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# BEING A FOREIGN PRISONER IN TURKEY

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T.C.  
ADALET BAKANLIĞI  
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Mektup Okuma Komisyonu Başkanlığı  
**GÖRÜLDÜ**



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FOREIGN  
PRISON  
IN TURKEY**

**Ahmet Kavruk**

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CİSST  
CEZA İNFAZ SİSTEMİNDE SİVİL TOPLUM DERNEĞİ



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## ABBREVIATIONS

**ECtHR:** European Court of Human Rights

**UN:** United Nations

**CİK:** Penitentiary Institution

**CİMER:** Presidential Communication Center

**CMK:** Code of Criminal Procedure

**CTE:** General Directorate of Prisons and Detention Houses

**CO:** Correction Officer

**LGBTI+:** Lesbian, Gay, Bisexual, Transexual, Intersex+

**PTT:** General Directorate of Post and Telegraph Organization

**CSO:** Civil Society Organisation

**SYDV:** Social Assistance and Solidarity Foundation

**TBB:** Union of Turkish Bar Associations

**GNAT:** Grand National Assembly of Turkey

## I. CHAPTER

# A. INTRODUCTION

A foreign prisoner is someone who does not have the citizenship of the country in which they are imprisoned. Among these people, there are also those who have legal permanent residence status in the country in question. These are immigrants who have moved to that country for the purpose of long-term residence, to form new societies or to join existing ones. However, the category of foreign prisoners also includes people in various situations, such as tourists, people in transit or those who are temporarily in the country for business or personal affairs, as well as illegal immigrants, asylum seekers and those involved in transnational crimes. In this regard, crime and criminal justice statistics, including prison statistics, do not distinguish between different groups and use only the general category of 'foreigners'.<sup>1</sup>

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<sup>1</sup> [https://wp.unil.ch/space/files/2024/01/240111\\_SPACE-I\\_2022\\_FinalReport.pdf](https://wp.unil.ch/space/files/2024/01/240111_SPACE-I_2022_FinalReport.pdf). P.11.

People who are undocumented or have an irregular legal status often do not have equal access to legal services and basic rights. These individuals face a higher risk of detention due to their uncertain situation and the fact that illegal immigration – also known as irregular entry or stay – is considered a crime in some countries and can result in sanctions or measures. The number of foreign prisoners is increasing all over the world in relation to these situations. Migration is becoming an increasingly important reason for this increase.

TABLE 1.1.2.

| Country            | Total number of inmates (including pre-trial detainees) [Stock] | Distribution of inmates by nationality |        |                                           |        |                                          |                                     |                                                    |                                          |                           |     | Inmates with unknown nationality / other |                           |
|--------------------|-----------------------------------------------------------------|----------------------------------------|--------|-------------------------------------------|--------|------------------------------------------|-------------------------------------|----------------------------------------------------|------------------------------------------|---------------------------|-----|------------------------------------------|---------------------------|
|                    |                                                                 | National inmates                       |        | Foreign inmates                           |        |                                          |                                     |                                                    |                                          |                           |     |                                          |                           |
|                    |                                                                 |                                        |        | distribution by legal status of residence |        |                                          |                                     | Distribution by                                    |                                          |                           |     |                                          |                           |
|                    |                                                                 |                                        |        | Total                                     |        | not serving a final sentence (detainees) |                                     | sentenced (prisoners)                              |                                          | Legal status of residence |     |                                          | Legal status of detention |
| Variable code      | 3B see Table 3                                                  | 12A                                    | 12B    | 12C                                       | 12D    | 12E                                      | citizens of member states of the EU | inmates with legal resident status in your country | not serving a final sentence (detainees) | sentenced (prisoners)     | 12G | 12H                                      | 12I                       |
| Albania            | 5 037                                                           | 4 931                                  | 2 850  | 2 081                                     | 106    | 35                                       | NAP                                 | 59                                                 | 47                                       | 0                         |     |                                          |                           |
| Andorra            | 51                                                              | 16                                     | 7      | 9                                         | 35     | 23                                       | 16                                  | 16                                                 | 19                                       | 0                         |     |                                          |                           |
| Armenia            | 2 128                                                           | NA                                     | NA     | NA                                        | 114    | 3                                        | NA                                  | 80                                                 | 34                                       | NA                        |     |                                          |                           |
| Austria            | 8 474                                                           | 4 323                                  | 600    | 3 723                                     | 4 151  | 1 304                                    | NA                                  | 1 151                                              | 3 000                                    | 0                         |     |                                          |                           |
| Azerbaijan         | 22 334                                                          | 21 875                                 | 5 561  | 16 314                                    | 447    | 2                                        | NA                                  | 79                                                 | 368                                      | 12                        |     |                                          |                           |
| Belgium            | 10 960                                                          | 6 208                                  | 1 757  | 4 451                                     | 4 752  | 1 397                                    | 1 315                               | 2 215                                              | 2 537                                    | 168                       |     |                                          |                           |
| BH: BH (total)     |                                                                 |                                        |        |                                           |        |                                          |                                     |                                                    |                                          |                           |     |                                          |                           |
| BH: BH (gt. level) |                                                                 |                                        |        |                                           |        |                                          |                                     |                                                    |                                          |                           |     |                                          |                           |
| BH: Fed. BH        |                                                                 |                                        |        |                                           |        |                                          |                                     |                                                    |                                          |                           |     |                                          |                           |
| BH: Rep. Srpska    | 562                                                             | 554                                    | 118    | 436                                       | 8      | 5                                        | 0                                   | 0                                                  | 8                                        | 0                         |     |                                          |                           |
| Bulgaria           | 6 366                                                           | 6 148                                  | 434    | 5 714                                     | 238    | 6                                        | NA                                  | 79                                                 | 159                                      | 0                         |     |                                          |                           |
| Croatia            | 3 905                                                           | 3 438                                  | 1 004  | 2 434                                     | 467    | 92                                       | NA                                  | 308                                                | 159                                      | 0                         |     |                                          |                           |
| Cyprus             | 808                                                             | 387                                    | 91     | 296                                       | 421    | NAP                                      | NAP                                 | 118                                                | 303                                      | 0                         |     |                                          |                           |
| Czech Rep.         | 18 748                                                          | 17 352                                 | 1 043  | 16 309                                    | 1 396  | 701                                      | NA                                  | 349                                                | 1 047                                    | 1                         |     |                                          |                           |
| Denmark            | 4 114                                                           | 3 005                                  | 966    | 2 039                                     | 1 109  | 289                                      | na                                  | 607                                                | 502                                      | 4                         |     |                                          |                           |
| Estonia            | 2 181                                                           | 1 458                                  | 245    | 1 213                                     | 723    | 49                                       | NA                                  | 162                                                | 561                                      | 1                         |     |                                          |                           |
| Finland            | 2 776                                                           | 2 320                                  | 506    | 1 814                                     | 456    | 241                                      | NA                                  | 170                                                | 286                                      |                           |     |                                          |                           |
| France             | 69 864                                                          | 52 347                                 | 13 345 | 39 002                                    | 17 516 | 2 971                                    | NA                                  | 5 948                                              | 11 586                                   | 101                       |     |                                          |                           |
| Georgia            | 9 389                                                           | 8 826                                  | 1 878  | 6 948                                     | 563    | 16                                       | NA                                  | 132                                                | 431                                      | NAP                       |     |                                          |                           |
| Germany            | 56 294                                                          | 27 995                                 | NA     | NA                                        | 14 497 | 4 369                                    | NA                                  | NA                                                 | NA                                       | NA                        |     |                                          |                           |
| Greece             | 10 952                                                          | 4 536                                  | 1 016  | 3 520                                     | 6 416  | 605                                      | NA                                  | 1 585                                              | 4 829                                    | 0                         |     |                                          |                           |
| Hungary            | 18 619                                                          | 16 766                                 | 3 228  | 13 538                                    | 1 853  | 850                                      | NA                                  | 1 184                                              | 669                                      | 0                         |     |                                          |                           |
| Iceland            | 133                                                             | 102                                    | 11     | 91                                        | 31     | 18                                       | 14                                  | 17                                                 | 14                                       | 0                         |     |                                          |                           |
| Ireland            | 3 835                                                           | 3 246                                  | 659    | 2 587                                     | 589    | 356                                      | NA                                  | 206                                                | 383                                      | 0                         |     |                                          |                           |
| Italy              | 54 372                                                          | 37 269                                 | 10 803 | 26 235                                    | 17 103 | 2 653                                    | NA                                  | 5 536                                              | 11 504                                   | 0                         |     |                                          |                           |
| Latvia             | 3 163                                                           | 3 125                                  | NA     | NA                                        | 68     | 23                                       | 35                                  | 30                                                 | 28                                       | NAP                       |     |                                          |                           |
| Liechtenstein      | 12                                                              | 2                                      | 2      | 0                                         | 10     | 2                                        | 3                                   | 5                                                  | 0                                        | 0                         |     |                                          |                           |
| Lithuania          | 5 086                                                           | 4 903                                  | 476    | 4 443                                     | 167    | 25                                       | 13                                  | 98                                                 | 69                                       | 0                         |     |                                          |                           |
| Luxembourg         | 630                                                             | 173                                    | 56     | 117                                       | 457    | 273                                      | 190                                 | 241                                                | 213                                      | 0                         |     |                                          |                           |
| Malta              | 613                                                             | 313                                    | 101    | 212                                       | 300    | 45                                       | NAP                                 | 34                                                 | 11                                       | NAP                       |     |                                          |                           |
| Moldova            | 6 385                                                           | 6 298                                  | 1 096  | 5 202                                     | 87     | 25                                       | NA                                  | 38                                                 | 49                                       | NAP                       |     |                                          |                           |

