



# JUVENILE PRISONERS:

## CONDITIONS OF IMPRISONMENT AND EXECUTION PROCEDURES

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CISST

CEZA İNFAZ SİSTEMİNDE SİVİL TOPLUM DERNEĞİ



# JUVENILE PRISONERS: CONDITIONS OF IMPRISONMENT AND EXECUTION PROCEDURES

*This report has been prepared as a supplementary report on the basis of the United Nations Convention on the Rights of the Child and related texts to be submitted to the periodic review followed by Turkey at the United Nations Committee on the Rights of the Child*



## About Us

The Civil Society in the Penal System Association (Ceza İnfaz Sisteminde Sivil Toplum Derneđi, CISST) was founded in 2006 in Istanbul. CISST works to protect the rights and liberties of prisoners and to provide that the rights, conditions, and practices in prisons in Turkey comply with human dignity and universal standards of human rights.

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# INTRODUCTION

Civil Society in the Penal System Association (CISST) has been carrying out rights-based monitoring and advocacy activities in the field of prisons since 2006. It makes applications to the relevant control mechanisms<sup>1</sup>, informs the public, and contributes to field research to prevent violations of rights and improve imprisonment conditions. It conducts its work on the basis of prisoners with special needs. One of these prisoner groups is the children in prison. The “Child in Prison” thematic area performs its work on both children aged 12<sup>2</sup> to 18 imprisoned due to conflicting with the law and children aged 0 to 6 imprisoned with their mothers.

In this supplementary report, the data obtained through monitoring, advocacy, and reporting activities of the CISST Child in Prison thematic area, the thematic report titled *Being a Child Prisoner in Turkey on the 30th Anniversary of the United Nations Convention on the Rights of the Child*<sup>3</sup>, the United Nations Convention on the Rights of the Child

1. The control mechanisms that CISST makes human rights applications are as follows: Committee on Human Rights Inquiry of the Grand National Assembly of Turkey (GNAT), City- and District-based Human Rights Boards, City-based Prison Monitoring Boards, Presidency of the Republic of Turkey Directorate of Communications, relevant ministries, especially the Ministry of Justice, Human Rights and Equality Institution of Turkey, the Ombudsman Institution.

2. Minimum age of criminal responsibility is 12 in Turkey.

3. The thematic report titled *Birleşmiş Milletler Çocuk Haklarına Dair Sözleşme'nin 30. Yılında Türkiye'de Çocuk Mahpus Olmak (Being a Child Prisoner in Turkey on the 30th Anniversary of the United Nations Convention on the Rights of the Child)* [https://cisst.org.tr/wp-content/uploads/2020/07/turkiyede\\_cocuk\\_mahpuslar.pdf](https://cisst.org.tr/wp-content/uploads/2020/07/turkiyede_cocuk_mahpuslar.pdf). Date of access: 14.02.2022



(UNCRC), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (the Havana Rules), combined fourth and fifth periodic reports submitted by Turkey under article 44 of the Convention (Periodic Report), and current practices were evaluated. Since the report is prepared specifically for a thematic area, only the part of the Periodic Report dealing with children in prison was analyzed.

Access to juvenile prisoners is very limited due to the state's civil society and criminal justice policies. Consequently, children could not directly contribute to the preparation of this report. Instead, narrations have been supplied through CISST's methods of obtaining information. These methods can be summarized as correspondence activities and attorney-at-law visits, narrations of children's families and attorneys-at-law, press scanning, applications for information, academic and civil society work in the field.

CISST conducts its advocacy for juvenile prisoners employing two dimensions. The first is to advocate alternative methods to imprisonment; the second is to make human rights applications for children currently in prisons to access their rights contained in the UNCRC and all relevant texts on the rights of the child.

In the Periodic Report, juvenile prisoners were examined under the heading of "Children in conflict with the law, child victims and child witnesses". Structural information about the institutions where the children are held is given relatively in this document, but due to the conditions of imprisonment whether they can access their rights is not revealed in a way that covers the UNCRC and related texts. Thus, the effect of imprisonment in terms of restorative justice and the violations of rights suffered by children were not reflected in the Periodic Report.



