waste water pump was added to prevent water filling in the installation gallery. Gratings were added in the boiler room and storage room. Ventilation fans have been added to prevent problems such as corrosion due to moisture in the installation gallery.

In 2023, Tuzla Removal Center is planned to undergo a major renovation including the removal of deformations and dents on the exterior of the containers, pouring asphalt, strengthening the wire fences in the inner courtyard, roof renovation, renewal of doors, windows and railings.

[Paragraph 24]

Hygiene items such as soap, shampoo, toothpaste, sanitary pads, wet wipes, etc. are distributed to the detainees from the moment they enter the center. Hygiene items are regularly procured as they are constantly consumed and any decrease in stocks is notified to the Directorate in advance and re-supply is ensured. High numbers of transfers to the centers and high number of apprehensions cause a sudden increase in demand for some hygiene items, which is resolved in a short time.

[Paragraph 27]

In line with the CPT's criterion of at least one hour of outdoor exercise, foreigners have the opportunity to enjoy open air for at least one hour per day. This period is increased in accordance with the general conditions of the center and weather conditions. During this period of time, foreigners have access to social areas such as gardens, sports fields, etc. within the facilities of the center.

The minimum limits for open air are regulated in Article 25 of the Directive on Removal Centers dated October 16, 2015 (Annex-3). In addition, taking into account the recommendations given after the CPT's visit, the issue was taken into consideration with the letter of Presidency of Migration Management dated 11.10.2022 and numbered 118857 (Annex-4).

[Paragraph 31]

The following measures have been taken to ensure that those accommodated in Removal Centers are able to spend time in meaningful activities, to increase children's participation in educational activities, to increase their access to outdoor exercise and to spend more time in playgrounds:

- Playgrounds have been established for children inside and outside the center. Children have

access to these areas at any time of the day under the supervision of their families in accordance with weather conditions.

- Regarding the issues mentioned in terms of social activities, the Psychosocial Support Unit, which is staffed by psychologists and social workers employed in each center, carries out activities such as education, training, handicraft courses, painting, art therapy, cultural, artistic and sports activities for both accompanied children and adults in order to minimize the negative factors that may come with keeping people in a closed environment.

- Special activities and celebrations are organized for women shelters on special days for women such as Women's Day and Mother's Day, and for children on days such as April 23rd National Sovereignty and Children's Day.

- Indoor and outdoor sports halls have been set up for sports activities within the physical facilities of the centers.

- Nursery activities for children were started in the centers and a Protocol (Annex-5) was signed between the Ministry of Interior and the Ministry of National Education on March 16, 2022 to ensure that children effectively benefit from the right to basic education. In this context, both children and adults are provided with various courses and activities by teachers assigned from Public Education Centers.

- For women, educational and training activities are organized, especially social activities such as handicrafts courses.

- Foreigners have access to the center's TV rooms and libraries. The libraries are stocked with books in the languages most commonly used by the residents.

- Books have been purchased for the development and enrichment of the libraries and will be distributed shortly.

- Tuzla Removal Center is not used for long-term stays. It is mostly used as a station for irregular migrants apprehended in Istanbul to be transferred to other Removal Centers. Its physical structure is formed of container accommodation areas accordingly. Activities suitable for short-term stays are tried to be carried out. Despite these, in 2022, 510 events were held at Tuzla Removal Center with the participation of 4728 shelters and 7680 events were held at Silivri Removal Center with the participation of 7680 shelters, while in the first five months of 2023, 155 events were held at Tuzla Removal Center with the participation of 1750 shelters and 305 events were held at Silivri Removal Center with the participation of 4254 shelters.

- In addition, a guidance document (Annex-6) was prepared with the IOM within the scope of the project Supporting the Capacity of Removal Centers and Developing Alternative Measures to Administrative Detention, which includes standard principles on the need for leisure activities and spaces in Removal Centers.

- In addition, a workshop will be held with the Ministry of National Education and teachers working in Removal Centers in order to develop and enrich the educational activities carried out in Removal Centers on the Rules of Operation of Removal Centers and Educational Activities Provided in Removal Centers.

[Paragraph 32]

On 29 March 2023, the “Protocol of Cooperation on Healthcare Services to be Provided to Foreigners in Custody at Removal Centers” was signed between the Ministry of Health and the Ministry of Interior and was put in force.

Healthcare services in the removal center are provided by the staff appointed by the Governorships within the said province. Thanks to the Protocol, regular appointments of appropriate physician and nurse/midwives (capable of providing first aid) have been made available for each center.

Within the scope of the Project on Supporting the Capacities of Removal Centers and Developing Alternative Measures to Administrative Detention, first aid training was provided in authorized institutions for staff with different titles working in Removal Centers in Türkiye. In this context, a total of 1.402 personnel were given first aid courses by the Provincial Directorate of Health and the Ministry of Health issued certificates to the personnel who successfully completed the course. Trainings on this subject are continued on a continuous basis.

[Paragraph 40]

Foreigners accommodated in Removal Centers are admitted to the center with a physician's report, the health status of the foreigner is evaluated at the stage of admission to the center, the situation of foreigners with chronic diseases or those who need to take regular medication is taken into consideration, the medications used by the host, the diagnosed diseases, the examination in the health institution, the result of the physician's examination are kept in the health record book. Depending on the intensity of the center, each center is staffed with at least one doctor and one health officer to work on a full-time basis during working hours.

