



Türk Tabipleri Birliđi

— Turkish Medical Association —

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The Turkish Medical Association (TTB) receives many letters of complaint from prisons in Türkiye regarding numerous rights violations, with the right to health and right to life first and foremost among issues. Many of these appear as common and systematic problems. Due to the importance of these violations and the detriment they cause, we attempt to carry out applications to relevant institutions regarding these human rights violations, demanding that their outcomes are remedied. The Human Rights and Equality Institution of Türkiye and the Ombudsman Institution are among the institutions we have filed applications to concerning incidents of maltreatment.

The Human Rights and Equality Institution of Türkiye; with the influence of recommendations in European Union progress reports for the establishment of an institutional body in line with the Paris Principles and experiences both in central and local [administration] since the 90s, and in regard to the need for a national human rights institution compliant with the Paris Principles, the Human Rights Institution of Türkiye (TİHK) was founded with Law no.6332 dated 21.06.2012. In addition to being a National Human Rights Institution, TİHK was also declared, within the context of the “Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment” (OPCAT) with Cabinet Decree number 2013/5711 dated 9/12/2013, as the National Preventive Mechanism to carry out work to prevent torture and other cruel, inhuman or degrading treatment of punishment. In order to increase the institutional capacity of the Human Rights Institution of Türkiye for higher efficiency, to arrange the fundamental legal framework regarding equal treatment and institutional structure, and to increase the efficiency and operability of the national preventive mechanism against torture and maltreatment, in view of the Paris Principles, relevant EU acquis and international examples, and particularly EU member states, the Human Rights and Equality Institution of Türkiye (TİHEK) was founded with Law no.6701 that came into force when published in the Official Gazette no.29690 dated 20/04/2016. With the establishment of the Human Rights and Equality Institution of Türkiye, the Human Rights Institution of Türkiye, founded with Law no.6332, was dissolved. TİHEK’s mission was declared as the “Protection and promotion of human rights, working towards guaranteeing individuals’ right to equal treatment, and effectively fight against torture and ill-treatment”, while its vision was announced as “becoming a reliable, effective and respected institution with work carried out for the protection and reinforcement of human rights, and policies and decisions that harmonize our universal and local values”.

The Ombudsman Institution is an institution that reviews, investigates and offers proposals to all manners of actions, operations, conduct and stance of the State and the administration in Türkiye within a perception of justice based on human rights and in terms of their compliance with law and equity. The Ombudsman Institution was founded with the Ombudsman Institution Law no. 6328 that came into force with its publication in the Official Gazette

no.28338 dated 29 June 2012, as tasked with reviewing, investigating and offering proposals regarding all manners of actions and operations and also conduct and stance of the administration, within a perception of justice based on human rights, in terms of their compliance with law and equity, as a public legal entity with special budget affiliated with the Grand National Assembly of Türkiye, and began to receive complaint applications as of 29/03/2013. Real and legal persons whose interest have been violated may apply to the Institution. In the event that the complaint is about human rights, fundamental rights and freedoms, women's rights, children's rights and general issues concerning the public, no violation of interest is sought.

Attached to our application, there is the application petition we made as the Turkish Medical Association to TİHEK and the Ombudsman Institution regarding the remedy of the maltreatment of the applicant who is a sentenced prisoner, and the written response we received.

The written response from TİHEK states that since TTB was not the directly harmed party, it could not apply to the institution and that the application had to be made directly by the person who suffered harm. The fact that the applicant was in prison at the time was disregarded, in addition to the limitation of means of communication, TTB's duties regarding protecting public health in line with both the Constitution and its founding law no.6023 were overlooked, and the response was reduced to the issue of suffering harm. Isolation practices that harm the health of individuals, bans on access to publications that restrict personal development and strip searches on visitors that extend to torture and maltreatment are all within the TTB's field of work, and therefore, instances that bring about the responsibility of notification to relevant institution, however, the application was rejected by TİHEK and the institution abstained from the work expected from it including a visit without prior notice.

As for the written response of the Ombudsman Institution, the content of the application was not taken into consideration on the grounds that administrative application avenues had not been exhausted.

Although the founding purpose of both institutions is to protect and develop human rights, they give inoperative answers, removed from their founding purpose, to our applications. Both institutions continue their work as ineffective remedies regarding human rights violations, and carry out no action whatsoever to remedy the outcomes of violations that occur.

For the reasons we have explained above, in the eye of the agreements Türkiye is party to and its current laws, we are notifying you that neither TİHEK nor the Ombudsman Institution are providing the necessary inspection and protection regarding human rights violations. We would request that your institution, if possible, visit both institutions, and inspect whether they are carrying out activities in line with their founding purposes.

Yours sincerely,



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Turkish Medical Association
Chairperson