



**İZMİR CHILDREN AND YOUTH CLOSED PENITENTIARY INSTITUTION VISIT
(Report No.: 2018/12)**

(Unanimously accepted in decision no. 2018/94 of Human Rights and Equality Institution of Turkey.)

September 2018

TABLE OF CONTENTS

ABBREVIATIONS 3

A. INTRODUCTION..... 4

 A.1. LEGAL BASIS AND TASK ORDER 4

 A.2. DELEGATION OF VISIT 4

 A.3. METHOD OF VISIT 4

 A.4. RELEVANT INTERNATIONAL AND NATIONAL NORMS 5

 B. GENERAL INFORMATION ON İZMİR CHILDREN AND YOUTH CLOSED PENITENTIARY INSTITUTION 5

C. FINDINGS, OBSERVATIONS and INTERVIEWS 7

 C.1. FINDINGS AND OBSERVATIONS RELATED TO PHYSICAL CONDITIONS 7

 C.2. FINDINGS AND OBSERVATIONS RELATED TO HEALTH SERVICES..... 9

 C.3. FINDINGS AND OBSERVATIONS RELATED TO STAFF AND MANAGEMENT..... 11

 C.4. FINDINGS, OBSERVATIONS AND INTERVIEWS IN RELATION TO COMMUNICATION WITH THE OUTSIDE WORLD, ACTIVITIES, VISITS AND INTERACTIONS WITH FAMILIES..... 12

ABBREVIATIONS

APT	: Association for the Prevention of Torture
CAT	: United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CPT	: European Committee for the Prevention of Torture
HEIE	: Higher Education Institutions Examination
IRS	: Individualized Rehabilitation System
İZBAN	: İzmir Suburban Line
NPM	: National Prevention Mechanism
OEF	: Open Education Faculty
OEHL	: Open Education High School
OESS	: Open Education Secondary School
OPCAT	: The Optional Protocol to the United Nations to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
TİHEK	: Human Rights and Equality Institution of Turkey
UN	: United Nations

A. INTRODUCTION

1. This report contains assessment of findings, observations and complaints obtained as a result of visit of Human Rights and Equality Institution of Turkey (TİHEK) to İzmir Children and Youth Closed Penitentiary Institution within the context of national and international norms.

A.1. LEGAL BASIS AND TASK ORDER

2. “The Optional Protocol to the United Nations to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT)” published in Official Gazette issue 28896 dated 28.01.2014 sets forth the requirement of state parties to the convention to establish a National Prevention Mechanism (NPM) authorized to visit all kinds of detention places in order to fight against torture and degrading treatment. TİHEK acts as NPM within the frame of OPCAT provisions with Article 9 paragraph 1 clause (ı) of the Law no. 6701 which is its law of establishment. Within this frame, clause (j) of the same article states that the institution has the task to undertake regular visits, with or without prior notice, to places where those deprived of their liberties or those under protection are held.

3. Within performance of this task, a planned visit was made to İzmir Children and Youth Closed Penitentiary Institution¹ on 24.05.2018 based on decision no. 2018-35 of Human Rights and Equality Institution of Turkey dated 13.03.2018 on determination of visit calendar and TİHEK Directorate task order dated 21.05.2018.

A.2. DELEGATION OF VISIT

4. The visit committee consists of Vice President Selahattin DOĞAN, Judge Gülden DEMİREL KAYMAZ and Assistant Experts Ertuğrul YAZAR, Ezgi KAŞKAVAL OKYAY and Özlem DEMİR YAZAR accompanied by TİHEK Vice President Mesut KINALI and TİHEK Board member Mehmet Emin GENÇ. This report was prepared by Ezgi KAŞKAVAL OKYAY and Özlem DEMİR YAZAR with contributions of Gülden DEMİREL KAYMAZ and Ertuğrul YAZAR.

A.3. METHOD OF VISIT

5. Before the visit, TİHEK committee provided information about TİHEK and national prevention mechanism; met with Institution director and relevant Institution personnel and obtained general information about the Institution. Afterwards, delegation examined activity areas such as fresh air area, canteen, workshop and classrooms as well as infirmary, psycho-social service, open and closed visit areas and other common areas, then interviewed with those deprived of their liberties in workshops and wards and listened to their complaints and demands. Lastly, within the scope of fast-breaking dinner organized by Institution management, some of those deprived of their liberties, correction officers and Institution

¹ Hereafter shall be shortly referred as Institution.

management gathered again, committee's observation as well as demands and complaints of those deprived of their liberties were forwarded to the management, and the visit has ended.

