



**Optional Protocol to the
Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

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**Subcommittee on Prevention of Torture and Other Cruel,
Inhuman or Degrading Treatment or Punishment**

**Comments of Turkey on the recommendations and
observations addressed to it in connection with the
Subcommittee visit undertaken from
6 to 9 October 2015*, **, *****


[Date received: 17 October 2019]

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- * The present document is being issued without formal editing.
 - ** On 17 October 2019, the State party requested the Subcommittee to publish its replies, in accordance with article 16 (2) of the Optional Protocol.
 - *** The comments contained herein are in response to the report (CAT/OP/TUR/1) of the Subcommittee on a visit that was undertaken in 2015 – when the Subcommittee was operating under its previous methods of work – for the purpose of providing advisory assistance to the national preventive mechanism.

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1. In respect of the Report on the visit made by the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment from 6 to 9 October 2015, for the purpose of providing advisory assistance to the national preventive mechanism of the Turkey, the State party takes note of the positive aspects as well as the concerns and recommendations provided therein (CAT/OP/TUR/R.1).
2. Turkey sustains its cooperation with the Subcommittee and takes its comments and recommendations into consideration with a genuine commitment to combating all forms of torture and other cruel, inhuman or degrading treatment or punishment.
3. At the outset, the State party would like to note that the SPT recommendations have been distributed to all the relevant departments and institutions (CAT/OP/TUR/R.1, para. 47) and assessments on making the report public are underway (CAT/OP/TUR/R.1, para. 11).
4. Meanwhile, the State party would like to duly inform the Subcommittee of the follow up of its recommendations, including the recent legislation on the establishment of the Human Rights and Equality Institution of Turkey, as well as on the establishment of the Monitoring Commission that will undertake functions of relevance to the National Preventive Mechanism (NPM).

I. The law on the establishment of the Human rights and equality institution of Turkey

5. The State party is pleased to inform the Subcommittee that within the framework of 64th Government Programme of action, increasing the efficiency of a number of institutions, including the Human Rights Institution of Turkey, as well as enhancing compliance with the international protection mechanisms for fundamental rights and freedoms in legislation and practice, were targeted.
6. In this respect, the possibilities of establishing an institution that would fulfil the duties of anti-discrimination and equality institutions or assigning of these duties to an existing institution were considered.
7. As a result, in addition to the existing mandates of “National Human Rights Institution” and “National Preventive Mechanism”, “Anti-discrimination” duties have been assigned to the Human Rights Institution of Turkey.
8. Thereby, the Law on the Human Rights and Equality Institution of Turkey -No. 6701- (herein after; the Law) has been enacted by the Parliament and entered into force on 20 April 2016. An unofficial English translation of the Law is presented at Annex.
9. In the justification of the Law, in addition to OPCAT, specific reference has been made to the relevant UN Conventions, including International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights, as well as the Convention on the Elimination of All Forms of Racial Discrimination. Also, relevant Council of Europe conventions as well as the *acquis communautaire* have been given due consideration. Furthermore, during the preparation of the draft Law, various modalities for the functioning of similar institutions from among the members of the Council of Europe/European Union have been taken into consideration.
10. In the drafting procedures, due attention has been paid to Paris Principles, in particular concerning individual applications (CAT/OP/TUR/R.1, para. 27). Particular focus of the new Law centered on criteria for enhancing functional independence and the ensuring pluralism for the Institution.
11. During the discussions as regards the proposed legislation before the parliamentary committees, the relevant committees are entitled to invite experts and NGOs, with a view to taking their view. Thereby, NGOs can take part in certain parts of legislative process at parliamentary stage. In addition, opinions can be sent in written to the parliamentary committees on draft legislation under consideration.
12. Throughout the drafting process of the Law on Human Rights and Equality Institution of Turkey, the proposal were discussed at the Human Rights Inquiry Committee of the Grand National Assembly of Turkey. Representatives from relevant ministries/public

institutions and a number of NGOs (namely; *Human Rights Association, Human Rights Foundation of Turkey, The Association for Human Rights and Solidarity for the Oppressed – Mazlumder –, Human Rights Joint Platform (IHOP), Turkish Bar Associations, Turkish Confederation of Employer Associations, HAK-IS Confederation*) also attended the meeting of the Committee in line with the abovementioned procedure. Thereby the State party believes it has discharged effective efforts to ensure the participation of different stakeholders throughout the drafting process (CAT/OP/TUR/R.1, para. 21).

