



**HUMAN RIGHTS AND
EQUALITY INSTITUTION
OF TÜRKİYE**

THE REPORT ON THE VISIT TO BAYBURT M-TYPE CLOSED PRISON

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ABBREVIATIONS

| | |
|-----------------|---|
| AÖF | :Open Education Faculty |
| ARDEF | :Research and Assessment Form |
| BİSİS | :Individualized Improvement System |
| UN | :United Nations |
| CAT | :United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment |
| CPT | :European Committee for the Prevention of Torture |
| COVID-19 | :New Coronavirus Disease |
| KETEM | :Cancer Early Diagnosis, Screening and Training Center |
| OPCAT | :Optional Protocol to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment |
| PCR | :Polymerase Chain Reaction |
| HREİT | :Human Rights and Equality Institution of Türkiye |
| NPM | :National Preventive Mechanism |
| YDS | :Foreign Language Exam |
| YKS | :Higher Education Institutions Exam |

1.INTRODUCTION

1. The Human Rights and Equality Institution of Türkiye (HREIT) was established as per Law no.6701 in order to protect and promote human rights based on human dignity, ensure the right of individuals to be treated equally, prevent discrimination in the enjoyment of legally recognized rights and freedoms, operate in line with these principles, and effectively fight against torture and cruel treatment.
2. Türkiye signed Optional Protocol to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) on 14 September 2005. The objective of OPCAT, which took effect following its approval in 2011 and became binding on Türkiye, is to establish a system in which state parties allow national and international mechanisms authorized under the protocol to pay regular visits to places where people are deprived of their liberty in order to prevent torture and other cruel, inhuman or degrading treatment or punishment.
3. Article 3 of OPCAT sets out establishment by states parties a national preventive mechanism (NPM) authorized to visit any and all detention settings in order to fight against torture and cruel treatment. As a matter of fact, pursuant to subparagraph (j) of Article 9 of Law No. 6701, HREIT has the duty to carry out regular visits, with or without notice, to the places where persons deprived of their liberty or placed under protection are located.
4. Closed prisons are described in the Code numbered 5275 on the Execution of Penalties and Security Measures as follows: facilities with adequate level of security which have internal and external security personnel, which are equipped with technical, mechanical, electronic and physical barriers against break-out, in which the doors of rooms and corridors are kept closed permanently, where contacts between convicts who are not staying in the same room and with the outside are allowed only in cases specified in the legislation, and where improvement methods can be applied individually, in a group or collectively according to the requirements of the convict." Such facilities are areas where persons are deprived of their liberty so HREIT is authorized to make visits to prisons with or without notice as per the provisions of article 9/1-j of Law no. 6701.
5. In line with the explanations above, upon HREIT Presidency's duty order no E-16949670-804.01-3679 of 27/08/2021, a visit without notice was made to the Bayburt M-Type Closed Prison on 03/09/2021.

6. The visit delegation included the following people:..... Upon HREIT's request, Dr.... was also among the members of the visit delegation based on the assignment by the Governorate.
7. This report, issued by HREIT after the visit, includes an evaluation of the findings, observations and complaints obtained during the visit to Bayburt M-Type Closed Prison in the context of national and international norms.

1.1. Visit Method

8. The visit started with the first meeting with the 2nd Director of the Institution. During the meeting, information was given about the duties and powers of HREIT, NPM, the purpose and type of the visit and the method to be used in the visit. General information about classification of detainees, convicts and prisoners on remand in the Institution, daily functioning and personnel of the Institution was obtained from the Administration, and the list of information and documents requested from the Institution was submitted to the Administration. Then, the visiting delegation went through the reception room where the prisoners' admission procedures are performed, laundry, infirmary, health room where patient records and medicines are kept, closed interview area, lawyer meeting rooms, canteen, soft room, observation rooms, barber room, supply warehouses, workshops, course areas, cinema hall, library and indoor-outdoor sport facilities. Then, the delegation had lunch in the staff cafeteria of the Institution, after which the visit delegation was divided into two and collective interviews were made by going through the prison dormitories where various criminal groups are accommodated. Interviews with prisoners were held collectively in the dormitory ventilation areas, taking into account the COVID-19 precautions and the "*do no harm principle*" in prison monitoring visits. wardens and other administrative staff were not present in these areas during the interviews. The prisoners were first given general information about HREIT, and told the purpose of and scope of the visit, that the dormitories to be visited had been randomly selected and that a report would be issued as a result of the visit, observing the rules of confidentiality. Then, private interviews were held with the Institution teacher, doctor and psychologist and a closing meeting was held with the Institution Administration, who were told that the report to be prepared after the visit would be shared with them and other relevant authorities and that the recommendations would be followed up by our Institution and a follow-up visit could also be made, and the visit was concluded after obtaining the relevant information and documentation.

