



ALTERNATIVE (SHADOW) REPORT TO THE COMMITTEE AGAINST TORTURE

REGARDING
THE EXAMINATION OF TURKEY'S FIFTH PERIODIC REPORT

PREPARED BY THE DIYARBAKIR BAR ASSOCIATION – CENTER FOR
CHILDREN'S RIGHTS

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About the Center for Children’s Rights, Diyarbakır Bar Association;

Established on 12.11.2012 within the Diyarbakır Bar Association, the Center for Children’s Rights implements theoretical and practical work to recognize, protect, implement, and develop children's rights. The Center provides counseling to children and their families within the judicial system, initiates strategic lawsuits, and conducts regular training and awareness activities. The Penitentiary and Correctional Facilities Working Group within the Center conducts rights monitoring activities for detained and convicted minors. As part of this effort, advocacy work is carried out based on reports prepared from regular meetings with minors held in closed penitentiary institutions in Diyarbakır.

About the Report:

The Diyarbakır Bar Association - Center for Children’s Rights (the Center) shares the findings and recommendations from its research on the girls detained in the Diyarbakır Women's Closed Penitentiary Institution with the UN Committee against Torture (the Committee) through this report. The purpose of the report is to inform the Committee, prior to the review of the 5th Periodic Report, about Turkey's obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Convention) concerning detained and convicted girls.

In preparing the report, the Center has taken into account the Committee's Concluding Observations and List of Issues with regards to the examination of Turkey’s Fourth Periodic Report¹. Additionally, it has considered the observations related to the Convention in the concluding observations on Turkey released by the United Nations Committee on the Rights of the Child (CRC) on June 2, 2023², as well as the findings in the report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment following their visit to Turkey (Special Rapporteur's Report)³. The report adopts a "thematic" review approach for a comprehensive analysis of compliance with the provisions of the Convention. The demands and recommendations within this scope are included in the relevant sections.

In light of this structure, the following table of contents has been prepared to facilitate understanding for the reader:

¹ CAT, Concluding Observations on Türkiye, UN Doc. CAT/C/TUR/CO/4, 2 June 2016.

² CRC/C/TUR/CO/4-5

³ A/HRC/37/50/Add.1

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I. Executive Summary

To provide information on the situation of detained and convicted girls in Turkey, according to the Ministry of Justice's statements, as of May 2, 2024, there are 140 girls in correctional facilities, with 92 detained and 48 convicted. For boys, there are 1,968 detained and 1,015 convicted⁴. Unfortunately, this is the extent of age- and gender-disaggregated statistical data available for detainees and convicts.

The most important information that can be given about detained and convicted girls relates to the institutions where they are held. As there is currently no institution specifically designated for detained girls, as outlined more comprehensively in the report, it is observed that the physical and psycho-social needs of girls in correctional facilities are not being met, and they are subjected to various rights violations, including gender-based discrimination. In the Center's interviews with detained girls, instances of torture and ill-treatment related to detention conditions were encountered. It was found that detailed (strip) searches are routinely conducted, complaints about these rights violations are not effectively investigated, and girls face difficulties in accessing their rights to education, recreation, and health, which negatively impact their development. Their relations with the outside world are also restricted.

Another important issue we wish to bring to the Committee's attention is the impact of the two major earthquakes that occurred on February 6, 2023, affecting the eastern and southeastern provinces of Turkey and resulting in the loss of 53,207 lives according to official data. Diyarbakır is among the 11 provinces affected by the earthquakes. When the Center interviewed minors in the Diyarbakır Children and Youth Closed Penitentiary Institution immediately after the earthquakes, it was found that the officials delayed communicating with the minors, the minors were not adequately informed, they were kept in enclosed areas despite being very frightened, and they were unable to hear from their families for a while. Additionally, minors in the Hatay Children and Youth Closed Penitentiary Institution, one of the provinces most affected by the earthquake, were transferred to the distant city of Samsun without any psycho-social intervention or information and were kept waiting in the cold for hours⁵. All these indicate that juvenile correctional institutions lack a crisis plan, leading to various rights violations. Turkey urgently needs to develop policies to protect the rights of detained and convicted minors during crisis periods.

In the following sections of the report, the findings and recommendations from the Center's interviews and desk research will be shared under the relevant headings.

