



CPT/Inf (2013) 27

Report

**to the Turkish Government
on the visit to Turkey
carried out by the European Committee
for the Prevention of Torture and Inhuman
or Degrading Treatment or Punishment (CPT)**

from 21 to 28 June 2012

The Turkish Government has requested the publication of this report and of its response. The Government's response is set out in document CPT/Inf (2013) 28.

Strasbourg, 10 October 2013

CONTENTS

Copy of the letter transmitting the CPT's report	5
I. INTRODUCTION	7
A. Dates of the visit and composition of the delegation.....	7
B. Context of the visit and establishments visited	7
C. Consultations held by the delegation and co-operation encountered	8
II. FACTS FOUND DURING THE VISIT AND ACTION PROPOSED.....	11
A. Preliminary remarks	11
B. Ill-treatment	13
1. Allegations of ill-treatment and inter-prisoner violence at Pozantı Prison	13
2. Findings concerning the establishments visited during the 2012 visit.....	14
C. Management of juvenile prisoners and conditions of detention.....	18
1. Introduction	18
2. Ongoing reforms	18
3. Conditions of detention at Ankara-Sincan and Istanbul-Maltepe Prisons	20
4. Conditions of detention in the juvenile units at Diyarbakır and Gaziantep E-type Prisons..	21
D. Health-care services.....	24
E. Other issues	28
1. Prison staff	28
2. Contact with the outside world	28
3. Discipline	30
4. Segregation.....	32
5. Inspection procedures.....	34
APPENDIX:	
List of the CPT's recommendations, comments and requests for information	35

Copy of the letter transmitting the CPT's report

Ms Kivilcim Kılıç
Deputy Director General for the
Council of Europe and Human Rights
Ministry of Foreign Affairs
TR - Ankara

Strasbourg, 5 December 2012

Dear Ms Kılıç,

In pursuance of Article 10, paragraph 1, of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, I enclose herewith the report to the Government of Turkey drawn up by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) following its visit to Turkey from 21 to 28 June 2012. The report was adopted by the CPT at its 79th meeting, held from 5 to 9 November 2012.

The various recommendations, comments and requests for information formulated by the CPT are listed in the Appendix to the report. As regards more particularly the CPT's recommendations, having regard to Article 10 of the Convention, the Committee requests the Turkish authorities to provide **within three months** a response giving a full account of action taken to implement them.

The CPT trusts that it will also be possible for the Turkish authorities to provide, in their response, reactions to the comments formulated in this report as well as replies to the requests for information.

The CPT would ask, in the event of the response being forwarded in Turkish, that it be accompanied by an English or French translation.

I am at your entire disposal if you have any questions concerning either the CPT's report or the future procedure.

Yours sincerely,

Latif Hüseyinov
President of the European Committee
for the Prevention of Torture and Inhuman
or Degrading Treatment or Punishment

Copy: Mr Rauf Engin Soysal, Ambassador Extraordinary and Plenipotentiary,
Permanent Representative of Turkey to the Council of Europe

I. INTRODUCTION

A. Dates of the visit and composition of the delegation

1. In pursuance of Article 7 of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (hereinafter referred to as "the Convention"), a delegation of the CPT carried out a visit to Turkey from 21 to 28 June 2012. The visit was one which appeared to the CPT "to be required in the circumstances" (see Article 7, paragraph 1, of the Convention).¹

2. The visit was carried out by the following members of the CPT:

- Jean-Pierre RESTELLINI, Acting 2nd Vice-President of the CPT (Head of Delegation)
- Julia KOZMA
- Jan PFEIFFER.

They were supported by Michael NEURAUTER (Head of Division) and Petr HNÁTÍK of the CPT's Secretariat and assisted by:

- Jurgen VAN POECKE, Director of Bruges Prison, Belgium (expert)
- Zeynep BEKDIK (interpreter)
- Belgin DÖLÄY (interpreter)
- Kudret SÜZER (interpreter)
- Canan TOLLU (interpreter).

B. Context of the visit and establishments visited

3. The main objective of the visit was to examine the treatment and conditions of detention of juveniles held in closed prisons, taking into account the recent reports according to which a considerable number of juveniles held at Pozantı Prison had been physically ill-treated by prison officers and/or had been victims of violence (including sexual assaults) by fellow inmates.² For this purpose, the delegation visited the following establishments:

- Ankara-Sincan Juvenile Prison
- Istanbul-Maltepe Juvenile Prison
- Juvenile unit of Diyarbakır E-type Prison
- Juvenile unit of Gaziantep E-type Prison.

¹ All reports on the CPT's previous visits to Turkey and the related Government responses have been made public and are available on the CPT's website: www.cpt.coe.int

² By the time of the visit, all juveniles who had previously been held at Pozantı had been transferred to Ankara-Sincan Juvenile Prison; see also paragraph 12.

4. *Ankara-Sincan Juvenile Prison*, (hereinafter: “Sincan Prison”), opened in 2006, is located on a large campus which comprises a total of seven prisons. With an official capacity of 216 places at the time of the visit,³ the establishment was holding 151 male juveniles (133 on remand and 18 sentenced) and 16 male young adults (nine on remand and seven sentenced).

Istanbul-Maltepe Juvenile Prison, (hereinafter: “Maltepe Prison”), opened in 2008, is located on a prison campus consisting of five prisons. With an official capacity of 324 places, it was accommodating 276 male juveniles (267 on remand and nine sentenced) at the time of the visit.

At *Diyarbakır E-type Prison*,⁴ four units in a separate wing of the prison were reserved for accommodating male juvenile prisoners. With an official capacity of 96 places, a total of 90 male juvenile remand prisoners were being held in the establishment at the time of the visit. Female juveniles (none at the time of the visit) would be accommodated in the unit for adult women.

*Gaziantep E-type Prison*⁵ has four designated units for male juvenile remand prisoners. With an official capacity of 47 places, they were holding 54 male juveniles at the time of the visit. Female remand juvenile prisoners (two at the time of the visit) were held together with adult females.

C. Consultations held by the delegation and co-operation encountered

5. In the course of the visit, the delegation held consultations with Sadullah ERGIN, Minister of Justice, Mr Mustafa ONUK, Director General for Prisons and Detention Houses, Mr Erhan POLAT, Deputy Director General for International Relations and Human Rights, Mr Serhat GÜL, Deputy Director General for Probation and Training, Mr Vakkas ÖZMERCAN, Acting Head of Department for Patient Rights, Medical Services and Social Services of the Ministry of Health, and other senior officials from the Ministries of Justice, the Interior and Foreign Affairs. Discussions were also held with representatives of the Ankara Office of the United Nations Children's Fund (UNICEF) and two non-governmental organisations, namely the Human Rights Association and the Human Rights Foundation of Turkey.

6. The delegation received a very good level of co-operation throughout the visit, both from the national authorities and from staff at the establishments visited. It enjoyed immediate access to all places it wished to visit (including those which had not been notified in advance) and was able to interview in private all detained juveniles with whom it wished to speak. The delegation was also granted ready access to all documentation it wished to consult.

³ Due to the ongoing refurbishment and re-organisation of one of the three detention blocks, the capacity of the prison (in principle 324 places) had been reduced.

⁴ With an overall official capacity of 1,057 places, the prison was accommodating 1,292 prisoners at the time of the visit.

⁵ Gaziantep E-type Prison has an official capacity of 900 places and was accommodating a total of 1,665 prisoners at the time of the visit. No juveniles were being held in the adjacent H-type Prison.

That said, at the beginning of its visits to Sincan and Maltepe Juvenile Prisons and Gaziantep E-type Prison, the delegation received incomplete or misleading information concerning serious incidents which had recently occurred in these establishments. For instance, when asked about recent incidents, the management of Sincan Prison did not initially mention recent allegations of severe sexual abuse of a juvenile by a fellow-inmate. In addition, information about a fire which broke out in one detention unit shortly after the delegation's arrival was not communicated to the delegation. Further, at Maltepe Prison, the delegation was not informed of the fact that some three weeks before the visit, one detention unit (No. B2) had been set on fire by inmates and severely damaged (e.g. broken windows, doors and sanitary facilities) so that it had to be taken out of service. In the Committee's view, the above-mentioned incidents cannot be regarded as "routine events", as subsequently described by the management of both establishments. Moreover, at Gaziantep, the delegation received misleading information concerning first the very existence and then the actual use at the time of the visit of a former infirmary as a confinement room for disciplinary and/or security purposes.

The CPT trusts that the Turkish authorities will take the necessary steps to ensure that future visiting delegations are provided with full and accurate information.

II. FACTS FOUND DURING THE VISIT AND ACTION PROPOSED

A. Preliminary remarks

7. Following a fundamental legislative overhaul, the entire juvenile justice system in Turkey has undergone major changes in recent years. In addition to various judicial reforms, the Turkish authorities have embarked on a comprehensive re-organisation of the prison system in order to improve the situation of juvenile prisoners, in terms of conditions of detention and the general approach towards them.

8. As regards the legal framework, the Child Protection Law, which was adopted in 2005, embodies several fundamental principles related to juvenile justice, in particular, that the penalty of imprisonment and measures that restrict liberty shall only be applied as a last resort.⁶ The law also contains several provisions on alternatives to prosecution, remand detention and sentencing of juveniles, such as the possibility of deferring the commencement of prosecution or the pronouncement of the verdict and the possibility of avoiding prosecution through mediation and compensation of the victim.⁷

Specific provisions concerning juvenile offenders are contained in the 2004 Criminal and Criminal Procedure Codes. With the adoption of the new criminal legislation, the age of criminal responsibility has been increased from 11 to 12 years and the age at which offenders may be prosecuted as adults from 15 to 18 years.⁸

The imprisonment of juvenile offenders is regulated by the 2004 Law on the Enforcement of Sentences and Security Measures (LESSM). In particular, Section 23 (1) of the LESSM stipulates that juveniles shall be held in special penitentiary establishments and, in regions where such establishments do not exist, they shall be accommodated in special sections of adult prisons.

