

REPORT PREPARED PERSUANT TO ARTICLE 44 OF THE CONVENTION

SECOND PERIODIC REPORT

TURKEY

[Future CRC/C/TKY/2]

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INTRODUCTION

1. The Republic of Turkey is a unitary, democratic, secular and social state governed by the rule of law. As emphasized in the initial report, its administrative structure, based on the principle of separation of powers, is composed of legislative, executive and judicial branches. Legislative power is vested in the Turkish Grand National Assembly in the name of Turkish nation. Executive power is exercised by the President and the Council of Ministers, and judicial power by the independent courts. Constitutional provisions are binding on the legislative, executive and judicial bodies, administrative authorities and all other organs and individuals (article 11 of the Constitution of the Republic of Turkey).

2. Since the initial reporting period, Turkey has achieved a degree of progress in its legislation and practice, in line with the general principles and provisions of the Convention on the Rights of the Child, hereinafter referred to as the Convention. This report is a follow-up to the initial report submitted to the United Nations Committee on the Rights of the Child, hereinafter referred to as the Committee, in 2001 and is the combined second and third term report, covering developments in the period 2001-2006.

STRUCTURE OF THE REPORT

3. This report has been drawn up in the form and scope specified in the guidelines of the Committee (CRC/C/58/Rev.1, 29 November 2005). It is presented in nine chapters. Three Annexes accompany the report; Annex 1 is composed of the legislative changes which have occurred during the reporting term, Annex 2 includes budgetary information and Annex 3 comprises tables and statistical data drawn upon during the preparation of the report.

4. The first term report presented by Turkey had dwelled upon the country's socio-economic structure, the existing legislation relating to the rights of the child and its implementation. The combined second and third term report address the legislative changes in this field and include updated information, focusing on implementation.

PREPARATION OF THE REPORT

5. The Agency for Social Services and Children Protection, (SHCEK), hereinafter referred to as the Agency, is responsible for the implementation of the Convention. This report has been drawn up under the coordination of the Agency, with the active contribution of representatives of all relevant public authorities, institutions, universities, the Ankara Bar Association, non-governmental organizations and children's clubs in Ankara.

CHAPTER 1 GENERAL IMPLEMENTATION MEASURES

(Articles 4, 42 and 44 paragraph 6,)

I. IMPLEMENTATION OF THE RIGHTS OF THE CHILD

(Article 4)

A. Ratification of the Convention

6. Turkey signed the Convention 14 September 1990 as the 43rd country, with reservations on articles 17, 29 and 30. Ratification procedures were completed on 9 December 1994 and the Convention entered into force for Turkey on 11 December 1994, gaining the status and force of domestic legislation. The Agency was appointed as the “Coordinator Organization”, responsible for the implementation of the Convention in Turkey. In accordance with Article 44, paragraph 1 (b) of Convention, States Parties are expected to submit progress reports regarding the official measures taken to implement the rights of the child enshrined in the Convention and to allow the exercise of those rights. Turkey submitted its initial report to the Committee in 1999 (CRC/C/51/Add.54). The report and the additional report submitted by Turkey were reviewed at the 701st and 702nd meetings of the Committee on 23 May 2001 (see CRC/C/SR. 701-702) and the concluding observations were finalized at the 721st meeting on July 8th, 2001.

B. Reservations

7. No consensus exists on the concept of minority rights, which constitutes a special part of human rights law, concerning definition, legislative provisions and implementation results. Turkey acts in general (*lex generalis*) within the frame of provisions of the UN Convention of Civil and Political Rights (art. 27) and specifically (*lex specialis*) within the frame of provisions of the Peace Treaty of Lausanne (art. 39 cont.).

8. Without prejudice to these provisions, children belonging to different groups of ethnic origin, language or religion do not have any difficulty in enjoying their culture, professing or practicing their own religion or using their own language in the private domain. The official

language of the State is stipulated in the Constitution of the Republic of Turkey. This provision is among those articles of the Constitution which cannot be amended and an essential characteristic of the Republic.

9. Article 2 of the Constitution stipulates that the “The Republic of Turkey is a democratic, secular and social state governed by the rule of law, bearing in mind the concepts of public peace, national solidarity and justice, respectful of human rights, loyal to the nationalism of Ataturk, and based on the fundamental tenets set forth in the Preamble”. Furthermore, article 10 upholds the principle of the equality of individuals by stipulating that “All individuals are equal without any discrimination before the law, irrespective of language, race, colour, sex, political opinion, philosophical belief, religion and sect or any such considerations”. Further information will be provided on this issue in the section on the principle of equality. As the provisions of the Turkish Constitutional law, established practice and Turkey’s supreme interests require that minority rights are not used as a tool for separatism and secessionism, but as a sign of respect for ethnic, linguistic and religious diversity, it is essential that current practices are sustained.

C. Legal and administrative measures

10. Important amendments in the national legislation regarding the rights of the child have been enacted during the reporting period. Full information on these amendments is contained in Annex 1. The main amendments and reforms concern the following acts.

- The Turkish Civil Code (2001): Regarding the matters of guardianship and adoption, the new Turkish Civil Code stipulates that the wishes of the child in question be respected. Furthermore, provisions facilitating the adoption of children have been incorporated in to the Code.

- The Labour Code (2003): The new Labour Code stipulates that the minimum working age commences upon completion of the age of 15, that those under 18 are entitled to 20 days of paid leave per year and that employers are obliged to obtain health certificates for their employees under 18 before they complete the age of 18.

- The Turkish Penal Code (2004): Provisions have been incorporated into the Code on the definition of the child in criminal law, the child’s criminal liability, and protection of the child from violence and abuse, and the obligations of the family or the guardian.

- The Law on Criminal Procedure (2004): The rights of the child in criminal trials have been stipulated in the Law on Criminal Procedure.
- The Law on Enforcement of Punishment and Security Policies (2004): Provisions on centres where detained or convicted children would be held and their rights and obligations during their detention, including arrangements for their education and instruction, have been incorporated into the Law on Enforcement of Punishment and Security Policies.
- The Law on Child Protection (2005): The Law has been drafted with due attention to the provisions of the Convention.
- The Law on the Disabled (2005): Provisions have been incorporated into the Law on the education, rehabilitation, care and social security of disabled children and coordination of services related to their re-integration into society.

11. In addition to these legislative amendments, a comparative survey was carried out by the Ministry of Justice, the Agency, universities and the UNICEF Country Office on principles and provisions of the Convention and Turkish national legislation. Conclusions of the survey were published in form of a book. Furthermore a study is currently underway to compile a set of recommendations to ensure the harmonization of the relevant national legislation with the principles and provisions of the Convention, under the coordination of the Union of Turkish Bars.