13. The Law regulates the principles pertaining to the establishment, organisation, duties and powers of the Human Rights and Equality Institution of Turkey (herein after; the Institution), which will work, on the basis of human dignity, towards protection and promotion of human rights, guaranteeing individuals' right to equal treatment, prevention of discrimination in the exercise of legally recognized rights and freedoms and which will carry out actions in line with these principles, effectively fight against torture and ill-treatment.

14. By this Law, the Institution has been vested with a number of duties, which inter alia include, carrying out activities to protect and promote human rights; reviewing and investigating petitions and applications on allegations of human rights violations, and following-up their outcomes; carrying out research activities in order to monitor and evaluate the developments taking place in the area of human rights; assessing development of legislation on issues falling under its mandate and submitting its opinions and proposals thereon to relevant authorities conducting activities for awareness-raising and training; monitoring the implementation of international human rights conventions to which Turkey is a party.

15. The role of the National Preventive Mechanism (NPM) in order for the Institution to perform tasks under the Optional Protocol to the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) continue unabated with the latest Law. Articles 1 and 9/1 of the Law provide the Institution to function as the National Preventive Mechanism under OPCAT and take effective action against torture and ill-treatment. Thus, NPM function of the Institution (which was previously designated as such through the decision of the Council of Ministers) has been introduced into the legislative framework.

16. Key regulations coming with the Law on Human Rights and Equality Institution of Turkey are hereby summarized:

Independence

17. With reference to some comments (CAT/OP/TUR/R.1, para. 19) the State party would like to underline that Law regulates the functions, mandate and duties of the Institution by emphasizing institutional & operational independence and financial autonomy. The Law on Turkish Human Rights and Equality Institution explicitly indicates that the Institution is *a public-law legal entity and has the administrative and financial autonomy* (Article 8). The Institution *executes the duties and exercises its authority independently, under its own responsibility. No other authority, organ or person shall give neither orders or instructions nor recommendations or suggestions to the Board on issues related to the jurisdiction of the Institution* (Article 10).

18. On the other hand, in reply to certain criticism levelled against the status of the Institution the State party would like to inform the Subcommittee that Article 123 of the Constitution reads: *“The administration forms a whole with regard to its structure and functions, and shall be regulated by law”*. Under this principle, all public legal entities in Turkey have been established in relation to Prime Ministry or a Ministry to a certain degree. Thus, public legal entities are categorized as “associated”, “related” or “affiliated” to the central organisation (designating three different types of link, strong, medium or weak).

19. The concept of “affiliation” within the meaning of Turkish law denotes the loosest type of relation between the public administration in question and the relevant ministry. The Law on the Human Rights and Equality Institution of Turkey grants “affiliated administration” status to the Institution. In light of the foregoing, this condition should not be interpreted as contradictory with the independence of the Institution. As mentioned above, independence, financial and administrative autonomy of the Institution is clearly set

out in its founding law, despite procedural elements stemming from the requirements of Turkish legislation.

Member Selection Procedure

20. According to new Law, members of the Human Rights and Equality Board – the decision-making body of the Institution – are selected by the President of Republic (3) and Council of Ministers (8). Out of eight members selected by the Council of Ministers, one member is determined from two candidates among academics who work in the field of human rights and proposed by the Higher Education Board. The other seven members are determined from eligible candidates proposed by NGOs, unions, social and professional institutions, academics, lawyers, members of press and media and the experts who are working in the field of human rights or the ones who notify the membership requests in writing.

21. There are no changes in regulations regarding the total number of the members of the Human Rights Board (eleven members including one Head and one Deputy Head) and selection of the Head and Deputy Head by the Human Rights Board from among its members.

22. It should be noted that the names of the Board members, as selected in accordance with the abovementioned procedure, have been published at the Official Gazette dated 16 March 2017 and the members assumed their duties accordingly.

Eligibility criteria

23. Concerning comments on the “lack of known selection criteria for the membership of NPM” (CAT/OP/TUR/R.1, para. 23) the State party would like to inform the Subcommittee that the Law specifies the selection methods and the eligibility criteria of the Board members to be selected by the Council of Ministers in detail.

