



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

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Summary record of the 2125th meeting

Held at the Palais Wilson, Geneva, on Thursday, 18 July 2024, at 10 a.m.

Chair: Mr. Heller

Contents

Consideration of reports submitted by States parties under article 19 of the Convention
(*continued*)

Fifth periodic report of Türkiye (continued)

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 19 of the Convention *(continued)*

Fifth periodic report of Türkiye (continued) (CAT/C/TUR/5; CAT/C/TUR/QPR/5)

1. *In accordance with rule 73 of the Committee's rules of procedure, Mr. Iscan withdrew.*
2. *At the invitation of the Chair, the delegation of Türkiye joined the meeting.*
3. **The Chair** invited the delegation of Türkiye to continue replying to the questions posed by Committee members at the previous meeting.
4. **A representative of Türkiye** said that the efforts that were made by her country to enhance protection from torture and ill-treatment were supported at the highest political level. In March 2021, for example, the President himself had announced the beginning of work under the Human Rights Action Plan for 2021–2023. On instructions from the President, work had begun on a new plan, which would cover the period 2024–2028.
5. **A representative of Türkiye** said that the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment had made a total of 34 visits to Türkiye. Of the 31 visit reports it had drawn up, 27 had been published. An evaluation of the advisability of publishing the remaining reports was ongoing.
6. Also ongoing was the process of determining whether the country should become a party to the International Convention for the Protection of All Persons from Enforced Disappearance. Although that decision had not yet been made, Türkiye cooperated closely, including in respect of communications, with the Working Group on Enforced or Involuntary Disappearances and relevant special procedure mandate holders.
7. Under the Constitution, the Treaty of Lausanne, the document on which the rights of the country's minorities were based, was an integral part of Turkish law. As the prohibition of torture was absolute, it was not deemed necessary for the country to refer explicitly to the Treaty when it became a party to the Convention. That the Committee had not received an individual communication in which a complaint was made against Türkiye for 16 years, a fact that had been mentioned at the previous day's meeting, was evidence of the effectiveness of the country's policy of zero tolerance for torture. Concerning the question raised on diplomatic assurances in respect of deportation and extradition, the laws and practices of Türkiye were compatible with its international obligations. The decisions made by the European Court of Human Rights and United Nations mechanisms in disputes to which Türkiye was a party were carefully studied by the relevant Turkish institutions.
8. Fundamental rights and freedoms were fully protected in Türkiye. Human rights were seen as on the building blocks of Turkish democracy. The country's media operated in a free and pluralistic environment. No one, however, was above the law. A criminal did not enjoy impunity for his or her crimes simply because he or she happened also to be a journalist or a human rights defender. The courts, which were independent, ensured that everyone had the right to a fair trial.
9. **A representative of Türkiye** said that a person who was suspected of having committed what was referred to as an individual crime could be held for a total of up to 36 hours, no more than 24 of which could be spent in the holding facility – and 12 in transit – before being brought before a judge. Persons suspected of collective crimes, which were crimes committed by three or more people, could be held for up to 96 hours. Such persons were initially held for a period of up to 24 hours, but because gathering evidence of such crimes tended to be difficult that period could be renewed up to three times. The detainee was notified of each renewal, which he or she could contest. A medical report was drawn up after each renewal. The legislation governing those holding periods was compatible with the Constitution.
10. The average duration of pretrial detention in Turkish jails, which was around eight months, was well below the upper limits set forth in the Code of Criminal Procedure. Persons awaiting trial accounted for only 13 per cent of all prisoners in Türkiye, a figure that was considerably lower than the European average. Such persons and their legal representatives

could contest the detention order, which was reviewed monthly, at any time. By law, convicted prisoners could meet with their lawyers during working hours on weekdays; pretrial detainees, on the other hand, could meet with theirs at any time.