A Preliminary Assessment Form (Annex-15) is applied to all foreigners admitted to the center by psychologists to determine the foreigner's illness, regular use of medication, being a victim of violence, psychological disorders, ill-treatment, being a victim of human trafficking or any other vulnerability. If any vulnerability is detected, a more detailed interview is conducted with the foreigner. After these interviews, the identified needs of the foreigner are met, and if necessary due to their vulnerability, they are referred to the relevant institutions in order to receive the necessary treatment and support. The Procedures to be Followed in the Identification and Notification of Vulnerable Individuals dated 10.04.2023 (Annex-16) is used to identify the sensitivities of individuals and administrative detention is prioritized and Alternative Measures to Administrative Detention are applied for those deemed appropriate.

With the full implementation of the protocol signed between the Ministry of Interior and the Ministry of Health, health services will be made more comprehensive and systematic. With the protocol, all foreigners admitted to the center will be subjected to health screening.

If any evidence of ill-treatment is detected in a foreigner admitted to the center, judicial and administrative authorities are immediately informed.

Foreigners held in the centers are examined upon their temporary admission/exit and upon their permanent discharge such as transfer and deportation, during which the essential forms are filled. A patient file is created for each foreigner.

[Paragraph 42]

A protocol was signed between the Ministry of Interior and the Ministry of Health to improve the standard procedures of health services provided in Removal Centers and to ensure adequate medical equipment and medical personnel. Work has started on the development of health units in line with the demands of the Ministry of Health and the provision of necessary health equipment, which is an obligation assigned to the Directorate of Migration Management in the protocol. In addition, within the scope of the Preparation of SOP on Access to Health Services for Foreigners Staying in Removal Centers under the Supporting Türkiye's Effective Migration Management Project-II with IOM, a professor who is a medical expert visited the Removal Centers and started to work on standardizing the physical conditions and necessary equipment.

[Paragraph 43]

Medicines prescribed to a foreigner staying in the center are provided immediately. There are no disruptions in this regard. In Gaziantep Removal Center, 2,947 foreigners were provided with medicines amounting to 334,631 Turkish Liras in 2022 and 1,398 foreigners were provided with medicines amounting to 305,240 Turkish Liras in 2023.

[Paragraph 45]

As far as the physical structure of the centers allows, medical confidentiality is protected and the staff are warned accordingly. Records of the foreigner's health status are kept in the health record book and medication distribution books and are accessible only to the relevant staff.

Medical examinations of foreigners at the center are conducted in an environment that is not visible to unrelated personnel, except in cases where health personnel request otherwise. With the protocol signed between the Ministry of Interior and the Ministry of Health, medical records of foreigners will be kept only in the database of the Ministry of Health and will not be accessible to unrelated personnel, as is the case for Turkish citizens.

The rules regarding the implementation of health services in Removal Centers are determined by the Ministry of Health. The Removal Center must act in accordance with these rules set by the Ministry of Health. The doctor on duty at the time is authorized and responsible for the area in the health unit. In addition, in order to ensure privacy in medical examinations, the Directorate of Migration Management, taking into account the CPT's post-visit recommendation, sent the necessary instruction to all its units with a letter dated 10/10/2022 (Annex-7).

[Paragraph 46]

As per the "Regulation on the Establishment, Administration, Management and Oversight of Admission and Accommodation Centers and Removal Centers", the employment of translators, who ensure communication between the healthcare professionals and the patient at medical units, is realized by the Migration Management Presidency.

Translators are available to provide translation services during medical examinations. Translation can also be provided by telephone if there is a medical need for confidentiality or if requested.

[Paragraph 47]

Foreigners in need of psychological care in Removal Centers are primarily provided this support by psychologists working in the center. If the support provided at the center is not sufficient, they are referred to psychiatric clinics. There are 47 psychologists and 34 social workers working in the Removal Centers. Staff planning has been made so that at least one psychologist and one social worker provide services in each center. Some of the psychologists have received clinical training.

Mental health services in Removal Centers are carried out systematically and are continuous. In order to provide a standard in this regard, the Directive on Psychosocial Support Services in Removal Centers (Annex-13) was prepared on 31/05/2019 and has been in use since then. This Directive covers all activities necessary for the psychosocial support of an individual under administrative detention.

Psychosocial Support staff were provided with advanced training on suicide, secondary trauma and self-harm and a Guide on Prevention of Suicide and Self-Harm Behavior in Removal Centers (Annex-17) was issued. In addition, support activities are carried out for the staff of the Removal Centers who are exposed to secondary trauma and trainings are provided on how to reduce self-harm.

There is ongoing strong cooperation between health care staff and other units of the Removal Centers. Where necessary, both sides communicate as quickly as possible according to established procedures to ensure that the necessary consultation is carried out on a detainee and that appropriate treatment is provided.

[Paragraph 48]

The Presidency of Migration Management takes this recommendation of the CPT seriously. Since the report does not contain any concrete findings on the recommendation, it is not understood at what stage and where such a problem, if any, occurred. However, in ongoing practices, there is no such situation as the use of handcuffs during treatment.

[Paragraph 49]

The Cooperation Protocol on Health Services to be Provided to Foreigners under Administrative Detention in Removal Centers signed between the Presidency of Migration Management and the Ministry of Health on March 29, 2023 is attached as Annex-8.

[Paragraph 51]

Foreigners who are admitted to the center are provided with written and oral information on legal guarantees, matters to be notified, center rules and legal aid in a language that the foreigner understands. A copy of the information forms is given to the foreigner and a copy is attached to his/her file.