24. Accordingly, eligibility criteria for the membership in the Human Rights and Equality Board has been specified in the Law as follows:

(a) Having good knowledge of and relevant experience in relation to matters falling under the mandate of the Institution;

(b) Complying with the qualifications set forth in the Civil Servants Law (no 657), Article 48, and paragraph one, sub-paragraph (A), sub-section (1), (4), (5), (6) and (7). Namely:

- being a citizen of the Republic of Turkey;
- not being deprived of civil rights;
- not being sentenced for committing crimes against the security of the state, against the Constitutional order, crimes of embezzlement, bribery, theft, fraud, forgery, faux bankruptcy, bid rigging/manipulating tenders, money laundering, smuggling, breach of trust; or not being sentenced to a more than one year imprisonment for committing a crime on purpose;
- not being currently under obligatory military service (for male candidates);
- not having mental conditions that would impede effective functioning of the person (provisions related to the employment of the disabled personnel are exempted);

(c) Having no function or power at an executive or supervisory body of any political party;

(d) Having at least a bachelor’s degree (four-year graduate programme at the university);

(e) At least ten years working experience at public institutions and agencies, international organisations, non-governmental organisations or professional organisations with public institution status or in the private sector.

Full-time work for the Human Rights Board Members

25. With the new Law, all members of the Human Rights Board shall work on a full time basis. Previously, full time work was foreseen for only the Head and the Deputy Head of the Institution, whilst the other members were working part-time. This new configuration is expected to increase effective functioning of all members of the Board.

Staff

26. According to the new Law 150 cadres shall be created for the Human Rights and Equality Institution of Turkey. Considering that the previous Law envisaged 75 cadres for the Human Rights Institution of Turkey, number of cadres is doubled with the current legislation.

Diversified membership of the Board and the Staff

27. With reference to recommendations of the Subcommittee on para. 40 (CAT/OP/TUR/R.1), it should be underlined that the Law obliges that in the selection of the members of the Board, special attention is to be paid to ensure pluralist representation with respect to knowledge and expertise in areas falling under the mandate of the Institution. (Article 10/5)

28. The Law further specifies that among the eleven members of the Board, one shall be selected from academics working in the field of human rights, upon proposal by the Council of Higher Education; and seven from among candidates nominated by NGOs, unions, social and professional organisations, academics, lawyers, members of press and media, and the experts who are working in the area of human rights or from among person applying to be a member. Thus, the Law provides sufficient room for a diversified Board.

29. As regards the composition of the staff, in addition to 55 human rights and equality experts and 40 assistant experts; cadres have been created for 2 legal advisors, 3 lawyers, 6 psychologists, 10 social workers and other technical personnel, including 10 data processor, 2 computer operators, 1 librarian and other auxiliary staff (150 in total).

30. Furthermore article 15/6 of the Law sets forth the provisions for the contract-based personnel to be employed, thus allowing the Institution to recruit additional staff (CAT/OP/TUR/R.1, para. 40). Appointment principles and procedures of such personnel shall be determined by the Institution. Nonetheless the number of personnel to be employed on a contractual basis shall not exceed fifteen percent of the total number of posts of Human Rights and Equality Experts and Human Rights and Equality Assistant Experts.

31. Thus, the State party believes current legislation provides sufficient room for the NPM to diversify its membership including through recruitment of professional from among various sectors.

Segregation of NPM functions

32. As mentioned above, the mandates levied upon the Institution has been identified around three axes. Namely, protection of human rights, fight against discrimination, and the National Preventive Mechanism.

33. With reference to para. 26 of the recommendations, the State party would like to underline that in the reasoning of the Law presented to the Parliament, the Government specifically explained that bringing together these three distinct fields under the structure of one Institution rather than forming possible others is due to the goal of avoiding possible duplication among different institutions.

34. That being the case, the Law identifies the mandates of the Institution separately. Thus, the State party believes it has fulfilled the Recommendation of the Subcommittee accordingly (CAT/OP/TUR/R.1, para. 26.) On the other hand, the way according to which functions will be performed is up to the decision of the Institution. As far as the legislation is concerned there is no obstacle for the Institution to design its structure by segregating the functions of the NHRI from those of the NPM.

35. The implementation of the Law as well as the working principles and procedures of the Board and the Institution will be laid down with a by-law. These regulations relating to

the implementation of the Law should be put into force within six month following the date of first meeting of the Board.