A.4. RELEVANT INTERNATIONAL AND NATIONAL NORMS

6. For determination of standards, regulations on criminal execution were based on especially the Universal Declaration of Human Rights, United States (UN) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and the Optional Protocol to this Convention (OPCAT), UN Convention on Civil and Political Rights, European Convention for Prevention of Torture and Inhuman or Degrading Treatment or Punishment and European Committee for the Prevention of Torture (CPT) Standards and General Reports established based on this Convention, United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), guiding principles on monitoring of detention mechanisms prepared by Association for the Prevention of Torture (APT) organization, UN Standard Rules for the Administration of Juvenile Justice (Beijing Rules), European Court of Human Rights Court practices, Republic of Turkey Constitution and Law no. 5275 on Execution of Sentences and Security Measures.

B. GENERAL INFORMATION ON İZMİR CHILDREN AND YOUTH CLOSED PENITENTIARY INSTITUTION

7. İzmir Children and Youth Closed Penitentiary Institution Directorate is one of the 7 penitentiary institutions within İzmir Aliğa Penitentiary Institutions Campus²; and was founded on a 500.000 m² square meter area at the address Bahçedere Köyü No:63/20 on 65th kilometer of İzmir-Çanakkale Yolu (E-87) Highway and D-550 highway. The institution is far from the city center, and can be accessed by two transfers to Aliğa by mass transportation network İZBAN and then to the Campus with Yenişakran minibuses from Aliğa. Transportation within the campus is provided by minibus carrying visitors to the institutions every 15 minutes. During the visit, it was observed that visitor minibuses were readily waiting at the Campus entry.

8. İzmir Children and Youth Closed Penitentiary Institution has one floor except the ground. The ground floor consists of room entries and common living areas of those deprived of their liberties, indoor sports hall, outdoor sports area, multi-purpose hall, on-duty officer rooms, canteen, storages, cafeteria, tailor, laundry, hairdresser, visit areas, building entries and attorney visit rooms. First floor consists of infirmary, dental unit, open visit areas, attorney visit rooms, storages and administrative areas.

9. In İzmir Children and Youth Closed Penitentiary Institution, children between 12-18 and youth between 19-22 are detained. There are staff acting in group leader position having special knowledge and experience who are in one-on-one relations with children during the day in the institution, and spend significant portion

² Hereafter shall be shortly referred as Campus.

of the day with these children. External security of the building is ensured by the gendarmerie who conducts dispatches and transfers.

10. Children deprived of their liberties are placed to units by the institution's administration and observation committee based on their age, physical status, type of crime and sex pursuant to relevant article of Observation and Classification regulation and Regulation on Administration of Penitentiary Institutions and Execution of Sentences and Security Measures.

11. Children and youth deprived of their liberties entered to admission section and placed to temporary unit in the first place are placed to units (wards) suitable for their status upon committee decision after their interviews with experts.

12. Meals of those deprived of their liberties are cooked in the kitchen operated by Open Penitentiary Institution and these meals are distributed by officers.

13. Children and youth deprived of their liberties are given the possibility to take a shower and shave during the day free of charge, and food and necessary supplies demanded by children are sold in the canteen.

14. Institution administration states that 1st degree health services in the Institution are provided three days in a week by family physicians under Ministry of Health in the first place, and in case of need those deprived of their liberties can be referred to campus hospital or other hospitals.

15. In addition to individual interviews of psychosocial service, group works including subjects such as anger management, personal development and communication are conducted for those deprived of their liberties who are in need. Expert personnel can conduct individual interviews aimed at those deprived of their liberties and their families.

16. It was stated that minutes were taken related to incidents between those deprived of their liberties in the Institution in terms of fight, pressure, injury, bringing prohibited articles to the Institution, damage to public property, these incidents were forwarded to judicial authorities as criminal complaints, and forensic investigations were initiated for 386 incidents in the last 1 year in the Institution. Number of incidents notified to judicial authorities due to actions taken by children in the institution are as below:

- Total of 962 children about 97 incidents due to fights
- 4 children due to self-harm acts
- 124 children due to damage to public property
- 161 children due to insult – objection – hindering duty of public officers

17. Institution administration stated those deprived of their liberties have not made any complaints with allegations of torture and degrading treatment in the last 5 years, 20 of those deprived of their liberties requested for transfer in the last year, 15 of these requests were approved and 5 of them were rejected.

18. The Institution stated that no strip search was conducted and Institution administrators explained the procedure followed in searches of those deprived of their liberties as; *“Detainees who are admitted to the*

Institution for the first time upon arrest or sentence are searched on the apron without touching the skin with bare hands in a room that cannot be seen from outside and without any image recording device. In the event of presence of serious indications that the detainees have articles or objects that are prohibited to be brought or have in the Institution and if the Institution senior chief deems necessary, a search is conducted in a way to not violate sense of shame of the sentenced and by taking measures to ensure that they are not seen by anyone based on article 46 of Regulation on Administration of Penitentiary Institutions and Execution of Sentences and Security Measures, first the clothes on upper body are removed, searched and worn again, and afterwards the clothes on lower body are removed, searched and worn again. Contact with the body is absolutely prohibited, and the searches are completed in the shortest time.” Indeed, those deprived of their liberty made no contrary allegations during the interviews.

