



CPT/Inf (2009) 18

**Response of the Turkish Government
to the report of the European Committee
for the Prevention of Torture and Inhuman
or Degrading Treatment or Punishment (CPT)
on its visit to Turkey**

from 22 November to 4 December 2006

The Turkish Government has requested the publication of this response. The report of the CPT on its November/December 2006 visit to Turkey is set out in document CPT/Inf (2009) 17.

Strasbourg, 28 May 2009

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Ankara, 14 June 2007

Dear Mr. Palma,

The report CPT (2007) 4 drawn up by your Committee following its visit to Turkey from 22 November to 4 December 2006 is carefully examined by the relevant Turkish authorities. The Turkish Government's response to the CPT's recommendations and comments as well as its replies to the requests for information will be forwarded to you within the time limits which were specified in your letter dated 3 April 2007.

As regards the immediate observation under Article 8, paragraph 5, of the Convention and recommendations and requests for information in paragraph 9 of the report in relation to the new detention facilities for immigration detainees at Kumkapı in Eminönü district, I have the pleasure to inform you on the following:

In line with the recommendations of the CPT, the new Guesthouse of Foreigners Police Department was put into service on 3 April 2007. The file containing photos showing the former and current outlook of the said building is attached.

In the new guesthouse, there are 600 beds, 1400 bed clothes and 1400 blankets allocated for the use of foreign detainees. The detainees may provide personal hygiene products by way of purchasing these items within the premises. However, Istanbul Police Department has asked for an allowance for the free delivery of the cleaning products to the detainees. Necessary arrangements were made enabling them to take shower on a 24 hour basis and to make outdoor exercise for one hour per day. Each detainee has his or her own wardrobe.

The new building also comprises prayer room for Muslims and non-Muslims, separate wards for the victims of human trafficking, libraries, laundry service, audiovisual announcement system informing the detainees in three languages (Turkish, English and Russian) on their rights and responsibilities within the guesthouse and five fully equipped offices for the administrative and judicial works.

Yours sincerely,

M. Hüseyin UNLER
Minister Plenipotentiary
Deputy Director General for the
Council of Europe and Human Rights

Enc.

Mr. Mauro Palma
President of the CPT
Council of Europe-Strasbourg

**REPORT OF THE TURKISH GOVERNMENT IN REPLY
TO THE RECOMMENDATIONS, REQUESTS FOR INFORMATION AND COMMENTS
SET OUT IN THE REPORT OF
THE EUROPEAN COMMITTEE FOR THE PREVENTION OF TORTURE AND
INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (CPT)
ON ITS VISIT TO TURKEY FROM 22 NOVEMBER TO 4 DECEMBER 2006**

The views of the Turkish Government on the points made by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) in the report on its visit to Turkey from 22 November to 4 December 2006 are set out below in the order adopted in the report.

Paragraph 8

The Turkish Government's response to the immediate observation under Article 8, paragraph 5 of the Convention in relation to the new detention facilities for immigration detainees at Kumkapı in Eminönü district (Istanbul) was forwarded to the President of the CPT in a letter dated 14 June 2007.

Paragraph 13

The Committee recommends that the procedures for the selection of orderlies and both their initial and ongoing training be reviewed, in the light of the above remarks. Further, the management of all three psychiatric hospitals visited should deliver to orderlies the clear message that all forms of ill-treatment of patients, including verbal abuse, are unacceptable and will be the subject of severe sanctions.

No allegation concerning ill-treatment of the patients at Istanbul Bakırköy Prof. Dr. Mazhar Osman Mental Health Education and Research Hospital was received. Majority of the patients expressed their content regarding the treatment by nurses. The personnel in charge of patient care were provided adequate training with a view to protecting patient's rights. The hospital administration held a meeting with the personnel including orderlies, provided them detailed information on the CPT report. Every application made at the patient's rights unit was examined meticulously and various punishments were inflicted, including dismissal.