TABLE 1.23

| Country              | Total number of inmates (including pre-trial detainees) [Stock] | Distribution of inmates by nationality    |                       |         |                                     |                                                    |                                          |                           |        |     |  |  | Inmates with unknown nationality / other |
|----------------------|-----------------------------------------------------------------|-------------------------------------------|-----------------------|---------|-------------------------------------|----------------------------------------------------|------------------------------------------|---------------------------|--------|-----|--|--|------------------------------------------|
|                      |                                                                 | National inmates                          |                       |         |                                     | Foreign inmates                                    |                                          |                           |        |     |  |  |                                          |
|                      |                                                                 | distribution by legal status of residence |                       | Total   | Legal status of residence           |                                                    |                                          | Legal status of detention |        |     |  |  |                                          |
|                      |                                                                 | not serving a final sentence (detainees)  | sentenced (prisoners) |         | citizens of member states of the EU | inmates with legal resident status in your country | not serving a final sentence (detainees) | sentenced (prisoners)     |        |     |  |  |                                          |
| Variable code        | 3B<br>see Table 3                                               | 12A                                       | 12B                   | 12C     | 12D                                 | 12E                                                | 12F                                      | 12G                       | 12H    | 12I |  |  |                                          |
| Mexico               | 14                                                              | 1                                         | 0                     | 1       | 13                                  | 11                                                 | 1                                        | 7                         |        |     |  |  |                                          |
| Montenegro           | 948                                                             | 805                                       | 304                   | 501     | 143                                 | 5                                                  | 2                                        | 88                        | 55     | 0   |  |  |                                          |
| Netherlands          | 9 256                                                           | 6 971                                     | 2 924                 | 3 966   | 2 021                               | 903                                                | NA                                       | 967                       | 1 041  | 264 |  |  |                                          |
| North Macedonia      | 2 362                                                           | 2 197                                     | 272                   | 1 925   | 165                                 | 7                                                  | NA                                       | 28                        | 137    | NA  |  |  |                                          |
| Norway               | 3 081                                                           | 2 339                                     | 344                   | 1 995   | 742                                 | 355                                                | NAP                                      | 342                       | 400    | NA  |  |  |                                          |
| Poland               | 71 874                                                          | 70 133                                    | 7 599                 | 62 534  | 1 741                               | 256                                                | NAP                                      | 896                       | 845    | 22  |  |  |                                          |
| Portugal             | 11 588                                                          | 9 927                                     | 1 646                 | 8 281   | 1 661                               | 261                                                | NAP                                      | 503                       | 1 158  | NAP |  |  |                                          |
| Romania              | 23 010                                                          | 22 784                                    | 2 717                 | 20 067  | 226                                 | 65                                                 | NAP                                      | 36                        | 190    | 0   |  |  |                                          |
| San Marino           | 10 557                                                          | 10 160                                    | 2 930                 | 7 230   | 397                                 | 42                                                 | NA                                       | 223                       | 174    | 0   |  |  |                                          |
| Serbia (Rep.)        | 10 185                                                          | 9 921                                     | 1 324                 | 8 597   | 264                                 | 123                                                | NA                                       | 103                       | 161    | 0   |  |  |                                          |
| Slovak Rep.          | 1 360                                                           | 976                                       | 208                   | 768     | 404                                 | 134                                                | NA                                       | 163                       | 241    | 0   |  |  |                                          |
| Slovenia             | 55 095                                                          | 38 773                                    | 4 341                 | 30 912  | 16 322                              | 3 078                                              | NA                                       | 4 540                     | 11 782 | 0   |  |  |                                          |
| Spain (State Adm.)   | 47 425                                                          | 34 787                                    | 3 873                 | 30 914  | 12 638                              | 2 625                                              | 9 676                                    | 3 586                     | 9 052  | 0   |  |  |                                          |
| Spain (Catalonia)    | 7 670                                                           | 3 986                                     | 468                   | 3 518   | 3 684                               | 453                                                | 3 368                                    | 2 730                     | 1 350  | 0   |  |  |                                          |
| Sweden               | 7 776                                                           | NA                                        | NA                    | 4 258   | NA                                  | 298                                                | NA                                       | NA                        | 1 350  | 79  |  |  |                                          |
| Switzerland          | 6 310                                                           | 1 889                                     | 698                   | 1 191   | 4 421                               | NA                                                 | NA                                       | 2 342                     | 2 079  | NAP |  |  |                                          |
| Turkiye              | 303 945                                                         | 291 664                                   | 33 944                | 257 720 | 12 281                              | 261                                                | NA                                       | 4 391                     | 7 680  | 44  |  |  |                                          |
| Ukraine              | 48 038                                                          | 46 872                                    | 16 399                | 30 473  | NA                                  | NA                                                 | NAP                                      | 701                       | 465    | NA  |  |  |                                          |
| UK: England & Wales  | 79 092                                                          | 68 966                                    | 9 526                 | 58 983  | 9 806                               | 4 064                                              | NA                                       | 2 651                     | 6 318  | 320 |  |  |                                          |
| UK: Northern Ireland | 1 610                                                           | 1 440                                     | 550                   | 890     | 170                                 | 123                                                | NA                                       | 110                       | 60     | 0   |  |  |                                          |
| UK: Scotland         | 7 523                                                           | NA                                        | 0                     | 0       | NA                                  | 0                                                  | 0                                        | 0                         | 0      | NA  |  |  |                                          |

TABLE 2.14

| Country              | National inmates                          |                                          |                       |                | Distribution of inmates by nationality |                                                    |                                          |                           |                |                        |                                          | Total percentage of inmates |
|----------------------|-------------------------------------------|------------------------------------------|-----------------------|----------------|----------------------------------------|----------------------------------------------------|------------------------------------------|---------------------------|----------------|------------------------|------------------------------------------|-----------------------------|
|                      | distribution by legal status of residence |                                          |                       | Total          | Distribution by                        |                                                    |                                          |                           |                |                        | Inmates with unknown nationality / other |                             |
|                      | Total                                     | not-serving a final sentence (detainees) | sentenced (prisoners) |                | Legal status of residence              |                                                    |                                          | Legal status of detention |                |                        |                                          |                             |
|                      |                                           |                                          |                       |                | citizens of member states of the EU    | inmates with legal resident status in your country | not-serving a final sentence (detainees) | sentenced (prisoners)     |                |                        |                                          |                             |
| Variable number      | 13A<br>% of 3B                            | 13B<br>% of 12A                          | 13C<br>% of 12A       | 13D<br>% of 3B | 13E<br>% of 12D                        | 13F<br>% of 12D                                    | 13G<br>% of 12D                          | 13H<br>% of 12D           | 13I<br>% of 3B | 13J<br>Σ (13A+13D+13I) |                                          |                             |
| Albania              | 97.9                                      | 98.4                                     | 42.2                  | 2.1            | 33.0                                   | ***                                                | 55.7                                     | 44.3                      | 0.0            | 100.0                  |                                          |                             |
| Andorra              | 31.4                                      | 43.8                                     | 56.3                  | 68.6           | 71.4                                   | 77.1                                               | 45.7                                     | 54.3                      | 0.0            | 100.0                  |                                          |                             |
| Armenia              | ***                                       | ***                                      | ***                   | 5.4            | 2.6                                    | ***                                                | 70.2                                     | 29.8                      | ***            | ***                    |                                          |                             |
| Austria              | 51.0                                      | 13.9                                     | 86.1                  | 49.0           | 31.4                                   | ***                                                | 27.7                                     | 72.3                      | 0.0            | 100.0                  |                                          |                             |
| Azerbaijan           | 97.9                                      | 25.4                                     | 74.6                  | 0.4            | 0.4                                    | ***                                                | 17.7                                     | 82.3                      | 0.1            | 100.0                  |                                          |                             |
| Belgium              | 56.6                                      | 28.3                                     | 71.7                  | 43.4           | 29.4                                   | 27.7                                               | 46.6                                     | 53.4                      | 1.5            | 100.0                  |                                          |                             |
| BH: BiH (total)      |                                           |                                          |                       |                |                                        |                                                    |                                          |                           |                |                        |                                          |                             |
| BH: BiH (cit. level) |                                           |                                          |                       |                |                                        |                                                    |                                          |                           |                |                        |                                          |                             |
| BH: Fed. BiH         |                                           |                                          |                       |                |                                        |                                                    |                                          |                           |                |                        |                                          |                             |
| BH: Rep. Srpska      | 98.6                                      | 21.3                                     | 78.7                  | 1.4            | 62.5                                   | 0.0                                                | 0.0                                      | 100.0                     | 0.0            | 100.0                  |                                          |                             |
| Bulgaria             | 96.3                                      | 7.1                                      | 92.9                  | 3.7            | 2.5                                    | ***                                                | 33.2                                     | 66.8                      | 0.0            | 100.0                  |                                          |                             |
| Croatia              | 88.0                                      | 29.2                                     | 70.8                  | 12.0           | 19.7                                   | ***                                                | 66.0                                     | 34.0                      | 0.0            | 100.0                  |                                          |                             |
| Cyprus               | 47.9                                      | 23.5                                     | 76.5                  | 52.1           | ***                                    | ***                                                | 28.0                                     | 72.0                      | 0.0            | 100.0                  |                                          |                             |
| Czech Rep.           | 92.6                                      | 6.0                                      | 94.0                  | 7.4            | 50.2                                   | ***                                                | 25.0                                     | 75.0                      | 0.0            | 100.0                  |                                          |                             |
| Denmark              | 73.0                                      | 32.1                                     | 67.9                  | 27.0           | 26.1                                   | ***                                                | 54.7                                     | 45.3                      | 0.1            | 100.1                  |                                          |                             |
| Estonia              | 96.9                                      | 16.8                                     | 83.2                  | 33.1           | 6.8                                    | ***                                                | 22.4                                     | 77.6                      | 0.0            | 100.0                  |                                          |                             |
| Finland              | 83.6                                      | 21.8                                     | 78.2                  | 16.4           | 52.9                                   | ***                                                | 37.3                                     | 62.7                      | ***            | 100.0                  |                                          |                             |
| France               | 74.8                                      | 25.5                                     | 74.5                  | 25.0           | 17.0                                   | ***                                                | 34.0                                     | 66.0                      | 0.1            | 99.9                   |                                          |                             |
| Georgia              | 94.0                                      | 21.3                                     | 78.7                  | 6.0            | 2.8                                    | ***                                                | 23.4                                     | 76.6                      | ***            | ***                    |                                          |                             |
| Germany              | 49.7                                      | ***                                      | ***                   | 25.8           | 30.1                                   | ***                                                | ***                                      | ***                       | ***            | 75.5                   |                                          |                             |
| Greece               | 41.4                                      | 22.4                                     | 77.6                  | 58.6           | 9.4                                    | ***                                                | 24.7                                     | 75.3                      | 0.0            | 100.0                  |                                          |                             |
| Hungary              | 90.0                                      | 19.3                                     | 80.7                  | 10.0           | 45.9                                   | ***                                                | 63.9                                     | 36.1                      | 0.0            | 100.0                  |                                          |                             |
| Iceland              | 76.7                                      | 10.8                                     | 89.2                  | 23.3           | 58.1                                   | 45.2                                               | 54.8                                     | 45.2                      | 0.0            | 100.0                  |                                          |                             |
| Ireland              | 84.6                                      | 20.3                                     | 79.7                  | 15.4           | 60.4                                   | ***                                                | 35.0                                     | 65.0                      | 0.0            | 100.0                  |                                          |                             |
| Italy                | 88.5                                      | 29.0                                     | 70.4                  | 31.5           | 15.5                                   | ***                                                | 32.4                                     | 67.3                      | 0.0            | 100.0                  |                                          |                             |
| Latvia               | 98.2                                      | 25.9                                     | 76.0                  | 1.8            | 39.7                                   | 60.3                                               | 51.7                                     | 48.3                      | ***            | 100.0                  |                                          |                             |
| Liechtenstein        | 16.7                                      | 100.0                                    | 0.0                   | 83.3           | 20.0                                   | 30.0                                               | 58.7                                     | 0.0                       | 0.0            | 100.0                  |                                          |                             |
| Lithuania            | 96.7                                      | 9.7                                      | 90.3                  | 3.3            | 15.0                                   | 7.8                                                | 50.7                                     | 41.3                      | 0.0            | 100.0                  |                                          |                             |