19. It was stated that 13 of those deprived of their liberties were taken into monitoring and observation room in the last year in the Institution for a short time and under camera surveillance upon order of Institution director due to difficulty in anger management and showing excessive and aggressive behavior. Monitoring log was inspected in relation to the issue, it was seen that the monitoring and observation room had no toilets and the persons detained here can go to the toilet accompanied by an officer when necessary.

C. FINDINGS, OBSERVATIONS and INTERVIEWS

C.1. FINDINGS AND OBSERVATIONS RELATED TO PHYSICAL CONDITIONS

20. In the Institution, there are 3 Blocks on 50.000 square meter area, 36 units each having 171 square meter area, 10 rooms in each unit and 360 beds in total.

21. Within the Institution which has a capacity for 360 convicts and prisoners, there are 12 square meter rooms for those deprived of their liberty, 52 square meter common usage area and 69 square meter fresh air garden.

22. The Institution contains total 343 detainees consisting of 125 convicts and 218 prisoners. 13 of them are in 12-15 age group, 308 of them are in 15-18 age group and 22 of them are in 18-21 age group.

23. There is one room in the Institution for disabled persons deprived of their liberty, however there are not any disabled detainees. There are 1 disabled room, 2 wheelchairs, 1 wheeled stretcher and 4 crutches in the Institution for convicts and prisoners who are disabled and in need of care.

24. The Institution contains only male children and youth deprived of their liberty.

25. There are 2 monitoring and observation rooms, toilets, bathrooms, kitchen counters and common living areas in ground floors of units opening to the garden as well as five rooms containing beds, closets and personal bathrooms and toilets. There are also five rooms on the second floor with same facilities.

26. All children and youth deprived of their liberty are sheltered in separate rooms in the Institution, and each room contains 1 toilet and 1 bathroom.

27. In the Institution, those deprived of their liberty are responsible for cleaning of wards (units). In the interviews conducted, many of those deprived of their liberty stated that they purchased cleaning materials such as mats and detergents from the canteen with their own budget, however, both the Institution and those deprived of their liberty stated that required cleaning materials were provided to those deprived of their liberty who do not have financial possibility. During the visit, it was observed that toilets and bathrooms in the wards cleaned by those deprived of their liberty are extremely insufficient in terms of hygiene. It was found that some toilets had a moss-like dirty layer visible, shower curtain is fixed by a broken rolling pin, some bathrooms had partially broken mirrors and taps, and there were no shower curtains in most of them. In addition, it was observed that the toilet and bathroom in family visit room similarly did not meet minimum hygiene standards and constituted threat in terms of health.

28. Institution administration stated that hot water needs were fulfilled between 04:00 – 07:00 in the morning, 11:00 – 15:00 in the afternoon and 18:00 – 23:00 in the evening through İzmir Open Penitentiary Institution Directorate as 200 liters/day for each detainee; however, during the interviews conducted with those deprived of their liberty it was stated that some wards were not provided with hot water for one and a half month, and some of them stated that they caught cold due to this condition. However, the administration rejected such allegations.

29. Heating is provided with central system in the Institution.

30. Each detainee in the Institution has their own closets in their rooms. In addition, it was confirmed by interviews with Institution administration and those deprived of their liberty that the Institution administration provided covering as 2 blankets in cold days and 1 blanket in hot days depending on seasonal conditions.

31. There is 1 canteen in the Institution where those deprived of their liberty and the personnel can meet their needs. Those deprived of their liberty forward their needs in a list to the officers, relevant officers provide the needs in the list and forward them to those deprived of their liberty.

32. It was stated by Institution administration that food needs in the Institution are met by the general kitchen providing service within Open Penitentiary Institution in Penitentiary Institutions Campus based on sufficient variety and calorie needs considering that most of those deprived of their liberty are in their puberty age, and the detainees determined by Institution physicians are provided with special diet foods. During the interviews conducted, some of those deprived of their liberty stated that the food is not sufficient and filling, and some of them stated that the food is sufficient and filling. In addition, during some interviews our Committee learned about the request to increase options for detainees who do not eat meat. Since it was Ramadan during the visit, it was asked whether fast-breaking and pre-dawn meal opportunities were provided to those deprived of their liberty, and those deprived of their liberty replied this question

positively. It was seen that the fast-breaking menu prepared as of the date of visit was sufficient, however it was observed that there was no alternative and filling option for those who do not eat meat.

33. It was stated that the Institution had a fire alarm system, 2 fire drills were organized in a year pursuant to regulations, in addition all personnel received regular fire training by İzmir Metropolitan Municipality. Our Committee observed that there is a special room containing required equipment for firefighting, and the equipment are new.

34. There is 1 library in the institution, and this library contains 3606 books to be presented for use of convicts and prisoners. It was found that number and variety of books in the library was on a satisfying level.

