



**Convention on the
Rights of the Child**

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COMMITTEE ON THE RIGHTS OF THE CHILD

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 12 (1) OF THE OPTIONAL PROTOCOL TO THE
CONVENTION ON THE RIGHTS OF THE CHILD ON THE SALE OF
CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY**

Initial reports of States parties due in 2004

TURKEY* **

[22 June 2004]

* This report has not been edited before being submitted for translation.

** Annexes can be consulted with the secretariat.

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Introduction

1. The Convention on the Rights of the Child (CRC), to which our Country is a Party, was signed in 1990, ratified in 1994, and became part of the domestic legislation with the Law numbered 2054 published in the Official Gazette in 1995. The General Directorate of Social Services and Protection of Children Agency (SSPCA) has been designated as the "Coordinating Organization" responsible for monitoring the implementation of the fundamentals and principles and provisions of the CRC.

2. Articles 35 and 36 of the CRC read: "States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form." "States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare." This optional protocol consists of measures aimed at increasing social awareness and sensitivity to the issue, ensuring the implementation of the existing legislation and providing more widespread treatment of the issue at international levels.

3. The Optional Protocol in question includes definitions of the sale of children, child prostitution and child pornography and requires the States Parties to take national and international measures on this issue. There are also regulations in the Optional Protocol to prevent the violation of international treaties in cases of child adoption.

4. As defined in the Optional Protocol on the Sale of Children, Child Pornography and Child Prostitution, States Parties are expected to formulate legal provisions to punish the perpetrators of the crimes such as the use of a child for the purpose of sexual exploitation, transfer of organs of the child for the sake of profit, engagement of the child in forced labor, violation of the relevant international legal instruments on adoption. States Parties shall take all appropriate measures to provide assistance to the victims of such offences, with the aim of their full social reintegration and full physical and psychological recovery.

5. In the preparatory stage of the report, letters were sent to the governorates requesting the list of the non-governmental organizations (NGOs) working in this field. Although there are many NGOs working in the field of child, few NGOs are known to conduct activities targeting the issue. Yet, child exploitation and ignorance units established by the relevant departments of the universities and children's rights commissions established by the bars are conducting work on this subject.

6. Under the coordination of the General Directorate of SSPCA, a commission consisting of 31 representatives of the relevant Ministries, universities, bars and non-governmental organizations was established and this commission embarked on the preparatory activities for the report. In line with the decisions taken at the meetings, necessary information was provided with the participation of relevant people and NGOs. Moreover, the professionals in this area throughout Turkey were contacted, and they contributed to these works by the opinions and information they provided on this subject via the Internet.

7. Three sub-commissions were established to study three specific areas: Existing Status, Legislation and Internet.

8. This report prepared in line with the guidelines related to the first report which must be submitted by the States Parties (CRC/OPSA/1).

Paragraph 1

9. The existing legislation in our country includes provisions prohibiting child pornography, child prostitution and the sale of children. Furthermore, the draft Turkish Penal Code (TPC) brings more effective sanctions.

Paragraph 2

10. Articles 228, 229, 231, 236, 94, 95, 105, 106, 107, and 108 of the draft TPC defines the sale of children, child prostitution and child pornography as a separate type of crime.

Paragraph 3

11. For the implementation of the Protocol in domestic law, necessary amendment to Article 90 of the Constitution have been made, to ensure direct application of the Protocol to domestic law.

12. No reservation has been made to any article of the Protocol in question.

13. The cooperation among the Social Services and Child Protection Agency, the Ministry of Justice, the Ministry of Health, the Ministry of Interior, universities and non-governmental organizations concerning the issue is ensured under the coordination of the Ministries at the central level, and by their rural organizations in the regions. This coordination is undertaken in the form of training seminars, symposiums, congresses, and projects.

14. The General Directorate of Social Services and Protection of Children Agency has been designated as the "Coordinating Organization" responsible for monitoring of the implementation of the principles and provisions of the Convention.

15. The duty of coordination with respect to the Optional Protocol in question has been given to the General Directorate of Social Services and Child Protection Agency at the central level, and to the Provincial Directorates of Social Services at the provincial level.

16. With the circular no. 14, issued by the Prime Ministry on 26 May 2000, the working principles for the coordinating organization were laid down as monitoring the nationwide implementation of the Convention on the Rights of the Child, and conducting the necessary coordination activities and the "Higher and Lower Boards of Monitoring and Assessment of the Rights of the Child" were established.

17. In the National Action Plan in which all public bodies and non-governmental organizations (NGOs) working in the field are included under the coordination of Social Services and Child Protection Agency, training of the target groups, professionals, society leaders, mass media, and the society was planned for the period 2005-2015, and the responsible and

cooperating organizations were determined. Within the scope of the National Action Plan, it was planned that the provisions of the Optional Protocol would be promulgated extensively, and training concerning the children and their parents would be made using suitable methods.

18. The Children's Rights Center of Istanbul Bar prepared a handbook on the prevention of sexual abuse for parents, teachers and all adults who are in charge of children.

19. The Association for Promoting Women Handwork of the Social Center of the Provincial Directorate of Social Services of Çanakkale Governorate organized activities for the "World Day for the Prevention of Sexual Harassment of Children."

20. Under the organizational structure of İzmir Governorate, "Sub-Commission on Child Exploitation and Negligence of the Child" and "Family Commission of the Executive Board of Children's Rights" conduct several activities.

21. Several articles on the subject were published in the journal of the Medical Faculty of 19th of May University and in the local press for increasing social awareness and providing information was ensured.

22. Department of Juvenile Health and Diseases of the Aegean University conduct training activities to inform the medical personnel and the society on child exploitation and negligence and to prevent it. "Aegean University Medical Faculty Child Exploitation and Ignorance Monitoring and Prevention Commission" was established.

23. In the Social Centers of the Social Services and Child Protection Agency, trainer training courses were held with the participation of 39 professionals (social service specialist, psychologist, child development specialist) between 1-4 November 2001 with the aim of increasing social awareness on the Convention on the Rights of the Child, sale of children, child prostitution, and child pornography, protection of the rights of the child, and creation of a national agenda on the issue. 520 children in 8 provinces were trained by this program.

24. With a view to establishing primary schools sensitive to children's rights and gender, the children's rights training module, the children under risk module, and gender sensitivity module were prepared in the academic period 2003-2004. These modules which contain the approaches to the children under risk and communication strategies, the measures to be taken and the guidance characteristics were prepared for students, teachers and families. In the primary schools, gender sensitive training is given by class teachers and advisor teachers especially to the students who are in the period of puberty concerning the negative effects of the websites containing pornographic elements.

25. The General Command of Gendarmerie conducts activities to prevent the forcing and instigating of children to engage in sexual activity and the use of them in prostitution or pornographic shows.

26. The UN High Commissioner for Refugees organized four training courses for the non-governmental organizations, the bars, and the security forces concerning child kidnapping and child pornography within the scope of asylum, and these training courses continue.

27. The Ministry of Justice has conducted three activities for the training of judges and prosecutors working in the areas dominated by such crimes, and the activities continue.
28. The process of signature and ratification of the optional protocol in question has been announced by the coordinating organization to all public bodies and organizations, universities and governorates.
29. The Child Rights Center of Istanbul Bar has organized several events to inform the teachers and advisor teachers on children's rights and child exploitation, and forensic medicine experts on the prevention of child ignorance and exploitation.
30. In our country, 11 Youth Consultation and Medical Service Centers were opened in Ankara, İzmir, Diyarbakır, Gaziantep, Antalya, Adana, and Mersin in 2004. The medical personnel working in these centers were given a 10-day training with practical and theoretical content before the start of services.
31. In April 2002, a 5-day training course was given to the relevant personnel from the Ministry of National Education and 40 advisor teachers selected from 20 provinces concerning the Convention on the Rights of the Child, domestic legal practices, working children, the measures to be taken against the exploitation of children, and the protection of children from prostitution and pornography.
32. In May 2004, 150 administrators, advisor teachers and primary education inspectors selected from 25 primary schools in Ankara, İzmir and Van were trained about the schools sensitive to children's rights, communication with children under risk, and child-friendly schools.
33. On 29 May 2004, a training course was organized for 30 advisor teachers selected from various provinces on the communication with children under risk, child prostitution, prevention of child pornography, techniques for communication with parents, approaches to and guidance services for such children, prevention of child exploitation, and techniques for approaching such children.
34. With a view to eliminating child labor and child exploitation, this issue was included within the 5-year working program of the Ministry of National Education, and in 2002, the implementation of the "Project of Directing Children Working in the Streets to Education" was initiated and 250 teachers were trained with the collaboration of the Ministry and trade unions.
35. In the "Project of Directing Working Children to Education" conducted by Labor Inspection Board of the Ministry of Employment and Social Security in İzmir, a training program was organized for 250 teachers in cooperation with the Ministry of National Education, departing from the importance of the experience and interest of teachers in children for increasing their training capacities. The training program included the rights of the child, psycho-social conditions of working children, their family characteristics, methods for increasing their training capacities and communicating with them and there was an exchange of experiences and knowledge between labor inspectors and teachers.

36. Within the scope of the "Project of Schools Improving Health in Europe", teachers from 94 primary schools in 81 provinces were trained about the rights of the child.
37. The personnel working in Gendarmerie Child Centers have been given a special training at the Istanbul University Faculty of Law and the Forensic Medicine Institute for 9 weeks concerning the protection of children, child psychology and communication. Taking into consideration the needs found out during the training, the cooperation with the Forensic Medicine Institute for the training of the personnel continue.
38. Since 13.04.2001, the General Directorate of Security has been conducting Juvenile Police in-service training courses, and up to now, 1700 staff members have been trained. Training activities are in progress throughout the country.
39. 19th of May University introduced the course named "Child Exploitation and Ignorance". The students in the Forensic Medicine Department were trained on child negligence and exploitation under the course of Forensic Medicine, and they were informed about the identification of such cases and the steps that physicians should take. Under the scope of public health internship, all interns are given training concerning child exploitation and negligence.
40. Istanbul University Juvenile Health and Diseases Department organized a "Trainer Training Seminar" for the people working as forensic specialists (April 2003). In May 2002, "Child Exploitation Working Group" consisting of 24 interdisciplinary people was formed under the leadership of the Social Pediatrics Department.
41. Within the scope of the training program organized by the UNICEF and the Social Services and Child Protection Agency for the specialists working with street-living children in the centers subordinated to the Social Services and Child Protection Agency in 2003, Health Again and Training Association conducted short training activities concerning the psycho-social approach to the children subjected to sexual exploitation, the approach to drug addiction, and anger suppression.
42. Following the entry into force of the Branch Regulation of the General Directorate of Security, 761 staff members from the trained personnel were transferred to the branch at the first step. The schedule concerning the appointment of 141 Juvenile Police Officer Branched staff members who were to be appointed in 2003 out of 761 staff members who were transferred to the branch was made. In the courses organized in 16 provinces throughout the country, 554 staff members were trained in 2003.
43. "The Juvenile Police In-Service, Minor Protection In-Service Trainer Training Handbook," and "the Interpol Good Practices Handbook for Specialists on the Crimes Committed against Children," were prepared to be used in the juvenile police in-service trainings and distributed to the relevant places in cooperation with the General Secretariat of the Interpol.
44. In 2003, a commission was established within the Ministry of Justice to determine the status of the existing legislation concerning children and its compatibility with the international conventions, and to draft a new law based on its findings. Under the coordination of the

Social Services and Child Protection Agency, the Ministry of Justice and UNICEF conducted a second study to find out the compatibility of the UN Convention on the Rights of the Child with domestic law, and the resulting report is expected to be published soon.