12. While no separate budget exists for measures regarding children's rights, expenses incurred in this respect are financed from the budgets of the relevant Ministries and public authorities. While the financial resources allocated to the Agency are not at the desired level, there has been an increase in those resources over recent years, as shown in Annex 2. The infrastructure investments relating to social rehabilitation, as called for in the Law on Child Protection, are financed from the budget of the Agency.

13. Cooperative initiatives are underway with many international organizations, including the European Union, the UNICEF, the UNDP, the British Council and the ILO, on matters relating to child welfare. Budgetary allocations for initiatives undertaken by international organizations in this respect during the reporting period are shown in Annex 2. In this vein, Table 8 in Annex 2 reveals an increase in the budgetary allocations for initiatives run by the ILO. Among the projects launched for children with the cooperation of the EU, "The Project for Eradicating the Worst Forms of Child Labour", had in 2004 a budget of 15 million Euros,

with an EU financial contribution is 14.25 million Euros. The project “Towards Good Governance, Protection and Justice for Children in Turkey” had a budget of six million Euros, wholly financed by the EU. As part of the project on Strengthening Civil Society prior to Accession, a project on the Elimination of Child Labour was launched in 2005 with a budget of one million Euros, wholly financed by EU. In line with Master Plan of Operations 2001-2006 and Country Programme Action Plan 2006-2010 signed between the Government of Turkey and UNICEF, a total of 20.5 million USD was spent between 2001-2006 on promoting children’s education, health and protection in Turkey.

14. The law on instituting a new Public Inspection Authority, including the function of “ombudsman”, entered into force in 2006. It is expected that one of five deputy ombudsmen, appointed in accordance with the law, will serve as an ombudsman for children’s affairs.

15. An independent human rights board has been established for the protection of human rights. The Directorate for Human Rights was established by law in 2001, under the office of the Prime Minister. In accordance with this law, provincial and local Human Rights Boards have been formed in 81 cities and 850 towns. The regulations for the foundation, functions and operation of the Boards and County Human Rights were issued on 23 November 2003, enabling the participation of non-governmental organizations in the work of the Boards. The primary functions of the Human Rights Boards are as follows:

- To review and investigate allegations of breaches of human rights,
- To review and investigate the impediments in protecting human rights and freedoms and the social, political, legal and administrative causes leading to breaches of human rights, and to submit suggestions to the local authorities on resolving these difficulties,
- To help prevent all kind of discrimination, and
- To help ensure that the executive bodies treat members of the public with tolerance and courtesy.

II. ENSURING THAT THE CONVENTION IS WIDELY KNOWN

(Articles 42 and 44 paragraph 6,)

16. Training possibilities offered to professionals and other officials working with and for children on the provisions of the Convention include the following:

A. The Ministry of Justice

17. Since 2001, 330 judicial officers and prosecuting attorneys together with 177 social workers have been trained on juvenile delinquency and prevention studies, juvenile justice, communication training for workers of juvenile courts, children's rights in the justice system, restructuring of the juvenile justice system in the process of adaptation to the European Union, investigation techniques with regard to crimes committed against children through the internet, profiles of offenders and the abused, the Child Protection Law and the implementation of measures contained therein.

18. Within the scope of the project "Towards Good Governance, Protection and Justice for Children in Turkey", financed by the European Union, specific material has been prepared for in-house training of judicial officers and prosecuting attorneys working in the juvenile justice system, lawyers, police and gendarmerie officers, forensic specialists, prison staff, social workers, on the basis of analysis into the requirements of each professional group.

B. The Ministry of the Interior (Police and Gendarmerie)

19. The Department on the Prevention of Smuggling and Organized Crimes (KOM) places considerable emphasis on the activities to keep children away from drugs and stimulants, to prevent drug dealers from reaching children and to raise children's awareness about the dangers of drugs, through its offices in the 81 provincial law enforcement bodies. The Department has also formed street and school teams for this purpose. Moreover, 55 training programmes have been run for law enforcement officers and local authorities with the participation of European Union experts and the Turkish Drug Addiction Monitoring Centre (TUBIM).

- Experts who attend these training programmes form Provincial Contact Points and in turn organize local activities such as conferences and panels, with the help of local education and health officials, for the benefit of school teachers, parents and prison staff, on substance use and drug addiction.

- Informative activities continue, with the assistance of the local youth and sports authorities, on substance use and drug addiction at summer youth camps and trainer courses. In 2005, more than 4000 youths attended summer camps, organized by local bodies, where law enforcement officers provided information on the subject. In the same year, 3160 sports

coaches attended training sessions, where special sessions included information on keeping youths away from performance-enhancing drugs.

- The Turkish Red Crescent Society provides information on the subject at its Leadership Training sessions for its volunteers working at the Society's Youth Camps.

- The Gendarmerie General Command has organized a number of training activities on preventing juvenile crime since 2001. Seven Gendarmerie Children's Centres have been established so far, two in Istanbul and one each in Ankara, Izmir, Aydin, Antalya and Erzurum. Specially-designated "Child protection Officers or Personnel" have been appointed at provincial or local Gendarmerie Commands and local Gendarmerie stations. The staffs in question receive training on child protection and prevention of juvenile crime at Gendarmerie schools for specific periods before they start work, with further in-house training possibilities. Within the last five years, the Gendarmerie General Command has carried out 16 training sessions, with the participation of a total of 506 Gendarmerie staff, who in turn provide training to other officers at subordinate units.

C. The Ministry of National Education

20. The Department of Special Training, Counselling and Consultancy Services runs a number of programmes for teachers, support staff, volunteers, as part of the "Girls, let's go to school" campaign, in order to boost the number girls attending schools. This campaign is managed in cooperation with the Department of Primary Education. Modular books have been prepared and published in cooperation with UNICEF about the Convention. Children's Rights Training Module for trainers is pursued with study cooperation with non-governmental organizations. Teacher-training courses on children's rights are regularly held, with the opportunity for the trained staff to benefit from subsequent in-house training. Informative activities are further enhanced by detailed manuals and written instructions for teachers, to raise awareness levels on children's rights.

D. The Ministry of Health

21. Detailed training is given to doctors, obstetricians and nurses working at primary health care services in 31 cities within the scope of Child Psychology Development Support (CPGD) Programme for children aged 0-6, on important stages in the development of children and detection of negligence and abuse. The trained staffs inform parents and prospective parents

on nutrition and child development, including psycho-social support. Within the framework of the programme, families which are poor or considered to be otherwise at risk are directed to social support organizations and Crisis Response Units where they can receive assistance. Furthermore, parents and expectant mothers are assessed and supported as required against psychological disorders such as depression and anxiety, substance use, nutritional deficiencies, child malnutrition and domestic violence. The Early Childhood Monitoring and Support Programme is run by the Ministry's Department for Maternal and Infant Health and Family Planning (ACSAP). Within the scope of this programme, training sessions have been held in Mersin, Istanbul, Izmir, Adana and Samsun, including studies on preventing negligence and abuse. A pilot training session was held in November 2005 on child negligence and abuse by 16 doctors belonging to health care centres in the Kecioren Health Group Directorate in Ankara in order to raise the awareness of medical personnel. The Ministry intends to sustain these training sessions.