35. Except private living areas (inside the room) of those deprived of their liberty, the Institution has 288 cameras recording across the Institution. It was stated that camera records can be stored for 6 months to 1 year, no manual intervention was made to camera records, automatic deletion procedure is conducted starting from the oldest record based on memory status of camera recording system. Our committee examined the camera room and observed that the cameras were in operating state.

C.2. FINDINGS AND OBSERVATIONS RELATED TO HEALTH SERVICES

36. Institution administration stated that those deprived of their liberty who arrive at the Institution for the first time undergo their first examination by health service, this examination examines general health examinations as well as battery and force marks, past disease history and contagious disease symptoms, health slip is completed and health files are organized, said files of those deprived of their liberty referred from the Institution are sent to the referred institution with them.

37. Institution administration stated that before execution of cell confinement sentence given for youth deprived of their liberty or room confinement sentence given for children deprived of their liberty, family physician issues a report stating whether or not the sentence is suitable in terms of health, and in case of referral to courts, penitentiary institutions and health institutions outside the region, family physician issues a report stating whether or not the detainees and prisoners are suitable for travel.

38. Family physician takes blood samples of those deprived of their liberty and personnel, sends these to Karşıyaka Public Health Laboratory for examination, medical treatment is provided for those in need, and the information was also confirmed by those deprived of their liberty.

39. For fighting with insects and similar pests, Institution administration stated that periodical insecticide is applied to detainee and prisoner wards and Institution, Open penitentiary institution regularly takes chemical and bacteriological samples of drinking and tap water, and examinations are made by relevant control laboratory.

40. The Institution stated that those deprived of their liberty were provided with medicines prescribed by the Institution, district State Hospital or hospital outside the province by forwarding the prescriptions to

pharmacies with order set forth by Directorate of Chamber of Pharmacists to have the medicines delivered back, the medicines prescribed are adjusted based on the doses recommended by the physician, given to the relevant one deprived of his liberty as daily doses by the officer on duty under surveillance, and detainees and prisoners who take antidepressant group medicines are administered with their medicines subject to control as prescribed by the psychiatrist in daily doses under surveillance; the information was also confirmed by those deprived of their liberty during the interviews conducted by our committee.

41. It was stated by health service that the infirmary can provide certain invasive interventions such as dressing, injection application, vascular access, fluid administration, vital status measurement, applying and removing sutures as well as certain noninvasive interventions such as electrocardiography.

42. It was stated that the detainees and prisoners whose files are sent to family physician by Probation Branch Directorates are referred to Ege University Faculty of Medicine Hospital Children and Youth Alcohol and Substance Addiction Research and Treatment Center (EGEBAM) to ensure regular urinary test, and it was explained that examinations and document follow-up of detainees and prisoners who are referred to relevant polyclinics of secondary and tertiary hospitals by family physician are ensured.

43. It was stated that the ones who require follow-up after operation or due to illness are taken to inpatient infirmary stay room for follow-up.

44. It was stated that İzmir Provincial Health Directorate Fight Against Tuberculosis Mobile Team conducts micro film scan once a year against tuberculosis, and no negative findings were found that require referral of future examinations and treatments of detainees and prisoners to Fight Against Tuberculosis Dispensary based on micro film results to this day.

45. It was stated by authorized persons that those deprived of their liberty who have under suicide risk are identified by psychosocial service and suicide incident meetings were held, referrals are made to psychiatry polyclinic for medical support when required, the information was also confirmed by those deprived of their liberty during the interviews conducted by our committee members.

46. Institution administration stated that in order to prevent unjust treatment to those deprived of their liberty who are referred to hospitals during waiting for their examination in shuttle vehicles, convict waiting rooms were provided in Campus State Hospital, Aliğa State Hospital, Çiğli Regional Training Hospital in accordance with human rights and patient rights under Campus.

47. There are no dental units or dentists in the Institution. It was stated that dental patients can undergo examination and treatment every weekday by 3 dentists assigned by Aliğa Penitentiary Institutions Campus State Hospital, dental interventions requiring advanced imaging and treatment are referred to oral and dental health centers and faculties of dentistry, also implants can be made in dental prosthesis unit in Campus State Hospital.

48. It was stated that the activities and services conducted by psychosocial services in the Institution are performed as below: *“Relevant forms are completed for children admitted to the Institution based on individualized rehabilitation system (IRS), personal, familial and economic-social information are obtained in order to choose psychosocial rehabilitation programs suitable for current status of the person. These programs are anger management, alcohol and substance addiction program and personal development programs. Throughout the sentence of the child, 3 types of individuals interviews are conducted as referral of Institution personnel or call by expert personnel according to risk status. In addition to this, meetings with families of children are also held on phone or when they visit the Institution. Every Friday, 2nd director responsible for internal security, vice director responsible for psychosocial service, Institution responsible execution and protection head officer, Institution psychosocial service, Institution training unit, Institution health unit and block head officers conduct ‘suicide and self-harm incident meetings’ under chairmanship of Institution director. Institution personnel is provided with trainings 3 times a year related to puberty and characteristics, communication with children with behavioral problems, self-harm and suicide process and intervention, and approach to children who are victims of sexual abuse subjects. In addition, an expert personnel conducts individual and family-related problems every day of the week between 16:00 – 17:15. Administration and observation committee, disciplinary committee, education committee, award committee and incident committees undertake active roles. With education unit, support is received from non-governmental organizations for activities such as concerts, theaters, seminars in order to reintegrate the children to the society.”*

