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## **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 16 to 23 June 2015**

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 (2017) 33.

Strasbourg, 17 October 2017

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**Copy of the letter transmitting the CPT's report**

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

Strasbourg, 30 November 2015

Dear Ms Özçeri,

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 16 to 23 June 2015. The report was adopted by the CPT at its 88<sup>th</sup> meeting, held from 2 to 6 November 2015.

The various recommendations, comments and requests for information formulated by the CPT are highlighted in bold type in the body of the report. As regards more particularly the CPT's recommendations, having regard to Article 10, paragraph 1, 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 and requests for information formulated in this report.

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,

Mykola Gnatovskyy  
President of the European Committee  
for the Prevention of Torture and Inhuman  
or Degrading Treatment or Punishment

## EXECUTIVE SUMMARY

The purpose of the 2015 ad hoc visit to Turkey was to examine the treatment and conditions of detention of foreign nationals detained under aliens legislation and to assess the implementation of the ongoing legislative and infrastructural reforms in this area. A comprehensive Law on Foreigners and International Protection was adopted in 2013, which contains a wide range of important safeguards for asylum-seekers and irregular migrants, including as regards immigration detention. It is also praiseworthy that several new detention centres for foreigners have been constructed in recent years, while some old sub-standard detention facilities have been closed down. The visit took place at a very challenging time for Turkey when the country was facing an ever-increasing influx of foreign nationals (mainly from Syria, Afghanistan, Iraq and Iran); the CPT expresses its appreciation of the measures taken by the Turkish authorities to provide shelter, care and protection to more than two million refugees.

Throughout the visit, the CPT's delegation received very good co-operation from both the national authorities and staff at the establishments visited. However, the principle of co-operation also requires that the Committee's recommendations be effectively implemented in practice. In this regard, the CPT expresses its serious concern about the total lack of action to implement longstanding recommendations regarding the provision of outdoor exercise to immigration detainees at Ankara and Istanbul-Kumkapı Removal Centres.

The CPT's delegation heard no allegations of physical ill-treatment of immigration detainees by custodial police officers in any of the removal centres visited. It is also noteworthy that no allegations were received from detained foreign nationals of physical ill-treatment by law enforcement officials (e.g. police, gendarmerie, coast guard) who had apprehended them.

Material conditions of detention in the removal centres visited ranged from very good at Aydın to extremely poor at Ankara, Istanbul-Kumkapı and Izmir. In the three latter establishments, many foreign nationals were kept for prolonged periods in conditions that could be considered to be inhuman and degrading (e.g. severe overcrowding, poor state of hygiene, limited or no access to natural light, inadequate ventilation, etc.). Further, in all the removal centres visited, many complaints were received about the lack of basic personal hygiene products.

Whilst acknowledging that, at Aydın, Edirne, Tekirdağ and Van Removal Centres, detained foreign nationals had access to a courtyard for a significant part of the day, it is a matter of grave concern that no outdoor exercise whatsoever was provided to immigration detainees (including minors) at Ankara Removal Centre for weeks or even months on end. The situation was scarcely better at Kumkapı where outdoor exercise was provided at best once a week, for up to 30 minutes. At Izmir, outdoor exercise was limited to some 20 minutes per day for male detainees. In the CPT's view, providing all detained persons – including immigration detainees – with at least one hour of outdoor exercise every day constitutes a fundamental obligation on the part of national authorities.

With very few exceptions, no sports or other recreational activities were organised for foreign nationals in any of the removal centres visited. As a result, a considerable number of immigration detainees in each of the centres spent weeks or even months in a state of complete idleness. The Committee therefore recommends that the Turkish authorities take steps to introduce a basic minimum of activities for immigration detainees, such as providing access to television and other appropriate means of recreation and to ensure access to reading material in the most frequently spoken foreign languages.

The CPT noted with great concern that a number of foreign nationals, including families with small children, were being kept in the holding facility in the transit zone of Istanbul Atatürk Airport for prolonged periods (up to five months) without having access to natural light and outdoor exercise. Following an urgent request by the delegation that measures be taken to ensure that the aforementioned facility is not used to hold foreigners for more than a few days, the Turkish authorities informed the Committee that a new holding facility had been allocated within Istanbul Atatürk Airport and that the detained foreign nationals would soon be relocated to that facility.

The CPT acknowledges the efforts made by the Turkish authorities to improve the provision of health care to foreign nationals held in removal centres. In particular, the Committee is pleased to note that a full-time doctor has been employed at Edirne Removal Centre, assisted by two nurses. Nurses were also employed at Aydın and Kumkapı. However, in most of the centres visited, the attendance hours of a doctor were insufficient for the needs of the inmate population. It is also a matter of concern that not a single nurse was employed in the removal centres at Ankara, Izmir, Tekirdağ and Van. Further, with one exception, no systematic medical screening of newly-admitted foreign nationals was carried out in the establishments visited. Further, even when foreign nationals were seen by a doctor upon admission, no personal medical file was opened. It should also be noted that medical confidentiality was far from guaranteed in any of the establishments visited.

As regards staff, the CPT welcomes the fact that, in most of the removal centres visited, psychologists, social workers and interpreters have recently been recruited on a full-time basis. However, there was no psychologist at all at Aydın and Van Removal Centres and, at Izmir, many foreign nationals appeared to be unaware of the presence of a psychologist in the centre. In this regard, the Committee stresses the need for particular attention to be paid to the psychological state of immigration detainees (and in particular of children), some of whom may have experienced traumatic situations prior to their arrival in Turkey.

It is positive that, in all the removal centres visited, a notification form regarding the imposition of expulsion and detention orders with information on rights (including legal remedies) existed in various languages and that this form was usually presented to foreign nationals upon their admission. That said, the overwhelming majority of foreigners interviewed by the delegation claimed that they had not been given time to read the form before signing it and were thus not aware of its contents. Further, in practically none of the centres visited were inmates given a copy of the notification form.

From interviews with detained foreign nationals it transpired that many of them were unaware of their right to have access to a lawyer, let alone an *ex officio* lawyer. There were also clear indications that the system of legal aid did not work effectively; in fact, hardly any case could be found in which an *ex officio* lawyer had been appointed. In this connection, it was stated by a number of inmates – and confirmed by staff – in several establishments visited that lawyers from Bar Associations refused to provide their services when the foreign nationals concerned were indigent. The CPT recommends that the Turkish authorities take appropriate steps – in co-operation with the Bar Association – to ensure that immigration detainees can effectively benefit from the services of a lawyer (including through the provision of free legal aid). The Committee also recommends that unaccompanied minors detained under aliens legislation be immediately provided with free legal aid.

Finally, the CPT expresses concern about the fact that, in several of the removal centres visited, pepper spray had on occasion been used against foreign nationals within the detention area. Given the potentially dangerous effect of this substance, the Committee recommends that steps be taken to ensure that pepper spray is never used in confined spaces and that, more generally, it does not form part of the standard equipment of custodial staff working in removal centres.

## 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 16 to 23 June 2015. The visit was one which appeared to the CPT “to be required in the circumstances” (see Article 7, paragraph 1, of the Convention).

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

- Julia KOZMA (Head of delegation)
- Andreana ESPOSITO
- Jari PIRJOLA
- Vytautas RAŠKAUSKAS
- Anton VAN KALMTHOUT
- Hans WOLFF.

They were supported by Michael NEURAUTER, Head of Division, and Elvin ALIYEV of the CPT’s Secretariat, and were assisted by the following interpreters:

- Zeynep BEKDIK
- Ebru DIRIKER
- Nilay Güleser ODABAŞ
- Kudret SÜZER
- Canan TOLLU.

