



# Women's Struggle for Adequate Medical Care in Incarceration



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## Introduction

In 2023, the statistics from the Council of Europe (“CoE”) Annual Penal Statistics on Prison Populations revealed that the number of prisoners in Türkiye accounted for more than a third of all prisoners in CoE member states.<sup>1</sup> According to data gathered as of January 31, 2023, the overall prison population across European jails was reported as 1,036,680, with 348,265 incarcerated individuals in Türkiye alone, contributing a significant portion to this total.<sup>2</sup> Trailing behind Türkiye in the rankings were England and Wales, with a prison population of 81,806; France, with 72,294 inmates; Poland, with 71,228; and Germany, with 58,098 incarcerated individuals, highlighting the stark contrast between Türkiye and other European countries.<sup>3</sup> As of April 2024, the total number of female inmates incarcerated in Türkiye’s prisons reached 13,561, with 2,912 children accompanying them.<sup>4</sup> In 2025, according to statistics from Turkish officials, the total number of incarcerated individuals reached

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<sup>1</sup> Stockholm Center for Freedom, ‘More Than a Third of Inmates in Europe Are in Turkish Prisons, CoE Data Reveal’ (SCF, 6 June 2024) < <https://stockholmcf.org/more-than-a-third-of-inmates-in-europe-are-in-turkish-prisons-coe-data-reveal/> > accessed 24 February 2025.

<sup>2</sup> Stockholm Center for Freedom, ‘More Than a Third of Inmates in Europe Are in Turkish Prisons, CoE Data Reveal’ (SCF, 6 June 2024) < <https://stockholmcf.org/more-than-a-third-of-inmates-in-europe-are-in-turkish-prisons-coe-data-reveal/> > accessed 24 February 2025.

<sup>3</sup> Stockholm Center for Freedom, ‘More Than a Third of Inmates in Europe Are in Turkish Prisons, CoE Data Reveal’ (SCF, 6 June 2024) < <https://stockholmcf.org/more-than-a-third-of-inmates-in-europe-are-in-turkish-prisons-coe-data-reveal/> > accessed 24 February 2025.

<sup>4</sup> Stockholm Center for Freedom, ‘Report Reveals Overcrowding and Poor Living Conditions in Turkish Prisons’ (SCF, 8 August 2024) < [www.stockholmcf.org/report-reveals-overcrowding-and-poor-living-conditions-in-turkish-prisons/](http://www.stockholmcf.org/report-reveals-overcrowding-and-poor-living-conditions-in-turkish-prisons/) > accessed 24 February 2025.

392,456, including 17,131 female inmates, highlighting a steady increase in the female prison population.<sup>5</sup>

The high incarceration rate in Türkiye mainly stems from politically charged imprisonments in the country. In 2016, Mr. Gülen and his supporters, known as members of the Gülen Movement, were accused by the Turkish government of being behind the failed coup attempt, despite objections to such an accusation from certain EU bodies and the OHCHR.<sup>6</sup> This is the underlying reason for the significantly high number of prisoners, including a notable proportion of women within Türkiye's incarceration rate, a situation that reflects the broader ramifications of the political turmoil and the subsequent mass arrests in the wake of the 2016 coup attempt. Such arrests are excessively harsh and involve charges related to participation in social activity organizations that operated lawfully, in which individuals were engaged in cultural and educational exchanges.<sup>7</sup>

However, issues that incarcerated individuals endure are not limited to what can be considered as arbitrary detention. These individuals are subjected to poor conditions in prisons, ranging from overcrowding to persistent strip-

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<sup>5</sup> Stockholm Center for Freedom, 'Turkey's Prison Population Surges in 7 Months with Overcrowding Worsening' (SCF, 20 February 2025) < <https://stockholmcf.org/turkeys-prison-population-surges-in-7-months-with-overcrowding-worsening/> > accessed 24 February 2025.

<sup>6</sup> Tulay Karadeniz and Tuvan Gumrukcu, 'EU says needs concrete evidence from Turkey to deem Gulen Network as terrorist' (Reuters, 30 November 2017) < <https://www.reuters.com/article/idUSKBNIDU0DU/> > accessed 24 February 2025; OHCHR, 'Report on the Impact of the State of Emergency on Human Rights in Turkey, Including an Update on the South-East' [2018] UN Human Rights Office < <https://www.refworld.org/reference/countryrep/ohchr/2018/en/120660> >.

