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Police misconduct in Turkey raises serious human rights concerns

Strasbourg, 26/11/2013 – “The police’s handling of demonstrations in Turkey exposes once again the long-standing, serious human rights problem of the misconduct of law enforcement officials in the country. It is time for the Turkish police to improve their record of compliance with human rights standards”, said today Nils Muižnieks, Council of Europe Commissioner for Human Rights, releasing a [report](#) on his visit to Turkey, carried out from 1 to 5 July 2013.

Although Turkey has made important progress in the fight against torture and ill-treatment, the Gezi events in May-June 2013 drew the focus of attention to the Turkish police’s systemic problem of insufficient respect for binding human rights standards, an issue that has been repeatedly condemned by international bodies, in particular by the European Court of Human Rights in the past decade. “There are serious, consistent and credible allegations of excessive use of force, in particular excessive and improper use of tear gas and ill-treatment during and after apprehensions. These raise very serious concerns, requiring a determined response from the Turkish authorities, such as clearer rules about the proportionate use of force by law enforcement officials in the context of demonstrations. Safeguards against ill-treatment should be strengthened and the right to free assembly better upheld.” The Commissioner underlined that this would also require a review of the current legal framework concerning demonstrations, which he considered too restrictive in a democratic society.

In addition, the Commissioner is also deeply concerned about measures taken against a wide range of people and groups in connection with their non-violent actions during the Gezi events. “Some health workers, lawyers, academics, students, unions and journalists have been the target of investigations, fines or dismissals. I am particularly worried about the chilling effect that these measures could have on free assembly and expression, as well as on media freedom. I urge the authorities to discontinue and reverse any initiative that could have such an effect.”

Commissioner Muižnieks recommends removing all obstacles which currently hamper judicial investigations concerning law enforcement officials and the suspension of officials who are the subject of credible allegations of human rights violations. “Misconduct of law enforcement officials poses a direct threat to the rule of law. In no circumstances can human rights violations committed by them be tolerated or encouraged: progress is needed to ensure that all allegations are investigated adequately and followed by dissuasive sanctions where appropriate”.

The Commissioner also drew attention to areas where the wide powers of the police raise concerns, such as the use of firearms and retention of personal data, as well as the lack of diversity within the police force. He added that the best way of ensuring full accountability for law enforcement officials would be the establishment of a fully independent police

complaints mechanism. Referring to a bill currently before the Turkish Parliament regarding a law enforcement oversight commission, the Commissioner stated that "despite some positive aspects, the proposed commission could not fulfil this function".

Lastly, the report focuses on the legal and institutional framework for the protection of human rights. "I commend the Turkish authorities for groundbreaking measures taken in recent years in this direction, in particular the establishment of the Ombudsman Institution, which has the potential to make a major contribution to human rights in Turkey." The Commissioner encouraged a review of the statute of the Turkish Human Rights Institution in order to improve its independence and the involvement of civil society in its work. "The Turkish authorities should also adopt anti-discrimination legislation and establish an equality body, as envisaged in the recently announced democratisation package, which should be able to deal with all grounds of discrimination, including nationality, national origin, sexual orientation and gender identity. In developing Turkey's human rights architecture, I urge the Turkish authorities to reinforce their partnership with Turkey's vibrant civil society".

The comments of the Turkish authorities are available [here](#).

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The Commissioner for Human Rights is an independent, non-judicial institution within the Council of Europe, mandated to promote awareness of, and respect for, human rights in the 47 member states of the Organisation. Elected by the Parliamentary Assembly of the Council of Europe, the present Commissioner, Mr Nils Muižnieks, took up his function on 1 April 2012