

OBJECTIVE 02

To promote human rights and democracy, involving citizens in policy dialogue, design and monitoring

COMPARISON OF PRISON LEGAL TEXTS WITH INTERNATIONAL HUMAN RIGHTS LAW

TURKISH CYPRIOT HUMAN RIGHTS FOUNDATION



Photo Credit: Turkish Cypriot Human Rights Foundation

THIS ACTION INVOLVED

Research on policy regarding the prison legal texts, in comparison with international human rights documents and case law.

Preparation of report entitled "Comparison of prison legal texts of the northern part of Cyprus with International Human Rights Law" and dissemination to relevant local bodies and other stakeholders.

Presentation of the report to the "prosecutors", lawyers and operating officials on 18 August 2017, in the premises of the Turkish Cypriot Journalists Association.

Translation and dissemination of the report to relevant international organizations.

ABOUT THE TURKISH CYPRIOT HUMAN RIGHTS FOUNDATION

The Turkish Cypriot Human Rights Foundation was established in February 2005 to address fundamental human rights issues and contribute to the protection and development of fundamental human rights in the northern part of Cyprus.

STORY OF THE ACTION

Through their Grow Civic action, the Turkish Cypriot Human Rights Foundation identified fundamental human rights violations during the arrest and punishment processes, while examining the current shortcomings of the legal texts. The findings were translated into a report drafted by Dr. Fatma Karakaş Doğan, an Associate Professor in Criminal Law.

"In the northern part of Cyprus, similarly to the rest of the world, it has been observed that prisoners or detainees are victims of fundamental human rights violations. Imprisonment and detention are de facto treated as specialized fields in human rights law where officials often avoid inspection."

Dr. Fatma Karakaş Doğan

The research examined both the consequences of the administrative structure in the northern part of Cyprus, and the current legal texts for regulating imprisonment and detention. The report demonstrates the need to revise the legal texts in the northern part of Cyprus in regards to enforcing prison sentences and arrest warrants. It highlights that the legal text on penal sanctions should be reviewed in accordance with international documents and jurisprudence. The report underlines that imprisonment and detention are potential sources for victimization and should be treated as a legal framework, in accordance with the international standard. The report revealed that some fundamental rights of prisoners and detainees, such as the right to vote, rights in disciplinary proceedings, and family visitation rights, are not even mentioned in the legal texts.

"Countries make the necessary arrangements in their domestic laws to ensure that the penal institutions function in accordance with the norms of human rights law. Essentially, this understanding is based on the contemporary notion that detainees and prisoners are the subject, not the topic of enforcement processes. The subject of decisions of detention and imprisonment sentences is only freedom. For this reason, the detainees and prisoners should continue to have all the innate human rights and all other rights that came with it. Hence, exercising these rights should be adapted to the conditions of deprivation from liberty."

Dr. Fatma Karakaş Doğan

TO FIND MORE ABOUT THE ACTION



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Photo Credit: Turkish Cypriot Human Rights Foundation



RIGHTS-BASED APPROACH

The action was an important step in revealing the fundamental human rights violations perpetuated against prisoners and detainees, and thus, the report itself is a robust advocacy tool to improve the necessary legal texts.

On 18 August 2017, during the presentation of the research, the Turkish Cypriot Human Rights Foundation engaged with a diverse group of representatives, "prosecutors", lawyers, and operating officials and finalized the report with their feedback. One of the recommendations from the report is the harmonization of the legal texts to the *acquis communautaire*.

Photo Credit: Turkish Cypriot Human Rights Foundation



WHAT'S NEXT?

The report has been disseminated widely to professionals. The findings are shared with the officials at the penalty institution and the local body responsible for law. As a continuation of this action, the advocacy efforts will continue towards the necessary legal changes.