All personnel at Elazığ Mental Health Hospital, primarily the orderlies, were given a clear message both orally and in writing as recommended in the report. Furthermore, the personnel were provided a training program on patient's rights in collaboration with Fırat University and a seminar on "Patient – Personnel Relations and Behavior in Psychiatry" was organized on 18–19 December 2006. All hospital units, particularly the closed wards, were put under 24-hour camera surveillance in an effort to prevent ill-treatment. Two personnel who were found to exercise ill-treatment on the patients, were dismissed from the hospital in 2007. It is also provided that this issue will also be taken into account in the selection process of the new employees to the hospital.

Due to a flood in 2007 and a harmful fire on 7 September 2007, the infrastructure of Samsun Mental Health Hospital has been drastically destroyed. The bed capacity of the hospital fell from 340 to 140 and the ward became unusable after those incidents. However, shortly after the fire, a rapid reconstruction process has been initiated and this process is still being implemented consistently. On the other hand, In line with the observations and the recommendations stated in the report, the personnel were given an intensive training program at Samsun Mental Health Hospital. The in-service training mechanism was re-arranged on a regular basis. In this context, one personnel was dismissed and a legal proceeding was launched for another. The hospital administration reiterates that all forms of ill-treatment of the patients are unacceptable and ensures that those responsible will be severely punished. A video-camera surveillance system was installed to monitor the closed wards as another precautionary measure.

Paragraph 14

The CPT recommends that appropriate steps be taken at the three hospitals visited to combat the phenomenon of inter-patient violence

In certain wards at Istanbul Bakırköy Prof. Dr. Mazhar Osman Mental Health Education and Research Hospital, steps were taken to apply treatments other than pharmacotherapy, particularly concerning acute, minor and forensic patients. It is believed that these steps will also help preventing inter-patient violence.

Efforts to increase the number of nurses at Elazığ Mental Health Hospital continue with the appointment of 16 nurses by the Provincial Directorate of Health and new appointments are expected. The hospital psychiatrists and psychologists are currently working on the implementation of modalities of group therapy and individual psychotherapy apart from pharmacotherapy. In order to prevent inter-patient violence, the number of patients was reduced and that of visits was increased in closed wards. Furthermore, the patients are regularly monitored with cameras in order to maintain immediate intervention in cases of acts of violence. It was also decided to arrange observation rooms for acute patients.

The organized rude behavior of the patients in closed male ward and the closed forensic ward at Samsun Mental Health Hospital towards other patients, mentioned in paragraph 13, was seriously taken into consideration. In this context, in order to observe the patients more closely, the frequency of interaction between the patients and the cleaning company staff was reduced as much as possible, and as a precaution medical personnel were assigned within these wards. Video camera record system was put into service. The number of assistant medical personnel was increased. Additional 8 nurses were appointed to remedy the existing insufficiency. Furthermore, with a view to meeting the requirements of patient care, training and certification studies were put into practice. Patient awareness-raising meetings are organized by the psychologists and all complaints are examined carefully by the patient's rights unit.

In light of the remarks made in paragraphs 13 and 14, the Ministry of Health launched studies to ensure that every person who has contact with the patients is a high school or university graduate medical personnel. Moreover, efforts to decrease the number of patients (45 – 60) to a reasonable level, and to increase the number of psychiatry beds (20) in the country are also underway.

Paragraph 16

Comments on inviting the Turkish authorities to remedy material deficiencies of the Istanbul Bakırköy Prof. Dr. Mazhar Osman Mental Health Education and Research Hospital.

Material conditions at Istanbul Bakırköy Prof. Dr. Mazhar Osman Mental Health Education and Research Hospital are good in general and efforts to further improve the living areas of the patients are underway. In fact, the hospital administration has already launched a project to purchase appropriate furniture and approximately 1,5 million YTL was required to this end. Unfortunately, efforts to receive donations did not achieve concrete results. Since the hospital has lower income compared to other general hospitals, renovation of some wards can only be maintained with the financial support of the Ministry of Health. It is believed that an increase in the income of the hospital will be achieved with the newly introduced “package practice” within the next six months or one year.

On the other hand, the Ministry of Health has asked for additional financial allocation for the mental health hospitals from the central share of the revolving fund and from other budgetary items. Efforts are also underway to allocate more contribution from general budget to the mental hospitals.

Paragraph 17

The CPT reiterates its recommendation that appropriate steps be taken without further delay at the Bakırköy Hospital to improve patients' living conditions in the "prison ward".