<sup>7</sup> *Yüksel Yalçınkaya v. Türkiye* App. no 15669/20 (ECtHR 26 September 2023), para 27.

searches,<sup>8</sup> compounded by a lack of sanitation, and access to adequate healthcare.<sup>9</sup>

## The Struggle for Adequate Medical Care in Incarceration

Women who are incarcerated due to their alleged affiliation with the Gülen Movement are particularly vulnerable to ongoing hardships as a result of their treatment by state officials. There is growing concern over the inadequate medical care provided to prisoners accused of affiliating with the Gülen Movement, including neglect of their medical conditions both during and after incarceration. They face harsh conditions that exacerbate their physical and mental health, making their overall well-being worse. This is primarily due to the complications that women are more likely to face during pregnancy, as well as diseases such as breast cancer, which are more common in women than in men.

To exemplify, in February 2024, a seven-month-pregnant woman was arrested on charges related to her alleged links with the Gülen Movement despite being in her last trimester.<sup>10</sup> She was arrested for being a roommate of individuals

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<sup>8</sup> Stockholm Center for Freedom, '5 Years Later, Turkish Woman Still Haunted by Strip-Search in Police Custody' (SCF, 3 February 2025) < <https://stockholmcf.org/5-years-later-turkish-woman-still-haunted-by-strip-search-in-police-custody/> > accessed 24 February 2025.

<sup>9</sup> Stockholm Center for Freedom, 'Report Reveals Overcrowding and Poor Living Conditions in Turkish Prisons' (SCF, 8 August 2024) < <https://stockholmcf.org/report-reveals-overcrowding-and-poor-living-conditions-in-turkish-prisons/> > accessed 24 February 2025.

<sup>10</sup> Stockholm Center for Freedom, 'Turkish Authorities Arrest Pregnant Woman for Alleged Links to Gülen Movement' (SCF, 22 February 2024) < [www.stockholmcf.org/turkish-authorities-arrest-pregnant-woman-for-alleged-links-to-gulen-movement/](http://www.stockholmcf.org/turkish-authorities-arrest-pregnant-woman-for-alleged-links-to-gulen-movement/) > accessed 24 February 2025.

linked to the Gülen Movement during her time at university.<sup>11</sup> Such arrests may culminate in severe and profound consequences for pregnant women.<sup>12</sup> The physical stress women suffer, especially at the later stages of their pregnancy, can increase the risk of complications including preterm labor, low birth weight, and high blood pressure.<sup>13</sup> Additionally, the psychological effects of incarceration during pregnancy can be just as severe, as women are more prone to experiencing anxiety and depression, which can significantly impact both mothers and their unborn children.<sup>14</sup> Article 16(4) of Law No. 5275 states that “the execution of the prison sentence against a woman who is pregnant or who gave birth less than six months ago shall be postponed.”<sup>15</sup> However, this provision is often disregarded in the case of women arrested for political reasons, despite being in the most critical stage of their pregnancy.

In another instance, in February 2025, an incarcerated woman named M. Nene, who was diagnosed with breast cancer, conveyed her situation to a lawmaker

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<sup>11</sup> Stockholm Center for Freedom, ‘Turkish Authorities Arrest Pregnant Woman for Alleged Links to Gülen Movement’ (SCF, 22 February 2024) < [www.stockholmcf.org/turkish-authorities-arrest-pregnant-woman-for-alleged-links-to-gulen-movement/](http://www.stockholmcf.org/turkish-authorities-arrest-pregnant-woman-for-alleged-links-to-gulen-movement/) > accessed 24 February 2025.

<sup>12</sup> Laura Abbott, Kirsty Kitchen, Tanya Capper, Miranda Davies, and Lucy Baldwin, ‘Improving Maternity Provision for Incarcerated Women in the UK’ [2025] 388 BMJ.

<sup>13</sup> Silvana Andréa Molina Lima, Regina Paolucci El Dib, Meline Rossetto Kron Rodrigues, Guilherme Augusto Rago Ferraz, Ana Claudia Molina, Carlos Alberto Pilan Neto, Marcelo Aparecido Ferraz de Lima, Marilza Vieira Cunha Rudge, ‘Is the Risk of Low Birth Weight or Preterm Labor Greater When Maternal Stress is Experienced During Pregnancy? A Systematic Review and Meta-Analysis of Cohort Studies’ [2018] Plos One.

<sup>14</sup> Eunice Kennedy Shriver National Institute of Child Health and Human Development, ‘Will stress during pregnancy affect my baby?’ (NICHD, 3 March 2023) < <https://www.nichd.nih.gov/health/topics/preconceptioncare/conditioninfo/stress> > accessed 24 February 2025.