9. The Institution Administration acted in cooperation with the visit delegation, provided our delegation with access to all units without delay, meticulously took the necessary measures to enable private interviews with the prisoners, and provided access to the necessary information and documentation.

2. GENERAL INFORMATION

2.1. Material Conditions of the Institution

10. Bayburt M-Type Closed Prison is located in the province of Bayburt, Şingah Quarter, Aydın-tepe Street and has an indoor area of 38,811 m².
11. The Institution has 35 dormitories (a dormitory for 24 people, a dormitory for 20 people, 11 dormitories for 14 people and 22 dormitories for 6 people) and a total of 330 beds. Large dormitories measure 198.24 m², and small dormitories measure 84.96 m². Each dormitory consists of four sections: a living area (kitchen and living area), a toilet and a bathroom section on the lower floor, a bedroom section on the upper floor and a garden/ventilation section. Small rooms have a toilet-bathroom, whereas large dormitories have two toilets-bathrooms.
12. A disabled dormitory with ramps at the entrance is available for disabled people in the institution. The room was empty as there were no disabled prisoners as of the date of the visit.
13. Heating of the institution is provided by natural gas.
14. In the institution, there are 3 observation rooms, 2 cells, 1 soft room, 2 family interview rooms, 9 closed interview rooms, 2 lawyer interview rooms, indoor and outdoor sports fields, a library, a conference hall and 3 classrooms.
15. There is a sensitive door and X-Ray device at the entrance of the building to control the entry and exit of items and to prevent the entry of items that are prohibited from entering prisons in accordance with the relevant legislation. The visitors undergo physical search after they pass through the sensitive door.
16. It was understood that there are 25 cameras with analogue system that can record for 70 days in the institution, and the cameras can see the doorsteps of the dormitories, the entrances to prison corridors, the main entrance, the front of the X-Ray device, and non-contact visit cubicles.

2.2. Institution Staff

17. Details of institution staff are given in the table below.

| TITLE | CURRENT NUMBER |
|-----------------------------|-----------------------|
| Director of Institution | 1 |
| 2nd Director of Institution | 2 |
| Accountant | 1 |
| Teacher | 1 |
| Psychologist | 1 |
| Computer Operator | 4 |
| Prison Clerk | 5 |
| Technician | 4 |
| Assistant technician | 1 |
| Health Officer | 4 |
| Chief warden | 5 |
| Warden | 123 |
| Driver | 14 |
| Janitor | 1 |
| TOTAL | 167 |

18. Educational status of the institution staff is as follows: 1 secondary school graduate, 40 high school graduates, 36 college graduates, 89 staff with a bachelor's degree, 1 staff with a postgraduate degree.

2.3. Persons deprived of their liberty

19. The institution capacity has been established as 330 people, and as of the visit date, there are a total of 180 prisoners¹, including 157 convicts and 23 remand prisoners and detainees, in the institution. It was stated that there are 22 female prisoners in the Institution, that there are no children, disabled (physically and mentally) or foreign prisoners.
20. It was stated that when a prisoner arrives at the Institution for the first time, s/he is asked to wear a search clothing, take off his/her top and take off his/her lower clothing after s/he puts back on his/her top and then s/he undergoes a body search as per article 34 of the Regulation on the Management of Prisons and Application of Punishment and Security Measures.
21. In the institution, counts are made twice a day at 08:00 am and 08.00 pm by teams of security and surveillance service officers.
22. Over the last year, 158 prisoners received disciplinary punishment in the institution. The distribution of people receiving such punishment was as follows: 50 prisoners were deprived of joining certain activities, 8 were deprived of using communication tools, 21 were placed in a cell, 29 received reprimand, 33 were deprived of paid work, and 17 were deprived of accepting visitors.
23. The Administration stated that prisoners in the Institution without any living receive help through Social Assistance and Solidarity Foundation in the province.
24. There are a total of 13 prisoners working in the cleaning of the canteen, cafeteria and some common areas in the institution. They are allowed to take one day off per week.
25. There are no convicts and detainees staying in a single room in the institution, except for those who need to stay in isolation due to COVID-19 disease.