45. In our country, the process of preparation of the second CRC Implementation Monitoring List is still in progress. In this process, country practices, the difficulties encountered, and the solutions proposed concerning the CRC and the optional protocol will also be specified.

46. Monitoring concerning the Internet aspect is conducted by the Ministry of Interior, and the relevant units and their activities are stated below:

(a) *Information Crimes Investigation Office:* Internet and Information Crimes Branch Directorate was established due to an increase in the Internet access and in the number of information crimes parallel to the world trend. The Office continuously monitors the developments concerning information crimes, investigates possible actions and measures to be taken against unauthorized access and damage to computer systems, identifies the standards for the training of personnel on these crimes and contacts national and international organizations working on information crimes;

(b) *Computer Crimes and Information Security Board:* The Board was established on 18.04.1998 with the aim of conducting research on computer crimes and information security and eliminating the legal loopholes in this field and with the participation of one staff member from the Departments of Public Order, Data Processing, Interpol, Intelligence, Smuggling and Organized Crimes, Anti-Terror, and Operations, and the Legal Counseling Office;

(c) *Computer Crimes Working Group:* Computer Crimes and Information Security Board established a working group among its members to conduct studies and research on computer crimes, in line with the importance of these crimes which are highly expected to be among the most important types of crimes in the future. In the report prepared by the Computer Crimes Working Group, computer crimes were classified, the duties of the Departments were specified, and the steps to be followed in the spot of a computer crime were explained.

47. In order to ensure the participation of the society and to facilitate the functioning of complaint mechanism about such websites, the complaint facilities and information on the legal procedure to be followed are listed in the website of the General Directorate of Security.

48. The important challenge for the police organization is the lack of legal provisions that facilitate cooperation with police organizations of the relevant countries when the routes in several countries are used or a foreign service provider is utilized in the crimes committed via the Internet.

49. In 1998, Internet Supreme Board (ISB) was established under the coordination of the Ministry of Transportation. The purpose of this board was to ensure widespread access to Internet and act as a catalyst in the co-regulation attempts by the sector concerning the relatively

harmful effects of the Internet. In this context, a group consisting of representatives from the Ministry of National Education, the Ministry of Interior, the Ministry of Justice, the General Directorate of Social Services and Child Protection Agency, service providers, and universities is conducting activities on possible actions and measures to be taken against the negative effects of the Internet, especially on the young people.

50. In our country, access to Internet is not at desired levels. Emergence of the Internet cafes has contributed to the increase in the access to Internet. Legal provisions applicable to the Internet cafes are stated in the "Regulation on the Procedures for Regulated Workplaces" published in the Official Gazette no. 23922, dated 30.12.1999. Thus:

- The workplaces which will be operated like a "gaming place" for gaming and entertainment purposes by maintaining PCs with Internet access, electronic or mechanic game machines and tools or by allowing PC gaming shall be at least 200 m far away from educational organizations, and the licenses of such places shall state that they have the quality of a gaming place, and minors at an age below 18 shall not be allowed to enter such places;
- Internet café operators and users shall be properly notified that the computers shall be configured to deny access to the Internet websites having gambling, betting or pornographic content, and the access to the websites having any criminal element shall not be allowed.

51. Moreover, the Regulation prohibits the copying, renting, or sale through copying, of unlicensed movies or movies without banderole with unknown content, computer software, digital data and computer games, and their CDs or similar equipments.

Paragraph 4

52. The Optional Protocol in question contains actions and measures for ensuring the viability of the provisions of the CRC on sale of children, child prostitution, and child pornography, and the more comprehensive national and international treatment of the protection of the rights of children in these areas. In this context, the Protocol will be useful in increasing social awareness and sensitivity in these areas and ensuring the implementation of our legislation on the protection of children from sexual exploitation and abuse. In line with Articles 35 and 36 on the protection of children from all kinds of sexual exploitation and abuse of the Convention on the Rights of the Child, which identifies universal standards in the protection of child rights and which contains provisions on the care, protection and securing various rights of children, the optional protocol on the sale of children, child prostitution and child pornography was formulated to ensure the functioning of the provisions of the CRC in these areas.

53. In all activities conducted for the children within the scope of this protocol, the CRS and fundamental rights and principles are taken into consideration.

54. In the preparatory stage of the report, letters were sent to the governorates requesting the list of the non-governmental organizations working in this field. Although there are many non-governmental organizations working in the field of children's rights, few NGOs are known

to conduct activities targeting this issue. Yet, child negligence and exploitation units established by the relevant departments of universities and children's rights commissions established by the bars are working on this subject. Under the coordination of the General Directorate of SSPCA, a commission was established consisting of 31 representatives of the relevant Ministries, universities, bars and non-governmental organizations was established, and this commission embarked on the preparatory activities for the report. In line with the decisions taken in the meetings, necessary information was provided through the participation of relevant people and NGOs.

Paragraph 5

55. This is the first report submitted. It was accepted by Turkey on 20.04.2001. In the meantime, the deficiencies in fields of education, training, information, legislation, etc., were determined, and they were included in the laws, draft laws and action plans.

56. The Internet Commission established in the Communication Council held between 20-21 February 2003 in Ankara with the participation of public bodies and organizations, universities, and non-governmental organizations took the following decisions in principle on the subject.

57. Programs for training the people working at various levels in the judicial process should be implemented; special procedures should be determined regarding specialization areas such as the identification of evidence in information and communication technologies, and the determination of harmful content; and steps should be taken for paving the way for the establishment of specialized courts.

58. In the Internet publication, the concept of harmful content should be taken into consideration within the framework of generally accepted concepts such as "child pornography", "racism and violence", etc., in international standards, and the establishment of a self-control mechanism among organizations providing content hosting services should be supported.

59. The regulations to be formulated in the criminal law with respect to the Internet and information and communication technologies should be made in compliance with the international practices, should be flexible enough to reflect technological development, and should not make concessions on the principle of "no crime and punishment without law" and the rule of law, and should ensure extensive participation of all related parties. In the legal regulations to be formulated, the definitions, the authorized units, and duties and responsibilities of these units should be specified. During the procedural transactions to be performed at the stage of examination, investigation, and prosecution of information and communication technologies, there may be practices which undermine the secrecy of private life and which limit communication freedom; therefore, the investigation and prosecution procedures should be defined in detail in the laws, and it should be ensured that all procedural transactions are subject to judicial review by court order. In this framework, it was proposed that the draft Turkish Penal Code and the draft Turkish Code of Criminal Procedure (TCCP) should be discussed.

60. It was emphasized that special programs should be developed for the training on the subject of all personnel at all levels of the judicial process from judges and prosecutors to security forces.

61. In the Declaration on Freedom of Communication on the Internet by the Council of Ministers of the European Council dated 28.05.2003, it was stressed that the freedom of communication on the Internet should not violate human dignity, human rights and fundamental freedoms of others, especially of minors under age, and it was declared in principle that public authorities should not deny public access to information or other communication on the Internet through general blocking or filtering measures without taking into consideration the boundaries, however this should not prevent the installation of filters for the protection of minors in places accessible to minors such as schools and libraries.

62. Türk Telekom A.Ş. should ensure that Internet users are not subjected to inconvenient content containing violence, pornography, alcohol, terror, etc., which they (may) confront when they are automatically redirected by certain websites to other websites or which they request to open. In order for parents worrying about their children's correct use of Internet not to prohibit Internet access, a model should be developed whereby the rules of Internet access are defined by the parents, and thereby young people are protected from harmful content such as gambling, pornography, etc. Thus, Türk Telekom A.Ş. should provide a service of optional blocking and filtering of the Internet content.

63. Internet law is a controversial field where different applications are rather common throughout the world. The most important factor is the lack of a framework which will ensure national and international cooperation with respect to identification of and response to harmful content without undermining individual freedoms and freedom of communication. Another challenge in this respect is the insufficient number of personnel and lack of infrastructure.

64. As specified also in the framework defined by the Declaration on Freedom of Communication on the Internet by the Council of Ministers of the European Council and the Convention on Cyber Crimes by the European Council, the failure by Internet Service Providers (ISP) to maintain regular access records, the fact that the periods set forth for keeping such records are insufficient and cannot be standardized, and that there are not legal regulations on this subject are limitations. Therefore, necessary regulations must be formulated at the shortest time possible taking into consideration the internationally accepted conventions and declarations.

65. The budgets allocated by the Social Services and Child Protection Agency, the Ministry of Justice and the Ministry of Health are given below. Although the Ministry of National Education, the Ministry of Interior and local administrations do not make a special allocation under the scope of the Protocol in question, the general budgets allocated by the organizations providing services mainly and primarily to children are specified below.