<sup>15</sup> Law No. 5275, article 16(4) < <https://www.lawsturkey.com/law/the-law-on-the-execution-of-penalties-and-security-measures-5275> >.

in a letter, explaining her condition and inadequate healthcare in prison.<sup>16</sup> She was arrested for depositing money into a lawfully operating bank at the time of her deposit, for subscribing to a certain newspaper — which was criticizing the government — that operated lawfully at the time of her subscription, and for attending religious gatherings where members of the Gülen Movement also participated.<sup>17</sup>

In her letter, she revealed that the delay in her diagnosis was a result of the inadequate healthcare provided within the prison.<sup>18</sup> In a prison environment, women battling breast cancer frequently encounter impediments in terms of delayed diagnosis and treatment.<sup>19</sup> This may stem from delays in timely access to medical screenings including mammograms and biopsies.<sup>20</sup> A similar situation occurred in M. Nene's case, where she explained that her hospital appointments were constantly canceled, resulting in a delay of 10 months before her biopsy was conducted after her symptoms first appeared.<sup>21</sup> She currently fears for her life and has stated that she does not even know what

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<sup>16</sup> Stockholm Center for Freedom, 'Woman Diagnosed with Cancer in Turkish Prison Faces Lack of Proper Medical Care' (SCF, 10 February 2025) < <https://stockholmcf.org/woman-diagnosed-with-cancer-in-turkish-prison-faces-lack-of-proper-medical-care/> > accessed 24 February 2025.

<sup>17</sup> Stockholm Center for Freedom, 'Woman Diagnosed with Cancer in Turkish Prison Faces Lack of Proper Medical Care' (SCF, 10 February 2025) < <https://stockholmcf.org/woman-diagnosed-with-cancer-in-turkish-prison-faces-lack-of-proper-medical-care/> > accessed 24 February 2025.

<sup>18</sup> Stockholm Center for Freedom, 'Woman Diagnosed with Cancer in Turkish Prison Faces Lack of Proper Medical Care' (SCF, 10 February 2025) < <https://stockholmcf.org/woman-diagnosed-with-cancer-in-turkish-prison-faces-lack-of-proper-medical-care/> > accessed 24 February 2025.

<sup>19</sup> Feng Zhang, 'Challenges and Prospects for Cancer Treatment in Prison Settings' [2024] *Lancet Oncology* 8.

<sup>20</sup> Feng Zhang, 'Challenges and Prospects for Cancer Treatment in Prison Settings' [2024] *Lancet Oncology* 8.

<sup>21</sup> Stockholm Center for Freedom, 'Woman Diagnosed with Cancer in Turkish Prison Faces Lack of Proper Medical Care' (SCF, 10 February 2025) < <https://stockholmcf.org/woman-diagnosed-with-cancer-in-turkish-prison-faces-lack-of-proper-medical-care/> > accessed 24 February 2025.

stage her cancer is at. Moreover, she struggles to sleep due to the pain and is unable to eat anything as she constantly vomits.<sup>22</sup>

Her issue extends to psychological and emotional distress caused by the stress of confinement, uncertainty about her future, and separation from her support system, particularly her family.<sup>23</sup> This, in turn, can significantly worsen her condition, potentially accelerating the progression of her breast cancer.<sup>24</sup> Considering the delays and lack of proper care in her diagnosis, concerns arise about whether her treatment — particularly chemotherapy or radiation therapy — will be adequately administered as women with breast cancer often require these treatments on a regular schedule. The consequences of any delays are highly detrimental as such delays can allow the cancer to progress rapidly.<sup>25</sup> Such concerns are further exacerbated by the question of whether proper pain management through medication can be provided within her prison.

Additionally, the conditions of prisons for pregnant women and women struggling with breast cancer are critical considering the health issues they

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<sup>22</sup> Stockholm Center for Freedom, 'Woman Diagnosed with Cancer in Turkish Prison Faces Lack of Proper Medical Care' (SCF, 10 February 2025) < <https://stockholmcf.org/woman-diagnosed-with-cancer-in-turkish-prison-faces-lack-of-proper-medical-care/> > accessed 24 February 2025.

<sup>23</sup> Stockholm Center for Freedom, 'Woman Diagnosed with Cancer in Turkish Prison Faces Lack of Proper Medical Care' (SCF, 10 February 2025) < <https://stockholmcf.org/woman-diagnosed-with-cancer-in-turkish-prison-faces-lack-of-proper-medical-care/> > accessed 24 February 2025.

<sup>24</sup> Elizabeth Reznik and Ava Torjani, 'Mechanisms of Stress-Attributed Breast Cancer Incidence and Progression' [2024] *Cancer Causes and Control* 1413.