9. In the Turkish prison system, there are three types of establishment in which juveniles may be held.⁹ Juvenile remand prisoners are held in juvenile sections of adult prisons or in one of the four existing closed juvenile prisons.¹⁰ Sentenced juveniles are, as a rule, held in reformatories,¹¹ but may be transferred, for disciplinary or security reasons, to a closed juvenile prison (for a period of six months).

⁶ Section 4.

⁷ Sections 19, 20, 23 and 24.

⁸ See Section 31(1) of the Criminal Code. Although children younger than 12 years cannot be prosecuted, security measures may be imposed upon them if deemed necessary. In respect of juveniles between the age of 12 and 15 years, criminal responsibility is assessed on an individual basis; they may not be prosecuted if, at the moment of the commission of an offence, they are considered not to have the ability to perceive the legal meaning and consequences of the offence, or to control their action. The punishment that may be imposed is reduced by two-thirds and may not exceed six years for a given offence (12 years if the offence is normally punishable with aggravated life imprisonment). Juveniles between 15 and 18 years are criminally responsible. However, the punishment that may be imposed upon them is reduced by one-half and may not exceed eight years for a given offence (20 years if the offence is normally punishable with aggravated life imprisonment).

⁹ Under certain circumstances, young adults (aged 18 to 21 years) may also be held in juvenile penitentiary institutions.

¹⁰ Ankara-Sincan, Incesu (Kayseri), Istanbul-Maltepe and Izmir Juvenile Prisons.

¹¹ All three reformatories (in Ankara, Elazığ and Izmir) have previously been visited by the CPT.

According to the statistics provided by the Turkish authorities, out of a total juvenile prison population of 2,091 inmates, only 724 were held in specialised juvenile institutions (81 in reformatories and 643 in closed juvenile prisons), while the great majority (1367 juveniles) were held in juvenile sections of adult prisons.

The CPT has emphasised on a number of occasions that all juveniles, whether on remand or sentenced, should be held in detention centres specifically designed for persons of this age, offering regimes tailored to their needs and staffed by persons trained in dealing with young persons. In this regard, the Committee welcomes the fact that several new penitentiary establishments for juveniles are being constructed or are planned in different parts of the country and **would like to receive updated information on this point.**

10. The CPT is struck by the extremely high proportion of juvenile remand prisoners. According to the official statistics provided to the delegation, 92% of all juvenile prisoners are detained on remand, and only 8% are serving a sentence in a penitentiary establishment.¹²

The Committee recommends that the Turkish authorities take the necessary steps to ensure that the principles of the Child Protection Law referred to in paragraph 8 are effectively implemented and that existing alternatives to the prosecution and detention on remand of juveniles provided for by law are fully exploited in practice. Reference should also be made in this context to Recommendation Rec(2006)13 of the Committee of Ministers of the Council of Europe to member states on the use of remand in custody, the conditions in which it takes place and the provision of safeguards against abuse as well as to Rule 10¹³ of the European rules for juvenile offenders subject to sanctions or measures (Recommendation CM/Rec(2008)11).

¹² It is noteworthy in this connection that in its concluding observations on Turkey of 20 July 2012, the United Nations Committee on the Rights of the Child expressed its concern about the “long duration of trials involving children, resulting in large numbers of children in pre-trial detention, compared to children serving a sentence” (doc. [CRC/C/TUR/CO/2-3](#), paragraph 66, point (c)). Reference is also made to the UNICEF report “[Assessment of Juvenile Justice Reform Achievements in Turkey](#)”, page 17.

¹³ Rule 10 reads as follows: “Deprivation of liberty of a juvenile shall be a measure of last resort and imposed and implemented for the shortest period possible. Special efforts must be undertaken to avoid pre-trial detention.”

B. Ill-treatment

1. Allegations of ill-treatment and inter-prisoner violence at Pozantı Prison

11. Allegations according to which a considerable number of juveniles held at Pozantı Prison had been victims of violence (including sexual assaults) by fellow inmates and/or physical ill-treatment by prison officers in 2011 was the subject of correspondence between the President of the CPT and the Turkish authorities prior to the visit. By letter of 9 May 2012, the Turkish authorities referred to several pending administrative and judicial inquiries which had been opened concerning the above-mentioned allegations against staff and potential perpetrators among fellow-inmates.

12. At the time of the visit, 48 out of a total of 192 juveniles¹⁴ who had been transferred to Sincan from Pozantı Prison were still being held in the establishment, and many of them were interviewed by the delegation. The CPT must stress that the great majority of these juveniles made consistent allegations that they had been victims of frequent and severe violence by fellow-inmates and, more specifically, by juveniles who acted as “ward leaders”. The violence had usually taken the form of slaps, punches and beatings with sticks to various part of the body and, in a few cases, also of sexual abuse. Several juveniles said that they had been forced by fellow-inmates to undress to their underwear and remain under cold temperatures in the exercise yard. In addition, a number of juveniles claimed that they had been physically ill-treated by prison officers upon their arrival at Pozantı Prison, mostly in the form of “welcome beatings” (such as slaps, punches and striking the hands or buttocks with a belt).

As regards the above-mentioned transfer, it is a matter of serious concern that juveniles were only subjected to an incomplete and hasty medical screening upon admission to Sincan Prison. In this regard, reference is made to the remarks and recommendations made in paragraphs 46 and 47.

13. During the visit, the delegation was informed by the Turkish authorities that a preliminary inquiry had been initiated into all complaints received from juveniles about inter-prisoner violence and ill-treatment by staff. As a result, 13 juveniles previously held at Pozantı Prison were being prosecuted on charges of “ill-treatment of fellow-inmates”, three on charges of “sexual abuse of children” and 17 on charges of “ill-treatment of fellow-inmates and intentional bodily harm”; six members of prison staff were facing criminal charges related to negligence. According to the authorities, no evidence had been found of deliberate physical ill-treatment of juveniles by staff.

The CPT would like to be informed of the outcome of the above-mentioned proceedings and, where appropriate, of the sanctions subsequently imposed (at the criminal and/or disciplinary level).

¹⁴ 144 juveniles had been released or transferred to a reformatory.

2. Findings concerning the establishments visited during the 2012 visit

14. The delegation received a considerable number of consistent and credible allegations of deliberate physical ill-treatment of juvenile inmates by prison staff at *Sincan Juvenile Prison*. The allegations concerned in particular severe forms of ill-treatment, such as blows with hard objects on the hands and/or on the soles of the feet (*falaka*) in reaction to misbehaviour (such as fights) of juveniles.¹⁵

Allegations of ill-treatment were received from juveniles interviewed individually who had had no possibility of contacting each other; the accounts were often highly detailed and frequently displayed consistent features. In this regard, particular mention should be made of the alleged use of padded rooms at Sincan.¹⁶ A number of juveniles from different units claimed that, after having been taken to a padded room, they had been made to undress to their underwear and had then been sprayed with cold pressurised water and beaten by prison officers. Subsequently, they had been left, cold and wet, in the soaked room overnight. Several juveniles also claimed that such “sessions” of beatings took place in the presence of a senior member of staff.

That said, a number of juveniles met by the delegation indicated that instances of ill-treatment had become less frequent in recent months and explained this by the arrival of the juveniles from Pozantı Prison¹⁷ and the public scrutiny it had triggered.

15. A number of allegations similar to those received at Sincan Prison were also received from juveniles at *Gaziantep Prison* (including of collective beatings with broom sticks in an area of the corridor which was not covered by CCTV cameras).

16. It should be added that in respect of some of the allegations received at Sincan and Gaziantep Prisons, medical evidence was gathered (including visible injuries observed directly by delegation members) which was consistent with the allegations made.

By way of example, according to the medical file of a juvenile prisoner at Sincan Prison who claimed having been beaten on his hand by a prison officer with a stick, the doctor had observed an “injury of the right wrist and the right hand” and had referred the juvenile concerned to a hospital for an X-ray. Further, at Gaziantep, the delegation met a juvenile who alleged that he had been beaten with a broomstick three days prior to the visit. On his back, the delegation observed parallel linear bruises, pale in their centre and dark red in the adjacent area; the shape of the bruises indicated that the back of the juvenile concerned had been repeatedly hit with a straight object of a round profile.

¹⁵ It is noteworthy in this connection that the European Court of Human Rights considers the practice of *falaka* as the decisive element for determining that a particular form of ill-treatment should be qualified as torture for the purpose of Article 3 of the European Convention on Human Rights. See, for instance, *Salman v. Turkey* (Grand Chamber), no. 21986/93, § 114, 27 June 2000, *Corsacov v. Moldova*, no. 18944/02, § 65, 4 April 2006, or *Levința v. Moldova*, no. 17332/03, § 71, 16 December 2008.

¹⁶ It should be noted that these allegations concerned the period before the cells were equipped with CCTV cameras.

¹⁷ See paragraph 12 and footnote 2.

17. In both of these establishments, the delegation gained the distinct impression that certain members of staff considered corporal punishment (sometimes of a collective nature) to be an appropriate response to misbehaviour by juveniles (in particular, as regards fights among inmates).

Further, in particular, at Sincan Prison, some juveniles claimed that they had informed the prosecutor orally that they had been ill-treated by staff, but that the latter had not taken any action whatsoever. One juvenile said that the prosecutor simply told him to stop fighting with other inmates.

18. In contrast, hardly any allegations of deliberate physical ill-treatment were heard at *Maltepe and Diyarbakır Prisons*.