## **B. Context of the visit and establishments visited**

3. During its 2009 visit, the CPT visited a number of detention centres for foreigners in different parts of Turkey. In the report on that visit, it expressed serious concern about the conditions of detention in several establishments and the almost total lack of legal safeguards surrounding immigration detention.<sup>1</sup>

Since the 2009 visit, the Turkish authorities have taken a number of measures to improve the situation. In particular, some old sub-standard detention facilities for foreigners have been closed down, and several new detention centres have been constructed. Further, the authorities have carried out a major overhaul of the relevant legislation and adopted in 2013 a comprehensive Law on Foreigners and International Protection (LFIP).<sup>2</sup> The law provides for a transfer of the responsibility for immigration detention from the National Police to a newly created civilian agency under the Ministry of the Interior (i.e. the Directorate General of Migration Management - DGMM)<sup>3</sup>. In addition, the law contains a wide range of important safeguards for asylum-seekers and irregular migrants, including as regards immigration detention (for further details, see paragraph 46).

The purpose of the 2015 visit was to examine the treatment and conditions of detention of foreign nationals detained under aliens legislation and to assess the implementation in practice of the above-mentioned reforms. The visit took place at a time when Turkey was facing major challenges with an ever-increasing number of foreign nationals arriving on Turkish soil. As of June 2015, the country was hosting about two million refugees, mainly from Syria, Afghanistan, Iraq and Iran. The CPT wishes to take this opportunity to express its appreciation of the measures taken by the Turkish authorities to provide shelter, care and protection to such an unprecedented number of refugees.

4. In the course of the visit, the delegation visited the following places:

- Ankara Removal Centre
- Aydın Removal Centre
- Edirne Removal Centre
- Istanbul-Kumkapı Removal Centre
- Izmir Removal Centre
- Tekirdağ Removal Centre
- Van Removal Centre
  
- The holding facility in the transit zone of Istanbul Atatürk Airport.

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<sup>1</sup> See CPT/Inf (2011) 13.

<sup>2</sup> The law came fully into force in April 2014.

<sup>3</sup> According to Section 103 of the LFIP, the DGMM shall implement migration policies and strategies, ensure co-ordination among relevant institutions and organisations, carry out processes and work concerning foreigners' entry into, stay in and exit from Turkey as well as their deportation, international protection, temporary protection and protection of victims of human trafficking.

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

5. In the course of the visit, the delegation held consultations with Aziz YILDIRIM, Deputy Undersecretary of the Ministry of the Interior, Ahmet APAN, Deputy Director General for Migration Management of the Ministry of the Interior, and other senior officials from the Ministries of the Interior (including the National Police and the General Command of the Gendarmerie) and Foreign Affairs. Discussions were also held with Hikmet TÜLEN, President of the National Human Rights Institution, in his capacity as the Head of the National Preventive Mechanism (NPM) set up under the Optional Protocol to the United Nations Convention against Torture (OPCAT).

In addition, the delegation met representatives of the Ankara Office of the United Nations High Commissioner for Refugees (UNHCR) and members of non-governmental organisations.

A list of the national authorities and organisations met by the delegation is set out in the Appendix to this report.

6. Throughout the visit, the CPT's delegation received very good co-operation from both the national authorities and staff at the establishments visited. The delegation enjoyed rapid access to all the places visited (including those which had not been notified in advance), was provided with the information necessary for carrying out its task and was able to speak in private with persons deprived of their liberty. The CPT also wishes to express its appreciation for the assistance provided before and during the visit by its liaison officer, Ms KİVİLCİM KILIÇ, from the Ministry of Foreign Affairs.

That said, the CPT must stress that the principle of co-operation set out in Article 3 of the Convention is not limited to facilitating the task of visiting delegations. It also requires that decisive action be taken in response to the Committee's recommendations. In this regard, the Committee is very concerned about the total lack of action to implement longstanding recommendations regarding the provision of outdoor exercise to immigration detainees at Ankara and Istanbul-Kumkapı Removal Centres (see paragraphs 28 to 30). The Committee urges the Turkish authorities to take decisive steps to address this issue, in accordance with the principle of co-operation which lies at the heart of the Convention.



**D. Immediate observations under Article 8, paragraph 5, of the Convention**

7. During the end-of-visit talks with the Turkish authorities on 23 June 2015, the CPT's delegation outlined the main facts found during the visit and, on that occasion, made three immediate observations under Article 8, paragraph 5, of the Convention.

The first immediate observation was made concerning the provision of outdoor exercise at Ankara, Istanbul-Kumkapı and Izmir Removal Centres. At Ankara Removal Centre, no outdoor exercise whatsoever was provided to immigration detainees (including women and children). The situation was only slightly better at Kumkapı where outdoor exercise was offered at best once a week, for some 20 to 30 minutes. As regards Izmir Removal Centre, outdoor exercise was limited to some 20 minutes per day for male detainees. The delegation requested the Turkish authorities to take urgent measures to ensure that all foreign nationals held at Ankara, Istanbul-Kumkapı and Izmir Removal Centres are offered at least one hour of outdoor exercise every day.

The second immediate observation was made in respect of the holding facility in the transit zone of Istanbul Atatürk Airport where foreign nationals, including families with small children, were being held for prolonged periods (up to five months) without having access to natural light and outdoor exercise; further, artificial lighting was kept on 24 hours a day. The delegation requested the Turkish authorities to take urgent measures to ensure that this facility is not used to hold foreign nationals for more than a few days.

The third immediate observation was made regarding the situation of unaccompanied minors at Ankara and Izmir Removal Centres. The delegation was concerned by the fact that 21 unaccompanied minors were being held at Izmir Removal Centre since mid-April in an overcrowded dormitory, without being offered any activities. Further, at Ankara Removal Centre, seven unaccompanied minors were being held for more than a week in an overcrowded dormitory together with adults. The delegation requested the Turkish authorities to take immediate measures to ensure that all unaccompanied minors held in these two removal centres are transferred to an appropriate child welfare institution.

8. The above-mentioned immediate observations were subsequently confirmed in a letter of 15 July 2015 from the Executive Secretary of the CPT, in which the Turkish authorities were requested to provide, within one month, detailed information on the steps taken in response.

By letters of 5 August and 6 October 2015, the Turkish authorities provided information on various issues raised by the delegation during the end-of-visit talks, including on the measures taken in response to the above-mentioned immediate observations. These measures will be assessed later in the report.

## II. FACTS FOUND DURING THE VISIT AND ACTION PROPOSED

### A. Preliminary remarks

9. As already mentioned in paragraph 3, the legal framework governing immigration detention has undergone major changes in recent years. Under Section 57 of the LFIP, whenever a foreign national is apprehended by the police on immigration-related grounds, the case must be immediately reported to the relevant provincial governorate which must decide, within 48 hours, on whether to issue an expulsion order. In the affirmative, the provincial governorate must also take a decision as to whether to impose administrative detention pending removal.<sup>4</sup> Within 48 hours of the issuance of a detention order, the foreign national concerned must be placed in a removal centre. Thus, the maximum period of police custody under aliens legislation is 96 hours.

