



RIGHTS OF THE CHILD



INTERNATIONAL INSTRUMENTS

- Turkey signed the Convention on the Rights of the Child on 14 September 1990 and ratified it on 9 December 1994. The Convention entered into force as Law no.4058 upon publication in the Official Gazette on 27 January 1995.

Turkey is party to the:

- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organised Crime
- Optional Protocol to the UN Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography
- Optional Protocol to the Convention on The Rights of the Child on the Involvement of Children In Armed Conflict



DOMESTIC LEGISLATION

- Turkish Criminal Code No.5237
- Criminal Procedure Code No.5271
- Labour Law No.4857
- Child Protection Law No.5395
- Law No.1117 on Protection of Children from Obscenity
- Law on Agency for Social Services and Child Protection No. 2828 (promulgated on 24 May 1983. Under this Law, the social services provided to people in need of protection, care and assistance to children, the handicapped, the aged, and others are carried out under the coordination of the Agency).



Turkey has realized comprehensive legal changes regarding the rights of the child in line with the UN Convention on the Rights of the Child.

The Turkish Criminal Code and Criminal Procedure Code, which entered into force on 1 June 2005, contain various provisions with regard to the rights of children.

Child Protection Law, which entered into force on 3 July 2005, deals with measures to be taken with respect to the protection of child victims and their rights.

The principle of “high benefit of the child” has been taken into consideration through the said legislative changes, pursuant to the Convention on the Rights of the Child.



- The definition of the child in the Turkish Criminal Code was amended in accordance with the UN Convention on the Rights of the Child. Accordingly, for the first time in Turkish legislation, every person below the age of 18 is defined as a child.
- Human trafficking has been included in the scope of the Turkish Criminal Code.



- Another amendment in the Turkish Criminal Code is that the definition of sexual exploitation of the child is outlined explicitly and regulated as a separate type of crime.
- The amendments to the TCC stipulate aggravated sentences for the sexual crimes committed against children.
- Encouraging a child to engage in prostitution, facilitating prostitution, mediating for prostitution, delivering products that include obscene visual written or oral elements to children, showing or reading their contents to children or forcing children to read or listen to the contents of such products are defined as crimes in the TCC.
- The treatment of the victims who are forced to engage in prostitution is placed under guarantee of the government in the TCC.



- In the TCC, cyber crimes against children are outlined in detail.
- Pursuant to the Criminal Procedure Code, legal counsel has been appointed to the children who are victims of any crimes since June 2005.



- In order to prevent unnecessary traumatization in court hearings and other procedures, the child will be heard only once and this hearing shall be recorded audio visually. Additionally, an expert who has knowledge and expertise about the subject shall be present at the court hearing while obtaining evidence from the child.
- Compulsory primary education was extended to 8 years.
- Child Protection Law which entered into force in July 2005, aims at integrating international standards into the procedures and principles regarding children in need of protection.



INSTITUTIONAL FRAMEWORK AND ACTIVITIES

- The Agency for Social Services and Child Protection has been designated as the “coordinating institution” responsible for monitoring the implementation of the Convention on the Rights of the Child and for the preparation and submission of the country reports.
- Ministry of Justice, Ministry of Interior, Ministry of Education and Ministry of Foreign Affairs are the principal public institutions involved in the protection of the rights of children.
- Within the framework of the cooperation between the Turkish Government and UNICEF, an “ Inter-Sectoral Child Committee” has been established in order to carry out the planning, implementation and monitoring of the efforts to attain the objectives towards protecting and improving the lives of children.



- The Inter-Sectoral Child Committee convenes three times a year. The Committee comprises representatives from relevant sectors within the framework of cooperation programs between the Turkish Government and UNICEF.
- The Initial Report prepared by the Inter-Sectoral Child Committee's contributions was presented to the UN Committee on the Rights of the Child at its 27th session on 21 May 2001.



The National Action Plan covering the period between 2005 and 2015 has been prepared with a view to determine the priorities and programmes for planned future actions on the basis of previous studies, so that rights of all children under the age of 18 including adolescents in Turkey can be protected and promoted. In parallel with the decisions adopted by the Inter-Sectoral Child Committee highlighting the need to harmonize the National Action Plan with the Millennium Development Goals, efforts have been exerted to review and update the National Action Plan with the participation of all related sectors.



- Pursuant to Article 42 of UN Convention on the Rights of the Child, “Promoting the Rights of the Child” campaign was launched by the Agency for Social Services and Child Protection and the other relevant sectors on 20 November 1999.
- National Child Congress was held between 20 and 21 April 2000 with the participation of 80 child delegates from 80 provinces. In the framework of the main provisions of the Convention on the Rights of the Child, the children put down their problems and their suggestions for solution during the congress and those were presented to the President in order to be announced to the public opinion.



