

EXECUTIVE SUMMARY

The purpose of the 2015 ad hoc visit to Turkey was to examine the treatment and conditions of detention of foreign nationals detained under aliens legislation and to assess the implementation of the ongoing legislative and infrastructural reforms in this area. A comprehensive Law on Foreigners and International Protection was adopted in 2013, which contains a wide range of important safeguards for asylum-seekers and irregular migrants, including as regards immigration detention. It is also praiseworthy that several new detention centres for foreigners have been constructed in recent years, while some old sub-standard detention facilities have been closed down. The visit took place at a very challenging time for Turkey when the country was facing an ever-increasing influx of foreign nationals (mainly from Syria, Afghanistan, Iraq and Iran); the CPT expresses its appreciation of the measures taken by the Turkish authorities to provide shelter, care and protection to more than two million refugees.

Throughout the visit, the CPT's delegation received very good co-operation from both the national authorities and staff at the establishments visited. However, the principle of co-operation also requires that the Committee's recommendations be effectively implemented in practice. In this regard, the CPT expresses its serious concern about the total lack of action to implement longstanding recommendations regarding the provision of outdoor exercise to immigration detainees at Ankara and Istanbul-Kumkapı Removal Centres.

The CPT's delegation heard no allegations of physical ill-treatment of immigration detainees by custodial police officers in any of the removal centres visited. It is also noteworthy that no allegations were received from detained foreign nationals of physical ill-treatment by law enforcement officials (e.g. police, gendarmerie, coast guard) who had apprehended them.

Material conditions of detention in the removal centres visited ranged from very good at Aydın to extremely poor at Ankara, Istanbul-Kumkapı and Izmir. In the three latter establishments, many foreign nationals were kept for prolonged periods in conditions that could be considered to be inhuman and degrading (e.g. severe overcrowding, poor state of hygiene, limited or no access to natural light, inadequate ventilation, etc.). Further, in all the removal centres visited, many complaints were received about the lack of basic personal hygiene products.

Whilst acknowledging that, at Aydın, Edirne, Tekirdağ and Van Removal Centres, detained foreign nationals had access to a courtyard for a significant part of the day, it is a matter of grave concern that no outdoor exercise whatsoever was provided to immigration detainees (including minors) at Ankara Removal Centre for weeks or even months on end. The situation was scarcely better at Kumkapı where outdoor exercise was provided at best once a week, for up to 30 minutes. At Izmir, outdoor exercise was limited to some 20 minutes per day for male detainees. In the CPT's view, providing all detained persons – including immigration detainees – with at least one hour of outdoor exercise every day constitutes a fundamental obligation on the part of national authorities.

With very few exceptions, no sports or other recreational activities were organised for foreign nationals in any of the removal centres visited. As a result, a considerable number of immigration detainees in each of the centres spent weeks or even months in a state of complete idleness. The Committee therefore recommends that the Turkish authorities take steps to introduce a basic minimum of activities for immigration detainees, such as providing access to television and other appropriate means of recreation and to ensure access to reading material in the most frequently spoken foreign languages.

The CPT noted with great concern that a number of foreign nationals, including families with small children, were being kept in the holding facility in the transit zone of Istanbul Atatürk Airport for prolonged periods (up to five months) without having access to natural light and outdoor exercise. Following an urgent request by the delegation that measures be taken to ensure that the aforementioned facility is not used to hold foreigners for more than a few days, the Turkish authorities informed the Committee that a new holding facility had been allocated within Istanbul Atatürk Airport and that the detained foreign nationals would soon be relocated to that facility.

The CPT acknowledges the efforts made by the Turkish authorities to improve the provision of health care to foreign nationals held in removal centres. In particular, the Committee is pleased to note that a full-time doctor has been employed at Edirne Removal Centre, assisted by two nurses. Nurses were also employed at Aydın and Kumkapı. However, in most of the centres visited, the attendance hours of a doctor were insufficient for the needs of the inmate population. It is also a matter of concern that not a single nurse was employed in the removal centres at Ankara, Izmir, Tekirdağ and Van. Further, with one exception, no systematic medical screening of newly-admitted foreign nationals was carried out in the establishments visited. Further, even when foreign nationals were seen by a doctor upon admission, no personal medical file was opened. It should also be noted that medical confidentiality was far from guaranteed in any of the establishments visited.

As regards staff, the CPT welcomes the fact that, in most of the removal centres visited, psychologists, social workers and interpreters have recently been recruited on a full-time basis. However, there was no psychologist at all at Aydın and Van Removal Centres and, at Izmir, many foreign nationals appeared to be unaware of the presence of a psychologist in the centre. In this regard, the Committee stresses the need for particular attention to be paid to the psychological state of immigration detainees (and in particular of children), some of whom may have experienced traumatic situations prior to their arrival in Turkey.

It is positive that, in all the removal centres visited, a notification form regarding the imposition of expulsion and detention orders with information on rights (including legal remedies) existed in various languages and that this form was usually presented to foreign nationals upon their admission. That said, the overwhelming majority of foreigners interviewed by the delegation claimed that they had not been given time to read the form before signing it and were thus not aware of its contents. Further, in practically none of the centres visited were inmates given a copy of the notification form.

From interviews with detained foreign nationals it transpired that many of them were unaware of their right to have access to a lawyer, let alone an *ex officio* lawyer. There were also clear indications that the system of legal aid did not work effectively; in fact, hardly any case could be found in which an *ex officio* lawyer had been appointed. In this connection, it was stated by a number of inmates – and confirmed by staff – in several establishments visited that lawyers from Bar Associations refused to provide their services when the foreign nationals concerned were indigent. The CPT recommends that the Turkish authorities take appropriate steps – in co-operation with the Bar Association – to ensure that immigration detainees can effectively benefit from the services of a lawyer (including through the provision of free legal aid). The Committee also recommends that unaccompanied minors detained under aliens legislation be immediately provided with free legal aid.

Finally, the CPT expresses concern about the fact that, in several of the removal centres visited, pepper spray had on occasion been used against foreign nationals within the detention area. Given the potentially dangerous effect of this substance, the Committee recommends that steps be taken to ensure that pepper spray is never used in confined spaces and that, more generally, it does not form part of the standard equipment of custodial staff working in removal centres.