

# AMNESTY INTERNATIONAL

## PUBLIC STATEMENT

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### **Turkey: Amnesty International urges Turkey to investigate allegations of torture and ill-treatment of children, to provide compensation and rehabilitation to children detained under anti-terrorism legislation and to guarantee freedom of expression**

#### ***Human Rights Council adopts Universal Periodic Review outcome on Turkey***

Amnesty International welcomes recent amendments to Turkey's anti-terrorism legislation which will end the prosecution of children in the adult criminal justice system, as recommended in the review,<sup>1</sup> and ensure that child demonstrators previously tried and convicted under such legislation will have their convictions quashed. In many cases, however, Turkish courts have interpreted the amendments in a way that has retained such children in prison. Amnesty International urges the government to issue guidance to the courts regarding the full and effective implementation of the amended anti-terrorism legislation.

The organization also calls on Turkey to ensure that children who were arrested, detained and tried under the previous law have access to redress, including compensation and rehabilitation. It urges that all allegations by children of torture or other ill-treatment at the time of arrest or in detention by law enforcement officials or prison officers are promptly, independently and thoroughly investigated. Those responsible must be brought to justice, as recommended in the review. Amnesty International calls on Turkey to ensure the swift implementation of these recommendations.<sup>2</sup>

Amnesty International welcomes Turkey's support of recommendations to finalize the establishment of an independent national human rights institution in line with the Paris Principles.<sup>3</sup> In this regard, however, the organization is concerned that previous commitments by the government to establish a national human rights board, an independent police complaints commission, and an equality and non-discrimination commission have not progressed. Amnesty International urges Turkey to also ensure progress on these other important initiatives while implementing the recommendations for a national human rights institution.

While welcoming Turkey's support of recommendations to conclude the ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Amnesty International notes that the proposal to ratify was presented to Parliament already in September 2009. The organization is concerned that there has been little progress in completing the process of ratification.

Amnesty International welcomes Turkey's support of recommendations to guarantee freedom of expression and opinion, to investigate allegations of harassment of human rights defenders and non-governmental organizations, and to sanction those responsible.<sup>4</sup> It is concerned, however,

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<sup>1</sup> A/HRC/15/13, paragraph 102.7 (Uruguay).

<sup>2</sup> *Ibid*, paragraphs 100.45, 100.46, 100.47, 100.48 and 100.49 (Denmark, Czech Republic, United States, Germany and Ireland).

<sup>3</sup> *Ibid*, paragraphs 100.13, 100.14, 100.15, 100.16, 100.17, 100.18, 100.19, 100.20, 100.21, 100.22, 100.23 and 100.24 (Saudi Arabia, Algeria, Indonesia, Bulgaria, Russian Federation, Egypt, Pakistan, Spain, Senegal, Netherlands, Jordan, and Libyan Arab Jamahiriya).

<sup>4</sup> *Ibid*, paragraphs 100.71, 100.72 and 100.73 (Chile and Japan).

that articles in the Penal Code, and other laws, restrict the right to freedom of expression in a manner that is inconsistent with Turkey's international human rights obligations. The organization calls on Turkey to commit to continue the legal reform necessary to guarantee respect for freedom of expression and opinion, including, as a first step, the repeal of Articles 301 and 318 of its Penal Code.<sup>5</sup>

In concluding, Amnesty International calls on the government to fully co-operate with civil society in Turkey, and to ensure that the final report of Turkey's Universal Periodic Review is debated in Parliament.

### **Background**

The UN Human Rights Council adopted the outcome of the Universal Periodic Review of Turkey on 22 September 2010 during its 15<sup>th</sup> session. Prior to the adoption of the report of the review Amnesty International delivered the oral statement above. Amnesty International also contributed to the information basis of the review through its submission on Turkey: <http://www.amnesty.org/en/library/info/EUR44/005/2009/en>

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<sup>5</sup> *Ibid*, paragraphs 102.18, 102.19, 102.20, 102.21, 102.22, and 102.23 (Spain, Canada, Netherlands, Mexico, and France).