The prison ward at Istanbul Bakırköy Prof. Dr. Mazhar Osman Mental Health Education and Research Hospital is protected by the Gendarmerie. The staff in the interior is composed of guardians. For reasons of security, the environment is restrictive and no treatment atmosphere was established.

The Ministry of Health concludes that the only solution to this problem is to establish high security wards that do not distort the treatment atmosphere. Efforts to take appropriate steps are in progress.

Paragraphs 18 and 19

The CPT recommends that steps be taken at the Elazığ Hospital to improve living conditions, in the light of the preceding remarks. In particular, steps should be taken to divide up large dormitories into smaller rooms and to remove the metal bar partitions, in order to create a more therapeutic and less prison-like environment.

At Elazığ Mental Health Hospital, deficiencies in male and female closed wards were remedied. Necessary arrangements are in progress in terms of the imbalance between the number of patients and beds as well as providing outdoor exercise for the patients whose health conditions so permit. Furthermore, arrangements concerning other deficiencies mentioned in paragraphs 18 and 19 will follow.

The number of psychiatry experts in the hospital reached 14 in 2007 and the quality of service improved with the increase in the number of doctors per patient. Within the existing conditions, the separation of closed wards into small rooms seems impossible. The only solution appears to be the construction of new buildings. Metal partitions are planned to be removed in 2007.

Paragraph 21

Comment on the ongoing construction of a new hospital at Samsun and request for information on a detailed plan of the different stages of the construction of the hospital and a timetable for their full implementation.

The Committee recommends that steps be taken at the Samsun Hospital to keep patients' rooms in an acceptable state of cleanliness and hygiene and to provide a more personalised environment.

Efforts concerning the construction of the new hospital, have been speeded up. A modern hospital project, covering 38.000 m² was drawn up, the bidding of the preliminary project has been carried out, the bid approval has been received, and the application project is being carried out. The project is designed to meet every need and to contain single and double rooms.

In the existing premises of Samsun Mental Health Hospital building, the patient rooms were revised. In this context, beds, bunks and personal lockers were renewed. Hygiene conditions were also improved.

The building, which is adjacent to the hospital, has been modified, and emergency polyclinic, psychiatry polyclinics, neurology polyclinic, health board room, administrative units, psychologist office and test rooms have been put into service with modern hardware.

The Center for ECT with anesthesia had been opened and put into service. However, after the disaster of flood which took place in Samsun on 24 August 2007, the ECT Center and the rearranged B Block which was modified from a ward became unusable. A new project for a two-storey building of 1700 m² with rooms, social areas, air condition, heating and cooling systems was immediately drawn up. The official procedures have been largely completed and the project is in the bidding stage.

After the harmful fire on 7 September 2007, the wards in A Block have been rearranged as rooms, the evacuated administrative building has been intended for rehabilitation area, yet due to the fire that broke out during modification works 3 Units became unusable. As a result, forensic patients were transferred to other mental health hospitals.

The bed capacity of the hospital fell from 340 to 140 after the flood and the fire. The conditions at the existing Units however, are good. Currently, there is no ward system.

The construction of the Center for ECT with anesthesia continues and is expected to be completed as soon as possible.

Paragraph 22

The CPT calls upon the Turkish authorities to take urgent measures at the three hospitals visited in order to ensure that all psychiatric patients, whose health conditions so permit, are offered at least one hour of outdoor exercise per day. Further, steps should be taken at the Elazığ Hospital to provide patients with appropriate clothing to this end.

At Istanbul Bakırköy Prof. Dr. Mazhar Osman Mental Health Education and Research Hospital, shortcomings in terms of outdoor exercises in the two ward gardens were remedied. The only deficiency in this respect remains for the patients staying at one unit of the AMATEM building and this problem will be remedied within a month. All the gardens within the hospital are surrounded with wire fences and currently outdoor exercises exceed the duration (one hour per day) recommended in the report. Moreover, it is even possible to benefit from the garden all day in some closed wards.

At Elazığ Mental Health Hospital, the patients staying at the wards mentioned in this paragraph were given the opportunity of outdoor exercise at least one hour per day. Some of the patients staying at closed wards also spend their time at the activity center. Appropriate clothing will be provided for the patients for enabling them to have outdoor exercise during the winter months.