The duration of detention pending removal must not exceed six months; this period may however be extended to a maximum of twelve months if the removal proceedings cannot be completed due to the foreigner's failure to co-operate or to provide correct information or documents about his/her country of origin. Further, the duration of administrative detention of asylum seekers shall not exceed thirty days (Section 68, paragraph 5, of the LFIP).<sup>5</sup>

10. As regards the placement of foreign nationals in holding facilities within the transit zone of international airports, the CPT notes that the new legislation does not set any maximum time limit.<sup>6</sup> As indicated in paragraph 37, the great majority of foreign nationals stayed in the transit zone of Istanbul Atatürk Airport only for a few hours or overnight, but the delegation also met persons who had been held there for several months. As far as the delegation could ascertain, the law does not provide for any procedure according to which the lawfulness of this type of deprivation of liberty could be challenged before a court in accordance with Article 5, paragraph 4, of the European Convention on Human Rights. **The CPT would like to receive the Turkish authorities' comments on this matter.**

11. According to Section 58, paragraph 3, of the LFIP, the principles and procedures related to the establishment, management, outsourcing and inspection of removal centres shall be determined by a separate administrative regulation ("directive"). At the time of the visit, this regulation was still under preparation, and the delegation was informed that it would be issued by the Ministry of the Interior within a short time. **The CPT would like to receive a copy of this regulation once it has been issued.**

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<sup>4</sup> Administrative detention pending removal shall be imposed on a foreign national who: (a) may abscond or disappear; (b) has violated rules for entry into and exit from Turkey; (c) has used false or fabricated documents; (d) did not leave Turkey within the granted period without justified reasons; (e) poses a threat to public order, public safety or public health (Section 57, paragraph 2).

<sup>5</sup> Administrative detention of asylum-seekers shall be an exceptional measure and may only be applied on the following grounds: (a) to determine the identity or nationality of the foreign national when there are serious doubts as to the accuracy of the information provided by him/her; (b) to prevent illegal entry to the country; (c) when administrative detention is necessary for the proper assessment of an asylum application; (d) when the foreign national poses a serious threat to public order or public safety (Section 68, paragraph 2).

<sup>6</sup> See, in this regard, the judgment of the European Court of Human Rights in the case of *T. and A. v. Turkey* dated 21 October 2014 (application no. 47146/11), in which the Court qualified the placement of foreign nationals in the holding facility within the transit zone of Istanbul Atatürk Airport as a form of deprivation of liberty within the meaning of Article 5, paragraph 1, of the ECHR.

12. At the time of the visit, twenty removal centres were in operation in different parts of the country (with a total capacity of 2,148 places);<sup>7</sup> 13 being dedicated detention facilities for foreigners, while seven (with a total capacity of 353 places) were “ordinary” detention facilities located on the premises of police establishments.

Although the DGMM was operational in all provinces (through its provincial migration directorates) and had already assumed responsibility for the management of removal centres, those centres were still to a large extent run by the National Police; in particular, custodial functions continued to be performed by police officers. That said, it was planned that by 31 August 2015 the DGMM would have the full responsibility over the thirteen dedicated removal centres (including on matters of security and oversight); thus, police officers would no longer work in removal centres. As regards the seven detention facilities located on police premises,<sup>8</sup> the delegation was told that it was planned to no longer use them for immigration detention purposes beyond the end of 2015.

**The CPT would like to receive updated information on the above issues.**

13. In recent years, the Turkish authorities have made a considerable investment in the construction of new removal centres. According to information provided to the delegation, ten removal centres with a total capacity of 3,400 places were under construction in various parts of the country (e.g. Ankara, Ağrı, Istanbul, Konya, Tekirdağ, etc.) within a 2014-2015 State investment programme.<sup>9</sup> In this connection, the CPT also notes the existing plan to close down Istanbul-Kumkapı Removal Centre by the end of 2017. In addition, a 750-place removal centre was nearing completion in Erzurum in the framework of the Instrument for Pre-accession Assistance (IPA)<sup>10</sup>. The delegation was also informed that the DGMM had submitted a proposal to the European Commission for the construction of six more removal centres – with a total capacity of 4,500 places – within IPA II (2014-2020).

**The CPT wishes to receive updated information on the implementation of the above-mentioned plans. In addition, it would like to receive detailed information on all the new detention centres (e.g. capacities for male and female inmates, living space per person, communal activities, arrangements for families and children, number of custodial staff, presence of health-care staff, etc.).**

14. In the course of the visit, the delegation visited seven removal centres for foreigners in different provinces.

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<sup>7</sup> The delegation was informed that, on 12 June 2015, a total of 2,211 foreign nationals (including 485 women and 288 children) were being held in these centres.

<sup>8</sup> These facilities are located in Ankara, Ağrı, Batman, Diyarbakır, Hatay, Kocaeli and Muğla.

<sup>9</sup> The delegation was informed that a model removal centre funded by the state budget would have a capacity of 250 or 400 places and consist of three-, six- and ten-person accommodation rooms as well as rooms for families and children.

<sup>10</sup> The IPA is a tool of the European Union to support reforms in ‘enlargement countries’ with financial and technical assistance.

*Ankara Removal Centre* had been visited by the CPT in 2013. The centre is located on the premises of Ankara Police Headquarters and comprises two separate dormitories for men and women with a total capacity of 100 places. At the time of the 2015 visit, the establishment was accommodating 66 foreign nationals, including eleven women and eleven children (seven of them being unaccompanied). The average stay was reportedly two to three weeks; however, there were a number of inmates who had already spent more than one month in the centre, the longest stay being almost five months.

*Aydın Removal Centre* is a purpose-built facility, opened in 2012, with an official capacity of 400 places. At the time of the visit, it was accommodating 81 foreign nationals (including 19 women and five children), the longest stay being around 3½ months. The delegation was informed that, since 1 January 2015, more than 2,000 foreign nationals had been admitted to the Centre and that, during the same period, some 90 had been deported, while the great majority had been released upon completion of the initial identification/registration process.

*Edirne Removal Centre*, opened in 2012, has an official capacity of 400 places and was holding 304 foreign nationals (including 32 women and 44 children) on the first day of the visit. The centre had an exceptionally high turnover of inmates (between 60 and 100 inmates entering and leaving every day) and its official capacity was occasionally exceeded.<sup>11</sup> The longest stay was about four months; virtually all the other inmates had been in the centre for periods lasting from a few days to a few weeks.

*Istanbul-Kumkapı Removal Centre* had been visited by the CPT in 2009. The centre's official capacity had since been reduced from 560 to 380 places. At the time of the 2015 visit, it was accommodating 312 inmates, including 102 women and five children (none of them unaccompanied).<sup>12</sup> The delegation was told that the average stay was about ten days; nevertheless, many of the inmates had been in the centre for prolonged periods of time (some 50 inmates between two and seven months).

*Izmir Removal Centre* was opened in 2008 on the premises of a former factory building. It had an official capacity of 260 places and was holding 188 inmates (including 31 women and 61 children, 21 of them unaccompanied) on the first day of the visit. As at Edirne, there was a very high turnover of inmates, up to 100 foreign nationals arriving and leaving every day. Since 1 January 2015, almost 6,500 foreign nationals had been admitted to the Centre. The delegation was informed that, during the same period, some 500 foreign nationals had been deported, while the vast majority had been released upon completion of the relevant procedures. Notwithstanding that, a number of inmates had been held in the Centre for several months.

*Tekirdağ Removal Centre* is located in the building of a former school which was converted into a removal centre in 2008. With an official capacity of 50 places, the Centre was accommodating 15 foreign nationals (including four women and two unaccompanied male minors) at the time of the visit. The longest stay was about three months.