NPM visit reports

36. Issuance of reports pursuant to monitoring activities of the Human Rights and Equality Institution are also among the main duties of the Institution. In accordance with article 9 of the Law, the Institution is *inter alia* tasked with:

- “Preparing annual reports related to the protection and promotion of human rights, fight against torture and mistreatment and fight against discrimination which will be submitted to the Office of the President of the Republic, Bureau of the Turkish Grand National Assembly and the Prime Ministry.”;
- “Providing information to the general public, publishing special reports on matters falling under its mandate in addition to regular annual reports when deemed necessary.”;
- “Monitoring the implementation of international human rights conventions to which Turkey is a party. Submitting opinions during the process of preparation of the reports which the State is under the obligation to submit to the review, monitoring and supervisory mechanisms established by these conventions, by also making use of relevant nongovernmental organisations; and participating in the international meetings where such reports are to be submitted, via sending a delegate.”;
- In addition, “the Institution shall brief the Human Rights Inquiry Committee and Committee on Equality of Opportunity for Women and Men of the Turkish Grand National Assembly in relation to the exercise of its duties and mandate at least once a year.”.

37. Accordingly, the State party reiterates its commitment to cooperate with the NPM as regards preparation of visit reports of the NPM and its readiness to duly consider the recommendations of the Institution (CAT/OP/TUR/R.1, para. 36).

38. Equally, the State party stands ready to further collaborate with the Institution concerning the drafting work of national periodic reports that will be submitted to the relevant UN committees. In this regard, since the visit of the Subcommittee comments and possible contributions of the Institution has also been asked in the drafting of periodic reports for the Human Rights Committee as well as the Committee on Economic, Social and Cultural Rights among others.

Coverage of places of detention

39. With reference to Subcommittee’s recommendations on the coverage of places of detention (para. 38), it should be stressed that the duties of the Institution include inquiring into, examining, taking a final decision on and monitoring the results of applications filed by persons deprived of their liberty or placed under protection falling into the scope of the NPM.

40. The Institution is also tasked with undertaking regular visits, with or without prior notice, to places where those deprived of their liberties or those under protection are held; delivering the reports related to such visits to relevant agencies and organisations, disclosing such reports to the public when considered necessary by the Board; examining and evaluating the reports regarding visits made to such places by other boards/ committees that monitor prisons and detention houses, provincial and sub-provincial human rights boards and other relevant individuals, agencies and organisations.

41. In this respect, Article 19 of the Law further provides that the NPM personnel who are assigned by the institution to have examination, inquiry, visits and report drafting work shall have the authority to request relevant information and documents from all public institutions and agencies and other natural and legal persons; to examine and take copies of the same; to receive written and oral information from relevant persons; to undertake visits to places where persons are deprived of their liberty as well as the places where persons are kept under protection; to carry out examinations in such places and draw up necessary reports and to interview person(s) alleged to have been mistreated. Public institutions and

agencies and other natural and legal persons have to facilitate the visits undertaken by the Institution and fulfil their requests without delay.

42. Accordingly, the State party would like to underline that all public institutions, agencies and the relevant officials are obliged to assist the Institution during the visits (Article 9/2) and facilitate the work of the NPM in its monitoring activities in accordance with the abovementioned requirements. Furthermore, as the latest Law on Human Rights and Equality Institution explicitly authorizes the NPM to have information and documents from all public institutions and relevant bodies/persons, there exists no need to introduce additional amendments to the Code of Criminal Procedure (CAT/OP/TUR/R.1, para. 19).

43. Furthermore, the types of places where persons may be deprived of their liberty or kept under protection is determined in accordance with the relevant domestic legislation. These include:

- Prisons and penitentiary institutions;
- Military prisons and penitentiary institutions;
- Law-enforcement centers (police and the gendarmerie);
- Reformatories for juveniles;
- Holding facilities for foreigners at the airports;
- Accommodation centers for refugees and persons under temporary protection;
- Removal centers;
- Care institutions (for disabled, the elderly, etc);
- Hospitals, psychiatric establishments, community health centers for persons with mental and/or behavioural disorders.

Geographic reach

44. The State party takes note of the points raised by the Subcommittee regarding the geographic reach of the NPM (CAT/OP/TUR/R.1, para. 37). It should be noted in this regard that the Law allows for a flexible structure, including establishment of temporary commissions and bureaus attached to the Institution. Whereas exact configuration of the structure of the NPM is at the discretion of the Institution itself, legislative framework allows effective functioning of NPM at the regional level as well.