At Samsun Mental Health Hospital, outdoor exercises for the patients in the closed wards were being registered through the “garden information forms” and these exercises were arranged according to the weather conditions. Efforts to create new areas for outdoor exercises adjacent to closed wards are underway in the reconstruction process. Before the fire, outdoor exercises in the closed wards were taking place around 2 – 3 hours per day. New clothing which is appropriate for outdoor exercise was provided for all patients.

Paragraph 23

The CPT recommends that steps be taken at all three mental health hospitals visited to provide more comprehensive and individualised care and to better prepare patients’ return to the community.

Request for information on the planned rehabilitation centre at the Elazığ Hospital (including whether it is to be accessible to inpatients from closed wards).

The rehabilitation center at Istanbul Bakırköy Prof. Dr. Mazhar Osman Mental Health Education and Research Hospital is the largest of its kind in Turkey. A second rehabilitation center has recently been opened. Furthermore, rehabilitation activities also continue within the services and necessary steps are being taken in certain wards, particularly for acute, minor and forensic patients, in order to introduce new forms of treatment other than pharmacotherapy. On the other hand, a new project was introduced with a view to establishing community psychiatry model instead of hospital-based model. This new project was put into practice in May 2007 with the collaboration of Bahçelievler Municipality.

As regards the chronic psychiatric patients at Elazığ Mental Health Hospital, rehabilitation and “half-way houses” project (MATRA project) is being implemented in collaboration with the Dutch government since 2005. Within the context of the project, patients who have been staying in closed wards for a long time without family support are taken to education houses following a selection procedure based on certain criteria. Following a period of 4 – 6 months education, those who manifest sufficient ability and consistency are transferred to half-way houses outside the premises of the hospital. The project aims at providing various job and engagement opportunities and help them re-integrate with the society. In the past two years, 20 patients were included in the rehabilitation studies. The patients are supported with daily nurse and weekly doctor visits at the houses. The project inter-alia helps alleviate the existing burden on the mental health hospitals.

The existing administrative building at Samsun Mental Health Hospital will soon be converted to a rehabilitation center in which vocational training and development activities will be organized with a view to strengthening the re-integration of the patients. In addition to pharmacotherapy, psychotherapy and rehabilitation services were put into practice at the forensic ward and are planned to be extended to other wards as well.

Paragraph 24

The CPT recommends that the policy of mixing mentally-ill patients with oligophrenic behaviourally disturbed patients on closed wards be reviewed.

At Istanbul Bakırköy Prof. Dr. Mazhar Osman Mental Health Education and Research Hospital, mentally retarded patients are not hospitalized in acute wards. However, those mentally retarded patients who also have psychotic disorder are hospitalized although their number is few. The problem mentioned in the report exists for chronic patients. Currently, there are 500 such patients at the hospital. The CPT’s recommendation will be duly taken into consideration.

Paragraph 28

Request for information on the number of patients who have received ECT in 2007.

The total number of patients who were subject to ECT is 687 since January 2007 (as of 10.05.2007).

At Istanbul Bakırköy Prof. Dr. Mazhar Osman Mental Health Education and Research Hospital, 9128 patients were applied ECT with anesthesia in 2006.

The number of patients who have been applied ECT with anesthesia in 2007 at Elazığ Mental Health Hospital is 9.

The application of ECT with anesthesia at Samsun Mental Health Hospital was put into practice on 4 April 2007. 640 sessions have been administered so far.

Paragraph 30

Comment on inviting the Turkish authorities to take steps to review the supply of medicines throughout the Elazığ Hospital.

At Elazığ Mental Health Hospital, there is no insufficiency in supply of medicine which might have negative affect on the treatment. Patients are provided with medicine on time.

Paragraph 31

The CPT recommends that medical files be properly kept for every patient at the Elazığ and Samsun Hospitals, taking into account the above remarks.

Due attention will be paid to the medical files of the patients at Elazığ and Samsun Mental Health Hospitals.

Paragraph 32

Request for information on the Turkish authorities' comments on the frequency of medical consultations at Elazığ and Samsun Mental Health Hospitals.

