



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

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Committee against Torture

Concluding observations on the fifth periodic report of Türkiye*

1. The Committee considered the fifth periodic report of Türkiye¹ at its 2123rd and 2125th meetings,² held on 17 and 18 July 2024, and adopted the present concluding observations at its 2134th meeting, held on 25 July 2024.

A. Introduction

2. The Committee expresses its appreciation to the State party for accepting the simplified reporting procedure and submitting its periodic report thereunder, as this improves the cooperation between the State party and the Committee and focuses the examination of the report and the dialogue with the delegation.

3. The Committee also expresses its appreciation for having had the opportunity to engage in a constructive dialogue with the State party's delegation and the responses provided to the questions and concerns raised during the consideration of the fifth periodic report.

B. Positive aspects

4. The Committee welcomes the acceptance by the State party, in 2017, of the inquiry procedure under the Optional Protocol to the Convention on the Rights of the Child on a communications procedure. The Committee expresses appreciation for the fact that the State party maintains a standing invitation to the special procedures of the Human Rights Council, which allowed independent experts to carry out visits to the country during the reporting period.

5. The Committee also welcomes the State party's initiatives to revise and introduce legislation in areas of relevance to the Convention, including the adoption of the following:

(a) Presidential Decree No. 63 of 10 June 2020 on supporting victims of crime, which established the Department of Judicial Support and Victim Services and associated directorates;

(b) Law No. 7406 of 27 May 2022, amending the Penal Code and the Code of Criminal Procedure, which established stalking as a criminal offence;

(c) Circular No. 2023/16 of 25 November 2023, which established the Coordination Board for Combating Violence against Women and expanded the capacity of violence prevention and monitoring centres.

* Adopted by the Committee at its eightieth session (8–26 July 2024).

¹ CAT/C/TUR/5.

² See CAT/C/SR.2123 and CAT/C/SR.2125.



6. The Committee commends the State party's initiatives to modify its policies and procedures in order to afford greater protection of human rights and to apply the Convention, in particular the adoption of the following:

- (a) The Human Rights Action Plan 2021–2023, in 2021;
- (b) The Fourth National Action Plan on Combating Violence against Women 2021–2025, in 2021.

C. Principal subjects of concern and recommendations

Pending follow-up issues from the previous reporting cycle

7. In its previous concluding observations,³ the Committee requested the State party to provide information on its implementation of the Committee's recommendations on: the use of countercharges as a means of intimidating detained persons, or their relatives, into not reporting torture (para. 10 (c)); allegations of extrajudicial killings and ill-treatment in the course of counter-terrorism operations (para. 14); measures to ensure that all returnees under the agreement of 18 March 2016 between the European Union and Türkiye had the opportunity for an individual review and were protected from refoulement and collective returns (para. 26 (d)); and the detention and prosecution of journalists and human rights defenders as a means of intimidating them or discouraging them from freely reporting (para. 44 (b)). In the light of the information included on those matters in the follow-up report submitted by the State party on 8 November 2016⁴ in response to the request for further information sent by the Committee on 31 August 2016 under the procedure for follow-up to concluding observations,⁵ and with reference to the additional information provided by the State party in its letter dated 24 November 2016,⁶ the Committee considers that the recommendations contained in paragraphs 10 (c), 14, 26 (d) and 44 (b) of its previous concluding observations have been only partially implemented (see paras. 20, 24, 30 and 36 of the present document).

Definition and criminalization of torture

8. While noting the information provided by the State party indicating that domestic legislation criminalizing torture is complemented by and interpreted in the light of the Convention, and while taking into account that international agreements concerning fundamental rights and freedoms prevail over domestic laws, as enshrined in article 90 (5) of the State party's Constitution, the Committee remains concerned that article 94 of the Penal Code does not fully encompass the definition of torture contained in the Convention. In particular, the Committee is concerned that the definition of torture in domestic law does not include reference to the purpose of the suffering inflicted, nor does it stipulate that no exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture. In this regard, the Committee recalls its general comment No. 2 (2007), according to which serious discrepancies between the Convention definition and the definition in a State party's law create actual or potential loopholes that can foster impunity (para. 9) (arts. 1, 2 and 4).

9. The Committee reiterates its previous recommendation⁷ that the State party should align article 94 of the Penal Code with the definition of torture enshrined in the Convention and its other obligations thereunder, including by identifying the purposes for which suffering is inflicted in carrying out acts of torture, incorporating into the

³ CAT/C/TUR/CO/4, para. 49.

⁴ CAT/C/TUR/CO/4/Add.1.