11. Under the Criminal Code, the offence of torture could be committed only by public officials, whereas anyone could be charged with torment, another offence. A public official who, acting in his or her official capacity, subjected another person to acts that resulted in torment would be charged with the crime of torture, the prosecution of which was neither time-barred nor subject to administrative authorization. The Constitution stated clearly that, in the event that national legislation and the international human rights instruments to which Türkiye was a party were incompatible, the international instruments would take precedence.

12. Article 94 of the Criminal Code contained a definition of torture broader than that contained in article 1 of the Convention. By contrast, article 148 of the Code of Criminal Procedure, under which any statement established to have been made as a result of torture could not be invoked as evidence in any proceedings, was a procedural rule. All places of deprivation of liberty in Türkiye were officially registered. There were no unofficial places of detention.

13. Prison sentences fell into one of three categories – namely, fixed-term sentences, life sentences and aggravated life sentences. Specific legal provisions applied to aggravated life sentences, and prisoners serving such sentences were, as a rule, eligible for conditional release after serving 30 years of their sentence, whereas those serving ordinary life sentences were eligible after 24 years. Prisoners serving aggravated life sentences for having committed crimes undermining the security of the State, the constitutional order or national defence were ineligible for conditional release.

14. Searches in prisons, the aim of which was to confiscate dangerous objects that could lead to loss of life, were critical to inmate health and safety. Strip searches had been replaced by other thorough search methods after changes to the law made in 2021. Those methods, which had to be authorized by the most senior prison authority, were used only when no other method would make it possible to find the objects being sought. No one other than members of the prison staff and the prisoners themselves, who were provided with a disposable gown, was present for the search.

15. Children in detention were always held separately from adults. There were currently nine correctional institutions and four educational centres for children in Türkiye, with sufficient capacity to accommodate all juveniles in conflict with the law. The facilities were designed in such a way as to ensure the safety and well-being of the child inmates and to prevent any kind of emotional abuse or physical violence. All the institutions had their own educational, sports and rehabilitation facilities where the children could spend the day, and they slept in individual bedrooms, each with its own bathroom. The facilities were also fitted with modern surveillance systems that enabled, for example, headcounts to be taken electronically. Children in detention could communicate with their families via videoconference for up to 120 minutes per week. Thanks to its introduction of smart technologies into prisons, Türkiye had been one of the winners of a correctional excellence award from the International Corrections and Prisons Association in 2022. Türkiye had also implemented a number of juvenile justice projects with support from the European Union. In all cases, children were only ever placed in detention as a last resort and currently accounted for just 0.9 per cent of the prison population.

16. Four per cent of persons in detention in Türkiye were women. They were held separately from men, either in women's prisons or in special units inside prison complexes. According to the law, women in detention had the right to live with their children until the latter reached the age of 6. Placement of a child with an incarcerated mother was not obligatory but took place at the mother's own request and if the child could not be taken in by other family members. Children who resided with their mothers in prison were subject to special provisions. They were not treated as inmates and spent most of the day on the outside, either in kindergartens or preschools. Some prisons had developed special mother-child facilities outside the prison walls where the mother could stay with her child, while others had created child-friendly areas inside the prisons themselves. Currently, 153 incarcerated women were living with their children.

17. Under a recent change to the law, convicted persons officially certified as suffering from a severe or terminal illness could have their sentences deferred. Thus far, 2,986 persons had availed themselves of that possibility. Moreover, following a 2020 amendment to Act No. 7242, inmates over the age of 65 and those with a disability could receive probation, depending upon the length of their sentence and the amount of time they had already served.

18. **A representative of Türkiye** said that priority was given to training candidates for the judiciary and the prosecution service. They underwent three years of basic training, which also covered human rights-related topics such as torture prevention. In addition, the Justice Academy of Turkey offered other rights-related courses, including a module on access to justice for asylum-seekers and refugees, which it ran in collaboration with the Office of the United Nations High Commissioner for Refugees (UNHCR), and a module on increasing the effectiveness of the criminal justice system, which it ran in collaboration with the Council of Europe. The number of judges and prosecutors had increased from 14,785 at the time of the previous periodic report to 24,811 during the current reporting cycle.