At Elazığ Mental Health Hospital, patients receive medical consultation as the psychiatrist deems it necessary.

Samsun Mental Health Hospital administration was instructed to arrange regular and more frequent consultations of the patients.

Paragraph 33

Comment on inviting the Turkish authorities to take steps to put an end to consulting patients in groups rather than individually in all three hospitals visited.

At Elazığ Mental Health Hospital all interviews and consultations with the patients are being held individually.

Samsun Mental Health Hospital administration was instructed to ensure individual patient-doctor consultation in line with the CPT recommendation. However, due to inadequate number of rooms, individual interaction between the patient and the doctor could not always be achieved. Efforts are underway to this end.

Paragraph 34

The CPT recommends that steps be taken at the Bakırköy, Elazığ and Samsun Hospitals (as well as in other mental health hospitals in Turkey) to ensure that all medical examinations of patients are conducted out of the hearing and - unless the doctor concerned requests otherwise in a particular case - out of the sight of prison officers and other non -medical staff.

At Elazığ Mental Health Hospital, utmost attention is paid to prevent others to see patient files and medical information apart from the personnel in charge as well as to the confidentiality of these files.

The patients in the prison ward at Samsun Mental Health Hospital, will be provided treatment solely by the medical personnel unless security risks appear. Necessary arrangements were put into effect to this end. Security staff and the Gendarmerie will not accompany the medical team and will provide security outside.

Paragraph 35

Comment on carrying out an autopsy in all cases where a patient dies in hospital, unless a clear diagnosis of a fatal disease has been established prior to death.

As regards the incident mentioned in the report as well as other death incidents occurred at Elazığ Mental Health Hospital, the Office of the Public Prosecutor was informed and judicial investigation was initiated.

Concerning the incidents resulting in the death of the patients at Samsun Mental Health Hospital, Office of the Public Prosecutor is informed and the Prosecutor may decide for an autopsy.

Paragraph 38

Request for information on the additional steps taken by the Turkish authorities to reinforce the nursing staff at the Elazığ Hospital.

The CPT recommends that efforts should be made to recruit additional psychiatrists at the Elazığ and Samsun Hospitals.

The number of nurses at Elazığ Mental Health Hospital was increased to 82 from 61 with new appointments in 2007. Efforts will continue to increase the number of nurses. Furthermore, the number of psychiatry experts at the hospital reached 15 in 2007.

At Samsun Mental Health Hospital, additional 8 nurses were appointed. In the last 4 months, 4 more psychiatrists were also appointed.

Paragraph 41

The CPT recommends that immediate steps be taken to remedy this (ready access of nurses to patients) shortcoming.

All closed wards at Samsun Mental Health Hospital are equipped with video camera systems. The number of nurses in closed wards was also increased. Key clipboards, which preserve all the keys marked with numbers, were located at the entrance of each ward.

Paragraph 42

The CPT recommends that the current arrangements concerning the deployment of security staff at the Bakırköy and Elazığ Hospitals and, if appropriate, at other mental health hospitals in Turkey, be reviewed in the light of the preceding remarks.

According to the **Regulation on the Management of Medical Institutions Providing Inpatient Treatment** (Council of Ministers Decision, date: 10.09.1982, no: 8/5819, Official Gazette: 13.01.1983, No: 17927; Regulation Concerning Amendment in the Regulation on the Management of Medical Institutions Providing Inpatient Treatment, Official Gazette: 05.05.2005, no: 25806) VIII Duties and Powers of Those Employed in Technical and Others Posts “O – Security Services: **Article 177** – (Official Gazette dated 05-05-2005, numbered 25806, Article 29) **security services at medical institutions can be provided by means of the security unit established within the institution or private security institutions established in accordance with the relevant legislation through purchase of service.**”

Security personnel at Istanbul Bakırköy Prof. Dr. Mazhar Osman Mental Health Education and Research Hospital were located at various points of the premises. The security personnel do not stay permanently at the wards unless they were invited from the services on a temporary basis.

The bid for security services at Samsun Mental Health Hospital was finalized, security personnel were recruited and their deployment will be organized in line with the CPT recommendation.

