

**AMNESTY
INTERNATIONAL**



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**UN Human Rights Council
Fifteenth, 13 September – 1 October 2010**

**Item 6:
Consideration of UPR reports**

Turkey

Mr. President,

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,¹ and ensure that child demonstrators previously tried and convicted under such legislation will have their convictions quashed. In many cases, however, the courts have interpreted the amendments in a way that has kept children prosecuted under anti-terrorism legislation in prison. We urge the government to issue guidance to the courts regarding the implementation of these amendments.

We also call on Turkey, to ensure that children who were arrested, detained and tried under the previous law have access to redress, including compensation and rehabilitation. Further, we urge that all allegations by children of torture or ill-treatment at the time of arrest or in detention by law enforcement officials and prison officers, are promptly, independently and thoroughly investigated. Those responsible must be brought to justice, as recommended in the review. We call on Turkey to ensure the swift implementation of these recommendations.²

Mr. President,

We welcome Turkey's support of recommendations to finalize the establishment of an independent national human rights institution in line with the Paris

¹ A/HRC/15/13, paragraph 102. 7 (Uruguay).

² Ibid, paragraphs 100.45, 100.46, 100. 100.47, 100.48 and 100.49 (Denmark, Czech Republic, United States, Germany and Ireland).

Principles.³ In this regard, however, we are 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. We call on Turkey to also ensure progress on these other important initiatives while implementing the recommendations for a national human rights institution.

While we welcome 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, we note that the proposal to ratify was already presented to Parliament in September 2009. We are concerned that there has been little progress in completing this process.

Mr. President

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.⁴ We are concerned, however, 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. We call on Turkey to commit to continue with 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.⁵

Finally Mr. President

We call on Turkey 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.

Thank you, Mr President.

³ 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).

⁴ Ibid, paragraphs 100.71, 100.72 and 100.73 (Chile and Japan).

⁵ Ibid, paragraphs 102.18, 102.19, 102.20, 102.21, 102.22, and 102.23 (Spain, Canada, Netherlands, Mexico, and France).