II. Methodology

This report, presented to provide information to the Committee, encompasses findings from a total of 15 interviews conducted with 9 girls detained in the Diyarbakır Women's Closed Penitentiary Institution between September 2023 and January 2024, as well as the results of

⁴ For the relevant statistical data: <https://cte.adalet.gov.tr/Resimler/Dokuman/6052024163015istatistik-5.pdf>

⁵ Children's Re-Liberation Foundation of Turkey, Earthquake and Child Prisoners Preliminary Research Report, August 2023. Online (Turkish): https://www.tcyov.org/wp-content/uploads/2023/08/Deprem-ve-%C3%87ocuk-Mahpuslar-%C3%96n-Ara%C5%9Ft%C4%B1rma-Raporu_TCYOV.pdf

desk research. The interviews were conducted by two competent lawyers, one of whom was a female lawyer⁶. The interview outputs were anonymized, and their content was analyzed and transformed into this report.

III. Prevention of Torture (Articles 2, 11, 16)

○ Independent Monitoring

In its Concluding Observations on the 4th Periodic Review process concerning Turkey, the Committee expressed concern about reports from human rights NGOs stating that they were not allowed to visit correctional facilities to conduct monitoring activities, contrary to the information provided by the Turkish government. The Committee recommended to the State to "explicitly authorize civil society organizations working in the field of human rights, healthcare workers, and local bar association members to conduct independent visits to prisons and to ensure the financial and functional independence of the monitoring official bodies" (paras 37-38). However, despite the repeated question in paragraph 33 of the list of issues regarding the enactment of regulations allowing independent visits by professional organizations and civil society organizations, a positive response has yet to be provided. There is no legal guarantee in Turkey for civil society organizations and bar associations to conduct monitoring activities.

In Turkey's 5th Periodic Report, it was mentioned that the Public Ombudsman Institution⁷ (POI) can conduct on-site monitoring without permission to assess the complaints received. However, upon examination of the published decisions, it is seen that this authority has been applied in very few cases. Moreover, due to the small number of detained and convicted women and girls, the correctional facilities where they are held are not prioritized for such monitoring visits.

Recommendation: Legal guarantees should be established to enable bar associations and civil society organizations to conduct regular and unannounced visits to institutions where detained and convicted minors are held.

○ National Human Rights Body

The Committee has brought criticisms towards the Turkish Human Rights Institution (TİHEK) in its Concluding Observations (paragraph 27). The CRC has also recommended strengthening the monitoring of places where minors are deprived of their liberty and making the visits of the national preventive mechanism periodic⁸. Although the country report mentions the activities of TİHEK and the POI, girls interviewed in the Diyarbakır Women's Closed Penitentiary Institution reported that they were not aware of institutions to which they could apply regarding the injustices they faced.

⁶ Diyarbakır Bar Association Children's Rights Center, Report on Rights Violations and Detention Conditions for Girl Children Detained in Diyarbakır Women Closed Prison, 24.01.2024 Online(Turkish): <https://www.diyarbakirbarosu.org.tr/public/uploads/document/cocukraporson-1707240705.pdf>

⁷ The Public Ombudsman Institution operates as an ombudsman in Turkey. The institution is authorized to investigate complaints arising from all kinds of actions and transactions of public institutions, as well as the attitudes and behaviors of public officials. Online (Turkish): <https://www.kdk.gov.tr/>

⁸ CRC/C/TUR/CO/4-5, paragraph 50/h

In addition to the accessibility of these institutions, their effectiveness also needs to be questioned. The Center submitted an application to the Turkish Human Rights and Equality Institution and the Public Ombudsman Institution along with a report prepared regarding the human rights violations experienced by minors in the Diyarbakır Children and Youth Closed Penitentiary Institution, which was shared with the public on September 10, 2021. The application stated that minors were subjected to physical and psychological violence, ill-treatment, and humiliating behavior within the institution; they were threatened; their rights to nutrition, health and treatment, communication, education, and social rights were violated. As a result of the application, TİHEK did not inform the Diyarbakır Bar Association Presidency about any notifications and did not provide any information about the outcome of the application. The POI, on the other hand, after the application, directed questions to the Ministry of Justice and then issued a "Peaceful Settlement Decision" by merely settling for the Ministry of Justice's standardized and statutory responses. Additionally, as far as it could be understood from the POI's website, the Diyarbakır Children and Youth Closed Penitentiary Institution was visited after the relevant application⁹. However, no communication was made with the Bar Association. As a result, the applications were not effective, and no concrete efforts were made to prevent human rights violations.