E. The Agency

22. The Convention constituted a separate chapter in 17 Training Programmes in in-house sessions conducted by the Agency's Training Centre in the period 2001-2006 and necessary information was provided on the Convention to 787 organization personnel. These studies cover social workers, health personnel, teachers, maintenance personnel, who are working with children. Besides, every year training programs for institution staff have been organized. Institution staff has participated in many seminars about the issue. Many symposiums, related with the issue, have been organized throughout the country with the attendance of universities and relative sectors and staff who would like to attend, has been allowed. International Children's Rights Congress, planned to be performed in the coordination of the Agency in 2006, has been performed in 2009 due to financial and administrative problems.

CHAPTER 2 DEFINITION OF THE CHILD

(Article 1)

23. The concept of the child was expounded in the initial report submitted to the Committee. This concept has been maintained in general in subsequent legislative amendments. However, Article 3 of the Law on Child Protection which came into force in 2005 defines a child as every human being below the age of eighteen years, even if he or she attains maturity earlier. As such, this provision embraces a broader concept than that adopted in the Convention.

24. The inconsistency between the working age and the age for the completion of compulsory education, noted in the Concluding Observations, has been removed. In accordance with the Labour Code which came into force in 2003, the employment of children under the age 15 is forbidden.

25. The Turkish Civil Code, which came into force 2001, requires that men and women complete the age of 17 before they can marry. The difference in the minimum age for marriage for men and women, noted in the Concluding Observations, has thus been removed.

26. No separate data is collected on membership of a minority and/or native groups, ethnic origin or religion. The number of registered living children according to gender is provided in Annex 3, Table 1. As of 2006; the number of living children, registered according to gender, is 1.011.809 for age 0-1, of which 522.121 are boys and 489.688 are girls; 22.278.384 for age 1-18 of which 11.442.423 are boys and 10.835.961 are girls. The total number of registered people is 74.530.959, as of the same year. According to this data, 31.25 percent of the population is under 18.

27. According to the General Census results for the year 2000, 15.498.900 people aged 0-17 live in cities and 8.973233 in rural areas. Detailed information is provided in Annex 3, Table 2.

28. According to the data obtained by the 2002 Research on the Handicapped, the total number of disabled persons is 1.772.315, of which 1.039.942 are boys and 732.373 are girls. Detailed information is provided in Annex 3, Table 3.

CHAPTER 3 GENERAL PRINCIPLES

(Articles 2, 3, 6 and 12)

I. NON-DISCRIMINATION (Article 2)

29. Turkish law and practice allow children to enjoy the rights contained in the Convention, without discrimination, irrespective of their parents' or their legal guardians' race, colour, gender, language, political or other opinion, national, ethnic or social origin, property, disability or other status. As stressed in the initial report, the Constitution of the Republic of Turkey upholds, in Article 10, the principle of equality before the law, and rejects negative discrimination for any reason whatsoever. Fundamental rights and freedoms are guaranteed by the Constitution. In accordance with Article 13 of the Constitution, fundamental rights and freedoms may be restricted only by law and in conformity with the reasons stipulated in the relevant articles of the Constitution without infringing upon their essence. Article 14 forbids the exercise of fundamental rights and freedoms with the aim of endangering the existence of the democratic and secular Republic based on human rights. The Constitution also guarantees the fundamental rights and freedoms of citizens of other countries; Article 16 stipulates that the fundamental rights and freedoms of aliens may be restricted only in a manner consistent with international law.

30. This positive spirit of the Constitution, which upholds the principle of equality and rejects negative discrimination, also forms the essence of the existing legislation on children's rights. According to Article 8 of the Turkish Civil Code, which is the fundamental law of the child and family, everybody is equal in being eligible for acquiring rights and liabilities, within the bounds of law. Article 4 of the Law on Child Protection emphasizes the prevention of discrimination against the child and his or her family for any reason whatsoever.

31. The Turkish legislation thus protects the principle of equality of both individuals in general and children in particular and contains no provisions that may have discriminate individuals on any grounds or cause intolerant or xenophobic practices. Furthermore, official practice is fully in line with the legislation. At any rate, according to Article 122 of the Turkish Penal Code, it is a crime to discriminate against individuals because of language, race, colour,

gender, freedom, political opinion, philosophical belief, religion, religious sect or similar and other reasons.

32. Article 4 of the Law on the Establishment of the Agency stipulates that “differences in class, race, religion, religious sect or region are not taken into consideration in the provision of social services”,

II. THE BEST INTERESTS OF THE CHILD

(Article 3)

33. The Law on Child Protection stresses, in its Article 4, the principle of the best interests of the child. With the adoption of the European Convention on the Exercise of Children’s Rights, court decisions which do not take into account the best interests of the child are annulled by the Supreme Court.

III. THE CHILD’S RIGHT TO LIFE, SURVIVAL AND DEVELOPMENT

(Article 6)

34. The death penalty, already suspended due to a de facto moratorium even prior to the reporting period, was abolished altogether in 2004. Extrajudicial, summary or arbitrary executions are out of the question.

35. In period between 1985 and 2006, the total number of children under the age of 15 who were HIV-positive was 51 and that in the age group 15–19 was 59. The figures for AIDS cases are provided in Annex 3, Table 4, for hepatitis A and B in Table 5, and for polio in Table 6. No deaths have been recorded in Turkey due to malaria.

36. Child deaths due to traffic accidents, reported by the Gendarmerie General Command, have been decreasing in recent years, as shown in Annex 3, Table 7. Information on deaths due to other accidental causes is provided in Annex 3, Table 8; the number of such deaths was 3.772 in total between 2001 and 2006. A disproportionate number of these cases occur in the age group 0-11. The number of children who died as a result of criminal acts and other violent

causes between 2001 and 2006 is 645, as reported in Annex 3 Table 9. Of the children involved, 71.2 percent were boys, of which 47.7 percent were in the age group age 0-11.

37. Effective legal measures have been taken regarding honour killings, an issue especially emphasized in the Concluding Observations. Sentencing in such cases reflects these enhanced measures. First of all, reduced sentences allowed for such crimes under the now-abolished Turkish Penal Code are no longer applicable. The new Turkish Penal Code, which came into force in 2004, defines honour killings as aggravated murders. In cases where family authority is imposed on relatives to commit such killings or where children are forced to carry out such killings, or making children to commit these crimes, heavier sentencing for the culprit is stipulated in the Code. Furthermore, it is a crime under Article 84 of the Code to force someone into committing suicide; putting pressure on someone who is unable to grasp the meaning or consequences of his or her actions to commit suicide is characterized as murder. The data on children forced to commit suicide is provided in Annex 3, Table 10.

