



# Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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## Committee against Torture

### Concluding observations on the fourth periodic reports of Turkey\*

1. The Committee against Torture considered the fourth periodic report of Turkey (CAT/C/TUR/4) at its 1406th and 1409th meetings, held on 26 and 27 April 2016 (CAT/C/SR.1406 and 1409), and adopted the present concluding observations at its 1424th and 1426th meetings, held on 10 and 11 May 2016.

#### A. Introduction

2. The Committee expresses its appreciation to the State party for accepting the optional reporting procedure, as this allows for a more focused dialogue between the State party and the Committee.
3. The Committee welcomes the dialogue held with the State party's delegation during the consideration of the report.

#### B. Positive aspects

4. The Committee welcomes the State party's ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on 27 September 2011.
5. The Committee also welcomes the following legislative measures taken by the State party in areas related to the Convention:
  - (a) The amendment in April 2013 of article 94 of the Criminal Code, which now specifies that criminal liability for acts of torture is no longer subject to a statute of limitations, as recommended by the Committee in its previous concluding observations (see CAT/C/TUR/CO/3, para. 24);
  - (b) The promulgation, on 11 April 2012, of Law No. 6291 on "Amending the Law on the Execution of Punishments and Security Measures and the Law on Probation, Help Centres and Protection Board", which promotes the use and application of alternative measures to deprivation of liberty;

\* Adopted by the Committee at its fifty-seventh session (18 April-13 May 2016).



(c) The enactment, on 11 April 2013, of Law No. 6458 on Foreigners and International Protection, which includes a provision on subsidiary protection for individuals in danger of being subjected to torture if returned to their country of origin or habitual residence (art. 63 (1) (b));

(d) The entry into force, on 20 March 2012, of Law No. 6284 on the Protection of the Family and Prevention of Violence against Women.

6. The Committee takes note of the State party's initiatives to amend its policies and procedures in order to afford greater protection of human rights and to apply the Convention, in particular the update of the National Action Plan on Combating Violence against Women for the period 2016-2019.

7. The Committee values the substantial efforts made by the State party to respond to the massive influx of asylum seekers, persons in need of international protection and undocumented migrants arriving in its territory. It also commends the State party for having admitted and/or accommodated over 2.7 million Syrian refugees fleeing from armed conflict in their country, as well as thousands of asylum seekers and refugees from Afghanistan, Eritrea, Iraq, the Sudan and other countries.

8. The Committee appreciates the fact that the State party maintains a standing invitation to the special procedures mechanisms of the Human Rights Council.

## **C. Principal subjects of concern and recommendations**

### **Impunity for acts of torture and ill-treatment**

9. The Committee is concerned that, despite the fact that the State party has amended its law to the effect that torture is no longer subject to a statute of limitations, it has not received sufficient information on prosecutions for torture, including in the context of cases involving allegations of torture that have been the subject of decisions of the European Court of Human Rights. The Committee is also concerned that there is a significant disparity between the high number of allegations of torture reported by non-governmental organizations and the data provided by the State party in its periodic report (see paras. 273-276 and annexes 1 and 2), suggesting that not all allegations of torture have been investigated during the reporting period. Further, while the State party has undertaken many investigations into allegations of ill-treatment and excessive use of force by its officials, these have resulted in relatively few cases of disciplinary sanctions, and in fines and imprisonment in only a small number of cases. The Committee regrets that the State party did not provide information requested by the Committee on the six cases in which officials received sentences of imprisonment for ill-treatment between 2011 and 2013, nor on any cases in which officials received sentences of imprisonment for ill-treatment in 2014 or 2015. The Committee further regrets that State party did not respond to the concern raised by Committee members that law enforcement authorities have on many cases brought "countercharges," such as "resisting" or "insulting" police officers, against those individuals lodging complains of torture, ill-treatment and other police brutality. The Committee further regrets, with reference to its previous recommendations (see CAT/C/TUR/CO/3, para. 8), that the State party has not yet created an independent State body to investigate complaints of torture and ill-treatment against law enforcement officers (arts. 2, 4, 12 and 13 and 16).