2.4. Measures against COVID-19 pandemic

26. In the institution, it was observed that the staff who obtained "*a status certificate for chronic diseases which are at risk for COVID-19 disease, essential for an administrative leave*" through E-NABIZ² are deemed to have an administrative leave, as per the letter dated 03/06/2020 of Ministry of Justice, Directorate General of Prisons and Detention Houses with the subject of administrative leave of staff with chronic diseases and pregnant administrative staff who are at risk for COVID-19 disease and the attached letter dated 02/06/2020 of Directorate General of Health Services.

¹ Although it is not a legal term, the word "prisoner" is included in the report as an umbrella term that includes all three of the words detainee, convict and prisoner on remand, who are deprived of their liberty in prisons.

27. Again, it was understood that the Ministry of Justice Directorate General of Prisons and Detention Houses published the COVID-19 New Normalization Process Working Principles Guide on 03/06/2020 and that the work carried out in the Institution is carried out pursuant to the principles in this guide and that the Institution staff received training on COVID-19 measures on 16/03/2021 from a doctor assigned by Provincial Health Directorate in Bayburt.
28. During the COVID-19 pandemic, prisoners who were admitted to the Bayburt M-Type Closed Prison for the first time initially had a PCR test and were transferred to 14-day isolation dormitories, and at the end of the 14-day period, they underwent a PCR test again and if they tested negative for COVID, they were transferred to normal dormitories.
29. It was observed that the Administration procured thermometers, disinfection materials, gloves and masks in order to prevent spread of the diseases, that the Institution imposed the obligation of wearing masks given free of charge on the staff and lawyers working in the Institution, that it was ensured that particularly the staff who has to contact the prisoners wear protective overalls and face shields while working, that every fortnight, diluted bleach and liquid soap were given according to the number of prisoners in the rooms under the COVID-19 measures, that an adequate amount of cleaning and hygiene materials were provided to the prisoners in the Institution and that masks and gloves were provided free of charge.
30. It was understood that there is an infirmary serving 24/7 in the institution, that the prisoners are checked by the health personnel on duty upon complaints of influenza infection and hospital referrals are made if deemed necessary, that the prisoners in the risk group in the Institution are regularly vaccinated under COVID-19 measures, and that they are followed up according to the forms prepared in terms of health.
31. It was observed that while it's ensured that the staff in the institution work alternately, the staff are transferred to the Institution to start work from the place where they have stayed in isolation in accordance with PCR test results as a result of the coordination provided with the Provincial Health Directorate.

² E-NABIZ is an application through which Turkish citizens and healthcare professionals can access health data collected from healthcare institutions via the internet and mobile devices.

3. FINDINGS, OBSERVATIONS AND INTERVIEWS

3.1. Management and Staff

32. It was understood that the institution staff have received and continue to receive training for them to be raised as candidate civil servants, that the staff received training on the following subjects: Shift, Trusteeship, Warehouse, Occupational Health and Safety, In-Service, Deposit Item, Chief Guardian's Work Transactions, Telephone Calls, Deposit Fund and Valuable Goods Transactions, Public Security and Good Conduct Practices, HITAP (insured service breakdown software), Open Time, UYAP Data Entry, Punishment Postponement and Contagious Diseases Health Applications, Good Conduct Practices, ARDEF-BISIS, Structured Mental Evaluation and Intervention (assistance), however that they did not receive any training on "human rights and prevention of torture and cruel treatment", and the Institution's administration stated that this training would be added to the next training program.
33. It was understood that the alternate work program of wardens envisaged within the scope of COVID-19 measures in the institution was carried out in the form of 10 days of uninterrupted work and 20 days of administrative leave after work.

3.2. Material Conditions

34. It was understood that the institution is disinfected against rodents and pests once a month but main prison corridor, intermediate prison corridors, main entrance and other community grounds of the prison are disinfected on a daily basis.
35. It was observed that the mains water analyses of the Institution are carried out in the Provincial Health Directorate Laboratories with the samples taken regularly every month, and that access to clean water is provided 24 hours a day in the Institution.
36. There is no problem of overcrowding in the dormitories as the number of prisoners is below the capacity of the Institution. However, some dormitories are kept empty by the Administration and some are at full capacity. During the interviews made with prisoners, they complained that sometimes the rooms get stuffy due to the number of prisoners in the dormitories, and that they experience heating problems when they open the dormitory windows.
37. It was understood that the active usage areas of the prisoners in the rooms have decreased due to the fact that the unused bunk beds in some of the institution dormitories continue to be kept in the rooms.
38. It was seen that the prisoners clean their own rooms, that hot water is provided to the dormitories twice a week for shower/bath needs and washing up after dinner, and that no

one complained about hygiene related to cleaning of rooms, shower/bathroom facilities and washing up.