Raising public awareness

45. With reference to the recommendations on assisting NPM in raising public awareness on its mandate and undertaken work (CAT/OP/TUR/R.1, para. 34) it should be underlined that pursuant to the Law, *“raising public awareness by briefings and trainings, also making use of mass media, contributing to the preparation of the parts of the curriculum of national education, cooperation with the universities, providing information to the public and in addition to regular annual reports, publish special reports regarding human rights, fight against torture and ill-treatment as well as anti-discrimination”* are listed among the main duties of the Institution. Thus, recommendations on public awareness have been largely addressed with the recent legislation. Taking this opportunity, the State party reiterates its readiness to engage into all forms of cooperation with the Human Rights and Equality Institution of Turkey with respect to future work of the Institution (CAT/OP/TUR/R.1, para. 34).

Outreach

46. Moreover, the Law foresees establishment of a Consultative Committee with the participation of public institutions and agencies, NGOs, unions, social and professional organisations, higher education institutions, printed and audio-visual media, researchers and relevant persons, agencies and organisations so as to discuss problems and proposed solutions and to exchange information and opinions on these matters.

47. In this framework, consultation meetings are envisaged to be organized both at the centre or provinces with the participation of the abovementioned stakeholders with a view to discussing issues pertaining to non-discrimination and human rights. Exchange of

information and opinions on these matters would ensure wider outreach to the public and the civil society (CAT/OP/TUR/R.1, paras. 23, 31) and strengthen cooperation with civil society (CAT/OP/TUR/R.1, para. 40).

II. Law on the Establishment of the Law Enforcement Monitoring Commission

48. Concerning other legislative changes and other relevant developments regarding the NPM (CAT/OP/TUR/R.1, para. 45), the State party further informs the Subcommittee that the Law on the Establishment of the Law Enforcement Monitoring Commission (No. 6713) has been published in the Official Gazette on 20 May 2016. The Law has thereby entered into force, with the exception of its Article 7 on the establishment of a central registry system that will enter into force one year later, following the adoption of regulatory framework by the Council of Ministers.

49. Law No. 6713 aims at rendering the functioning of law-enforcement complaint system more effective and swift, as well as enhancing its transparency and credibility. With the Law Enforcement Monitoring Commission, allegations of crimes that have been committed by law-enforcement officers (from the Turkish National Police, the Gendarmerie, and the Turkish Coast Guard Command), or any act, attitude or behaviour which call for administrative disciplinary measure with respect to those officers shall be documented into a central registry system and be duly followed up (Article 1). Violations that are linked to the military duties of the Gendarmerie, and the Turkish Coast Guard Command personnel are beyond the scope of the Law (Article 1/3).

50. The Commission shall function as a permanent Board within the Ministry of Interior. Law No. 6713 stipulates necessary funding to be allocated annually to the budget of the Ministry of the Interior for the functioning of and requirements by the Commission (Article 5/2).

51. In addition to the mandates linked to disciplinary investigations, this Law specifies additional mandates for the Commission, including preparation of annual reports that would be submitted to the Human Rights Inquiry Commission of the Turkish Grand National Assembly as well as the Prime Ministry; monitoring the implementation of law enforcement ethical guidelines; making public surveys in order to assess public confidence in the law enforcement monitoring system, making recommendations for the training Programmes of the law enforcement units. Moreover, the Commission is tasked with devising statistics from data available in the central registry system, establishing a data-base in that regard, analysing the available data and making recommendations on the implementation and with a view to determining strategies.

52. In this respect, the President of the Human Rights and Equality Institution will be among the members of this Commission according to the Law No. 6713. The Commission will also comprise members from the Ministry of Interior, Ministry of Justice, academics (3) working at criminal law departments of the universities and lawyers (3) who are eligible to be elected presidents to bar associations.

53. The Commission will start functioning pursuant to adoption of necessary By-Laws. Preparatory work on the secondary regulative framework is in progress.

III. Ensuring effective monitoring and efforts to avoid overlapping mandates and duplication among various bodies

54. Concerning some of the comments raised by the Subcommittee in para. 33 (CAT/OP/TUR/R.1), it should be noted that Turkey's full commitment to take effective legislative, administrative, judicial and other measures to prevent acts of torture, as defined in the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Optional Protocol to the Convention; as well as the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment has been best illustrated with the comprehensive reform process which continues well over a decade.