TABLE 2.2<sup>5</sup>

| Country              | Distribution of inmates by nationality    |                                          |                       |                |                                     |                                                    |                                          |                       |                                          |                |                 |  | Total percentage of inmates |
|----------------------|-------------------------------------------|------------------------------------------|-----------------------|----------------|-------------------------------------|----------------------------------------------------|------------------------------------------|-----------------------|------------------------------------------|----------------|-----------------|--|-----------------------------|
|                      | National inmates                          |                                          |                       |                | Foreign inmates                     |                                                    |                                          |                       | Inmates with unknown nationality / other |                |                 |  |                             |
|                      | distribution by legal status of residence |                                          |                       |                | Distribution by                     |                                                    |                                          |                       |                                          |                |                 |  |                             |
|                      | Total                                     | not-serving a final sentence (detainees) | sentenced (prisoners) | Total          | citizens of member states of the EU | inmates with legal resident status in your country | not-serving a final sentence (detainees) | sentenced (prisoners) |                                          |                |                 |  |                             |
| Variable number      | 13A<br>% of 3B                            | 13B<br>% of 12A                          | 13C<br>% of 12A       | 13D<br>% of 3B | 13E<br>% of 12D                     | 13F<br>% of 12D                                    | 13G<br>% of 12D                          | 13H<br>% of 12D       | 13I<br>% of 3B                           | 13J<br>% of 3B | Σ (13A+13D+13J) |  |                             |
| Luxembourg           | 27.5                                      | 32.4                                     | 67.6                  | 72.5           | 59.7                                | 41.6                                               | 52.7                                     | 46.6                  | 0.0                                      | 100.0          |                 |  |                             |
| Mella                | 51.1                                      | 32.3                                     | 67.7                  | 48.9           | 15.0                                | ***                                                | 33.0                                     | 67.0                  | ***                                      | ***            |                 |  |                             |
| Moldova              | 98.6                                      | 17.4                                     | 82.6                  | 1.4            | 28.7                                | ***                                                | 43.7                                     | 56.3                  | 0.0                                      | 100.0          |                 |  |                             |
| Monaco               | 7.1                                       | 0.0                                      | 100.0                 | 92.9           | 84.6                                | 7.7                                                | 53.8                                     | 46.2                  | 0.0                                      | 100.0          |                 |  |                             |
| Montenegro           | 84.9                                      | 37.8                                     | 62.2                  | 15.1           | 3.5                                 | 1.4                                                | 61.5                                     | 38.5                  | 0.0                                      | 100.0          |                 |  |                             |
| Netherlands          | 75.3                                      | 41.9                                     | 56.9                  | 21.8           | 44.7                                | ***                                                | 47.8                                     | 51.5                  | 2.9                                      | 100.0          |                 |  |                             |
| North Macedonia      | 93.0                                      | 12.4                                     | 87.6                  | 7.0            | 4.2                                 | ***                                                | 17.0                                     | 83.0                  | ***                                      | ***            |                 |  |                             |
| Norway               | 75.9                                      | 14.7                                     | 85.3                  | 24.1           | 47.8                                | ***                                                | 46.1                                     | 53.9                  | ***                                      | ***            |                 |  |                             |
| Poland               | 97.6                                      | 10.8                                     | 89.2                  | 2.4            | 14.7                                | ***                                                | 51.5                                     | 48.5                  | 0.0                                      | 100.0          |                 |  |                             |
| Portugal             | 85.7                                      | 16.6                                     | 83.4                  | 14.3           | 15.7                                | ***                                                | 30.3                                     | 69.7                  | ***                                      | ***            |                 |  |                             |
| Romania              | 99.0                                      | 11.9                                     | 88.1                  | 1.0            | 28.8                                | ***                                                | 15.9                                     | 84.1                  | 0.0                                      | 100.0          |                 |  |                             |
| San Marino           |                                           |                                          |                       |                |                                     |                                                    |                                          |                       |                                          |                |                 |  |                             |
| Serbia (Rep.)        | 96.2                                      | 28.8                                     | 71.2                  | 3.8            | 10.6                                | ***                                                | 56.2                                     | 43.8                  | 0.0                                      | 100.0          |                 |  |                             |
| Slovak Rep.          | 97.4                                      | 13.3                                     | 86.7                  | 2.6            | 46.6                                | ***                                                | 39.0                                     | 61.0                  | 0.0                                      | 100.0          |                 |  |                             |
| Slovenia             | 70.7                                      | 21.3                                     | 78.7                  | 29.3           | 33.2                                | ***                                                | 40.3                                     | 59.7                  | 0.0                                      | 100.0          |                 |  |                             |
| Spain (total)        | 70.4                                      | 11.2                                     | 88.8                  | 18.9           | 29.6                                | 81.1                                               | 27.8                                     | 72.2                  | 0.0                                      | 100.0          |                 |  |                             |
| Spain (State Adm.)   | 73.4                                      | 11.1                                     | 88.9                  | 26.6           | 20.8                                | 78.1                                               | 28.4                                     | 71.6                  | 0.0                                      | 100.0          |                 |  |                             |
| Spain (Catalonia)    | 52.0                                      | 11.7                                     | 88.3                  | 48.0           | 12.3                                | 91.4                                               | 25.9                                     | 74.1                  | 0.0                                      | 100.0          |                 |  |                             |
| Sweden               | ***                                       | ***                                      | ***                   | ***            | ***                                 | ***                                                | ***                                      | ***                   | 1.0                                      | ***            |                 |  |                             |
| Switzerland          | 29.9                                      | 37.0                                     | 63.0                  | 70.1           | ***                                 | ***                                                | 53.0                                     | 47.0                  | ***                                      | 100.0          |                 |  |                             |
| Turkey               | 96.0                                      | 11.6                                     | 88.4                  | 4.0            | 2.1                                 | ***                                                | 35.8                                     | 64.2                  | 0.0                                      | 100.0          |                 |  |                             |
| Ukraine              | 97.6                                      | 35.0                                     | 65.0                  | ***            | ***                                 | ***                                                | ***                                      | ***                   | ***                                      | ***            |                 |  |                             |
| UK: England & Wales  | 87.2                                      | 14.4                                     | 85.5                  | 12.4           | 41.4                                | ***                                                | 27.0                                     | 64.4                  | 0.4                                      | 100.0          |                 |  |                             |
| UK: Northern Ireland | 89.4                                      | 38.2                                     | 61.8                  | 10.6           | 72.4                                | ***                                                | 64.7                                     | 35.3                  | 0.0                                      | 100.0          |                 |  |                             |
| UK: Scotland         | ***                                       | ***                                      | ***                   | ***            | ***                                 | ***                                                | ***                                      | ***                   | ***                                      | ***            |                 |  |                             |
| Average              | 74.6                                      | 25.1                                     | 75.9                  | 24.8           | 30.0                                | 39.0                                               | 40.5                                     | 58.1                  | 0.2                                      | 0.0            |                 |  |                             |
| Median               | 84.6                                      | 21.3                                     | 78.7                  | 15.4           | 28.7                                | 35.8                                               | 39.7                                     | 60.3                  | 0.0                                      | 0.0            |                 |  |                             |
| Minimum              | 7.1                                       | 0.0                                      | 7.1                   | 0.4            | 0.0                                 | 0.0                                                | 0.0                                      | 0.0                   | 0.0                                      | 0.0            |                 |  |                             |
| Maximum              | 99.0                                      | 100.0                                    | 100.0                 | 92.9           | 84.6                                | 91.4                                               | 70.2                                     | 100.0                 | 2.9                                      | 2.9            |                 |  |                             |

<sup>5</sup> [https://wp.unil.ch/space/files/2024/01/240111\\_SPACE-I\\_2022\\_FinalReport.pdf](https://wp.unil.ch/space/files/2024/01/240111_SPACE-I_2022_FinalReport.pdf) p.66.

On average, 25% of prisoners in the European prisons are foreigners. In Eastern European countries, this rate is generally less than 5%, while in Central and Western European countries it is at least 10%, and in some countries it exceeds 40%. These include Switzerland (70%), Greece (59%), Cyprus (52%), Austria (49%), Catalonia (48%), Belgium (43%), and countries with a population of less than one million people. The lowest rates of foreign prisoners (below 2%) are seen in Romania (1%), Moldova (1.4%), Republika Srpska of Bosnia and Herzegovina (1.4%) and Latvia (1.8%).<sup>6</sup>

It emphasizes the substantial variations in the percentages of foreign prisoners across European prison systems. In this context, it is important to consider the various agreements that unite EU countries and enable open borders and free movement. These regulations enable internal migration and trade, thereby stimulating regional economic growth. However, they can also facilitate cross-border criminal activities, albeit unintentionally, which increases the likelihood of foreign nationals being imprisoned. As shown in Table 2, on average, 30% of foreign prisoners are citizens of a European Union member state.

According to the Council of Europe data; there are 303,945 prisoners in Turkey and 12,284 of these are foreign nationals as of January 31, 2022. 261 of the foreign prisoners are citizens of EU member states. While 4391 are in prisons as detainees, 7890 are convicts. The number of prisoners whose nationalities are unknown is 44. The rate of foreign prisoners is 4% when viewed proportionally. Although this rate is below the European average of 24.8%, it still ranks fifth after France (17,516), Italy (17,103), Germany (14,497) and Spain (16,322).