Infographic videos and posters in different languages were prepared in cooperation with the

UNHCR and the IOM within the scope of the Supporting the Capacities of Removal Centers and Developing Alternative Measures to Administrative Detention project in order to inform foreigners about the procedures carried out against them, their rights and obligations in a more effective manner. In this way, it is aimed to inform foreigners of their rights and obligations within the center through monitors placed in the areas where foreigners are received in all centers. The processes for the completion of the said activity are ongoing, and the information videos on the rules of the center and the rights of foreigners are in the design stage and will soon be ready for use to be shown to every foreigner admitted to the Removal Centers. In addition, with the aforementioned tools, it is aimed to establish an effective mechanism for foreigners to access information within the center.

[Paragraph 53]

Payphones are located in appropriate areas of the center for the use of the residents in order to reach relatives, legal representatives and consulates or to provide information. A phone card is provided free of charge for foreigners who are financially unable and in need. In addition, the contact information of a relative or relatives who are asked to provide information about the foreigner in the pre-assessment form applied during admission to the center is recorded. These persons are contacted when necessary.

In addition, in Removal Centers where technological possibilities allow, foreigners are given the opportunity to meet with their families and relatives via online platforms such as Skype.

[Paragraph 54]

Steps are being taken to increase cooperation with provincial bar associations to provide legal advice and effective access to legal aid to foreigners in the centers. Frequent meetings are held between the center directorates and bar association representatives on this issue and ideas are exchanged on the steps to be taken. Bar associations made 16 visits to Removal Centers in 2022 and 9 visits until 15.05.2023. A liaison staff has been appointed between the Bar Associations in the provinces with Removal Centers and the Removal Centers. When necessary, requests are communicated and problems are solved through this communication channel.

The legal aid standard working procedures guide, which we have been working on for more effective legal aid and legal counseling, has been finalized.

Legal clinics established in partnership with the Union of Turkish Bar Associations (UMT) and the UNHCR, which work in the field of legal aid, visit the Removal Centers and provide free legal assistance to shelters in need.

[Paragraph 55]

After the change of administration in Afghanistan, migrants, especially those claiming to be ex-soldiers or having problems with the new administration, are not repatriated in any way and are referred to international protection and informed about it. International protection applications of 920 foreigners in 2022 and 1805 foreigners in the first five months of 2023, mostly irregular migrants from Afghanistan, were received in the removal center.

During the deportation process, the provision of travel documents to irregular migrants of Afghanistan nationality from the center is carried out in cooperation with the diplomatic

representation of Afghanistan in our country. Officials of the Afghanistan representation conduct interviews with irregular migrants identified as Afghanistan nationals and issue travel documents to those who wish to return to their country voluntarily.

In this context, when irregular migrants are delivered to the Removal centers before these interviews are conducted, we conduct detailed interviews with all foreigners and foreigners who are found to be non-voluntary are not included in the interviews.

If it is understood that there is any uneasiness in the migrants during the period between the interviews and the departure of the plane, re-interviews are conducted with the migrants and if a risk related to return is detected, the deportation of the foreigner is suspended.

In this context, the procedures of irregular migrants of Afghanistan nationality who are subject to deportation and those in need of international protection are carried out in accordance with national and international law as explained above, and there is no push back to Iran as claimed in the report of the CPT.

Our country's fight against irregular migration continues not only within the country and in countries that are sources of irregular migration, but also at our borders. In this context, security measures are taken at our borders in order to prevent the pressure of irregular migration, which is intensely felt at our eastern borders.

[Paragraph 58]

The Directorate of Migration Management takes this recommendation of the CPT seriously. In Removal Centers, the mobile phone of the foreigner is taken into custody at the time of admission to the center. When the foreigner wants to access any information stored on his/her cell phone, he/she is allowed to do so.

Phone cards are provided free of charge for foreigners who are financially insufficient and in need. In this framework, 81,312 phone cards were distributed free of charge, 48616 in 2021, 27039 in 2022 and 5657 until 15.05.2023. In addition, foreigners are given the opportunity to meet with their families and relatives via online platforms such as Skype in Removal Centers where technological facilities allow. In this regard, necessary work is being carried out to create physical spaces and infrastructure in the centers.

[Paragraph 60]

The Directorate of Migration Management takes this recommendation of the CPT seriously. The necessary work on this issue is ongoing. In principle, secure rooms are not used for disciplinary and punitive purposes.

[Paragraph 61]

The process of drafting the legislation for foreigners staying in removal centres, which sets out the procedures and principles of disciplinary punishment to be imposed on foreigners who do not comply with the rules of the centre notified to them, is ongoing. Since the issues of informing the relevant foreigner in writing, hearing him/her in person, hearing his/her own witnesses, serving a copy of the decision to him/her, and appealing to an independent authority against the penalties, which are recommended in the content of the report, are among the basic

principles of disciplinary punishment in Turkish Law, the draft legislation is being prepared in line with these principles.

The penalties imposed will be added to the foreigner's file and recorded in a book created for this purpose. Translation services are provided to foreigners in all matters through interpreters employed at the centers. Upon request, the foreigner has the right to be assigned a lawyer within the scope of legal aid or to appoint his/her own lawyer. Currently, no disciplinary measures are taken against the detainees in the Removal Centers. When necessary, one-on-one meetings are held with undisciplined detainees to understand the reason for the behavior and to remind them of the rules that the detainee must abide by.