19. Several measures had been rolled out under the Child Protection Law to promote restorative justice and protect children involved in judicial proceedings. Since 2020, more than 100,000 such children had received court-ordered institutional or foster care, counselling, education and health-care support. Special units had been set up in prosecutors' offices and courts to oversee investigations and prosecutions involving children in conflict with the law, and child-friendly juvenile justice centres had been opened in Erzurum and in Bursa. In addition, the Ministry of Health had set up special centres in which to conduct forensic medical examinations on child victims of abuse. To date, 70 centres had been opened in 67 provinces and there were plans to extend them to cover the entire country. Special facilities had been made available in 164 courts in which judicial interviews with vulnerable persons such as refugees or torture victims could be conducted without any secondary victimization.

20. Under article 82 (1) (k) of the Criminal Code, perpetrators of so-called honour killings were liable to aggravated life imprisonment, the most severe penalty available under the law. Between 2020 and 2023, 26 such cases had come before the courts, of which 12 had led to convictions and 11 to acquittals, while 3 cases had been dismissed. The independence of the Bar Association as a public institution was guaranteed under the Constitution. The Association's supervisors and administrators, and the heads of its disciplinary bodies, were all lawyers directly elected by Association members. There was no law or legislation that could affect or restrict the independence of lawyers, and any investigation into misconduct on the part of lawyers required prior authorization from the Ministry of Justice.

21. Under the Constitution, victims of torture could seek damages, including non-pecuniary damages, from the institution to which the alleged perpetrator was affiliated. Depending upon the response they received from that institution, they could also bring their claim before the administrative courts. Another possibility open to them was to seek compensation before the civil courts, under the Civil Code. In both cases, they were entitled to legal aid.

22. **A representative of Türkiye** said that training was provided in the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol). Such training, which had also been included as part of the human rights action plan 2021–2023, was given to doctors throughout the country to ensure a meticulous and consistent adherence to the Protocol and to international standards in the whole of Türkiye. In that connection, train-the-trainer courses had been held for 89 health-care professionals throughout the country. Thanks to them, the training on the use of the Protocol had been extended to a total of 13,000 doctors by the middle of 2024, including prison doctors, family physicians and emergency room doctors. Recipients had provided feedback so that the training could be improved in the future.

23. **A representative of Türkiye** said that all persons deprived of their liberty had the right to access health care and to choose and change their doctor, without any restriction. Medical care for persons in detention was regulated by protocols between the Ministry of the Interior, the Ministry of Justice and the Ministry of Health. Examinations were conducted in facilities administered by the Ministry of Health, and the doctors involved worked for the

Ministry and had no hierarchical ties to the prison administration. Medical examinations were impartial and confidential, and, with due regard for security precautions, no one was allowed to be present in the treatment room other than the patient and medical staff. When force had been used to make an arrest, the person taken into custody underwent a medical examination and was given a copy of the resulting report. If the examining physician found evidence of torture or ill-treatment, he or she was required to report the matter immediately to prosecutors. Emergency health care was available round the clock and, in case of need, inmates could be referred to external public health-care institutions for inpatient treatment. More than 750,000 external referrals had been made since 2020.

24. **A representative of Türkiye** said that the principle of equality and non-discrimination was enshrined in the Constitution and the law. Discrimination was addressed in article 122 of the Criminal Code and, in 2014, the word “hate” had been added to the title of the article, which now read “Hate and discrimination”. The Human Rights and Equality Institution of Türkiye had the authority to conduct investigations – either ex officio or on the basis of complaints received – into allegations of hate speech, discrimination and xenophobia and to issue rulings in that regard. Moreover, xenophobia was one of the issues regularly discussed by the General Directorate of Migration Management when meeting with grass-roots stakeholders and civil society representatives.