C.3. FINDINGS AND OBSERVATIONS RELATED TO PERSONNEL AND MANAGEMENT

49. Distribution of 171 personnel actively working at the Institution based on their occupational group, title and education levels are as below: 1 Institution Director (university graduate), 3 Vice Institution Directors (university graduate), 2 administrative directors (university graduate), 1 accountant (university graduate), 4 psychologists (university graduate), 2 social studies worker (university graduate), 1 teacher (university graduate), 2 technicians (university graduate), 10 execution protection head officer (1 high school graduate, 9 university graduate), 8 penitentiary institution clerk (1 high school graduate, 7 university graduate), 1 janitor (elementary school graduate), 2 health officer (university graduate) and 133 execution and protection officers (51 high school graduate, 81 university graduate, 1 postgraduate).

50. Institution administration stated that the Institution lacks 1 vice director, 1 teacher, 1 health officer, 2 technicians, 1 driver and 74 execution and protection officers, this lack was often emphasized by administrators and personnel during the visit held by our Committee, thus the severity of this problem can be easily understood in relation to the extent of the population of those deprived of their liberty in the institution.

51. It was informed that there are no personnel standing trial with allegations of torture or degrading treatment, and it was stated that 6 personnel were imposed disciplinary penalties in the last 1 year due to administrative reasons.³

52. It was learned that none of those deprived of their liberty was decided to be kept in a room for one by Administration and Observation Committee Directorate as of the date of visit, however the ones who are detained due to fights between children, contagious diseases (scabies, etc.) are taken under surveillance in short stay units.

53. There is a Prison Workshop Directorate within the Institution, and none of those deprived of their liberty work in this prison workshop.

54. It was confirmed that interviews were conducted by psychosocial service in the Institution with penitentiary institution workers between 16:00-17:15 in order to protect the psychology of not only those deprived of their liberty, but also the personnel, and this subject was evaluated as a highly positive and model practice.

55. In relation to the personnel, during the interviews held with those deprived of their liberty, no complaints or allegations were made, as a matter of fact they stated that they see them as older brothers and the personnel worked devotedly. Our committee evaluated the relation between the personnel and those deprived of their liberty as highly positive.

C.4. FINDINGS, OBSERVATIONS AND INTERVIEWS IN RELATION TO COMMUNICATION WITH EXTERNAL WORLD, ACTIVITIES, VISITS AND INTERACTIONS WITH FAMILIES

56. It was stated that education levels of those deprived of their liberty admitted to the institution were identified based on their statements given at their admission to the Institution.

57. Main studies set forth by Education Administration and Institution administration are:

- a. Level I and II Reading-Writing Courses
- b. Open Education Secondary School Registration and Examination Procedures
- c. Open Education High School Registration and Examination Procedures
- d. Application and Examination Procedures for Higher Education Institutions
- e. Religion and Morals Lessons
- f. Library Studies

³ Disciplinary crimes and penalties of the personnel are as below:

- Due to debt enforcement – Deduction from wage
- Due to debt enforcement – warning
- Due to misconduct in complete and timely performance of orders given – Reprimand
- Due to debt enforcement – Reprimand
- Due to behaviors that are not suitable for a public officer (Disrespect to superiors) – Warning
- Due to not complying orders and duties assigned – Warning

g. Occupation, Profession and Hobby Courses

h. Social and Cultural Activities

- Conferences
- Sports Activities
- Drama Works
- Concert and Music Works
- Other Social and Cultural Activities

i. Formal Education Studies

58. Academic education activities in the institution are:

- a) Reading and Writing 1st Level Course
- b) Reading and Writing 2nd Level Course
- c) Open Education Secondary School
- d) Open Education High School
- e) Open Education Faculty

It was stated that new registration and registration renewal procedures were conducted, and registration and examination procedures of children and youth were conducted based on ÖSYM (assessment selection and placement center) examination calendar (Higher Education Institutions Examination, Vertical Transfer Examination, etc.).