# REVIEWS

## GENERAL IMPLEMENTATION MEASURES

Local strategy documents are included in the “General Implementation Measures” heading of the Periodic Report. One of these documents is the Ministry of Family, Labor and Social Services’ ‘National Strategy Document and Action Plan on the Rights of the Child’. In this document, which covers planning for the years 2013-2017, it is emphasized that the juvenile justice system does not have sanctions specific to children, the general practices regarding imprisonment are also binding for children, the regulations stipulated in the Juvenile Protection Law are not implemented, and imprisonment is not seen as a last resort.<sup>4</sup> Although it was aimed to improve the juvenile justice system with methods that lead the child out of the penal system in the action plan, no improvement was observed in practice. Consequently, these findings are still valid today.

The statistics in Table 1 are the official statistics announced by the Ministry of Justice from time to time.<sup>5</sup> Since the data announced since 2017 is extremely limited, civil society has not been able to carry out regular statistical monitoring. CISST’s applications for information on the population of juvenile prisoners were also left unanswered by the

4. The Rights of the Child National Strategy Document and Action Plan, 2013-2017 “2.5.1 Juvenile Justice System” heading <https://www.resmigazete.gov.tr/eski-ler/2013/12/20131214-15-1.pdf> Date of access: 14.02.2022

5. Since the data obtained from the GDPDH’s website is updated through the same link, the last-dated data is accessed when the link is clicked.



ministry.<sup>6</sup> Although the General Directorate of Prisons and Detention Houses (GDPDH) has suspended the regular sharing of prison statistics for a while, it has been publishing these statistics on its official website since the beginning of 2021. The decrease in the number of juvenile prisoners in 2021 is based on changes in the enforcement legislation under the influence of the coronavirus. With law No. 7242 published on 15 April 2020<sup>7</sup>, the release on probation periods have changed, and each day spent in prison between the ages of 12-15 is counted as 3 days, and each day spent in prison between the ages of 15-18 is counted as 2 days in the calculation of execution. While these amendments made during the pandemic meant the imminent release of convicted children, no regulation has been made regarding the supervision of sentenced children by alternative means. No regulation has been made regarding the supervision of detainees by alternative means.



Table – 1 Population of Juvenile Prisoners<sup>89101112</sup>

6. In 2019 and 2020, CISST made 9 applications for information requesting statistical data on children in prison, and these were left unanswered on the grounds that they were related to the internal functioning of the institution.

7. Law No. 7242 Amending the Law on the Execution of Penalties and Security Measures and Some Laws <https://www.resmigazete.gov.tr/eskiler/2020/04/20200415-16.htm>. Date of access: 14.02.2022.

8. Data dated 02.12.2013, 05.01.2015, 05.01.2016, and 02.01.2017 were taken from the following annual reports of the General Directorate of Prisons and Detention Houses (GDPDH): 2013 (<https://cte.adalet.gov.tr/Resimler/Dokuman/20820191409012013-rapor.pdf>), 2014 ([https://cte.adalet.gov.tr/Resimler/Dokuman/20820191409332014\\_rapor.pdf](https://cte.adalet.gov.tr/Resimler/Dokuman/20820191409332014_rapor.pdf)), 2015 (<https://cte.adalet.gov.tr/Resimler/Dokuman/20820191410032015-rapor.pdf>), and 2016 ([https://cte.adalet.gov.tr/Resimler/Dokuman/20820191410332016\\_faliyet\\_raporu.pdf](https://cte.adalet.gov.tr/Resimler/Dokuman/20820191410332016_faliyet_raporu.pdf)). Date of access for all reports: 11.02.2021

9. The data dated 07.04.2017 was taken from the reply dated 19.07.2017 given by the Ministry of Justice to the parliamentary question of Deputy Onursal Adıgüzel.

10. Data from November 2018 is taken from the Ministry of Justice's presentation to the Committee on Human Rights Inquiry of the GNAT.

11. Data dated 05.01.2021 was taken from the official website of the GDPDH. <https://cte.adalet.gov.tr/Resimler/Dokuman/istatistik/istatistik-4.pdf>. Date of access: 11.02.2021

12. Data dated 31.01.2022 was taken from the official website of the GDPDH. <https://cte.adalet.gov.tr/Resimler/Dokuman/istatistik/istatistik-4.pdf>. Date of access: 14.02.2022