[Paragraph 66]

After the delegation's visit, the Tuzla Removal Center underwent renovation. First of all, the aim was to eliminate the problems related to the infrastructure of the facility, the broken floors of the containers were dismantled and reinforced with iron profiles. Afterwards, the floors were covered with cement bonded particle board and covered with PVC flooring. Broken shower heads, fountains, dents on the ceiling in bathrooms and toilets were repaired. The pipes and drains of all bathrooms and toilets were inspected and the faulty ones were repaired. The drains were then covered with cement bonded particle board and reinforced with waterproof insulation materials. All underground fire lines were renewed and those that were possible were taken into the installation gallery. All installation pipes in the added installation gallery were renewed. The pipe type was determined as geothermal pre-insulated pipe. With this pipe, heat losses are planned to be minimized. A waste water pump was added to prevent water filling in the installation gallery. Gratings were added in the boiler room and storage room. Ventilation fans have been added to prevent problems such as corrosion due to moisture in the installation gallery.

In 2023, Tuzla Removal Center is planned to undergo extensive renovation, including the removal of deformations and dents on the exterior of the containers, pouring asphalt, strengthening the wire fences in the inner courtyard, roof renovation, and renewal of doors, windows and railings.

[Paragraph 68]

The waiting areas have been revised and the existing canvas waiting areas have been removed and replaced with a reinforced concrete structure, the interior seating areas have been renewed, the electric heaters that were previously in place have been removed and replaced with an air conditioning system based on air conditioning. At the same time, a smart TV system was installed in the waiting areas for informational purposes. In the same area, clean drinking water, a prayer room and a baby care area were established. Again, by establishing a goods distribution point in the existing area, the material needs of irregular migrants under surveillance are met.

It has been instructed to all Provincial Gendarmerie Commands by the Gendarmerie General Command that:

- all personnel working in Removal Centres should be given regular training on both human rights and their field of duty,
- the arrests of irregular migrants should be completed in 24 hours, and if this is not

possible, the arrested irregular migrants should not be kept in police stations for more than (48) hours,

- suitable conditions should be created by subjecting Pre-Reception Centres and Referral Centres (including the places where immigrants are hosted in police stations) regarding the places and conditions where the arrested immigrants are hosted until they are delivered to the Provincial Directorate of Migration Management, to inspection by the delegations to be formed by the Provincial Gendarmerie Commands,
- the referral of foreigners will be carried out in accordance with the Circular on the "Procedures and Principles Regarding Forced Returns", personnel will be assigned according to the risk analysis to be made by the Provincial Directorate of Migration Management/Removal Centre Directorate, and restraint equipment should be used in this direction,
- gendarmerie personnel should not act as an intermediary between the Removal Centre Directorate and the foreigner regarding the transfer of health-related applications and special needs of foreigners and all applications should be made directly to the authorized personnel of the Removal Centre Directorate,
- legal rights of foreigners (using the telephone, accessing a lawyer, accessing family etc.) should definitely be exercised,
- the issues stated in the reports of the CPT should be taken into account in the activities carried out and the deficiencies about the institution should be corrected.

[Paragraph 77]

At Istanbul Airport, the suitability of shelters for foreigners held in the facilities in the transit area is under the responsibility of the airport's administrative authority, while the terminal management is responsible for providing a place with a sanitary space equipped with the necessary materials. These designated areas are managed by the Provincial Directorates of Migration Management at Istanbul (IGA), Istanbul Sabiha Gökçen, Izmir Adnan Menderes and Ankara Esenboğa airports, and by the Provincial Directorate of Security at airports with international air border gates.

According to the CPT standards, individuals detained for 24 hours or longer should be provided with the opportunity to benefit from daylight for at least one hour a day; however, since the design of the airports are not under the responsibility of Presidency of Migration Management, there is no equipment (windows, open ventilation, etc.) to enable open air access in the passenger lounges that cannot be admitted due to their structure. However, in order to ensure that foreigners can benefit from daylight, upon request, they can be allowed to walk, accompanied or unaccompanied, in a closed common area in the form of a full-length glass window outside the inadmissible passenger lounge.

In addition, necessary initiatives are taken towards the Airport Provincial Administrative Authority and Terminal Operators to plan the inadmissible passenger lounges to be equipped with equipment (windows, open ventilation, etc.) that will enable open-air access, if technically possible, both at international airports currently under the Provincial Directorates of Migration Management and at airports that are currently under the Provincial Police Directorates but will

be taken over by the Presidency of Migration Management in the future.

Annex service building of the Provincial Directorate of Migration Management, which is under construction at Istanbul Airport, is planned to be used as a center for the work and operations that the Presidency of Migration Management needs to carry out at Istanbul Airport, especially the operations related to irregular migration. The main purpose of the center is to ensure that foreigners and relevant personnel should not have to wait for long periods of time for legal, bureaucratic or operational reasons during deportation procedures. However, some inadmissible passengers will also be accommodated in the center. Since inadmissible passengers are sent to their countries of origin immediately and, if possible, with the first flight, only some inadmissible passengers whose procedures will take longer than 7 (seven) days due to international protection applications or bureaucratic reasons are accommodated.