As of the date of visit, number of those deprived of their liberty continuing their education in the institution are;

- 1- Number of individuals continuing Reading and Writing 1st Level Course: 1
 - 2- Number of individuals continuing Reading and Writing 2nd Level Course: 8
 - 3- Number of individuals continuing Open Education Secondary School: 45
 - 4- Number of individuals continuing Open Education High School: 104
 - 5- Number of individuals continuing Open Education Faculty: 1
 - 6- Number of individuals deprived of their liberty while they were continuing Formal Education: 19
- Total: 191

Number of those deprived of their liberty in the Institution based on their education levels are;

- 1- Illiterate: 25 (10 are of foreign nationality, 14 continue the course)
- 2- Literate but not graduated from any school: 16 (8 continue the course, others new course registration)
- 3- Elementary school graduate: 113 (45 are Open Education Secondary School students)
- 4- Secondary school graduate: 183 (104 are Open Education High School students)
- 5- High school graduate: 3 (1 is Open Education Faculty student, 2 will take the Higher Education Institutions Examination)

59. Among the courses and studies listed above, especially the hobby garden is evaluated as highly positive by children and youth deprived of their liberty. In the one-on-one interviews conducted, those deprived of their liberty stated that taking care of the garden and garden-related activities made them relax, release their energy and made them happy, and requested the hours for taking care of the garden would be increased. Committee members observed that the garden is well-maintained, and those deprived of their liberty enjoyed taking care of it. Said activity was evaluated by our committee as a model work that deserves appreciation.

60. In the interviews conducted with those deprived of their liberty, it was stated that all those deprived of their liberty in the Institution benefited from the abovementioned activities based on their areas of interests. However, one of those deprived of their liberty who states that he is illiterate stated that he did not start the reading-writing course which is a basic education course. In the interview held with the administration, they stated that basic education courses consist of 14 students and they cannot commence classroom studies before reaching this number. In addition, it was stated by education service and those deprived of their liberty that those deprived of their liberty who continue open education are provided with access to textbooks, and the examinations were held in Penitentiary Institution accompanied by relevant supervisors.

61. It was stated that youth deprived of their liberty between the ages 18-21 can earn 20,00 TRY daily wage by working in the tailoring course. Some youth and children deprived of their liberty stated that their friends benefited from this opportunity.

62. It was learned that the activities listed below were conducted in order to ensure social and cultural developments of children forced to crime, to improve their social manners, and to earn them new acceptable behaviors instead of behaviors that would force them to crime, it was observed in the inspection that various activities were conducted, and also these activities were positively perceived by those deprived of their liberty.

1- Conferences

- a. Religious and Moral improvement conferences
- b. Ataturk's Principles and Revolutions History conferences
- c. Values Education Conferences (Hardworking)
- d. Personal Development Conferences
- e. Health and Hygiene Educations
- f. Special Days and Weeks (*Kandil* programs, programs for May 19th, April 23rd and other special days)

2- Sports activities

- a. Sports tournaments (Soccer, Futsal, Volleyball, Chess)
- b. Fitness
- c. Free Activities (Field Soccer, Indoor Field)

3- Drama works

- a. Plays Staged by Drama Students
- b. Plays of theatre companies outside the institution

4- Concert and music works

- a. *Bağlama* Lessons
- b. Darbuka Lessons
- c. Guitar Lessons
- d. End of course activities prepared by students and teachers
- e. Concerts of local and popular artists
- f. Quran lessons
- g. Aquarium fish farming course
- h. Clothing industry course
- i. Ceramics course
- j. Computer course

5- Ceremony and Memorial Days

63. During the interviews, it was observed that those deprived of their liberty can benefit from the abovementioned activities based on their areas of interest. However, some of those deprived of their liberty stated that the gym was closed for some time. Administration stated that the gym was open at all times, and all of those deprived of their liberty in each unit can use these facilities in turn.

64. It was stated that the children deprived of their liberty in the institution use their rights of open visit once a month and closed visit 3 times a month as set forth in the regulations, besides open visit is allowed during feasts pursuant to Ministry approval, in addition the children were awarded with extended open visits, telephone calls and family visits. Said subject was also confirmed by those deprived of their liberty.

65. It was stated that those deprived of their liberty are allowed to make phone calls once a week and for 10 minutes, they can call their first degree relatives, the procedure required their families to apply to the Institution with subscription contract and request form in order to confirm their telephone numbers, and call durations can be extended by award method. Those deprived of their liberty stated they do not have any difficulty about talking to their families, however some children whose families live too far could not have the opportunity to visit at all times.

66. In order to prevent peer violence and peer pressure on children deprived of their liberty, their common living areas and other areas of the institution are monitored with cameras by central control unit. In addition, it was stated that the children are educated about peer violence and peer pressure by psychosocial services, and it was attempted to correct their bullying behaviors. At the same time, it was informed that the children

were provided with intense cultural and social activities in order to correct such behaviors and to ensure positive and right changes in their directions. Relevant educational images and materials were shown.

67. Rehabilitating services conducted for the children in the institution are stated as; one-on-one interviews with psychosocial services, smoking, alcohol and substance addiction, anger management, I am here safe behavior, group studies such as personal development, etc., family interviews, external supports as well as artistic, sportive and vocational courses with education unit. In addition, it was seen that the health unit conducts follow-up and treatment for psychiatric examinations of children, and keeps relevant follow-up books in the health service.