10. **The Committee urges the State party to:**

(a) **Ensure that all instances and allegations of torture and ill-treatment are investigated promptly, effectively and impartially and that the perpetrators are prosecuted and convicted in accordance with the gravity of their acts;**

(b) Ensure that alleged perpetrators of torture and ill-treatment are immediately suspended from duty for the duration of the investigation, particularly when there is a risk that they might otherwise be in a position to repeat the alleged act, to commit reprisals against the alleged victim or to obstruct the investigation;

(c) Ensure that state officials do not use the threat of countercharges as a means of intimidating detained persons or their relatives into not reporting torture;

(d) Provide in its next periodic report statistical data on allegations of torture and ill-treatment, disaggregated by relevant indicators, including ethnicity of the victim, and information on cases in which individuals alleging torture or ill-treatment by the authorities have subsequently been charged with an additional criminal offence;

(e) Establish an independent authority tasked with investigating complaints against law enforcement officers that is independent of the police hierarchy, as previously recommended by the Committee.

#### **Allegations of torture and ill-treatment of detainees in the context of counter-terrorism operations**

11. The Committee is seriously concerned about numerous credible reports of law enforcement officials engaging in torture and ill-treatment of detainees while responding to perceived and alleged security threats in the south-eastern part of the country (e.g. Cizre and Silopi) in the context of the resurgence of violence between the Turkish security forces and the Kurdistan Workers' Party (PKK) following the breakdown of the peace process in 2015 and terrorist attacks perpetrated by individuals linked to the so-called Islamic State in Iraq and the Levant (ISIL). The Committee is further concerned at the reported impunity enjoyed by the perpetrators of such acts (arts. 2, 4, 12, 13 and 16).

12. The Committee recalls the absolute prohibition of torture contained in article 2 (2) of the Convention, which stipulates that no exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture. In this connection, the Committee draws the attention of the State party to paragraph 5 of its general comment No. 2 (2007) on the implementation of article 2 by State parties, in which it states, inter alia, that exceptional circumstances also include any threat of terrorist acts or violent crime, as well as armed conflict, international or non-international. The Committee recommends that the State party:

(a) Undertake prompt, thorough and impartial investigations into all allegations of torture and ill-treatment by security forces, including the allegations of police abuse in Cizre between December 2015 and March 2016, reportedly made by 52 persons and raised with the State party's delegation by the Committee;

(b) Ensure that alleged perpetrators of and accomplices to torture, including persons in positions of command, are duly prosecuted and, if found guilty, given penalties commensurate with the grave nature of their acts;

(c) Provide effective remedies and redress to victims, including fair and adequate compensation, and as full rehabilitation as possible;

(d) Unambiguously reaffirm the absolute prohibition of torture and publicly condemn practices of torture, accompanied by a clear warning that anyone committing such acts or otherwise complicit or acquiescent in torture will be held personally responsible before the law for such acts and will be subject to criminal prosecution and appropriate penalties.

**Allegations of extrajudicial killings and ill-treatment in the course of counter-terrorism operations**

13. In addition to the allegations of torture and ill-treatment of detainees noted above, the Committee is concerned at reports it has received concerning the commission of extrajudicial killings of civilians by the State party's authorities in the course of carrying out counter-terrorism operations in the south-eastern part of the country. The Committee regrets that the State party did not respond to requests for information as to whether investigations are under way into widely reported cases, such as the alleged killing by police snipers of two unarmed women, Maşallah Edin and Zeynep Taşkın, in the Cudi neighbourhood of Cizre on 8 September 2015. The Committee also regrets the failure by the State party to ensure accountability for the perpetrators of killings in cases previously raised by the Committee, such as the killing by security forces of Ahmet Kaymaz and his 12-year-old son Uğur in a counter-terrorism operation in November 2004, which was the subject of a decision of the European Court of Human Rights. The Committee is further concerned at reports that family members of those killed in clashes between security forces and members of armed groups have been denied the ability to retrieve their bodies, which has the effect of impeding investigations into the circumstances surrounding those deaths. Moreover, the Committee expresses its serious concern at reports that the imposition of curfews in areas in which security operations have taken place has restricted the ability of the affected populations to access basic goods and services such as health care and food, causing severe pain and suffering.