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<sup>6</sup> [https://wp.unil.ch/space/files/2024/01/240111\\_SPACE-I\\_2022\\_FinalReport.pdf](https://wp.unil.ch/space/files/2024/01/240111_SPACE-I_2022_FinalReport.pdf).  
[P.10.](#)

TABLE 3.17

| Country             | 2012  | 2013  | 2014  | 2015  | 2016  | 2018  | 2019  | 2020  | 2021  | 2022  | % change from 2012 to 2022 <sup>a</sup> | % change from 2021 to 2022 <sup>10</sup> |
|---------------------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-----------------------------------------|------------------------------------------|
| Albania             | 168.4 | 172.5 | 188.1 | 207.3 | 204.8 |       | 184.5 | 177.9 | 162.4 | 175.7 | 4.3                                     | 8.2                                      |
| Andorra             | 52.5  | 61.6  | 66.9  | 66.7  | 60.8  | 58.5  | 73.5  | 64.5  | 78.9  | 65.8  | 25.4                                    | -16.5                                    |
| Armenia             | 144.0 | 155.2 | 136.9 | 129.1 | 130.3 | 118.9 | 76.4  | 75.0  | 66.4  | 71.6  | -50.3                                   | 7.9                                      |
| Austria             | 104.1 | 104.5 | 104.1 | 105.3 | 101.5 | 101.6 | 105.6 | 103.2 | 94.8  | 93.5  | -10.3                                   | -1.4                                     |
| Azerbaijan          | 227.8 | 217.3 | 238.2 | 252.2 | 236.3 | 235.6 | 218.2 | 208.7 | 215.6 | 216.8 | -4.8                                    | 0.6                                      |
| Belgium             | 111.1 | 114.0 | 118.2 | 114.3 | 102.7 |       | 94.9  | 93.6  | 88.7  | 93.9  | -15.5                                   | 4.7                                      |
| BH: BIH (total)     |       |       |       |       |       |       |       |       |       |       |                                         |                                          |
| BH: BIH (st. level) |       |       |       |       |       |       |       |       |       |       |                                         |                                          |
| BH: Fed. BIH        |       |       |       |       |       |       |       | 82.9  |       |       |                                         |                                          |
| BH: Rep. Srpska     | 74.3  | 70.4  | 80.5  | 75.5  | 74.6  | 74.8  | 66.4  | 48.7  | 49.6  | 49.5  | -31.0                                   | -0.4                                     |
| Bulgaria            | 135.2 | 128.4 | 115.7 | 105.3 | 116.7 | 99.1  | 106.7 | 105.6 | 101.9 | 93.3  | -31.0                                   | -8.5                                     |
| Croatia             | 110.9 | 102.1 | 88.6  | 79.1  | 74.2  | 77.7  | 78.9  | 87.1  | 87.5  | 96.2  | -13.2                                   | 10.0                                     |
| Cyprus              | 107.9 | 93.7  | 79.4  | 77.2  | 78.7  | 74.4  | 82.5  | 93.4  | 67.0  | 66.0  | -38.8                                   | -1.4                                     |
| Czech Rep.          | 215.5 | 154.7 | 177.5 | 198.0 | 213.0 | 208.8 | 202.6 | 196.8 | 180.2 | 174.6 | -19.0                                   | -3.1                                     |
| Denmark             | 68.6  | 73.0  | 63.7  | 56.6  | 59.7  | 63.2  | 68.9  | 71.1  | 66.8  | 70.5  | 2.8                                     | 5.5                                      |
| Estonia             | 257.8 | 246.6 | 225.1 | 210.5 | 202.9 | 191.4 | 181.1 | 184.4 | 176.0 | 165.0 | -36.0                                   | -6.3                                     |
| Finland             | 59.2  | 57.6  | 56.8  | 55.0  | 56.7  | 51.1  | 49.8  | 49.9  | 43.3  | 50.0  | -15.5                                   | 15.5                                     |
| France              | 117.1 | 119.5 | 117.9 | 114.5 | 102.6 | 104.0 | 104.5 | 105.3 | 92.9  | 106.7 | -8.9                                    | 14.8                                     |
| Georgia             | 516.4 | 219.2 | 227.9 | 274.6 | 256.3 | 252.2 | 269.7 | 263.8 | 231.9 | 236.6 | -54.2                                   | 2.0                                      |
| Germany             | 86.2  | 84.1  | 81.4  | 78.4  | 78.4  | 77.5  | 76.7  | 76.2  | 71.0  | 67.1  | -22.2                                   | -5.5                                     |
| Greece              | 112.6 | 113.4 | 116.2 | 108.7 | 89.2  | 93.5  | 99.0  | 102.4 | 106.1 | 106.2 | -5.7                                    | 0.1                                      |
| Hungary             | 177.1 | 184.8 | 185.0 | 180.3 | 184.8 |       | 169.5 | 171.8 | 179.7 | 193.8 | 9.5                                     | 7.9                                      |
| Iceland             | 47.6  | 47.2  | 47.3  | 44.4  | 37.3  | 46.8  | 40.3  | 45.0  | 40.7  | 38.5  | -19.0                                   | -5.3                                     |
| Ireland             | 94.2  | 88.2  | 82.6  | 80.1  | 78.1  | 79.6  | 81.2  | 81.6  | 74.4  | 76.4  | -18.9                                   | 2.7                                      |
| Italy               | 111.6 | 108.6 | 89.3  | 86.2  | 89.3  | 96.0  | 99.6  | 101.2 | 90.0  | 90.2  | -19.1                                   | 0.3                                      |
| Latvia              | 303.0 | 257.2 | 240.3 | 221.5 | 212.6 | 194.6 | 183.4 | 179.0 | 160.5 | 172.2 | -43.2                                   | 7.3                                      |

7 [https://wp.unil.ch/space/files/2024/01/240111\\_SPACE-I\\_2022\\_FinalReport.pdf](https://wp.unil.ch/space/files/2024/01/240111_SPACE-I_2022_FinalReport.pdf), p.32.

TABLE 3.2<sup>8</sup>

| Country              | 2012  | 2013  | 2014  | 2015  | 2016  | 2018  | 2019  | 2020  | 2021  | 2022  | % change from 2012 to 2022 <sup>a</sup> | % change from 2012 to 2022 <sup>b</sup> |
|----------------------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-----------------------------------------|-----------------------------------------|
| Liechtenstein        | 21.9  | 24.4  | 21.5  | 21.4  |       | 31.5  | 31.3  | 36.1  | 30.7  | 31.3  | 42.5                                    | 1.7                                     |
| Lithuania            | 334.0 | 323.7 | 305.0 | 274.6 | 244.1 | 234.9 | 232.1 | 219.7 | 190.3 | 191.1 | -42.8                                   | 0.4                                     |
| Luxembourg           | 125.6 | 133.5 | 119.3 | 118.5 | 122.3 | 113.6 | 108.2 | 94.9  | 87.8  | 98.1  | -21.9                                   | 11.8                                    |
| Malta                | 149.0 | 136.6 | 133.0 | 132.4 | 128.0 |       | 107.5 | 154.1 |       | 138.1 | -7.3                                    |                                         |
| Moldova              | 186.0 | 187.3 | 201.4 | 219.8 | 222.7 | 215.2 | 197.0 | 166.5 | 159.8 | 159.1 | -14.5                                   | -0.4                                    |
| Monaco               | 108.5 | 76.4  | 73.4  |       | 83.1  | 82.3  | 54.8  | 33.3  | 32.5  | 35.2  | -67.6                                   | 8.3                                     |
| Montenegro           | 198.1 | 183.9 | 170.2 | 176.8 | 173.7 | 183.3 | 185.5 | 178.2 | 134.7 | 151.0 | -23.8                                   | 12.1                                    |
| Netherlands          | 67.7  | 62.9  | 58.6  | 53.3  | 51.4  | 54.2  | 56.4  | 58.5  | 53.9  | 53.8  | -20.5                                   | -0.2                                    |
| North Macedonia      | 123.5 | 138.0 | 150.8 | 169.1 | 161.7 | 146.0 | 103.2 | 101.8 | 107.3 | 113.5 | -8.1                                    | 5.8                                     |
| Norway               | 71.2  | 72.2  | 72.8  | 70.9  | 73.9  | 65.4  | 60.6  | 58.8  | 56.6  | 55.9  | -21.5                                   | -1.3                                    |
| Poland               | 221.1 | 207.5 | 203.5 | 186.4 | 188.4 | 194.4 | 190.1 | 195.3 | 179.4 | 190.4 | -13.9                                   | 6.1                                     |
| Portugal             | 129.1 | 136.2 | 134.3 | 137.1 | 133.2 | 130.6 | 125.2 | 124.3 | 110.8 | 114.3 | -11.5                                   | 3.1                                     |
| Romania              | 158.7 | 165.4 | 158.6 | 144.1 | 140.5 | 118.0 | 106.6 | 106.5 | 113.5 | 120.9 | -23.8                                   | 6.5                                     |
| San Marino           | 3.0   | 6.0   | 12.3  | 6.1   | 6.0   | 17.9  | 2.9   | 0.0   | 26.5  |       |                                         |                                         |
| Serbia (Rep. of)     | 153.4 | 139.7 | 144.0 | 141.5 | 150.8 | 154.4 | 156.1 | 159.9 | 153.4 | 155.3 | 1.2                                     | 1.2                                     |
| Slovak Rep.          | 204.9 | 187.6 | 187.9 | 186.1 | 187.6 | 184.2 | 188.9 | 193.4 | 192.1 | 186.5 | -9.0                                    | -2.9                                    |
| Slovenia             | 67.0  | 66.1  | 73.8  | 67.8  | 63.4  | 65.1  | 67.1  | 69.1  | 53.9  | 66.4  | -0.9                                    | 23.3                                    |
| Spain (Total)        | 148.7 | 145.7 | 141.7 | 137.8 | 130.7 | 126.7 | 125.7 | 123.3 | 116.3 | 117.9 | -20.7                                   | 1.4                                     |
| Spain (State Adm.)   | 151.2 | 148.0 | 144.2 | 141.1 | 133.2 | 129.8 | 128.7 | 123.2 | 119.1 | 121.0 | -20.0                                   | 1.6                                     |
| Spain (Catalonia)    | 135.9 | 133.8 | 128.6 | 120.8 | 117.1 | 110.9 | 110.1 | 108.4 | 101.8 | 102.0 | -25.0                                   | 0.1                                     |
| Sweden               | 67.8  | 61.4  | 60.8  | 59.2  | 58.5  | 56.5  | 59.7  | 65.0  | 70.3  | 76.1  | 12.2                                    | 8.2                                     |
| Switzerland          | 83.0  | 88.0  | 85.1  | 83.6  | 83.0  | 81.4  | 81.3  | 80.2  | 72.9  | 71.9  | -13.3                                   | -1.3                                    |
| Turkiye              | 161.0 | 180.0 | 197.5 | 223.3 | 244.6 | 290.5 | 329.0 | 257.2 | 325.4 | 355.2 | 120.7                                   | 9.2                                     |
| Ukraine              | 322.5 | 268.2 | 204.0 |       | 149.5 | 142.4 | 125.7 | 126.1 | 119.6 | 117.2 | -64.8                                   | -2.0                                    |
| UK: England & Wales  | 152.6 | 147.7 | 149.6 |       | 146.4 | 142.4 | 137.9 | 122.9 | 131.5 | 132.3 | -13.3                                   | 0.6                                     |
| UK: Northern Ireland | 97.8  | 99.7  | 101.2 | 91.5  | 80.7  | 77.5  | 79.2  | 82.8  | 73.8  | 83.6  | -14.5                                   | 13.4                                    |
| UK: Scotland         | 153.5 | 149.0 | 147.6 | 144.6 | 142.4 | 136.8 | 146.0 | 146.9 | 134.9 | 135.8 | -11.5                                   | 0.7                                     |

As far as strategic differences during the period to be examined, mechanisms are added to the lack of administrative strategies, foreign prisoners face many discriminations, rights

<sup>8</sup> [https://wp.unil.ch/space/files/2024/01/240111\\_SPACE-I\\_2022\\_FinalReport.pdf.p.33](https://wp.unil.ch/space/files/2024/01/240111_SPACE-I_2022_FinalReport.pdf.p.33)

violations and obstacles. The data of foreign prisoners in Turkish prisons and the problems they face will be discussed in detail in the following sections.