[Paragraph 78]

Inadmissible passenger lounges are routinely cleaned by the ground operator. The lounges have hot water, showers and toilet facilities. Bed linens are refreshed as needed or when requested by the foreigner. There is also a washing machine in the Istanbul airport inadmissible passenger lounge and it is available for the use of foreigners. In addition, basic hygiene materials such as soap, shampoo and toilet paper are constantly provided to foreigners in inadmissible passenger lounges.

[Paragraph 79]

If an unusual symptom is detected in the health status of inadmissible passengers or if the foreigner requests it, they are examined by airport physicians, and if the examination conditions at the airport are not deemed sufficient, they are transferred to a hospital accompanied by law enforcement officers. Foreigners are verbally informed that they have such a right, and an information material on the rules of inadmissible passenger lounges is being prepared and will be made available in the near future.

[Paragraph 80]

There is no obstacle for passengers to be visited by their family members while they are in the inadmissible passenger lounge, provided that they can prove their family links. However, since the inadmissible passenger lounges are located in the international transit area, this can only be done with the special permission of the Airport Administrative Officer. In addition, they are currently able to meet their information needs through their own cell phones and pay phones located in the inadmissible passenger lounges. They can use the WIFI service provided by the airport operator. In addition, for passengers who do not have the means to do so, communication equipment are also provided for them to contact their country representatives or a legal representative when requested.

[Paragraph 81]

As of 2022, there has been no request from any NGO to visit the inadmissible passenger lounge at Istanbul airport, but the Human Rights and Equality Institution of Türkiye (TIHEK) has the duty to carry out announced or unannounced visits. In this context, TIHEK conducted monitoring visits to Istanbul Airport on January 20, 2023, Ankara Esenboğa Airport on May

15, 2019, and Izmir Adnan Menderes Airport on September 27, 2021.

[Paragraph 82]

When a passenger is deemed an inadmissible passenger, he/she is notified of his/her rights in his/her own language/language that he/she understands. The said notification includes the reasons why he/she is not allowed to enter Türkiye, that he/she can appeal against this decision to the Turkish missions in the country where he/she is a citizen or legally resides, that he/she will stay in the inadmissible passenger lounge until his/her return flight, that he/she can use the toilet, sink, bathroom, bed in the lounge free of charge, that he/she can use pay phones to inform his/her relatives or make other calls, that there are officers from the airport private security company to assist and accompany him/her during his/her stay at the airport and that he/she can ask for help from the officers in case of any need.

In addition, information material on the rules of inadmissible passenger lounges are currently being drafted and will be made available in the near future.

[Paragraph 83]

The applications of foreigners who are in the scope of inadmissible travelers and request international protection are received, complementary procedures regarding the application are carried out and an international protection interview is conducted with the foreigner. At this stage, the foreigner is informed about the decision process. After the evaluation, foreigners whose international protection application is positive are admitted to the country, while those whose application is evaluated negatively are notified that the application is negative. This notification specifies the judicial remedy that the foreigner can apply for within 15 days. If the 15-day period expires or if the foreigner wishes to go to his/her country or a third country on his/her own will without waiting for the 15-day period, his/her petition regarding the request is taken and the process of the inadmissible passenger is continued and the flight is carried out.

[Paragraph 84]

In case of suspicion that foreigners arriving to enter Türkiye are among those who will not be allowed to enter Türkiye, a comprehensive control procedure is carried out by the law enforcement unit responsible for entry procedures.

As stated in Article 6 of the Law No. 6458 and Article 6 of the Implementing Regulation of the Law No. 6458; the comprehensive control procedure is not an administrative detention procedure and is completed within a maximum of 4 hours. This period does not include the time spent in judicial proceedings. If the four-hour period is to be exceeded, the consent of the foreigner is sought. During the comprehensive control period, the foreigner has the right to return to his/her country or to wait for the conclusion of the country admission procedures.

After the comprehensive control process, an Inadmissible Passenger Decision is issued about the foreigner to be identified as an inadmissible passenger and notified to the foreigner in his/her own language that he/she will understand. This decision is also notified to the carrier and the procedures for the return of the foreigner on the first flight are initiated. The aforementioned notification includes the reasons why he/she is not allowed to enter Türkiye, his/her right to appeal against this decision to the Turkish missions in the country where he/she is a citizen or

legally resides, and other legal rights and obligations during this process. After the administrative procedures are completed, the foreigner is taken to the inadmissible passenger lounge and the airline company waits for the passenger's return planning. During this period, inadmissible passengers have the option to return to their home country or go to a third country where they can be admitted.

COMMENTS ON THE VISIT TO IMRALI PRISON

[Paragraph 87]

As stated in our responses to the CPT's observations regarding their previous visits to our establishments, it has been laid down in Article 38 of the "Protocol on the Administration and External Protection of Prison Establishments, Transfer and Transport of Detained and Sentenced Inmates and the Conduct of Healthcare Services" that, unless the doctor requests otherwise in writing, security staff shall remain outside examination rooms.

In prisons, infirmaries have been established as a separate unit. The area inside the room where the medical examination will be carried out are separated by a wall. By this way the medical confidentiality of inmates are protected during their medical examination. Unless requested otherwise by the physician under special circumstances, only the physician and medical officer attend the examination inside the infirmary unit. Examinations are conducted in a setting out of the hearing and sight of the prison staff, regarding which utmost care is displayed.

In addition, the following provisions are contained in "Section D – Ensuring Medical Confidentiality During Examinations and Security" of the Circular no. 172 on "Access to Healthcare and Treatment of Inmates Focusing on Human Rights, Their Transfer for Treatment and Suspension of Penalty Procedure":

"Article 1: Unless requested otherwise by the physician of the establishment, no staff other than medical staff shall be present in the examination room during the examination and treatment of inmates at the infirmary of the establishment.