Table 1**SSCPA budget allocated to children in need of protection**

million TL					
Year	General budget	SSCPA budget	Ratio of SSCPAs budget to general budget %	Share allocated to family and child services	Ratio to SSCPAs budget %
2002	98 131 000 000	121 619 000	0.12	55 770 000	45.8
2003	147 230 170 000	229 993 000	0.15	93 500 000	40.6
2004	150 658 129 000	297 828 000	0.19	153 609 000	51.5

Table 2**SSCPA extrabudgetary incomes allocated to children in need of protection**

million TL			
Year	Incomes obtained as per Law No. 3418-4760	Share allocated to family and child services	Ratio to incomes obtained as per Law No. 3418-4760 %
2002	71 395 760	18 449 018	25.8
2003	17 543 204	4 086 278	23.2
2004	4 991 850	901 722 000	18.0

Table 3**SSCPA disabled children budget**

million TL					
Year	General budget	SSCPA budget	Ratio of SSCPAs budget to general budget %	Share allocated to disabled children	Ratio to SSCPAs budget %
2002	98 131 000 000	121 619 000	0.12	11 427 000	9.4
2003	147 230 170 000	228 993 000	0.15	24 441 000	10.6
2004	150 658 129 000	297 828 000	0.19	36 502 600	12.2

Table 4**General Directorate of SSCPAs extrabudgetary income as per Law No. 3418-4760**

million TL			
Year	Incomes obtained as per Law No. 3418-4760	Share allocated to disabled children	Ratio to incomes obtained as per Law No. 3418-4760 %
2002	71 395 760	5 905 857	8.2
2003	17 543 204	1 320 284	7.5
2004	4 991 850	253 123	5.0

Table 5
Ministry of Health

Year	General budget	Budget of Ministry of Health		Mother/infant health and family planning		Budget for basic medical services	
		Amount	General budget %	Amount	MoH budget %	Amount	MoH budget %
2002	97 831 000 000	2 345 447 691	2.40	52 025 850	2.22		0.00
2003	146 806 170 000	3 570 054 000	2.43	67 392 412	1.89	1 029 350 900	28.83
2004	149 858 129 000	4 787 751 000	3.19	86 682 100	1.81	1 515 444 300	31.65

Table 6
Budget of Ministry of Health

Year	million TL			
	39/A		39/B	
	MIHFP	BMS	MIHFP	BMS
2001		3 323 000 000	74 440 000	398 376 930
2002	177 000 000	2 048 528 000	Set to zero (0) as per decision of the Council of Ministers No. 2003/5142	
2003		2 281 258 833		

As per Law No. 3418 (thousand TL)

66. In the illegal publications sections of the statistics for the period 1998-2001 of the General Directorate of Security, child pornography comes through the Interpol with a ratio of 40%. 25% consists of displaying of pornographic contents in Internet cafes, etc., or sale of such CDs.

67. According to the data from the General Directorate of Security, the commonest type of Information Crimes in our country is the copying and sale of pornographic CDs.

68. According to the data from the SSCPA, there has been a significant increase in cases of incest, physical and emotional exploitation by family, and extra-family sexual exploitation while taken under protection. In 2000, children taken under protection due to incest, physical and emotional exploitation by family, and extra-family sexual exploitation accounted for 7% of all children taken under protection that year. In 2002, this figure increased to 12%.

69. In a study on children who were victims of incidents determined by the gendarmerie forces, it was found out that 8.477 children were victims of such incidents in 2001, 15.772 in 2002, and 19.608 in 2003. Examination of crimes in 2003 in which children were affected revealed that 1.649 cases of kidnapping of girls, women or men and 735 cases of sexual crimes occurred (indecent acts, rape, attempted rape, breaking chastity with promise of marriage, instigation to prostitution, trading and commissioning of women).

Table 7

**Allocations sent by the General Directorate of detention houses and prisons
of the Ministry of Justice (MoJ) to convicted children**

Year	General budget	MoJ budget to general budget		Budget allocated to children to DHP budget		To MoJ budget allocated to children		To MoJ budget allocated to children	
		Amount	Ratio (%)	Amount	Ratio (%)	Amount	Ratio (%)	Amount	Ratio (%)
2002	98 100 000 000 000 000	808 141 000 000 000	0.82	303 424 000 000 000	37.55	4 037 000 000 000	1.33	4 037 000 000 000	0.57
2003	146 485 000 000 000 000	1 114 931 000 000 000	0.76	365 727 500 000 000	32.8	4 941 750 000 000	1.35	4 941 750 000 000	0.44
2004*	150 658 129 000 000 000	1 368 435 000 000 000	0.91	509 254 000 000 000	37.21	5 019 128 000 000	1.97	5 019 128 000 000	0.73

* Since the allocations for 2004 consist of the allocations sent in the first six months, this is the projected value.

Table 8

Child incidents statistics form (Crimes against Person) year 2002

Crime type	Number of suspects				Number of victims											
	Caught		Deserted		Dead				Injured				Other			
	Turkish		Turkish		Turkish		Foreign		Turkish		Foreign		Turkish		Foreign	
	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M
Child kidnapping	4	7	1	1	0	0	0	0	1	6	0	0	28	20	1	0
Taking hostage	0	4	0	0	0	0	0	0	0	0	0	0	1	0	0	0
Threat	20	385	1	7	0	0	0	0	13	22	1	0	77	116	5	0
Ill-treatment to family members	19	69	0	3	0	0	0	0	236	187	1	0	114	58	2	0
Insult and bad language	19	87	0	1	0	0	0	0	5	5	1	1	33	18	0	0
Indecent acts	3	183	0	1	0	0	0	0	36	11	0	0	390	64	0	0
Rape	12	303	0	12	1	0	0	0	86	60	0	0	252	64	3	1
Attempted rape	4	169	0	2	0	0	0	0	24	32	0	0	154	84	2	0
Breaking chastity with the promise of marriage	1	67	0	1	0	0	0	0	69	1	0	0	181	4	1	0
Instigation to prostitution, women trading and commissioning	39	62	2	1	0	0	0	0	5	0	2	0	63	3	6	0

Table 9
Services provided in adolescent centers in 2004

Services	Number of applicants	Number of examinations	Number of consultations	Number of psychological consultations
Adana No. 1-2	664	316	348	342
Ankara No. 9	1 343	926	263	146
Antalya No. 1	727	599	317	
Bursa No. 2	367	235	127	110
Diyarbakır Şehitlik	190	80	116	11
Gaziantep Abdulkadir Konukoğlu	126	74	15	4
İzmir No. 2	499	53	246	266
İzmir No. 8	1 486	981	527	367
İzmir No. 12	1 925	1 566	332	
Mersin M. İnan	585	338	383	116
Total	7 912	5 168	2 674	1 362

70. The following provisions of the Turkish Penal Code (TPC) concern information crimes and child pornography on the Internet:

- Although information crimes are dealt with in Article 525 of TPC, this Article does not include any provision concerning child pornography;
- Article 426 of the TPC on indecent publications is generally applied to child pornography. This Article envisages only fines as sanctions;
- Articles 427 and 428 of the TPC contain penalties for those who publish and sell these material. These penalties are limited to fines.

The penalty related to Articles 426, 427 and 428 is five years.

71. The provisions of the draft Turkish Penal Code are as follows:

- Article 228: Whoever reads, makes children read, listen to or display the content of, exposes, sells or distributes obscene materials, etc., to children shall be sentenced to six months to two years in prison and fined;
- Article 228/2: Whoever publishes obscene materials through the press or the media shall be sentenced to six months to three years in prison and fined;

- Article 228/3: A person who employs children in the production of obscene materials shall be sentenced to ten years in prison, and a person who imports into the country, reproduces, sells, keeps, or makes available to other people's use such obscene materials shall be sentenced to two to five years in prison, and fined.

The penalties are five years for 228/1-2, and 10 years for 228/3:

- Articles 245-248 relate to information crimes, but do not include specific provisions on child pornography;
- Article 136: Privacy: A person who discloses images or audio data concerning private lives of people shall be sentenced to one to three years in prison. In case of such disclosure made through the press or the media, the penalty shall be increased by one half.

The penalty is 10 years:

- Article 31 of the Law numbered 3984: The fundamentals and principles for broadcasting and services in any technological and communication medium shall be drafted by the supreme board and submitted to the Higher Board of Communication. The compliance of such broadcasting and services with the legislation is audited by the supreme board.

72. In Turkey, there are legal regulations aimed at protecting children from sexual harassment. As per Article 11 of the Law numbered 255 on Police Duties and Powers, “Those who produce or sell any type of audio or visual works of a nature contrary to public morality and etiquette shall be prevented whether or not there are complaints about them. Real or corporate persons who make recordings on audio or video cassettes for commercial purposes are required to submit copies of such cassettes to governmental authorities before publication.”

73. As per Article 12 of the same Law, “Employment of young girls and woman in casinos, bars, cafes and places selling alcoholic beverages, baths, Turkish baths, and beaches is subject to approval by governmental authorities. Women and men aged below 21 shall not be employed in such places. Even if accompanied by a guardian, the police shall prohibit anyone who is not yet 18 years old from entering bars, pubs or other such places serving alcohol.”

74. The provisions of the Turkish Penal Code on penalties for sexual harassment against children are stated below:

- (a) As per Article 435 of the Turkish Penal Code:

“Those who instigate a child aged below 15 to prostitution and those who intermediate prostitution are sentenced to at least two years in prison with heavy fine.

“Where the above-mentioned acts are committed by the victim’s brother or sister, adopting parents (ascendant, ascendant by affinity) parents or legal guardian, teacher, trainer or by the care taker or other persons who were entrusted to take care of the victim, the offender’s prison sentence shall be at least three years.”

(b) In case of sexual harassment of children, the following penalties shall be applied:

- (i) As per Article 414, “Whoever ravishes a child who has not completed fifteen years of age shall be heavily punished by not less than five years of imprisonment. If this act is performed, by using force, violence or threats, or against a person who, because of a physical or mental defect or on account of a fraudulent means used by the perpetrator, was not in a state to resist the offender, the minimum sentence shall be 10 years of imprisonment. Those who act against the dignity and honor of a child aged below 15 shall be sentenced to two to four years in prison, and in case such acts are performed under the conditions described in the second paragraph of the foregoing Article, the prison sentence shall be 3 to 5 years.”
- (ii) As per Article 416, “Whoever ravishes a child who is over fifteen years of age, by using force, violence or threats, or a person who, because of a physical or mental defect or on account of a cause other than the perpetrator's action or on account of a fraudulent means used by the perpetrator, was not in a state to resist the offender, shall be punished by imprisonment sentence of not less than seven years. Having sexual intercourse with a minor with the consent of the minor, is subject to imprisonment of six months to three years, provided that his offense is not punishable more severely.”
- (iii) As per Article 417, “If the offences specified in the foregoing articles are committed by more than one person or by the parent, legal guardian, tutor, teacher or servant of the victim or by a person under whose care the victim was placed, or by a person who had authority over the victim, the offender shall be subject to an increase by one half of the punishment prescribed by the law.”
- (iv) As per Article 418, “If the foregoing acts and actions lead to the death of the victim, the offender shall be sentenced to life imprisonment for life.”
- (v) As per Article 273 of the Civil Code, “In case it is determined that the physical or mental development of the child is at risk or if the child is emotionally deserted, the judge may order the removal of child from his/her parents and his placement to another family or an institution.”

- (vi) As per Article 274 of the Civil Code, “The judge may deny parents if they fail to perform their parenthood duties or seriously neglect their child. When parents are severed of their parenthood right, a legal guardian is designated for the child. This provision also applies to children to be born in the future.”

“Those who change or destroy the heredity of a child is sentenced to one to five years in prison” (Article 445).

“Those who conceal the identity of a child born in wedlock and desert him/her in hospital or streets shall be sentenced to imprisonment for three months to two years. In case the person who commits the foregoing act is a kin of the child, the sentence shall be increased to one to three years” (Article 446).