Independent monitoring institutions working in the field of prisons are also mentioned under the “General Implementation Measures” heading of the Periodic Report. Especially the Human Rights and Equality Institution of Turkey (HREIT) has an important function as a national prevention mechanism. In addition, city- and district-based human rights boards, city-based prison monitoring boards, Committee on Human Rights Inquiry of the GNAT conduct prison visits. These boards usually act upon the applications of prisoners or their relatives. Access to these boards is much more difficult for juvenile prisoners than for an adult, as they and their families do not know the institutions. There is no report that any of these institutions conduct systematic investigations of children in prison. Out of a total of 79 visits by HREIT covering the years 2017-2020, only two were to juvenile prisons.<sup>13</sup> In the 27th Legislative Period 1st Session activity report published by the Committee on Human Rights Inquiry of the GNAT, it is observed that there is a much more limited monitoring of the rights of juvenile prisoners than in the UNCRC. On the other hand, children aged 0-6 held with their mothers have found a wider place in the monitoring of this commission.<sup>14</sup> The visit reports of the human rights boards and city-based prison monitoring boards are not shared with the public.

**PERIODICAL MONITORING AND CONTROL VISITS OF MONITORING BOARDS CONSISTING OF EXPERTS WITH HIGH COMMUNICATION SKILLS AND AWARENESS OF CHILDREN’S RIGHTS WITH A CHECKLIST TO MONITOR THE RIGHTS IN THE UNCRC, WITHOUT ANY NOTICE, AND GUARANTEED THAT CHILDREN WILL NOT BE SUBJECTED TO RETALIATION**

13. It is stated in the annual activity reports that visits were made to Izmir Juvenile Prison in 2018 and to Ankara Sincan Juvenile Prison in 2019. <https://www.HREIT.gov.tr/kategori/faaliyet-raporlari/>. Date of access: 25.01.2022.

14. 27th Legislative Period 1st Session Activity Report of the Committee on Human Rights Inquiry of the GNAT [https://www.tbmm.gov.tr/Files/Komisyonlar/insanHaklari/docs/2021/faaliyet\\_raporu\\_27.\\_donem\\_1\\_%20devre.pdf](https://www.tbmm.gov.tr/Files/Komisyonlar/insanHaklari/docs/2021/faaliyet_raporu_27._donem_1_%20devre.pdf). Date of access: 14.02.2022



## SPECIAL PROTECTION MEASURES: CHILDREN IN CONFLICT WITH THE LAW

Under the “Children in conflict with the law, child victims and child witnesses” heading of the Periodic Report, specialized courts for children are mentioned while conveying the administration of juvenile justice (article 40). According to the legislation, juveniles are tried in juvenile courts or juvenile high criminal courts depending on the type of crime. The exception to this rule is that the general court conducts the proceedings “as a juvenile court” if there are no juvenile courts in that jurisdiction or when courts decide that children and adults should be tried in the same case but in an adult court for a common crime. During the investigation phase, criminal judges decide whether to detain children as well as adults or to take them under judicial control. Criminal judges are involved in tasks where a judge has to make a decision during the investigation phase. While it was regulated in the law that children should be in contact with an expert judge in the field of child’s rights during the prosecution phase, such a requirement was not observed during the investigation phase. Trial of juveniles in adult courts or imprisonment by criminal judgeships demonstrate the inaccessibility to practitioners specializing in the juvenile justice system.

One of the objectives of the Ministry of Justice in its strategic plan covering the years 2015-2019 is the mainstreaming of juvenile courts.<sup>15</sup> At the end of the 5-year plan, it is seen that 4 juvenile high criminal courts and 12 juvenile courts have been added.<sup>16</sup> As of 2020, there are 22 juvenile high criminal courts and 112 juvenile courts across Turkey.<sup>17</sup>

Mother-child units for children held with their mothers have been designed in Ankara and Diyarbakır prisons, and according to the latest

updated information, prisoner admission has started in Ankara. It was announced that the number of children held with their mothers was 743 as of November 2018<sup>18</sup>, before the pandemic period, and 345 as of March 2021, after the pandemic.<sup>19</sup> With the law

**MAKING COMPULSORY ALTERNATIVE PROBATION MEASURES OR EXECUTION METHODS FOR WOMEN DETAINED OR CONVICTED WITH THEIR CHILDREN AGED 0-6. ENSURING EQUALITY IN EXECUTION WITHOUT CONSIDERING THE TYPE OF CRIME OF THE MOTHERS IN BOTH ALTERNATIVE MEASURES AND FOR USING THE MOTHER-CHILD UNIT**

15. Ministry of Justice Strategic Plan 2015-2019 “Restructuring Judicial Processes Regarding Children” <https://sgb.adalet.gov.tr/Resimler/SayfaDokuman/24122019093342Stratejik-Plan-2015-2019.pdf>. Date of access: 14.02.2022