However, at Maltepe Prison, the delegation received a number of allegations of excessive use of force by prison officers when intervening in instances of inter-prisoner violence and even of beatings by officers after juveniles had been separated and brought under control.

19. In their letter of 22 August 2012, the Turkish authorities provided to the CPT the following information:

“[...] It should be also noted that the Government has been pursuing “zero-tolerance policy” vis-à-vis torture and ill-treatment.

However, allegations of deliberate physical ill-treatment at Sincan and Gaziantep Prisons were merely based on the statements of juveniles but not on concrete findings. Upon the allegations about Ankara Sincan Juvenile Prison, an in-depth investigation has been launched by Sincan Public Prosecutor’s office. Prison officers, convicts and prisoners on remand have been questioned, camera records and medical reports have been examined and as a result of the investigation conducted, it was decided on 4 July 2012 (dec no. 2012/8417 S. 2012/639 K.) that there is no need for prosecution due to the lack of concrete evidence. [...]”

The CPT takes note of this information and **would like to receive a copy of the report on the investigation and of the decision referred to in the Turkish authorities’ letter.**

20. With a view to preventing ill-treatment and/or excessive use of force by prison officers in the future, **the CPT recommends that the Turkish authorities deliver a clear message to prison managers and custodial staff at Sincan, Maltepe and Gaziantep Prisons that all forms of ill-treatment are not acceptable and will be punished accordingly.**

More specifically, prison officers should be reminded that:

- **all forms of physical chastisement are unacceptable and must never be used in practice, in particular as regards juveniles (upon whom they may have a particularly harmful effect). Inmates who misbehave should be dealt with only in accordance with the prescribed disciplinary procedures.**

- **no more force than is strictly necessary should be used to control violent and/or recalcitrant prisoners and that once prisoners have been brought under control, there can be no justification for them being struck. In this context, the authorities should ensure that all prison officers are provided with training in recognised control and restraint techniques.**

Further, **the Committee recommends that the Turkish authorities take appropriate steps to ensure that all allegations of ill-treatment of juvenile prisoners, whether expressed verbally or in writing, are properly investigated by the relevant prosecuting authorities.**

21. At Sincan and Maltepe Prisons, a number of juveniles met by the delegation claimed that after having been beaten by prison officers they had been warned not to lodge a complaint against staff. In addition, some allegations were received from juveniles that they had handed over a complaint letter addressed to the prosecutor to a prison officer, but that the letter had been immediately destroyed by the officer.

The CPT recommends that prison staff at Sincan and Maltepe Prisons receive the clear message that any kind of threats or intimidating action against a prisoner who has complained of ill-treatment, and attempts to prevent complaints or requests from reaching the relevant supervisory bodies, will not be tolerated and will be subject to sanctions.

Further, **steps should be taken to ensure that closed complaints boxes accessible to prisoners (with restricted staff access) are installed in all the prisons visited.**

22. At Sincan and Maltepe Prisons and to lesser extent also at Gaziantep Prison, numerous allegations were heard of acts of violence between inmates, both fights between hostile inmates and beatings of individual prisoners by stronger inmates. At Sincan, a few allegations were also made of sexual abuse of juveniles by fellow inmates.

At Sincan and Maltepe, the level of inter-prisoner violence was significantly lower in the units which were included in the “BISIS” or “group leader” pilot projects¹⁸ and supervised by a designated prison officer.

23. Particular reference should be made to four specific units at Maltepe Prison which were not covered by the BISIS project (commonly referred to by inmates as “*mümessil*” units). These units were officially accommodating re-offenders or “difficult” inmates and a clearly visible strong internal hierarchy existed among the juveniles.¹⁹ The units were controlled by an unofficial leader (“*mümessil*”) and one or more of his “deputies”, and the delegation received numerous allegations, corroborated by the examination of the record of transfers of prisoners following disciplinary proceedings, that misbehaving juveniles of other units were being transferred there after having served - or even instead of serving - a disciplinary punishment, in order to be “taken care of” (i.e. beaten) by the leaders. A general climate of fear of such transfers was evident in many units.

¹⁸ For more details, see paragraph 27.

¹⁹ It is noteworthy in this context that group photographs clearly reflecting an informal inmate hierarchy were openly displayed in different parts of the prison.

In the CPT's view, it is inadmissible for prison staff to use a system of subordination or violence among prisoners to maintain order and control in an establishment, a function which is in its own exclusive remit. Such a dereliction of duty by the staff is very likely to result in exploitation of weaker prisoners by other inmates and to aggravate risks of violence and intimidation among prisoners.

24. The CPT recommends that the Turkish authorities redouble their efforts to combat the phenomenon of inter-prisoner violence and intimidation at Sincan, Maltepe and Gaziantep Prisons.

Further, the Committee recommends that immediate steps be taken at Maltepe Prison to put an end to the practice described in paragraph 23. Steps should also be taken to ensure that all detention units of Maltepe Prison are as soon as possible covered by the "BISIS" project.

25. At Diyarbakır and Gaziantep, the delegation was informed that each unit had a "leader" who was chosen from among the inmates and accepted by the prison management. In practice, he maintained internal order in the unit and distributed duties (such as cleaning) to the fellow inmates. Several inmates met by the delegation complained that they were constantly pressurised by the "leader" and some also made explicit allegations of physical violence.

The CPT recommends that steps be taken at Diyarbakır and Gaziantep Prisons and, where appropriate, in other establishments where juvenile prisoners are held, to ensure that no juvenile prisoner is put in a position to exercise power over other juveniles. Such arrangements entail a clear risk of exploitation of prisoners by the "leaders".

C. Management of juvenile prisoners and conditions of detention

1. Introduction

26. The CPT wishes to emphasise that the custody and care of juveniles deprived of their liberty is a particularly challenging task. Accommodation in small units, a proper assessment system to ensure suitable allocation to units and a multi-disciplinary team (preferably of mixed gender and including also non-custodial staff such as teachers, trainers, social workers and psychologists), selected and specially trained for work with juveniles, are essential elements of a suitable custodial environment for minors. Building positive relations with prisoners is a key feature of a prison officer's vocation, in particular for those responsible for juveniles. Further, an individualised pedagogical or treatment plan is a necessary tool for staff in focusing attention on problematic behaviour in a juvenile.

Although a lack of purposeful activity is detrimental for any prisoner, it is especially harmful for juveniles, who have a particular need for physical activity and intellectual stimulation. Regardless of their period of detention, they should be offered a full programme of education, vocational training, sport, recreation and other purposeful activities. Physical education should constitute an important part of that programme.

2. Ongoing reforms

27. In recent years, two pilot projects - the so-called "*Group Leader Model*"²⁰ and "*Individualised Treatment System*" (BISIS²¹) - have started being implemented in several units at Sincan and Maltepe Prisons, with a view to improving the care and social rehabilitation of juvenile prisoners, and the delegation was informed that it was envisaged to implement them progressively in other penitentiary institutions for juveniles throughout the country.

Both projects are based on the permanent presence of a designated prison officer (so-called "group leader" or "rehabilitation officer") in every detention unit during the day. Another key element is that juveniles are accommodated in single rooms (usually nine per unit). A control post for the "group leader" is separated from the communal area in the unit by a large transparent glass partition; from this post, the designated officer can visually supervise the entire communal area, monitor the corridors of both floors through CCTV cameras and communicate with juveniles in their cells via interphone. In addition, cell doors of the individual cells can be locked and unlocked electronically from the control post. The doors of individual cells can also be locked from the inside by the juvenile themselves, but can be unlocked from the outside only by prison staff.

Under the BISIS project, a standardised "Research and Evaluation Form" (so-called "ARDEF"²²) was used to facilitate the individual assessment of risks and needs of newly-admitted juveniles and the development of a tailored rehabilitation programme.

²⁰ The model was developed under the "MATRA Project" funded by the Dutch Government.

²¹ *Bireyselleştirilmiş İyileştirme Sistemi*. The system has been developed by the Ministry of Justice of Turkey with technical support from UNICEF in the context of an EU-funded project.

²² *Araştırma Değerlendirme Formu*.

28. At Sincan Prison, the projects have so far been fully implemented in one wing (Wing C). For this purpose, the entire wing had been restructured and every juvenile now has his own sanitary annexe with toilet, sink and shower attached to his cell.

All the new arrangements made were perceived positively by both prison staff and juveniles. Reportedly, they have also led to a significant decrease in the number of disciplinary offences committed and in the level of inter-prisoner violence (see paragraph 22).

The delegation was informed that the same adjustments would be made in the two other wings of the prison in the near future and that plans were afoot to introduce similar changes at Maltepe Prison.

The CPT welcomes these initiatives and would like to receive up-to-date information on the implementation of the above-mentioned reconstruction work at Sincan and Maltepe Prisons.

29. The delegation gained a generally positive impression of the two projects which reflect to a large extent the requirements set out in paragraph 26.

However, it observed that, in practice, the work of the designated officers often focused too much on containment and control, rather than on interacting actively with juveniles. Further, several of the “group leaders” met by the delegation indicated that they had received no or hardly any specialised training for performing this particular task. It is also regrettable that, at Sincan, meetings between “group leaders” and the establishment’s psychologists which had taken place on a daily basis at the beginning of the pilot project were later discontinued.

The CPT recommends that the Turkish authorities vigorously pursue their efforts to develop a comprehensive programme for the management of juvenile prisoners, on the basis of the two above-mentioned projects, and implement it progressively in all penitentiary establishments for juveniles in Turkey.

More specifically, steps should be taken to ensure that designated officers in charge of a living unit (“group leaders”) adopt a more educational approach and engage themselves more frequently in communication and regime activities with the inmates of their unit.