Looking at the decisions made by the POI, although it is a body where minors can directly apply, it can be said that only a number of minors have so far applied, the mechanism is not widely known, its accessibility is limited, there are numerous applications from correctional facilities, but the number of recommendations and peaceful settlement decisions is quite low¹⁰. Furthermore, looking at the special reports prepared by the POI, it is striking that no special reports have been prepared on widespread human rights violations in Turkey to date.

Another issue that needs to be brought to the attention of the Committee is the inclusiveness of language by these two institutions. Both institutions do not provide services in the Kurdish language, which is the mother tongue of the majority of minors in Diyarbakır¹¹.

Recommendations: The visibility of the POI and TİHEK should be increased among minors, they should be informed about these institutions in a language they can understand, and application forms and decision texts should be prepared in languages other than the official language. Both institutions should use their powers to conduct on-site inspections and prepare reports more frequently, taking into account the institutions where detained and convicted girls are held.

⁹ <https://www.kdkcocuk.gov.tr/karar-cocuk-adalet-sisteminde-infaz-kosullarinin-inceleme>

¹⁰ When examining the Annual Report of the Public Ombudsman Institution for the year 2023; it is observed that 19,317 applications were made, 6,570 Referral Decisions were issued, 5,407 Decisions of Non-Examinability were issued, 1,386 Amicable Solution Decisions were issued, 1,384 Recommendation Decisions were issued, 1,066 Rejection Decisions were issued, 588 Partial Recommendation Partial Rejection Decisions were issued, 152 applications were made by individuals in the age group of 0-18 (children), 223 applications were made on the subject of children's rights, and 1,629 applications were made on the subject of the activities of correctional institutions. Online (Turkish): <https://www.ombudsman.gov.tr/Yayinlarimiz/YillikRapor>

¹¹ For the special reports of the Public Ombudsman Institution, see: <https://www.kdk.gov.tr/Yayinlarimiz/OzelRaporlar>

○ Cases of Torture and Ill Treatment in Connection With the Detention Conditions

In its concluding observations, the Committee emphasized the lack of measures taken to address overcrowding and inadequate health services in the prison system and the failure to utilize alternative measures. The CRC also highlighted in its recent concluding observations the importance of not detaining minors with adults and ensuring that detention conditions, including access to education and health services, comply with international standards (Paragraph 50/g). This section will convey the violations identified within the institution based on interviews.

Detailed (Strip) Search

The Committee, in paragraph 31 of the list of issues, requested information on "strip and intrusive body searches alleged to be frequent and disrespectful" towards detainees and convicts. In Turkey's 5th periodic report, legal regulations regarding strip searches were shared, indicating that there were between 8 and 28 applications annually, and these applications were processed by the Office of the Prosecutor. Although the country report mentioned a small number of applications regarding strip searches, a research covering only civil society reports reveals that in 2022, 187 detainees and convicts were subjected to strip searches and that these searches were routinely conducted¹².

Regulation on strip searches, Article 34¹³, was amended on 12/11/2021 to include the phrase "in case it is impossible to ascertain otherwise," after the phrase "presence of serious evidence and," and the term "strip" was changed to "detailed."¹⁴ However, this change has not been sufficient to prevent human rights violations in the practice. The regulation on strip searches is applied to all convicts and detainees without any special arrangement for minors.

In interviews conducted with detained girls, it was learned that 4 out of 9 girls were subjected to strip searches. The girls stated that the search took place during entry into the correctional facility, they were not informed of the reason for the search, they had to remove all their clothes, they were not provided with a garment, the search was conducted by correctional officers, they were asked to crouch down and stand, and the same was done to their mates in the institution. The accounts of the girls indicate that strip searches at the Diyarbakır Women's Closed Penitentiary Institution are conducted without justification, in violation of procedures, systematically, and routinely.

¹² Human Rights Association, (2022), *Human Rights Monitoring Report on Turkish Prisons*, (Turkish)p. 46

¹³ Regulation on the Administration of Correctional Institutions and the Execution of Penalties and Security Measures, Official Gazette dated 29.03.2020, numbered 31083.

¹⁴ Article 34 of the Regulation on the Administration of Correctional Institutions and the Execution of Penalties and Security Measures has been amended by Article 14 of Presidential Decision numbered 4773 published in the Official Gazette dated 12/11/2021 and numbered 31657.

Education and Recreational Activities for Minors in Closed Penitentiary Institutions

The Committee has inquired, in paragraph 48/d of the list of issues, whether steps have been taken to improve minor detainees' access to education and recreational activities. The CRC Special Rapporteur also expresses concern in his report about the inability of child detainees, particularly those in the minors' section of the E-Type Closed Penitentiary Institution in Diyarbakır, to receive education and their inadequate access to recreational activities (paragraph 42).