55. The Government has adopted a “zero tolerance policy” back in 2003 and in line with this policy, relevant measures have been continuously taken. Significant amendments have been made to criminal execution legislation. Within the framework of harmonization of domestic legislation with the international commitments of Turkey and in accordance with the “zero tolerance policy”, necessary legal amendments have been made for the prevention of torture. Supervisory and judicial mechanisms have been introduced.

56. The success of the reforms achieved in relation with the relevant legislation were acknowledged by the European Committee for the Prevention of Torture as early as 2004. The President of the Committee, in a statement in October 2004, praised “*the legislative and regulatory framework that has been put in place in Turkey*” and added that “*it would be difficult to find a Council of Europe member State with a more advanced set of provisions*”.

57. The State party reiterates its determination to pursue effective implementation of the numerous measures taken within the context of a “zero tolerance policy” against torture.

58. On the other hand, the State party regrets the comment that “*there are significant monitoring gaps for places of deprivation of liberty in Turkey*” (CAT/OP/TUR/R.1, para. 37). Within the context of abovementioned reform process, several mechanisms have been created and/or strengthened for ensuring effective monitoring activities. In this context, several monitoring mechanisms continue to effectively monitor all places where people are deprived of their liberty on a regular basis. In this regard, in addition to the National Preventive Mechanism, work of the relevant administrative and judicial units/institutions complement the efforts to ensure regular monitoring activities. In particular;

(a) Within the context of prisons and penitentiary institutions are monitored by inspectors from the Ministry of Justice, controllers and other officers from the General Directorate of Prisons and Detention Centers, chief public prosecutors and public prosecutors in charge of prisons and penitentiary institutions. The elimination of any shortcomings found during their visits is followed up by the General Directorate of Prisons and Detention Centers of the Ministry of Justice.

A total of 145 monitoring boards have been established in accordance with the “Law on Prison and Detention Center Monitoring Boards”. These are tasked with visiting and monitoring, at least once every two months, the institutions they are in charge of. The boards draw up reports and submit them to the relevant chief public prosecutors, the Ministry of Justice, the Human Rights Inquiry and to the prison enforcement judge, if any complaints fall within the ambit of the latter. Between 2010 and 2015 the monitoring boards inspected 358 penitentiary institutions 7831 times and published 3327 reports. Overall, %74 of the 8937 recommendations were implemented. The follow up of the recommendations of the reports are also shared with the public via annual reports. In 2016, annual report of the monitoring boards for the year 2015 have been distributed to relevant bodies, including NPM.

Within the context of judicial monitoring, decisions by administrations of penitentiary institutions are monitored by prison enforcement judges, who perform their duties pursuant to the Law on Prison Enforcement Judges, enacted on 16 May 2001. Remand and sentenced inmates may file complaints to the enforcement judge, on issues relating to sentence execution or conditions of detention. They may also appeal the decisions of the judge before the competent assize court. Thus, all actions and activities by establishments go through judicial monitoring.

In addition, prisons are visited and monitored by international treaty bodies such as the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and the United Nations Subcommittee on Prevention of Torture;

(b) Human Rights Inquiry Committee of the Parliament also provides an important assistance on the investigation of alleged cases. In this connection, police and gendarmerie stations and prisons are inspected by the Human Rights Inquiry Committee with or without notification. Special sub-commissions are established periodically under the Human Rights Inquiry Committee to inspect prisons and police stations. In this context, a permanent subcommittee has also been established;

(c) “Bureau for Inquiry on Allegations of Human Rights Violations” was established within the Inspection Board of the Ministry of the Interior in March 2004. The Bureau examines complaints concerning the allegations of human rights violations,

including claims of violations related to law enforcement officers and their acts as regards persons under custody.

There are camera and surveillance systems in place in 1,203 police stations out of a total 1,268 as well as 303 detention centers under the administration of Public Order Branch Offices in 81 provinces. In addition, installation of camera system has been completed in 1,946 detention centers, out of a total 2,012 under the administration of General Command of the Gendarmerie;

(d) The Gendarmerie Human Rights Violations Investigation and Evaluation Centre (JİHİDEM) investigates complaints concerning allegations of human rights violations that occur in the gendarmerie's area of responsibility, including those related to persons who are deprived of their liberty. JİHİDEM ensures judicial and administrative investigation in the legal framework should the claims be substantiated, and informs the applicant on the developments and outcome of the proceedings, and announces them publicly;