Further, the Committee recommends that the Turkish authorities ensure that all staff called upon to work in direct contact with juveniles receive specific training in this field, both initial and ongoing.

30. In the context of the ongoing reforms, psycho-social services have been created in recent years in all the establishments visited. At the time of the visit, Sincan Prison had one psychologist and one social worker, and the delegation was informed that one additional psychologist and one social worker were about to be recruited shortly. The three other establishments visited each had two psychologists and one social worker (at Diyarbakır and Gaziantep, however, for the entire inmate population, including adults).

In all the establishments visited, newly-arrived juveniles were as a rule interviewed by the psychologist and a social worker and an individual risk and needs assessment was performed.

The delegation gained a positive impression of the work of the psychologists and social workers, and many of the juveniles and staff spoke favourably about them. It is also noteworthy that, at Sincan Prison, regular group counselling sessions for juveniles (e.g. anger control, personal development) and one on conflict management programme for newly-recruited prison officers were organised.

That said, all psychologists met by the delegation indicated that they were having great difficulties in coping with their workload and many complaints were received about long waiting periods for a consultation with a psychologist.

The CPT recommends that the Turkish authorities review the staffing levels of psychologists and social workers in all the establishments visited, in the light of the above remarks.

3. Conditions of detention at Ankara-Sincan and Istanbul-Maltepe Prisons

31. Material conditions at Sincan and Maltepe Prisons were generally of a very good standard in terms of cell sizes and equipment, state of repair, ventilation and access to natural light and artificial lighting. Both prisons have an identical layout and consist of three accommodation blocks, each comprising 12 units in a duplex design, with a living area (65 m²), opening onto a courtyard (measuring 75 m²), on the ground floor and nine cells (11 m²), mostly for single occupancy, spread over the ground and upper floors. The sanitary facilities are usually located in a separate room on the ground floor. Cells were equipped with a bed, a table, chair, shelves and a wardrobe, and the living areas with tables, chairs, a television set, a refrigerator and, in some cases, an open-plan kitchenette.

32. As regards the regime, the CPT welcomes the fact that, at both Sincan and Maltepe Prisons, juveniles could move freely during the day within their living unit and had unrestricted access to the adjacent outdoor exercise yard with the possibility of playing football and/or basketball. In addition, several living units were equipped with a table tennis table.

That said, in both establishments visited, the delegation observed that in a number of units the juveniles did not have a ball or board games. Although a ball could be bought from the prison shop, a number of juveniles met by the delegation claimed that this was beyond their means.

The CPT trusts that the Turkish authorities will take the necessary steps to improve the possibility for juveniles to occupy themselves within their living units, in the light of the aforementioned remarks.

33. At Maltepe Prison, the majority of juveniles were regularly involved in various organised activities, such as vocational training (e.g. hairdressing, textile workshop, metalwork), education (e.g. computer courses, English classes) or recreation (e.g. handicrafts, chess). In addition, compulsory literacy courses were organised for illiterate inmates. Juveniles also benefited from one hour of organised sports activities per week (in an indoor or outdoor sports facility) and had weekly access to a large library for one to two hours (with the possibility to borrow books).

The situation was less favourable at Sincan Prison, where only some 70 inmates²³ were offered vocational training several times a week (e.g. receptionist, shop assistant, barber, metalwork course, etc.) and 31 were engaged in regular sports courses. That said, arrangements concerning collective sports activities and access to the library were similar to those at Maltepe.

The CPT recommends that steps be taken at Sincan Prison to ensure that all juveniles are provided with a full programme of organised activities adapted to their specific needs (in particular, education, vocational training, sport and recreation).

34. As regards more specifically educational activities, the delegation was not in a position to formulate a clear picture of what courses were being offered to juvenile prisoners at Sincan and Maltepe Prisons. **The CPT would like to receive more detailed and up-to-date information in this regard (in particular, types of courses, number of hours per week per juvenile).**

35. Specific mention should also be made of an unusual arrangement at Maltepe Prison whereby one juvenile in each unit was designated on a permanent basis to keep watch and keep good order in the unit during the night and for alerting prison staff in the case of any disturbance. He slept during the day and was thus excluded from any activities.

The CPT has serious misgivings about this arrangement as it shifts the responsibility for management of the establishment from prison staff to inmates and deprives the prisoner concerned of the possibility to participate in organised activities. **The Committee recommends that this practice be immediately abolished at Maltepe Prison.**

4. Conditions of detention in the juvenile units at Diyarbakır and Gaziantep E-type Prisons

36. Material conditions left a great deal to be desired in the juvenile units at Diyarbakır and Gaziantep E-type Prisons where in fact the entire premises were in a poor state of repair. Juveniles were accommodated in cramped conditions in living units/dormitories (each accommodating between ten and 28 inmates), and, in particular at Gaziantep Prison, some of them had to sleep on mattresses placed directly on the floor instead of having proper beds. The living units/dormitories were also in other respects not adequately equipped for the number of prisoners they were holding. For instance, there were hardly any cupboards, tables and chairs, and the few pieces of furniture were often severely damaged.²⁴ The same can be said about the few electric fans available. Moreover, in both establishments visited, sanitary facilities were dilapidated and in a poor state of hygiene.

²³ Out of the 167 inmates held in the establishment at the time of the visit.

²⁴ In their letter of 22 August 2012, the Turkish authorities informed the CPT that, at Gaziantep Prison, dormitories had been equipped with additional plastic chairs and tables following the Committee's visit.

The CPT welcomes the fact that the entire Diyarbakır Prison is expected to close by 2014 and that juveniles will then be transferred to a new juvenile penitentiary institution.

Nevertheless, for as long as juveniles continue to be held at Diyarbakır and Gaziantep Prisons, **the CPT recommends that the Turkish authorities take immediate steps in these establishments and, where appropriate, in other prisons in Turkey, to ensure that:**

- **all juveniles are provided with their own bed (as well as with a clean mattress and clean bedding);**
- **living units for juveniles are suitably equipped for the number of inmates they accommodate;**
- **the living units (including sanitary facilities) are kept in an acceptable state of repair and hygiene.**

37. At Gaziantep, material conditions offered to the two female juveniles were equally unsatisfactory. One of the two units in which they were accommodated was holding 18 women, but only contained six sets of bunk beds. This meant that five women were sleeping on mattresses placed directly on the floor and two had to share one bed. Such a state of affairs is not acceptable. In this regard, **the recommendation made in the first indent of paragraph 36 applies equally to female adult prisoners at Gaziantep Prison.**

38. More generally, the CPT considers that when, exceptionally, juveniles are held in an institution for adults, they should be accommodated separately from adults. The Committee acknowledges that there can be arguments in favour of juveniles participating in out-of-cell activities with adults (on the strict condition that there is appropriate supervision by staff). However, the CPT believes that the risks inherent in juvenile offenders sharing accommodation with adult offenders are such that this should not occur.

The CPT recommends that the Turkish authorities take the necessary steps to ensure that the above-mentioned precept is effectively implemented in practice at Gaziantep Prison and, where appropriate, in other prisons in Turkey, including as regards female juveniles.

39. Concerning the regime, the CPT acknowledges the efforts made by the management in both establishments visited to provide juveniles with purposeful activities. However, the information gathered during the visit indicates that the situation was far from satisfactory.

At Diyarbakır, the number of juveniles who had participated in educational activities appeared to be limited. The delegation was informed that a literacy course and additional classes (primary and junior high school) would begin after the summer. At the time of the visit, some 25 juveniles²⁵ were enrolled in a gardening activity (for 20 minutes a day). Access to an indoor or outdoor sports facility was possible for two hours twice a week.

²⁵ Out of the 90 inmates held in the establishment at the time of the visit.

According to the information provided by the management of Gaziantep Prison, a general education course, a barber's course, computer courses and a folklore dance course were organised on a regular basis. However, when asked, most of the juveniles met by the delegation stated that they had never been offered any organised activity, other than the folklore dance course. As regards sports activities, the only available facilities were the small courtyards adjacent to the living units.

For as long as juveniles continue to be accommodated at Diyarbakır and Gaziantep Prisons, **the CPT reiterates its recommendation that the Turkish authorities redouble their efforts at these establishments and, where appropriate, in other prisons in Turkey, to ensure that juveniles are provided with organised activities adapted to their specific needs (in particular, education, sport and recreation).**

40. As was the case in the other two establishments visited, the delegation was not in a position to formulate a comprehensive picture of the educational activities which were being offered to juvenile prisoners held at Diyarbakır and Gaziantep Prisons. In this regard, **the CPT would like to receive more detailed and up-to-date information (in particular, types of courses, number of hours per week per juvenile).**

D. Health-care services

41. Since the 2009 visit, the transfer of responsibility for prison health care from the Ministry of Justice to the Ministry of Health has gained ground and brought about improvements. In particular, all prisons visited had a prison doctor on a permanent basis, and, for the first time in the CPT's experience, a qualified nurse was employed in all but one of them. It is also noteworthy that nurses working in prisons are employed by the same authority as prison doctors (i.e. the Ministry of Health).

That said, the information gathered during the 2012 visit indicates that, in some respects, the above-mentioned transfer of responsibility was still incomplete. In particular, the medical services of the prisons visited were not connected with the health-care database of the Ministry of Health.²⁶ All doctors met by the delegation considered this to be a major obstacle to the effective and efficient provision of health care to prisoners. **The CPT recommends that appropriate steps be taken by the relevant authorities to remedy this deficiency.**

As regards the use of the database of the prison administration for medical purposes and the related lack of medical confidentiality, reference is made to the remarks and recommendation made in paragraph 49.