38. Owing to the need to take new and urgent measures against violence towards women and children, the Turkish Grand National Assembly formed a research commission in June 2005. The commission reported its findings and drafted a set of recommendations, as a result of which the Office of the Prime Minister issued a Directive in 2006, outlining a comprehensive range of measures to be taken in this respect. The task of coordinating the activities to be launched with respect to crimes committed against children was assigned to the Agency. A similar coordinating task was assigned to the General Directorate for the Status of Women in the Office of the Prime Minister, with respect to violence towards women and honour killings.

39. Women who need shelter and protection are accommodated in specially-designated guesthouses. This service is provided by the Agency, local administrations and non-governmental organizations. Currently there are 36 women's asylums throughout the country and this figure is expected to rise in the near future. Moreover, the Law on Municipalities, which came into force in 2005, requires metropolitan municipalities and other municipalities with a population of 50.000 or more to establish asylums for woman and children.

IV. THE CHILD'S FREEDOM OF EXPRESSION

(Article 12)

40. Article 339 of the Turkish Civil Code requires that the child be consulted on family matters. On the other hand, Article 4 of Law on Child Protection upholds the principle of informing the child and the family in order to allow their participation in the decision-making process in relevant matters, so as to protect the rights of the child. Moreover, the principle of consulting the child and hearing his or her opinion on measures to be taken concerning the child has been adopted in the legislation. With the adoption of the European Convention on the Exercise of Children's Rights, failure to inform the child on matters relating to court cases concerning him or her, or, in particular, failure to consult the child in custody cases, is regarded as a sufficient basis for annulment by the Supreme Court. By virtue of these provisions, compatibility has been achieved between the European Convention and official practice.

41. Article 3 of the Law of Association, adopted in 2004, stipulates that "Children who are over the age of 15 and who have the requisite mental maturity may establish children's associations or join existing children's associations, with the written permission of their legal guardians, in order to maintain and develop their social, mental, moral, physical and intellectual abilities, their sporting and educational rights, their social and cultural identities, family units and private lives. Children over the age of 12 may join children's associations, with the written permission of their legal guardians. This provision is likely to lead to a considerable increase in the associations established or joined by children. Currently, there are 11 children's associations and 3.231 youth associations, as shown in Annex 3, Table 11.

42. Local authorities offer services to various groups through Youth Centres, operated together with the Agency and the General Directorate for Youth and Sport. Furthermore, under the coordination of the Agency, committees have been formed in each city on the rights of the child. Children over the age of 12 from every background are represented in these committees, with the possibility of expressing their views on matters relating to them and formulating recommendations. At children's forums held each year on 20 November on World Children's Day, children share their views and demands with the public and official authorities.

43. In Turkey, 42.590 schools in 81 cities, in which more than 14 million children receive education, have school pupils' councils. Of these, 34.656 are primary schools, and 7.934 secondary schools.

44. In an effort to put into practice four fundamental provisions of the Convention, namely Articles 2, 3, 6 and 12, the Ministry of the Interior's Department for Provincial Administration has launched the Child-Friendly City Project, with UNICEF's technical and financial support, to identify the basic principles for forming a child-oriented process of local government which implements the rights of the child in everyday life and takes into account children's views, needs and expectations as an integral part of city planning and policy. The project has started in 12 pilot cities, namely Antalya, Bursa, Erzincan, Gaziantep, Kayseri, Kirsehir, Konya, Sivas, Tekirdag, Trabzon, Usak and Karaman. On the other hand, the Department's Project for the Development of Capacity in Basic Services aims to reduce regional differences in social development, to encourage the adoption of a decentralized approach in the provision of fundamental services such as education, health, social assistance and infrastructure for families, especially women and children, to contribute to the enhancement of people's standard of living, and to ensure that this is among the priorities of city managers.

CHAPTER 4 CIVIL RIGHTS AND FREEDOMS

(Articles 7, 8, 13, 14, 15, 16, 17 and 37 paragraph a,)

I. PRESERVATION OF THE CHILD’S IDENTITY

(Articles 7 and 8)

45. Turkish legislation attaches importance to the matter of “registration of birth”, which signifies the official recognition of the existence of the child. The registration birth is an important feature of both the now-abolished Law on Population Registration and the Law on Population Registration Services, which came into force in 2006. According the latter Law, families are required to register their newly-born children. Moreover, administrators of organizations, training centres, orphanages, nursing homes and similar places under the supervision of the Agency, as well as law-enforcement bodies, schools and public or private institutions are obliged to inform birth registration offices about people who are not registered.

46. Detailed information on existing legislation is provided in Annex 1.

47. Information made available by the Ministry of the Interior’s Department for Population and Nationality Affairs for the period 2001-2006 is provided in Annex 3, Table 12. The figures show annual increases in the percentage of children registered. This percentage was 65,81 in 2001 and 87,07 in 2005. The records on the percentage of children registered within the year of birth or the year thereafter reveal that all children born in 2005 were registered in 2005 or 2006.

II. OTHER CIVIL RIGHTS AND FREEDOMS

(Articles 13, 14, 15 and 16)

48. Information conveyed in the initial report on freedom of expression, judgment, conscience and religion and on protection of private life, in accordance with the Convention, is still valid.

Developments regarding freedom of association and demonstration have been reported herewith in the earlier section on the Child's Freedom of Expression.

III. ACCESS TO INFORMATION

(Article 17)

49. There are 1.412 libraries operated by the Ministry of Culture and Tourism. Moreover, 66 mobile libraries serve 1.404 towns and villages. There are also people's libraries in 81 provinces. Of those who benefit from library services, 58 percent are children.

IV. THE RIGHT NOT TO BE SUBJECTED TO TORTURE OR OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT INCLUDING CORPORAL PUNISHMENT

(Article 37, paragraph a)

50. According to the Law on Child Protection, the investigation of a child who has committed a crime is carried out personally by a Public Prosecutor of the Republic. As opposed to the information conveyed in the initial report, the police is no longer authorized to question a child. According to the Law on Child Protection, a child in custody should be kept in the designated child unit of the law enforcement agency. The opportunity is provided for one of his or her relatives to be with the child during that time. Moreover, during his or her questioning and administrative procedures, a social worker may stay with the child. According to the Law on Criminal Procedure, in those cases where a victim or those accused of a crime are under 18, it is mandatory to appoint a lawyer for them even if they do not request it. Data on appointments of lawyers for such purposes is provided in the subsequent section on Judicial Proceedings against children under Turkish law. According to the Police Organization Discipline Regulations, police officers who commit torture are dismissed. With the amendment enacted in 2002 in the Law on Civil Servants, officers found guilty of torture or other cruel, inhuman or degrading treatment are required to pay the fines awarded against State authorities by the European Court of Human Rights.