- (vii) As per Article 478 of the Civil Code, “Whoever maltreats a child below the age of twelve shall be imprisoned for thirty months. Where the maltreatment is performed by a member of the family of or kin of the child, the punishment shall be imprisonment from three months to three years.”
- (viii) As per Article 545 of the Penal Code, “Whoever collects children aged below 15 and forces to them to do begging or who instigates or allows a child left to his/her care to beg shall be sentenced to at least three months in prison and fined to ...”.

75. In the Turkish legal system, child kidnapping is regulated under the Chapter titled “Crimes Against Freedom of Person” of the Turkish Penal Code, and is considered as a crime which limits the freedom of the person and which is committed against the will of the person. Whoever illegally deprives a person of his/her freedom shall be sentenced to one to 5 years in prison and heavily fined. In case the offender uses force or threat or commits this act for taking vengeance, obtaining material benefits or for reasons arising from difference in religious, political, ideological and social views or for taking the victim to another country for military recruitment, the sentence shall be heavy imprisonment of three to eight years and heavy fine. As per Article 179 of the Turkish Penal Code, “In case the foregoing acts are performed by two or more persons or with the threat of using firearms, the sentence shall be increased by one half.” As per Article 180 of the Turkish Penal Code, “In case the offender frees the person who is deprived of his/her freedom on his/her own will and without causing any harm to him/her and before investigation without fulfilling his/her aim, the sentence shall be decreased to one sixth or one half.” Those who instigate a child aged below 15 to prostitution and those who intermediate prostitution by the act of misleading are sentenced to at least two years in prison. Where the above-mentioned acts are committed by the victim’s brother, parent, legal guardian, adopting parent, teacher, tutor, caretaker or other persons who were entrusted to take care of the victim, the offender shall be imprisoned for at least three years.

Table 10

Types of services provided by SSCPA to girls subjected to commercial sexual exploitation and number of such girls as of December 2003

No.	Name of organization	Capacity	Number of total children accessed	Number of children sent to school	Number of children attending school	Number of children returning to family	No. of children taken to employment	Number of children taken under protection	Number of children addicted to drugs	Number of children whose family is accused	No. of families convicted
2	Istanbul Taksim child and youth center	Boarding 15	184	1	1	1			3	2	
3	Istanbul Bahçelievler Çogem	Boarding 20	12	9	9		1	5	7	1	1

Table 11
Categorization of children taken under protection

Reasons	Year					
	2000	%	2001	%	2002	%
Incest	27	1	39	1	42	1
Physical and emotional exploitation by family	265	5	425	7	562	10
Extra-family sexual exploitation	48	1	67	1	49	1

76. Kidnapping for ransom, which is among reasons of kidnapping, is covered in Article 449 of the Turkish Penal Code. As per this Article, “Whoever kidnaps or imprisons a person for the purpose of obtaining money, such documents as legally valid deed for real estate etc., shall be sentenced to 15 to 20 years of heavy imprisonment if they cannot achieve their purpose. If they achieve their purpose, the upper limit of the penalty shall be applied.”

77. In the Turkish legal system, those under the age of 18 are considered as children though the age of 15 is taken as basis for certain acts (Article 182 and 435).

78. Adoption is regulated in Articles 235-258 of the Turkish Civil Code. For adoption, mutual consent of persons and the permission from a court are required. However, there are cases whereby newborn infants are kidnapped from hospitals for adoption, and some families with low income and many children attempt to sell their newborn infants.

79. The Turkish legislation on kidnapping, sale and trading of children is in compliance with the Convention on the Rights of the Child. Turkish authorities, nevertheless, continue to strive for further improvement in this area.

80. An outline of the applicable basic legislation on the issue is attached as appendix I.

81. For the decisions by the Supreme Court and by the Council of State, see annexes.

Paragraph 6

82. The draft Turkish Penal Code, which contains legal provisions related to acts and actions described in Article 3 of the Optional Protocol, and which will bring numerous new measures against child exploitation, is included in the report. The following is a graphic presentation of the proposed changes:

Existing legislation	Draft legislation
<p>1. Sexual exploitation:</p> <p>Attempted rape</p> <p>(a) Age limit</p> <p>TPC 415: Whoever attempts to rape a minor under the age of 15 shall be sentenced to imprisonment of two to four years.</p>	<p>1. Sexual exploitation:</p> <p>Attempted rape</p> <p>(a) Age limit</p> <p>Draft 106/1: All kinds of sexual acts against a person who is aged below 15 or who is, though aged above 15, incapable of comprehending the legal consequences of the act, shall be punishable with imprisonment to three to eight years.</p>
<p>TPC 416/2: Whoever attempts to rape a person who is over fifteen years of age, by using force, violence or threats, or a person who, because of a physical or mental defect or on account of a cause other than the perpetrator's action or on account of a fraudulent means used by the perpetrator, was not in a state to resist the offender, shall be punished by imprisonment for 3 to 5 years.</p>	<p>Sexual acts against other children using force, threat, fraud or based on other reasons affecting will shall be punishable with imprisonment to three years to eight years.</p>
<p>(b) Aggravating and mitigating circumstances</p> <p>415/2: Whoever attempts to ravish a person aged below 15, by using force, violence or threats, or a person who, because of a physical or mental defect or on account of a cause other than the perpetrator's action or on account of a fraudulent means used by the perpetrator, was not in a state to resist the offender, shall be punished by imprisonment for 3 to 5 years.</p> <p>417: If attempted rape is committed by more than one person or by the parent, legal guardian, tutor, teacher or servant of the victim or by a person under whose care the victim was placed, or by a person who had authority over the victim, the offender's punishment shall be increased by one half.</p>	<p>(b) Aggravating and mitigating circumstances</p> <p>106/3: In case the offense of sexual exploitation is performed by a person from the ascending line, a relative by blood or marriage at secondary or tertiary level, stepfather, adopter, legal guardian, trainer, tutor, caregiver, or a person providing medical services or a person under whose care the victim is placed, or through misfeasance of service relationship, the punishment shall be increased by one half.</p> <p>106/4: In case the sexual exploitation is committed against a child aged below 15 through force or threat, the punishment shall be increased by one half.</p>

	<p>106/5: In case the violence resorted to during sexual exploitation lead to heavy injury as may be caused by purposeful injury, then the offender shall be punished also for purposeful injury.</p> <p>106/6: In case the victim becomes comatose and dies, then the offenders shall be sentenced to life in prison with solitary confinement.</p>
<p>(c) Penalty</p> <p>102/4: The penalty for attempted rape is 5 years.</p>	<p>(c) Penalty</p> <p>69/d: The penalty is 12 years.</p> <p>69/6: In case this offense is committed by a person from the ascending line to the victim or a person who has authority on the victim, the penalty shall start after the child reaches the age of 18.</p>
<p>Rape</p> <p>(a) Age limit</p> <p>TPC 414: Whoever rapes a minor under the age of 15 shall be sentenced to a minimum of 5 years of imprisonment.</p> <p>TPC 416: Whoever ravishes a person who is over fifteen years of age, by using force, violence or threats, or a person who, because of a physical or mental defect or on account of a cause other than the perpetrator's action or on account of a fraudulent means used by the perpetrator, was not in a state to resist the offender, shall be punished by heavy imprisonment for not less than seven years.</p>	<p>Rape</p> <p>(a) Age limit</p> <p>106/2: In case sexual exploitation is performed against a person who is aged below 15 or who is, though aged above 15, incapable of comprehending the legal consequences of the act, by inserting organ or other object to body, the punishment shall be imprisonment for 8 years to 15 years.</p>

<p>(b) Aggravating circumstances</p> <p>417: If attempted rape is committed by <i>more than one person</i> or by the parent, legal guardian, tutor, teacher or servant of the victim or by a person under whose care the victim was placed, or by a person who had authority over the victim, the offender shall be subjected to a punishment increased by one half.</p> <p>418: If the foregoing acts and actions lead to death of the victim, the offender shall be sentenced to imprisonment for life.</p> <p>If the act in question leads to disruption in medical status of the victim, the sentence shall be increased by one half.</p>	<p>(b) Aggravating and mitigating circumstances</p> <p>106/3: In case the offense of sexual exploitation is performed by a person from the ascending line, a relative by blood or marriage at secondary or tertiary level, stepfather, adopter, legal guardian, trainer, tutor, caregiver, or a person providing medical services or a person under whose care the victim is placed, or through misfeasance of service relationship, the punishment shall be increased by one half.</p> <p>106/4: In case the sexual exploitation is committed against a child aged below 15 through force or threat, the punishment shall be increased by one half.</p> <p>106/5: In case the violence resorted to during sexual exploitation lead to heavy injury as may be caused by purposeful injury, then the offender shall be punished also for purposeful injury.</p> <p>106/6: In case the victim becomes comatose and dies, then the offenders shall be sentenced to life in prison with solitary confinement.</p>
<p>(c) Penalty</p> <p>102/3: The penalty for rape is 10 years.</p>	<p>(c) Penalty</p> <p>69/d: The penalty is 12 years.</p> <p>69/6: In case this offense is committed by a person from the ascending line to the victim or a person who has authority on the victim, the penalty shall start after the child reaches the age of 18.</p>

<p>Sexual intercourse with a person under age:</p> <p>(a) Age limit</p> <p>416/3: Whoever has sexual intercourse with a person under age, shall be imprisoned for six months to three years, provided that his offense is not punishable more severely.</p>	<p>Sexual intercourse with a person under age:</p> <p>(a) Age limit</p> <p>107/1: Whoever has sexual intercourse with a child aged over fifteen without force, threat or fraud shall be sentenced to six months to 2 years in prison upon complaint.</p>
<p>(b) Aggravating circumstances</p> <p>417: If attempted rape is committed by more than one person or by the parent, legal guardian, tutor, teacher or servant of the victim or by a person under whose care the victim was placed, or by a person who had authority over the victim, the offender shall be subjected to a punishment increased by one half.</p> <p>418: If the foregoing acts and actions lead to death of the victim, the offender shall be sentenced to imprisonment for life.</p> <p>If the act in question leads to disruption in medical status of the victim, the sentence shall be increased by one half.</p>	<p>(b) Aggravating circumstances</p> <p>107/2: In case the offenders is 3 or more years older than the victim, the punishment shall be increased by two without requiring complaint.</p>
<p>(c) Penalty</p> <p>102/4: The penalty for sexual intercourse with a person under age is 5 years.</p>	<p>(c) Penalty</p> <p>69/e: The penalty is 6 years.</p> <p>69/6: In case this offense is committed by a person from the ascending line to the victim or a person who has authority on the victim, the penalty shall start after the child reaches the age of 18.</p>