⁵ See

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCAT%2FFUL%2FTUR%2F25040&Lang=en.

⁶ See

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FCO%2FTUR%2FCO%2F4%2FAdd.2&Lang=en.

⁷ CAT/C/TUR/CO/4, para. 18.

definition acts intended to intimidate, coerce or obtain information or a confession from a person other than the victim and clearly stipulating that no exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.

National human rights institution and national preventive mechanism

10. The Committee takes note of the recent award of B status to the Human Rights and Equality Institution of Türkiye by the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions. In this connection, the Committee expresses concern that the institution lacks diversity, including adequate gender representation among the members of its Board, and is not independent from the executive, noting that all members of the Board, including the Chair, are appointed by the President. The Committee is concerned that, in its work as the national preventive mechanism, the Human Rights and Equality Institution of Türkiye has allegedly been reticent to report on instances of torture and ill-treatment (arts. 2, 11 and 16).

11. The State party should take all measures needed to guarantee the independence of its national human rights institution, including through ensuring its full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). In so doing, the Committee invites the State party to seek technical and capacity-building support and advice from the Office of the United Nations High Commissioner for Human Rights and, in the case of its activities relating to its work as the national preventive mechanism, from the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Fundamental legal safeguards

12. The Committee expresses concern about information received indicating that persons deprived of their liberty are not always provided with sufficient legal safeguards, in law and in practice, from the outset of their detention. In particular, the Committee is concerned that:

(a) In some cases, in particular cases of “collective crimes” and crimes related to terrorism, individuals may be detained for periods significantly exceeding 48 hours without being presented before a judge and that, in practice, detention limits established in legislation are sometimes bypassed;

(b) Detainees’ access to a lawyer may be restricted for up to 24 hours following apprehension, suspects are sometimes interviewed without having consulted their lawyer or without their lawyer present, and the confidentiality of meetings between lawyers and their clients is not ensured. The Committee is also concerned that lawyers are in some cases denied access to the full case files of their clients and that disciplinary sanctions may be imposed that result in a de facto indefinite ban on contact between detainees and their lawyers, as has allegedly been the case for inmates in Imralı Prison;

(c) Detainees are unable to have an independent medical examination by a doctor of their own choosing, medical examinations are in some instances cursory and fail to adequately document traces of torture and ill-treatment, and law enforcement officers are reported to be frequently present during medical examinations in cases in which their presence has not been requested by the examining doctor, violating doctor-patient confidentiality (arts. 2 and 16).

13. The State party should ensure that all fundamental legal safeguards are guaranteed, both in law and in practice, for all detained persons from the outset of their deprivation of liberty, including:

(a) **The right to be promptly presented before a judge. In this regard, the State party should consider amending legislation to set a maximum limit of 48 hours for review of the legality of arrest and detention by a judge, without exception;**

(b) **The right to have access to and consult with a lawyer of their own choosing, or to have access to an appointed lawyer in case of insolvency, to have the confidentiality of private meetings guaranteed, including prior to interrogation, and, if necessary and**

applicable, to have access to free, independent and effective legal aid. Under no circumstances should the right to consult with legal counsel be limited as a result of a disciplinary sanction;

(c) The right to request and receive an examination by an independent medical doctor free of charge, or by a medical doctor of their own choice, in full confidentiality. In this regard, the State party should ensure that all alleged cases of torture and ill-treatment are promptly medically documented in line with the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol), as revised, and that registers containing information on injuries and other medical conditions of detainees are carefully maintained.

Conditions of detention

14. While noting the significant efforts made by the State party in recent years to improve conditions of detention and reduce overcrowding, including through the construction of new penitentiary infrastructure and the promulgation of legislative initiatives such as Law No. 7242, the Committee is concerned that:

(a) The rate of incarceration in the State party has significantly increased during the reporting period, contributing to an overcrowding rate of over 110 per cent across the prison system;

(b) Some inmates in S-type, Y-type and other types of high-security prisons are confined in individual cells without adequate ventilation for over 22 hours per day, constituting de facto solitary confinement;⁸

(c) Despite new legislation regulating searches of inmates, strip-searches (“detailed searches”) are sometimes carried out in contravention of legislation and in a routine manner, such as when detainees are transferred between facilities or to hospital or when they meet with lawyers or family, without reasonable suspicion of wrongdoing;

(d) The penitentiary system lacks an adequate number of health-care professionals, and prisoners are frequently restrained and kept in inappropriate conditions upon transfer to health-care facilities and during their treatment. The Committee is also concerned about information received indicating that decisions relating to the transfer of prisoners to hospitals are sometimes made by prison administrators rather than health-care professionals, that prison guards are frequently present during medical examinations and treatment and that prisoners with life-threatening illnesses are denied provisional release on the basis that they allegedly pose a threat to public security;

