



**Convention on the
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COMMITTEE ON THE RIGHTS OF THE CHILD

Forty-second session

SUMMARY RECORD OF THE 1129th MEETING (Chamber B)

Held at the Palais Wilson, Geneva,
on Wednesday, 17 May 2006, at 10 a.m.

Chairperson: Ms. KHATTAB

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The meeting was called to order at 10 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Initial report of Turkey under the Optional Protocol on the sale of children, child prostitution and child pornography (CRC/C/OPSA/TUR/1; CRC/C/OPSC/TUR/Q/1 and Add.1; HRI/CORE/1/Add.116)

1. At the invitation of the Chairperson, Ms. Acar, Mr. Alperen, Mr. Bilgin, Mr. Demir, Ms. Demircan, Mr. Erdoğan, Ms. Eşiyok, Ms. Etensel, Mr. Hancı, Mr. Kılıç, Mr. Köse, Ms. Kurt, Ms. Özçeri, Mr. Şahin, Mr. Temür, Ms. Ashgül Üğdül, Mr. Tunç Üğdül, Mr. Ünal, Mr. Ünveren and Mr. Yekeler (Turkey) took places at the Committee table.
2. Mr. HANCI (Turkey) said that Turkey's new Penal Code, which had entered into force in June 2005, defined a child as any person under the age of 18. It also defined sexual abuse and categorized it as a separate offence. Punishment for sexual crimes involving children had been increased. All aspects of child prostitution had been criminalized, including such offences as the enticement of children into prostitution; facilitating, procuring or otherwise mediating in child prostitution; supplying or displaying materials containing obscene images of children; supplying, reading out or listening to obscene texts containing references to children; and possession of such materials. The new Penal Code also included definitions of offences committed on the Internet, and draft legislation on cybercrime was currently under consideration.
3. The new Code of Criminal Procedure, which had entered into force in June 2005, recognized the rights of the victim. Under the Code, the appointment of a lawyer for child victims was compulsory, and measures had been introduced to safeguard the best interests of children in court proceedings. The new Child Protection Law, which had also entered into force in July 2005, provided protection and rehabilitation for child victims of crime and for children who had been exploited or forced into criminal activity and guaranteed their rights to counselling, education, childcare, health and housing. The Ministry of Justice was the coordinating institution for the implementation of the Child Protection Law, and the ministries of Health, Labour and National Education, the General Directorate of Social Services and Child Protection Agency and the municipalities were also involved in measures to protect and support children. Legislation had been introduced to ensure that effective child protection was available and that the relevant staff received training in monitoring child protection. Under current social security legislation, all children received health care regardless of their affiliation with any social security institution.
4. The action plan drawn up in 2003 by a national task force on trafficking in persons had achieved most of its objectives. Turkey had cooperated with the International Organization for Migration and the European Union in assisting victims of trafficking, strengthening institutional capacity and training security forces to deal with cases of trafficking.
5. Information on the rights of the child, particularly rights that had been affected by recent changes in legislation, was being widely disseminated to the public. Children were being taught about their rights as part of the national curriculum. Many national and international

conferences, symposia, panels and other events had been organized to raise awareness of children's rights. The International Congress on the Rights of the Child would be held in Turkey in November 2006.

6. Mr. POLLAR commended the State party for the many measures that it had taken to implement the provisions of the Optional Protocol, particularly the preparation of a handbook on the prevention of sexual abuse. He requested updated information on the status of the national action plan to improve respect for children's rights. In its second periodic report, the State party should ensure that all statistics were disaggregated by gender and by age. He wished to know how many companies had been closed or had had their assets seized as a result of criminal proceedings. The delegation should indicate what steps were being taken to strengthen coordination between the Turkish police and foreign police to prevent cybercrime. He asked why the State party had not yet introduced legislation on cybercrime.

7. Mr. LIWSKI asked whether the national action plan would continue to depend on funding from stakeholders. He requested information on the number of people who worked with child victims of ill-treatment, and on the professional training that they received. He wished to know what progress had been made in setting up centres for child victims in every region of Turkey.