<sup>25</sup> Jacek Jassem, Vahit Ozmen, Florin Bacanu, Monika Drobnieni, Janis Eglitis, Kuntegowdanahalli C. Lakshmaiah, Zsuzsanna Kahan, Jozef Mardiak, Tadeusz Pieńkowski, Tatiana Semiglazova, Ljiljana Stamatovic, Constanta Timcheva, Suzana Vasovic, Damir Vrbancic, Piotr Zaborek, 'Delays in diagnosis and treatment of breast cancer: a multinational analysis' [2014] *European Journal of Public Health* 761.



might face. There is an issue of overcrowding in Turkish prisons due to the ongoing mass arrests led by the government.<sup>26</sup> The overcrowding in prisons in Türkiye alone is a prominent contributory factor to inadequate access to healthcare owing to the high numbers of prisoners who suffer from different diseases.<sup>27</sup>

Moreover, overcrowding itself can be considered a cause for worsening health conditions, particularly for pregnant women and women suffering from breast cancer. Pregnant women and women suffering from breast cancer are in need of space and privacy. Pregnancy puts considerable stress on women's bodies including an increased risk of fatigue and stress.<sup>28</sup> Therefore, proper rest is crucial for recovery in order to allow both mothers and babies to maintain the energy necessary for their well-being.<sup>29</sup> For women with breast cancer, once they start treatment – especially chemotherapy – they often experience severe exhaustion, which can make even the easiest activities burdensome.<sup>30</sup>

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<sup>26</sup> Stockholm Center for Freedom, 'Turkey's Prison Population Surges in 7 Months, with Overcrowding Worsening' (SCF, 20 February 2025) < <https://stockholmcf.org/turkeys-prison-population-surges-in-7-months-with-overcrowding-worsening/> > accessed 24 February 2025.

<sup>27</sup> Stockholm Center for Freedom, 'Turkey's Prison Population Surges in 7 Months, with Overcrowding Worsening' (SCF, 20 February 2025) <https://stockholmcf.org/turkeys-prison-population-surges-in-7-months-with-overcrowding-worsening/> accessed 24 February 2025.

<sup>28</sup> Eunice Kennedy Shriver National Institute of Child Health and Human Development, 'Will stress during pregnancy affect my baby?' (NICHD, 3 March 2023) < <https://www.nichd.nih.gov/health/topics/preconceptioncare/conditioninfo/stress> > accessed 24 February 2025.

<sup>29</sup> Nancy Lapid, 'Sleep Shortage During Pregnancy May Hurt Baby's Brain' (Reuters, 27 September 2024) < <https://www.reuters.com/business/healthcare-pharmaceuticals/health-rounds-sleep-shortage-during-pregnancy-may-hurt-babys-brain-2024-09-27/> > accessed 24 February 2025.

<sup>30</sup> NHS Inform, 'Cancer-Related Fatigue' (NHS Inform, 14 October 2024) < <https://www.nhsinform.scot/illnesses-and-conditions/cancer/side-effects/cancer-related-fatigue/> > accessed 24 February 2025.

Proper rest is important to avoid nausea, weakness, and decreased immune function, which are the side effects of their treatments.<sup>31</sup>

Furthermore, in 2024, due to decreased sanitation resulting from overcrowding in prisons, there have been instances where contagious diseases, such as scabies outbreaks, have affected many inmates.<sup>32</sup> Additionally, in this instance, there was no isolation of the infected inmates, which contributed significantly to the rapid spread of the disease.<sup>33</sup> This highlights another reason why it is risky for pregnant women and those battling breast cancer to be held in overcrowded prisons.

Inadequate access to medical care may constitute a violation of the European Convention on Human Rights (“ECHR”).<sup>34</sup> Pursuant to Article 3 of the ECHR, States are obligated to ensure that conditions in which a person is detained adequately safeguard their health and well-being.<sup>35</sup> In cases of access to medical care, depending on the severity of the circumstances, failure to fulfill such an obligation may result in torture or inhuman or degrading treatment, as codified under Article 3 of the ECHR.<sup>36</sup>

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<sup>31</sup> NHS Inform, ‘Cancer-Related Fatigue’ (*NHS Inform*, 14 October 2024) < <https://www.nhsinform.scot/illnesses-and-conditions/cancer/side-effects/cancer-related-fatigue/> > accessed 24 February 2025.

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<sup>34</sup> Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights – “ECHR”).

<sup>35</sup> *Kudła v. Poland* App. no 30210/96 (ECtHR 26 October 2000), para 94.