16. The numbers were obtained by comparing the 2014 and 2020 annual reports of the Ministry of Justice.

17. Ministry of Justice 2020 Activity Report <https://sgb.adalet.gov.tr/Resimler/Dokuman/942021140107Adalet%20Bakanl%C4%B1%C4%9F%C4%B1%202020%20Y%C4%B1%-C4%B1%20Faaliyet%20Raporu%2009.04.2021.pdf>. Date of access: 25.01.2022

18. Taken from the Ministry of Justice’s presentation to the Committee on Human Rights Inquiry of the GNAT.

19. Press release of the GDPDH dated 09.03.2021, numbered 2021/01 <https://cte.adalet.gov.tr/Home/SayfaDetay/basin-aciklamasi09032021045708>. Date of access: 14.02.2022



amendment made on 15 April 2022, favorable regulations were introduced regarding the periods of probation, suspension of the execution, or conditional release of women held in prison with their children. It is observed that these regulations make a distinction between the types of crime. On the other hand, due to the limited capacity of the mother-child units, there is a concern that the type of crime will also be observed to benefit from these units.

In the Periodic Report, it was mentioned that 5 Child Support Centers (CSCs) were established while conveying the measures for children deprived of their liberty and detained children (article 37 b-d). The care measure applied in CSCs is one of the preventive and supportive measures included in the Child Protection Law.<sup>20</sup> The fact that it is referred to as a practice that “deprives the child of his/her liberty” under the UNCRC article 37 also points to a policy issue regarding the place of protective and supportive measures in the juvenile justice system. Children deprived of their liberty under the UNCRC article 37 are not held in CSCs under the Ministry of Family, but in closed juvenile prisons and juvenile reformatories under the Ministry of Justice.<sup>21</sup>

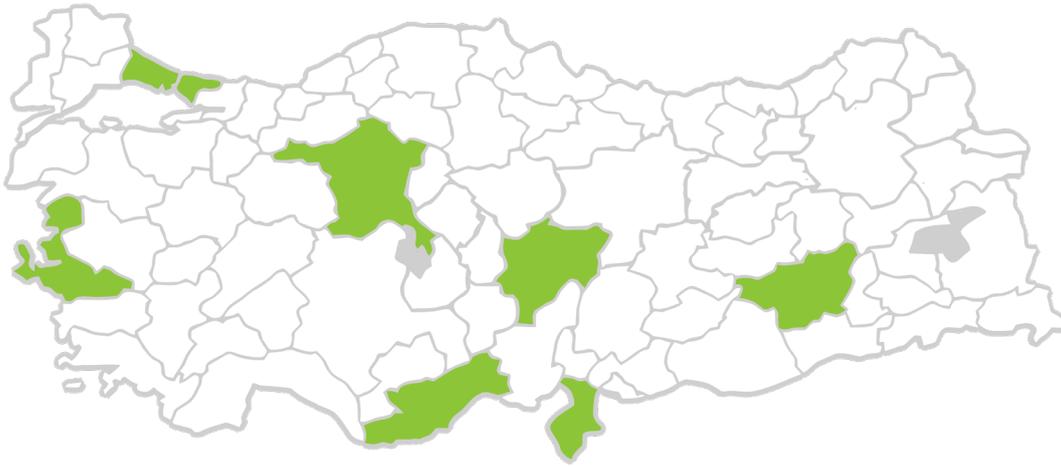


Table – 2 Geographical Distribution of Closed Juvenile Prisons  
(Ankara, Diyarbakır, Hatay, İstanbul, İzmir, Kayseri, Mersin)