8. The delegation should provide additional information on the work being carried out by the two child and youth centres that provided care for girls who had been sexually exploited for commercial purposes. He asked how the five gendarmerie child centres differed from the centres run by the General Directorate of Social Services and Child Protection, and whether there was any coordination between those centres. In particular, he wished to know whether children's rights to associate, to express an opinion and to be heard were respected in the gendarmerie child centres.

9. He requested information on reforms that would enable non-governmental organizations (NGOs) to set up centres to provide assistance to child victims.

10. Mr. PARFITT asked whether the provisions of the Optional Protocol could be directly invoked in domestic courts. He wished to know whether the Government planned to establish an independent oversight mechanism, such as a children's ombudsman or a commission for children, to ensure respect for the rights under the Convention on the Rights of the Child and the Optional Protocol. He enquired whether the draft legislation on cybercrime included a specific provision that criminalized the use of the Internet for child pornography. The delegation should indicate whether the Penal Code contained a provision on the age of sexual consent. He asked whether the Government planned to introduce legislation to improve protection of children involved in judicial proceedings. He wished to know why the prison sentence for abducting a child had been reduced from 5 to 10 years to 1 to 5 years under the new Penal Code. The delegation should indicate whether the reporting State had any bilateral agreements with neighbouring States concerning trafficking of children into and out of Turkey.

11. Ms. VUKOVIC-SAHOVIC asked whether the number of child victims of trafficking who had received counselling - two in 2004, seven in 2005 and two in 2006 - truly reflected the extent of the problem. Those figures seemed very low given that nearly 250 children had been kidnapped between 2002 and 2004.

12. She wondered whether the State party planned to establish an effective mechanism to monitor adoption services, in cases of adoption by a Turkish citizen or by a foreigner. She expressed concern at reports of large numbers of kidnappings of children, possibly for the purposes of sale or trafficking either within Turkey or internationally. In 2003, there had been 1,649 reported kidnappings of girls, often for the purpose of marriage. She asked whether the legal age for marriage would be raised from 17. She noted that punishment was suspended when a man married the girl that he had kidnapped, and she wondered whether the girl had any right to refuse marriage.

13. There had been reports of babies being kidnapped from hospitals, and she asked how such kidnappings were possible and whether the kidnapped babies were later sold or trafficked. She had heard that, in some parts of Turkey, poor families sold their children, and she wondered whether that practice was more common among certain minority groups. The delegation should explain how the Government intended to address that problem.

14. Ms. SMITH requested information on article 4 of the Penal Code. She asked whether any Turkish citizen or foreigner had been tried and punished for any offences covered under the Optional Protocol. She wondered whether it was true that the Ministry of Justice had not made any extradition requests under the Optional Protocol, since she had heard that a Spanish national had been extradited to Turkey for a related offence.

15. Mr. ZERMATTEN asked what measures the State party had taken or planned to take to increase awareness of the Protocol. In addition to the mass media, the electronic media should be used to raise awareness of the Protocol. All such efforts should be child-friendly, and children should be involved in preparing and disseminating information about the Protocol. He asked whether such issues as child exploitation, especially sexual exploitation, could be openly discussed in Turkish society, or whether such topics were still taboo.

16. Mr. FILALI wished to know what measures Turkey was taking to increase public awareness of such sensitive issues as the sale and exploitation of children and child pornography, particularly in conservative rural areas. University researchers could play an important role in studying the problem of pornography and child prostitution. He asked whether the definition of obscenity in article 226 of the Penal Code was in conformity with the definition of child pornography in the Optional Protocol.

17. The CHAIRPERSON said that there seemed to be some inconsistency in Turkish legislation concerning the age of minors: sometimes a minor was considered to be any person under the age of 18 and sometimes a minor was a person under 15. In that connection, she wished to know why the new draft legislation omitted any reference to age. The criterion for increasing penalties for abuse or exploitation of children seemed to be the relationship between the perpetrator and the victim. Moreover, the punishment of certain offences appeared to be based on whether the offences were perceived to be obscene and not on the effect that they had on child victims.

18. It was essential to promote research and strengthen data collection in order to develop comprehensive statistics on child exploitation, trafficking and prostitution. The Committee had

received reports that some operators of brothels provided underage prostitutes with forged papers stating that such persons were of legal age, and she wondered how the State party was dealing with that problem.