(e) Law Enforcement Monitoring Commission – which will be established pursuant to recent legislation – is aimed at rendering existing monitoring mechanisms more effective as regards allegations of crimes that have been committed by law-enforcement officers (from the Turkish National Police, the Gendarmerie, and the Turkish Coast Guard Command). By documenting all allegations of crimes that have been committed by law-enforcement officers, or any act which call for administrative disciplinary measure with respect to those officers as well as information on due process, the central registry system of the Commission is expected to contribute to follow up of allegations as regards places of deprivation of liberty as well;

(f) The Ombudsman Institution is also entitled to carry out on-site examinations, without prior notification, upon complaint received from penitentiary institutions and detention centers;

(g) Concerning Reception, Accommodation and Removal Centers, pursuant to the Law on Foreigners and International Protection (dated 11 April 2013), the By-Law on reception, accommodation and removal centers dated 22 April 2014 *inter alia* provides for the regulations for the monitoring of such places. Accordingly, the centers shall be subject to constant supervision by the provincial directorate generals attached to the Directorate General of Migration Management; annual supervision by the Directorate General of Migration Management, as well as the supervision of the Ministry of Interior Inspectors' Board every three years. Moreover, relevant Governors may always ask the Ministry of Interior to launch additional monitoring activities.

Within this framework, a specific Commission has been established within the Directorate General of Migration Management on the monitoring activities of the centers. The commission considers the reports sent by the provincial units, as well as the reports of the Inspectors' Board attached to the Ministry of Interior. Provisions on the monitoring of the removal centers have been communicated to all relevant governmental institutions and in February 2016 an official communication have been sent to all governorships in Turkey. Thus, at the provincial level, monitoring teams headed by the deputy Governor and representatives from Ministry of Education, Ministry of Family and Social Policies, Ministry of Health, Turkish Red Crescent Society, municipality, universities, and NGOs. The provincial monitoring teams continue to take unannounced visits monthly and announced visits every two months. Within 2016, the Directorate General of Migration Management has also launched monitoring missions in June and December 2016 to the centers;

(h) Finally, with a view to helping effective investigations of alleged cases, as of October 2016 Ministry of Justice established a specific unit that would assess the allegations raised in the media with regard to torture and ill-treatment in detention houses and prisons. The said unit shall meticulously follow up all kinds of news and comments raised in the media, refer them to the competent authorities to ensure them to be swiftly examined and share the results of the examinations with the public.

59. Taking this opportunity, the State party would like to underline that the existence of several mechanisms which *inter alia* address questions under the remit of the NPM should not be necessarily interpreted as a source of duplication. As partly pointed by the

Subcommittee, multitude of places where persons can be kept under detention/protection as well as demographics of the country (which translate into relatively high figures) necessitate creation of various comprehensive mechanisms for monitoring activities. The point of cardinal importance is to ensure cooperation among relevant institutions and the NPM. The State party exerted efforts to enable such cooperation via recent legislation (on the establishment of the Human Rights and Equality Institution as well as the Law Enforcement Monitoring Commission). Furthermore, recent legislation ensures access of the NPM to all monitoring work regarding places where persons are deprived of their liberties or held under protection. Indeed, the Institution is tasked with examining and evaluating the reports regarding visits made to such places by all the boards/ committees that monitor prisons and detention houses, provincial and sub-provincial human rights boards and other relevant individuals, agencies and organizations (The Law on Human Rights and Equality Institution, article 9/1-j).

60. Proudly being party to 15 of the 18 UN Human Rights Conventions and Protocols and being among the 159 parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment since August 1988 and being among 82 parties to OPCAT since September 2011, the State party stresses its adherence to UN system of Human Rights and reiterates its determination to take effective legislative, administrative, judicial and other measures to prevent acts of torture and other forms of treatment, as defined in the Conventions.

61. It should be recalled that “zero tolerance policy against torture” of the Turkish Government has been continuously and decisively implemented well over a decade, preventing all forms of torture and other cruel, inhuman or degrading treatment or punishment.

62. Furthermore, having regard to the fact that the statute of limitations has been fully abolished in Turkey with regard to the offence of torture, the State party emphasizes that effective judicial investigations will continue to address any cases or allegations that involve acts in breach of the Convention.

63. In this regard, the State party attaches particular importance to effective functioning of and the work of the National Preventive Mechanism. Recent legislative efforts, for which, recommendations of the Subcommittee have been also duly taking into consideration, reflect this understanding as well.