Article 2: Except the infirmary of the establishment, the examination of inmates in medical institutions shall be conducted in protected examination rooms having restraints against escape. The Gendarmerie officer shall remain outside the room and take the necessary measures. However, at the request of the examining physician for security, the gendarmerie staff may be present at the examination room. Until protected examination rooms for inmates have been designed in hospitals, the gendarmerie officer shall remain inside the examination room and take protective measures at a distance where the conversation between the doctor and patient cannot be heard.

Article 3: The required coordination shall be ensured between the relevant chief public prosecutor's offices, provincial health directorates and the gendarmerie and the necessary actions shall be taken in State and university hospitals for the opening of new wards for inmates and for the physical improvement of existing wards.

Article 4: In-patient treatment of remand and sentenced inmates in closed prisons shall be carried out in inmate wards. However, in case there are no inmate wards at the relevant hospital, upon the instructions of the chief public prosecutor's office, treatment shall be completed in the

temporary inmate wards to be created, in accordance with the necessary security measures to be taken by the gendarmerie.”

In line with the provisions cited above, security staff shall only be present in the examination room during the examination and treatment of the inmate upon the request of the physician.

[Paragraph 96]

As to the issue of being “allowed to associate together during daily outdoor exercise, as well as during all other out-of-cell activities”;

Prisoners sentenced to aggravated life imprisonment held in İmralı F-Type High Security Prison and other prisons in Türkiye are subject to the detention regime defined in Article 25 of the Law on the Execution of Sentences and Security Measures (“LESSM”, Law no. 5275), the relevant sections of which are cited below:

“Article 25. – (1) The main principles of the regime for the execution of aggravated life imprisonment are set out below:

- a) The convict shall be accommodated in a single room.
- b) The convict shall be entitled to walk and do exercises in the open air for one hour per day.
- c) Depending on risk and security considerations and on his/her effort and good conduct in rehabilitation and treatment activities, the time during which the convict goes out and does physical exercises in the open air may be extended and he/she may be allowed, to a limited extent, to contact with other inmates who are held in the same unit”.

Moreover, common activities in the establishment are carried out pursuant to Article 3, titled “Common Activities” of the Circular no. 45/1 on the Allocation of Prison Establishments, Transfer Procedures and Other Provisions. As a matter of fact, as per Article 3 of the Circular mentioned above, common activities may be suspended for short or longer periods by the decision of the Board of Administration and Observation.

In this context, the sports and conversation activities of the inmates are realized in accordance with the programs prepared by the Board of Administration and Observation. Activities are organized on a monthly basis.

Furthermore, with a view to ensuring that the inmates take advantage of social and cultural activities, the inmates are allowed to associate for table tennis, chess/backgammon, darts, badminton, basketball, volleyball, drawing/painting, handicrafts and for conversations (Annex-20), based on a plan made taking into account the Internal Regulations of the Establishment, the peace and order of the İmralı Prison and the following provisions:

- Section Three, titled “Education-Training Works, Social-Cultural and Sports Activities”, Article 1, titled “A-General Principles”, paragraph 6 of the Circular no. 46/1 on “the Education and Rehabilitation of Young and Adult Inmates and Other Provisions”, which states: “It shall be ensured that remand and sentenced inmates use their spare time for education-training, social-cultural and sports activities, as well as help them to adopt socially acceptable thoughts and behavior and fulfill themselves as individuals beneficial for the society.”

- Section Three, titled “Common Activities”, Article 13 of the Circular no. 45/1 on the Allocation of Prison Establishments, Transfer Procedures and Other Provisions, which reads: “Provided that it does not pose security risks, voluntary inmates determined by the board of administration and observation may be brought together for conversations, in groups not exceeding 10 persons and 10 hours per week, under the supervision of the administration, within the framework of the social activities organized in open visit areas and other common spaces.” (Annex-20)

As regards “the practice of imposing a ban on family visits for ‘disciplinary’ reasons”;

According to Article 26/1 of the LESSM, the convict has the obligation to serve his prison sentence and to act in compliance with the execution regime implemented for this purpose.

It has been laid down in Article 37 of the LESSM that when a convict acts in breach of the behavior and conduct required or demanded by the laws, bylaws and regulations or the administration for an orderly life, security and discipline in the institution, the disciplinary penalties specified in Articles 39 to 44 shall be imposed, depending on the nature and gravity of the act. The disciplinary board of the establishment is in charge of evaluating and taking a decision on whether an act requires disciplinary sanctions. Such decisions are communicated to the inmates concerned. The inmate has the right to challenge such decisions initially before the prison enforcement judge and then challenge the decision of the prison enforcement judge before assize courts.

The prison staff on duty and managers cannot take decisions on their own to impose disciplinary penalties on remand and sentenced inmates. Following a forbidden act by the inmate, the disciplinary board of the establishment is in charge of making an inquiry and imposing a penalty corresponding to the amount specified in the relevant law.

- As to the prisoners’ contact with their family members;

As mentioned above, as a result of certain acts by inmates inside the establishment, the visits they receive from persons specified in the legal provisions, may be restricted under Article 43/1 of the LESSM, following a decision by the board of administration and observation of the establishment.