42. At *Sincan Prison*, the health-care team included one doctor and one full-time nurse (both employed by the Ministry of Health) and three health-care prison officers. The latter were assigned to the medical unit on a full-time basis and performed to a large extent the same duties as a nurse, although they had no professional health-care training. Given the fact that the doctor also covered one of the adjacent adult prisons with more than 1,400 prisoners, his presence at the juvenile prison was limited to two hours per day. At night and at weekends, at least one doctor and other health-care staff were on duty on the prison campus (with seven prisons).

Maltepe Prison had one doctor and one nurse (both employed by the Ministry of Health) as well as four health-care prison officers. However, the doctor also provided health care to prisoners at an open prison for adults located on the same campus. At night, one health-care officer was usually present in the juvenile prison.

At *Diyarbakır Prison*, one doctor and one nurse (both employed by the Ministry of Health) worked on a full-time basis from Monday to Friday. In addition, the prison employed four health-care prison officers, one of whom was present around the clock.

Gaziantep Prison had one full-time doctor but no nurse. Instead, the prison employed a "paramedic" (who was in fact a chemist with first-aid training), who lived on the premises of the establishment and was on call outside working hours, as well as four health-care prison officers.

²⁶ The delegation was informed that the database usually contained relevant information about the medical history of a given prisoner.

43. In all the establishments visited, the staffing levels for both doctors and qualified nurses were clearly insufficient, bearing in mind their enormous workload (see also paragraph 44). Not surprisingly, doctors met by the delegation acknowledged that they were not able to meet the needs of the patient population for which they were responsible, and many complaints were received from prisoners about delays in seeing a doctor. Moreover, it is a matter of concern that there was no nursing cover at weekends in any of the establishments visited.

In the CPT's view, the argument put forward by various interlocutors during the visit that, in the outside community, a full-time doctor usually covers a population of some 4,000 inhabitants, is not valid. It is a well-established fact that the morbidity rate is generally higher among a prison population and that prisoners often have health-care needs which are not represented in the same way in the outside community.

The CPT recommends that steps be taken by the Turkish authorities as a matter of priority to increase the health-care staffing levels in all the establishments visited, in the light of the above remarks. Immediate steps should be taken to ensure that qualified nursing staff are employed at Gaziantep Prison.

More generally, **the Committee considers that the longer-term objective should be to abolish the practice of involving prison officers in the performance of health-care duties.** For a prison health-care service to be truly independent, all staff assigned to it must be uniquely aligned - both administratively and professionally - to the health-care system, which is not the case at present.

44. As was the case during previous visits, the responsibilities of the prison doctors were not limited to inmates; they usually also provided health care to staff members and their families (on average, several hundred in each establishment). In this regard, **the CPT wishes to stress once again that, apart from resulting in a reduction of the time available for prisoners, such a practice represents a potential risk of conflict of interest (for example, when both inmates and prison officers are examined following a violent incident).**

45. In all the establishments visited, the health-care facilities were on the whole satisfactory and the supply of medicines adequate.

46. The CPT wishes to stress once again the crucial role of prompt medical screening of newly-arrived prisoners, in particular at establishments which represent points of entry into the prison system. Such screening is indispensable in the interests of preventing the spread of transmissible diseases, of suicide prevention and of the timely recording of injuries.

In all the establishments visited, juveniles were usually seen by a doctor promptly on their arrival. However, as already indicated in paragraph 12, it is a matter of serious concern that no proper medical screening was performed at Sincan Prison in respect of the juveniles who had been transferred to the establishment from Pozantı Prison.

Further, in all the establishments visited, major shortcomings were observed regarding the manner in which medical examinations were carried out (see also paragraph 49). In particular at Gaziantep Prison, such examinations appeared to be perfunctory; in most cases, the individual medical admission forms only contained a reference to the juvenile's blood group and the doctor's observation: "normal condition".

Moreover, in none of the establishments visited were newly-arrived juveniles systematically screened for transmissible diseases. Blood tests were usually only performed in order to determine the blood group of the prisoner concerned.

In addition, injuries observed on admission were not always recorded in detail, and the statements of the juveniles concerned were usually absent, as were *a fortiori* the doctor's conclusions as to the consistency of any such statements with injuries recorded.

47. The CPT calls upon the relevant Turkish authorities to take the necessary steps (including through the issuance of instructions and the provision of training to relevant staff) to ensure that in all the establishments visited as well as in other prisons in Turkey:

- **all newly-arrived prisoners are subject to a comprehensive medical examination, including screening for transmissible diseases, by a doctor (or a fully qualified nurse reporting to a doctor) as soon as possible after their admission and that prisoners are provided with information regarding the prevention of transmissible diseases;**
- **the record drawn up by a doctor after a medical examination of a prisoner, whether newly-arrived or not, contains (i) a full account of objective medical findings based on a thorough examination, (ii) a full account of statements made by the person concerned which are relevant to the medical examination (including any allegations of ill-treatment), and the doctor's conclusions, in the light of (i) and (ii), as to the consistency between any allegations made and the objective medical findings.**

Further, **the Committee recommends that steps be taken to ensure that, whenever injuries are recorded by a doctor in a prison which are consistent with allegations of ill-treatment made by the prisoner (or which, even in the absence of the allegations, are indicative of ill-treatment), the record is systematically brought to the attention of the relevant prosecutor, regardless of the wishes of the person concerned. Further, the results of every examination, including the above-mentioned statements and the doctor's conclusions, should be made available to the prisoner and, upon request, to his/her lawyer.**

48. As regards psychiatric care, the CPT welcomes the fact that a psychiatrist was present on a full-time basis on the prison campus at Sincan Prison and that Diyarbakır Prison was visited once a week by a psychiatrist. Regrettably, no such arrangement existed at Maltepe and Gaziantep Prisons.

The CPT wishes to stress once again that all prisons are likely to accommodate a certain number of prisoners who, while not requiring admission to a psychiatric facility, would benefit from ambulatory psychiatric care. The regular presence of a psychiatrist will enable those prisoners to be identified in good time and given appropriate treatment. In many cases this may well make it possible to avoid any subsequent need for their transfer to an outside facility. Further, such a presence will ensure that the state of health of inmates who are returned to prison after treatment in a psychiatric facility is satisfactorily monitored.

Therefore and in line with its longstanding position, **the CPT recommends that steps be taken to arrange for regular visits by a psychiatrist to Maltepe and Gaziantep Prisons (as well as to other prisons in Turkey where such visits do not presently take place).**

49. The delegation was struck by the total lack of medical confidentiality in all the establishments visited.

In particular, it remains the case that prison (health-care) officers were usually present during medical consultations (and, at Gaziantep Prison, also during consultations with a psychologist) and that they often had access to medical files.

As already indicated in paragraph 41 above, a major flaw also lies in the fact that in all the establishments visited, electronic medical files were opened and maintained in a database of the prison administration to which the management and administrative staff had unrestricted access.

Further, the delegation was surprised to find out that, at Diyarbakır and Gaziantep Prisons, all requests of prisoners to see a doctor were also notified to the management and that, at Gaziantep Prison, all prescriptions for medicines issued by the doctor were countersigned by the Director.

The CPT once again calls upon the Ministry of Justice to take immediate steps - in cooperation with the Ministry of Health - to ensure that the principle of medical confidentiality is fully respected in the establishments visited, as well as in all other prisons in Turkey. More specifically, steps should be taken to ensure that:

- **all medical examinations of prisoners (whether upon arrival or at a later stage) are conducted out of the hearing and - unless the doctor concerned requests otherwise in a particular case - out of the sight of prison officers;**
- **medical data are, as a rule, not accessible to non-medical staff.**

E. Other issues

1. Prison staff

50. The complement of custodial staff appeared to be adequate at Sincan and Maltepe Prisons which employed 159 and 146 prison officers, respectively.

The situation as regards custodial staff was less favourable at Gaziantep and Diyarbakır Prisons. In the former, only eight prison officers (two per shift) were responsible for supervising a total of 54 juveniles held in the establishment. In the latter, 60 prison officers (some 20 during the day and ten at night) were responsible for the separate wing of the prison (accommodating 265 inmates) where the four juvenile units were located.

At Diyarbakır, the delegation was informed that staff regularly worked extra hours for which they received neither overtime payment nor time off. In this regard, the CPT considers that low staffing levels and extended overtime obligations can easily lead to staff burnout and increase the risk of staff-inmate tension, preclude the emergence of dynamic security and generate an insecure environment for both staff and prisoners, as well as having a negative influence on the quality and level of the activities provided to prisoners.

The CPT recommends that the Turkish authorities carry out a review of the current staffing levels at Diyarbakır and Gaziantep Prisons.

2. Contact with the outside world

51. The CPT attaches considerable importance to the maintenance of good contact with the outside world for all persons deprived of their liberty. The active promotion of such contact can be especially beneficial for juveniles deprived of their liberty, many of whom may have behavioural problems related to emotional deprivation or a lack of social skills.

52. In all the establishments visited, juvenile prisoners (sentenced and on remand) were allowed to receive four one-hour visits per month, including one open visit (a so-called “table visit”) and three closed visits (i.e. with a glass partition), as provided for by Section 83 of the LESSM²⁷ and a related Ministry of Justice regulation.

In this regard, the CPT must express its serious misgivings about the fact that juveniles are obliged to receive three out of the four visits per month under closed conditions. From a security standpoint, there can be no justification for such a restriction. Further, it is regrettable that visits cannot take place at weekends²⁸ and that juveniles are not allowed to accumulate unused visit entitlements. This poses particular problems for juveniles whose families live far away from the prison.

²⁷ Pursuant to Section 83 (1) of the LESSM, prisoners may receive visits once a week during working hours, for no less than half an hour and no more than one hour, and Section 83 (3) of the LESSM stipulates that visits shall be either open or closed, in accordance with the regulations issued by the Ministry of Justice determining the conditions and duration of visits.