<p>Instigation to prostitution:</p> <p>(a) Age limit</p> <p>435: Those who instigate a child aged below 15 to prostitution and those who intermediate prostitution are sentenced to at least two years in prison.</p> <p>If this offence is committed against person aged above 15 but below 21, the offender shall be sentenced to 6 months to 2 years in prison and fined.</p>	<p>Instigation to prostitution:</p> <p>(a) Age limit</p> <p>229/1: Those who instigate a child to prostitution, paves the way for prostitution, supplies for this purpose and those who intermediate prostitution are sentenced to 4 years to ten years in prison, and fined five thousand TL.</p>
<p>(b) Aggravating circumstances</p> <p>435/2: If the offense of instigation is committed by the victim’s brother or sister, ascendant, ascendant by affinity, husband, natural or appointed guardian, teacher, tutor, servant or supervisor, the offender shall be imprisoned at least three years.</p>	<p>(b) Aggravating circumstances</p> <p>229/5: In case this is performed by a person from the ascending line by blood or marriage, brother, adopter, legal guardian, trainer, tutor, caregiver or a person under whose care the victim is placed, or through misfeasance of service relationship, the punishment shall be increased by one half.</p> <p>229/6: In case this offense is committed under an organized activity established for this purpose the punishment shall be increased by one half.</p>
<p>(c) Penalty</p> <p>102/4: The penalty for instigating to prostitution is 5 years.</p>	<p>(c) Penalty</p> <p>69/d: The penalty is 12 years.</p> <p>69/6: In case this offense is committed by a person from the ascending line to the victim or a person who has authority on the victim, the penalty shall start after the child reaches the age of 18.</p>

<p>Kidnapping and sale of children:</p> <p>(a) Age limit</p> <p>430: Whoever through force, violence threats or fraud and under lascivious feeling or with the intention of marriage, abducts a person under age or detains her in a place shall be punished by heavy imprisonment from five to ten years.</p> <p>431: If the victim is aged below 12, the offence of kidnapping and confinement shall be punished with imprisonment for at least five years.</p>	<p>Kidnapping and sale of children:</p> <p>(a) Age limit</p> <p>112: Whoever deprives a person from his/her freedom by illegally taking him/her to a place or forcing him/her to stay in a place shall be sentenced to one year to five years in prison.</p> <p>112/f: In case this offense is committed against a child or a person who is incapable of defending himself/herself, the punishment shall be increased by two.</p>
<p>(b) Aggravating and mitigating circumstances</p> <p>430: In case the minor has consented to the abduction or detention in a place the punishment for the offender shall be imprisonment from six months to three years.</p> <p>432: In case the offender delivers the victim to her family without any lascivious act, the punishment for the offender shall be imprisonment from one month to six years.</p> <p>433: In case the offense is committed with the intention of marriage and no act of rape is committed, the punishment shall be decreased by 1/3 to 1/2.</p> <p>434: If the abducted or detained girl or woman and one of the accused or convicted get married, the punishment shall be suspended.</p>	<p>(b) Aggravating and mitigating circumstances</p> <p>112/c: If the offense is committed by more than one person, or</p> <p>112/d: through malfeasance of public authority service, or</p> <p>112/e: against spouse or a person from the ascending or descending line, the punishment shall be increased by two.</p>

<p>(c) Penalty</p> <p>102/3: The penalty for child kidnapping is 10 years.</p>	<p>(c) Penalty</p> <p>69/d: The penalty is 12 years starting from the date of offense if the upper limit of punishment is more than 5 years.</p> <p>69/e: The penalty is 6 years starting from the date of offense if the upper limit of punishment is less than 5 years.</p> <p>69/6: In case this offense is committed by a person from the ascending line to the victim or a person who has authority on the victim, the penalty shall start after the child reaches the age of 18.</p>
<p>2. Transfer of organs for profit:</p> <p>Existing penal code does not bring any regulation on this subject.</p> <p>(a) Age limit</p> <p>It is regulated by the Law on Removal, Storing and Transfer of Organs and Tissues.</p>	<p>2. Transfer of organs for profit:</p> <p>(a) Age limit</p> <p>94: Whoever takes an organ from a person without a legally valid consent shall be sentenced to 5 years to 9 years in prison.</p>
<p>Article 5 - It is prohibited to taking organs or tissues of people who are under age of 18 and who are capable of discrimination.</p> <p>Article 15 - Those who take, remove, store, implant or transfer or sell, purchase or commission tissues or organs in violation of this Law shall be sentenced to two years to four years in prison and fined 50.000 TL to 100.000 TL, if the offense does not require more severe punishment.</p>	
<p>(b) Aggravating circumstances</p>	<p>(b) Aggravating circumstances</p> <p>94/7: In case this offense is committed as an activity of a corporate person, the measures against corporate persons shall be applied.</p>

<p>(c) Penalty</p> <p>102/4: The penalty for the offense of organ transfer is 5 years.</p>	<p>(c) Penalty</p> <p>69/d: The penalty is 12 years.</p> <p>69/6: In case this offense is committed by a person from the ascending line to the victim or a person who has authority on the victim, the penalty shall start after the child reaches the age of 18.</p>
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Subparagraph (d)

83. Although it is not specified in paragraph 1 of Article 3 of the Optional Protocol, there are no other acts or actions which are regulated as crimes or offenses in the penal codes of that state party.

Subparagraph (e)

84. Under the current penal code, corporate persons are not liable. However, as per the draft Turkish Penal Code, corporate persons shall also be liable.

Subparagraph (f)

85. This is stated under paragraph 5.

Paragraph 7

86. In our country, there is no effective monitoring mechanism concerning the adoption services. Establishment of family courts, the amendments to the Civil Code, and the measures included in the new draft Penal Code taking into consideration the international conventions will bring improvement in this field. The adoption services in our country are regulated by Article 305-320 of the Civil Code, and the Regulation on Adoption issued by our Agency.

87. As per Article 305 of the Civil Code, for adoption to be effected, the child must be cared and trained by the potential adopter for one year and adoption is considered for to the benefit of the child, and as per Article 316, all kinds of circumstances and conditions must be thoroughly investigated, and if necessary, specialist opinion must be taken.

88. As per Article 308, in cases where the child is capable of comprehension the adoption is prohibited if it is contrary to his/her consent.

89. As per Article 309 and 310, adoption needs the consent of the minor's biological mother and father, recorded as a minute in a court, and a period is specified for withdrawing such consent.

90. Article 311 describes the cases in which the consent of biological parents is not required.

91. As per Article 320, intermediary actions in the adoption of minors can be practiced only through those organizations that are authorized by the Council of Ministers, and such matters shall be regulated by a by-law. In this context, the General Directorate of Social Services and Child Protection Agency, which actually conducts the adoption transactions, has prepared a draft By-Law, and the legalization of this by-law is progress. Following the entry into force of this by-law, significant improvements will be made for the protection of children since under this by-law, investigations will be made concerning adoption.

92. In the Regulation on Adoption issued by the SSCPA, the requirements for potential adopters are described in detail. Under this Regulation, investigations are made concerning the potential adopters, who are required to provide evidence on their status. In the one-year period before adoption in which the child is placed, the SSCPA conducts necessary investigations.

93. On 14.01.2003, with the Law no. 5049, our country ratified the Hague convention on the protection of children and cooperation on international adoption, and this Law entered into force on 01.09.2004. The law in question regulates the adoption matters, and brings measures for the prevention of kidnapping, sale or trading of children by securing their fundamental rights. The Regulation on Adoption issued by the Social Services and Child Protection Agency and the draft by-law in question are in compliance with the Hague Convention.

94. For cases of international adoption, the files are processed through the International Social Services (ISS), which at the same monitors the one-year probation period.

Paragraph 8

Subparagraph (a)

95. As for the governing jurisdiction in case the acts or actions specified in paragraph 1 of Article 3 of the Optional Protocol are committed within the borders of the state party or aboard a vessel or plane registered with the state party, the general principle in criminal cases is that governing law and judicial organs are those of the state of the country in which the crime is committed. In this context, in Article 10 of the Turkish Code of Criminal Procedure, it is stated that the court of the place where the crime is committed is authorized to process the case.

96. In Article 11 of the Turkish Code of Criminal Procedure, special rules for jurisdiction concerning the crimes committed aboard, or using, marine or air vehicles. Under this Law, two places are authorized jurisdictions if such vehicles carry a Turkish flag and the crime is committed outside Turkey: the court of the first port of calling and the court of the anchoring port in Turkey. The court of the port or territorial waters containing the vehicle on which the crime is committed is authorized in case the crime is committed within Turkish territorial waters, and the court of the port of calling is authorized in case the crime is committed within another domain or international waters.

Subparagraph (b)

97. As for the cases in which the suspected person is the citizen of the state party or the domicile of this person is within the borders of the state party, the Turkish Penal Code contains the following provisions:

- Article 3 - A person who, in Turkey, commits a felony shall be punished in accordance with Turkish laws, and even if s/he is convicted in a foreign country, s/he will be retried in Turkey. A foreigner who is convicted for such an act or action outside Turkey shall be retried in Turkey upon request of the Ministry of Justice;
- Article 5 - A Turkish citizen who, in foreign countries, commits a felony other than one mentioned in Article 4, entailing a punishment under Turkish law which restricts personal liberty for a minimum period of three years, shall be punished, in accordance with Turkish laws, if he is in Turkey. If the felony committed entails a punishment restricting liberty for a minimum authorized period of less than 3 years, the initiation of prosecution may be upon the complaint of the injured party or the foreign Government. If the victim is a foreigner, the act must also entail a punishment according to the law of the country where it was committed;
- Article 6 - A foreigner who commits a felony other than one mentioned in Article 4, in a foreign country, against Turkey or a Turk, entailing punishment restricting liberty for a minimum period of one year under Turkish law, shall be punished in accordance with Turkish laws, if he is in Turkey. However, institution of prosecution is subject to the request of the Ministry of Justice or the complaint of the injured party. If the felony is committed against a foreigner, the perpetrator shall be punished upon the request of the Ministry of Justice, provided the following conditions exist:
 1. The act, according to Turkish law, entails a punishment restricting liberty for a minimum authorized period of not less than three years;
 2. No extradition treaty exists or the extradition of the perpetrator is rejected by the Government of the State in whose territory the felony was committed, or by the State of which the offender is a citizen.

If a Turk or Foreigner commits felonies described in Chapter VIII, of Part 3 of the Turkish Penal Code in a foreign country, prosecution shall be instituted directly, and the perpetrator shall be subject to the punishments provided for in the Articles of that Part.

- As per Article 8 of the Code of Criminal Procedure, for Internet crimes, when the perpetrator's place and the place of Internet access are known, and where the employees of the Internet service provider are not perpetrators, the point of access to the Internet shall be taken as basis for determining the governing court. In case the employees of the service provider are perpetrators, then place where the head office of the company is place will be taken as basis.