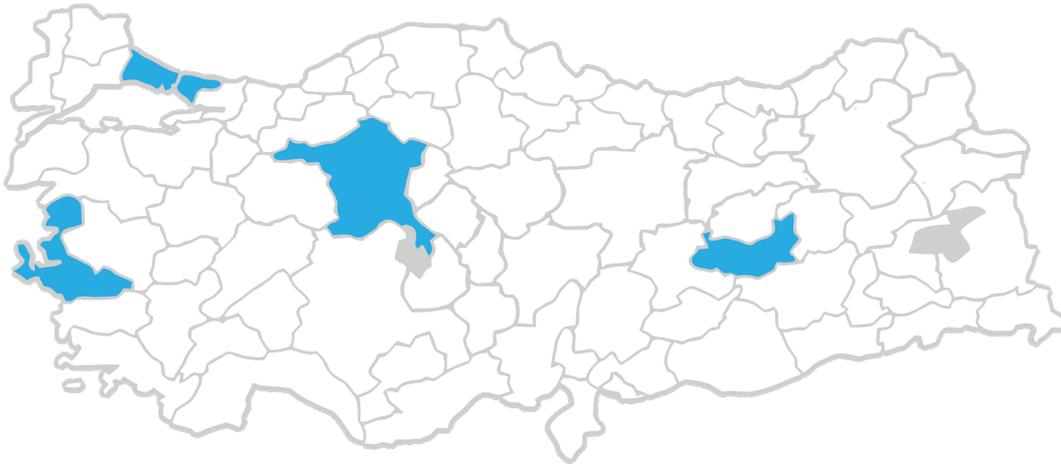


Table – 3 Çocuk Eğitimevlerinin Coğrafi Dağılımları  
(Ankara, Elazığ, İstanbul, İzmir)

20. Child Protection Law, article 5

21. Hereafter, the term “juvenile prison” is used when these two prisons are mentioned together in our report.



The difference in the number of prisons and locations in the Periodic Report from the maps above is due to the different reporting dates. In its most up-to-date form, juvenile prisons are located in the provinces indicated in the tables above. Closed juvenile prisons are for imprisoned juveniles and convicted juveniles who are sent to the closed prison after receiving disciplinary punishment. Juvenile reformatories, on the other hand, are for convicted children who are not subject to disciplinary punishment of 'being sent back to closed prisons.' Depending on the capacity and location of the juvenile prisons, children can stay in the children's section of adult prisons temporarily or permanently. Especially for girls, imprisonment in an adult prison has become the main practice, not the exception.

The conditions of imprisonment in closed juvenile prisons are heavier than in juvenile reformatories. Children's communication with the outside world, their right to education, their access to leisure and cultural activities are extremely limited. Access to these rights in juvenile reformatories has been made relatively easier. Juveniles staying in the children's sections of adult prisons are under more challenging conditions in terms of accessing rights. While monitoring child prisoners, examining these three different institutions will reveal the real situation in the field and will be inclusive.

There is no special legislative arrangement for young people who are detained as a child and whose trial continues after they turn 18. As a rule, when a child's prison sentence becomes final, she/he is sent directly to the juvenile reformatory. Juvenile reformatories are the equivalent of open prisons where adults are held in the juvenile execution system. Children whose judgment is not finalized on their 18th birthday due to lengthy or near 18-year-old trials lose their right to be sent directly to a juvenile reformatory or equivalent open prison; they are now entirely subject to adult execution conditions. This means that the transition to open prison will be delayed depending on the prison sentence and the type of crime. Just as the age of the person at the time of the alleged crime is decisive in the punishment, the age at the time of the alleged crime should be the determining factor in the execution, not the finalization of the sentence. Thus, the legal disadvantage created by the long trials of children or their entry into the justice system shortly before reaching their age will be prevented. To fill this gap and to eliminate this gap in the legislation in transition from childhood to youth, CISST has made an application to the Ombudsman Institution in April 2021 with a request for a regulation change regarding the transfer of persons who were arrested as children and whose sentences were finalized after reaching the age of 18, to open prisons, just like those whose sentences were finalized when they were children. The application in question has not yet been concluded at the date of writing this report.

In the above-mentioned strategic plan, the preparation of the law on the execution of penalties for juveniles is mentioned. Currently, no social policy has been established regarding the inclusion of a young person in the justice system, whether the age at which she/he is alleged to have committed the crime is under 18 or not. According to the data of the Turkish Statistical Institute, the number of people between the ages of 15 and 34 entering penal institutions in 2019 constitutes 49% of the total number of people.<sup>22</sup> This ratio shows how important it is to study the juvenile criminal justice policy.

22. TURKSTAT Penal Institution Statistics, 2019



The work to be carried out in the field of youth will also be directly related to juvenile delinquency and therefore to the imprisonment of children. The healthiest work to be done will take place with the participation of civil society and young people. Although the draft of the Law on the Execution of Penalties of Juveniles is included in the 2015-2019 strategic plan, it is observed that it has been removed from the 2019-2023 strategic plan.<sup>23</sup>

**DEVELOPING A YOUTH JUSTICE POLICY AS SOON AS POSSIBLE AND REVISED COMPREHENSIVELY FOR THOSE WHO ARE ALLEGED TO HAVE COMMITTED CRIMES AS CHILDREN, WHETHER IN DETENTION OR PENDING TRIAL**