(e) Women who have recently given birth are held in inadequate conditions with insufficient access to health care and the appropriate nutrition to be able to breastfeed their babies, and women have reportedly been arrested and handcuffed while still in hospital for maternity care;

(f) Children in detention do not have their specific needs fully met in terms of education, rehabilitation and reintegration into society, with girls being most affected, as regimes and facilities are not designed in a manner that takes gender specifically into account. The Committee is also concerned about the low minimum age of criminal responsibility in the State party;

(g) Administrative and observation boards, which are mandated to approve or deny the conditional release of prisoners, lack institutional independence, being constituted mainly of prison staff, and allegedly operate with a high degree of arbitrariness, prejudicing in particular the prospects for release of human rights defenders, journalists and prisoners convicted on politically motivated charges (arts. 2, 11–13 and 16).

⁸ United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), rule 44.

15. **The State party should:**

(a) **Continue its efforts to improve conditions of detention and alleviate overcrowding in penitentiary institutions, including through the application of non-custodial measures. In this regard, the Committee draws the State party's attention to the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules);**

(b) **Ensure that all persons deprived of their liberty have adequate time outside their cells and the opportunity for meaningful social interactions on a regular basis. Moreover, the State party should ensure that solitary confinement, including de facto solitary confinement, is not imposed for reasons related to a prisoner's sentence and that it is used only in exceptional cases as a last resort, for as short a time as possible, subject to independent review and only pursuant to the authorization of a competent authority. In accordance with rules 43 to 46 of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), solitary confinement should under no circumstances exceed 15 days;**

(c) **Limit the practice of strip-searching persons deprived of their liberty to exceptional cases and guarantee in law and in practice that such searches are carried out only when absolutely necessary and when there is a reasonable suspicion of wrongdoing and that the criteria of necessity, reasonableness and proportionality are met, in accordance with rules 50 to 53 of the Nelson Mandela Rules;**

(d) **Ensure the allocation of the human and material resources necessary for the provision of proper medical and health care for prisoners, refrain from applying restraints to prisoners in health-care settings, except in cases in which their use is absolutely necessary as a precaution against escape during transfer or in order to prevent a prisoner from injuring himself or herself or others or from damaging property, respect doctor-patient confidentiality and ensure that health-care professionals have ultimate authority in all decisions relating to prisoners' health, in accordance with rules 24 to 35 and 47 to 49 of the Nelson Mandela Rules;**

(e) **Ensure that female prisoners, in particular those who are pregnant or are in prison with babies, have access to adequate health, sanitation and hygiene facilities, are detained in gender-sensitive conditions and are never placed under restraint during labour, during childbirth or immediately after childbirth, in accordance with rules 28 and 48 (2) of the Nelson Mandela Rules and rules 5, 24, 42 (2) and (3) and 48 to 52 of the Bangkok Rules;**

(f) **Adopt the legislative and other measures necessary to raise the minimum age of criminal responsibility and ensure the full application of juvenile justice standards, taking into account the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty (the Havana Rules);**

(g) **Consider revising the Regulation on Observation and Classification Centres and Evaluation of Convicts as it relates to the composition of administrative and observation boards, in order to ensure the independence of their constituent members. Boards should not be composed of individuals who interact with prisoners on a day-to-day basis and should not be unduly biased, politically or otherwise.**

Aggravated life imprisonment

16. The Committee expresses concern about the regime of aggravated life imprisonment, which in certain cases is not accompanied by any prospect of release. The Committee is particularly concerned about the stringent conditions of detention for the approximately 4,000 prisoners serving such sentences, which severely limit social contact and visits, and that such limitations continue to apply even in health-care settings. The Committee is profoundly concerned about the incommunicado detention since 25 March 2021 of Abdullah Öcalan, Hamili Yıldırım, Ömer Hayri Konar and Veysi Aktaş, who are currently held in

İmralı Prison, noting that some of them have not had access to their lawyers in over nine years (arts. 2, 11 and 16).

17. The State party should consider revising the Penal Code and Law No. 5275 on the Execution of Penalties and Security Measures to abolish the penalty of aggravated life imprisonment. In this regard, the State party should ensure that prisoners serving life sentences have the prospect of release or a reduction in their sentence after a reasonable period of time. The State party should also immediately facilitate visits and communication for Abdullah Öcalan, Hamili Yıldırım, Ömer Hayri Konar and Veysi Aktaş with their families and lawyers and refrain from placing limitations on such contact, in accordance with rules 43 (3) and 61 of the Nelson Mandela Rules.