Subparagraph (c)

98. For the case in which the victim is the citizen of the state party, Article 7 of the Turkish Penal Code is applicable:

Article 7 - In case a foreigner who commits a felony in a foreign country, against Turkey or a Turk, is convicted or acquitted by a foreign court, s/he shall be retried by Turkish courts. If the punishment given is less than punishment specified in the Turkish Penal Code for that offense, then the punishment is increased so as to complete the specified punishment. If the reasons for acquittal or non-prosecution are not compatible with Turkish laws, punishment is given. In this connection, institution of prosecution is subject to the request by the Ministry of Justice. In cases of insult and bad language through the Internet, prosecution shall be subject to the request of the victim as per the Code of Criminal Procedure.

Subparagraph (d)

99. This is regulated in Article 6/3 of the Turkish Penal Code. If the felony is committed against a foreigner, the perpetrator shall be punished upon the request of the Minister of Justice, provided the following conditions exist:

1. The act, according to Turkish law, entails a punishment restricting liberty for a minimum authorized period of not less than three years;

2. No extradition treaty exists or the extradition of the perpetrator is rejected by the Government of the State in whose territory the felony was committed, or by the State of which the offender is a citizen. If a Turk or Foreigner commits felonies described in Chapter VIII, of Part 3 of the Turkish Penal Code in a foreign country, prosecution shall be instituted directly, and the perpetrator shall be subject to the punishments provided for in the Articles of that Part.

For the case in which the victim is the citizen of the state party, Article 7 of the Turkish Penal Code is applicable.

Paragraph 9

100. This is specified in Article 6 of the Turkish Penal Code.

Paragraph 10

101. Extradition, investigation and follow-up of criminals can be defined as process in which a person who commits a crime under the jurisdiction of a State and deserts to the country of another State or who happens to be in that State is caught upon the request by the State having the jurisdiction and delivered to that State. Extradition is one of most effective mechanisms of international judicial cooperation.

102. Our legal system does not have a specific mechanism for extradition. There are several provisions in different laws on this issue such as Article 38 of the Constitution, Article 9

of the Turkish Penal Code, and Article 2 of the Law on Institution of Enforcement Place of Penal Code numbered 825. In practice, extradition is carried out according to extradition treaties between Turkey and the requesting state, or, in the absence of such treaty, on the basis of reciprocity. The European Convention on Extradition, to which Turkey is a party since 1960, is the most referred conventions concerning extradition. No request has been made to the Ministry of Justice concerning extradition as per the provisions of the Protocol in question.

Paragraph 11

Subparagraph (a)

103. This is included in Article 36 of the TPC, Articles 86 and 392 of the Code of Penal Code, and Article 54 and 55 of the draft TPC.

Subparagraph (b)

104. In the draft TPC, corporate persons are also liable, and the confiscation of the revenues is provided for.

Paragraph 12

Subparagraph (a)

105. Our current penal code does not include a specific mechanism for protecting the victim on the grounds that the prosecutor already protects the rights of the victim. In practice, this leads to significant problems with respect to victims who are children. While suspects are provided with lawyers free of charge as per the Code of Criminal Procedure, the child victims feel themselves defenseless and excluded from the system.

106. The draft Penal Code contains special provisions only for instigation to prostitution. Article 229/8: "Those who are instigated to prostitution are provided treatment and rehabilitation."

107. The existing situation is not satisfactory with respect to the protocol. In this regard, the Ministry of Justice has prepared draft provisions concerning the child victims. Ankara Bar provides legal counseling to child victims whether or not they are poor. There is no crisis and support center or other mechanism.

108. Laws do not contain provisions for providing lawyers to the victim. Provision of a lawyer to child victims aged below must be obligatory.

109. In Juvenile Offices, social service specialists and psychologists are employed. However, their numbers are insufficient, and service cannot be provided in all offices.

Subparagraph (b)

110. Age determinations are made using bones and teeth by the Forensic Medicine Organization and in the Forensic Medicine Departments of universities. The first Forensic

Odontology of Turkey has been established in the Forensic Medicine Department of the Faculty of Medicine of Ankara University, and first certified Forensic Dentists have been trained. The training continues.

Subparagraph (c)

111. As per Article 11 of the Civil Code, being under age, minors aged below 18 are represented by their parents or legal guardians before courts. Thus, it is a right and requirement for parents or legal guardians to participate in trial together with children. In accordance with the Regulation on Legal Counseling Aid, poor victims are provided by bar with lawyers free of charge upon their request. However, this system does not automatically operate and is not well known, and therefore, it is not effectively used. Ankara and Istanbul Bars have amended their bylaws in order to eliminate this problem, and now, all child victims are automatically provided with lawyers free of charge whether they are poor or not. Moreover, with a joint activity initiated by Ankara Bar and Ankara Juvenile Police Branch, it was ensured that lawyers accompanied children who were victims of sexual abuse, and informed them of their rights while their testimonies were taken.

Subparagraph (d)

112. Brochures were prepared aimed at informing children in cooperation with the Ministry of Justice, bars and other organizations. The activities for informing the children in closed organizations are underway. The bylaws related to prisons contain regulations on the issue.

Subparagraph (e)

113. The related organizations continue their in-service trainings on the issue.

Subparagraph (f)

114. Social service specialists and psychologists are employed in the police and gendarme units working with children. There are efforts at providing such specialists to all children. In juvenile courts and family courts, social service specialists, psychologists and child development specialists are employed, and there are efforts at providing psychosocial support to child victims.

Subparagraph (g)

115. The Law on the Supreme Board of Radio and Television, and the Code of Criminal Procedure contain provisions on the issue.

Subparagraph (h)

116. Attacks against public servants are considered as an aggravating circumstance in the TPC. Although the establishment of private security systems is a positive development, it is not sufficient. There are efforts at the development of the legislation on the protection of witnesses.

Subparagraph (i)

117. There are general procedures on this subject. There is no specific provision on the subject. As per Article 230 of the TPC, a public servant who causes undue delay may be subject to investigation on grounds of negligence of duties.

Subparagraph (j)

118. The Convention on the Rights of the Child, the Constitution, laws and the Law on Social Services and Child Protection Agency numbered 2828 provides for the formulation of urgent measures concerning the child negligence and exploitation. Also, in 1997, with the Decree Having Power of Law numbered 572 annexed to the Law numbered 2828, the child and youth centers started to provide services to the children living and/or working in the streets and the girls who were sexually exploited for commercial purposes.

119. The purpose of the Law numbered 2828 is to regulate the fundamentals and principles concerning the social services provided to the families, children, disabled, aged or other people requiring protection, care and help, and the establishment, duties, powers, responsibilities, activities, and revenues of the organized established in order to conduct such services. In this scope, services are provided through day care centers, rehabilitation centers and similar organizations.

120. Child and Youth Centers are defined as social service organizations with or without boarding facilities established in order to ensure rehabilitation and re-socialization of children and young people who are deserted in the streets due to disagreement between spouses and other reasons and who are socially at risk.

121. Currently, there are 39 Child and Youth Centers providing services to children living and/or working in streets, and two of these centers are focused on girls who were sexually exploited for commercial purposes.

122. By promulgation by the Ministry of Interior of the Regulation on Juvenile Police, the Circular on the Protection of the Family, the Circular on the Volatile Agents, the Circular on Prohibition of Handcuffing of Children, and the Circular on the Juvenile Police, the protection of child victims is secured.

123. With a view to increasing the effectiveness of the duties of the Gendarme Command protection of children from crimes and preventing them from committing crimes, Bahçeşehir Child Center was established as affiliated to the Istanbul Provincial Gendarme Command and started operation on 23 October 2001. Afterwards, Gendarme Child Centers were established in Ankara, İzmir, Aydın, and Erzurum.

124. In their fields of responsibility, the Child Centers subordinated to the General Command of Gendarme perform the following:

- They check whether children aged below 18 are employed in places open to public, whether children enter into places selling alcoholic drinks, and whether children are employed in places where employment of children is prohibited;

- They check whether alcoholic drinks, tobacco products, pornographic materials, obscene or indecent materials, volatile agents, drugs, or addictive materials are sold to children;
- They notify security forces concerning the places acting in violation of the legislation.

125. "Legal Counseling Aid to Child Victims Unit" of Child Rights Center of Istanbul Bar was established on 01.01.2001. This unit provides legal counseling services to children who are victims of negligence and exploitation.

126. Within framework of the Project for Psychosocial Support for Children Living in Streets non-governmental organizations provided psychosocial support services to approximately 200 children staying in the Child and Youth Centers of the Social Services and Child Protection Agency, including the center providing services to the girls who were sexually exploited for commercial purposes.

127. With the "Regulations on the Establishment, Duties and Operation of Juvenile Branch/Office of the General Directorate of Security" prepared with a view to improving the services provided by the Security Organization to children based on the existing legislation and especially on the UN Convention on the Rights of the Child, the services for the children who need protection and help, who are deserted, whose identities cannot be determined, who live in streets, who are abandoned, who seek refuge and similar children and the all administrative or criminal investigations of child suspects are performed by the Child Branches or Offices.

128. Juvenile Police is providing services in 81 provinces, and they are given in-service training concerning the development characteristics, behavioral sciences, interview techniques, and communication skills for the children aged between 0 and 18. Thus, benefits of children are preserved during the transactions performed by the security forces. Child Branches are providing services through Child Care Units with full facilities in 43 provinces.

129. A National Action Plan has been prepared taking into consideration the targets, strategies and actions stipulated in the UN Action plan and departing from the activities conducted up to now in order to protect and improve the rights of the children aged up to 18 including those in puberty in Turkey, and with a view to determine the priorities and timelines of the future actions.

130. In this scope, the targets for 2005, 2010 and 2015 concerning quality education, health, HIV-AIDS and protection of children from negligence, exploitation, abuse and violence, and actions having priority are given in the following table.

To protect children from all kinds of sexual exploitation including pedophilia and sale (<i>contd.</i>)	(d) Training of the target groups: Family; Child;	During 2005-2015	Department of Religious Affairs, Ministry of Interior
	(e) Training of the professionals: Medical personnel; Security forces; Trainers; Jurists;	During 2005-2015	
	(f) Training of the social leaders: Religious officers; Headmen; Other;	During 2005-2015	
	(g) Training of the society via mass media.	During 2005-2015	
	3. For ensuring the rehabilitation of sexually exploited children:		
(a) Opening rehabilitation houses designed also for disabled children;	Opening one rehabilitation house in each region by amending the regulation until 2005	General Directorate of Social Services and Child Protection Agency, non-governmental organizations, local administrations	
(b) Amendment of the Article of the regulation preventing non-governmental organizations from opening organizations (ensuring the possibility of opening organizations under the supervision of the Social Services and Child Protection Agency) and drafting of a regulation concerning the establishment, operation and inspection of private rehabilitation houses.	Until 2010		

Paragraph 13

Subparagraph (a)

131. The Law on the Supreme Court of Radio and Television has certain provisions prohibiting ads in which children are used. In the new draft Penal Code, the offenses against children are defined in a more detailed manner. Preparation of a draft law on child victims is in progress. It is believed that the protocol in question will accelerate this process. Introduction of the Internet has a past of 13 years. There is an increasing trend in the Internet infrastructure and access. As stated above, there have been delays in the formation of a legal infrastructure with respect to both users and the ISPs. However, the variety and the number of information crimes increase with the technological progress. Therefore, a control mechanism must be established taking the fundamental rights and freedoms into consideration. Since such crime may have cross-border origins, international law and cooperation must be enhanced.