This study, titled 'Being a Foreign Prisoner in Turkey', highlights the specific needs of foreign prisoners and suggests ways to combat the rights violations they experience. Undoubtedly, in light of the current situation, it is crucial that those in authority are willing to collaborate with civil society and academia to increase research in this area and reduce human rights violations in prisons.

## II. CHAPTER

# B. QUANTITATIVE DATA

Information about Turkish prisons is difficult to obtain due to various limitations. Since there is no ground in prisons for non-governmental organizations, independent researchers and academics to observe and produce, the ways of obtaining information consist of official applications and parliamentary questions.

The General Directorate of Prisons and Detention Houses (CTE) does not regularly publish statistical data on foreign prisoners. The most up-to-date data we have for 2023 consists of the Ministry of Justice's response to a parliamentary question from İYİ Party deputy Turhan Çömez of Balıkesir, and a statement made by CTE Director General Enis Yavuz Yıldırım at the GNAT Human Rights Investigation Commission. According to the response dated November 20, 2023, to the request for information made by Balıkesir MP Turhan Çömez, there are 11,345 foreign national detainees and convicted prisoners in Turkish prisons as of September 1, 2023.<sup>9</sup> This figure represents

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<sup>9</sup> <https://cdn.tbmm.gov.tr/KKBSPublicFile/D28/Y1/T7/WebOnergeMetni/0f72abde-8fa9-4c7e-b50f-2d505bd14844.pdf>

4.5% of the prison population, which stood at 251,101 on the same date. This decrease is related to the 2023 Execution Regulation.

At the meeting of the Human Rights Investigation Commission of the Grand National Assembly of Turkey on 19 January 2023, where reports on Espiye, Bolu and Germany prisons were discussed, CTE Director General Enis Yavuz Yıldırım made statements about the rate and number of foreign prisoners in prisons. At the meeting, Yıldırım said, *“The rate of foreigners in our country is 4.9 percent – 4.9 percent compared to the total rate in Turkey – and we have a total of around 15 thousand foreign convicts and detainees”*.<sup>10</sup>

The number of detainees and convicts in the penal institution announced by the CTE General Directorate on January 2, 2023, is as follows;<sup>11</sup>

- Convicts: 298,975
- Detainees: 42,522
- Total: 341,497

Based on the statement by CTE Director General Enis Yavuz Yıldırım and January 2023 data from the CTE General Directorate, it is estimated that there are over 16 thousand foreign prisoners in Turkish prisons.

However, according to the 2022 Penitentiary Institution Statistics announced by the CTE on 22 May 2023, as of 31 December 2022, 15,028 out of 341,294 prisoners were foreign nationals. According to this data, the number of foreign prisoners has increased by 338% in the last 6 years. The number of foreign prisoners, which was 4,442 with a rate of 2.2% in 2016, increased to 15,028 with a rate of 4.4% in 2022. Table 4 and Table 5 detail the change

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<sup>10</sup> [https://www5.tbmm.gov.tr/develop/owa/komisyon\\_tutanaklari.goruntule?pTutanakId=3095](https://www5.tbmm.gov.tr/develop/owa/komisyon_tutanaklari.goruntule?pTutanakId=3095)

<sup>11</sup> <https://cte.adalet.gov.tr/Resimler/Dokuman/9012023084752istatistik-1.pdf>

in the number of foreign prisoners between 2016 and 2022, the age distribution, the distribution of prisoners convicted of murder, and the total distribution of convicts and detainees by year.

TABLE 4 Trends in Prison Population Figures from 2012 to 2022 (Percentages)<sup>12</sup>

|                                           | 2016           |             |      | 2017           |             |      | 2018           |             |      | 2019           |             |      | 2020           |             |      | 2021           |             |      | 2022           |             |      |
|-------------------------------------------|----------------|-------------|------|----------------|-------------|------|----------------|-------------|------|----------------|-------------|------|----------------|-------------|------|----------------|-------------|------|----------------|-------------|------|
|                                           | Sayı<br>Number | Oran<br>(%) | Rate | Sayı<br>Number | Oran<br>(%) | Rate | Sayı<br>Number | Oran<br>(%) | Rate | Sayı<br>Number | Oran<br>(%) | Rate | Sayı<br>Number | Oran<br>(%) | Rate | Sayı<br>Number | Oran<br>(%) | Rate | Sayı<br>Number | Oran<br>(%) | Rate |
| <b>Toplam - Total</b>                     | 200 727        | 100,0       |      | 232 340        | 100,0       |      | 264 842        | 100,0       |      | 291 546        | 100,0       |      | 266 831        | 100,0       |      | 297 860        | 100,0       |      | 341 294        | 100,0       |      |
| <b>Erkek - Males</b>                      | 192 354        | 95,8        |      | 222 444        | 95,7        |      | 254 426        | 96,1        |      | 280 114        | 96,1        |      | 256 231        | 96,0        |      | 286 183        | 96,1        |      | 327 224        | 95,9        |      |
| <b>Kadın - Females</b>                    | 8 373          | 4,2         |      | 9 896          | 4,3         |      | 10 416         | 3,9         |      | 11 432         | 3,9         |      | 10 600         | 4,0         |      | 11 677         | 3,9         |      | 14 070         | 4,1         |      |
| <b>Hükümlü - Convict</b>                  | 128 086        | 63,8        |      | 153 079        | 65,9        |      | 208 950        | 78,9        |      | 245 160        | 84,1        |      | 224 824        | 84,3        |      | 259 825        | 87,2        |      | 298 952        | 87,6        |      |
| <b>Tutuklu - Arrested</b>                 | 72 641         | 36,2        |      | 79 261         | 34,1        |      | 55 892         | 21,1        |      | 46 386         | 15,9        |      | 41 907         | 15,7        |      | 38 035         | 12,8        |      | 42 342         | 12,4        |      |
| <b>T.C. uyruklu - Turkish national</b>    | 196 285        | 97,8        |      | 225 994        | 97,3        |      | 256 264        | 96,8        |      | 281 544        | 96,6        |      | 256 622        | 96,2        |      | 285 815        | 96,0        |      | 326 266        | 95,6        |      |
| <b>Yabancı uyruklu - Foreign national</b> | 4 442          | 2,2         |      | 6 346          | 2,7         |      | 8 578          | 3,2         |      | 10 002         | 3,4         |      | 10 209         | 3,8         |      | 12 045         | 4,0         |      | 15 028         | 4,4         |      |

12. *Penal Institution Statistics 2022*, Ministry of Justice, General Directorate of Criminal Records and Statistics. <https://adlisicil.adalet.gov.tr/Home/SayfaDetay/cte-istatistikleri-bulteni29092022032841>

TABLE 5: Distribution of the Penal Institution Population by Gender, Current Age, and Nationality as of 31 December 2022 (Numbers – Percentages)<sup>13</sup>

| Yaş grubu - Age group | Uyruk - Nationality |                |                                 |                |                                    |                |
|-----------------------|---------------------|----------------|---------------------------------|----------------|------------------------------------|----------------|
|                       | Toplam - Total      |                | T.C. uyruklu - Turkish national |                | Yabancı uyruklu - Foreign national |                |
|                       | Toplam<br>Total     | Erkek<br>Males | Kadın<br>Females                | Erkek<br>Males | Kadın<br>Females                   | Erkek<br>Males |
| Toplam - Total        | 341 294             | 327 224        | 14 070                          | 313 189        | 13 077                             | 14 035         |
| 12-14                 | 200                 | 186            | 14                              | 161            | 13                                 | 25             |
| 15-17                 | 2 306               | 2 226          | 80                              | 2 028          | 76                                 | 198            |
| 18-24                 | 40 454              | 38 905         | 1 549                           | 36 026         | 1 441                              | 2 879          |
| 25-34                 | 125 960             | 121 037        | 4 923                           | 115 039        | 4 583                              | 5 998          |
| 35-44                 | 98 159              | 94 007         | 4 151                           | 90 894         | 3 846                              | 3 113          |
| 45-54                 | 50 052              | 47 709         | 2 343                           | 46 399         | 2 171                              | 1 310          |
| 55-64                 | 18 392              | 17 592         | 800                             | 17 174         | 745                                | 418            |
| 65+                   | 5 769               | 5 560          | 209                             | 5 466          | 201                                | 94             |
| Bilinmeyen - Unknown  | 3                   | 2              | 1                               | 2              | 1                                  | -              |

<sup>13</sup> *Penal Institution Statistics 2022*, Ministry of Justice, General Directorate of Criminal Records and Statistics. <https://adlisicil.adalat.gov.tr/Home/SayfaDetay/cte-istatistikleri-bulteni29092022032841>

The Ministry of Justice and CTE have not disclosed the nationality distribution of foreign prisoners since 2017. The requests for information we have made as CİSST on this matter have been left unanswered, based on Article 25 of the Right to Information Law titled “Internal Regulations.” As of November 1, 2017, when the latest statement was made, 5,932 of the 201,010 prisoners in Turkish prisons are foreign nationals. There are prisoners from a total of 129 different countries, 37 of whom are stateless. Table 6 shows the 20 countries with the highest number of prisoners, listed in order.