19. She encouraged the State party to ratify the Council of Europe Convention on Cybercrime of 2001 and its Additional Protocol. She requested information about the status and authority of the General Directorate of Social Services and Child Protection, which was responsible for coordinating implementation of the Optional Protocol. She asked whether the General Directorate exerted any real influence over other ministries and the Government.

20. She would welcome additional information on the child rights committees and child centres established by bar associations; in particular, she wished to know whether the committees and the centres were accessible to the general public and persons wishing to file a complaint. She expressed concern that, under new criminal procedural legislation, a private individual could no longer bring a suit before the criminal courts, and she wished to know why the previous legislation had been amended.

The meeting was suspended at 11.10 a.m. and resumed at 11.45 a.m.

21. Mr. HANCI (Turkey) said that significant amendments had been made to the National Action Plan 2005-2015 and the Penal Code in order to take into account the provisions of the Optional Protocol, and efforts had been made to improve training for officials and to increase public awareness. The definitions of offences and the terminology used in the Penal Code reflected the definitions and terminology of the United Nations Convention against Transnational Organized Crime. The new Penal Code contained detailed provisions on Internet crimes.

22. Ms. ETENSEL (Turkey) said that the provisions of international treaties to which Turkey was a party took precedence over domestic legislation. When there was conflict between domestic legislation and Turkey's international obligations, the relevant international instruments would take precedence.

23. Mr. HANCI (Turkey) said that the draft legislation on cybercrime included detailed definitions of offences, including child pornography. The Government was still considering its position with regard to the Council of Europe Convention on Cybercrime.

24. Mr. ERDOĞAN (Turkey) said that, in cases where an employee or representative of a legal entity committed a criminal act, only the individual, and not the entity, could be prosecuted and punished. If a legal entity or an individual had been granted legal authority to carry out an act that had criminal consequences, that authority would be automatically revoked. Although legal entities could not be punished, the Penal Code permitted the confiscation or seizure of any proceeds or assets acquired by a legal entity as a result of a criminal act.

25. Mr. FILALI asked whether the head of a legal entity involved in a criminal activity covered by the Optional Protocol was criminally liable.

26. Mr. ERDOĞAN (Turkey) said that heads of legal entities were criminally liable if they were identified as the perpetrators of a criminal offence. They were also criminally liable if they were aware that an offence had been committed, had assisted the perpetrator or had allowed

company facilities to be used for a criminal purpose. Only the persons who committed the offence were punished. A company set up for an illegal purpose would lose its authorization to operate.

27. Mr. TEMÜR (Turkey) said that the National Task Force to Combat Human Trafficking, which had been established in 2002, had met nine times. The Task Force involved 15 different institutions and its activities were coordinated by the Ministry of Foreign Affairs. Under the National Action Plan to Combat Human Trafficking, additional shelters for victims of trafficking would be established.

28. Most victims of trafficking came from the northern Black Sea area and the Caucasus countries. They were generally women between the ages of 16 and 24. Two children had been trafficked in 2004, seven in 2005 and three in the first quarter of 2006, all for the purpose of prostitution. The victims had received psychological and medical assistance. Four children were currently in shelters in Istanbul and Ankara.

29. Statistics on trafficking in persons were notoriously unreliable and reflected only a small proportion of the numbers involved. Turkey was focusing its efforts on assisting victims and providing training for the police, gendarmerie and coastguard services, as well as lawyers, prosecutors and judges, in order to raise awareness of the problem and of the relevant national legislation.

30. The CHAIRPERSON requested information on budgetary allocations for assisting victims and training law enforcement and judicial personnel.

31. Mr. PARFITT asked whether existing bilateral agreements on trafficking dealt with such issues as repatriation and the investigation of cases of trafficked persons.

32. Mr. TEMÜR (Turkey) said that Turkey had concluded bilateral agreements on trafficking in persons with Ukraine, Georgia, Belarus and Moldova. Protocols were also being negotiated with Kyrgyzstan and Azerbaijan. The Ministry of the Interior cooperated with its counterparts in several neighbouring countries; direct telephone links existed, and the police were able to exchange information and carry out operations without mediation. Measures to facilitate the exchange of information were being taken within the framework of the Black Sea Economic Cooperation.