Paragraph 43

The CPT recommends that the Turkish authorities redouble their efforts to provide training to orderlies in all mental health hospitals visited, in the light of the preceding remarks.

All personnel, including orderlies and nurses at Elazığ Mental Health Hospital were given a seminar on “Patient – Personnel Relations and Behavior in Psychiatry” on 18–19 December 2006 on the grounds that some patients were ill-treated and exposed to rude behavior.

At Samsun Mental Health Hospital, training and certification practices concerning professional medical personnel were started with a view to meeting patient care needs.

On the other hand, according to the **Regulation on the Management of Medical Institutions Providing Inpatient Treatment** (Council of Ministers Decision, date: 10.09.1982, no: 8/5819, Official Gazette: 13.01.1983, No: 17927; Regulation Concerning Amendment in the Regulation on the Management of Medical Institutions Providing Inpatient Treatment, Official Gazette: 05.05.2005, no: 25806) V Duties and Powers of Those Employed in Medical Services “U – Duties of the Hospital Orderlies **Article 135**), orderlies are the auxiliary services personnel carrying out all duties concerning hospital cleaning, taking patients to and from the laboratories and other places.

Under the instructions and the responsibility of the nurse(s) in charge of ward(s), they shall do the general cleaning of the ward and serve the meal distributed by nurses; they shall take patients to and from the laboratories and wards.

They shall take analysis material to the laboratory and receive the results at the determined time.

They shall carry out the instructions and assignments of the doctor, nurses, midwives, and medical technician of the ward or laboratory where they are employed.

They shall immediately inform the nurse on duty about the patient’s requests and needs, important events in the ward, and the state of the gravely ill patients. They shall be responsible for the items belonging to the patients and the institution, which were entrusted to their safekeeping.

The responsible doctor, nurse and the medical personnel shall ensure the adaptation of orderlies to the duties entrusted to them as well as to their training.”

Paragraph 44

The CPT recommends that the Turkish authorities take the necessary steps to ensure that the same approach is followed at the Samsun Hospital, as well as at all other mental health hospitals in Turkey.

Necessary consultations continue with the Office of the Chief Public Prosecutor in Samsun in order to reconsider the existence of gendarmerie personnel in the prison wards.

Paragraph 46

The CPT recommends that the Turkish authorities take the necessary steps to ensure that all the principles and minimum safeguards set out above are applied in all psychiatric establishments in Turkey.

The CPT recommends that strategies should be elaborated and implemented at all hospitals visited, with a view to significantly decreasing the resort to means of restraint by intensifying therapeutic relations between staff and patients and by applying de-escalation techniques.

At Istanbul Bakırköy Prof. Dr. Mazhar Osman Mental Health Education and Research Hospital, records concerning means of restraint are duly kept, official requirements are fulfilled with scrutiny and directives with regard to seclusion are in line with principles and safeguards recommended in the report. In recent months, 40 Canadian-made and remunerated restraint equipments were purchased. The use of straitjackets will end following the know-how on new equipments is established.

At Elazığ Mental Health Hospital, the records concerning restrictive measures are regularly taken. As a new practice, the patient files and register book of restraint concerning patients whose conditions require seclusion were also taken. Efforts are underway with a view to keeping the patients, subject to restrictive measures, in a separate place by way of arranging specific surveillance rooms.

Physical restraints on the patients at Samsun Mental Health Hospital are also recorded with a form. The walls in the surveillance rooms are covered with a soft material in order to prevent patients from harming themselves. Video camera systems were installed in the rooms. Fixation belts were purchased for physical restraint. Physical restraint is not exercised with the use of straitjackets, locks, chains and sheets. The restraints are exercised upon the instruction of the doctor, by way of keeping necessary records, for 15 minutes at least and 2 hours at most, in accordance with the procedures. The registration system has been entirely re-arranged and is under strict control. The personnel were given training on the use of the equipment.

Paragraph 47

The CPT recommends that steps be taken in all mental health hospitals visited to ensure that every resort to seclusion is recorded in the book of restraints, as well as in the patients' medical files.

Records of seclusion were taken at Istanbul Bakırköy Prof. Dr. Mazhar Osman Mental Health Education and Research Hospital.