39. It was understood that prisoners are provided with one blanket in summer and two in winter due to seasonal conditions, that there are closets as many as the number of prisoners in each dormitory, that dirty laundry can be delivered to the Institution's laundry once a week, that such service is free of charge, however that large and heavy items causing damage to washing machines, such as blankets, can be washed much less frequently.
40. It was understood that the barbershop in the institution was used before the pandemic, but kept closed due to the pandemic, that each dormitory was provided with a shaver for a certain fee for the prisoners to meet their shaving needs every fortnight, that such shavers were collected back after the prisoners satisfied their shaving needs, that if the prisoners report urgent need for a shaver, the institution responds positively to such need.
41. Garden gates of the dormitories are opened at 07:00 am and closed at 05:00 pm.
42. It was observed that the sound insulation is not sufficient in the lawyer meeting rooms because the section to which the prisoners are brought is barred and exposed. In addition, it was identified that given the fact that the wardens wait behind barred doors for security purposes in the attorney meeting rooms, a sufficient level of privacy cannot be provided during meetings with lawyers.
43. It was identified that the sockets and switches in observation rooms are not embedded in the wall, that the electronic components are accessible from the outside, and that the electrical cables and inside of sockets are exposed, and it was concluded that this poses a danger for the life of a prisoner taken to the observation room.
44. During the individual interviews with the prisoners staying in the dormitories of the Institution facing the part where the garbage is disposed, the prisoners significantly complained of the excessive smell of garbage. Subsequent to the visit to Bayburt M-Type Closed Prison, we requested information and documentation about the matter from the Municipality of Bayburt by the letter no. E-16949670-804.01-4857 of 20/10/2021 in order to resolve the matter.

We received the following response to our request from Solid Waste Facilities Construction and Operation Association of Local Authorities for Bayburt Gümüşhane Provinces by the letter no. E-16949670-804.-94 of 27/10/2021: "Article 15 of the Regulation on Regular Storage of Waste says the distance of the borders of a regular storage facility to the residential areas should be minimum one kilometer for class I regular storage facilities and minimum two hundred and fifty meters for class II and III regular storage facilities. The distance of the facility operated to Bayburt M-Type Closed Prison is *1.45 km* and since the facility is a biogas energy power station, it may release smell to its surroundings once a month, however, this condition has arisen as a result of the study needed for the operation of the facility". It was concluded that based on the available information and documents, there is nothing illegal about the operation procedure of the solid waste storage facility, which is alleged to have caused the smell subject to the complaint.

3.3. Nutrition

45. It was seen that the food procured to the institution is prepared by the cook of the institution and the prisoners assigned in the kitchen according to the weekly meal list, taking into account the daily food price determined by the Ministry of Justice, that the meals prepared according to the number of prisoners are divided by the number of prisoners in the dormitories and distributed from the loopholes to the dormitories in the presence of a guardian, that the prisoners have access to water by the mains water available in their dormitories.
46. It was observed that the quality, quantity and distribution of foodstuffs procured to the institution are strictly controlled for compliance with health conditions, and the supplies are kept in a cold cabinet for 72 hours in order not to pose a risk to health.
47. It was understood that the meals given in the institution are not checked by a dietitian, therefore, the diet lists determined by a dietitian are not available, that no attention is paid to differences such as a vegetarian diet, however, it was understood that the diets determined by the doctor's report in food-related diseases and other cases are prepared in accordance with the prescription. A complaint was received from one of the prisoners in the institution, saying that he is a vegetarian, but the Administration does not prepare a menu suitable for him. The Institution Administration stated that a special food menu cannot be produced according to a prisoner's verbal declarations and requests on the grounds that a vegetarian diet should also be determined with a doctor's report.
48. During interviews with prisoners, they said the food tastes good, but the quantity and variety of the meals are limited and complained that the meals are mostly rich in carbohydrates. When the monthly menu received from the Institution is examined, it is also verified by our Delegation that the meals given in the Institution are rich in carbohydrates.