It is stated in the Periodic Report that the death penalty is not included as a sanction. Just as there is no death penalty, life imprisonment or aggravated life imprisonment cannot be imposed on children in Turkey. However, the fact that protective and supportive measures are not properly implemented during the period when children are associated with crime results in their being tried for more criminal acts<sup>24</sup> and sentenced to multiple prison terms because they cannot stay

away from the crime environment. When the penalties for these actions are added together, imprisonment periods longer than human life are encountered.<sup>25</sup> Conditional release begins at the end of a maximum of 28 years in term imprisonment. Although there is no life imprisonment in the legislation, the 28-year imprisonment makes it impossible to see the prison sentence as part of restorative justice. Especially for children, such a long period of imprisonment makes life after release much more difficult.

It is stated in the Periodic Report that multi-faceted efforts are carried out in terms of the physical and mental health of children, and their integration with society (article 39). However, closed prisons in particular are institutions that are not suitable for the physical and mental health of children. Looking at the locations of juvenile prisons in Tables 2 and 3, it can be concluded that many children are kept away from their families, schools, attorneys-at-law, and trial files. Children

**REVISING AND IMPLEMENTING PROTECTIVE AND SUPPORTIVE MEASURES ALSO WITH THE OBJECTIVE OF CRIME PREVENTION**

23. Ministry of Justice Strategic Plan [https://sgb.adalet.gov.tr/Resimler/SayfaDokuman/27102020154519Stratejik%20Plan%20\(2019-2023\)%2023.10.2020.pdf](https://sgb.adalet.gov.tr/Resimler/SayfaDokuman/27102020154519Stratejik%20Plan%20(2019-2023)%2023.10.2020.pdf). Date of access: 14.02.2022

24. "Tam bir suç makinesi henüz çocuk ama 839 suç kaydı çıktı!" ("A complete crime machine, yet a child, but 839 criminal records were found!") <https://www.youtube.com/watch?v=LTpK1KcTeMM>. Date of access: 28.01.2022

"15 Yaşında 118 Suç Kaydı Var!" ("15-Year-Old Has 118 Criminal Records!") <http://www.batmanyon.com/haber/31454/15-yasinda-118-suc-kaydi-var>. Date of access: 28.01.2022

25. "202 Yıl Hapis Cezası Alan 17 Yaşındaki Suç Makinesi Yakalandı" (17-Year-Old Crime Machine Sentenced to 202 Years in Prison Caught) <https://www.milligazete.com.tr/haber/3613726/202-yil-hapis-cezasi-alan-17-yasindaki-suc-makinesi-yakalandi>. Date of access: 28.01.2022



in closed prisons cannot benefit from formal education. Telephone and visitor rights with their families are very limited. Access to leisure and cultural activities is dependent on the awareness of the prison administration regarding the rights of the child. The phone calls they make, the television channels they watch, and the letters they write are under the control of the administration. Children face a wide range of disciplinary punishments, and even a child's failure to self-care is foreseen as a disciplinary punishment in the legislation.<sup>26</sup> Although there are areas where communication with the family is more frequent and comfortable, and where they can participate in formal education depending on the situation for the children in the reformatories, the control and limitations are very similar. In this case, the structure and rules of prisons, the imprisonment of children in these institutions with long imprisonment periods or long prison sentences have consequences that will have the opposite effect on the physical and mental health of children or their integration into society. The content and impact of psycho-social support and intervention programs, which are stated as being implemented in a planned manner in the Periodic Report, cannot be evaluated. Because GDPDH does not publish an activity report, nor does it share the results of these programs.<sup>27</sup>

**REVIEWING OF THE MINIMUM  
CONDITIONAL RELEASE  
DURATION FOR PEOPLE  
IMPRISONED FOR ALLEGED  
CRIME AS CHILDREN,  
ADOPTION OF MODELS OF  
PROBATION TO STRENGTHEN  
ADAPTATION WITH THE  
OUTSIDE WORLD**

**ABANDONMENT OF THE PRACTICE OF  
IMPRISONMENT OF CHILDREN SINCE PRISONS  
ARE NOT INSTITUTIONS COMPATIBLE WITH  
CHILDREN'S RIGHTS, MAKING THE NECESSARY  
LEGAL REGULATIONS IN ACCORDANCE WITH  
UNCRC ARTICLE 37**

26. According to article 46 of the Law on the Execution of Penalties and Security Measures, a child's insistence on not cleaning her/his own living space is grounds for disciplinary measure.