²⁸ In practice, juveniles were allocated upon admission a particular day of the week (Monday to Friday) during which they could receive a visit.

During the end-of-visit talks, the Minister of Justice indicated to the delegation that his Ministry was in the process of revising the existing prison regulation, in order to allow juveniles to receive visits in the future, as a rule, under open conditions. In addition, the Minister stated that a pilot project would be implemented at Sincan Prison as from July 2012, offering juveniles the opportunity to receive extended overnight visits from family members in a specially designated visiting area.

The CPT welcomes these initiatives; **it recommends that the Turkish authorities pursue their efforts to review the system of visits for juvenile prisoners and take the necessary steps to ensure that:**

- **all juveniles are able to receive visits from their family members without physical separation, except in individual cases where there may be a clear security concern;**
- **visits can also be received at weekends;**
- **juvenile prisoners are allowed to accumulate unused visit entitlements, in particular when families live far away from the prison.**

Further, **the Committee would like to receive confirmation that juveniles held at Sincan Prison now have the opportunity to benefit from extended visits from their family members. The Committee also encourages the Turkish authorities to introduce such arrangements for extended visits in other penitentiary establishments where juveniles are held.**

53. In all the establishments visited, juvenile prisoners (both sentenced and on remand) were allowed to make one ten-minute telephone call per week, as is provided for by a Ministry of Justice regulation. In the CPT's view, such an entitlement is too low to enable juveniles to maintain adequate contact with their families, in particular when they receive hardly any visits or none at all. **The CPT recommends that the Turkish authorities make the necessary arrangements to ensure that juvenile prisoners and especially those who do not receive visits are granted more frequent access to the telephone.**

54. Further, a number of juveniles met by the delegation indicated that they could not afford to purchase telephone cards. **The CPT invites the Turkish authorities to consider the possibility of allowing indigent juveniles at least one telephone call per month free of charge.**

55. The delegation also received a number of complaints from juveniles that they were not able to make telephone calls because their families were not in a position to provide certain documentation requested by the prison administration. **The CPT would like to receive clarification from the Turkish authorities on this matter.**

3. Discipline

56. Juvenile prisoners (both sentenced and on remand) may be subjected to disciplinary sanctions which range from warnings to “room confinement” for up to five days.²⁹

The CPT has strong reservations as concerns any form of solitary confinement of juveniles. For this age group, placement in conditions resembling solitary confinement can easily compromise their physical and/or mental integrity; consequently, such a sanction should be imposed only in very exceptional circumstances, as a last resort and for the shortest possible time.

Against this background, it would be preferable for juveniles not to be subjected to the sanction of confinement in a disciplinary room for a period which exceeds three days at a time. Further, whenever juveniles are subject to such a sanction, they must be guaranteed appropriate human contact throughout the duration of the measure.

57. At Gaziantep Prison, the delegation noted that there was no comprehensive register of disciplinary sanctions imposed. **The CPT recommends that such a register be established.**

58. The examination of individual disciplinary decisions provided to the delegation at Gaziantep revealed that the disciplinary punishment of room confinement had been imposed on juveniles in excess of the maximum period of five days on one occasion in 2011 (for 11 days) and once in 2012 (for 15 days). It would appear that this was due to the fact that several consecutive periods of room confinement for different disciplinary offences were imposed on a juvenile in one disciplinary decision.

The CPT recommends that immediate steps be taken to ensure that any juvenile facing more than one sanction of placement in a disciplinary room is not subjected to this sanction for an uninterrupted period in excess of the maximum time limit for a given offence. In the case of multiple sanctions of placement in a disciplinary room, there should be an interruption of several days in the solitary confinement regime after each sanction has been served.

59. Juveniles who were placed in a confinement room as a disciplinary punishment could generally benefit from one hour of outdoor exercise per day and had access to general reading material. In addition, they could send and receive letters and benefit from their general entitlement to make a telephone call and receive a visit.

That said, according to Section 14 (2) of the Ministry of Justice Regulation on visits of remand and sentenced prisoners, prisoners who have been subjected to a disciplinary sanction other than a warning or reprimand may be denied open visits for a specified period of time following the imposition of the sanction. For instance, in the case of room confinement, this period may last for up to 90 days, and several juveniles met by the delegation claimed that such an additional punishment had been imposed on them.

²⁹ See Section 46 of the LESSM.

The CPT has serious misgivings about this practice. As is recognised in the European rules for juvenile offenders subject to sanctions or measures, any restrictions on family contact as a punishment should be imposed on juveniles only when the offence relates to such contact.³⁰ **The Committee recommends that the above-mentioned Ministry of Justice Regulation be amended accordingly.**

60. In many aspects, the legal provisions concerning disciplinary procedure are satisfactory, and, from the information gathered during the visit, it transpired that these provisions were adhered to in practice in all the establishments visited: juveniles were informed in writing about the charges, decisions were taken by the governor or the establishment's disciplinary board (depending on the gravity of the offence and the sanction imposed) and were notified to the juvenile concerned, including the reasons and existing legal remedies (i.e. appeal to the enforcement judge). In addition, during appeal procedures before the enforcement judge, juveniles must be assisted by a lawyer (if necessary, provided *ex officio*).

That said, a major shortcoming lies in the fact that juveniles facing disciplinary charges were not always heard in person by the governor or the disciplinary board, as this is not mandatory under the current legislation. Further, the delegation was told that juveniles were not entitled to have access to a lawyer during disciplinary proceedings at the level of the prison.

The CPT recommends that the Turkish authorities take the necessary steps to ensure that juvenile prisoners facing disciplinary charges are formally guaranteed the right to be heard in person by the decision-making authority (i.e. governor or disciplinary board), as well as the rights to call witnesses on their own behalf and to cross-examine evidence given against them.

Further, **juveniles should be allowed, if they so wish, to have access to a lawyer throughout the disciplinary procedure (including during the hearing before the governor or disciplinary board).**

61. As regards the role of health-care staff in disciplinary proceedings, before a disciplinary sanction of room confinement was implemented, prison doctors were required, in accordance with the relevant legislation,³¹ to certify that the prisoner concerned was able to sustain the measure.

In the CPT's view, such a practice is scarcely conducive to a positive doctor-patient relationship. This point was recognised in the European Prison Rules; indeed, the rule in the previous version of the Rules, stipulating that prison doctors must certify that a prisoner is fit to sustain the punishment of disciplinary confinement, has now been removed.

On the other hand, health-care staff should be very attentive to the situation of prisoners subject to the disciplinary sanction of room confinement (or any other prisoner held under conditions of solitary confinement). The health-care staff should be informed of every such placement and should visit the prisoner immediately after placement and thereafter, on a regular basis, at least once per day, and provide them with prompt medical assistance and treatment as required. They should report to the prison director whenever a prisoner's health is being put seriously at risk by being held in disciplinary confinement.

³⁰ See Rule 95.6 and the Commentary to this rule.

³¹ Section 48 (3) (c) of the LESSM.

The CPT recommends that the role of health-care staff in relation to disciplinary matters be reviewed, in the light of the above remarks. In so doing, regard should be had to the European Prison Rules (in particular, Rule 43.2) and the European rules for juvenile offenders subject to sanctions or measures (see Rule 95.5 and the Commentary to this rule) as well as to the comments made by the CPT in its 21st General Report (see paragraphs 62 and 63 of CPT/Inf (2011) 28).

62. Sincan and Maltepe Prisons each possessed twelve confinement rooms. At Diyarbakır, four confinement rooms were available in the separate wing of the prison where units accommodating juveniles were located. By contrast, Gaziantep Prison possessed no specific confinement room and, when necessary, the disciplinary punishment of room confinement could be served in a former infirmary which contained five beds and was also used for segregation of juveniles from other inmates (see paragraph 63).

Material conditions in the confinement rooms at Sincan and Maltepe Prisons were satisfactory in many respects, such as size, lighting and ventilation. However, at Maltepe, sanitary annexes in six out of the twelve rooms were severely damaged, including potentially dangerous holes with sharp edges in the walls. The delegation was surprised to find out that those six rooms were still in use despite the availability of the other six undamaged confinement rooms. Moreover, all the twelve rooms were only equipped with a bed and a mattress. At Diyarbakır, the confinement rooms had limited access to natural light which constitutes a major shortcoming.

The CPT recommends that steps be taken to ensure that all facilities used for disciplinary room confinement are kept in a reasonable state of repair and cleanliness, have adequate access to natural light and are suitably equipped (a table and a chair, if necessary fixed to the floor, in addition to a proper bed).

Further, the Committee recommends that the damaged confinement rooms at Maltepe Prison be immediately taken out of service until they are refurbished.

4. Segregation

63. By virtue of Section 49 of the LESSM, if order in the prison or the security of persons is endangered, other measures not expressly provided for in the law shall be taken to secure law and order. In practice, such measures typically entailed segregation of a juvenile from other prisoners, either in a (padded) isolation room (at Sincan and Maltepe) or in one of the rooms used for disciplinary confinement (see paragraph 62); in the latter case, the room was referred to as an observation room.

64. The CPT notes that the above-mentioned legal provision does not specify a maximum time limit for the segregation of a prisoner.

At Gaziantep Prison, the delegation met a juvenile who had spent twelve days in the former infirmary under conditions of solitary confinement and had allegedly not been allowed to take any outdoor exercise throughout this period. Moreover, the juvenile concerned was not offered any meaningful activities and could not spend his time reading as he was illiterate. At Sincan Prison, a juvenile who was said to be aggressive and did not get along with other inmates had been held in one of the observation rooms for ten days at the time of the visit.