TABLE 6<sup>14</sup>

|                      |       |
|----------------------|-------|
| SURİYE               | 2.292 |
| AFGANİSTAN           | 606   |
| İRAN                 | 564   |
| GÜRCİSTAN            | 246   |
| IRAK                 | 211   |
| TÜRKMENİSTAN         | 197   |
| NİJERYA              | 157   |
| AZERBEYCAN           | 135   |
| RUSYA                | 94    |
| PAKİSTAN             | 92    |
| BULGARİSTAN          | 70    |
| ÖZBEKİSTAN           | 57    |
| GÜNEY AFRİKA         | 56    |
| ARNAVUTLUK           | 55    |
| ÇİN                  | 52    |
| BREZİLYA             | 49    |
| MAKEDONYA            | 46    |
| UKRAYNA              | 42    |
| ALMANYA              | 41    |
| CEZAİR               | 40    |
| HAYMATLOS (UYRUKSUZ) | 37    |

14 [https://drive.google.com/file/d/1dP\\_EGIrg6EJ74D29kFNby9FBchDpJ0-/view](https://drive.google.com/file/d/1dP_EGIrg6EJ74D29kFNby9FBchDpJ0-/view)

Examining Turkey's foreign prisoner data over the years reveals the impact of rapid and intense immigration. Considering the fact that Turkey is a route for passage from the Middle East and Central Asia to Europe, it can be predicted that the number of foreign prisoners will continue to increase in the coming years. To solve problems arising from migration and prevent issues experienced by foreign prisoners, the Ministry of Justice must produce joint policies in collaboration with non-governmental organisations.

III. CHAPTER

## C. SPECIAL NEEDS AND DIFFICULTIES OF FOREIGN PRISONERS AND RECOMMENDATIONS

Foreign prisoners may have special needs due to factors such as religion, language, age, gender, health status, sexual orientation and gender identity, as well as nationality. For example, the fear of stigmatisation and harassment can exacerbate the negative effects of separation from relatives for a foreign female prisoner. The needs of a foreign national woman staying in prison with her child differ from those of other prisoners. Likewise, the needs of LGBTI+ foreign prisoners vary depending on the ward they are kept in and their access to health services.

The issues faced by foreign prisoners can be categorised under the following headings: language barriers, access to justice and health care, the right to receive visitors and make telephone calls, transfers, cultural and

religion-related issues, discrimination, financial problems, and immigration status. While these issues are generally applicable to foreign prisoners, the unique conditions of foreign women, children and LGBTI+ prisoners will be addressed separately.

## 1. Language barrier

Language barrier is one of the main problems experienced by foreign prisoners. It also has a significant impact on a wide range of problems. In other words, the main reason foreign prisoners experience rights violations is the lack of communication in a language they understand. In addition to this, language-related obstacles include the lack of personnel who speak foreign languages, the lack of interpreter support, and the lack of informative texts in different languages in prisons. For all these reasons, services that are relatively accessible to other prisoners, particularly those relating to justice and healthcare, become impossible for foreign prisoners. Sometimes this impossibility can even be life-threatening.

Foreign prisoners begin to encounter language-related issues from the moment they are detained and throughout the prison process. Their interrogations are often tried to be carried out by law enforcement officers who do not speak a foreign language without the support of an interpreter, and similarly, they can be arrested due to the problems they have in expressing themselves at the prosecutor's office and court stage. Undoubtedly, people who do not speak the same language have difficulty understanding each other. According to Turkish national legislation, information necessary for life in prison (disciplinary offences and penalties, ways of obtaining information and lodging complaints, rights and responsibilities, etc.) must be translated and communicated primarily into the native languages of foreign prisoners who do not speak Turkish, and

where this is not possible, into English, French and German.<sup>15</sup> However, the current situation demonstrates the exact opposite of this legal regulation.

Based on the applications received by our association, we can state that foreign prisoners do not fully know their rights and responsibilities due to the language barrier. Especially due to not knowing their responsibilities, foreign prisoners may face various disciplinary penalties. Likewise, their lack of awareness regarding their rights prevents them from making a proper official application about the issues they are facing. As a result, they may be exposed to further victimisation as they are unable to defend themselves. Even if a foreign prisoner knows their rights and responsibilities, they may have problems accessing services because they cannot write a petition in Turkish.

Foreign prisoners also face language barriers when accessing printed, visual, and audio publications. Those who do not speak Turkish cannot benefit from these resources because prison libraries do not provide them with information about foreign-language publications.

Foreign prisoners who write or receive letters in a language other than Turkish must first pay the translation fee for sending or delivering the relevant letter. This also applies to books, magazines and all similar printed publications. The main problem here is that the right to use one's mother tongue is not legally guaranteed in prisons. While the right to defence in the mother tongue is a positive practice, it is limited to the prosecution only and is therefore not sufficient. The continuation of the current problem is the absence of any translators working within CTE. This also creates a serious barrier to foreign prisoners' access to all their rights, particularly their right to communication and correspondence.

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<sup>15</sup> [\*Regulation on the Management of Penal Institutions and the Execution of Sentences and Security Measures\*, Date of the Council of Ministers Decision: 20/3/2006, No: 2006/10218, Article 68 \(1\)](#)

In order to overcome the language barrier, the official authorities generally envisage that foreign prisoners should learn Turkish. However, this situation has not been sufficient on its own to date, and it is unlikely to be sufficient in the future either. The employment of interpreters and staff with foreign language skills is essential to resolve this issue.

### Recommendations

Legal procedures, prison rules, petition samples and all other informative notes can be translated into the languages spoken by foreign prisoners. If this is not possible, it should be translated into English, at least, as a common language, as well as the three most widely spoken languages among foreign prisoners in the relevant year. This should be renewed every year. In addition, consulates can be contacted for support regarding this situation if deemed necessary.

Regular meetings can be organised between institutions, including prison administrations where foreign prisoners are held, non-governmental organisations working with prisoners and their relatives, and diplomatic representatives. Thanks to these collaborations, up-to-date information can be provided to foreign prisoners in a language they understand.

Free interpreter support can be provided to foreign prisoners to help them access their rights through collaborations with various institutions, especially universities.

Letters written in a foreign language can be translated and sent free of charge.

Prisons can encourage language courses by making them a regular and systematic part of the prison regime.

## 2. Access to justice

As we mentioned in the previous section, language-related barriers are at the root of the problems experienced in accessing justice. People who are foreign prisoners before the prison process often have to make a defense together with lawyers who do not speak a foreign language appointed by bar associations. In addition, it may not always be sufficient for lawyers to know a foreign language. At this point, it is very important to provide interpreter support effectively and quickly. The right to defend oneself in one's native language is stipulated in Article 202 of the Criminal Procedure Code, entitled 'Circumstances in which an interpreter shall be provided,' in national legislation. In international legislation, Article 6(3)(e) of the European Convention on Human Rights (ECHR), entitled 'Right to a Fair Trial', stipulates that everyone has the right to free legal assistance if they do not understand or speak the language in which the proceedings are conducted.

Since 2018, the interpreting support line has been operating in cooperation with the Union of Turkish Bar Associations and the United Nations High Commissioner for Refugees. It provides services in Arabic, Persian, Dari and French, facilitating access to justice. This practice should be adopted more widely in penal institutions.

The fact that bar associations make lawyer appointments a few hours before cases begin may prevent lawyers from developing an appropriate defence due to their inability to examine case files. This is especially problematic when the defendant is a foreign prisoner, as communication difficulties may create obstacles to access to justice.

Another problem experienced by foreign prisoners is that they do not have any acquaintances in Turkey after their conviction. In such cases, the state automatically appoints a guardian for the convicted prisoner. For foreign prisoners, there may be situations where they cannot see the guardians appointed by the state at all, and even if they do, they cannot communicate.

The inability to access the Guardian means that official procedures cannot be carried out for a foreign prisoner, which creates obstacles to accessing justice.

## Recommendations

Regarding access to justice, a protocol between the Ministry of Justice and the Bar Associations could ensure that foreign prisoners do not suffer hardship due to language barriers. This would enable lawyers with language skills, taking into account their linguistic competence, to represent foreign prisoners. Additionally, interpreter support can also be provided during this process to minimise any potential issues that may arise during the transfer of information.

The circumstances of guardians appointed to foreign prisoners can be monitored at regular intervals, and methods and mechanisms can be developed to prevent prisoners from being victimised in cases where the guardian is inadequate.

Considering that foreign prisoners can apply for asylum, necessary information on this issue can be provided regularly in prisons and cooperation with NGOs working on migration can be made an administrative strategy.

Some Belgian prisons hold information sessions for foreign prisoners organized by lawyers.<sup>16</sup> In European countries such as the Czech Republic, Malta and Hungary, various non-governmental organizations offer free legal support to foreign prisoners. Such positive examples can also be applied in Turkey.

In cooperation with Bar Associations, lists of lawyers who speak foreign languages can be prepared and shared with foreign prisoners through prison administrations.

Information can be provided about the contact information of organizations that support foreign prisoners in accessing justice.

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<sup>16</sup> [\*BM Uyuşturucu ve Suç İle Mücadele Ofisi, Özel İhtiyaçlara Sahip Mahpuslar Üzerine El Kitabı\*, Trans. Ömer B. Albayrak, CİSST, İstanbul 2013, p.92](#)

### 3. Access to healthcare

As in access to justice, language-related barriers are one of the main problems experienced in access to healthcare. Foreign prisoners who do not speak Turkish have difficulty accessing healthcare if prison staff do not speak their language or provide translation services.

A prisoner must first write a petition in Turkish in order to go to the infirmary. For this reason, they cannot access health services when they do not speak Turkish. The only solution here is for foreign prisoners to ask for help from other inmates in the ward. In other words, there is an unfair situation that is completely left to the initiative of the prisoners.

Even after overcoming the petition problem, a foreign prisoner continues to face language-related obstacles when going to the infirmary. If the prison doctor or health personnel do not speak a foreign language, foreign prisoners may experience problems such as delayed diagnosis and treatment, or being unable to access hospital referrals and medication.

When it comes to the equipment required for health, if there is no special report, the prisoners must pay the necessary financial cost themselves. Considering the fact that foreign prisoners lack financial income and solidarity, it can be stated that they have problems in this regard as well.

#### Recommendations

Support can be provided to foreign prisoners for health equipment through the Social Assistance and Solidarity Foundations (SYDV) affiliated to the district governorships.

The Ministry of Health can monitor the treatment of foreign prisoners, and the same doctors can be assigned to each case to minimise potential problems.

Staff working in prisons can be trained by NGOs and experts working on the right to healthcare.