27. The last annual report published by the GDPDH belongs to 2016: <https://cte.adalet.gov.tr/Home/BilgiDetay/19>. Date of access: 28.01.2022



## A FORGOTTEN TITLE: FIGHT AGAINST VIOLATIONS

As such, the Periodic Report does not contain any data on violations of rights that occurred or violations of rights that may occur due to legislative regulations. Lack of independent monitoring by non-governmental or professional organizations, the absence of the rights of the child in the activities of existing monitoring mechanisms, the fact that juvenile prisoners have very limited communication with the outside world, and their lack of access to rights-based independent support in prison cause violations of rights in prisons not to be detected and therefore not prevented.

A child is deprived of many of their rights in the UNCRC right from the start when they are sent to prison. This is a situation permitted by the legislation. It should be observed how this problem, which started in the legislation, is reflected in practice. During its monitoring activities covering the years 2015-2017, CISST reached

**PREVENTING THE IMPRISONMENT OF CHILDREN, ESPECIALLY FOR WHOM AN EFFECTIVE PROTECTIVE AND SUPPORTIVE MEASURE HAS NOT BEEN IMPLEMENTED OR NO RISK AND NEEDS ANALYSIS PERFORMED BY EXPERTS, PRIORITY IMPLEMENTATION OF JUDICIAL CONTROL MEASURES FOR CHILDREN INSTEAD OF IMPRISONMENT. INCREASING MODELS OF JUDICIAL CONTROL MEASURES AND PROBATION SPECIFIC TO CHILDREN**

**CREATING FREE AND UNLIMITED COMMUNICATION CHANNELS FOR JUVENILE PRISONERS WITH THEIR ATTORNEYS-AT-LAW, NON-GOVERNMENTAL ORGANIZATIONS, AND LEGAL EXPERTS WORKING IN THE FIELD OF THE RIGHTS OF THE CHILD (FOR EXAMPLE, THE RIGHTS OF THE CHILD CENTERS OF BAR ASSOCIATIONS) WITHOUT BEING SUBJECTED TO LISTENING**

alleged violations of rights on issues such as torture and ill-treatment, access to healthy food, forced transfer to other prisons, child deaths, suicide attempts, peer violence, and made human rights applications to the relevant control mechanisms.<sup>28</sup> In the monitoring activities covering the years 2018-2021, applications were made to the control mechanisms on issues such as the inability of children (or young people who were imprisoned as a child and turned 18) not to be allocated to open prisons, their inability to see their families because they are held in remote prisons, child deaths in prisons, failure to fulfill requests for referral to a hospital, and their inability to benefit from courses and activities.<sup>29</sup>

28. CISST Juvenile Prisoners Report, November 2017 <https://cisst.org.tr/wp-content/uploads/2020/08/co-cuk-mahpuslar-raporu-min-2017.pdf>. Date of access: 28.01.2022

29. The data are taken from the database of CISST and annual reports it has published: [https://cisst.org.tr/wp-content/uploads/2020/11/cisst\\_yillik\\_rapor\\_2019\\_TR-1.pdf](https://cisst.org.tr/wp-content/uploads/2020/11/cisst_yillik_rapor_2019_TR-1.pdf), [https://cisst.org.tr/wp-content/uploads/2021/12/cisst\\_annual\\_report.pdf](https://cisst.org.tr/wp-content/uploads/2021/12/cisst_annual_report.pdf). Date of access: 14.02.2022



Alleged violations reaching CISST are received only from the limited number of juvenile prisoners who can be contacted and their families. It should be remembered that the number of juvenile prisoners who do not recognize civil society, do not know the scope of their rights, and cannot convey the problems they experience due to the possibility of retaliation, especially in allegations of torture and inhumane treatment, is much higher than the number of juvenile prisoners reached by CISST.

Monitoring and preventing violations of rights suffered by juvenile prisoners, strengthening children’s communication with the outside world, and existing monitoring boards and civil society being able to monitor within the prison are only possible by ensuring that children and their families have access to legal support in accordance with the juvenile justice policy.