51. Statistics in the Turkish justice system were compiled, until 2005, on the basis those convicted of a crime. No information could be obtained, therefore, on victims. Such information will be conveyed with the next report.

52. There is no tradition in Turkish culture of female genital mutilation or circumcision. No such case has ever been reported. Data provided by the Gendarmerie General Command for the period between 2001 and 2006 reveal that a total of 3.858 child were subjected to sexual mistreatment, assault, abuse, harassment, intercourse or forced prostitution, as shown in Annex 3, Table 13.

53. Annotated data on the number and percentage of children who have received special care and reintegration assistance are not available, due to the difficulty outlined in paragraph 51 above.

54. As for activities pursued by various bodies with respect to the prevention of violence, the Anger Control Programmes conducted at Correctional Facilities for Children supervised by the Ministry of Justice's Department for Prisons, for the benefit of adolescent inmates, will be extended to prison staff as well.

The Ministry of Education's Department for Special Training and Counselling conducts the following activities:

- A workshop was organized in May 2006 on "Preventing and Reducing Violence in Educational Establishments", leading to the development of a "Strategy and Action Plan for Preventing and Reducing Violence in Educational Establishments" in August 2006 with the participation of about 40 institutions.
- The Ministry of Education has put the Strategy and Action Plan into practice, for the period 2006-2011.
- A meeting was held in October 2006 with media representatives to promote the Strategy and Action Plan for Preventing and Reducing Violence in Educational Establishments.
- A special poster on the Strategy and Action Plan was prepared and distributed to schools.
- A paper on "Reducing violence in schools" was distributed as training material.
- A Senior Board was formed, consisting of representatives from the Ministries of Education, Interior and Health, as well as the Agency and the Office of the Prime Minister's Directorate-General for Youth and Sport. The Senior Board convenes every year in July in order to prepare a Central Action Plan and to provide coordination between relevant organizations.

- A Technical Team was formed with representatives of Ministers and departments on the Senior Board. The Team oversees the preparation and distribution of documentation, the planning of in-house training activities for personnel on preventing and reducing violence.
- An “Advisory Board”, consisting of nine academicians from various universities, was formed to provide academic and technical support for the strategy and Action Plan.
- Protection, Prevention and Intervention Teams, consisting of family members, teachers, pupils, administrators and other relevant representatives, were formed in cities and schools.
- Short TV films were prepared and distributed to the media.
- A survey was carried out on the “Use of communication tools in schools”.
- A “Clinging to Life Programme” was put into practice to help prevent the consumption of cigarettes, alcohol and substances.
- A “Family Education Programme” consisting of eight sessions for families who have children between the ages of 7 and 18 was prepared.
- Events at schools are monitored and followed-up through Event Reporting Forms.
- A “Life Skills for Adolescents Programme” consisting of six sessions for students was developed, using the method of transmission from peer to peer, rather than from teacher to student. The Programme was prepared by an advisory council of ten students aged between 10 and 18. A symposium on violence against children in and around schools and measures to be taken in this respect was held in March 2006.
- Together with the Ministry of the Interior’s Directorate-General for Security, a project was developed on “Scientific analysis for providing a safe platform at schools and enhanced protective/preventive safety factors”. As part of this project, a five-day workshop was held with the participation of provincial officials for security and education from 13 cities and the support of academicians.
- Effective parent training has been organized for the 7-18 age group.
- A National Drug and Substance Addiction Prevention Programme was developed, to help reduce demand for such substances, especially targeting the 10-14 age group, in areas with a high rate of drug use. As part of the Programme, 11 sessions were held for children, and three for families, with the support of psychological consultants.
- A directive was prepared and put into force, with the support of the Agency and the Ministry of the Interior, to set national standards for the provision of “counselling” services to children for whom counselling is required by the Law on Child Protection.

CHAPTER 5 FAMILY ENVIRONMENT AND ALTERNATIVE CARE

(Articles 5, 9, 10, 11, 18 paragraphs 1 and 2, 19, 20, 21, 25, 27 paragraph 4, and 39)

I. FAMILY SUPPORT

(Articles 5 and 18 paragraphs 1 and 2)

55. According to Turkish law, parents are collectively responsible in the first instance for the education and development of the child. As a rule, non-adolescent children are under their parents' guardianship. According to the new Turkish Civil Code, parents jointly discharge the guardianship responsibility. Parents cannot be stripped of their guardianship, unless there are legal reasons to do so. If spouses voluntarily stop living together because of divorce or separation, a judge will decide on awarding custody. Parents are also obliged to care for their non-adolescent step children.

56. Parents provide for the care and development of the child, taking into consideration the best interests of the child who is under their guardianship. The child is obliged to obey his or her parents. Parents allow the child to organize his or her own life, to the extent of the child's maturity, and take into consideration the child's his or her opinion on important issues, particularly those involving his or her education, the child's professional choice, adoption of another child, giving the child away for adoption, and marriage. In cases of children with physical or mental disability, parents ensure that they receive appropriate education and training, commensurate with the children's capabilities.

57. Public authorities assist parents as appropriate in securing their children's rights and providing for their development. Several public bodies provide services in this direction.

58. The services provided the Ministry of Education are as follows:

- A "Family and Child Training Programme" aims to provide counselling assistance mothers who have children in the 0-6 age group. As shown in Annex 3, Table 14; 2.173 mothers were assisted in the period between 2000 and 2001, and 3.971 mothers in 2004-2005.

- Fathers are given training in public education centres on communicating with children and supporting for their development through the “Father Support Training Programme”, launched in 2004. To date, 6.388 fathers have benefitted from Programme.
- Family training sessions offer counselling to families under risk, especially those with children in the 0-6 and 5-6 age groups. Counselling covers development stages of the child, the parent-child relationship and awareness of behavioural disorders and drug addiction.
 - The “Mother and Child Training Programme for the 5-6 age group” seeks to provide counselling, especially to families that do not have access to pre-school education, to support the multi-faceted development of children in that age group. Information on families which have benefitted from the counselling service is provided in Annex 3, Table 15.
- A project on “Achieving Good Governance and Strengthening Justice in Turkey” provided counselling services on effective parenting for families with children in the 7-18 age group, consisting of eight modules.
- Handbooks are prepared to raise awareness on autism and speech difficulties.
- In an effort to prevent child labour, vocational training is offered to disadvantaged families with children under the minimum working age.
- The Ministry’s Department for Educational Technologies seeks to protect children from the hazards of the internet and raise awareness, through its project on “Conscious Use of the Internet and Internet Safety”.

59. The Ministry of Labour and Social Security offers vocational training to disadvantaged families with children under the minimum working age, through projects partly funded by the European Union and international organizations.