The legal procedure for access to healthcare can be simplified and hospital referral times can be clarified.

## 4. Mental health

Unlike other prisoner groups, foreign prisoners have difficulty in socializing and are exposed to discrimination due to the language barrier. In addition to this situation, they may feel extra isolated because they are away from their families and close circles.

When the problems experienced by foreign prisoners are considered holistically, their access to mental health services becomes even more important. At this point, considering that there are no interpreters in prisons and the insufficient number of psychologists on duty do not speak the language, access to mental health services becomes difficult and even impossible for foreign prisoners.

### Recommendations

Prisons can employ at least one paramedic who speaks English as a common language. In addition, interpreters can be determined by taking into account the nationalities of foreign prisoners. In this process, diplomatic representations can cooperate by paying due attention to the right to privacy of patients.

Correction officers can be informed about prisoners with mental health problems and warnings can be made about situations that will complicate the treatment process and cause discrimination.

Psychologists who speak a foreign language can be employed in prisons where foreign prisoners are concentrated, or if the psychologist(s) on duty do not speak a foreign language, psychological support can be provided to the prisoner with an interpreter. In this process, support can be requested from associations working in the field of mental health.

Prisoners with mental health problems can be facilitated in communicating with their families and relatives by increasing the duration of the meeting, the number of people to be interviewed and the frequency of the meeting. Considering that the families and relatives of foreign prisoners are abroad, support can be requested from diplomatic representations.

Groups with different special needs in the prison environment, such as women, LGBTI+ and children, can be given priority in psychological support.

## 5. Visitor admission and telephone communication rights

Foreign prisoners have the same rights as other prisoners in terms of accepting visitors, telephone communication and video calls. Prisoners can be visited four times a month, one open and three closed visits. In addition, prisoners who are not serving a life sentence can receive a maximum of 10 minutes of phone calls every week. Although all prisoners are legally entitled to equal visitation and telephone rights, this equality is not reflected in practice, particularly with regard to foreign prisoners.

In order to benefit from their rights to open/closed visits, telephone and video visits, foreign prisoners are required to prove their close ties through

diplomatic representations.<sup>17</sup> It is not possible for foreign prisoners who are citizens of countries that do not have a representative office in Turkey or whose representative office does not work for other reasons to meet with their families and relatives. In addition, prisoners who cannot communicate with the official representative office of their country cannot benefit from the right to communicate by telephone. This situation constitutes a serious violation of rights for foreign prisoners.

Visits for the relatives of foreign prisoners are much more costly and time-consuming than those for Turkish prisoners. For this reason, although the relatives of foreign prisoners can visit much less often, the time they can meet with prisoners when they come is the same as that of Turkish prisoners.

On the other hand, in order for foreign prisoners to be able to receive visitors, visitors of foreign prisoners convicted of criminal offences must apply to the relevant Chief Public Prosecutor's Office one week before the visit. Visitors of foreign prisoners convicted of terrorism or organised crime offences must apply 15 days before the visit.<sup>18</sup> This application can also be submitted by post to the communications office at the courthouse where the prison is located.

For foreign prisoners whose families cannot visit them, either because visits are closed or because they live too far away, the time limit for phone calls is unfair. The time difference between countries also means that foreign prisoners are unable to make phone calls. In addition, since phone calls

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<sup>17</sup> [Regulation on the Management of Penal Institutions and the Execution of Sentences and Security Measures, Date of the Council of Ministers Decision: 20/3/2006, No: 2006/10218, Article 88/2-r](#)

<sup>18</sup> [Regulation on Visiting Convicts and Detainees, Official Gazette Date: 17.06.2005 Official Gazette Number: 25848 Part Four: Visiting Foreign National Convicts and Detainees, Article: 27](#)

between countries are more expensive than local and long-distance phone calls, it strains the limited financial means of foreign prisoners.

Prisoners who cannot use their right to weekly visits in prisons with the necessary technical infrastructure for video phone calls are given an additional 30 minutes to the next phone call time. This period is non-transferable and limited to the first week after the week in which the right to visit cannot be exercised. Meetings within this scope can also be divided into 10 minutes, provided that they do not exceed three meetings in total in the same week. These calls can be made by video or only audio.<sup>19</sup> The limitations in this practice may cause violations of the rights of foreign prisoners from time to time depending on the unique situations and can create victimization.

## Recommendations

To minimise the problems that prisoners may encounter when meeting with their diplomatic representatives and families, prisoners can, if they wish, be placed in representative offices, airports or places close to their country of origin.

Relatives of prisoners may find it useful to have translations of the visitation process procedures to speed up the process.

Alternative application processes can be implemented for prisoners whose consulate is inactive or who do not wish to contact the consulate.

Considering that foreign prisoners are away from their families, their visiting periods can be extended, and the telephone rights of prisoners whose visitors cannot come can be increased.

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<sup>19</sup> [\*Mahpus Hakları El Kitabı\*, Prepared by: Hadice Korkut, Ruken Altun, CİSST, Istanbul 2023 p.36](#)

Arrangements can be made for phone and video calls according to time differences between countries.

Prisoners who are in a financially difficult situation may be given the right to make paid phone calls.

Apart from the payphone system, the possibility of alternative communication methods, such as video calls, can be explored.

## 6. Transport

Foreign national prisoners held in Turkish prisons have the right to be transferred to their country of citizenship or to another country with strong social ties, provided that they pay the transfer fee themselves and carry out the necessary procedure.<sup>20</sup> However, even if a foreign prisoner fulfills all the necessary conditions, this process can take up to two years or even exceed due to bureaucratic obstacles. In addition, the transfer applications of foreign prisoners in Turkey are first sent to the relevant prosecutor's office, then to the CTE, the Ministry of Justice, the Ministry of Foreign Affairs, the consulate of the country of which the prisoner is a citizen, and finally to the official authorities in the other country. Most of the time, this long bureaucratic process is challenging for foreign prisoners both financially and morally.

The transfer procedures for foreign prisoners are summarised as follows, in accordance with the circular entitled 'Matters to be Considered by Our Judicial Authorities Regarding the Extradition of Offenders and the Transfer of Convicts': *"Based on the transfer application of the convict, the relevant Chief Public Prosecutor's Office is requested for the decision, information*

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<sup>20</sup> [Circular on the Allocation of Penal Institutions, Transfer Procedures and Other Provisions, Circular No: 167, Date: June 5, 2015](#)

*and documents based on the transfer, and the incoming information and documents are sent to the Ankara Chief Public Prosecutor's Office in order to be translated into the language of the country of which the convict is a citizen. Translated documents from the Ankara Chief Public Prosecutor's Office are forwarded to the relevant country via the Ministry of Foreign Affairs to obtain consent for transfer. If it is concluded that the convict will be transferred, following approval from the relevant country and notification of the execution situation to which they will be subject, the Minister's approval is obtained. After this stage, as a result of the travel programme organised jointly by the Ministry of the Interior and Interpol in the relevant country, the prisoner is handed over to Interpol officers in that country and sent back home.”*<sup>21</sup> However, if there is no agreement between the countries involved in the transfer and for prisoners defined as stateless, transfer cannot be carried out.

## Recommendations

After the verdict is finalized, foreign prisoners may be informed that they may be transferred to countries of which they are citizens or with which they have strong social ties, and information about the possible legal consequences of this transfer.

The necessary bureaucratic process for transfer procedures can be accelerated with the help of the internet.

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<sup>21</sup> [“Issues to be Considered by Our Judicial Authorities on Extradition and Convict Transfer”, Circular No: 69/4, 16 November 2011](#)

## 7. Culture and religion

For foreign prisoners who cannot be regularly visited by their families and relatives, the representative offices of their country of nationality in Turkey are the only way they can maintain a connection with their culture and religion. It is of critical importance at this point that the prison administration notifies the diplomatic representation of a foreign prisoner. An prisoner who can communicate with the representative office of their country can be provided with various cultural and religious aids, such as books and clothes.

Foreign prisoners may have some special needs such as worship, nutrition and hygiene required by their culture, religion and beliefs. In this regard, the official authorities and official diplomatic representations of the Republic of Turkey have duties and responsibilities. Representatives of religions officially recognized by the Republic of Turkey can meet with prisoners with special permissions. These meetings do not limit the admission of visitors four times a month. In addition, all foreign prisoners, both convicted and detained, are given the right to gifts and additional visits on the specified dates for religious and national holidays and special days.

It is also important that foreign prisoners have access to audio and video broadcasts in their own language, so that they do not become alienated from their culture. These can be printed materials, such as magazines and newspapers, as well as radio and television broadcasts. Of course, language-related barriers and financial problems arise for foreign prisoners in this regard as well. Although there is no explicit restriction on the media broadcasting in a foreign language legally, prisoners frequently state that there are serious problems in practice. Various restrictions and prohibitions are imposed on foreign language publications, especially for security reasons. For example; Listening to longwave radio channels with foreign language channels is not allowed in prisons.

## Recommendations

The special needs of foreign national prisoners can be met, such as those relating to clothing, nutrition and hygiene, arising from their culture and religion. For example, foreign prisoners could be given the opportunity to prepare or access meals from their home country in prison.

Books, newspapers and magazines in foreign languages that can be accessed by foreign prisoners can be kept in the libraries of prisons and the prisoners can be informed about these resources.

Radio and television channels broadcasting in a foreign language can be made available to relevant prisoners upon request, provided the necessary controls are in place.

## 8. Discrimination

Foreign prisoners may experience two types of discrimination: verbal and physical. When it comes to discrimination, the key point to consider is that it can often be relatively hidden. The high number of disciplinary penalties received by foreign prisoners compared to other prisoners, the body search methods they are subjected to, the jobs offered or not offered to them, and the status of the accommodation conditions provided reveal the level of discrimination.

A foreign national prisoner may experience discrimination because of language differences, race, being in refugee groups or skin color. They often cannot access services as easily as Turkish prisoners because they are not properly informed. While they have the right to work, they are directed towards relatively 'bad' jobs such as cleaning and working with rubbish. The

discrimination they are exposed to in relation to the right to work brings with it financial problems for foreign prisoners.

It is important to recognize positive discrimination for foreign prisoners, especially regarding the right to work. This will prevent some of the financial problems they experience due to being away from their families and provide an opportunity to socialise, which will help them to overcome mental health problems. Providing foreign prisoners with access to various services, such as workshops, as well as the right to work, will be effective in reducing the discrimination they experience.

### Recommendations

Existing legal legislation can be examined and revised in order to impose concrete sanctions on people who discriminate on the grounds of race, religion, language, belief, gender, sexual orientation, gender identity and illnesses, etc.