49. It was understood that there is a canteen in the institution where the prisoners can meet their needs, and that the prisoners convey a list of their needs to the relevant officers, who then obtain the needs in the list from the canteen and give them to the prisoners. During the interviews with the prisoners, they systematically complained about the variety of products sold in the canteen and high prices, and our visit delegation reviewed the price list of the canteen, found that such prices match those in the market, and the complaints about the variety of products were shared with the Institution administration. The Institution Administration stated that there are 314 product items in the canteen, that the prices of the consignment products are determined by the Department of Workshops Institution, that the products purchased by tender are sold by applying a profit share of 5-10% in accordance with the legislation, and the explanation made by the instruction was found to be reasonable and in accordance with the law.
50. In the examination carried out by our delegation in the warehouse where the products sold in the canteen are stored, it was observed that the warehouse was hot and stuffy, cleaning - hygiene materials and food were kept in the same area, and it was concluded that the current situation poses a danger to the health of both the prisoners and the Institution staff. The administration stated that since there is no warehouse in the canteen, one of the existing rooms was converted into a warehouse, but it's planned to move the warehouse to another area.

3.4. Health

51. Services offered by the health service include examination, diagnosis, referral to hospital of prisoners, issuance of their prescriptions, supply and distribution of medicines.
52. It was understood that there are four health officers, a family doctor appointed by the Ministry of Health, and a dentist in the infirmary of the Institution, providing 24-hour uninterrupted service, and that the dentist comes to the institution once a week.
53. It was observed that the prisoners are provided with regular access to medicines on a daily and timely basis, accompanied by the Institution's health officer and guardian, that the medicines are administered fully and without delay to the prisoners with chronic diseases, and regular medical analyses are made and timely evaluations of the latest status of their diseases are made. It was seen that there were medicines and iv bags past their expiry dates, and our delegation ensured that they were disposed of, and it was reported to the Administration that necessary care should be exercised in this regard.
54. It was observed that transfer to hospital procedures of prisoners are made by transferring them to a secondary care healthcare institution in the company of Institution health staff and the gendarmerie as a result of the examination made by the Institution doctor, paying maximum attention to isolation measures, that however the prisoners refrain from the request to be referred to hospital due to the quarantine applied in the Institution upon their return from the hospital.

55. It was understood that the health service in the institution operates under the responsibility of the prison doctor, that the health service visit and medication distribution book are kept under the supervision of the family physician, that all the procedures regarding the staff and the convicts who are examined and treated in the health service are recorded in the health files, and that 92 examinations were carried out in the health service over the last year.

3.5. Psycho-Social Services Department

56. Services provided by Psycho-Social Service department include making individual interviews with prisoners, doing group work, issuing an observation and classification form, issuing a status report form, conducting psychological follow-up interviews and carrying out follow-up interviews after a time of crisis.

57. The Ministry of Justice, Directorate General of Prisons and Detention Houses developed the "*Project for Improving Mental Health and Addiction Services in Penitentiary Institutions*" for early recognition of convicts/detainees with mental health problems and training of psycho-social assistance and health service staff, and under this project, "*Research and Evaluation Form*" (ARDEF) and "*Structured Mental Evaluation and Individual Intervention Program*" (YARDM) were established.³ "Individual Intervention Programs" (BISIS) were developed for 26 different mental and behavioral problems, which are most common in penal institutions, for the prevention, rehabilitation or treatment of mental problems and addiction-related problems.

58. BISIS consists of 3 stages. Within the scope of the project, firstly, the "*ARDEF-Institution Acceptance Form*" is completed by the officer and trained guardian at the Institution admissions unit, and then the "*ARDEF- Psycho - Social Officer*" form is completed by the officer and trained guardian in the Psycho -Social Assistance Service and finally, the Psychologist and/or Social Worker working in the Psycho -Social Assistance Service completes the "*Psycho - Social Expert Form*" to identify the risks and needs of the convict. According to the results, an individualized psycho-social support and intervention program should be prepared for each convict/detainee.

³ <https://cte.adalet.gov.tr/Home/SayfaDetay/yardm-programi>

59. During the interview with the expert staff working in Psycho -Social Service Unit, it was stated that the wardens working in the Unit are constantly changing and that the untrained wardens who have not received training work in the Psycho - Social Service Unit.
60. It was understood that in the Institution, psycho-social service unit conducts individual interviews with the prisoners, completes ARDEF - BİSİS forms and prepares 3 monthly activity reports, refers the prisoners to Institution psychiatrist or Institution's infirmary according to their needs, contacts the families of the prisoners, where necessary, and conducts interviews that will help the treatment of the person, also conducts interviews with the prisoners that will work in the Institution's internal services and evaluates their eligibility for work and that the psycho-social service conducted 536 interviews over the last one year.
61. It was observed that a psychiatrist comes to the Institution once a month, that the prisoners on psychiatric medicines are given their medications timely in the presence of the health officer or the guardians every day.
62. It was determined that the psychologist of the Institution couldn't complete in-service training that should be given by the Ministry of Justice due to the pandemic, and that the Administration submits any necessary training requests to the relevant Ministry by an official letter.