25. Foreign migrant children in Türkiye had the same rights to education and social assistance as Turkish children, without discrimination. They also received health care, including vaccinations, on an equal footing with their peers. Immigration removal centres had facilities for children, including play areas, language teaching and special meals. Action in regard of unaccompanied migrant children was regulated by Law No. 6458 on Foreigners and International Protection. Such children were not sent to the removal centres but were cared for by the Ministry of Family, Labour and Social Services in coordination with the General Directorate of Migration Management.

26. **A representative of Türkiye** said that the provision in the Law on the Trial of Civil Servants and Other Public Officials restricting the prosecution of law enforcement officers served only to ensure that officers could fulfil their duties and did not affect the investigation of serious offences, including torture. Other offences committed while on duty, including deliberate bodily harm, could be prosecuted with administrative authorization. The decision to allow prosecution could be challenged in an administrative court. The Law Enforcement Monitoring Commission, established in 2019, helped prevent torture and ill-treatment among law enforcement officers and carried out prompt and effective investigations into any complaints. Data on the work of the Commission were publicly available.

27. Eight deaths in police custody had occurred between 2020 and 2024. The prosecution service initiated investigations into all such incidents, which were conducted in parallel with an administrative investigation. The procedures for bringing suspects into custody were set out in law. Public prosecutors were empowered to make such decisions and continuously monitored the holding cells to ensure that they met international standards. Suspects’ relatives were then notified of their detention by a law enforcement officer. Between 2020 and 2024, all police officers had been trained on the legal basis for the use of force, including concrete examples and case law. Training on children’s rights, including role plays and case studies, had been provided to over 60,000 police officers and gendarmes.

28. **A representative of Türkiye** said that military academies taught international law, constitutional law, international humanitarian law and human rights. Military personnel received additional on-the-job training, including on the treatment of migrants. Discipline was strictly enforced, with breaches handled through administrative and judicial investigation. The Military Penal Code had been amended in 2021, introducing a requirement for administrative authorization for the prosecution of military offences. Such authorization was not required for non-military offences committed by military personnel.

29. **Mr. Tuzmukhamedov** (Country Rapporteur) said that he would appreciate a response to his previous questions about ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the State party’s response to the Human Rights Committee’s Views on communication No. 3730/2020 (*Açikkollu v. Türkiye*) and the execution of recent judgments of the European Court of Human Rights relating to the

prohibition of torture, particularly in *Aydın Sefa Akay v. Türkiye*. It would be useful to have specific examples of how a conflict between national law and an international treaty would be resolved in practice. He wished to know whether civil society organizations, including those representing minorities, had contributed to the preparation of the periodic report. He wished to have a better understanding of the status of minorities in the State party.

30. Given recent high-level discussions about capital punishment, he wondered whether its reinstatement was a serious possibility. He would like to know whether Turkish peacekeeping forces received pre-deployment training, including on international standards of conduct, and whether they respected the Convention once deployed abroad. He wished to know whether the restrictions on Mr. Öcalan's right to contact his family and lawyers were a one-off punishment. He would like to know how long a prisoner could remain without contact with their families or lawyers. It would be useful to have additional information on the legislation or regulations allowing for such restrictions on lawyers' visits and how they complied with international standards.

31. **Ms. Maeda** (Country Rapporteur) said that she wished to know which body selected the board members of the Human Rights and Equality Institution, given the recommendation of the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions to advocate for legislative amendments ensuring independence from the executive branch. She would be interested to hear about the selection process for the head of the Institution. She would like to know more about the types of issues addressed by the national preventive mechanism and to know how many recommendations it had made and how many had been implemented. She wondered whether the State party intended to ensure a separation between the Institution's functions as a national preventive mechanism and national human rights institution. She would like to know how the Institution coordinated with the Ombudsman given their common mandate of receiving individual complaints. She would appreciate clarification as to whether the Ombudsman could make proposals on legislative reform, lodge constitutional appeals and address complaints relating to national security.