To prevent discrimination and exclusion against foreign prisoners, correction officers and other prison employees could undergo human rights training.

Isolation can be prevented by making legal arrangements that guarantee foreign prisoners of the same nationality, religion or culture to stay together.

Diplomatic representations can work and develop projects for the integration of foreign prisoners who are away from their families and close circles.

In partnership with the Ministry of Justice and the Ministry of Health, seminars can be given to prison staff and prisoners in order to prevent discrimination due to health problems.

## 9. Financial problems

In Turkish prisons, prisoners pay for everything except electricity for light bulbs and tap water. Even the money for three meals that are essential for life is demanded from a prisoner or his family at certain periods under the name of subsistence fee after the verdict is finalized. For example, when an prisoner wants to have tea, they pay for the tea they will brew, the device they will use to heat the water and the electricity they use. If they want to watch television, he can buy a television from the canteen and pays for the electricity used. Beyond all these, they even have to buy cleaning and hygiene materials that are essential for life.

This also applies to communication. Prisoners also pay the fees of phone and video calls with their families and relatives. If a prisoner lacks financial resources, they cannot communicate with their family and relatives by letter, phone or video call. Increases in canteen prices, due to inflation and the economic crisis, are affecting the lives of prisoners more and more every day.

Even if they are paid very little, it is important for foreign prisoners to work in workshops in open or closed penitentiary institutions. Prisoners who do not benefit from the right to work try to live in prison with the limited amount of money sent by their families and relatives. Foreign prisoners are deprived of this opportunity for various reasons. Foreign prisoners may be exposed to poverty during their time in prison due to poverty in their families' countries of origin, limited communication channels, and high remittance fees between countries, as well as internal problems in their home countries. For example, in order to deposit money sent via Western Union to a prisoner, someone in Turkey must withdraw the money and deposit it on the prisoner's behalf via PTT or Vakıf Bank. Considering that foreign prisoners do not have a relative in Turkey, this solution is often not sufficient.

Apart from all this, low working wages in prisons are often insufficient to cover basic needs. In addition, prisoners with aggravated life sentences are not allowed to benefit from workshops and courses. For this reason, conditions are particularly difficult for foreign nationals sentenced to life imprisonment. Although it is not a permanent solution, clothing support through some non-governmental organizations is extremely valuable for foreign prisoners.

### Recommendations

Some necessities and cleaning and hygiene materials can be provided to prisoners in need. The cost should be covered by the prison's revolving fund or the interest earned on the depository money.<sup>22</sup>

The financial return of working in workshops can be improved by taking opinions from prisoners and labor organizations. In relation to this situation, priority can be given to prisoners in need regarding the right to work.

Free stamp and phone card campaigns can be carried out by non-governmental organizations for foreign prisoners. A similar situation can be put on the agenda of diplomatic representations.

By making a protocol with PTT, a certain number of letters can be sent free of charge or at a discount.

Prison administrations can provide direct information to Social Assistance and Solidarity Foundation regarding prisoners in need.

Transportation and transportation of goods between prisons may not be requested from prisoners.

Prisoners can be informed about the ways to send money.

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<sup>22</sup> See [https://cisst.org.tr/basin\\_duyurulari/mahpuslarin-temizlik-maddelerine-erisimleri/](https://cisst.org.tr/basin_duyurulari/mahpuslarin-temizlik-maddelerine-erisimleri/)

## 10. To have immigrant status

In addition to not having a residence permit in the country where they are arrested or being imprisoned for the crime they have been convicted of, foreign national prisoners face deportation. Deportation poses serious problems for foreign prisoners. For example; the lives of foreign prisoners of Afghan or Syrian nationality are at risk if they are deported.

To avoid deportation, foreign prisoners can apply for international protection or temporary protection while in prison. In response to our request for information on the international protection application through CIMER on 11 August 2022, it was stated that the application must first be made to the prison administration, then the request will be directed to the Provincial Directorates of Migration Management, and then the process regarding the visit of authorised personnel to the applicant prisoner will begin.

The lack of clarity in the procedure for applying for foreign prisoners has created a potential for rights violations in the protection applications made to the Provincial Directorates affiliated to the General Directorate of Migration Management. The lack of clarity may result in incomplete applications not being put into effect or accepted. In addition, problems arising from the guardianship can also negatively affect immigration applications.

### Recommendations

Cooperation can be developed between non-governmental organizations working on migration and the Ministry of Justice or prison administrations. Prison staff can be trained on immigration. This situation can be turned into an administrative strategy.

Foreign prisoners can be informed about immigration laws from time to time, and various facilities can be provided for legal support for the right to immigration through partnerships with Bar Associations.

It can be taken into account that foreign prisoners can also seek asylum while in prison and can be advised on this issue through experts.

## 11. Foreign female prisoners staying with their children

Foreign nationals can receive prison sentences more easily and frequently than many other people due to the difficulties they face in accessing justice because of language barriers and a lack of social rights. Foreign women may become targets of exploitation due to social pressures, and can be imprisoned for acts that are defined as crimes under the law. Foreign female prisoners, on the other hand, may become vulnerable to stigmatization, discrimination and violence because they are both foreigners and women.

For example, in EU countries, a large proportion of foreign women have been imprisoned for drug offences.<sup>23</sup> Zeynep Çukadar, a social worker who has worked in prisons, revealed in her research on foreign women in Turkey that foreign women were imprisoned for hiding property, concealing crimes, theft and transporting drugs as a result of activities managed by men.<sup>24</sup>

On the other hand; If a foreign woman is in prison with her child, she encounters many obstacles while meeting the needs of her child other than

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<sup>23</sup> [\*BM Uyuşturucu ve Suç ile Mücadele Ofisi, Cezaevi Müdürleri ve Politika Yapıcılar için Kadınlar ve Hapsedilme Üzerine El Kitabı\*, Trans. Binnur Aloğlu, CİSST, İstanbul, 2013, s.100](#)

<sup>24</sup> [\*Zeynep Çukadar, Yabancı Kadın Mahpuslar, Anneleriyle Kalan Çocuklar ve Bakırköy Hapishanesi'nden Bir İyi Örnek: Dans Ekibi, Hapishanede Engelli, Yabancı, LGBTİ Olmak\*, Compiled by Zeynep Alpar, TCPS Library, İstanbul, 2015, p. 146-156](#)

her own. Due to these obstacles, children staying with their prisoner mothers may have problems in accessing basic rights such as nutrition, health and education in prison conditions. Their unique needs are not taken into account

It negatively affects the social, emotional, language, mental and motor skills development of children in prison conditions.

Foreign children may have communication problems due to language barriers and may become lonely due to lack of peer interaction. In addition to these; since most of the books in prison libraries are in Turkish and for adults, foreign children have problems accessing books suitable for them. This is also true for radio and television broadcasts.

## Recommendations

In order to solve the problems experienced by foreign female prisoners, the relevant legal regulations and their related practices can be rearranged by taking the opinions of non-governmental organizations and experts.

A study could be conducted with foreign women and their children to develop strategies that suit their specific needs in a prison environment.

## 12. Foreign juvenile prisoners

When it comes to foreign juveniles being imprisoned, language issues are again at the forefront. Foreign juvenile prisoners do not have sufficient information about their rights and responsibilities due to the language barrier. In addition, juveniles who have socialization problems in the prison environment may develop psychological problems over time. In this regard, prison administrations should facilitate socialisation opportunities.

In addition, interpreter support in the case of juveniles also has some concerns and problems in terms of privacy. Processes such as peer bullying and disciplinary punishment are also among the issues that need extra attention in the prison environment when it comes to juveniles.

## Recommendations

To help foreign juvenile prisoners overcome the language barrier, cooperation can be established with diplomatic missions and non-governmental organisations working in the field of children.

Education services can be organized by taking into account the needs of foreign juvenile prisoners.

Children's books in foreign languages can be included in prison libraries.

Limitations may be imposed on punishment practices for juveniles.

## 13. Foreign LGBTI+ prisoners

In addition to the problems experienced by foreign prisoners due to their nationality, LGBTI+ prisoners have special needs arising from their gender identity and sexual orientation, as well as facing difficulties in accessing these needs. In Turkey, trans women and openly gay male prisoners are held in LGBTI+ wards in prisons for male prisoners. While this practice causes problems such as difficulties with socialisation, it also enables foreign LGBTI+ prisoners to stay with LGBTI+ prisoners from Turkey.

## Recommendations

To prevent discrimination based on sexual orientation and gender identity in prisons, strategies can be developed at an administrative level to combat

discrimination permanently. Thus, LGBTI+ prisoners can benefit equally from all the opportunities that other prisoners have.

Prison staff could receive human rights training that addresses discrimination against LGBTI+ people. Collaborations can be established with LGBTI+ and human rights associations while preparing the content of these training sessions and during the implementation phase.

IX. CHAPTER

## D. CONCLUSION

In today's Turkey, foreign nationals are exposed to discrimination and exclusion in economic and social rights, and are ignored in both the justice system and prisons. The series of problems that start with the language barrier and prevent them from enjoying many rights are felt more deeply in the prison environment for foreign nationals, along with isolation.

Foreign prisoners often continue their lives deprived of psychological and social support due to being away from their families and close circles in the country where they are imprisoned. Foreign prisoners, who do not have the opportunity to meet regularly with diplomatic representatives, have limited and inadequate mechanisms to seek help and support in the face of problems and rights violations.

In addition to general issues such as access to justice and healthcare, cultural and religious differences mean that the needs of different prisoner groups in the prison environment differ. For this reason, it is critical to produce and implement different and unique strategies for each prisoner group. Undoubtedly, when identifying the problems experienced by foreign

prisoners and devising solutions, taking into account the demographic characteristics of prisoners will yield more reliable results.

Clearly, special arrangements should be made in prisons to take into account the conditions of foreign prisoners. When there are insufficient prison and administrative staff to identify problems, it is crucial to collaborate with diplomatic representatives, non-governmental organisations, and academics specialising in human rights. The UN has proposed the appointment of a consultant and coordinator at the administrative level where the number of foreign prisoners makes it necessary. Even if such an administrative staff cannot solve the problems radically, it will provide convenience in solving problems, especially communication problems.

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### ***"Being a Foreign Prisoner in Turkey"***

*This study includes findings aimed at drawing attention to the specific needs of foreign national prisoners, as well as recommendations to combat the rights violations they experience. Undoubtedly, in the face of the current situation, it is essential to increase such studies and for decision-makers to be open to cooperation with civil society and academia so that human rights violations in prisons can be reduced.*



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