Deaths in custody

18. The Committee expresses concern about information indicating that deaths in custody are insufficiently investigated and that the investigations that are carried out lack the meaningful involvement of family members, the legal representatives of the deceased and their families and independent monitoring by civil society. The Committee regrets the lack of data provided by the State party on deaths in custody and public reporting on such deaths (arts. 2, 11–13 and 16).

19. The State party should adopt measures to ensure that all deaths in custody are investigated in a prompt and impartial manner by an independent body, including by means of forensic examinations, with due regard to the Minnesota Protocol on the Investigation of Potentially Unlawful Death, and, where appropriate, apply the corresponding sanctions. The State party should maintain up-to-date and disaggregated data on deaths in all places of detention, their causes and the outcomes of investigations.

Allegations of torture and ill-treatment

20. The Committee is concerned about allegations that torture and ill-treatment continue to occur in the State party in a generalized manner, notably in detention centres, including allegations of beatings and sexual assault and harassment by law enforcement and intelligence officers and of the use of electric shocks and waterboarding in some cases. The Committee is particularly concerned about increases in allegations of torture and ill-treatment following the attempted coup in 2016, including in order to extract confessions, following earthquakes in the south-east of the country in 2023 and in the context of counter-terrorism operations. The Committee is also concerned that counter-terrorism legislation, including Law No. 3713 on Combating Terrorism, is frequently used in order to limit fundamental legal safeguards, including access to a lawyer and the right to review of the legality of detention, in contravention of international standards (arts. 2, 4, 11–13, 15 and 16).

21. The State party should:

(a) Carry out prompt, impartial, thorough, efficient and independent investigations into all allegations of torture and ill-treatment by law enforcement and intelligence officials, ensure that authorities without hierarchical links to the alleged perpetrator or perpetrators open an investigation ex officio whenever there are reasonable grounds for believing that an act of torture or ill-treatment has been committed and ensure that those suspected of having committed such acts are immediately suspended from their duties throughout the period of the investigation, while ensuring that the principle of presumption of innocence is observed;

(b) Prosecute all persons suspected of having committed torture or ill-treatment and, if they are found guilty, ensure that they receive sentences that are commensurate with the gravity of their acts and that the victims and/or their family members are afforded appropriate redress and compensation in a timely manner. In this regard, the State party should ensure that emergency-era legislation and administrative authorizations barring prosecution do not result in impunity;

(c) Consider reviewing its domestic legislation as it relates to terrorism offences to ensure that such legislation, along with the State party's counter-terrorism

and national security policies and practices, is fully in line with the obligations contained in the Convention and that adequate and effective legal safeguards are in place.

Excessive use of force by law enforcement

22. The Committee is concerned about amendments to Law No. 2559 on the Duties and Powers of the Police in the context of the so-called “Domestic Security Package”, which appear to permit law enforcement officers to use lethal force in situations other than those in which it is absolutely necessary to protect life, for example to prevent the destruction of property. The Committee is also concerned about allegations of excessive use of force by law enforcement in the context of policing and dispersing protests and the use of impermissible means of restraint in the context of public assemblies, such as reverse handcuffing, and about the apparently arbitrary application of Law No. 2911 on Public Meetings and Demonstrations to justify arrests that violate the right to freedom of peaceful assembly (arts. 2, 4, 11–13 and 16).

23. **The Committee recommends that that State party:**

(a) **Consider reviewing its legislation on the use of force to bring it into line with international standards, develop clear guidelines incorporating the principles of lawfulness, necessity and proportionality and the precautionary principle and strengthen its efforts to provide all law enforcement personnel with mandatory and comprehensive training on these international standards. In this regard, the Committee draws the State party’s attention to the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement and the Model Protocol for Law Enforcement Officials to Promote and Protect Human Rights in the Context of Peaceful Protests;**

(b) **Ensure that prompt, impartial, effective and independent investigations are undertaken into all allegations of torture, ill-treatment and the excessive use of force by law enforcement officers, that the perpetrators are prosecuted and, if found guilty, receive sentences commensurate with the gravity of their acts and that the victims are adequately compensated;**

(c) **Ban the use of restraint techniques that cause unnecessary pain and suffering, such as reverse handcuffing, and ensure that restraints are applied only as a measure of last resort, for the shortest possible period and subject to strict regulation, supervision, oversight and documentation. The State party should consider equipping law enforcement officers with body cameras when they are involved in policing public assemblies and, more generally, in all cases in which force is likely to be used;**