At Elazığ Mental Health Hospital, the records concerning restrictive measures are regularly taken. As a new practice, the patient files and register book of restraint concerning patients whose conditions require seclusion were also taken. Efforts are underway with a view to keeping the patients, subject to restrictive measures, in a separate place by way of arranging specific surveillance rooms.

The means of restraints of patients are recorded with physical restraint forms at Samsun Mental Health Hospital. The registration system has been completely re-arranged and is under strict control of the administration.

Paragraph 48

The CPT recommends that the design of the seclusion room of Ward 33 at the Bakırköy Hospital be revised.

Efforts will be put into effect in order to remedy the problem concerning the seclusion room at ward no. 33 at Istanbul Bakırköy Prof. Dr. Mazhar Osman Mental Health Education and Research Hospital.

Paragraph 51

Request for information whether the new premises of Elazığ Home for Persons in Need are now fully operational and that all residents have been transferred there.

The new premises of Elazığ Home for Persons in Need became operational as of September 2007.

Paragraph 52

The CPT recommends that steps be taken at the Gaziantep Centre to ensure that the vacant nurse's post is filled without delay.

Request for confirmation that a physiotherapist is now working at the Centre.

The vacant nurse's post mentioned in the report was filled by a nurse from Nizip Child Care Center by the Governorship's decision. Furthermore, a physiotherapist was permanently appointed to the Center.

Paragraph 55

Comment on inviting the Turkish authorities to take steps to introduce a specific registry system regarding the use of means of restraint at Gaziantep Care and Rehabilitation Center

At Gaziantep Care and Rehabilitation Center, efforts were put into practice with a view to establish a specific registry system for the use of means of restraint.

Paragraph 57

The CPT recommends that steps be taken at the Bakırköy, Elazığ and Samsun Hospitals to review the legal status of patients.

Regarding involuntary hospitalization, efforts are underway at Elazığ Mental Health Hospital in order to ensure that the approval for involuntary placement is obtained by means of notification to the competent magistrate's court rather than taking the approval of a member of the family.

At Samsun Mental Health Hospital, necessary attempts were made concerning the notification of magistrate's court. A special unit was established in charge of the correspondence between the hospital and the court. The court decision is rendered compulsory in cases of involuntary hospitalization. Furthermore, a chart was prepared for hospitalized patients at the wards for facilitating the follow-up. The document concerning involuntary hospitalization (Article 432 of Civil Code) is submitted to the court within 48 hours. A court decision is also required for discharge from hospital.

The Ministry of Health is currently holding consultations with the Ministry of Justice with a view to eliminating the existing problems in relation to involuntary hospitalization carried out in accordance with Articles 432 and 433 of the Civil Code.

Paragraph 58

The CPT recommends that steps be taken at all hospitals visited to ensure that involuntary admission forms are properly completed.

Separate forms were filled in with regard to voluntary and involuntary hospitalization in Samsun Mental Health Hospital.

Paragraph 59

The CPT recommends that the Turkish authorities take the necessary steps at the Bakırköy, Elazığ and Samsun Hospitals and, if appropriate, at other mental health hospitals in Turkey, to ensure that all involuntary admissions are systematically notified to the competent court. Steps should also be taken by the management of all mental health hospitals to inform the competent courts of all patients currently being held in any of these hospitals on an involuntary basis

The steps taken by the Turkish authorities in this respect at Elazığ and Samsun Mental Health Hospitals were stated in paragraph 57.

Paragraph 60

The CPT recommends that the Turkish authorities take the necessary steps to ensure that:

- **any patient who is admitted to a mental health hospital in Turkey on an involuntary basis is always heard in person by the judge before a decision on placement is taken;**
- **decisions on involuntary placement in a mental health hospital are taken speedily by the competent court;**
- **the patient concerned receives a copy of the court decision and is informed, verbally and in writing, about the reasons for the decision and the avenues/deadlines for lodging an appeal.**

As underlined in paragraph 57, the Ministry of Health and the Ministry of Justice are in a consultation process with a view to overcoming the shortcomings in involuntary hospitalization in all mental health hospitals in Turkey.