Information obtained following interviews with girls indicates that girls are not benefiting from the activities conducted in the Institution, that these activities are not organized in a manner specific to girls, and that compared to boys detained in the Children and Youth Closed Penitentiary Institution, girls face much greater limitations in accessing their rights.

During the interviews, it was understood that girls do not benefit sufficiently from educational, social, and recreational activities due to staying in an institution tailored for adults. It was reported that there is no playroom in the Women's Closed Penitentiary Institution, and when girls requested to go to the playroom, they were refused by correctional officers with statements like "*Are you children? You are not children, you are women.*" It was also reported that although there are painting, musical instrument, dance, and hairdressing courses available in the institution, girls were not taken to these courses despite writing petitions to participate, receiving no response from the education unit, and being told by officers that these activities are for adults. Upon persistent requests, they were allowed to attend one activity per week. It was mentioned that there is one hour of sports activities per week in the institution, but officers restrict the sports hour due to workload, and sports equipment is also inadequate.

Another issue highlighted during the interviews is the access of girls to books. The girls stated that they are not taken to the library, and they can only receive books they want to read by specifying the code and name of the book, with a maximum of 2 books to choose from. They mentioned that the variety of books is insufficient, there are no children's books available, and they requested fairy tales and graphic novels to be included in the list.

In summary, it has been determined that the detained girls at Diyarbakır Women's Closed Prison were deprived of participating in activities, courses, and events for approximately 4 months and 2 weeks under the pretext of not being adults. The limited activities they participated in were not specifically designed for minors, and the educators involved lacked expertise in children's rights.

Another aspect of this situation is the content of the activities conducted in women's correctional facilities. Following monitoring visits to women's correctional facilities by TIHEK, a report was prepared after a monitoring visit to Tarsus Women's Closed Prison, which housed 6 girls and 378 women detainees in 2023. The report mentioned activities such as "*hairdressing, felt accessories, traditional hand embroidery, sewing of men's innerwear, sewing of children's outerwear, painting, traditional folk dances, and basic literacy courses.*"¹⁵ It was noted that

¹⁵ <https://www.tihok.gov.tr/public/images/kararlar/s7c9ec.pdf>

the courses offered in these facilities were limited to skills that reinforce traditional gender roles and did not support women in fields such as science and technology.

Recommendation: Girls detained in women's facilities should be provided with regular access to education, recreational activities, sports, and libraries. Educators and administrators with expertise in working with minors should be involved to ensure that the activities are suitable for the minors' development. Education and activities provided for girls should not be limited to reinforcing traditional gender roles, and efforts should be made to diversify the courses offered to include topics such as computer literacy, accounting, financial literacy, and agriculture.

The Minors' Relationships with the Outside World.

The interviews held with detained girls reveal another dimension concerning their relationship with the outside world. The minors stated that they have the right to communicate via telephone for a maximum of 60 minutes per week if they have open visits; however, if there are no open visits, they can use 120 minutes of video calls. They reported that this time limit can be used in increments of 10 minutes over 12 and 6 sessions, that the phone durations are insufficient, and that they frequently experience technical malfunctions and connectivity issues. Many of them also mentioned waiting for extended periods for letters to be sent and received and encountering difficulties in delivering letters. They noted that the photos given to them by visitors during open visits are prevented from being brought into the institution by the institution itself.

The restriction of communication established by the institution through phones and letters, negligence in this regard, legal regulations limiting the durations in a manner unsuitable for minors, constitute a violation of their rights to privacy and family life.

In addition to the problems with family visits, some of the girls interviewed mentioned that there is no television in their dormitory, and in the dormitories where there is a television, there are very few channels, and none of them are of interest to the minors. Many girls also cannot access the radio, attributed to the high price of radios sold in the canteen. These practices undermine their right to communicate with the outside world.

Recommendation: The time limits imposed on minors' phone calls should be extended, technical problems during visits should be addressed, communication through letters should be conducted in a manner that respects their privacy, and all children should have access to television and radio broadcasts suitable for their ages and development.

Concerns on Classification and Lack of Facilities Designed for Detention of Girls

Committee, in paragraph 48/c of the questionnaire, asked whether minors are separated from adults in Turkey. The Special Rapporteur has occasionally found that adolescent girls are housed in blocks with adult women, and recommended that distinctions be made between detainees and convicts in all correctional facilities (Paragraph 47).