(d) **Ensure that all persons are protected from any harassment or violence to which they might be exposed as a result of the simple exercise of their freedom of opinion and expression and their rights to freedom of association and peaceful assembly.**

Principle of non-refoulement

24. While the Committee notes the considerable efforts of the State party in responding to refugee crises in the region, it is concerned about allegations regarding excessive use of force by border police against migrants and individuals seeking asylum at border crossings. The Committee is concerned about the detention of families with children in removal centres and regrets that the State party maintains its declaration regarding the Convention relating to the Status of Refugees and the Protocol thereto, which denies refugee status to individuals seeking asylum from outside Europe (arts. 2, 3, 11–13 and 16).

25. **The State party should:**

(a) **Ensure that, in law and in practice, no one may be expelled, returned or extradited to another State where there are substantial grounds for believing that he or she would be in danger of being subjected to torture and guarantee effective access to procedural safeguards, including the right to appeal adverse decisions, with automatic suspensive effect;**

(b) **Carry out prompt, impartial, independent and effective investigations into all allegations of excessive use of force by all law enforcement officials who are tasked with handling issues related to migration, prosecute all persons suspected of having used excessive force and, if they are found guilty, ensure that they receive sentences that are commensurate with the gravity of their acts and that the victims and/or their family members are afforded appropriate redress and compensation in a timely manner;**

(c) **Ensure that detention for the purposes of deportation is applied only as a last resort, when determined to be strictly necessary and proportionate in the light of an individual's circumstances and for as short a period as possible. The State party should intensify its efforts to expand its application of non-custodial measures. Children and families with children should not be detained solely for their immigration status;**

(d) **Consider withdrawing its declaration regarding the Convention relating to the Status of Refugees and the Protocol thereto.**

Forced renditions and extraditions

26. The Committee expresses concern in response to allegations regarding a systematic practice of State-sponsored extraterritorial abductions and forcible returns of individuals supposedly associated with the Hizmet/Gülen movement in coordination with authorities in Afghanistan, Albania, Azerbaijan, Cambodia, Gabon, Kazakhstan, Lebanon and Pakistan, as well as with authorities in Kosovo,⁹ as previously raised by several special procedure mandate holders.¹⁰ Such abductions are alleged to have taken place with the involvement of the National Intelligence Organization (Milli İstihbarat Teşkilatı) and to entail human rights violations such as enforced disappearance and other forms of torture and ill-treatment (arts. 2, 3, 11–13 and 16).

27. The State party should:

(a) **Cease all extrajudicial extraditions and renditions, including of individuals with perceived or real affiliations with the Hizmet/Gülen movement and on counter-terrorism pretexts;**

(b) **Explicitly criminalize enforced disappearance and ensure that all cases of enforced disappearance and other forms of torture and ill-treatment are investigated independently, effectively, thoroughly and impartially, that those responsible are prosecuted and, if they are found guilty, that they receive punishment commensurate with the crime. In this regard, all legislative and administrative barriers to the prosecution of Turkish intelligence officers that may result in impunity should be lifted;**

(c) **Ensure that victims of extraordinary rendition and enforced disappearance and/or their families receive redress, including adequate compensation and rehabilitation;**

(d) **Consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance.**

State of emergency

28. The Committee notes the information provided by the State party, including in its letter of 8 November 2016, regarding the state of emergency in place in Türkiye from 21 July 2016 to 18 July 2018 and the associated derogations from its obligations under the International Covenant on Civil and Political Rights and the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights). However, the Committee expresses concern that numerous decrees enacted to respond to the exceptional circumstances of the emergency declared by the State party have been made permanent through Law No. 7145. The Committee underscores that the continued application of exceptional measures, which at times may be necessary to address threats to the survival

⁹ References to Kosovo shall be understood to be in the context of Security Council resolution 1244 (1999).

¹⁰ [A/HRC/42/40](https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25209), para. 56; and communication TUR 5/2020, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25209>.

of a nation, is not appropriate for sustainable ordinary governance and should never result in impunity for acts of torture or ill-treatment (arts. 2, 11–13 and 16).