*Van Removal Centre*, opened in 2012, has an official capacity of 400 places. At the time of the visit, the establishment was accommodating 370 foreign nationals (mostly from Afghanistan), including 122 women and 81 children. During the first five months of 2015, some 660 foreign nationals had been admitted to the Centre.

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<sup>11</sup> The delegation also noted that the establishment had held 521 foreign nationals on the day before the delegation's visit (i.e. 170 more than the day after).

<sup>12</sup> An examination of the registers showed that the Centre often exceeded its official capacity (for example, 590 inmates on 12 June 2015; 511 inmates on 27 May 2015).

## **B. Ill-treatment**

15. The delegation heard no allegations – and gathered no other evidence – of physical ill-treatment of immigration detainees by custodial police officers in any of the removal centres visited. It is also noteworthy that no allegations were received from detained foreign nationals of physical ill-treatment by law enforcement officials (e.g. police, gendarmerie, coast guard) who had apprehended them.

16. That said, at Izmir Removal Centre, the delegation received a few allegations of sexual harassment of female inmates by male custodial officers. In this connection, the delegation also noted that, due to absences of female officers, during the weeks preceding the visit, it had not always been possible to ensure a 24-hour presence of female staff.

This issue was raised by the delegation during the end-of-visit talks. By letter of 6 October 2015, the Turkish authorities provided the following information:

“With regard to the allegations of sexual harassment of female inmates by male officers, a disciplinary investigation has been carried out by Izmir Provincial Police Directorate. Nonetheless, testimonies gathered by the investigators comprised no element indicating sexual harassment by male officers [...]. 27 female inmates who have been interviewed, denied the claims in question and no concrete evidence could be gathered concerning the subject of the allegations. As a result, the investigation had to be closed by Izmir Provincial Police Directorate on 24 August 2015.”

The CPT takes note of the information provided. **The Committee trusts that the Turkish authorities will take the necessary measures to ensure the continuous presence of female custodial staff at Izmir Removal Centre.**

17. Already at this stage, the CPT must express its serious misgivings about the manner in which pepper spray had been used in removal centres (including in a room with women and children, as had apparently been the case at Edirne). In this regard, reference is made to the relevant remarks and recommendation made in paragraph 60.

18. As will be described later in this report, conditions of detention in some of the establishments visited could be considered to be inhuman and degrading, taking also into account the fact that many foreign nationals were kept under such conditions for prolonged periods of time.<sup>13</sup>

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<sup>13</sup> This has also been confirmed in recent judgments of the European Court of Human Rights; see, in particular, *Yarashonen v. Turkey* dated 24 June 2014 (application no. 72710/11) regarding Kumkapı Removal Centre and *T. and A. v. Turkey* dated 21 October 2014 (application no. 47146/11) regarding the holding facility in the transit zone of Istanbul Atatürk Airport.

## C. Conditions of detention in removal centres

### 1. Material conditions

19. The conditions of detention in the removal centres visited varied considerably from one establishment to another. The delegation observed very good material conditions at *Aydın Removal Centre*. The dormitories were in a good state of repair, clean and well ventilated and had good access to natural light and artificial lighting. Further, every dormitory had its own sanitary annexe (with a toilet, shower and washbasins). Moreover, both male and female sections comprised a bright and air-conditioned communal room, equipped with a television set and chairs/sofas. The delegation gained a particularly positive impression of the “family rooms” which were also equipped with a kitchenette (see, however, paragraph 35). That said, the intended occupancy rates of the dormitories were too high.<sup>14</sup>

20. Material conditions were on the whole satisfactory at *Edirne, Tekirdağ and Van Removal Centres* in terms of state of repair, access to natural light and ventilation. In particular at Tekirdağ, the dormitories were well-maintained, reasonably clean and equipped with bunk beds with appropriate bedding as well as with cupboards, tables and chairs.

However, the level of hygiene left much to be desired throughout the centres at Edirne and Van; the inmates were not provided with bed sheets and had to sleep on soiled mattresses. Many complaints were heard about an infestation with bedbugs. Further, the room furniture in these two establishments was usually reduced to a bare minimum (bunk beds and cupboards) and did not include chairs or tables. Moreover, at Van, artificial lighting was partly damaged in some dormitories, and, at Edirne, exposed electrical wires throughout the accommodation areas created a risk of electrocution (in particular, for young children).

It is also a matter of concern that many of the dormitories at Edirne, Tekirdağ and Van Removal Centres were too small for their intended occupancy. For example, at Tekirdağ and Van, the dormitories in the male section measured some 32 m<sup>2</sup> and 36 m<sup>2</sup> respectively, with 14 beds in each dormitory. At Edirne, the dormitories in the male section had twelve beds each for a surface area of some 36 m<sup>2</sup>.

21. The CPT is particularly concerned about the situation it found at *Ankara, Istanbul-Kumkapı*<sup>15</sup> and *Izmir*<sup>16</sup> *Removal Centres* where conditions of detention for foreign nationals were extremely poor. Most of the dormitories in these centres were severely overcrowded<sup>17</sup> and, as a result, inmates had to share beds or sleep on (often filthy) mattresses on the floor. Further, the general state of hygiene and cleanliness at Izmir and Kumkapı was rather poor;<sup>18</sup> in particular, the communal sanitary facilities were invariably dirty. In addition, as at Edirne and Van, the delegation received numerous complaints about an infestation with bedbugs and other vermin. Moreover, several dormitories at Izmir and the two dormitories at Ankara had no or only limited access to natural light, and ventilation was insufficient.

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<sup>14</sup> By way of example, in the female section, a dormitory with 16 beds measured only some 48 m<sup>2</sup>.

<sup>15</sup> It should be noted that, following its visit to Kumkapı Removal Centre in May 2014, the NPM made a very critical assessment of the conditions of detention at the centre and recommended that it be closed down.

<sup>16</sup> With the notable exception of the female section.

<sup>17</sup> For example, 22 inmates in a room of some 40 m<sup>2</sup> at Izmir; 51 inmates in a dormitory measuring some 105 m<sup>2</sup> at Ankara; up to 40 inmates in a 85 m<sup>2</sup> dormitory at Kumkapı.

<sup>18</sup> As regards Kumkapı Removal Centre, this was in sharp contrast with the situation observed by the CPT in this establishment in 2009 (cf. paragraph 45 of CPT/Inf (2011) 13).

22. In the light of the remarks made in paragraphs 20 and 21, **the CPT recommends that the Turkish authorities take the necessary measures to improve conditions of detention in the removal centres at Ankara, Edirne, Istanbul-Kumkapı, Izmir and Van. In particular, steps should be taken to ensure that:**

- **the accommodation areas, including communal sanitary facilities, are kept in an acceptable state of hygiene and that regular disinfection of the premises is carried out;**
- **the accommodation rooms have adequate lighting (including access to daylight) and ventilation and are suitably equipped;**
- **every foreign national has his/her own bed with a clean mattress and clean bedding;**
- **exposed electrical wiring is insulated.**

**Steps should also be taken in all the removal centres visited, in particular at Ankara, Istanbul-Kumkapı and Izmir, to reduce the official capacity and to ensure that future occupancy levels are always kept within the limits of the new capacity.**

23. In all the removal centres visited, inmates could in principle take a shower every day. However, at Van Removal Centre, a number of inmates complained about a shortage of hot water. **Steps should be taken to remedy this shortcoming.**

24. Further, in all the removal centres visited, the delegation received many complaints from male inmates that they were not regularly provided with basic personal hygiene products. **The CPT recommends that steps be taken in all detention centres to ensure that detained foreign nationals are regularly provided with essential personal hygiene items (soap, toothbrush and toothpaste, towels, etc.).**

25. At Van Removal Centre, complaints were received from male foreign nationals that disposable razors were only distributed in small quantities so that several inmates were required to share one razor. Given the serious health risk posed by such a practice, **steps should be taken at Van Removal Centre and, as appropriate, in other removal centres to ensure that immigration detainees are not required to share razors.**

26. As regards the provision of food, in general, the situation appeared to have improved since the CPT's 2009 visit. Arrangements had been made with outside private catering services to provide immigration detainees with three meals per day, including two warm meals. However, it is a matter of concern that foreign nationals held at Ankara Removal Centre were only served two meals per day, which was clearly insufficient, in particular for the minors and pregnant/breastfeeding women present at the centre.