**14. The Committee recommends that the State party:**

(a) **Ensure that prompt, impartial and effective investigations are undertaken into all allegations of extrajudicial killing by the State party's authorities, including the alleged killing of Maşallah Edin and Zeynep Taşkın by police snipers in Cizre on 8 September 2015, and that the perpetrators of such killings are prosecuted and held accountable;**

(b) **Ensure that in all cases the family members of individuals killed in the course of counter-terrorism operations are given notice and a reasonable opportunity to retrieve their bodies, and investigate allegations that family members have been denied this opportunity in recent cases;**

(c) **Promptly, impartially and effectively investigate allegations that the State party's imposition of curfews during security operations has had the effect of depriving affected persons of access to food and health care, causing severe suffering; discipline or prosecute those responsible for the imposition of such ill-treatment; and take measures to ensure that measures taken in the course of future security operations do not have such effects.**

**Excessive use of force against demonstrators**

15. The Committee is concerned that allegations of excessive use of force against demonstrators have increased dramatically during the period under review. The Committee notes with regret that the State party's investigations into the conduct of officials in the context of the 2013 Gezi Park protests in Istanbul and Ankara have not resulted in any prosecutions, despite the allegations of excessive use of force noted by observers, including the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. The Committee also regrets that the State party did not provide any data on the specific sentences, if any, that police officers tried on charges of excessive use of force during the reporting period had received. It further expresses concern over the recent legislative amendments in the Domestic Security Package granting additional powers

to the police, in particular the expanded power to use firearms against demonstrators (arts. 2, 12, 13 and 16).

**16. The State party should:**

**(a) Ensure that prompt, impartial, and effective investigations are undertaken into all allegations relating to the excessive use of force by law enforcement officers and ensure that the perpetrators are prosecuted and the victims adequately compensated;**

**(b) Increase its efforts to systematically provide training to all law enforcement officers on the use of force, especially in the context of demonstrations, taking due account of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.**

**Definition and criminalization of torture**

17. Although the Criminal Code defines torture as a specific offence, the Committee notes that the definition set out in article 94 is incomplete inasmuch as it fails to mention the purpose of the act in question. There is also no specific mention of the act of torture carried out in order to intimidate, to coerce or to obtain information or a confession from a person other than the person who was tortured (art. 1).

**18. The State party should align article 94 of the Criminal Code with article 1 of the Convention by: (a) identifying the motivating factors or reasons why torture is being inflicted; and (b) including in the definition acts intended to intimidate, coerce or obtain information or a confession from a person other than the victim. In this regard, the Committee recalls its general comment No. 2, which states that serious discrepancies between the Convention's definition and the definition in a State party's law create actual or potential loopholes that can foster impunity (see CAT/C/GC/2, para. 9).**

**Fundamental legal safeguards**

19. While taking note of the legal safeguards enshrined in Turkish legislation, the Committee is concerned at recent amendments to the Code of Criminal Procedure, which give the police greater powers to detain individuals without judicial oversight during police custody. Placing suspects under constant video surveillance in their cells is another matter of concern (art. 2).