68. During the interviews conducted with children deprived of their liberty in the institution, it was stated that they write petitions to the Institution about their complaints, requests and needs (physician, canteen, legal help, hairdresser and other complaints), these petitions are evaluated in one-on-one interviews by Institution Director or vice director assigned by them; the Institution stated that petitions were replied in, referred to relevant authorities and procedures are completed in the same day.

69. There are total 24 television channels in the Institution consisting of 22 cable channels, 1 Digiturk channel and 1 Institution cinema channel (the channel which shows institution activities as well as domestic and foreign movies) determined by the administration and observation committee.

70. It was confirmed in the interviews that movies are shown regularly every day in the cinema channel, and each detainee has the opportunity to watch a movie in the Institution's cinema hall at least once a week.

71. There has not been any revolts in the Institution, however it was informed that 4 children deprived of their liberty escaped during transfer to Istanbul Juvenile Education House Directorate under surveillance of execution and protection officer in different incidents.

72. The institution has a sanctuary corner, it was observed that there were extra prayer rugs, prayer beads or lecterns, and it was stated that these were given upon request. Also, there are 2 preachers in the institution. The committee interviewed with one of these preachers in order to obtain brief information about the services provided.

73. It was stated by Institution administration that a bulky notebook called "My Work Notebook" by Ministry of Justice and UNICEF in order for those deprived of their liberty to write diaries, complaint petitions to the administration and letters for communication with outer world, and distributed to each children deprived of their liberty. In the said notebook, there are blank pages in letter, petition and diary format, and this notebook is highly positive and important for the children to express themselves by writing and to ease their communication with outer world. Indeed, in the interviews conducted with children and youth deprived of their liberty, the committee was informed that the children use this book when writing letters to their families or petitions to the institution, it was a great possibility for children without sufficient financial resources in addition to increasing some of the children's enthusiasm to write stories and poems.

74. In addition, no fee is paid by the children and youth deprived of their liberty to send letters pursuant to the protocol signed between Ministry of Justice and PTT, which is a highly useful and significant work.

75. Checking Kurdish and Arabic letters to determine unfavorable content is performed by personnel who speaks Kurdish and Arabic.

C. RECOMMENDATIONS

D.1. RECOMMENDATIONS FOR PENITENTIARY INSTITUTION

76. Pursuant to Article 104 (Former 77) of United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules); “The education of illiterate prisoners and of young prisoners shall be compulsory and special attention shall be paid to it by the prison administration.” In addition, pursuant to Article 2.1 of The United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules); “Standard Minimum Rules shall be applied to juvenile offenders impartially, without distinction of any kind, for example as to race, color, sex, language, religion, political or other opinions, national or social origin, property, birth or other status.” In the light of information provided by the prison administration, it was seen that there are 25 illiterate prisoners in the institution, 10 of them are of foreign nationality, therefore 14 of them continue the course. In interviews conducted with those deprived of their liberty, it was found that an illiterate Roman child was not included in 1st Level Reading and Writing course. These courses which ensure the children to receive education in basic level are evaluated as positive improvements, however, it is also assessed that the requirement to ensure that all children benefit from these courses equally must be ensured by penitentiary institutions for children deprived of their liberty.

77. In the visit, it was observed that there was a small gym in the Institution. Despite the administration stated that the gym was used actively, some of those deprived of their liberty stated that they could not use the gym for a few months. It is assessed that those deprived of their liberty must benefit from the facilities provided in the institution equally considering the international standards mentioned in the context of first recommendation.

78. In article 22 of Law on Execution of Sentences and Security Measures; “*The administrators of the institution shall, orally and in writing, provide convicts at the time of admission into the institution with information concerning matters such as the treatment activities to be implemented, the disciplinary offences and penalties, the ways of obtaining information and making complaints, their rights and responsibilities, and such information as may be useful for their adaptation to life in the institution. They shall also be provided with information concerning protection and assistance following execution. Convicts of foreign nationality who do not speak Turkish shall be informed in their own language or, if this is not possible, in English, French or German.*” During the interviews with the administration, it was stated that there were 11 foreign prisoners in the Institution; however, it was observed that they were not any interpreters in the

Institution. It is hereby assessed that an interpreter must be employed to conduct informing and rehabilitation works for foreign nationals in a healthy way.

79. Despite the administration stated that sufficient hot water is supplied daily, in the interviews conducted with those deprived of their liberty it was stated that there were some problems in access to hot water in some wards. It is hereby assessed that sensitivity must be displayed in terms of equal use of hot water facilities.

80. It was observed that the children deprived of their liberty in the units of the institution could not possess knives and used spoons to cut vegetables and fruits. In article 6 titled “Tools and equipment used for eating and drinking” of Regulation on Properties and Objects That Can be Kept in Penitentiary Institution, it is stated that *“One ten centimeter knife with unsharp tip, fork made of plastic or soft metal, tablespoon and teaspoon, two metal plates with 0.50 mm thickness, two water glasses and tea glasses and plates can be possessed.”* Therefore, it is assessed that it is suitable for the children to have knives provided that they do not harm themselves or others and in accordance with the applicable provision.