This issue was raised by the delegation at the end-of-visit talks with the Turkish authorities. By letter of 5 August 2015, the authorities informed the Committee that steps had been taken to ensure that inmates held at Ankara Removal Centre (as well as in the other six removal centres located on the premises of provincial police headquarters) receive three meals per day. This is a welcome development.

## 2. Regime

27. The CPT welcomes the open-door regime followed within the premises at Tekirdağ and Van Removal Centres where all immigration detainees had access to a courtyard for most of the day. Similarly, at Aydın and Edirne Removal Centres, inmates could go outdoors for some five to six hours every day.

The situation was even more favourable for women and children held at Edirne, Izmir and Van Removal Centres; the doors to their dormitories were generally open, including at night, giving them ready access to the outdoor areas (and corridors) at all times.<sup>19</sup>

28. However, it is a matter of grave concern that no outdoor exercise whatsoever was provided to inmates (including minors<sup>20</sup>) at Ankara Removal Centre for weeks or even months on end. The situation was scarcely better at Kumkapı Removal Centre where outdoor exercise was provided at best once a week, for some 20 to 30 minutes. As regards Izmir Removal Centre, outdoor exercise was limited to some 20 minutes per day for male inmates (including minors).

In the CPT's view, such a state of affairs is unacceptable. The Committee considers it a fundamental obligation to allow all detained persons – including immigration detainees – at least one hour of outdoor exercise every day. The situation found at Ankara and Kumkapı Removal Centres is all the more disconcerting in that, during its previous visits, the CPT had already made immediate observations concerning the lack of outdoor exercise in these establishments. Clearly, the commitments subsequently given by the Turkish authorities to remedy the situation have not been followed up.<sup>21</sup>

29. At the end of the visit, the delegation therefore once again invoked Article 8, paragraph 5, of the Convention and made an immediate observation, requesting the Turkish authorities to take urgent measures to ensure that all foreign nationals held at Ankara, Istanbul-Kumkapı and Izmir Removal Centres are offered at least one hour of outdoor exercise every day.

30. By letter of 5 August 2015, the Turkish authorities informed the Committee that “all the foreigners in Izmir Removal Centre have been provided with the opportunity to have access to open air, and [such access] has been provided only for children, due to some reasons such as a lack of sufficient space, in [...] Ankara and Istanbul Removal Centres”.

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<sup>19</sup> There was no designated outdoor exercise area at Izmir Removal Centre and a small passage leading from the gate of the centre to the main entrance of the accommodation building was used for this purpose.

<sup>20</sup> The management of the establishment claimed that on weekends they sometimes took the children out for 15 minutes or so.

<sup>21</sup> The lack of outdoor exercise for male adult detainees at *Kumkapı Removal Centre* was the subject of an immediate observation during the CPT's 2009 visit to this establishment. The Committee was subsequently informed by the Turkish authorities that foreign nationals held at Kumkapı “are allowed to open air for an average of one hour per day and benefit from outdoor activities”. As regards *Ankara Removal Centre*, in response to an immediate observation made by the CPT's delegation at the end of the 2013 visit, the Turkish authorities had stated that, despite the fact that the establishment possessed no designated exercise yard, immigration detainees were taken into the open air in small groups, accompanied by an official.



Whilst acknowledging the steps taken by the Turkish authorities at Izmir Removal Centre, it is a matter of grave concern that the CPT's long-standing recommendations concerning the provision of outdoor exercise at Ankara and Istanbul- Kumkapı Removal Centres have still not been implemented. **The CPT therefore calls upon the Turkish authorities to ensure that all foreign nationals held at Istanbul- Kumkapı Removal Centre are offered access to the open air for at least one hour every day.** Further, **the Committee wishes to receive confirmation that all foreign nationals held at Izmir Removal Centre now have access to the open air for at least one hour every day.** More generally, the CPT considers that the longer-term objective should be to ensure that all immigration detainees are able to benefit from at least two hours of outdoor exercise per day.

As regards Ankara Removal Centre, the CPT notes that a decision had been taken to close the existing detention facility by 31 December 2015 (see paragraph 12 and footnote 8). At the same time, the Committee understands that there have been delays in constructing a new removal centre in Ankara Province. Having this in mind, **it would like to receive details of the arrangements made for the accommodation of detained foreign nationals in Ankara (including as regards the provision of outdoor exercise) pending the construction of the new facility.**

31. The CPT was also concerned to note once again that, with very few exceptions,<sup>22</sup> no sports or other recreational activities were organised for inmates in any of the removal centres visited. There were hardly any board games or reading material available, and at Edirne, Izmir (except the female section) and Van,<sup>23</sup> there was not even the possibility to watch television. By far the worst situation observed was at Ankara Removal Centre where immigration detainees were locked up in overcrowded dormitories for 24 hours a day. Further, at Izmir and Kumkapı, apart from the very limited possibility for outdoor exercise (see paragraph 28), inmates had to spend their days strolling around in the corridors or sitting in their dormitories.<sup>24</sup>

To sum up, a considerable number of immigration detainees in each of the removal centres visited spent weeks or even months in a state of complete idleness.

32. The CPT considers that efforts should be made to introduce a basic minimum of activities for immigration detainees, such as providing access to television and other appropriate means of recreation (e.g. board games, table tennis, etc.), and to ensure access to reading material in the most frequently spoken foreign languages. **The Committee recommends that the Turkish authorities take steps in all the removal centres visited to develop regime activities for foreign nationals, in the light of the preceding remarks; the longer the period for which persons are detained, the more varied the activities which are offered to them should be.**

33. During the visit, the delegation paid particular attention to the situation of minors. In this regard, it is a matter of serious concern that seven unaccompanied minors were being held at Ankara Removal Centre for more than a week, locked up for 24 hours a day in an overcrowded dormitory together with adults. Further, 21 unaccompanied minors (some as young as twelve years old) were being held at Izmir Removal Centre since mid-April in cramped conditions<sup>25</sup>, with no activities on offer apart from outdoor exercise of some 20 minutes per day.

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<sup>22</sup> For example, at Aydın Removal Centre, inmates were allowed to play volleyball in a courtyard.

<sup>23</sup> Van Removal Centre possessed a large communal room which was, however, devoid of any equipment.

<sup>24</sup> In this connection, the delegation received allegations at Izmir Removal Centre – which it was not in a position to verify – that until one week before the visit inmates remained locked up in their dormitories all day.

<sup>25</sup> They were accommodated in a 40 m<sup>2</sup> dormitory with access to a narrow corridor (measuring some 24 m<sup>2</sup>).