60. The activities conducted by the Ministry of Health’s Mother and Child Health and Family Planning Centres are as follows:

- A specialist programme is pursued to support children’s development in early childhood. As part of the 2001-2005 Country Programme Main Implementation Plan concluded by the Turkish Government and UNICEF, the “Programme for Development Support in Early Childhood” seeks to support and monitor development children in the 0-8 age group. Its main target is to provide for physical, psychological, social and cognitive development of children.
- The Ministry of Health attaches special significance to mother and child health and pursues special programmes in this direction. One such activity is the “Adolescent Health and Development Project”, providing specialized services to women and children.

Women and children carry special risks in health in every society. The insufficient woman, mother and child health top the agenda of health problems in Turkey. The general policy of the Ministry of Health in this direction and routine services for woman and children are supported with special programs.

61. The services and programmes conducted by the Agency in the period 2000-2006 are as follows:

- Family Information Centres aim to provide advice and counselling in order to contribute to family prosperity, happiness and unity, and to help families in their integration in the social life of the community. The Centres offer counselling and guidance diverse issues such as preparation for marriage, marital problems, disharmony between spouses, single parenthood, problems in parent-child relationships, distribution of roles and responsibilities in the family, caring for old or handicapped members of the family and problems related to divorce cases.
- Social Centres offer training sessions for mothers to help develop communication skills in the family, protect child from violence in the family and to raise awareness on gender equality. Social Centres also provide services to children living in suburban areas away from cities. Such Centres offer cultural and sporting possibilities and seek to enhance children's chances of educational success.

62. Information on activities conducted in the period 2000-2006 by Social Centres under the supervision of the Agency is provided in Annex 3, Table 16.

63. The Agency provides kindergarten services to families, free of charge in the case of disadvantaged families.

64. Information on the number of kindergartens, day nurseries and children's clubs in Turkey and their distribution according to age groups is presented in Annex 3, Table 17.

65. In an effort to enhance social prosperity in less-developed regions, an amendment enacted the Law on the Establishment of the Agency in March 2000 allows it to endeavour to establish a greater number of kindergartens and day nurseries and to offer such services free of charge to disadvantaged families. Moreover, the Law on Public Employees now includes improved provisions for pre-natal and post-natal maternity leave.

66. Within the frame of the protocol concluded with the Mamak Municipality and the Office of the Prime Minister's Department for Family and Social Research in 2005, parenthood seminars were given to 100 people as part of the "Family School" project.

II. CHILDREN DEPRIVED OF PARENTAL CARE

(Article 9 paragraphs 1-4, 21 and 25)

A. Legislation

67. The Turkish Civil Code stipulates that, while children should preferably be cared for by their parents, a judge may award the custody of a child to a foster family or have the child accommodated in a children's home, if the physical or mental development of the child is in exceptional danger or if the child feels emotionally abandoned.

68. The Law on Child Protection regards institutional care as a matter of last resort, reflecting the desirability of ensuring parental care if at all possible. The Law does, however, allow for special measures to be adopted to ensure that the child is accommodated in a children's home, on the basis of a decision by a judge, where the child's family circumstances warrant such protective measures.

B. Implementation

a. Causes of lack of parental care

69. Some of the children who are deprived of parental care are under protection and care of children's homes or nurseries supervised by the Agency. A study was conducted by the Agency, as part of the Social Risk Reduction Project (SRAP), launched in 2001 by the Turkish Government, to identify the main reasons leading to court decisions for children to be taken into institutional care. The findings of the study are summarized in the table below. There were no cases emanating from armed conflict, deportation or discrimination. The practice of exile does not exist in Turkey, either in legislation or policy.

Table: Data on the reasons for the separation of children from their parents on the basis of a court decision

REASONS	%	Number	S.H.(%)
Economical and social poverty	71,6	2.981	2,8
Abandonment	25,6	1.066	3,0
Death	24,8	1.032	2,1
Psychical or emotional abuse by family	7,5	312	1,2
Non-acceptance of child by a step mother or a step father	6,8	283	1,3
Imprisonment of a parent	5,6	233	1,0
Missing parents	2,2	92	0,4
Father's psychological disorder	1,1	46	0,7
Mother's psychological disorder	1,1	46	0,8
Incestuous relationship	1,0	40	0,4
Natural disasters	0,6	25	0,6
Sexual abuse outside the family	0,5	21	0,3
Child's physical disability	0,5	21	0,3
Risk of "honour killing"	0,4	17	0,2
Parents' physical disability	0,4	17	0,2
Negligence	0,3	12	0,2
Rejection by the father	0,3	12	0,3
Illegitimate birth	0,3	12	0,3
Potential risk for child	0,2	8	0,2
Family pressure for criminal activity	0,1	4	0,1
Parental involvement in prostitution	0,1	4	0,1
Child's refusal to live with father following parent's divorce	0,1	4	0,1
TOTAL *	150,9	6282	

Resource: The Agency

* Child can be taken into institutional care for more than one reason at a time.

70. Economical and social destitution are the main causes leading children to be put under protection. These are followed by abandonment and death of parents. As mentioned in the Concluding Observations, with a view to giving priority to enabling children to live with their parents, the Agency's efforts in recent years aim at socially supporting parents so that children may return to live with them. Statistical data on children reunited with their families thanks to material and/or cash support may be found under the heading "children reunited with their parents after placement".

71. Data about children at kindergartens may be found in Annex 3, Table 18; while similar data on the children in orphanages are presented in Annex 3, Table 19.

72. Violation of laws, resulting in children being sent to penalty enforcement facilities constitutes another cause for separation of children from their parents. The number of children in such installations, categorized by year, is in Annex 3, Table 20.

b. Institutions, caregivers and foster parents, responsible for the care of the children

73. Kindergartens and orphanages under the Agency are spread throughout the country in light of local needs. Data on children being cared for in these institutions, as well as information on the institution have already been presented above. Children aged 0-12 in need of protection are being cared for in "kindergartens", while those belonging to the 13-18 and higher category are accepted in "orphanages". With the decision to increase compulsory primary education to eight years, children having reached the age of 12 remain in the same kindergarten if possible, so that children may complete their primary education at the same school.

74. Since last year, a move to replace large facilities with smaller, homier centres under the names "Child Houses" and "Compassion Houses" has begun. By the end of 2006, 6.440 out of 9.670 children aged 0-12 were provided care in 136 housing units comprised of 99 kindergartens, eight Compassion Houses and 29 Child Houses. In kindergartens, there are one care provider per 6-8 children aged 0-6 and, for the age group 7-12, one care provider per 10-12 children. The care providing staff is increasing in terms of both quality and quantity. The efforts to increase the number of Compassion Houses, where 10-12 children may live in an

environment as close to a family home as possible, have been accelerated in recent years. Moreover, Child Houses, organized like a family environment, let children acquire a sense of basic confidence and minimize behaviour disorders thanks to their small and unchanging staff and services. “Child Houses” have been established in apartment flats or individual houses selected in light of the socio-cultural and physical characteristics of each town, preferably at the town centre, close to schools and hospitals, in a fashion to create a home atmosphere housing six to eight children younger than 18, so their physical and psycho-social development and education may be completed in the best manner possible. 10,505 children belonging to the age group 13-18 are housed in a total of 118 units made of 109 orphanages, two Compassion Houses and seven Child Houses.