29. **Taking into account the principles of necessity and proportionality, the State party should urgently consider repealing emergency legislative acts that were later made permanent in legislation, or the provisions thereof adversely affecting the implementation of its obligations under the Convention, including as they relate to fundamental legal safeguards against torture and the investigation and prosecution of cases of torture and ill-treatment. In this regard, the State party should ensure that all fundamental legal safeguards against torture and ill-treatment are guaranteed, in law and in practice, and that all acts of torture are promptly, effectively and impartially investigated, that perpetrators are prosecuted and, if convicted, punished appropriately and that the victims and/or their families receive redress, including adequate compensation and the means for as full a rehabilitation as possible.**

Human rights defenders and journalists

30. The Committee is concerned that human rights defenders and journalists in the State party allegedly face threats, physical harassment, arrest, prosecution, torture and ill-treatment as a result of their legitimate exercise of their rights to freedom of opinion and expression, freedom of peaceful assembly and freedom of association and their right to promote and protect human rights. In particular, the Committee is concerned about the judicial harassment of national media outlets and human rights defenders working on issues directly related to the Convention (arts. 2, 11–13 and 16).

31. **The State party should ensure that all human rights defenders and journalists are able to carry out their legitimate work in an enabling environment, free from threats, reprisals, violence and other forms of harassment. The State party should investigate promptly, thoroughly and impartially all allegations of arbitrary arrest, torture, ill-treatment and other forms of harassment of human rights defenders and journalists, prosecute and appropriately punish those found guilty and provide victims with redress.**

Gender-based and domestic violence

32. While acknowledging the steps that the State party has made during the reporting period to train law enforcement officers and reinforce its domestic legislation to respond to acts of gender-based and domestic violence, the Committee regrets the State party's decision to withdraw from the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence. The Committee is concerned about allegations that preventive and protective cautionary orders are not granted for sufficient periods of time, that complaints of gender-based and domestic violence are frequently dismissed, in particular in rural areas and when involving lesbian, gay, bisexual and transgender individuals, and that the provision of shelter accommodation is discriminatory towards older women and women with teenage sons or children with disabilities (arts. 2, 12–13 and 16).

33. **The State party should consider reversing its decision to withdraw from the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence and ensure that all acts of gender-based and domestic violence, including those involving actions and omissions by State authorities or other entities that engage the international responsibility of the State party under the Convention, are thoroughly investigated, including through the initiation of ex officio investigations, that the alleged perpetrators are prosecuted and, if convicted, punished appropriately and that the victims or their families receive redress, including fair and adequate compensation and rehabilitation. The State party should redouble its efforts to provide mandatory training on dealing with acts of sexual and gender-based violence for law enforcement officials, social workers, medical personnel, lawyers, prosecutors and judges, including training that takes into account the specific risks and challenges faced by lesbian, gay, bisexual and transgender individuals.**

Training

34. The Committee takes note of information provided by the State party regarding the training of physicians, including forensic doctors, and other health-care personnel on the Istanbul Protocol, as revised. However, the Committee regrets that no information was provided by the State party to indicate whether judges, lawyers, law enforcement officers and other relevant personnel working with persons deprived of their liberty receive similar training (art. 10).

35. The State party should ensure that all relevant staff, including prosecutors and judges, are specifically trained to identify, document and investigate cases of torture and ill-treatment, in accordance with the Istanbul Protocol, as revised. The State party should incorporate the Principles on Effective Interviewing for Investigations and Information-Gathering (the Méndez Principles) into future initiatives to review and revise interrogation techniques.

Investigation and prosecution of acts of torture and ill-treatment

36. The Committee regrets that the State party did not provide it with sufficiently detailed statistics regarding the number of criminal complaints, investigations, prosecutions, convictions and sentences handed down for acts of torture and ill-treatment. The Committee is concerned about information received indicating that, when prosecuted, acts falling within the definition of torture, as contained in article 1 of the Convention, are frequently classified as other crimes rather than as being prosecuted under article 94 of the Penal Code. In such cases, the Committee is concerned that the statute of limitations may act as a bar to prosecution and accountability. The Committee notes the positive steps taken by the State party with regard to administrative accountability for perpetrators of torture and ill-treatment, including through Law No. 6713 on the Establishment of the Law Enforcement Oversight Commission. However, it regrets that the Commission appears to lack a direct investigatory mandate. The Committee is concerned about reports that individuals who make criminal complaints alleging torture face judicial harassment. Lastly, the Committee expresses concern about the frequent legislative practice in the State party of requiring administrative authorization in order to prosecute public officials, as is the case for civil servants, including police and other law enforcement officers of all ranks, and members of military personnel, among others. Of particular concern is article 6 of Law No. 6532, which allows the undersecretariat of the National Intelligence Organization to block investigations and prosecutions into the actions of its personnel solely by certifying that such actions formed part of the duties and activities of the agency (arts. 2, 4, 11–13 and 16).

