

## **RIGHTS OF CONVICTS AND DETAINEES IN TURKISH PENAL EXECUTION SYSTEM**

The rights of the convicts and detainees kept in penal execution institutions are regulated under the Law No. 5275 on the Execution of Penalties and Security Measures, the Regulation on the Administration of Penal Execution Institutions and the Execution of Penalties and Security Measures, the relevant by-laws and circulars.

According to these instruments;

### **Right to information**

The administrators of the institution provide convicts and detainees, at the time of admission into the institution, with information, orally and in writing, concerning matters such as the rehabilitation activities to be implemented, the disciplinary offences and penalties, the ways of obtaining information and making complaints, their rights and responsibilities and necessary information for their adaptation to life in the institution. Those who do not speak Turkish are informed in English, French or German. In case of change of state of a convict or detainee such as being admitted into a penal execution institution or being hospitalized, the situation is communicated to his/her family or, if the convict or detainee is a foreigner, to the consulate of the State, unless he objects in writing.

### **Wages and social rights**

Convicts and detainees employed in intra-institutional services or workshops of the institutions are paid wages for their work and benefit from social rights.

### **Complaints and objections**

Convicts and detainees are entitled to file a complaint or objection, regarding the functioning of the institution, the behaviours of the personnel or other matters, to institutions such as Provincial and District Human Rights Committees, Chief Public Prosecution Office, Human Rights and Equality Institution, Ombudsman Institution and Human Rights Inquiry Committee of the Grand National Assembly of Turkey and to apply to the Judgeship of Execution to review the administrative decisions.

### **Right to meet a lawyer or a notary**

Convicts and detainees have the right to meet their lawyers or notaries within the framework of the performance of their professions. The right to meet a lawyer is guaranteed under the rights of defence.

### **Right to participate in cultural and artistic activities**

Convicts and detainees can participate in the programmes which are organised in penal execution institutions, based on the availability of the means, and which represent various branches of culture and art.

### **Right to use the library**

In penal execution institutions, a library or a bookcase is created according to the size of the institution. In addition to the source books for certain courses in the library, there are also books which

will enable convicts and detainees to make good use of their free time, to acquire the habit of reading and to open up their horizons culturally, within the bounds of possibility.

#### **Right to benefit from periodical or non-periodical publications**

Convicts and detainees have the right to benefit from periodical and non-periodical publications, by paying their price, on condition that they are not prohibited by the courts.

#### **Sheltering and sleeping accommodation of convicts and detainees**

Dangerous convicts or detainees are accommodated only in single or three-person rooms, and other convicts are accommodated in rooms, for which the number of convicts is determined by the prison administration, in view of the physical condition and capacity of the institution and security requirements. Each convict is provided with a standard bed and a sufficient number of bedclothes suitable for the local climate.

#### **Clothing of convicts and detainees**

Convicts and detainees in need are provided, by the administration, with clothes suitable for the climate and for their health, upon their request.

#### **Accommodation of the children of convicts or detainees in need of care**

Children aged zero to six whose mothers are convicted or detained and who have no one outside to look after them can stay with their mothers.

#### **Right to communicate by telephone**

Convicts and detainees in closed penal execution institutions may have telephone calls, by paying the price, in accordance with the principles and procedures specified in the bylaw and under the control of the administration.

#### **Right to receive radio and television broadcasts and to use the internet**

Convicts and detainees have the right to receive radio and television broadcasts based on a central broadcasting system, if there is such a system in the penal execution institution. The radio and television channels determined after a survey conducted among convicts and detainees in penal execution institutions accommodating a large number of convicts and detainees on condition that these channels are not unfavourable.

#### **Right to send and receive letters, fax messages and telegrams**

Convicts and detainees have the right to receive letters, fax messages and telegrams sent to themselves, and to send letters, fax messages and telegrams, on condition that they afford the cost. Letters, fax messages and telegrams sent by the convict or arriving for him/her are inspected by the letter-reading committee or, if this committee does not exist, by the highest authority of the institution. Letters, fax messages and telegrams sent to official institutions and organizations or to the lawyer for the purpose of defence are not subject to inspection.

#### **Right to accept presents sent from the outside**

Convicts and detainees in closed penal execution institutions have the right to accept presents sent from the outside on religious holidays, on New Year's Day or on their birthdays, provided that they do not pose danger to the security of the institution.

#### **Freedom of religion and conscience**

In the penal execution institution, convicts and detainees may freely perform their religion's worship, without disturbing the order and preventing any work, and may obtain and keep items used in worship as well as books and works required for their religious life. The convict is permitted to be visited by officers of his/her religion and to communicate with them on condition that the security of the institution is not thereby endangered.

#### **Right to benefit from healthcare services**

Convicts and detainees have the right to benefit from examination and treatment opportunities and medical means for the protection of physical and mental health and diagnose the illness. For this purpose, the convict is firstly treated in prison infirmary; if this is not possible, in detention wards of the state or university hospitals. The examination, test, control and treatment costs are covered by the Ministry of Health and the medicine expenses are covered by the Ministry of Justice within the scope of the memorandum of understanding signed between these ministries.

#### **Nutrition of convicts and detainees**

Convicts and detainees are provided with a reasonable variety of nutritious food sufficient in quality and quantity for them to stay healthy and strong, conforming to health requirements, on a calorie basis to be determined jointly by the Ministries of Justice and Health, considering their age, their health condition, the nature of the work they perform, and their religious and cultural requirements, and they are provided with drinking water. The convict can obtain from the institution's canteen any items he/she may need other than the daily food and necessities provided to him/her. Where the institution does not have a canteen, such items can be procured from the outside, upon the permission and control of the administration. An ill convict is given the food determined by the physician of the institution. Children staying with their mothers in the institution and nursing mothers are given suitable food. Daily subsistence allowance is determined as 7 Turkish liras for convicts and detainees, 10 Turkish liras for children and mothers staying with their children. The subsistence allowance of detainees is covered by the state and the allowance of convicts is covered by themselves.

#### **Visit to convicts and detainees**

The convict can be visited, by his/her spouse, his/her relatives stipulated in the legislation and three other persons whose names and addresses are notified in the list of friends as well as his/her guardian and trustee. Requests to visit foreign convicts by the diplomatic representations or consulates of the States of which they are nationals are granted in accordance with the principles and procedures laid down in the applicable legislation.

### **Right to education**

Programmes to develop personality, to strengthen education, to provide new skills, to eliminate criminal tendency and to prepare for life after release are applied to convicts and detainees during the period they are kept in penal execution institutions. Education programmes, arranged in accordance with the economic and cultural condition of the convict, taking account of his/her age, the length of his/her sentence and his/her abilities, consist of basic education, secondary and higher education, vocational education, religious education, physical education, library services and psycho-social services. It is ensured that convicts in open penal execution institutions and in reformatories for minors benefit from formal and informal education and those in closed penal execution institutions benefit from informal education. Furthermore, several courses are opened from literacy courses to higher education.

### **Leaves**

An excuse leave, a special leave or a leave to seek a job can be granted to convicts except those in high-security penal execution institutions. Time spent on a leave is counted within the sentence of conviction. A leave is categorized into an excuse leave, a special leave and a leave to seek a job.