**20. The State party should ensure that all detainees are afforded, by law and in practice, all fundamental safeguards from the very outset of their deprivation of liberty, including the right to be brought before a judge without delay. The State party should continue to install video surveillance in all areas of custody facilities where detainees may be present, except in cases in which detainees' rights to privacy or to confidential communication with their lawyer or doctor may be violated. Such recordings should be kept in secure facilities and made available to investigators, detainees and lawyers.**

**Enforced disappearances**

21. The Committee is concerned at the "almost complete lack of accountability for cases of enforced disappearance" in the State party and its "palpable lack of interest [in] seriously investigating, prosecuting and adjudicating these cases", as reported by the Working Group on Enforced or Involuntary Disappearances in its preliminary observations publicly

announced at the end of its visit to Turkey from 14 to 18 March 2016.<sup>1</sup> With regard to the issue of the missing persons in Cyprus, the Committee appreciates the State party's cooperation with the Committee on Missing Persons to ensure progress in the search for and identification of remains of missing persons. However, it is concerned that, while the State party has indicated that the Attorney General's office of the Turkish Cypriot authorities has completed its review of 94 case files returned to it by the Committee on Missing Persons, no criminal investigations have been opened and no other measures have been taken to ensure accountability for the perpetrators in any of these cases. The Committee is also concerned that the State party has not implemented the decision of the European Court of Human Rights in *Cyprus v. Turkey* (arts. 2, 12, 13 and 16).

**22. Recalling its previous recommendation (see CAT/C/TUR/CO/3, para. 9), the State party should take appropriate measures to ensure effective and impartial investigations into all outstanding cases of alleged enforced disappearance, prosecute the perpetrators and, where appropriate, punish them and provide compensation to the families of the victims. The Committee calls upon the State party to continue cooperation with the Committee on Missing Persons in Cyprus and to enhance efforts to ensure criminal accountability for perpetrators. It encourages the State party to consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance.**

#### **Refugees, asylum-seekers and non-refoulement**

23. While acknowledging the existing legal framework, in particular the Law on Foreigners and International Protection, which provides temporary protection and assistance for asylum seekers and refugees, the Committee notes with concern that the State party maintains the geographical limitation to the 1951 Convention relating to the Status of Refugees. It is also concerned by several reports of expulsion, return or deportation, in violation of the non-refoulement principle contained in article 3 of the Convention. According to the information before the Committee, the State party may have acted in breach of the principle of non-refoulement with regard to hundreds of Syrian nationals reportedly returned to their country of origin since mid-January 2016. The Committee is concerned about other recent cases in which around 30 Afghan asylum seekers were reportedly returned to Afghanistan in March 2016 without being granted access to asylum procedures. The Committee is further concerned at reports according to which Turkish Armed Forces opened fire on people trying to cross Turkey's southern border in April 2016, although it notes that the State party's delegation denied these allegations of wrongdoing, claiming that the 18 persons killed were "PKK terrorists" trying to reach the Syrian Arab Republic. Lastly, the Committee regrets that the State party has not provided complete information on the procedures in place for the timely identification of victims of torture among asylum seekers (art. 3).

**24. The State party should:**

**(a) Strengthen its domestic framework by continuing to develop a new asylum system consistent with international standards and in accordance with article 3 of the Convention;**

**(b) Consider lifting the geographical limitation to the 1951 Convention by withdrawing its reservations;**

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<sup>1</sup> [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=18476&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=18476&LangID=E).

(c) **Ensure that in practice no one may be expelled, returned or extradited to another State where there are substantial grounds for believing that he or she would run a personal, foreseeable risk of being subjected to torture;**

(d) **Undertake effective and impartial investigations into the shooting incidents at the southern border;**

(e) **Formulate clear guidelines and related training on the identification of torture victims among asylum seekers.**

#### **Agreement of 18 March 2016 between the European Union and Turkey**

25. While taking note of the explanations offered by the State party's delegation regarding the content and initial results of the agreement between the European Union and Turkey on "the migrant crisis", which took effect on 20 March 2016, the Committee regrets the lack of information from the State party concerning concrete measures adopted to accommodate returned refugees, asylum seekers and irregular migrants under this agreement. Furthermore, the Committee is deeply concerned at the lack of assurances that applications for asylum and international protection will be individually reviewed and that individuals filing such applications will be protected from refoulement and collective return. Readmission agreements signed by the State party with other States reinforce the Committee's concern (art. 3).