In this context, as the latest example, it has been decided on 15 March 2023 (decision no. 2023/1) by the Disciplinary Board of İmralı F-type High security Closed Prison that the convicts of Abdullah Öcalan, Hamili Yıldırım, Veysi Aktaş and Ömer Hayri Konar be deprived of receiving visitors for a period of three months under Article 43/2(e) of the LESSM. The inmates concerned have not challenged this decision (Annex-21). Based on this decision, the inmates concerned were unable to meet their family members.

- As to the prisoners’ contact with their lawyers;

Convicted inmates are entitled to meet their lawyers (limited to the performance of the legal profession), in the context of legal assistance and the right to defense, under Article 59 of the LESSM.

According to the provisions of the Article 59, a restriction on a convict’s meeting with his/her lawyer may be requested by the chief public prosecutor and such a restriction be ordered by the

prison enforcement judge for up to six months.

As the latest development in this context, it had been requested by the Bursa Chief Public Prosecutor's Office through a letter of 26 April 2023, from the Duty Prison Enforcement Judge that visits by lawyers be banned for a period of six months under Article 59, paragraphs five and eight of the LESSM.

The Bursa 3rd Duty Prison Enforcement Judge decided on 26 April 2023 (2023/2903 E, 2023/2888 K) that the inmates concerned be banned from meeting their lawyers for six months under Article 59 of the LESSM (Annex-22). As a result of this decision, the convicts' meetings with their lawyers did not take place.

Therefore, unless there is a decision of restriction has been taken by the prison enforcement judge, the convicted inmates held in the establishment are able to meet their lawyers. In addition, unless a ban on receiving visitors is in force and provided that transportation to the island allows, they are able to meet their family members.

As regards, **"the CPT's recommendation that all prisoners be allowed to speak on the telephone with family members" and "request to receive – on a monthly basis – an account of the visits which all prisoners at İmralı Prison have received from their family members and lawyers.";**

In prisons, telephone conversations are governed by the provisions in Article 66 (entitled "the convict's right to communicate by telephone") of the LESSM and Article 74 (entitled "Right to phone conversations") of the Regulation on the Management of Prison Establishments and the Execution of Security Measures.

Article 74/2(i) of the said Regulation reads:

"Those who were convicted of being an executive of terrorist organizations or an armed organization established for the purpose of committing crimes may only make voice calls up to ten minutes per week. Those who continue to manage the armed organization established for the purpose of committing crimes and send instructions or messages to persons inside or outside the establishment through any means, shall in no way be allowed to make phone calls, following a decision by the board of administration and observation." The necessary actions are taken based on the provisions cited above.

Therefore, telephone conversations of remand and sentenced inmates may be restricted as per the legal provisions stated above, by the decision of the board of administration and observation of the prison establishment.

In this context, copies of the latest relevant decisions taken by the Board of Administration and Observation of İmralı Prison as to phone conversations of inmates with their family members, concerning Abdullah Öcalan (dated 24 November 2022, no. 2022/45, Annex-23), Ömer Hayri Konar (dated 29 December 2022, no. 2022/51, Annex-24), Veysi Aktaş (dated 29 December 2022, no. 2022/52, Annex-25) and Hamili Yıldırım (dated 24 November 2022, no. 2022/46, Annex-26) have been enclosed. Based on these decisions, the inmates are not allowed to have phone conversations with their family members.

[Paragraph 97]

The principles and procedure relating to the execution of sentences and security measures in respect of remand and sentenced inmates held in prison establishments are stipulated in the LESSM. The following provisions are contained in Article 25 of the Law, titled "Execution of aggravated life imprisonment":

"(1) the main principles of the regime for the execution of aggravated life imprisonment are set out below:

- a) The convict shall be accommodated in a single room.
- b) The convict shall be entitled to walk and do exercises in the open air for one hour per day.
- c) Depending on risk and security considerations and on his/her effort and good conduct in rehabilitation and treatment activities, the time during which the convict goes out and does physical exercises in the open air may be extended and he/she may be allowed, to a limited extent, to contact with other inmates who are held in the same unit.
- d) The convict may carry out an artistic or occupational activity which is possible at the place he/she is held and which is considered appropriate by the board of administration.
- e) In cases where it is considered appropriate by the board of administration and once every fifteen days, the convict may make telephone calls to the persons specified in paragraph (f) below for up to ten minutes.
- f) The convict may be visited by his/her spouse, descendants and ascendants, siblings and legal guardian for up to one hour a day and with intervals of fifteen days, on the days, at the times and under the conditions specified.
- g) The convict may in no case be employed outside the penitentiary establishment or granted a leave.
- h) The convict may not participate in any sport and rehabilitation activity other than those specified in the internal regulations of the establishment.
- i) The execution of the convict's sentence may not be suspended in any manner. All health measures to be implemented for the convict shall be implemented in the Penitentiary establishment except for medical tests and requirements or, if this is not possible in the single-person and high-security convict room of a fully-equipped State or university hospital".

Therefore, the execution of the sentence of aggravated life imprisonment is governed by the legal provisions cited above.

[Paragraph 98]

In 2023, Bursa Prison Monitoring Board has not visited Imralı F-Type High Security Closed Prison.

During the training works and meetings organized online or face to face for members of monitoring boards, the importance of making regular visits to prisons and identifying and reporting the shortcomings to the relevant authorities is always emphasized.