- “Say Yes for Children” campaign was launched jointly by the relevant sectors and NGOs on 23 April 2001 and ended in May 2002.
- Between 2000-2005, 6 Children’s Forums were realized with the participation of child delegates from 81 provinces. Two children- one boy and one girl- from each province were provided with training on the rights of the child through activities organized at the 5th and 6th Children’s Forums. These children will provide training courses to other children in their home provinces through Provincial Committees for the Rights of Child.
- “Let Girls Go To School” campaign was held on 17 June 2003 in 10 provinces, which have the lowest rates of schooling in Turkey. Between 2004-2005, 45 provinces have also been included in the campaign.



- The project titled “Towards Good Governance, Protection and Justice for Children in Turkey” covering the period between May 2005 and July 2007, undertaken within the framework of the EU accession process, aims to improve the protective environment for those children in relation with the law, and to strengthen the system to prevent children from developing a relation with the law as stipulated in the Convention on the Rights of Child. Furthermore, a supplementary education program is planned within the context of this project so as to prevent children from remaining outside of educational system.



- The project titled “Child Friendly School” was launched in 2002 and has been implemented in pilot schools in 2005. The project aims at improving the quality of education in primary schools in all respects and reflecting this improvement to students, employees and the environment.
- The project on “Effective Participation for the Disadvantaged Children in Education” undertaken in collaboration with the British Council covers the period between 25 January 2006-31 December 2006. The project aims at the exchange of experiences concerning educational policies and practices for the integration of disadvantaged children in primary schools into the society.



- The symposium on “Violence against Children in and around Schools and Possible Measures” was organized between 28-31 March 2006. The rapid social changes experience today affect all structures and functions of existing entities and institutions. The educational institutions are at the epicenter of this change.
- Improvement of the educational system and enhancing the quality of education can only be achieved through schools that provide a healthy and safe learning environment with protective policies and disciplinary practices. In this context, the General Directorate of Primary Education under the Ministry of National Education has decided to improve and expand the scope of “Child Friendly Schools” to all primary schools in the period between 2006 and 2010.



- Turkey has decided to participate in the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA). In line with this decision, Turkish International Academy for the Combat against Drugs and Organized Crime (TADOC) was nominated as the national focal point for EMCDDA.
- Within the framework of the training courses organized by TADOC personnel employed in the implementation and Liaison Unit to fight against Substance Addiction (Local Focal Point) in 2005, a number of information activities were organized on the prevention of drug abuse and addiction and dependency, covering:



867 Primary School Teachers

3009 High School Teachers

142 University Lecturers

64393 High School Students

2500 University Students

4655 Parents of Primary School Students

6951 Parents of High School Students

30 Parents of University Students

2767 NGO Representatives

5901 Public Officers



- Pursuant to the principle of the UN Convention on the Rights of the Child "Every child has the right to live with a family", as a matter of policy children are taken care of by families instead of institutions.
- Approximately 60% of the children who are under the protection of the government and presently living in children's homes, orphanages, care and rehabilitation centers are in these institutions because of economic reasons.
- The Government supports the families of these children so that the children can live with their families. In 2005, 1839 children were returned to their families. On the other hand, new applicants who intend to place their children in an institution due to economic reasons, are being supported without having to place their children in an institution. In 2005, 5990 children were supported in this way. In the next four years, it is planned to return 60% of all the children living in institutions to their families.



- In addition, adoption and foster family services are provided to children who are living in institutions and do not have a family or are not able to live with their family due to their families' abusive behaviour towards them.
- As stated before, the Initial Report was presented in 2001. The Progress Report related to the Initial Report will be presented to the UN Committee on the Rights of the Child in 2007.



- **OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY**
- The Protocol was signed on 8 September 2000, ratified on 13 May 2002 and entered into force on 28 June 2002 following its publication in the Official Gazette no:24799. The first National Report prepared by the contributions of the relevant sectors (universities, public institutions, NGOs) was presented on 17 May 2006.
- Agency for Social Services and Child Protection is also coordinating institution for the Optional Protocol.

Relevant Legislation:

- Turkish Criminal Code (No.5237)
- Criminal Procedure Code (No.5271)
- Child Protection Law (No.5395)



RELATED ACTIVITIES

- A symposium on “Vulnerable Children and Adolescents” was organized between 19-20 April 2005 in Istanbul Bilgi University. The symposium covered a number of conferences, panels, presentations and workshops. Furthermore, a conference on “Children exposed to commercial and sexual exploitation” was carried out within the framework of the symposium.
- “4th Symposium on Homeless Children” was organized with the theme “ Child Prostitution and Pornography” between 15-16 May 2005 in Kırıkkale, jointly by the Foundation for the Protection of the Homeless Children in Turkey, Kırıkkale University, Ankara University, Forensic Scientist Society, Foundation for the Protection of Homeless Children against Crime and Criminals.