75. Children placed at a foster home are regularly monitored by social workers, with the frequency of visits determined in light of the merits of each case. All problems that are encountered receive the necessary attention. There is a steady increase in the number of foster families whose number has risen from 86 in 2001 to 204 in 2006. Data concerning foster families are contained in Annex 3, Table 21. As of end-2006, there were a total of 630 foster families.

76. Of the kindergartens, eight are named Compassion Houses. These units house a maximum of 10 to 12 children in a family atmosphere, free from the negative effects of life in large groups. Through the years, private service procurement has been resorted to with a view to increasing the number of care-providing personnel. Data relating to such procurement are presented in Annex 3, Table 22.

c. Children separated from their parents, living in institutions or foster homes

77. Information related to the children living in institutions and foster homes have been submitted above. The number of children placed in foster homes is increasing. This number, 86 in 2001, has reached 204 in 2006. A total of 4,195 children have been placed in foster homes up to now, with 813 still in those foster homes.

78. “The Regulation on Determining, Evaluating and Investigating Children in Need of Protection, and on the Adoption and Rescinding of Decisions to Put under Protection” entered into force on 28 November 1983. Article 21 thereof contains the provision “Within one year

of the entry into force of this regulation, Provincial Directorates and institutions will examine the cases of all children at institutions and determine whether they actually constitute children in need of protection as defined in the law, and will proceed to the annulment of the decision to put under protection for those determined not to comply therewith. Efforts are being made to re-unite children under protection with their families. The Agency has instructed and Governorates through a circular to monitor and evaluate the situation of children in need of protection on a biannual basis. These instructions are being executed. Moreover, the situation of children staying with foster families is also monitored regularly.

d. The number of children re-united with their parents after placement

79. Within the scope of the Agency's "Return to Family" project, families and relatives of children put under protection have been provided with material/cash support to enable the return of the children to their families. The sum spent for this purpose in 2005 is 15.980.000 TL, 41.000.000 TL in 2006.

80. This project aims at supporting, thus enabling, children to remain with their parents. Thanks to an amendment brought in 2005 to the regulation on material and cash assistance, it has become possible to drastically increase the funds that could be allocated for this purpose. The idea is to support those children put under protection because of poverty, at their family's side and in their own social environment.

III. FAMILY REUNIFICATION

(Article 10)

81. As mentioned in the previous report, there are no special provisions regulating the entry into and exit from the country for family reunification purposes. The provisions mentioned in the first report remain in force. While there is no statistical data for the reporting period, similar data relating to subsequent years have been gathered.

IV. ILLICIT TRANSFER AND NON-RETURN

(Article 11)

82. In Turkey, the detection of human-trafficking victims, the execution of the pertinent legislation by the Police, Gendarmerie and Coast Guard, the provision of health support and psychological rehabilitation to the victims, the offering to those victims who are to be deported the possibility of a one-month additional stay in Turkey, the detection and capture of and the initiation of legal proceedings against those persons or groups committing such crimes and deriving profits there from, are all regulated through Circulars executed by the competent authorities. In cases where victims are children, special measures are taken at every stage to safeguard the child's interests. In such cases, the Children Branches of the Police hand the child to the Agency, following which procedures for the appointment of a legal guardian are carried out. The information obtained from the Aliens, Borders and Refuge Department of the Directorate-General for Security, the number of children involved in such cases was 1 in 2004, 6 in 2005 and 14 in 2006. All these children were provided with the necessary care and support in line with the Convention and national legislation.

V. ABUSE AND NEGLECT, INCLUDING PHYSICAL AND PSYCHOLOGICAL RECOVERY AND SOCIAL REINTEGRATION

(Article 39)

A. Legislation

83. Turkish law makes it imperative to take all necessary measures, including the involvement of the judiciary when warranted, and the provision of support to children's caretakers, in order to ensure the prevention, detection, reporting, submission to the pertinent authority, investigation, medical treatment and follow-up of cases involving child neglect and abuse. Indeed, the Turkish Penal Code has provided for sanctions against those who do not report cases of persons in need or incapacitated to look after themselves, as well as against those civil servants and health officials who do not report crimes they gain knowledge of during the conduct of their duties. Through the Law on the Protection of Children, non-governmental

organizations have also been ascribed the responsibility of reporting children in need of protection to the Agency. The relevant occupational groups are given training courses in order to increase awareness and sensibility towards cases of child neglect and abuse.

84. The Law on the establishment of the Agency has entrusted the Agency with the task of establishing and examining families, children, disabled persons and the elderly who are in need of protection, care and assistance, as well as other persons in need of social services. Local administrative authorities, health centres, and law enforcement personnel are responsible for notifying the Agency about such persons, and for cooperating with the Agency in the examination of their cases.

85. The Concluding Observations recommend amending the legal provisions relating to genital examination. The Turkish Penal Code has made it a crime to send someone for genital examination without orders from a judge and prosecutor, and has provided for sanctions against persons conducting such examination. Moreover, the Law on Criminal Procedure has made examinations on the accused or victim relating to a crime conditional on orders by a judge. The police, gendarme or other public officials relating to a child are not authorized to send persons for genital examination without orders from a judge. Actions to the contrary have been defined as crimes.

86. Legal provisions to ensure that investigations relating to cases of child neglect and abuse are conducted in a sensitive manner so that the child is not hurt a second time and that his/her right to respect for private life is protected, have been put into effect. The Law on the Protection of the Child provides that prosecutors personally carry out investigations relating to children. Furthermore, the Law on Criminal Procedure foresees that children or other victims who have been mentally affected by a crime may be heard only once as witness during the investigation. Video and audio recordings of these interviews are made so that children are not required to be heard and traumatized again during the trial. Finally, an expert with professional training in psychology, psychiatry, medicine or education is required to be present during the hearing as witness of the child victim, or those victims whose mental state has been adversely affected by the crime.

87. The Law on the Protection of the Child provides that expenses incurred from protective and supportive rulings aimed at the physical and psychological healing, and the integration into society of child victims are to be covered by the State.

B. Implementation

a. Children who are reported as victims of abuse and/or negligence by parents or other relatives/caregivers

88. Although there are no data specifically regarding the number and the percentage of children reported as victims of abuse and/or negligence by parents or other relatives/caregivers, information on this issue is submitted under the title “Children Deprived of Parental Care” where reasons underlying child protection decisions taken by the Agency are explained.

b. Children receiving special care for treatment and reintegration into society purposes

89. The Agency’s work for the rehabilitation and reintegration into society of children who have been put by the Agency under protection or care, are carried by the Agency either alone, or in cooperation with the pertinent health institutions. All health expenses of the children under the Agency’s protection and care are covered by the Agency.