Paragraph 72

Comment on the patients unawareness of the existence of the Patients' Rights Board at Elazığ Mental Hospital

The patients at Elazığ Mental Health Hospital were informed of the existence of the Patients' Rights Board.

Paragraph 80

Comment on inviting the Turkish authorities to take necessary steps to ensure that the competent magistrate's court is informed of involuntary placements at Gaziantep Care and Rehabilitation Center.

The Directorate General of Social Services and Child Protection has 42 boarding care and rehabilitation centers providing service for the disabled who are in need of protection and care. The placements of the persons in need to the institutions are carried out by the Directorate General in accordance with the relevant provisions of the Regulation with a view to ensuring equality.

In order to carry out the placement at the institutions attached to the Directorate General, the Provincial Directorate for Social Services are instructed to "submit a copy of the file of the disabled person in question to the institution, to make a call for admission, to issue a decision for protection, to appoint a guardian for the person and to ensure that the guardian was authorized by the competent court and inform the Directorate General of the outcome." The guardians of the disabled persons who are involuntarily placed at the institutions are liable to get authorization from the relevant magistrate's court and they are particularly informed of this requirement of authorization.

Where minor disabled persons are placed at the institutions, no guardian is required since their parents hold their guardianship. In order to appoint guardians for those persons who attain their majority, their parents and the relevant institution apply to the magistrate's court. Necessary measures are being taken in order to fully implement the relevant procedure.

Paragraph 81

Comment on inviting the Turkish authorities to take necessary steps to remedy the deficiency on informing the magistrate's court shall be informed of the situation, where a disabled adult applies Gaziantep Center.

The procedure regarding the placement of the disabled persons at the institution is explained in the reply to paragraph 80.

Where the disabled persons are placed at Gaziantep Care and Rehabilitation Center before attaining their majority, no guardian is appointed since their parents hold their guardianship.

For appointing custodian for those persons who attain their majority, their parents and the institution they are placed apply the relevant magistrate's court. There are such persons whose procedures are completed or ongoing.

Paragraph 82

Comment on inviting the Turkish authorities to take necessary steps to ensure that a review procedure to examine regularly the need for placement is introduced in respect of all persons who are placed against or without their will in a social welfare institution in Turkey.

The situations of the disabled persons placed at social welfare institutions for care as well as of their families are evaluated at regular intervals. In addition, necessary instructions were also given to Provincial Directorates of Social Services with a view to assessing the situations of the disabled persons, who can benefit from boarding and day time services provided at In-House Care and Special Care Centers which were put into service with Law on the Disabled (no. 5378) and to enabling the eligible ones to benefit from the said services.

Paragraph 84

Comment on carrying out more frequent inspections in Gaziantep; and exploring the possibility of introducing regular visits to social welfare institutions by an independent outside body which is responsible for the inspection of residents' care.

The service provided at care and rehabilitation centers, along with other institutions, is inspected regularly by nominated inspectors of the Supervisory Committee of the Directorate General of Social Services and Child Protection. Furthermore, senior officials from the Directorate General as well as from Office of the Governor, and the Provincial Directorates of Social Services carry out occasional inspections.

The Human Rights Inquiry Commission of the Turkish Grand National Assembly carries out occasional inspections at the institutions.

Apart from the abovementioned inspections, the recommendation that the institutions be inspected by an independent outside body will be considered in a positive manner.

Paragraph 88

The CPT recommends that the Turkish authorities take the necessary steps to ensure that all admissions to mental health hospitals and social welfare establishments of persons who are unable to consent are notified to the competent magistrate's court, so that the latter can take a decision on the placement, and, if necessary, on the appointment of a guardian. The same procedure should be applied whenever the mental condition of a competent person deteriorates during placement.

The procedure regarding the placement of the disabled persons at the mental health hospitals and social welfare institutions is explained in the reply to paragraph 80. Necessary measures are being taken regarding the full implementation of the relevant procedure.

Paragraph 89

The CPT recommends that the Turkish authorities strive to find alternative solutions which would better guarantee the independence and impartiality of guardians.

In case of the lack of fulfilling the responsibilities of the guardians of the disabled persons at care and rehabilitation centers, relevant authorities initiate necessary proceedings in accordance with the legislation.