32. She would be interested to hear about measures taken to ensure the provision of adequate human and financial resources for health care in correctional facilities, in line with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). She wished to know more about mandatory in-service training for medical personnel, particularly those in high-security psychiatric hospitals, including the curriculum, number of participants and any evaluations of its impact. She wished to receive information on the visits conducted by civil monitoring boards and to know whether their reports were made available to civil society. She wondered whether the boards had resumed operations after being suspended pursuant to an emergency decree. She would also appreciate information about the selection of their members, their independence and the role played by civil society.

33. She wished to hear the delegation's response to reports that statements extracted under torture were commonly admitted as evidence in court. It would be useful to learn about measures taken to ensure mandatory training on the Convention, the absolute prohibition of torture and the revised Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) for all law enforcement personnel, public prosecutors, medical personnel, forensic experts and judges. She would welcome specific examples of any capacity-building efforts to allow for the targeted collection of data on implementation of the Convention and to share such data with civil society.

34. She wondered whether there were any exceptions to the established maximum detention period, such as in counter-terrorism investigations. She wished to know whether persons remanded in custody were entitled to a medical examination by a doctor of their choosing. She would appreciate an explanation of the legislative provisions on the use of firearms and non-lethal weapons by law enforcement officers. She would appreciate a response to her previous question on measures taken to protect lesbian, gay, bisexual, transgender, queer and intersex persons.

35. **Ms. Racu** said that it would be helpful to have more information on procedures for the documentation and reporting of signs of ill-treatment and other injuries. She would appreciate a response to concerns that the police and the gendarmerie were sometimes present during medical examinations in detention facilities, in breach of the rules requiring confidentiality. She would like to hear about any recent initiatives to improve the conduct of medical examinations and the documentation of injuries upon admission to police, gendarmerie, counter-terrorism and organized crime detention facilities. She would like to learn more about the legal provisions on the reporting of suspected torture or ill-treatment by doctors and to know how many such cases had been reported in the period under review.

36. **Mr. Buchwald** said that he would like to know how complaints of torture against officials of the National Intelligence Organization (Millî İstihbarat Teşkilatı, MIT) could be properly investigated in accordance with the Convention, in view of the legal provision stating that prosecutors could not act if the Agency stated that allegations related to official business. He wondered whether the State party's legislation provided for compensation to victims of torture if the perpetrator could not be identified.

37. **Mr. Rouwane** said that he would like to know whether the State party intended to establish a national mechanism for implementation, reporting and follow-up, in line with successive resolutions of the Human Rights Council and General Assembly resolution 68/268 on treaty body strengthening.

The meeting was suspended at 12.05 p.m. and resumed at 12.25 p.m.

38. **A representative of Türkiye** said that the death penalty had long since been abolished in Türkiye. As part of a vibrant public debate, suggestions to reintroduce it were sometimes made, particularly in response to heinous crimes. However, it was not currently applicable.

39. **A representative of Türkiye** said that correctional facilities were monitored by various bodies, including the national preventive mechanism, the Ombudsman, the Ministry of Justice, public prosecutors and enforcement judges, as well as civil monitoring boards. The law required that a civil monitoring board should be established in each judicial district. There were currently over 150 boards with almost 800 members. The members were selected by representatives of the judiciary. In 2023, the boards had conducted over 2,000 visits and prepared over 1,000 reports. They were required to visit each facility at least once every two months and to prepare a visit report once every four months. They had broad powers and were able to conduct private interviews with inmates, unaccompanied by prison staff.

40. Under a €1.5 million project implemented between 2019 and 2022 in cooperation with the Council of Europe, training had been provided to new board members and monitoring tools had been developed, including by adopting those used by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment to the Turkish system. The boards' powers had been expanded pursuant to legislative amendments made in 2021. The General Directorate of Prisons and Detention Houses had a civil monitoring board office. It had no hierarchical link with the boards but received all their reports and reviewed them to identify shortcomings and address them through the prisons or prosecution service.