In Turkey, there are 9 closed educational institutions for detained minors and 4 open educational institutions for convicted minors. However, there is currently no institution specifically

designated for detained girls, and there is only 1 institution for convicted minors nationwide. The law stipulates that minors will be placed in the designated Closed Educational Institutions for Children and Youth primarily, and in the absence of such institutions, they will be placed in sections designated for minors in closed correctional facilities.¹⁶ Therefore, in cases where separate sections are not available in facilities, girls are accommodated either in sections designated for women in closed correctional facilities or in sections designated for minors in other closed correctional facilities. Confronting the challenge of being both female and minors within the penal system, girls are held either in sections designated for women in male prisons or in sections designated for girls in women's prisons due to the lack of a facility specifically allocated for them. This situation leads to the neglect of their physical, psychosocial needs, and exposure to practices that create gender-based discrimination.

As a result of discussions held between September 2023 and January 2024, it was determined that there were 2 allocated wards for minors in Diyarbakır Women's Closed Correctional Facility, with the number of girls in the dormitory ranging from 2 to 6. It is known that girls held in the dormitory are sometimes kept alone until another child arrives, or when violent incidents occur among peers in the same dormitory, the institution administration changes the girls' dormitories. The application of this method, keeping a child alone in a dormitory, creates the risk of solitary confinement.

During discussions held at Diyarbakır Women's Closed Correctional Facility, it was revealed that there were occasional disputes among girls, sometimes escalating to physical violence, which they generally resolved among themselves. In most cases, correctional officers did not intervene, and when they did, they verbally abused the girls, physically restrained them by grabbing and pulling them, and sometimes used handcuffs. Although the use of handcuffs on minors is prohibited by the Child Protection Law, it is allowed by the Law on Enforcement. It is considered important to highlight this case to demonstrate the consequences of not being held in institutions designated for minors, which can lead to torture and ill-treatment.

Recommendation: Detained and convicted minors should be held in institutions where specialized personnel in child well-being are employed. Mechanisms supporting pedagogical methods should be established to prevent incidents of peer violence, instead of resorting to physical force and isolation in correctional facilities. The use of handcuffs and coercive tools should be prohibited in correctional facilities for minors.

Conditions in the Institution

The Committee focused on improvements in institution conditions, including heating, in paragraph 48/a of the questionnaire.

In discussions with detained girls, issues of hygiene and access to adequate food emerged as prominent concerns. From the discussions, it was revealed that the institution was not adequately heated, ventilation was not clean, there was a lack of dishwashing detergent, liquid soap, shampoo, detergent, and sanitary pads provided in the institution. The meals were not

¹⁶ Articles 10 and 11 of Law No. 5275 on the Execution of Penalties and Security Measures.

prepared according to hygiene standards; seasonal fruits and similar supplementary foods were not provided; special menus for minors requiring a specific dietary regimen were not created; the special circumstances of minors were not considered in meal distribution; meals were not tailored to the minors' tastes; breakfast was not included in the meals; canteen prices were high, and desired products were not available in the canteen. It was understood that girls from low socio-economic backgrounds could not afford to meet their needs from the canteen due to the inability of their families to provide financial support. Due to the administration's failure to provide sufficient products for dormitory cleaning and personal hygiene, and the high prices in the canteen, detained girls experienced hygiene problems and menstrual poverty.

According to the reports of the Human Rights and Equality Institution of Turkey (TİHEK) on women's correctional facilities, heating problems were experienced in Ordu¹⁷, where 4 girls were held, and in Tarsus¹⁸, where 6 minors were detained, and instances of clothing shortages were encountered.

Recommendation: Food, heating, ventilation, and clothing facilities should be structured according to the needs of girls and women, taking into account seasonal and geographical conditions. Regular and free distribution of hygiene kits containing sufficient and quality products to every detainee in the institution should be ensured. The cleanliness of the dormitories should be regularly maintained by the administration. Additionally, to address the menstrual hygiene-related issues in women's facilities, access to safe, clean, and private toilets, hygienic products, waste disposal systems, clean and hot water, and trained staff should be provided.

Health

During discussions with detained girls, it was found that they faced difficulties in accessing medical treatment. They were allowed to visit the infirmary only once a month, and when they wanted to go for a second time, they were not taken. During examinations, prison officers were present with them or outside the door. The institution's doctor did not examine the girls; instead, they simply prescribed medication without proper examination. Girls in need of medication received their medication very late, and one child in need of eye-glasses could not afford them due to the high cost of these glasses¹⁹.