#### **26. The State party should:**

(a) **Take the measures necessary to ensure appropriate reception conditions for returned refugees, asylum seekers and irregular migrants;**

(b) **Refrain from detaining asylum seekers and irregular migrants for prolonged periods, use detention only as a measure of last resort and for as short a period as possible and promote alternatives to detention;**

(c) **Reinforce the capacity of the General Directorate of Migration Management to substantively assess all individual applications for asylum or international protection, without any discrimination based on regional origin, and guarantee access to free, qualified and independent legal aid during the entire procedure;**

(d) **Ensure that all returnees have the opportunity for an individual review and are protected from refoulement and collective returns.**

#### **National human rights institution**

27. The Committee is concerned that the new law establishing the Human Rights and Equality Institution of Turkey, which replaced the Turkish National Human Rights Institution, provides for the appointment of eight of its members by the Cabinet and three others by the President, thereby undermining its independence. The Committee notes the explanation by the delegation that the new national human rights institution is also required to perform additional functions as the national mechanism for the prevention of torture (art. 2).

28. **The State party should take appropriate legal measures to ensure the functional, structural and financial independence of the Human Rights and Equality Institution and to guarantee that the appointment of its members is in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). In addition, the State party should ensure that the Human Rights and Equality Institution effectively fulfils its mandate as a national preventive mechanism, with a dedicated structure and adequate**

resources for that purpose. The State party should encourage the Institution to apply to the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights for accreditation.

### **Training**

29. While appreciating the information provided by the State party about human rights training for members of the police, gendarmerie and prison staff, the Committee is concerned at the lack of information on the evaluation of the impact of those programmes. The Committee regrets the scant information provided on training programmes for professionals directly involved in the investigation and documentation of torture, as well as medical and other personnel dealing with detainees, on how to detect and document physical and psychological sequelae of torture and ill-treatment (art. 10).

30. **The State party should:**

(a) **Further develop mandatory in-service training programmes to ensure that all public officials, in particular law enforcement officials, prison staff and medical personnel employed in prisons and psychiatric institutions, are well acquainted with the provisions of the Convention and are fully aware that violations will not be tolerated and will be investigated, and that those responsible will be prosecuted and, on conviction, appropriately sanctioned;**

(b) **Ensure that all relevant staff, including medical personnel, are specifically trained to identify cases of torture and ill-treatment, in accordance with the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol);**

(c) **Develop and apply a methodology for evaluating the effectiveness of educational and training programmes relating to the Convention and the Istanbul Protocol.**

### **Conditions of detention**

31. While welcoming the efforts made by the State party to improve conditions of detention in prisons, the Committee is concerned that overcrowding and inadequate health-care services remain a problem in the prison system and that the State party has taken insufficient measures to mitigate the dramatic increase in its prison population through the use of alternative measures to deprivation of liberty. It is also concerned at reported arbitrary practices such as cell raids at any hour of the day, illegal searches and denial of phone calls, in particular in the Tekirdag F-type prisons. In addition, the Committee notes with concern that solitary confinement may be imposed for up to 20 consecutive days (arts. 2, 11 and 16).

32. **The State party should:**

(a) **Continue its efforts to alleviate the overcrowding of penitentiary institutions, including through the application of non-custodial measures;**

(b) **Ensure that all persons deprived of their liberty receive timely and appropriate medical treatment;**

(c) **Ensure independent and prompt investigations into allegations of deliberate denial of health care to persons deprived of their liberty and ensure that any prison officials responsible for such conduct are subject to prosecution or disciplinary action;**



(d) **Bring its legislation and practice on solitary confinement into line with international standards, in particular with rules 43 to 46 of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).**

#### **Deaths in custody**

33. The Committee regrets the lack of complete information on suicides and other sudden deaths in detention facilities during the period under review (arts. 2, 11 and 16).

