

**The European Liberal Democrat and Reform Party, convening in Helsinki, Finland on 13-15 October 2010:**

**Whereas:**

- The Turkish government signed the Child Protection Law in 2005 and also adopted other conventions concerning children in order to enhance children's rights. Despite the ratification of these laws, which confirm that all Turkish citizens up to eighteen years of age are considered children and should enjoy children's rights (among others), children have been imprisoned under the 2006 Anti-Terror Law. Nevertheless, articles 220 and 314 of the Criminal Code state that children between fifteen and eighteen years of age can be tried as adults. According to the European Union's Turkey 2009 Progress Report, the number of cases lodged against children has increased considerably. The same report shows that minors participating in demonstrations face charges of "membership of a terrorist organisation" and hence face long prison sentences; particularly in the South-East. This issue of concern has been raised by Amnesty International in the report End Unfair Prosecutions of Children under Anti-Terrorism Legislation in Turkey. Amnesty's report illustrates how children are being prosecuted for participating in demonstrations and that this is being done in adult courts, which is against the Convention on the Rights of the Child that states the importance of establishing institutions specifically applicable to children. The situation of these children, mainly of Kurdish origin, is of grave concern. They are being imprisoned for their alleged connection to the PKK and thereby prosecuted under the Anti-Terror Law. 1,308 children were prosecuted between 2006-8 under the Anti-Terror Law, according to the Justice Ministry.

**Welcomes:**

- The new law No 6008, also called "Stone-throwing children Law", adopted in the Turkish assembly of the 22 of July 2010. This law amends certain provisions of Anti-Terror Law No 3713 regarding children, reducing sentences and referring cases to a special juvenile tribunal.
- The aim of the Turkish government to further develop and change the Anti-Terror Law No. 3713, which is an ongoing progress in the Turkish Assembly.

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**Notes:**

- Turkey's ambition of becoming a member state of the European Union, which will entail compliance with its policies and conventions.

**Refers:**

- To the European Charter for Fundamental Rights, which in article 24 refers to children's right to protection and care as necessary for their well-being. The reports on Kurdish children on trial are of great concern, as their well-being is not respected. According to an Amnesty report children are being ill-treated in prison and their mental health jeopardized;
- To the United Nations Convention on the Rights of the Child (CRC) and notes that the Anti-Terror Law clearly breaches the principles of the Convention by letting children above the age of fifteen be tried before High Criminal Courts and allowing children between fifteen and eighteen to be tried as adults. This contradicts the treaty obligations under articles 1, 2 and 40 of the CRC;
- To the European Convention on Human Rights article 6, which provides for special legislation for the trial of minors;
- To the Turkish Constitution article 37, which provides for special legislation for the trial of minors.

**And:**

- Considers that the Anti-Terror Law in Turkey is abused by trying Kurdish children as adults and imprisoning them for long sentences;
- Condemns the disregard of children's rights.

**Calls on:**

- The Turkish government to revise the Anti-Terror Law to make it compatible with the European Union's conventions and treaties and to make the changes required by the Turkey 2009 Progress Report;
- The European Commission to highlight this issue;
- The European Commission to act in order to protect children's rights.

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