These access issues to healthcare, as identified by the Center, are also reflected in the reports of the Human Rights and Equality Institution of Turkey (TİHEK) concerning women's correctional facilities.

Recommendation: Sufficient number of doctors should be employed in the institution to meet the needs of the detainees. Routine health check-ups for girls should be conducted while ensuring their privacy. Prescribed medications should be promptly delivered to the girls, and the treatments of girls with chronic illnesses should be monitored.

¹⁷ <https://www.tih.gov.tr/public/images/kararlar/6063D5.pdf>

¹⁸ <https://www.tih.gov.tr/public/images/kararlar/s7c9ec.pdf>

¹⁹ <https://www.tih.gov.tr/public/images/kararlar/A4DB8A.pdf>,

IV. Training (Article 10)

The observations in Conclusion 29 and paragraph 28 of the question list address the training of public officials by the Committee. The topics covered in the training received by correctional staff are listed in the 5th periodic report, but it is noted that among these trainings, there are no sessions on child rights and gender equality. This issue is particularly crucial in institutions where women and girls are detained.

As a result of discussions with detained girls, it was understood that prison officers treated them as adults and did not take into account their gender-specific needs. Considering all the human rights violations mentioned in the report and caused by institution staff, it is apparent that there is a lack of training for prison officers.

Although the 2023/41 Numbered Diyarbakır Children and Youth Closed Penitentiary Institution Visit Report of the Human Rights and Equality Institution of Turkey states that institution staff received various trainings, it was found that "*Personnel in the institution did not receive specific training on human rights, interpersonal communication, and the prohibition of torture and ill-treatment.*"^{20 21}

Recommendations: All administrators and staff in the correctional system should participate in training programs that include evaluations of the impact on children's rights, gender equality, and human rights. Those who do not successfully complete these trainings should not be allowed to work in institutions where minors are detained. It is necessary to ensure the continuity of these trainings and to develop monitoring mechanisms for personnel. Additionally, personnel in the juvenile justice system should also undergo comprehensive training.

V. Responding to Torture (Articles 12, 13, 14, 15): Investigating Reported Cases of Torture and Ill Treatment and Ensuring Adequate Access to Redress and Compensation

The Committee observed in its concluding remarks on Turkey's 4th periodic report that effective sanctions were rarely applied in investigations into allegations of ill-treatment and excessive use of force by public officials.

Above, findings were shared regarding the "strip search" conducted under the guise of a "detailed search," during which all clothes of the girls were removed. In addition to this information sharing, during the meetings conducted by the Center at the correctional facility, upon the legal support request of the girls, the Diyarbakır Bar Association filed a criminal complaint regarding the strip searches. It was requested during the investigation that the suspects be suspended from duty, and the investigation be conducted with special precautions

²⁰ <https://www.tihk.gov.tr/public/images/kararlar/cyw2ad.pdf>

²¹ Report No: 2024/267, Decision No: 2024/444 stating that there is no basis for prosecution.

for the safety of the minors. Subsequently, the Office of the Diyarbakır Chief Public Prosecutor requested an explanation from the Institution on the matter. In its response, the Correctional Facility stated that the searches were conducted in accordance with the relevant legislation, and were even conducted not only upon admission to the institution but also in cases where detainees or convicts needed to leave the institution (such as for hospital visits, court hearings, infirmary visits, or changes in dormitory). It was stated that the searches did not violate human dignity or the law. The Office of the Diyarbakır Chief Public Prosecutor's, without any further action, deemed that no offense was committed based on the report of the institution and decided that there was no need for an investigation. According to the relevant regulation, this type of decision is made when the act subject to notification or complaint does not constitute a crime, when it is clear without the need for any investigation, or when the notification or complaint is abstract and general in nature²². The disclosed situation, although investigations are conducted together with the suspects, leads to an obvious impunity due to the failure to take the notifications seriously, posing a risk of normalizing practices that constitute human rights violations. Consequently, it is observed that the vulnerability created by the deprivation of liberty of girls is deepened by the unlawful strip search. Contrary to the recommendations in the concluding observations, the Bar Association's allegations were not investigated, the suspects were not prosecuted or punished, they were not temporarily suspended from their duties despite working in the same correctional facility with the girls, and they were allowed to continue their duties, thus exposing the girls to the risk of retaliation.

Recommendation: Child-friendly complaint mechanisms should be established in institutions where detained and convicted minors are held to prevent torture and ill-treatment and to effectively investigate and punish them, and independent monitoring bodies should have legal guarantees.

²² Article 158 of the Turkish Code of Criminal Procedure No. 5271.