In this connection, the CPT wishes to stress that is generally acknowledged that all forms of solitary confinement without appropriate mental and physical stimulation are likely to have damaging effects, resulting in the deterioration of mental faculties and social abilities. Juveniles are particularly vulnerable to such risks. The Committee recognises that it may be necessary to segregate juvenile prisoners for security or safety reasons (for instance, to protect highly vulnerable juveniles or deal with juveniles who pose a threat to others). However, measures of this kind should only be ordered in very exceptional circumstances and for as short a time as possible.

The CPT recommends that the Turkish authorities review the current practice of administrative segregation of juveniles, taking into account the above remarks. Whenever juveniles are segregated from other inmates under conditions akin to solitary confinement, they must be guaranteed appropriate human contact throughout the duration of the measure.

Further, the Committee recommends that every juvenile subjected to segregation be granted at least one hour of outdoor exercise per day, from the very first day of placement under such conditions.

65. At Maltepe Prison, the information gathered by the delegation suggested that placement in an observation room occasionally lasted longer than necessary as the meetings of the administrative and observation board which, among other functions, took decisions on transfer of juveniles from one accommodation unit to another,³² were held only twice a week. **The CPT recommends that the necessary steps be taken at Maltepe Prison to ensure that placement of a juvenile in an observation room under conditions akin to solitary confinement does not last longer than is strictly necessary.**

66. Both at Sincan and Maltepe Prisons, the delegation heard several allegations that, on occasion, several juveniles had been placed together in a padded room. In the CPT's view, such a measure would be clearly contrary to the original purpose of this type of segregation room. **The CPT would like to receive the observations of the Turkish authorities on this issue.**

67. At Sincan, the delegation was informed that segregation of a juvenile in a padded cell or an observation cell was not systematically notified to health-care staff. **The CPT recommends that whenever a juvenile is segregated under conditions akin to solitary confinement, he/she always be seen as soon as possible by a member of the health-care staff, i.e. a doctor or a nurse reporting to a doctor, and thereafter, on a regular basis, at least once per day.**³³

³² See Section 45 (2) of the LESSM.

³³ See also Rule 43.2 of the European Prison Rules and the comments made by the CPT in paragraphs 62 and 63 of its 21st General Report (document CPT/Inf (2011)38).

68. A register of placement in a confinement/observation room or padded room was not kept in any of the establishments visited. **The CPT recommends that a special register be kept of every placement in a confinement/observation room or padded room, recording the name of the juvenile concerned, the reasons for the measure, the date and time of the beginning and end of the measure, the deciding authority, the precise location where the prisoner subject to segregation is accommodated and the time of the daily checks by health-care staff.**

69. Specific mention must be made of material conditions in the padded rooms at Sincan and Maltepe Prisons. The rooms (two in each establishment), located in the vicinity of the confinement rooms, measured some 14 m², were equipped with a floor-level toilet and had some access to natural light. However, their state of repair was unsatisfactory.

At Sincan, the rooms were poorly ventilated and dilapidated, the flushing mechanism of the toilet (a tap in the wall) had recently been ripped out and the holes provisionally repaired by plaster. An uncovered light bulb was hanging from the ceiling. This cannot be regarded as a safe cell in which to place agitated juveniles. As is well illustrated by an incident which had happened at Maltepe following a disturbance in November 2011 when several inmates placed in a padded room had broken a light bulb and by using the electric current had set fire to the padded room, such a situation poses a great risk to the safety of both the inmates placed in the padded room and the establishment.

At Maltepe, despite the assurances given by the prison management, the delegation received a number of allegations that both of the damaged padded rooms were still being used to hold agitated juveniles. In their current state, these cells are not fit for holding such juveniles.

The CPT recommends that the padded rooms at Sincan and Maltepe Prisons be taken out of service until such time as they are fully refurbished.

5. Inspection procedures

70. In addition to the inspections carried out by the Directorate General of Prisons, public prosecutors and enforcement judges, all prisons are supposed to be visited every two months by the relevant provincial prison monitoring board.

In order to obtain a better picture of the work of the prison monitoring boards, **the CPT would like to receive a list of all visits to Sincan, Maltepe, Diyarbakır and Gaziantep Prisons by the respective Provincial Prison Monitoring Boards since January 2010 and copies of the reports on the most recent visit to each of the establishments.**

APPENDIX

LIST OF THE CPT'S RECOMMENDATIONS, COMMENTS AND REQUESTS FOR INFORMATION

Preliminary remarks

recommendations

- the Turkish authorities to take the necessary steps to ensure that the principles of the Child Protection Law referred to in paragraph 8 of the report are effectively implemented and that existing alternatives to the prosecution and detention on remand of juveniles provided for by law are fully exploited in practice. Reference should also be made in this context to Recommendation Rec(2006)13 of the Committee of Ministers of the Council of Europe to member states on the use of remand in custody, the conditions in which it takes place and the provision of safeguards against abuse as well as to Rule 10³⁴ of the European rules for juvenile offenders subject to sanctions or measures (Recommendation CM/Rec(2008)11) (paragraph 10).

requests for information

- updated information on the construction of new penitentiary establishments for juveniles in different parts of the country (paragraph 9).

Ill-treatment

Allegations of ill-treatment and inter-prisoner violence at Pozantı Prison

requests for information

- the outcome of the criminal proceedings against 33 juveniles previously held at Pozantı Prison and six members of the prison's staff and, where appropriate, the sanctions subsequently imposed (at the criminal and/or disciplinary level) (paragraph 13).

Findings concerning the establishments visited during the 2012 visit

recommendations

- the Turkish authorities to deliver a clear message to prison managers and custodial staff at Sincan and Maltepe Juveniles Prisons and Gaziantep Prison that all forms of ill-treatment are not acceptable and will be punished accordingly. More specifically, prison officers should be reminded that:

³⁴ Rule 10 reads as follows: "Deprivation of liberty of a juvenile shall be a measure of last resort and imposed and implemented for the shortest period possible. Special efforts must be undertaken to avoid pre-trial detention."

- all forms of physical chastisement are unacceptable and must never be used in practice, in particular as regards juveniles (upon whom they may have a particularly harmful effect). Inmates who misbehave should be dealt with only in accordance with the prescribed disciplinary procedures.
- no more force than is strictly necessary should be used to control violent and/or recalcitrant prisoners and that once prisoners have been brought under control, there can be no justification for them being struck. In this context, the authorities should ensure that all prison officers are provided with training in recognised control and restraint techniques

(paragraph 20);

- the Turkish authorities to take appropriate steps to ensure that all allegations of ill-treatment of juvenile prisoners, whether expressed verbally or in writing, are properly investigated by the relevant prosecuting authorities (paragraph 20);
- prison staff at Sincan and Maltepe Prisons to receive the clear message that any kind of threats or intimidating action against a prisoner who has complained of ill-treatment, and attempts to prevent complaints or requests from reaching the relevant supervisory bodies, will not be tolerated and will be subject to sanctions (paragraph 21);
- steps to be taken to ensure that closed complaints boxes accessible to prisoners (with restricted staff access) are installed in all the prisons visited (paragraph 21);
- the Turkish authorities to redouble their efforts to combat the phenomenon of inter-prisoner violence and intimidation at Sincan, Maltepe and Gaziantep Prisons (paragraph 24);
- immediate steps to be taken at Maltepe Prison to put an end to the practice of using a system of subordination or violence among prisoners to maintain order and control in the establishment. Steps should also be taken to ensure that all detention units of Maltepe Prison are as soon as possible covered by the “Individualised Treatment System” (BISIS) (paragraph 24);
- steps to be taken at Diyarbakır and Gaziantep Prisons and, where appropriate, in other establishments where juvenile prisoners are held, to ensure that no juvenile prisoner is put in a position to exercise power over other juveniles (paragraph 25).

requests for information

- as regards the allegations of ill-treatment received by the delegation at Sincan Prison, a copy of the report on the investigation and of the decision by the Sincan Public Prosecutor’s Office referred to in the Turkish authorities’ letter of 22 August 2012 (paragraph 19).

Management of juvenile prisoners and conditions of detention

Ongoing reforms

recommendations

- the Turkish authorities to vigorously pursue their efforts to develop a comprehensive programme for the management of juvenile prisoners, on the basis of the “Group Leader Model” and the “Individualised Treatment System” (BISIS), and to implement it progressively in all penitentiary establishments for juveniles in Turkey (paragraph 29);
- steps to be taken to ensure that designated officers in charge of a living unit (“group leaders”) adopt a more educational approach and engage themselves more frequently in communication and regime activities with the inmates of their unit (paragraph 29);
- the Turkish authorities to ensure that all staff called upon to work in direct contact with juveniles receive specific training in this field, both initial and ongoing (paragraph 29);
- the Turkish authorities to review the staffing levels of psychologists and social workers in all the establishments visited, in the light of the remarks in paragraph 30 (paragraph 30).

requests for information

- up-to-date information on the implementation of the reconstruction work at Sincan and Maltepe Prisons in the context of the “Group Leader Model” and “BISIS” project (paragraph 28).

Conditions of detention at Ankara-Sincan and Istanbul-Maltepe Prisons

recommendations

- steps to be taken at Sincan Prison to ensure that all juveniles are provided with a full programme of organised activities adapted to their specific needs (in particular, education, vocational training, sport and recreation) (paragraph 33);
- the practice observed at Maltepe Prison of designating one juvenile in each unit to keep watch and keep good order in the unit during the night to be abolished immediately (paragraph 35).

comments

- the CPT trusts that the Turkish authorities will take the necessary steps at Sincan and Maltepe Prisons to improve the possibility for juveniles to occupy themselves within their living units, in the light of the remarks in paragraph 32 (paragraph 32).

requests for information

- more detailed and up-to-date information regarding educational activities offered to juveniles held at Sincan and Maltepe Prisons (in particular, types of courses, number of hours per week per juvenile) (paragraph 34).