During the end-of-visit talks with the Turkish authorities, the delegation stressed that the two above-mentioned removal centres were not at all suitable for accommodating unaccompanied minors; moreover, the practice of placing unaccompanied children in the same room as adults was not acceptable and also constituted a violation of Turkish law.<sup>26</sup> Thus, it made an immediate observation under Article 8, paragraph 5, of the Convention, requesting the Turkish authorities to take immediate measures to ensure that all unaccompanied minors held at Ankara and Izmir Removal Centres are transferred to an appropriate child protection institution.

By letter of 5 August 2015, the Turkish authorities informed the CPT that the unaccompanied minors concerned had all been transferred from Ankara and Izmir to Erzincan Child Protection Centre. The Committee welcomes this development; **it would like to receive confirmation that all unaccompanied minors will in the future be transferred without delay to specialised institutions for children.**

34. As regards the situation of accompanied minors, the CPT was concerned to note that, in most of the removal centres visited, hardly any specific arrangements had been made to care for the needs of young children, despite significant numbers of them being held in some centres. In particular, there were no designated staff to care for children in any of the establishments visited. Furthermore, with the exception of Edirne Removal Centre, none of the centres visited possessed a playground. The delegation was also surprised to learn that a well-equipped playroom at Edirne remained locked and unused.<sup>27</sup>

On a positive note, it should be added that shortly before the visit an “activity room”, which was equipped with tables, chairs and a box with toys, was created in the female section of Van Removal Centre.

In their letter of 5 August 2015, the Turkish authorities indicated that “a fully-fledged playground for children has been created at Kumkapı Removal Centre. Activities related to creating playgrounds or improving [the existing] playgrounds for children in other removal centres have been initiated”. Whilst acknowledging the steps taken so far, **the CPT urges the Turkish authorities to redouble their efforts to provide young children with appropriate care. Further, the Committee would like to receive confirmation that all removal centres accommodating young children have now been equipped with a playground.**

35. Both Aydın and Van Removal Centres comprised a number of well-equipped “family rooms” for joint accommodation of parents and children. In practice, however, these rooms had never been used for the intended purpose. Instead, the fathers were kept separated in the male unit, while the children stayed with the mother in the female unit. In both establishments, the management stated that male inmates could not be accommodated with their family in “family rooms” since the latter rooms were located inside the female unit. As a consequence, contacts between fathers and their families remained very limited.<sup>28</sup> The CPT concurs with the management of both establishments which considered this state of affairs to be highly regrettable.

**The Committee encourages the Turkish authorities to find a suitable solution which allows children to be accommodated together with both their parents at Aydın and Van Removal Centres and, where appropriate, in other removal centres in Turkey.**

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<sup>26</sup> According to Section 59, paragraph 1.ç, of the LFIP, unaccompanied minors who are detained in removal centres shall be provided with separate accommodation.

<sup>27</sup> The explanation given by the management was that the toys were often stolen from the playroom.

<sup>28</sup> Families were usually allowed to meet during meal times.

**D. The holding facility in the transit zone of Istanbul Atatürk Airport**

36. The holding facility in the transit zone of Istanbul Atatürk Airport had been visited by the CPT in 2009.<sup>29</sup> As in 2009, the premises were managed by a private security company under the supervision of the Passport Police.

At the time of the visit, the facility was holding 40 foreign nationals, including eleven women and nine (accompanied) children. According to the custody records, some 4,500 persons had been held in the facility from 1 January to 20 June 2015. The great majority of them stayed for a few hours or overnight.

37. The material conditions in the two detention rooms (one for male and one for female foreign nationals) had remained basically unchanged since the CPT's previous visit; they were only suitable for very short periods of stay. In particular, the rooms continued to be deprived of any access to natural light and there was no possibility for outdoor exercise.<sup>30</sup> Further, artificial lighting was kept on 24 hours a day.

In this context, the CPT noted with great concern that a number of foreign nationals, including families with young children, had been held under the above-mentioned conditions for prolonged periods of time. More specifically, some 15 of the foreign nationals present in the holding facility at the time of the visit had already been held there for periods ranging from one to five months.<sup>31</sup> Furthermore, the foreign nationals concerned had hardly any possibilities to occupy themselves during the day, apart from watching television.

38. During the end-of-visit talks, the delegation made an immediate observation under Article 8, paragraph 5, of the Convention, requesting the Turkish authorities to take urgent measures to ensure that the holding facility in the transit zone of Istanbul Atatürk Airport is not used to hold foreign nationals for more than a few days.

By letter of 5 August 2015, the Turkish authorities informed the Committee that a new holding facility had been allocated within Istanbul Atatürk Airport and that the detained foreign nationals would soon be relocated to that facility. It is also indicated in the letter that the relevant authorities at Atatürk Airport had been instructed to switch off the light in the holding rooms at night-time. **The CPT wishes to receive confirmation that the transfer of foreign nationals to the new holding facility at Istanbul Atatürk Airport has taken place as well as detailed information about this facility (e.g. exact location; capacity; layout; material conditions, including access to natural light; possibilities for outdoor exercise; presence of health-care staff; etc.).**

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<sup>29</sup> See paragraphs 65 to 67 of CPT/Inf (2011) 13.

<sup>30</sup> A number of foreign nationals were allowed to take a stroll for some time within the transit area every day.

<sup>31</sup> They had applied for asylum upon arrival at the airport or had an appeal pending against the rejection of their asylum application.

## **E. Health care**

39. The CPT acknowledges the efforts made by the Turkish authorities to improve the provision of health care to foreign nationals held in removal centres. In particular, the Committee was pleased to note that a full-time doctor was employed at Edirne Removal Centre, assisted by two full-time nurses. Nurses were also employed at Aydın and Istanbul-Kumkapı Removal Centres on a full-time basis; in particular, the latter had a complement of three full-time nurses.

It is also noteworthy that, in all the removal centres visited, emergency care was available to immigration detainees around the clock.

40. However, the information gathered during the visit suggests that, in most of the removal centres visited, the attendance hours of a doctor were insufficient for the needs of the inmate population.<sup>32</sup> In several removal centres (such as Ankara, Edirne, Van), the delegation met a number of persons whose health condition obviously required urgent medical care, which had not been provided.<sup>33</sup> Indeed, many inmates met by the delegation complained about insufficient attention to their health problems. More particularly, several immigration detainees claimed that custodial staff had ignored their repeated requests for medical assistance (e.g. at Ankara and Edirne).

In this context, it is a matter of serious concern that not a single nurse was employed in the removal centres at Ankara, Izmir, Tekirdağ and Van.

41. Further, with the exception of Edirne Removal Centre, there was no systematic medical screening on entry in the establishments visited. At Edirne, the initial screening of newly-admitted foreign nationals was, in principle, limited to the determination of their vaccination status and the detection of bodily injuries.

Such a state of affairs is inadmissible; in addition to ensuring the timely recording of any injuries, systematic medical screening is essential not only for the protection of the health of inmates but also of staff (and the community at large), in particular when it comes to transmissible diseases.

42. Even when foreign nationals were seen by a doctor upon admission, no personal medical file was opened in any of the removal centres visited. Further, the quality of the records of medical consultations kept in the establishments visited left much to be desired.

43. It should also be noted that medical confidentiality was far from guaranteed in any of the removal centres visited. For example, custodial staff had access to medical records and were usually present during medical consultations/examinations. Such a state of affairs is unacceptable.

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<sup>32</sup> For example, there was no doctor at all at Tekirdağ Removal Centre. Further, according to the logbook on medical consultations, Izmir Removal Centre had only been visited nine times by a doctor during the period from January to June 2015. At Kumkapı, the records showed that there had only been 13 medical consultations during the entire month of May 2015.