Moreover, the “Project on Enhancing the Effectiveness of Civil Monitoring Boards (CMBs) in Line with European Standards”, which was initiated in 2019 aiming at the strengthening of civil monitoring in prisons, with the technical assistance of the Council of Europe and co-funded by Türkiye, Sweden, Switzerland, Canada and the Human Rights Trust Fund, with an overall budget of 1,600,000 Euros, was finalized with a closing conference on 24 November 2022.

The project is aimed at the creation of standards for working in coordination and strengthening in terms of human rights criteria with respect to members of civil monitoring boards, public prosecutors, prison enforcement judges, controllers and inspectors from the Ministry of Justice, which are at the core of the mechanism for monitoring prisons. To that end, activities have been organized for spreading and achieving sustainability of good practices, holding trainings in this respect, creating supporting material and implementing a more effective control mechanism.

The project is composed of four main components:

- Strengthening CMBs independence through revision of the applicable legal and regulatory framework in line with the international standards;
- Enhancing CMBs efficiency by further developing their monitoring standards and working methodology and tools;
- Ensuring sustainable training provision for the CMB members; and
- Improving CMBs internal coordination and communication with other external monitoring mechanisms.

Within the framework of the objective of strengthening in terms of national and international human rights criteria and the creation of standards for working in coordination with respect to members of civil monitoring boards, public prosecutors, prison enforcement judges, controllers and inspectors from the Ministry of Justice, which are at the core of the mechanism for monitoring prisons, the following activities have been organized:

Revision of the legal and regulatory framework, improving monitoring standards, working methodology and tools, enhancing the capacity of monitoring boards through training, and strengthening coordination and communication between all oversight and monitoring mechanisms.

With a view to ensuring effective monitoring activities, the Prison Control Handbook and Prison Monitoring Toolkit have been drafted for the use of members of all monitoring boards.

Four different leaflets regarding election criteria, jurisdiction, work procedures, contacting CMBs, etc. have been prepared and distributed nationwide.

With a view to improving cooperation and coordination between the Boards, a web-based platform dedicated to CMBs has been developed and a public website has been launched to raise awareness vis-à-vis CMBs.

Three different handbooks have been prepared for enforcement judges, Public Prosecutors, Judicial Inspectors and Controllers, the Ombudsman Institution and the TIHEK and delivered to the parties concerned.

Within the context of the training activities of the project, thanks to the academic cooperation made with eight national universities, seven different adult-based training modules were set up for the use of members of CMBs, following which training of trainers and generalization trainings have been realized.

As to the continuity of the project, the General Directorate for Prisons and Detention Centers has completed preparatory works for the continuation of generalization trainings for the 2023 training plan.

ANNEXES

- 1. Regulation on Alternative Measures to Administrative Detention**
- 2. Guidelines for the Inspection of Removal Centers**
- 3. Directive on Removal Centers dated 16.10.2015**
- 4. Instruction Letter dated 11.10.2022 and numbered 118857 on Utilization of Open Air**
- 5. Protocol dated 16.03.2022 between the Ministry of Interior and the Ministry of National Education on Educational Services to be Provided in Removal Centers**
- 6. Developing Activity Programs and Standard Operating Procedures for Psychosocial Support Staff**
- 7. Instruction Letter dated 10.10.2022 and numbered 118573 regarding Health Care Services in Removal Centers**
- 8. Cooperation Protocol dated 29.03.2023 between the Ministry of Interior and the Ministry of Health on Health Services to be Provided to Foreigners under Administrative Detention in Removal Centers**
- 9. 1. Guideline on the Management of Common Contagious Diseases in Removal Centers**
- 9.2. Screening Irregular Migrants for Contagious Diseases in Removal Centers and Referral Management**
- 10. Shelter Rights Guide**
- 11. Action Document - Project on Supporting the Capacities of Removal Centers and Development of Alternative Measures to Administrative Detention**
- 12. Agendas of Some Trainings Conducted for Staff in Removal Centers**
- 13. Psychosocial Support Services Directive dated 31.05.2019**
- 14. Workplace Stress Management Guideline for Psychosocial Support Workers**
- 15. Preliminary Evaluation Form**
- 16. Instruction Letter dated 10.04.2023 and numbered 157335 on the Procedures to be Followed in the Identification and Referral of Vulnerable Individuals**

17. Guideline on Preventing Suicide and Self-Harming Behavior in Removal Centers

18. Photographs of Info Papers for Access to Legal Aid in Removal Centers

19. Some Standard Operating Procedures and Guidance Documents developed under the Project on Supporting the Capacity of Removal Centers and Development of Alternative Measures to Administrative Detention

19.1. Presidency of Migration Management (PMM) Electronic Complaint/Satisfaction System Standard Operating Procedures in Removal Centers

19.2. Women and Children in Removal Centers: Guidelines on Minimum Conditions

19.3. Shelter Rights Guide (Updated Version)

20. Table of Activity Reports

21. Decision by the Disciplinary Board no. 2023/1 of 15.03.2023 along with annexes

22. Decision by the Bursa 3rd Prison Enforcement Judge no. 2023/2903 E, 2023/2888 K, dated 26.04.2023 along with annexes

23. Decision by the Board of Administration and Observation no. 2022/45, dated 24.11.2022

24. Decision by the Board of Administration and Observation no. 2022/51, dated 29.12.2022

25. Decision by the Board of Administration and Observation no. 2022/52, dated 29.11.2022

26. Decision by the Board of Administration and Observation no. 2022/46, dated 24.11.2022