132. In Article 4 of the Law on the Supreme Board on Radio and Television, it is stated that "broadcasts should not be obscene" (t), "all kinds of violence and discrimination against women, the weak and minors should not be encouraged" (u), and "programs which may undermine physical, mental and moral development of children and young people should not be broadcast at times when they can watch them" (z).

133. In this context, paragraph (t) of Article 5 of the Regulation on Fundamentals and Principles of Radio and Television Broadcasting reads: "Broadcasting should not contain indecent and obscene words and acts which aim at exploiting the sexual feelings, in which individuals are presented as sexual objects, which reduce human body to the element of sexual provocation, and which cannot be displayed within a social living area. The programs which contain sexuality due to its genre and content should be broadcast between 23:00 and 05:00 by making the necessary audio/written warnings in order to protect the mental, emotional and moral development of children, and in promotion clips of such programs, the sections containing sexual exposure should not be used, and they should be announced after 21:30.

134. Paragraph (u) reads: "All kinds of discrimination and physical and psychological violence against women, the weak and minors should not be encouraged. Broadcasting should not contain elements which justify, mitigate or provoke the intra-family violence, battery, sexual abuse, rape, etc., which endorse inequality in social life and among family members, or which ignore consent, approval, representation and wishes of women. Physical, emotional or sexual exploitation of children or exploitation child labor should not be encouraged. Broadcasting should take into consideration the people's sensitivity concerning physical or mental disabilities, and actions facilitating the disabled people to watch programs (such as sign language, subtitles, etc.) should be encouraged. Images containing violence against animal should not be broadcast."

135. Paragraph (z) reads: "The programs which may undermine physical, sexual and moral development of children and young people should not be broadcast at times when they can watch them. There should not be persons or characters in the broadcasts who can affect the emotional, moral and social development of children and young viewers. The programs which contain

sexuality, violence, and bad habits (gambling, alcohol, drug addiction, bad language, suicide, etc.) due to its genre and content should be broadcast between 23:00 and 05:00 by making the necessary audio/written warnings and taking into consideration the different age groups. In the promotion clips of such programs, the sections containing violence, sexual exposure, etc., should not be used, and they should be announced after 21:30." Also, paragraph 10 of Article 12 of the same Regulation, reads: "... Promotional clips for conversation, finding pairs, etc., in which special phone numbers are given can be broadcast between 23:00 and 05:00..." and the Application Guide Heading (41) reads: "For the child programs and cartoons, movies and TV films and serials which will be broadcast in protected hours, the viewers/listeners and families having different mental, emotional and social development characteristics are informed using audio/written methods and using Protective Symbol System and symbols defined for certain age groups. The application guide containing explanations and guidance on the Protective Symbol System defined in this Regulation shall be published by the Supreme Board. The provisions of this guide are taken as basis in applications concerning the Protective Symbol System and the broadcasting is evaluated and announced in terms of these provisions."

136. In order to protect children from negative effects of the broadcast which include violence, etc., the Supreme Board of Radio and Television issued 25 penalties of warning, defense and prohibition from broadcasting as per paragraph (z) to 7 national TV channels in 2003, and 9 penalties as per paragraph (v), one penalty as per paragraph (t) and 32 penalties as per paragraph (z) to the same channels in 2004.

137. The lawyers working in the Child Rights Center of Istanbul Bar attend continuous trainings concerning techniques for communicating with aggrieved minors. This unit provides services on a 24/h basis, and applications mostly are from sexually exploited children.

138. Upon initiation by the Ministry of Interior, and as a result of joint work of the Ministry of Employment and Social Security and the Undersecretariat of Foreign Trade and Customs, the "Communiqué on Importation" concerning the control of content quantities of volatile and adhesive agents was promulgated in the Official Gazette dated 10.01.1999 and numbered 23579.

139. In the circular prepared by the General Directorate of Security, it has been requested "that decision be taken for the prohibition of the sale of volatile agents to children aged between 0 and 18 in accordance with Article 11/C of the Law on Provincial Administration numbered 5442 in order to ensure the public peace and prevent children from committing crimes under the effect of volatile agents, that legal proceedings be instituted against those who violate the decision to be announced as per Article 526 of the TPC unless their acts constitute another offense" from all provinces and the applications has been implemented throughout the country.

140. The work of the "Consultation Board" for the rehabilitation of children who are under protection and who need rehabilitation among the General Directorate of Social Services and Child Protection Agency, universities, the General Directorate of Treatment Services of the Ministry of Health, and the General Directorate of Social Insurance Agency is underway in the form of diagnosis and treatment in the hospital environment.

141. The draft Law on Duties and Organization of the Internet Supreme Board has been prepared; this Law deals with numerous issues related to the Internet, and empowers the Internet Supreme Board concerning the cooperation and coordination against international Internet criminal violations.

Subparagraph (b)

142. The cooperation with the Ministry of Justice, bars, the Ministry of National Education, the General Directorate of Security, the Social Services and Child Protection Agency, the Ministry of Interior, the media, non-governmental organizations and universities is included in the National Action Plan concerning the work topics of each organization, and the fields of cooperation have been determined. Moreover, as stated in paragraphs (c), (d), and (e) of Article 3 of the report, activities have been initiated concerning the actions prohibited in the optional protocol. The National Action Plan will be implemented after it is sent by the Ministry of Foreign Affairs to the secretariat of the United Nations.

Subparagraph (c)

143. The Law on Protection of Children from Obscene Materials aims at preventing the production and dissemination of the materials defined in the Protocol.

Paragraph 14

144. Between 2001 and 2005, the General Directorate of MCHFP of the Ministry of Health launched the "Project for Development of Strategies for Meeting the Base Information and Service Requirements of the Adolescents" in Bursa and İzmir in cooperation with the UNFPA, and the "Project for Adolescent Health and Development" in Adana and Ankara in cooperation with UNICEF. The purpose is to improve the general health and development of adolescents, to develop adolescent reproduction health concerning the training requirements of adolescents for reproduction health and sexual training, to increase the adolescent access to integrated and quality reproduction health services, and to develop a service provision model for meeting the requirements of adolescents for base information and service.

145. The Juvenile Police in-service trainings have been performed since 1996 in cooperation with universities, non-governmental organizations, bars, the Social Services and Child Protection, ILO, the British Council, UNICEF Turkey and the Interpol. Since 2000, 150 Juvenile Police Officers have been given the in-service training entitled "Juvenile Police in International Standards" in cooperation with the British Council and the Embassy of the United Kingdom.

146. The Psychosocial School Project Report: the Psychosocial School Project, which has been implemented by the Ministry of Education and UNICEF since the earthquake in the Marmara region in 1999, provides services to students, teachers, administrators and families in order to ensure protection and prevention before critical and difficult events such as natural disasters, wars, terror, migration, negligence, exploitation, violence, abuse, accidents and suicide as well as psychological support after such events. In this scope, at the national level,

the Psychosocial Prevention, Protection and Response Unit was established under the General Directorate of Special Training, Guidance and Consultation Services, and at provincial level, the Psychosocial Prevention, Protection and Response Teams were established under the Directorates of National Education in order to enhance the psychosocial capacity throughout the country. 11 books containing information and techniques concerning psychosocial prevention and protection were prepared. Throughout Turkey, first step psychosocial training has been completed in every province.

147. Prevention of child labor was also included in the Government's Urgent Action Plan. In the plan, under the heading "Actions to be Taken for the Prevention of Child Labor" with the code of SP 08, it was stated that actions would be taken for a more effective implementation of the Convention no. 182 of ILO, a minimum employment age would be specified for all sectors taking into consideration also the age for completion of compulsory basic education, and it would be effectively implemented. Under the coordination of the Ministry of Employment and Social Security, and in cooperation with the State Planning Organization, the Ministry of Justice, the Ministry of Interior, the Ministry of National Education, and the representatives of employers and employees, the efforts for removing children from employment areas where they are exploited, particularly the worst forms of child labor, have been accelerated.

148. Moreover, within the scope of the international cooperation activities by the General Command of Gendarmerie, the cooperation with the UNICEF and the Embassy of the United Kingdom on the training of the personnel who serve in the field of prevention of crimes committed against children is in progress.

149. Within the framework of the Program for Financial Cooperation between Turkey and the European Union, the Project for the Protection of Children and the Prevention of Child Criminality is conducted under the coordination of the General Command of Gendarme and jointly with the organizations working in the field of protection of children and the prevention of child criminality.

150. In 2003, the Training Guide for Psychosocial Rehabilitation of Children Who Were Sexually Exploited for Commercial Purposes, and the Self-Study Guide were translated by the Health Again and Training Association with the collaboration of the International ECPAT (End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes) cooperation. In the short term, formation of a comprehensive training program for the people working in this field is planned, and the Training Guide will be used during the aforementioned Training Program. On the other hand, the Self-Study Guide is planned to be published in a way that everyone working in this field will have access to it.

151. Within the scope of the Institutional Development Fund (IDF) Grant Project Proposal submitted by the World Bank to the General Directorate of Security, the Project for the Juvenile Police Journal, the In-Service Trainings in International Standards for the Personnel of the Child Branch Directorates/Offices, a Panel on the Activities of Child Branch Directorates/Offices, a Conference, a Seminar and Promotional Activities has been submitted to the Ankara Office of the World Bank.

152. There are 181 member states of the General Secretariat of the Interpol. Children constitute a significant part of the human trading. This issue is discussed in General Assemblies of the Interpol, and there are working groups of specialists working on this issue, which assemble annually. There are more than 150 thousand materials concerning child pornography in the Interpol. More than 100 thousands of children were identified by examining these materials. Under the coordination of the General Secretariat of Interpol, international operations are conducted with the participation of related member states. Turkey has also taken part in some of these operations.

153. In the department of human trading and kidnapping subordinated to the General Secretariat of the Interpol, the activities concerning sexual exploitation are underway. The new developments concerning the fight against sexual exploitation are notified to Interpol Central Offices, and the fights continue under national legal provisions.

Paragraph 15

154. Upon initiation by the Ministry of Foreign Affairs, which is the National Coordinator with respect to human trading, a National Taskforce for Fighting with Human Trading has been established. The Department of Foreigners, Borders and Asylum, the Department of Security, the Department of Smuggling and Organized Crimes from the General Directorate of Security, the General Directorate of Judicial Records, the Ministry of Employment and Social Security, the General Directorate of Status and Problems of Women, the General Directorate of Social Services and Child Protection Agency, General Directorate of Treatment Services of the Ministry of Health, and the Human Rights, Social Solidarity and Cooperation Fund of the Prime Ministry take part in the activities of the National Taskforce.