<sup>33</sup> The delegation brought these cases to the attention of the management of the establishments concerned.

44. **The CPT recommends that the Turkish authorities take steps to further improve the provision of health care in the removal centres visited, in the light of the above remarks. More specifically, steps should be taken to ensure that:**

- **the attendance hours of a doctor are significantly increased at Ankara, Aydın, Istanbul-Kumkapı, Izmir, Tekirdağ and Van Removal Centres;**
- **a qualified nurse reporting to a doctor is present on a daily basis in all removal centres. Such a nurse may perform the initial medical screening of new arrivals (in particular for transmissible diseases) and receive requests to see a doctor, prepare and distribute prescribed medicines, look after the medical documentation and supervise the general conditions of hygiene;**
- **all newly-admitted detainees are promptly examined by a doctor or by a qualified nurse;**
- **all medical examinations are conducted out of the hearing and – unless the doctor concerned requests otherwise in a particular case – out of the sight of custodial staff;**
- **an individual medical file is opened without delay – and properly kept – for every newly-arrived foreign national;**
- **medical data are no longer accessible to non-medical staff.**

45. Finally, the CPT received reports from different sources that in particular female immigration detainees of African origin were obliged by the police to undergo an HIV test. The Committee wishes to stress that, as a matter of principle, such a test should only be performed on a voluntary basis. **The CPT would like to receive the comments of the Turkish authorities on this matter.**

## F. Other issues

46. As indicated in paragraph 3, the new legal framework contains a number of important legal safeguards for foreign nationals who are deprived of their liberty under aliens legislation. In particular, the Law on Foreigners and International Protection (LFIP) provides for a legal remedy to challenge an administrative detention order before the competent criminal court of peace.<sup>34</sup>

Further, the LFIP explicitly stipulates that no one shall be returned to a place where he or she may be subjected to torture, inhuman or degrading treatment or punishment or, where his/her life or freedom would be threatened on account of his/her race, religion, nationality, membership of a particular social group or political opinion (*refoulement*).<sup>35</sup> Moreover, an expulsion (removal) decision shall not be issued in respect of foreign nationals (a) when there are serious indications to believe that they shall be subjected to the death penalty, torture, inhuman or degrading treatment or punishment in the country to which they shall be returned to; (b) who would face risk due to serious health condition, age or, pregnancy in case of travel; (c) who would not be able to receive treatment in the country to which they shall be returned while undergoing treatment for a life threatening health condition; (ç) victims of human trafficking, supported by the victim's assistance programme; (d) victims of serious psychological, physical or sexual violence, until their treatment is completed.<sup>36</sup>

Foreign nationals have the right to apply for international protection (including the granting of a "conditional" refugee status for persons who are nationals of non-European countries) as well as the right to be protected from removal to a country where the person concerned runs the risk of being subjected to torture or inhuman or degrading treatment or punishment or of facing a death penalty.<sup>37</sup> Administrative decisions to reject any of these claims can be challenged before the competent administrative court (the appeal having suspensive effect).<sup>38</sup>

It is also noteworthy that the LFIP provides for free legal aid (through the Bar Association) for indigent immigration detainees who want to challenge an administrative detention order as well as for persons seeking international protection throughout the procedure (including at the appeal stage).<sup>39</sup>

47. The CPT welcomes the fact that, in all the removal centres visited, a notification form regarding the imposition of expulsion and detention orders with information on rights (including legal remedies) existed in various languages and that this form was usually presented to foreign nationals upon their admission.

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<sup>34</sup> Sections 57, paragraph 6, and 68, paragraph 7.

<sup>35</sup> Section 4, paragraph 1.

<sup>36</sup> Section 55, paragraph 1.

<sup>37</sup> Sections 61 to 63.

<sup>38</sup> See Section 80, paragraphs ç and d. According to Section 53, paragraph 3, foreign nationals who are the subject of an expulsion (removal) order are entitled to lodge an appeal against the order within 15 days to the competent administrative court (with suspensive effect), and the court must then take a (final) decision within 15 days.

<sup>39</sup> See Sections 57, paragraph 7, and 81, paragraph 2. No free legal aid is provided for in the context of an appeal against an expulsion (removal) order.

However, in all the removal centres visited, the overwhelming majority of inmates interviewed by the delegation claimed that they had not been given time to read the form before signing it and were thus not aware of its contents. Further, in practically none of the centres visited were inmates given a copy of the notification form. A number of allegations were also received that inmates had to sign the form in a language they did not understand.

**The CPT recommends that steps be taken in all removal centres in Turkey to ensure that all newly-admitted foreign nationals are informed of their rights and receive a copy of the above-mentioned notification form in a language they understand; in case foreign nationals are illiterate or the form does not exist in the relevant language, the persons concerned should be informed of their rights with the assistance of an interpreter.**

48. From interviews with detained foreign nationals it transpired that many of them were unaware of their right to have access to a lawyer, let alone an *ex officio* lawyer. The delegation also found clear indications that the system of legal aid did not work effectively; in fact, hardly any case could be found in which an *ex officio* lawyer had been appointed. In this connection, it was stated by a number of inmates – and confirmed by staff – in several establishments visited that lawyers from Bar Associations refused to provide their services when the foreign nationals concerned were indigent.

**The CPT recommends that the Turkish authorities take appropriate steps – in co-operation with the Bar Association – to ensure that, in all removal centres in Turkey, immigration detainees can effectively benefit from the services of a lawyer (including through the provision of legal aid for foreign nationals who are not able to pay for a lawyer).**

49. Prior to the visit, the CPT had received information from various sources according to which immigration detainees who were not in possession of valid identification documents were prevented from appointing a lawyer, because notaries refused to validate powers of attorney signed by the foreign nationals. At the beginning of the visit, representatives of the DGMM acknowledged the existence of the problem but affirmed to the delegation that in the meantime a solution had been found and that henceforth notaries would accept ID-papers issued by the DGMM.

That said, in several of the removal centres visited, the delegation was informed that notaries usually came to the removal centre on a regular basis to validate powers of attorney but that on occasion problems still occurred regarding the validation of powers of attorney by notaries.

**The CPT would like to receive confirmation that the above-mentioned problem regarding the validation of powers of attorney has now been resolved in all provinces.**

50. As regards more specifically the holding facility in the transit zone of Istanbul Atatürk Airport, it remains somewhat unclear as to how foreign nationals who have submitted a request for international protection can effectively have access to a lawyer (private or appointed by the Bar Association). **The CPT would like to receive clarification on this matter.**

51. It is of particular concern that there appeared to be a total lack of legal support for unaccompanied minors in detention (see also paragraph 33). **The CPT recommends that the Turkish authorities take steps to ensure that unaccompanied minors detained under aliens legislation are immediately provided with free legal aid; if necessary, the relevant legal provisions should be amended accordingly.**

52. The delegation was informed that, according to the relevant provisions of the Law on Child Protection, a guardian would be appointed for every unaccompanied minor. That said, the information gathered during the visit suggests that a decision on the appointment of a guardian was often taken only after many weeks.

**The CPT encourages the relevant authorities to take appropriate steps to ensure that a guardian is appointed without delay for every unaccompanied minor who has been deprived of his/her liberty. To this end, the necessary proceedings should be initiated as soon as unaccompanied minors are taken into custody.**

53. It is in the interests of both immigration detainees and staff that there be clear house rules for all removal centres, and copies of the rules should be made available in a suitable range of languages. The house rules should primarily be informative in nature and address the widest range of issues, rights and duties which are relevant to daily life in detention.