**ENSURING RELATIVES RECEIVE REGULAR INFORMATION ABOUT THE SITUATIONS THAT THE CHILD IS EXPOSED TO BY MAKING CHILDREN’S HOSPITAL DISPATCHES, MEDICINE USE, DOCTOR REPORTS, DISCIPLINE PENALTIES, AND PETITIONS AVAILABLE IN A SYSTEM WHERE THEIR GUARDIANS, FAMILIES, AND ATTORNEYS-AT-LAW CAN ACCESS**

**INDEPENDENT AND IMPERIAL MONITORING TO PROTECT THE INDEPENDENCE OF CONTROL MECHANISMS ON HUMAN RIGHTS APPLICATIONS AND ALLEGED VIOLATIONS OF RIGHTS AND DENOUNCING AND FOLLOWING JUDICIAL AND ADMINISTRATIVE PROCESSES**

**ADAPTATION OF A CIVIL SOCIETY-FOCUSED POLICY FOR NON-GOVERNMENTAL ORGANIZATIONS WORKING IN THE FIELD OF THE JUVENILE JUSTICE SYSTEM TO MAKE RIGHTS-BASED MONITORING ACTIVITIES IN PRISONS**

**PROVIDING COUNSELING THAT CHILDREN NEED OTHER THAN PROCEEDING FILES BY ESTABLISHING JUDICIAL SUPPORT OFFICES IN JUVENILE PRISONS**



# CONCLUSION

Violations of rights suffered by juvenile prisoners begin with non-inclusive legislation and continue in practice with the non-standardized treatment of prison administrations. First and foremost, the judicial organs should turn to alternative control systems instead of imprisonment measures and imprisonment to prevent these violations of rights. Until imprisonment is replaced by alternatives in the juvenile justice system, it should be ensured that juvenile prisoners have access to their rights in the UNCRC and related texts. For this reason, in addition to the fact that the report is complementary to the Periodic Report, cooperation and solidarity in the protection of the rights of the child prisoners are aimed by sharing the recommendations in the report with non-governmental organizations, professional organizations, lawmakers, and practitioners in the field.



# APPENDIX

## LIST OF RECOMMENDATIONS

- A. Periodical monitoring and control visits of monitoring boards consisting of experts with high communication skills and awareness of children's rights with a checklist to monitor the rights in the UNCRC, without any notice, and guaranteed that children will not be subjected to retaliation
- B. Making compulsory alternative probation measures or execution methods for women detained or convicted with their children aged 0-6. Ensuring equality in execution without considering the type of crime of the mothers in both alternative measures and for using the mother-child unit
- C. Developing a youth justice policy as soon as possible and revised comprehensively for those who are alleged to have committed crimes as children, whether in detention or pending trial
- D. Revising and implementing protective and supportive measures also with the objective of crime prevention
- E. Reviewing of the minimum conditional release duration for people imprisoned for alleged crime as children, adoption of models of probation to strengthen adaptation with the outside world
- F. Abandonment of the practice of imprisonment of children since



prisons are not institutions compatible with children's rights, making the necessary legal regulations in accordance with UNCRC article 37

G. Preventing the imprisonment of children, especially for whom an effective protective and supportive measure has not been implemented or no risk and needs analysis performed by experts, priority implementation of judicial control measures for children instead of imprisonment. Increasing models of judicial control measures and probation specific to children

H. Creating free and unlimited communication channels for juvenile prisoners with their attorneys-at-law, non-governmental organizations, and legal experts working in the field of the rights of the child (for example, the rights of the child centers of bar associations) without being subjected to listening

I. Independent and impartial monitoring to protect the independence of control mechanisms on human rights applications and alleged violations of rights and denouncing and following judicial and administrative processes

J. Ensuring relatives receive regular information about the situations that the child is exposed to by making children's hospital dispatches, medicine use, doctor reports, discipline penalties, and petitions available in a system where their guardians, families, and attorneys-at-law can access

K. Adaptation of a civil society-focused policy for non-governmental organizations working in the field of the juvenile justice system to make rights-based monitoring activities in prisons

L. Providing counseling that children need other than proceeding files by establishing judicial support offices in juvenile prisons



You can follow our social media accounts and contact us to be informed about CISST activities.

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### Hapiste Çocuk

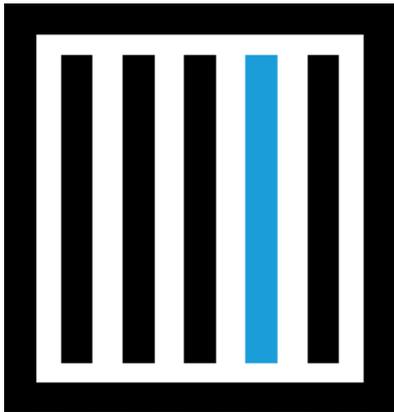


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