41. A number of recommendations made by the Human Rights and Equality Institution and the Ombudsman had been implemented, including those related to daily rations, mail and the provision of menstrual products to women inmates. The Nelson Mandela Rules and the European Prison Rules of the Council of Europe had been incorporated into national laws and regulations. Five dedicated centres across the country provided training to prison staff, including an orientation course and in-service training, both in-person and online. Almost 50,000 officials received training each year, of whom 20,000 participated in person. Human rights were a core topic.

42. In response to a European Committee recommendation, the relevant law had been amended to ensure that no inmates were admitted to prison without a medical report. Such reports were produced by prison doctors or, failing that, an external medical institution. A pilot project to introduce online medical consultations had been launched in nine prisons, where private rooms had been established to uphold confidentiality. Inmates could refuse to be examined online. They could be referred to hospital for further examination by the prison doctor or the physician conducting the online consultation. Under another pilot project,

inmates had access to a booth where they could make complaints directly to the Ministry of Justice via videoconference. The system was available in almost 80 per cent of prisons, including all those accommodating women and juveniles, and would be rolled out to all facilities. Some 2,000 calls had already been received.

43. **A representative of Türkiye** said that health-care professionals received annual refresher training covering a range of topics, including safety, professional standards and patient rights. The country's nine high-security psychiatric units had a capacity of 900 beds. The Law on Apprehension, Detention and Statement-Taking set out in detail the procedures for the medical examination of persons being taken into custody. In accordance with the patient rights regulations, patients had the rights to choose their own doctors and have them attend examinations. Detailed regulations on physical examinations specified the procedures to be used. Guidance on forensic medicine, including an annex with sample medical reports, had been produced for practitioners. Procedures drafted jointly by the Ministry of Health, the Ministry of the Interior and the Ministry of Justice explained all the rules on access to health for prisoners. In accordance with all relevant legislation, examinations were conducted by doctors. Law enforcement could only be present at the request of doctors and for the purpose of ensuring their safety.

44. **A representative of Türkiye** said that troops involved in peacekeeping operations abroad received one month of pre-deployment training. All military personnel were trained on international law in the context of counter-terrorism at the Centre of Excellence Defence against Terrorism of the North Atlantic Treaty Organization (NATO). National and international forces were trained on international standards in combat at the NATO Partnership for Peace Training Centre in Ankara. Türkiye regularly participated in and hosted United Nations training on protecting civilians in combat.

45. **A representative of Türkiye** said that the law on police duties and powers contained clear provisions on the use of force. Police officers were required to use the least amount of force possible to address the situation, only escalating from bodily force to the use of tools if strictly necessary. Firearms were used extremely rarely and usually to fire a warning shot in the air. They could never be used in response to a threat to property. Criminal investigations were always overseen by the public prosecutor. Police officers received specialized training, on subjects such as trafficking in persons, counter-terrorism, cybercrime or offences against children. Any new case law was continuously disseminated to officers to ensure effective investigations.

46. **A representative of Türkiye** said that the Ombudsman Institution was provided for in the Constitution. Its members were selected by the Grand National Assembly and it had a separate budget. The Human Rights and Equality Institution had been established pursuant to legislation and had budgetary and operational autonomy. Its board, the main decision-making body, had 11 members appointed by the President, selected by experts from among candidates from the private and public sectors. Citizens were entitled to complain to both institutions, which would each conduct its own investigation. The two institutions cooperated informally but did not have a formal coordination mechanism.

47. **A representative of Türkiye** said that, in the event of the failure to identify an individual perpetrator in cases involving a public service found by a court to be responsible for an act of torture or ill-treatment, that service was liable for paying compensation to the victims.

48. **A representative of Türkiye** said that her Government would maintain its cooperation with the Committee, taking its recommendations into consideration and would persist in tackling challenges in line with contemporary human rights standards and the letter and the spirit of the Convention.

The meeting rose at 1 p.m.