34. **The State party should provide the Committee with detailed information on cases of death in custody and the causes of those deaths. It should also take measures to ensure that all instances of death in custody are promptly and impartially investigated by an independent body.**

#### **Aggravated life imprisonment**

35. The Committee is concerned by the restrictive conditions of detention for persons sentenced to aggravated life imprisonment, a sentence that was established after the abolition of the death penalty in 2004 (arts. 11 and 16).

36. **The Committee recommends commuting aggravated life sentences and repealing article 47 of the Criminal Code, as well as section 25, paragraph 1, of the Law on the Execution of Sentences and Security Measures.**

#### **Monitoring detention centres**

37. The Committee is concerned that, contrary to the information provided by the State party, human rights non-governmental organizations have reported that they are still not allowed to visit prison detention facilities to conduct monitoring activities. The Committee also regrets the lack of information provided by the State party regarding whether activities related to the monitoring of places of detention by official entities, such as the prison monitoring boards and provincial and district human rights boards, are leading to receipt of complaints of torture and ill-treatment from prisoners and to investigations and prosecutions with respect to their allegations (arts. 2 and 11).

38. **The Committee reiterates its previous recommendation (see CAT/C/TUR/CO/3, para. 16) that the State party adopt formal regulations explicitly authorizing human rights non-governmental organizations, medical professionals and members of local bar associations to undertake independent visits to places of detention. The State party should also ensure the financial and functional independence of all official bodies monitoring places of deprivation of liberty, including the prison monitoring boards.**

#### **Redress and rehabilitation**

39. While noting the State party's assertion that its legislation provides for redress for victims of torture and ill-treatment even in the absence of a criminal conviction against the perpetrator, the Committee regrets the limited amount of information available with regard to reparation and compensation measures ordered by the courts or other State bodies and actually provided to the victims of torture or their families since the consideration of the previous periodic report. It also regrets that the State party has presented no information on measures taken to support and facilitate the work of non-governmental organizations that seek to provide rehabilitation to victims of torture and ill-treatment (art. 14).

40. **The State party should ensure that all victims of torture and ill-treatment obtain redress, including an enforceable right to fair and adequate compensation and**

the means for as full rehabilitation as possible. The Committee draws the State party's attention to its general comment No. 3 (2012) on the implementation of article 14 by States parties, in which it elaborates on the nature and scope of the obligations of States parties under article 14 of the Convention.

#### **Criminalization of medical treatment without a government permit**

41. The Committee is concerned that the State party has enacted legislation that prohibits the unauthorized provision of medical services. While taking note of the explanations given by the State party's delegation that these provisions shall not apply in cases of emergency, the Committee remains concerned over the negative implications that they may have for medical professionals in direct contact with victims of torture and ill-treatment (arts. 2 and 14).

42. **The State party should repeal those provisions in the addendum to Law No. 3359 which could arbitrarily restrict access to the provision of medical care, including medical examinations and rehabilitation services, for victims of torture and ill-treatment. The State party should also ensure that health professionals are not prosecuted for providing health care to victims of torture or ill-treatment.**

#### **Human rights defenders, journalists and medical doctors**

43. The Committee is seriously concerned about numerous consistent reports of intimidation and harassment of and violence against human rights defenders, journalists and medical doctors who provide assistance to victims of torture. It regrets the scant information provided by the State party regarding the investigations into the cases raised by the Committee, such as the murder of journalist Hrant Dink in 2007, the murder of human rights defender Tahir Elçi in November 2015 and the attack on the Istanbul office of *Hürriyet* newspaper on 7 September 2015. While taking note of the delegation's statement that no Turkish journalists have been arrested solely because of their journalistic activities, the Committee remains concerned about the numerous reports received of arbitrary detention of journalists and human rights defenders on terrorism-related charges because of their reporting, including journalist Nedim Oruç and human rights defender Muharrem Erbey (art. 16).