3.6. Educational, Social, Cultural, Vocational and Sportive Activities

63. The institution has a conference hall for approximately 60 people. It was seen that a movie watching event is held once a month for each dormitory in the conference hall, and that a central cinema broadcasting service is provided to the televisions in the dormitories by the Administration.
64. During the year, 596 events were organized in the institution, and 4466 prisoners participated in these events.
65. Within the scope of education activities; a total of 42 prisoners, including 8 people studying in Anadolu University AÖF, 1 person in Istanbul University AÖF, 2 people in Erzurum Atatürk University AÖF, 28 people in open high school and 3 people in open middle school, continue to receive education and training, and the Institution Administration provides maximum ease in the prisoners' attending education. It was identified that there are no prisoners who applied to YDS and that there are 3 people who became entitled to formal education according to the 2021 YKS placement results.
66. There are 4375 books in the library in the institution, and the prisoners benefit from the library by applying with a petition. 2189 books were furnished to the prisoners over the last one year.

During the visit, our visit delegation was pleased by the fact that sufficient number and variety of books are available in the library.

67. It was stated that there is an agreement between Bayburt Provincial Public Library and the Institution and that books can be obtained from that Library, and that the prisoners are entitled to request 3 books both from the Institution library and the Provincial Public Library for every 15 days. In addition, the books sent by their relatives are also given to the prisoners. Each prisoner is entitled to keep 10 books in the dormitory, except for the textbooks.
68. It was understood that the administration suspended the trainings in the Institution due to COVID-19 pandemic, however, trainings will be resumed based on the circular received from the Ministry of Justice, that training and courses are organized for prisoners to get jobs and professions in coordination with the Provincial Directorate of National Education and the Provincial Public Education Center Directorate pursuant to the protocol signed with the Ministry of National Education.
69. It was seen that there are workshops such as tailor's shop and carpenter's shop in the institution, that such areas had been used actively before COVID-19 pandemic, and it was stated that the said activities will be resumed in parallel with the weakening of the effect of the pandemic, that the carpenter's shop cannot be used because there is no instructor, and that individual use of the shop is allowed if there is someone who knows carpentry among the prisoners.
70. It was seen that in the institution, there is an open sports field that prisoners can use once every 15 days, as well as an indoor sports facility that provides a suitable environment and equipment for basketball, volleyball, badminton and table tennis sports.

3.7. Contact with the Outside World

71. It was observed that as per the circular of Directorate General of Prisons and Detention Houses, the Administration allowed contact and non-contact visits in 2021 as follows: 1 contact with 2 relatives on day 1-15 of a month and 1 non-contact visit with 2 relatives on day 16-30 of a month, that any visits other than these had been delayed until 1 October 2021, on which the situation would be re-evaluated, and that additional contacts may be allowed upon the written permission of the Office of the Chief Public Prosecutor in cases of necessity. However, during the interviews with the prisoners, the prisoners said such contact times are not enough, that the number of relatives admitted to the Institution should be increased by making PCR tests and that the prisoners should be provided the opportunity to get together with all family members.
72. The weekly phone call time in the institution was increased to 10-minute calls twice a week during the COVID-19 pandemic.

73. It was understood that prisoners can obtain daily newspapers requested by them from the canteen and monthly magazines through the outside canteen, and that the textbooks brought by their visitors or received by mail (except photocopies) are passed on to them after going through necessary examinations.

3.8. Discipline and Complaint Procedures

74. During the interviews, most of the prisoners complained that they have difficulty in communicating with the Institution Administration when they have requests and stated that they should be given the opportunity to lodge their complaints directly with the Director of the Institution.
75. It was stated by the Administration that the personal belongings in the rooms in the institution are processed in accordance with the provisions of the legislation and that there is no additional restriction.
76. It was understood that the search procedures of the prisoners entering the institution were carried out in accordance with the legislation, and that there were no complaints regarding the searches over the last year, and during the interviews, the prisoners didn't complain about the search procedures.
77. It was seen that internal petitions in the Institution are collected by the chief public service unit and sent to the relevant units on the same day. It was also understood that the petitions written to the prosecutor's office, court and other institutions are immediately forwarded to the relevant authorities. During individual interviews with the prisoners, there was no complaint about breach of petition rights.