In several of the removal centres visited, the delegation observed that house rules existed in several languages and were displayed on the wall in communal areas of the detention units. That said, the existing house rules contained mainly information on the obligations of immigration detainees.

**The CPT recommends that comprehensive house rules be elaborated for all removal centres and copies made available to foreign nationals detained on their arrival at these centres, in a variety of languages frequently spoken by them.**

54. As regards contact with the outside world, the CPT welcomes the fact that, in all the removal centres visited, foreign nationals could send and receive letters without any restrictions and were in principle allowed to receive open visits (“table visits”) and make telephone calls every day (provided that inmates were able to purchase a phone card).

That said, at Edirne and Izmir Removal Centres, there were no proper visiting facilities. In the latter establishment, meetings with lawyers took place in the corridor and the delegation could observe for itself that a visitor had to stand outside on the street and talk to an inmate through the bars of the gate.

**The CPT recommends that steps be taken at Edirne and Izmir Removal Centres to create visiting facilities which allow foreign nationals to receive visits under decent conditions.**



55. At Aydın Removal Centre, many complaints were received from foreign nationals that telephone calls were usually limited to some five minutes per day. When raising this issue with the management, the delegation was informed that, following a recent instruction issued by the Ministry of the Interior, several foreign nationals who were considered to have links with illegal organisations were not allowed to make any telephone calls and that, as a consequence, existing pay phones in detention areas had to be removed; instead, one telephone had been installed in a room outside the detention area which was also used for visitors (including lawyers). Given the size of the inmate population, this arrangement inevitably created major constraints for granting inmates access to the telephone.

**The CPT encourages the Turkish authorities to take the necessary measures to increase the possibilities for making telephone calls at Aydın Removal Centre.**

56. As regards staff, the CPT welcomes the fact that, in most of the removal centres visited, psychologists, social workers and interpreters (in particular, for Arabic, English and Farsi) have recently been recruited on a full-time basis.

However, it is a matter of concern that there was no psychologist at all at Aydın and Van Removal Centres and that, at Izmir Removal Centre, many foreign nationals interviewed by the delegation appeared to be totally unaware of the presence of a psychologist in the centre.

In this regard, the CPT wishes to stress the need for particular attention to be paid to the psychological state of immigration detainees (and in particular of children), some of whom may have experienced traumatic situations prior to their arrival in Turkey. **The Committee recommends that the Turkish authorities reinforce the provision of psychological care to immigration detainees by arranging the regular presence of a psychologist in every removal centre, who should also work closely with health-care staff.**

57. Further, the delegation observed a certain lack of awareness on the part of the management regarding the role which social workers can usefully play in supporting immigration detainees. By way of example, in one removal centre, social workers repeatedly performed “ordinary” administrative work at the request of the management, while, in another centre, one of the core tasks of social workers was the distribution of hygiene products.

**The CPT encourages the Turkish authorities to review the assignment of tasks to social workers in all removal centres in Turkey, in the light of the preceding remarks.**

58. At Edirne Removal Centre, the delegation was told by the management that the Centre did not have enough custodial staff and that as a result riot police officers were frequently called upon to intervene, not only during incidents, but also when performing day-to-day work in the Centre.

The delegation could observe for itself how riot police officers were involved in the unloading of a bus with new arrivals. One of the foreign nationals who did not immediately comply with the order to enter the Centre’s front unit was kneed into his back by a riot police officer. In the CPT’s view, such behaviour is not acceptable and also shows that riot police officers are not trained to work with immigration detainees.

**The CPT would like to receive confirmation that, with the completion of the transfer of responsibility from the police to the DGMM, riot police officers are no longer routinely deployed to any removal centre. Further, the Committee recommends that the number of custodial staff at Edirne Removal Centre be reviewed, in the light of the above remarks.**

59. The delegation was informed of existing plans to recruit private security staff in several of the removal centres visited plans existed that would in the future perform custodial functions instead of police officers (see also paragraph 12). **The CPT would like to receive updated information on this matter as well as detailed information on the training provided to such private staff.**

60. The CPT notes with concern that, at Edirne Removal Centre, police officers were carrying firearms and pepper spray canisters within the detention area. Further, in several of the removal centres visited, pepper spray had on occasion been used against foreign nationals within the detention area.

In the CPT's view, the carrying of firearms by staff who are in direct contact with detained persons is totally inappropriate and could also lead to high-risk situations for both inmates and staff. The Director of Edirne Removal Centre affirmed to the delegation that the practice of carrying of fire arms within the detention area would be discontinued by 1 September 2015 (i.e. the date when police officers would no longer be employed in the removal centre). **The CPT would like to receive confirmation that custodial staff working at Edirne Removal Centre or in any other removal centre in Turkey no longer carry firearms within detention areas.**

Further, given the potentially dangerous effect of this substance, the CPT has misgivings about the use of pepper spray in confined spaces in general, and all the more so if pepper spray is used in a room with women and children (as had apparently been the case at Edirne Removal Centre shortly before the delegation's visit). **The CPT recommends that the Turkish authorities take steps to ensure that in all removal centres in Turkey pepper spray does not form part of the standard equipment of custodial staff and is never used in confined spaces.**

61. Finally, the CPT wishes to stress that effective complaints and inspection procedures are important tools for the prevention of ill-treatment by staff and, more generally, for ensuring satisfactory conditions of detention in removal centres. Foreign nationals should have avenues of complaint open to them, both within and outside the DGMM, and be entitled to confidential access to an appropriate authority. In addition to addressing the individual case involved, the CPT considers that a careful analysis of complaints can be a useful tool in identifying issues to be addressed at a general level.

At the time of the visit, the relevant legislation did not provide for any formal complaints and inspection procedures. **The Committee recommends that the Turkish authorities take the necessary steps to ensure that effective complaints and inspection procedures are formally established and implemented in practice.**

**APPENDIX**

**LIST OF THE NATIONAL AUTHORITIES, OTHER BODIES AND ORGANISATIONS  
MET BY THE CPT'S DELEGATION**

**A. National authorities**

**Ministry of the Interior**

Aziz YILDIRIM	Deputy Undersecretary
Ahmet APAN	Deputy Director General for Migration Management
Hasan Basri KARAKUŞ	Coordinator for removal centres, Directorate General for Migration Management
Nihan ÇAĞLAR	Migration expert, Directorate General for Migration Management
Muhsin AYDEMİR	Anti-Terror Department, National Police
Arslan BAĞRIAÇIK	Public Order Department, National Police
Ahmet YILDIRIM	Anti-Smuggling and Organised Crime Department, General Command of the Gendarmerie
Özge KABAGÖZ	External Relations and Human Rights Department, General Command of the Gendarmerie

**Ministry of Foreign Affairs**

Kıvılcım KILIÇ	Deputy Director General for the Council of Europe and Human Rights
Muzaffer Uyav GÜLTEKİN	First Secretary, Directorate General for the Council of Europe and Human Rights
Feyza Gülru TETİK	Third Secretary, Directorate General for the Council of Europe and Human Rights

**B. Other bodies**

**National Human Rights Institution (National Preventive Mechanism)**

Hikmet TÜLEN	President
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**C. International Organisations**

United Nations High Commissioner for Refugees (UNHCR), Ankara Office

**D. Non-governmental organisations**

Association for Solidarity with Asylum Seekers and Migrants (*Siğınmacılar ve Göçmenlerle Dayanışma Derneği*)

Human Rights Association (*İnsan Hakları Derneği*)

Refugee Rights Turkey (*Mülteci Hakları Merkezi*)