44. **The Committee urges the State party to:**

(a) **Ensure the effective protection of journalists, human rights defenders and medical doctors against threats and attacks to which they may be exposed on account of their activities, and ensure that such cases, including the murders of Hrant Dink and Tahir Elçi and the attack on the Istanbul office of *Hürriyet* newspaper, are investigated promptly, and that suitable action is taken against those responsible and remedies granted to the victims;**

(b) **Refrain from detaining and prosecuting journalists and human rights defenders as a means of intimidating them or discouraging them from freely reporting on human right issues;**

(c) **Ensure an independent review of cases in which journalists and human rights defenders are presently on trial or appealing sentences handed down against them for membership in, engaging in propaganda for, or facilitating the activities of a terrorist organization, including the cases of Nedim Oruç, Muharrem Erbey and other individuals, which were specifically raised with the State party's delegation during the dialogue.**

### Gender-based violence

45. While noting the State party's efforts to combat gender-based violence, including domestic violence and so-called "honour killings", the Committee is concerned at the very low conviction rate for such crimes. The Committee is also concerned at reports that women who have received or applied for protection orders have not received effective protection from the State party's authorities in practice, resulting in a number of cases in which they were subsequently killed.

46. **The State party should:**

(a) **Ensure that all cases of violence against women are thoroughly investigated, that perpetrators are prosecuted and that victims obtain redress, including fair and adequate compensation;**

(b) **Provide better protection and appropriate care for women who seek the assistance of authorities in protecting them from violence, including ensuring that women who apply for protective orders receive meaningful protection in practice and that officials who deny such women effective protection are disciplined;**

(c) **Ensure that all women victims of violence are able to access shelters and receive necessary medical care and psychological support;**

(d) **Conduct effective training on gender-based violence for law enforcement personnel, judges, lawyers and social workers who are in direct contact with victims.**

### Abuse of army conscripts

47. The Committee is concerned about reports of abuse of army conscripts by fellow soldiers. It regrets the absence of information from the State party as to whether, in any of the 204 cases in which soldiers reportedly died in barracks during the period under review, an investigation was conducted that revealed that the death had been the result of abuse by fellow conscripts, and whether any prosecutions were undertaken in such cases (arts. 2, 12, 13 and 16).

48. **The State party should ensure prompt, impartial and thorough investigations into all allegations of abuse of conscripts in the army, and into all deaths of conscripts in military barracks, and prosecute and punish those responsible with appropriate penalties. The State party should also ensure that all examinations of complaints against military personnel are carried out by an independent body. The State party is encouraged to provide detailed information on effective measures adopted to prevent and combat such acts.**

### Follow-up procedure

49. The Committee requests the State party to provide, by 13 May 2017, information on follow-up to the Committee's recommendations relating to the following: the use of countercharges as a means of intimidating detained persons, or their relatives, into not reporting torture (para. 10 (c)); allegations of extrajudicial killings and ill-treatment in the course of counter-terrorism operations (para. 14); measures to ensure that all returnees under the agreement of 18 March 2016 between the European Union and Turkey have the opportunity for an individual review and are protected from refoulement and collective returns (para. 26 (d)); and the detention and prosecution of journalists and human rights defenders as a means of intimidating them or discouraging them from freely reporting (para. 44 (b)). In that context, the State party is invited to inform the Committee about its plans for implementing, within the coming reporting period, some or all of the remaining recommendations in the concluding observations.

**Other issues**

50. The State party is requested to disseminate widely the report submitted to the Committee and the present concluding observations, in appropriate languages, through official websites, the media and non-governmental organizations.

51. The Committee invites the State party to submit its fifth periodic report by 13 May 2020. For that purpose, and in view of the fact that the State party has agreed to report to the Committee under the simplified reporting procedure, the Committee will, in due course, transmit to the State party a list of issues prior to reporting. The State party's replies to that list of issues will constitute its fifth periodic report under article 19 of the Convention.

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