33. Mr. KÖSE (Turkey) said that a number of ministries and institutions dealt with the issues covered by the Optional Protocol, and funds were allocated from the budget of each ministry involved in the National Action Plan to Combat Human Trafficking. Although the allocations from the budgets of individual ministries did not appear as a single item in the Government's overall budget, it would be possible to consolidate those expenditures and submit a single figure at a later date.

34. Children's issues received substantial funding. His own General Directorate within the Ministry of Health had been allocated some \$20 million for the protection of children and children's rights. The General Directorate for Social Services and Child Protection coordinated

the activities of various ministries to implement the Child Protection Law. The Inter-Sectoral Child Committee, which had been established jointly with the United Nations Children's Fund (UNICEF), promoted the provisions of the Optional Protocol.

35. Abduction of babies from hospitals was rare and unrelated to trafficking. Private companies provided security for hospitals, and every large hospital had its own security unit. Over 82 per cent of deliveries took place in baby-friendly hospitals.
36. He confirmed that the legal concept of obscenity included child pornography.
37. Poverty did not drive large families to sell their children. Regular demographic studies carried out with the support of the European Union showed that the average national birth rate was 2.24 per cent, although in some areas of the country the birth rate was 3.6 per cent. The State provided financial assistance on a non-discriminatory basis to children from poor families from birth to age 19, and supported education for 1.4 million children and health care for over 800,000 children. The World Bank had also provided assistance for that purpose.
38. Mr. YEKELER (Turkey) said that Turkish adoption practices were in line with the provisions of the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption. There had been 8,500 adoptions in Turkey and 37 international adoptions. Children in foster homes could appoint individuals to represent their rights.
39. Mr. LIWSKI asked what measures were in place to guarantee that birth certificates were issued correctly. He also wished to know what mechanisms were used to monitor private organizations involved in international adoption.
40. Mr. KÖSE said that public hospitals and other health-care facilities performed identification procedures immediately after a child was born, namely hand- and footprints were taken and birth certificates were issued free of charge. The birth of a child had to be entered in the national records within one month of birth. Centres belonging to the International Social Services monitored adoptions and kept records for one year.
41. Mr. YEKELER (Turkey) said that legislation introduced in July 2005 gave NGOs and other organizations the right to establish centres to assist vulnerable young people. Child rights committees and child centres were in contact with relevant institutions and the police concerning children in need of moral and physical support. Lawyers and support services working with those organizations provided assistance free of charge.
42. Article 104 of the Penal Code stipulated that children under 15 who engaged in sexual intercourse without threat or instigation were not guilty of an offence. However, in the event of a complaint, such children could be prosecuted.
43. Mr. PARFITT said that article 103 of the Penal Code provided that coercion, threat or deception must be proved in order to prosecute persons who engaged in sexual acts with children between the ages of 15 and 18. That was not in line with the provisions of the Protocol, and he asked the delegation to comment.