Conditions of detention in the juvenile units at Diyarbakır and Gaziantep E-type Prisons

recommendations

- the Turkish authorities to take immediate steps at Diyarbakır and Gaziantep Prisons and, where appropriate, in other prisons in Turkey, to ensure that:
 - all juveniles are provided with their own bed (as well as with a clean mattress and clean bedding);
 - living units for juveniles are suitably equipped for the number of inmates they accommodate;
 - the living units (including sanitary facilities) are kept in an acceptable state of repair and hygiene
(paragraph 36);
- all female adult prisoners at Gaziantep Prison to be provided with their own bed (as well as with a clean mattress and clean bedding) (paragraph 37);
- the necessary steps be taken at Gaziantep Prison and, where appropriate, in other prisons in Turkey to ensure that when, exceptionally, juveniles are held in an institution for adults, they are always accommodated separately from adults and are subject to appropriate staff supervision during any participation in out-of-cell activities with adults; this requirement applies equally to female juveniles (paragraph 38);
- the Turkish authorities to redouble their efforts at Diyarbakır and Gaziantep Prisons and, where appropriate, in other prisons in Turkey, to ensure that juveniles are provided with organised activities adapted to their specific needs (in particular, education, sport and recreation) (paragraph 39).

requests for information

- more detailed and up-to-date information regarding educational activities offered to juveniles held at Diyarbakır and Gaziantep Prisons (in particular, types of courses, number of hours per week per juvenile) (paragraph 40).

Health-care services

recommendations

- appropriate steps to be taken by the relevant authorities to ensure that the medical services of all the prisons visited are connected with the health-care database of the Ministry of Health (paragraph 41);
- steps to be taken as a matter of priority to increase the health-care staffing levels in all the establishments visited, in the light of the remarks in paragraph 43. Immediate steps should be taken to ensure that qualified nursing staff are employed at Gaziantep Prison (paragraph 43);
- the relevant Turkish authorities to take the necessary steps (including through the issuance of instructions and the provision of training to relevant staff) to ensure that in all the establishments visited as well as in other prisons in Turkey:
 - all newly-arrived prisoners are subject to a comprehensive medical examination, including screening for transmissible diseases, by a doctor (or a fully qualified nurse reporting to a doctor) as soon as possible after their admission and that prisoners are provided with information regarding the prevention of transmissible diseases;
 - the record drawn up by a doctor after a medical examination of a prisoner, whether newly-arrived or not, contains (i) a full account of objective medical findings based on a thorough examination, (ii) a full account of statements made by the person concerned which are relevant to the medical examination (including any allegations of ill-treatment), and the doctor's conclusions, in the light of (i) and (ii), as to the consistency between any allegations made and the objective medical findings (paragraph 47);
- steps to be taken to ensure that, whenever injuries are recorded by a doctor in a prison which are consistent with allegations of ill-treatment made by the prisoner (or which, even in the absence of the allegations, are indicative of ill-treatment), the record is systematically brought to the attention of the relevant prosecutor, regardless of the wishes of the person concerned. Further, the results of every examination, including the above-mentioned statements and the doctor's conclusions, should be made available to the prisoner and, upon request, to his/her lawyer (paragraph 47);
- steps to be taken to arrange for regular visits by a psychiatrist to Maltepe and Gaziantep Prisons (as well as to other prisons in Turkey where such visits do not presently take place) (paragraph 48);
- the Ministry of Justice to take immediate steps - in co-operation with the Ministry of Health - to ensure that the principle of medical confidentiality is fully respected in the establishments visited, as well as in all other prisons in Turkey. More specifically, steps should be taken to ensure that:

- all medical examinations of prisoners (whether upon arrival or at a later stage) are conducted out of the hearing and - unless the doctor concerned requests otherwise in a particular case - out of the sight of prison officers;
- medical data are, as a rule, not accessible to non-medical staff (paragraph 49).

comments

- the Committee considers that the longer-term objective should be to abolish the practice of involving prison officers in the performance of health-care duties (paragraph 43);
- the CPT wishes to stress once again that, apart from resulting in a reduction of the time available for prisoners, the practice of prison doctors providing health care to staff members and their families represents a potential risk of conflict of interest (for example, when both inmates and prison officers are examined following a violent incident) (paragraph 44).

Other issues

Prison staff

recommendations

- the Turkish authorities to carry out a review of the current staffing levels at Diyarbakır and Gaziantep Prisons, in the light of the remarks in paragraph 50 (paragraph 50).

Contact with the outside world

recommendations

- the Turkish authorities to pursue their efforts to review the system of visits for juvenile prisoners and to take the necessary steps to ensure that:
 - all juveniles are able to receive visits from their family members without physical separation, except in individual cases where there may be a clear security concern;
 - visits can also be received at weekends;
 - juvenile prisoners are allowed to accumulate unused visit entitlements, in particular when families live far away from the prison (paragraph 52);
- the Turkish authorities to make the necessary arrangements to ensure that juvenile prisoners and especially those who do not receive visits are granted more frequent access to the telephone (paragraph 53).

comments

- the Committee encourages the Turkish authorities to introduce arrangements for extended visits, as described in paragraph 52, in other penitentiary establishments where juveniles are held (in addition to Sincan Prison) (paragraph 52);
- the Turkish authorities are invited to consider the possibility of allowing indigent juveniles at least one telephone call per month free of charge (paragraph 54).

requests for information

- confirmation that juveniles held at Sincan Prison now have the opportunity to benefit from extended visits from their family members (paragraph 52);
- clarification from the Turkish authorities as regards the complaints received from some juveniles that they were not able to make telephone calls because their families were not in a position to provide certain documentation requested by the prison administration (paragraph 55).

Discipline

recommendations

- whenever juveniles are subject to the sanction of confinement in a disciplinary room, they must be guaranteed appropriate human contact throughout the duration of the measure (paragraph 56);
- a comprehensive register of disciplinary sanctions imposed to be established at Gaziantep Prison (paragraph 57);
- immediate steps to be taken to ensure that any juvenile facing more than one sanction of placement in a disciplinary room is not subjected to this sanction for an uninterrupted period in excess of the maximum time limit for a given offence. In the case of multiple sanctions of placement in a disciplinary room, there should be an interruption of several days in the solitary confinement regime after each sanction has been served (paragraph 58);
- Section 14 (2) of the Ministry of Justice Regulation on visits of remand and sentenced prisoners to be amended so that any restrictions on family contact as a punishment are imposed on juveniles only when the offence relates to such contact (paragraph 59);
- the Turkish authorities to take the necessary steps to ensure that juvenile prisoners facing disciplinary charges are formally guaranteed the right to be heard in person by the decision-making authority (i.e. governor or disciplinary board), as well as the rights to call witnesses on their own behalf and to cross-examine evidence given against them (paragraph 60);
- the role of health-care staff in relation to disciplinary matters to be reviewed, in the light of the remarks in paragraph 61. In so doing, regard should be had to the European Prison Rules (in particular, Rule 43.2) and the European rules for juvenile offenders subject to sanctions or measures (see Rule 95.5 and the Commentary to this rule) as well as to the comments made by the CPT in its 21st General Report (see paragraphs 62 and 63 of CPT/Inf (2011) 28) (paragraph 61);

- steps to be taken at Maltepe and Diyarbakır Prisons to ensure that all facilities used for disciplinary room confinement are kept in a reasonable state of repair and cleanliness, have adequate access to natural light and are suitably equipped (a table and a chair, if necessary fixed to the floor, in addition to a proper bed) (paragraph 62);
- the damaged confinement rooms at Maltepe Prison to be immediately taken out of service until they are refurbished (paragraph 62).

comments

- it would be preferable for juveniles not to be subjected to the sanction of confinement in a disciplinary room for a period which exceeds three days at a time (paragraph 56);
- juveniles should be allowed, if they so wish, to have access to a lawyer throughout the disciplinary procedure (including during the hearing before the governor or disciplinary board) (paragraph 60).

Segregation

recommendations

- the Turkish authorities to review the current practice of administrative segregation of juveniles, taking into account the remarks in paragraph 64. Whenever juveniles are segregated from other inmates under conditions akin to solitary confinement, they must be guaranteed appropriate human contact throughout the duration of the measure (paragraph 64);
- every juvenile subjected to segregation to be granted at least one hour of outdoor exercise per day, from the very first day of placement under such conditions (paragraph 64);
- the necessary steps to be taken at Maltepe Prison to ensure that placement of a juvenile in an observation room under conditions akin to solitary confinement does not last longer than is strictly necessary (paragraph 65);
- whenever a juvenile is segregated under conditions akin to solitary confinement, he/she always to be seen as soon as possible by a member of the health-care staff, i.e. a doctor or a nurse reporting to a doctor, and thereafter, on a regular basis, at least once per day (paragraph 67);
- a special register to be kept of every placement in a confinement/observation room or padded room, recording the name of the juvenile concerned, the reasons for the measure, the date and time of the beginning and end of the measure, the deciding authority, the precise location where the prisoner subject to segregation is accommodated and the time of the daily checks by health-care staff (paragraph 68);
- the padded rooms at Sincan and Maltepe Prisons to be taken out of service until such time as they are fully refurbished (paragraph 69).

requests for information

- the Turkish authorities' observations as regards the allegations heard by the delegation both at Sincan and Maltepe Prisons that, on occasion, several juveniles had been placed together in a padded room (paragraph 66).

Inspection procedures

requests for information

- a list of all visits to Sincan and Maltepe Juveniles Prisons and Diyarbakır and Gaziantep E-type Prisons by the respective Provincial Prison Monitoring Boards since January 2010 and copies of the reports on the most recent visit to each of the establishments (paragraph 70).