4. RECOMMENDATIONS

4.1. Recommendations to the Institution's Administration

78. Although it is understood that prisoners can duly submit their petitions to the Institution's Administration, a positive approach should be adopted towards the prisoners' requests to meet the director of the Institution or the officer(s) authorized to directly represent the director,⁴
79. Taking into account the importance of improving the living conditions of the prisoners in the institution as much as possible, since it is observed that the current number of prisoners is below the Institution's capacity, problems such as stuffy rooms should be resolved by distributing the prisoners kept in full capacity dormitories to other empty dormitories,⁵

⁴ **European Prison Rules, Rule 18.10:** *"Prisoners shall have ample opportunity to individually or collectively make requests or complaints in written or oral form to the director of the prison or other competent authority".*

80. Active living spaces of prisoners should be enlarged by removing any unused vacant bunk beds from the dormitories,
81. Reopening the barber shop kept closed under the COVID-19 measures should be considered by taking account of the current state of the pandemic,⁶
82. Given that the lawyer meeting rooms in the Institution are barred and exposed, we cannot talk about protection of privacy of the conversations so material conditions of the existing lawyer interviews rooms should be rendered aligned with national and international standards in such a way as to ensure that the conversations are kept private or other rooms of the Institution suitable for this purpose should be made available for lawyer meetings,⁷
83. It should be ensured that the sockets and switches in observation rooms should be rendered embedded in the wall so that their access to any materials posing a risk to their health and security is prevented,⁸
84. Menus in accordance with prisoners' diet and means of nutrition should be provided in the Institution, and in regard to this point, nutritional diet menus, checked by a dietician, should be prepared by considering age, health condition, physical state, religious and cultural values and work conditions,⁹
85. Food menus, which are seen to be generally rich in carbohydrates, should be diversified so that they also contain other nutritional values,¹⁰
86. Our visit delegation observed that in the warehouse of the canteen, cleaning and hygiene materials and the foodstuffs are kept in the same area and such condition poses a risk to the health of both the prisoners and the Institution staff so such products should be stored in separate areas or on shelves,¹¹

⁵ **UN Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), Rule 13:** *“All accommodation provided for the use of prisoners and in particular all sleeping accommodation shall meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation.”*

⁶ **UN Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), Rule 18/2:** *“In order that prisoners may maintain a good appearance compatible with their self-respect, facilities shall be provided for the proper care of the hair and beard, and men shall be able to shave regularly.”*

⁷ **Paragraph 2, article 59 of Law No. 5275 on the Execution of Penalties and Security Measures:** *“Interviews with lawyers and notaries are made after the presentation of their professional identities, outside of holidays and during working hours, at the meeting places allocated for this purpose, in a way that the conversations cannot be heard but can be seen for security reasons.”*

⁸ **European Prison Rules, Rule 18.10:** *“Accommodation of all prisoners shall be in conditions with the least restrictive security arrangements compatible with the risk of their escaping or harming themselves or others”.*

⁹ **European Prison Rules, Rule 22.1:** *“Every prisoner shall be provided by the prison administration at the usual hours with food of nutritional value adequate for health and strength, of wholesome quality and well prepared and served.”*

¹⁰ **UN Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), Rule 22.1:** *“Every prisoner shall be provided by the prison administration at the usual hours with food of nutritional value adequate for health and strength, of wholesome quality and well prepared and served.”*

87. Medications and iv bags in the institution's infirmary should be regularly checked and those that have expired should be disposed of in accordance with medical waste rules,
88. Given that there're prisoners who refrain from going to the hospital due to application of 14-day quarantine upon their return from the hospital as keeping the prisoner in a single room and allowing him to have fresh air for one hour a day, living conditions in other dormitories should also be provided in the quarantine dormitories in line with the existing facilities,¹²
89. It's essential that the wardens working together with the professionals in Psycho-Social Services Unit receive training so that they maintain effective and accurate performance of any acts and actions required during the process. Therefore, necessary training should be provided to the wardens who will work in the Institution service, or in the selection of staff for the Psycho - Social Service Unit during the internal rotation process, special care should be exercised to make sure that the warden who will work in the unit pursuant to the requirements of the service has had training in this field, ¹³
90. Given that sportive, social and cultural activities have functions in criminological rehabilitation, the frequency and variety of such activities should be increased by considering the measures of the pandemic,¹⁴
91. Special trainings such as "anger control training, crisis intervention training, psycho - social training" should be added to the Institution staff's in-service training curriculum performed to improve their interpersonal communication skills ability, and in addition human rights training and in-service trainings against torture and ill-treatment, should also be organized,¹⁵