155. Turkey actively supports the activities by the OSCE and the Human Trading Taskforce Stability Pact for the prevention of human trading, and strictly applies the norms developed by this Forum on the investigation of the organizers and protection of the victims. In his respect, Turkey also cooperates with the International Organization for Migration, SECI and EUROPOL.

156. In Turkey, the national coordinator for international contacts concerning human trading is the General Directorate of Consulate of the Ministry of Foreign Affairs. National coordination is ensured by the General Directorate of Security with respect to security and organized crimes, and by the General Directorate of Status and Problems of Women with respect to protection. The real responsibility with respect to the international instruments on human trading and their implementation lies with the Department of Foreign Affairs of the Ministry of Justice.

157. However, in connection with the victims of human trading who require physical and psychological treatment, in the annex to the Resolution by the Council of Ministers dated 05.12.2003 and numbered 2003/6565, it was decided that "the patients with foreign nationalities who are found out to be victims of human trading and who are incapable of paying costs of their medical treatment be exempt from the provisions of paragraph 1 of Article 1 of the Law numbered 4736."

158. Moreover, on 4 September 2003, the Foundation for Development of Human Resources and the Ministry of Interior concluded a protocol concerning the cooperation with respect to human trading, the protection, and accommodation of victims, sending back the willing ones to their countries of origin, and the training of the personnel working in this field.

159. This Protocol specifies the fields of cooperation between the Foundation for Development of Human Resources and the Ministry of Interior, and contains the principles for protection and accommodation of victims of human trading.

160. The persons who are determined to be victims of human trading are given psychological support and protection, and upon their consent, they are sent back to their countries.

161. Up to now, 23 people have been issued the "Humanitarian Aid Visa and Temporary Residence Permit" in order to ensure their stay in Turkey for rehabilitation and treatment purposes. Also, 24 people were sent to their countries in cooperation with the International Organization for Migration (IOM) and with their own will.

Paragraph 16

162. The general provisions on the issue are included in the Code of Criminal Procedure numbered 1412. The provisions of the laws related to the issue are given in appendix II.

Paragraph 17

163. In connection with sale of children, child prostitution, and child pornography, the Protocol on the Prevention, Stopping and Punishment of Human Trading, Particularly Trading of Women and Children, which is one of two Optional Protocols to the UN Convention on Fighting Cross-Border Crimes concluded in Palermo on 12-15 December 2000, was signed by our country.

164. In paragraph (b) of Article 3 of the "Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor" no. 182, which was signed within the scope of ILO and which was promulgated in Official Gazette dated 27 June 2001 and numbered 24445, "using children in prostitution, production of pornographic publications or pornographic images, or supply or presentation for these purposes" are considered as "child labor in its worst forms."

165. In our national legislation, the concept of human trading and kidnapping of children aged below eighteen for various purposes are regulated in Article 201/b of the Law numbered 4771.

166. In our legislation, the provisions prohibiting those who have sexual intercourse with children, who instigate minors to prostitution, who trade minors, and sexual exploitation are included in Chapter VIII, of Part 3 of the Turkish Penal Code. The provisions of Article 6 of the Turkish Penal Code stating "a Turk or Foreigner commits felonies described in Chapter VIII, of Part 3 of the Turkish Penal Code in a foreign country, prosecution shall be instituted directly, and the perpetrator shall be subject to the punishments provided for in the Articles of that Part" imply the importance attached to these offenses and the international dimension of the issue.

In paragraph 1 of Article 414 of the Law in question, it is provided "Whoever rapes a minor under the age of 15 shall be sentenced to at least five years in prison with confinement." This paragraph prohibits sexual intercourse with minors with or without their consent. Article 415 of the Law in question prohibits the cases of attempted rape against children aged below 15. Articles 435 and 436 of the same Law deal with "instigation to prostitution." The purpose of these articles is to prevent the instigation of children, women, and even men, to prostitution through force, violence, influence, or other ways.

167. When the offense of instigation to prostitution is committed by more than one person:
- In Article 313 of the Turkish Penal Code, the punishment for "those who establish or participate in organizations or gangs for the purpose of committing felonies in any manner" is specified. Since instigation to prostitution, intermediation of prostitution, and women trading are felonies, Article 313 of the TPC can be applied for the organizations established for committing these felonies;
 - Furthermore, the Law on Prevention of Laundering of Illicit Money regards the incomes obtained from instigation to prostitution as defined in Articles 435 and 436 of the Turkish Penal Code as "illicit money." Therefore, in this connection, it is possible to resort to all measures specified in this Law for the prevention of the laundering of these incomes.

168. Pornographic materials are regulated in Article 426, 427 and 428 of the Turkish Penal Code. The Law on Protection of Minors from Obscene Publications numbered 1117 brings restrictions on printed materials which may have indecent effect on psychology of minors.

169. On the other hand, in paragraph u of Article 4, in Chapter II on "Broadcasting Principles", of the Law on Establishment of, and Broadcasting by, Radio and Television Channels numbered 3984, "non-encouragement of violence and discrimination against women, the weak, and minors" is listed among the broadcasting principles that should be respected in radio, television and data broadcasting.

170. On the other hand, as explained above, there are bilateral agreements between Turkey and a number of countries, and the "European Convention on Extradition" concerning extradition.

Paragraph 18

171. The activities conducted in cooperation with the UNICEF are:

(a) In the framework of the Republic of Turkey - UNICEF 2001-2005 Cooperation Program Main Implementation Plan, the projects with the related sectors are in progress. The Inter-Sector Child Board is responsible for programming, approving, monitoring and assessing the Main Implementation Plans within the framework of the cooperation with the Republic of Turkey;

(b) When the programs prepared within the scope of 2001-2005 Republic of Turkey-UNICEF cooperation are examined: program 1: Care in Early Childhood, Subprojects 1.1 Mother and Child Health, Feeding, 1.2 Mother and Child Development, Program 2: Child Adolescent Development and Protection, Subprojects 2.1 Child-Friendly Learning Places, 2.2 Adolescent Health and Development, 2.3 Children in Need of Special Protection, Program 3 Policy Development and Enhancement of Social Participation, Subprojects 3.1 Development of Local Capacity in Basic Services to Child and Woman, Program 3.2 Promotion and Enhancement of Social Participation, 3.3 Women and Child Information Network, 3.4 Preparation Projects in Disasters and Emergencies. Of the programs and projects in question, 2.3 Children in Need of Special Protection of the Child Adolescent Development and Protection Program and the Promotion and Enhancement of Social Participation Project of the Policy Development and Enhancement of Social Participation Program are conducted.

172. The activities conducted in cooperation with the World Bank included the Project for Decreasing Social Risk, whose basic target is to contribute to the decreasing of poverty in Turkey in the short and long terms. The purpose of the Project is to decrease the impact of the current economic crisis on the poor population, to increase the capacities of public organizations providing services and social aid to the poor, to establish a social aid system for the poorest 6% section of population for the improvement of basic medical and education services, and to increase the opportunities of the poor for income and employment.

173. The activities conducted in cooperation with the ILO are:

(a) Rehabilitation of Children Working in Streets in Diyarbakır. The SEP Regional Development Administration, which coordinates far reaching economic, social and environmental development projects in the Southeastern Anatolian Region, conducts the "Program for Rehabilitation of Children Working in Streets in Diyarbakır" within the framework of ILO-IPEC in cooperation with public, private and voluntary organizations in the region and the SSCPA in addition to other regional development activities. The purpose of this Program is to improve the living standards of children working in the streets and their families, to enhance the local capacity, and to gradually decrease child labor. The Program consists of the establishment of a rehabilitation and training-support center for the children working in the streets, the training of the specialists of this center, the formation of an action committee to include the representatives from related public and non-governmental organizations, and the direction of this committee. Within the scope of this Program, "75th Year Child and Youth Center" was established under the Social Services and Child Protection Agency in 1999 and the activities for the children working in the streets were given a start;

(b) Program for Rehabilitation of Children Working in the Earthquake Region and Prevention of Child Labor. Strong earthquake of 17 August 1999 led to economic and socio-cultural changes in the Northwestern Anatolia. Gölcük, Yalova, and Adapazarı were the provinces which suffered the strongest impact. The economic crisis accompanying the earthquake intensified the adverse conditions of the families, which in turn needed more child labor. According to the data from a study conducted following the earthquake, there is an increase in the number of children working in streets. The same study showed that after the

earthquake, as an income-raising strategy, families tended not to send their children to schools or take their children from schools in order to put them in employment. For the foregoing reasons, with a view to developing a sustainable and repeatable "model" for the rehabilitation of the children working in streets and the prevention of child employment as a consequence of earthquake, the "Program" was implemented in these provinces in question in cooperation with ILO/IPEC, the Social Services and Child Protection Agency, the Ministry of Employment and Social Security, the Governorate of Yalova, and other partners (public, non-governmental, local administration). Under the Program, 1500 children who were working or who were under risk of being employed were accessed and provided training, medical, nutrition, psycho-social and crisis consultation services; social support was provided to their families; the capacities of the cooperating organizations in the region for rehabilitating the child workers were increased; the issue of child labor was integrated into the general development plans concerning the region; and general public awareness and sensitivity of local administrators and planning units for the issue of child labor were improved. The Program also helped to increase the sensitivity against the children working in streets throughout the country. The General Directorate of Security and the General Directorate of Gendarmerie initiated actions in connection with this issue. The current Government included the issues of "children working in the streets" in the "urgent action plan." The Department of Working Children of the General Directorate of Employment of the Ministry of Employment and Social Security drafted a national program for handling the issue of child labor, especially in its worst forms, in line with opinions of the related public and non-governmental organization within the scope of ILO/IPEC. In this program, the worst forms of child labor in Turkey were designated as the children working in streets, the children working in heavy and dangerous works in small and medium scale enterprises, and the children working in mobile agricultural works except for family enterprises. In order to support the implementation of the national program, the projects for withdrawing of children from the works which are detrimental to their health, and security, which lead to adverse effects on their mental, psychological and social development, and which prevent their education will be implemented starting from 2005 in 24 provinces which have significant economic, social and educational disadvantages and in which child labor is common. The projects and the activities conducted in the targeted provinces will be examples for other regions of the country, and the resulting synergy will significantly decrease the child labor at the national level. Training of children will contribute to a qualified work force, and new employment opportunities will emerge as the children are removed from jobs.

Paragraph 19

174. The study on the related laws and legislation of the Republic of Turkey, which was first conducted in 2000, concerning the compatibility of our legislation with the principles and provisions of the Convention on the Rights of the Child, were updated with the new harmonization laws, and were completed as of 2004, and is ready for printing.