81. It is hereby assessed that it would be suitable if one personnel can be assigned to ensure sufficiency and inspection of cleaning performed by those deprived of their liberty in order to improve hygiene conditions of family visit room and wards.

82. In the inspection, it was observed that the short stay unit had no toilet facilities. In 2nd General Report of European Committee for the Prevention of Torture, it is stated that *“Either a toilet facility should be located in cellular accommodation (preferably in a sanitary annex) or means should exist enabling prisoners who need to use a toilet facility to be released from their cells without undue delay at all times (including at night).”* Therefore, it is assessed that it would be required to construct a toilet as a separate section to protect the person’s privacy, or if it is not possible, to allow toilet access by being released from their cells without undue delay at all times. It is also important to indicate that the short stay unit having no cameras would cause some evidence problems against torture and degrading treatment allegations. Therefore, the unit must have a toilet but the cameras must not see the toilets, and it is assessed that it would be suitable to redesign the room in the light of these recommendations.

83. During the interviews, those deprived of their liberty stated that their laundries can be washed once a week in the laundry, however they do not prefer this method and generally wash their clothes at their room by hand. It was stated that it is due to mixing, losing or deformation of the laundry washed together. In addition, it was observed that only 1 laundry drying hanger was available in a unit for 12. In this context, it is assessed that it would be suitable to use washing machines more effectively, washing the belongings of those deprived of their liberty in separate meshes, and assigning laundry drying hangers based on the number of persons in each unit.

D.2. RECOMMENDATIONS FOR MINISTRY OF JUSTICE

84. As stated in the report, the Institution is evaluated as a model institution in terms of practices, physical conditions and the relations between the personnel and those deprived of their liberty. It can set an example for other children and youth penitentiary institutions in terms of hobby garden, workshops, social activities, education facilities. It is assessed that spreading the positive practices conducted within the institution would be useful to be a guide for all children and youth penitentiary institutions.

85. In the interviews conducted with Penitentiary Institution administration, it was stated those deprived of their liberty can be kept in the relevant institution for 1-1.5 years, the children in prisoner status are sent to juvenile education homes established within the scope of article 15 of Law on Execution of Sentences and Security Measures in the shortest time (juvenile education homes are facilities where juvenile prisoners are educated, acquire profession and reintegrated to the society. In these facilities, there are no obstructions for escape; institution security is provided under surveillance and responsibility of internal security officers). Due to limited number of juvenile education homes, it was stated that these children are transferred to Istanbul and Ankara provinces and this caused many problems. It was stated that these children could not have the facilities in these homes as they have in İzmir Children and Youth Closed Penitentiary Institution, and tended towards escape due to the cultural conflicts they have with other convicts from different regions. The statistics shared showed that this was true. It was understood that this condition caused a vicious cycle, and it is hereby assessed that it would be suitable to increase the number of juvenile education homes to a sufficient number, to improve their facilities in order to make them equal to the facilities provided in children and youth closed penitentiary institutions.

86. In the institution visit, it was understood from the administration, personnel or those deprived of their liberty that a significant majority of children who were released after the execution commit a crime again and came back to the penitentiary institution again after a certain time. It was observed that the most important factors causing this consequence was that the child had a fragmented family or a family with high crime profile, was forced to crime by the neighborhood he lived in, low education level of the child or the family that can be categorized in components such as family, society and education. Therefore, it was understood that a wholistic policy was required to prevent the children being forced to crime to ensure that the child is monitored considering his best interest and healthy development, followed up in terms of mental and physical development, supported, reintegrated to the society after execution and protected from recurring crime as ensured by relevant institutions and organizations such as Ministry of Justice, Ministry of Social Services and Family, Ministry of National Education as also recommended by İzmir Children and Youth Closed Penitentiary Institution. In order to develop such policy, it is hereby assessed that it is required to make thought exchanges and works with Ministry of Justice and other relevant institutions and organizations according to articles 3 and 4 of UN Convention on the Rights of the Children.

87. It was observed that there are those deprived of their liberty who continue higher education in İzmir Children and Youth Closed Penitentiary Institution, and it was stated that they could not pay the registration fees due to financial impossibilities. Pursuant to article 28 of UN Convention on the Rights of the Children, all children must be provided with equal education opportunities and encouraged to higher education by using all suitable means. Education is certainly one of the most important factors to prevent children from being forced to crime. During the interviews conducted with children deprived of their liberty, they stated that their criminal records and incomplete education would cause them to have a great despair. It is hereby assessed that it would be suitable to take required steps to solve these problems.

88. It is hereby assessed that it would be suitable to increase the number of personnel (especially education and social service personnel) in İzmir Children and Youth Closed Penitentiary Institution in the light of information that the number of personnel in the penitentiary institution is not sufficient and due to the fact that some activities can be disrupted due to this lack of personnel.