¹¹ **CPT Standards /Inf (93) 12, 3rd General Report, 53.§:** *"It lies with prison health care services - as appropriate acting in conjunction with other authorities - to supervise catering arrangements (quantity, quality, preparation and distribution of food) and conditions of hygiene (cleanliness of clothing and bedding; access to running water; sanitary installations) as well as the heating, lighting and ventilation of cells".* See also **European Prison Rules, Rule 19.1:** *"All parts of every prison shall be properly maintained and kept clean at all times".*

¹² **CPT - Statement of principles relating to the treatment of persons deprived of their liberty in the context of the coronavirus disease (Covid-19) pandemic, Article 7:** *"While it is legitimate and reasonable to suspend non-essential activities, the fundamental rights of detained persons during the pandemic must be fully respected. This includes in particular the right to maintain adequate personal hygiene (including access to hot water and soap) and the right of daily access to the open air (of at least one hour). Further, any restrictions on contact with the outside world, including visits, should be compensated for by increased access to alternative means of communication (such as telephone or Voice-over-Internet-Protocol communication)".*

¹³ **CPT Standards /Inf (93) 12, 3rd General Report, 41.§:** *"In comparison with the general population, there is a high incidence of psychiatric symptoms among prisoners. Consequently, a doctor qualified in psychiatry should be attached to the health care service of each prison, and other personnel employed there should have had training in this field".*

¹⁴ **UN Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), Rule 105:** *"Recreational and cultural activities shall be provided in all prisons for the benefit of the mental and physical health of prisoners."*

4.2. Recommendations to the Ministry of Justice

92. It was understood that the psychologist working in Bayburt M-Type Closed Prison could not hold collective meetings with the prisoners because he couldn't complete the in-service trainings required to be given by the Ministry of Justice due to the pandemic. In this context, it is urgently necessary to provide the necessary training to the staff working in the psycho-social service in the Institution so that collective meetings can be held with the prisoners,¹⁶
93. Given that non-contact visits are done with 2 visitors and that the prisoners cannot come together with all other family members, the measures taken due to the COVID-19 pandemic have weakened prisoners' communication with the outside world, which should be compensated by alternative methods for the purpose of increasing the number of visitors,¹⁷
94. Necessary procedures for prisoners requesting vegan/vegetarian nutrition in Penitentiary Institutions should be completed and it should be ensured that additional menus are provided,

4.3. Recommendations to the Provincial Directorate of National Education in Bayburt

95. With regard to the training courses suspended under COVID-19 measures but planned to be opened again based on the Ministry of Justice circular; the support requested by the Penitentiary Institution should be met in line with the existing facilities and contribution should be made to maintenance of their rehabilitation function for the prisoners.¹⁸

¹⁵ **CPT Standards/ Inf (2001)16, 11th General Report, 26.§:** Staff-prisoner relations "*The cornerstone of a humane prison system will always be properly recruited and trained prison staff who know how to adopt the appropriate attitude in their relations with prisoners and see their work more as a vocation than as a mere job. Building positive relations with prisoners should be recognized as a key feature of that vocation*"

¹⁶ **European Prison Rules, Rule 41.4:** "*Every prison shall have personnel suitably trained in health care.*"

¹⁷ **SPT, CAT/OP/10, Advice of the Subcommittee to States parties and national preventive mechanisms relating to the coronavirus disease (COVID-19) pandemic, 7 April 2020:** "*Provide sufficient compensatory alternative methods, where visiting regimes are restricted for health-related reasons, for detainees to maintain contact with families and the outside world, including telephone, Internet and email, video communication and other appropriate electronic means. Such methods of contact should be both facilitated and encouraged, as well as frequent and provided free of charge.*"

¹⁸ **UN Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), Rule 4:** "*Prison administrations and other competent authorities should offer education, vocational training and work, as well as other forms of assistance that are appropriate and available, including those of a remedial, moral, spiritual, social and sports-based nature. All such programmes, activities and services should be delivered in line with the individual treatment needs of prisoners.*"