- “*Yeniden* Society for Health and Education” has undertaken a case study in 2005 in participation with ECPAT International (End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes) in order to analyze the situation of the children in Turkey. The final report on the result of the study will be made public. Activities will then be organized to develop an action plan.
- Within the framework of a project on “Training Adolescents Under Difficult Conditions on Reproductive and Sexual Health” to be implemented in cooperation with the “*Yeniden* Society for Health and Education” and the Ministry of Health, training will be organized for instructors and children.



- A training seminar titled “Cyber Crimes Against Children” was organized in the Police Moral Training Center between 13-17 March 2006 jointly by the Public Order Department of the General Directorate of Security, Microsoft, General Secretariat of Interpol and the International Center for Missing and Exploited Children (ICMEC). It was emphasized that international attempts in this field should be continued and enhanced.
- Services for street children exploited through forced labour are provided by the Agency for Social Services and Child Protection.



Services for rehabilitation and reintegration of girls between 11-18 years old who have been exposed to commercial sexual exploitation are rendered at Istanbul Taksim and Bahçelievler Child and Youth Centers. Total number of children reached is 318 in Taksim and is 103 in Bahçelievler.

- Projects have been initiated since the beginning of 2005 in those cities where child labour is felt intensely with a view to reinforcing the implementation of “Time-Bound Policy and Programme Framework for the Elimination of Child Labour in Turkey”. These projects aimed to withdraw children from jobs which jeopardize their safety and health, interfere with their school attendance or success at school, and which adversely affect to their mental, physical, psychological and social development.



These projects include the following;

- “Education of children working in the streets in thirteen cities”
The project aim is to withdraw children who are working on the streets from labour and place them in proper training programmes. In the frame of this project 5452 children have been placed in proper training programmes.
- “Direct Action to National Capacity in the Area of Child Labour” to be carried out within the framework of ILO/IPEC by the Child Labour Unit of the General Directorate of Labour.



In principle, this project aims at building national capacity for the implementation of “Time-Bound Policy and Programme Framework” and the inclusion of child-labour related topics in national policies and programmes in order to create a conducive environment for the prevention of child labour. The main target group of this project is the public institutions and NGOs which are directly or indirectly involved in the field of child labour.

- Another project carried out by the Child Labour Unit, the General Directorate of Labour, Ministry of Labour and Social Security, and ILO Ankara Office and financed by the European Union aims at withdrawing children in 7 cities (Çankırı, Kastamonu, Sinop, Ordu, Erzurum, Van and Elazığ) from jobs which jeopardize their safety and health, interfere with their school attendance



or success at school, and which adversely affect their mental, physical, psychological and social development. Launched on 25 November 2005 this project will last to November 2007. The target is to reach at least 1,500 children and 150 families within the scope of this project. Up to now, 1022 children have been reached.

- A New Service Model for street children and children forced to work on the street has been developed by the Agency for Social Services and Child Protection in order to provide for the rehabilitation of these children and children subject to substance-abuse, as well as girls who have been subjected to commercial sexual exploitation. The aim is to integrate these groups in general or in vocational training and find a proper job by settling them with families or relevant institutions. New Service Model has been started in the cities where such problems are felt intensely. The aim is to expand the project to cover the whole country.



- Child Right Committees and Centers have been constituted within 55 Bar Associations across the country. These units give assistance in particular to child victims in legal counseling and lawsuits. The Child Right Committees and Centers of the Bar Associations also promote the enactment of new legislation.



- The Ministry of Foreign Affairs is the national body in charge of coordination of the activities to fight human trafficking in Turkey. The “National Task Force to Combat Human Trafficking” was established in 2002 for ensuring this coordination. Trafficking in human beings for purposes of sexual and labour exploitation is punishable in Turkish legislation. Offenders shall be sentenced from 8 to 12 years of imprisonment and to a judicial fine. (TCC Article 80).



- A free emergency aid and notification hot line 157 has been allocated for victims of human trafficking. This hot line which is nationwide and can also be accessible from mobile phones became operational on 23 May 2005.
- The Ministry of Health extends free medical care and medication to victims of trafficking.
- Ankara Bar Association cooperates with IOM in providing legal counselling to victims.
- Specialized Child Units have been established within Directorates of Security in 81 provinces.



OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE INVOLVEMENT OF CHILDREN IN ARMED CONFLICT

The protocol was signed on 8 September 2000, ratified on 4 May 2004 and entered into force on 18 March 2004 following its publication in the Official Gazette no:25406.

The Initial Report is under preparation and will be submitted to the Committee on the Rights of the Child in 2007.