44. Ms. ACAR (Turkey) said that any person engaging in sexual relations with children under the age of 15 was liable to prosecution; sexual relations with children over 15 years were punishable offences only in cases where the perpetrator had used force, threat, coercion or deception.
45. Ms. EŞİYOK (Turkey) said that universities had set up special child protection units to assist victims of abuse. When necessary, the staff of those centres referred victims to hospitals and also reported cases of child abuse to the General Directorate of Social Services and Child Protection and other relevant institutions and provided ongoing support.
46. Mr. KILIÇ (Turkey) said that measures to prevent the sale of children and child pornography were carried out in cooperation with the European Police Office within the framework of the International Metropolis Project with the International Criminal Police Organization (INTERPOL) and with other relevant international bodies. The national police complemented those efforts at the domestic level and brought all cases involving foreigners to the attention of its international counterparts. Turkey had concluded agreements with a number of countries to address the problem of child pornography and abuse.
47. The CHAIRPERSON requested information on domestic legislation to combat child pornography on the Internet.
48. Mr. ERDOĞAN (Turkey) said that all measures to prevent child pornography were based on the provisions of the Optional Protocol, which had become part of domestic law. Under Turkish legislation, the use of the media, including the Internet, to commit an offence was considered an aggravating circumstance.
49. Mr. ÜNVEREN (Turkey) said that, following ratification of the Convention on the Rights of the Child in 1995, Turkey had established a 3,500-strong juvenile police force. The duties and responsibilities of the gendarmerie were similar to those of the police. The gendarmerie operated mainly in rural areas and cooperated with the General Directorate of Social Services and Child Protection, particularly in the implementation of action plans relating to child rights. The General Directorate assessed the situation of children taken into gendarmerie custody on a case-by-case basis and, if necessary, referred them to the relevant support units within the Directorate.
50. Mr. KILIÇ (Turkey) said that the gendarmerie had published a brochure on trafficking in persons, which had been distributed to all duty stations and made available to the general public. Gendarmerie training curricula contained a module on trafficking and measures to combat such crimes.
51. The CHAIRPERSON said that the child helpline should be decentralized in order to facilitate access for children who lived in remote parts of the country. On behalf of the NGO Child Helpline International, she enquired whether the Government of the State party intended to allocate funds to convert the helpline into a 24-hour service, maintain existing services and extend services to marginalized or rural communities. The NGO also wished to know whether the Government planned to promote cooperation between the helpline, children's NGOs and State institutions and whether action would be taken within the framework of existing national child protection programmes to raise children's awareness of the helpline.

52. Mr. YEKELER (Turkey) said that the Government was in the process of setting up local helplines in eight provinces. There were 48 child support centres to assist children in remote areas; 46 of those centres specialized in assisting girl victims of sexual exploitation and abuse.
53. Public institutions, universities, NGOs and bar associations participated actively in the legislative process, which was subject to public monitoring. In order to facilitate the application of international instruments by Turkish courts, domestic legislation was sometimes formulated to reflect the provisions contained in those instruments.
54. The CHAIRPERSON asked what measures were being taken to raise the awareness of judges and lawyers of the provisions of international instruments.
55. Mr. FILALI enquired whether the publication of international instruments in the Official Gazette was mandatory.
56. Mr. ALPEREN (Turkey) said that all international instruments ratified by Turkey were published in the Official Gazette. In addition, a bulletin of judicial proceedings that provided information on legal amendments and new legislation was published on a regular basis.
57. Under the new Civil Code, the minimum age for marriage was 17 for both boys and girls.
58. Turkey had embarked on far-reaching legal reforms, and the Ministry of Justice was carrying out a range of activities to train judges and prosecutors in the new provisions. The first training course had been held for judges, who would subsequently train other members of the judiciary. Judges and public prosecutors also received training in human rights. An agreement had been concluded with the Turkish radio and television authorities to produce 12 human rights-related programmes, one of which would focus exclusively on child rights and abuse.
59. The CHAIRPERSON said that the delegation should explain the lack of data on child abuse. It should also describe measures to improve data collection and provide information on awareness-raising campaigns. She also requested information on cases where State party nationals had been prosecuted for offences committed outside Turkey.
60. Mr. ERDOĞAN (Turkey) said that the provisions on child abduction in the new Penal Code did not reduce the penalties for that offence. The apparent reduction in the length of sentences was of a technical nature. In the past, the abduction of children and adults had been covered by separate provisions; the new Penal Code addressed those offences jointly. In general, abduction was punishable by 1 to 5 years' imprisonment; when abduction involved a child, the applicable penalty increased to between 2 and 10 years' imprisonment. If the motive of the abduction was of a sexual nature, the penalty was further increased. Under the new Penal Code, the perpetrator's marriage with the victim did not result in impunity.
61. Any offences committed entirely or in part in Turkish territory, or offences whose consequences took effect in Turkey, were liable to prosecution under Turkish law. Information on specific cases could be submitted in writing.

62. The CHAIRPERSON asked what measures had been taken to raise awareness of the issues covered in the Optional Protocol.

63. Mr. YEKELER (Turkey) said that the General Directorate of Social Services and Child Protection had a special unit for the protection of vulnerable groups. It also operated family counselling centres, centres for children and youth and community centres to raise public awareness of abuse and the exploitation of children, and of women's rights. The Ministry of Health and the Ministry of National Education also conducted programmes on abuse and sexuality.

The meeting rose at 1 p.m.