37. The State party should ensure that all complaints of torture or ill-treatment are investigated promptly, thoroughly and impartially by an independent institution with no hierarchical links to alleged perpetrators, that suspected officials are suspended from duty immediately for the duration of the investigation, in particular where there is a risk that they might otherwise be in a position to repeat the alleged act, commit reprisals against the alleged victim, interfere in the collection of evidence or otherwise obstruct the investigation, subject to the principle of the presumption of innocence, and ensure that the alleged perpetrators are duly prosecuted and, if found guilty, given a sentence commensurate with the gravity of their acts. In this regard, the Committee recommends that the State party:

(a) **Remove impediments that preclude or indicate unwillingness to ensure the prompt and fair prosecution and punishment of perpetrators of torture or ill-treatment, thus violating the principle of certainty of punishment;**

(b) **Guarantee that individuals alleging to have suffered acts of torture and ill-treatment are protected from all forms of harassment in order to ensure the prohibition and prosecution of torture to the fullest extent;**

(c) **Compile and make available to the Committee and to the general public disaggregated data regarding the number of criminal complaints, investigations, prosecutions and convictions and sentences handed down regarding acts of torture and ill-treatment;**

(d) **Revise Law No. 6532 to ensure that investigations into and prosecutions of allegations of torture and ill-treatment committed by officials of the National Intelligence Organization cannot be blocked by the agency itself.**

Independence of judges and lawyers

38. The Committee is concerned about what appears to be a severe regression in the independence of judges, prosecutors and lawyers in the State party during the period under review. While taking into account the exceptional measures that the State party considered necessary to adequately respond to the attempted coup in July 2016, the Committee expresses concern about the effects that the increased influence of the executive over members of the judiciary, prosecutors and other members of the legal profession may have on the investigation and prosecution of torture and ill-treatment. In particular, the Committee is concerned about:

(a) The mass dismissals and arrests of judges and lawyers in the aftermath of the attempted coup in 2016 and the continuously elevated levels of arrests and dismissals of members of the legal profession in subsequent years,¹¹ including the arrest of four lawyers from the Progressive Lawyers Association (Çağdaş Hukukçular Derneği). In this regard, the Committee is concerned that, in a number of cases, lawyers have been detained on the basis of an allegedly flawed interpretation of the applicable legislation, as noted by the European Court of Human Rights;¹²

(b) The constitutional amendment of 2017 that reduced the number of judges on the Council of Judges and Prosecutors from 22 to 13 and increased the proportion of members who are directly appointed by the President, thus compromising its independence;

(c) The widespread closure of bar associations by decree and confiscation of their assets, as referenced by the Special Rapporteur on the independence of judges and lawyers,¹³ Presidential Decree No. 5 of 2018, which allows the State Inspection Institution (Devlet Denetleme Kurulu), under the Office of the President, to suspend the chairs and board members of bar associations, and Law No. 7249, amending the Code of Lawyers, which interferes with bar associations' self-governance (arts. 2, 12, 13 and 16).

39. The State party should ensure the full independence, impartiality and effectiveness of the judiciary, including by guaranteeing the independence of the Council of Judges and Prosecutors and its conformity with relevant international standards, including the Basic Principles on the Independence of the Judiciary. It should also ensure respect for the right to freedom of association and for the independent practice of law, in accordance with the Basic Principles on the Role of Lawyers. Prosecutions of lawyers and judges should be carried out only following an independent, impartial and effective investigation and in a manner in conformity with domestic and international law. The State party should guarantee the self-governance of professional lawyers' associations, ensuring that they are independent of the authorities and the public and are able to exercise their functions without external interference from government or other actors.

Monitoring of places of deprivation of liberty

40. The Committee notes the extensive network of detention monitoring bodies in the State party, along with information provided by the State party regarding the participation of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment in conducting training sessions for civilian monitoring boards. However, the Committee is concerned that the process for selecting members of civilian monitoring boards lacks transparency and that members can be removed by decree, as occurred under Decree-Law No. 673 of 2016. The Committee is also concerned about the minimal role given to civil society organizations in conducting detention monitoring visits. The Committee notes that

¹¹ [A/HRC/50/36](#), para. 59.

¹² *Alparslan Altan v. Turkey*, Application No. 12778/17, Judgment, 16 April 2019; and *Akçin v. Turkey*, Application No. 19699/18, Judgment, 20 July 2021.

¹³ [A/73/365](#), para. 36.

the most recent report of the Subcommittee on Prevention of Torture and the three most recent visit reports of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment have yet to be made public (arts. 2, 11 and 16).