<sup>36</sup> ECHR, article 3.

## Conclusion

There is a high number of incarcerated individuals in Türkiye, significantly larger than in other European countries, mostly due to political imprisonment. The proportion of women in this population is also notable. Certain incarcerated women are particularly vulnerable to the severe conditions of imprisonment owing to their status as political prisoners. There are instances showing that their access to medical care is compromised, despite the potential presence of high-risk health issues such as pregnancy or cancer. This lack of sufficient medical care could potentially breach the ECHR. The severity of the circumstances in cases of inadequate access to medical care may result in torture, inhuman or degrading treatment, constituting a violation of Article 3 of the ECHR.

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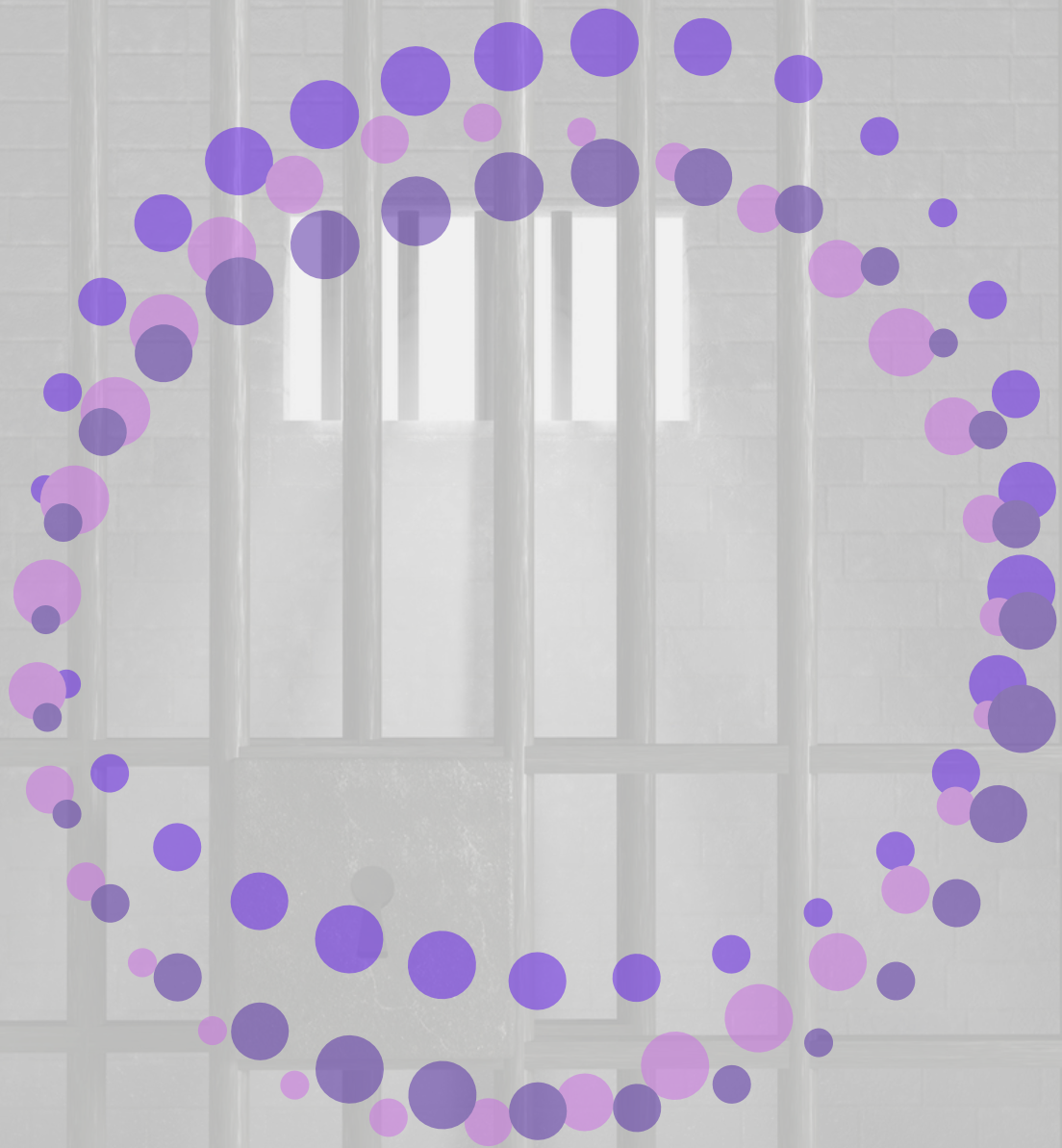
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