41. **The Committee urges the State party to ensure the independence of the civilian monitoring boards, including by increasing transparency in the selection of their members, and to improve the public dissemination of information regarding the place, time and periodicity of visits by all detention monitoring bodies to places of deprivation of liberty and regarding the findings and the follow-up to such visits, in a timely manner. The State party should facilitate and encourage the participation of civil society organizations in conducting monitoring visits to places of deprivation of liberty. The Committee recommends that the State party agree to the publication of all past, pending and future reports of the Subcommittee on Prevention of Torture and the European Committee for the Prevention of Torture.**

Redress

42. The Committee notes the information provided by the State party that victims of torture and ill-treatment may be awarded material or moral compensation through administrative mechanisms and may act as plaintiff in civil suits in order to seek compensation. However, the Committee regrets that no legislation or subsidiary regulations exist that specifically refer to the rights and rehabilitation of victims of torture. The Committee also regrets that the subsection on victims of torture of the 2016 edition of the *Guide on Approach Towards Victims* was allegedly removed in subsequent editions (art. 14).

43. **The State party should ensure that all victims of torture and ill-treatment obtain redress, including by ensuring an enforceable right to fair and adequate compensation and the means for as full a rehabilitation as possible, regardless of whether the identity of the perpetrator has been determined. In this regard, the State party should consider promulgating legislation and guidance on the rights and rehabilitation of victims of torture and collect data on the number of victims and their specific rehabilitation needs. The State party may wish to consider resuming its contributions to the United Nations Voluntary Fund for Victims of Torture.**

Confessions obtained through the use of torture and ill-treatment

44. While the Committee acknowledges the information provided by the State party regarding the inadmissibility of evidence obtained through the use of torture and ill-treatment, as regulated by article 148 of the Code of Criminal Procedure, it is concerned about allegations that that article is not always applied in practice and about the lack of information provided by the State party on cases in which such evidence was deemed to be inadmissible (art. 15).

45. **The State party should ensure that:**

(a) **Confessions and statements obtained through torture or ill-treatment are not admitted as evidence in practice, except against persons accused of committing torture, as evidence that the statement was made under duress;**

(b) **When it is alleged that a statement has been obtained through torture, the allegation is investigated immediately, effectively and independently and alleged perpetrators are prosecuted and, if found guilty, punished;**

(c) **All police officers, national security officers and members of military personnel, judges and public prosecutors receive mandatory training emphasizing the link between non-coercive interrogation techniques, the prohibition against torture and ill-treatment and the obligation of the judiciary to invalidate confessions and witness statements made under torture, taking note, in that regard, of the Principles on Effective Interviewing for Investigations and Information-Gathering (the Méndez Principles).**

Data collection

46. The Committee regrets that the State party did not provide the Committee with comprehensive and disaggregated statistical data on areas of relevance to its obligations under the Convention, including in cases of torture and other cruel, inhuman or degrading treatment or punishment, and on other matters on which such data were requested. The Committee notes that a focused and coordinated system of data compilation and analysis is necessary to effectively monitor the State party's implementation of its obligations under the Convention (arts. 2, 11–13 and 16).

47. **The State party should intensify its efforts to compile and publish comprehensive disaggregated statistical information on all matters relevant to its obligations under the Convention, including on all complaints and reports received of torture, ill-treatment, excessive use of force and means of coercion, and abuse of power concerning public officials, including information on whether such complaints led to investigations and, if so, by which authority, whether the investigation resulted in the imposition of disciplinary measures or prosecutions and whether the victims obtained redress.**

Follow-up procedure

48. **The Committee requests the State party to provide, by 26 July 2025, information on follow-up to the Committee's recommendations on: aggravated life imprisonment and the facilitation of contact between prisoners in İmralı Prison with their families and legal representatives; the repeal of legislation brought into force during the state of emergency affecting the enjoyment of fundamental legal safeguards; and efforts to prevent and prosecute gender-based violence (see paras. 17, 29 and 33 above). In that context, the State party is invited to inform the Committee about its plans for implementing, within the coming reporting period, the remaining recommendations in the concluding observations.**

Other issues

49. **The State party is requested to widely disseminate the report submitted to the Committee and the present concluding observations, in appropriate languages, through official websites, the media and non-governmental organizations and to inform the Committee about its dissemination activities.**

50. **The Committee requests the State party to submit its next periodic report, which will be its sixth, by 26 July 2028. For that purpose, and in view of the fact that the State party has agreed to report to the Committee under the simplified reporting procedure, the Committee will, in due course, transmit to the State party a list of issues prior to reporting. The State party's replies to that list of issues will constitute its sixth periodic report under article 19 of the Convention.**