VI. ADOPTION

(Article 21)

A. Legislation

90. The new Civil Code has introduced important changes in adoption procedures and novelties facilitating adoption.

91. Under the Turkish justice system, adoption may occur only through a court ruling. There exist certain conditions to be met for the adoption to take place. These are: the adopter must have taken care of the adoptee for a year, it must be established that the adoption will be to

the benefit of the adoptee and that it would not unjustly harm the interests of the adopter's other children, that the adopter is at least 18 years senior to the adoptee, and that, in case he/she is at a discerning age, the consent of the adoptee is present.

92. If the adopter is not married, he/she must be at least 30 years old. Spouses may only together adopt a child. In addition, the spouses must each be at least 30 years old, and be married for at least five years.

93. Parents' consent is required for a child to be adopted. Such consent should be declared and put on record at the local court of the parents' residence. No such consent may be given until six weeks have elapsed after the child's birth. There are, however, cases where parental consent is not sought. When the parents or their whereabouts are unknown, when parents have permanently lost their capacity to discern or do not sufficiently fulfill their obligation to care for the child, parental consent is no longer a pre-condition for adoption.

94. The adoption is decided by the court, after all matters and circumstances of substance have been thoroughly examined, the adopter(s) and the adoptee have been heard, and, when necessary, expert views have been listened to. During the above-mentioned examination, special attention is paid to the personality and health of the adopter and adoptee, their relations with one another, their economic situation, the adopter's capability to bring up a child, the reasons inducing him/her/them to adopt, and their familial relations. If the adopter has progeny, the latter's attitude towards and thoughts on the adoption are also taken into account.

B. Implementation

95. In Turkey, adoption is conducted in accordance with the relevant provisions of the Turkish Civil Code, the Convention on the Protection of Children and International Cooperation on Adoption, and the Adoption Directive of the Agency. In cases of adoption within the country, applications may be made to the Agency or the competent court. In international adoption cases, applications must be directed to the International Adoption Centre at The Hague. The Agency is the sole authority in Turkey that deals with international adoption cases.

96. Data about the adoption cases carried out by the Agency are presented in Annex 3, Table 24. While international adoptions are carried out in accordance with the Hague Convention, taking into consideration that the number of children to be adopted internationally is not too many in Turkey, two families in the USA and one family in Germany have adopted Turkish children in 2003 and 2004, respectively.

CHAPTER 6: BASIC HEALTH AND SOCIAL WELFARE

(Articles 6, 18/3, 23, 24, 26 and 27/1-3)

I. CHILDREN WITH DISABILITIES

(Article 23)

A. Legislation

97. Law no: 5378 for preventing disability, solving health, education, rehabilitation, employment, care and social security-related problems of the disabled, developing measures aimed at ensuring their development in all areas and removing barriers they face, and ensuring their participation in society was enacted on 1 July 2005.

98. Combating discrimination against the disabled, ensuring the participation of the families of disabled persons as well as relevant voluntary organizations in the pertinent decision-making processes, and the protection of family unity in the provision of services to the disabled constitute the basic tenets of the said law. Apart from provisions on services to be provided to the disabled and the formulation of social policy, the law also contains articles relating directly to children with disabilities, as well as others which have to do with such children within the context of all disabled persons. The regulations required for the implementation of the law have also been put into effect.

99. Law no. 5378 had added an Additional Article 7 to Law no. 2828 on the Agency. The said Article read: "Among the disabled persons in need of care and not covered by any social security institution, those who have lost their families or whose families are in social impossibility shall be provided with care at public or private care centres or at their homes". In order to ensure equality among all disabled persons, this article was amended with Law no. 5579, which was published in the Official Gazette dated 10 February 2007.

100. The new article is worded as follows: "Taking into account the aggregate of all income; disabled persons in need of care whose personal income or their portion of the overall income in light of the number of their dependents are less than 2/3 of the net minimum monthly

wages shall be provided with care at public or private care centres or at their homes”. This new provision has ensured that all disabled persons in need of care can receive such care, regardless of their being covered by a social security institution or not.

B. Implementation

101. The data, categorized according to type of disability are presented in Annex 3, Table 3. The said table lists the number of girls and boys, who have orthopaedic, hearing, sight, mental, and verbal disabilities.

a. Those whose parents are eligible for special equipment or other types of assistance

102. The expenses resulting from educational and rehabilitation services provided at private or public rehabilitation centres to disabled persons, or their dependents, under the social coverage of the Social Security Institution or the Government Pension Fund, are covered by these institutions. The amount to be paid by these institutions and the form of payment are established every year through the budget implementation instructions. Children of persons in retirement also enjoy this right. Law no. 5378, dated 7 July 2005 stipulates that the educational expenses of children in need of special education are to be covered by the Ministry of Education, regardless of whether these children have social security or not. Under this provision, a total of 691.808.028 Turkish Lira have been spent for 161.956 children with disabilities.

103. The first phase of the project “Cost Free Transportation for Children in Need of Special Education to Ensure their Access to Schools” was implemented during the second term of the academic year 2004-2005 (February-June 2005). During this period transportation services were provided to 6.901 mentally-disabled or autistic children attending special schools, and 1.928.588 TL from the allocated 3.800.000 TL were spent. At the second phase of the project, implemented during the 2005-2006 academic year, similar services were provided to 16.171 children attending special schools or special classes, resulting in the expenditure of 9.679.575 from the allocated 14.800.000 TL.

104. As per Article 35 of Law no. 5378 which reads “The part, determined each year in the budget implementation instruction, of the educational expenses of those children with sight,

orthopaedic, hearing, speaking, mental and psychological disabilities or voice problems, who have been deemed suitable by Special Education Evaluation Boards for attending special educational and rehabilitation centres shall be met by the allocation to be included in the budget of the Ministry of National Education, the said Ministry covers all the special education expenses of children who need such education. Data relating to children whose special education fees have been paid are in Annex 3, Table 25. While the Government Pension Fund provided such support to 1.114, and the Social Security Institution to 14.842 children in 2001, the numbers of such children have risen remarkably by 2006 to 3.382 and 82.458, respectively.

b. Children living away from their families in care centres, including mental institutions, or with foster families

105. Data on disabled children, looked after in the Agency's boarding centres over the years are presented in Annex 3, Table 26. According to this table, the number of disabled children under protection and care has risen from 473 in 2001 to 856 in 2006.

106. 26 disabled children were installed with foster-parents. Detailed data about these children are contained in Annex 3, Table 27. Moreover, 513 disabled girls and 719 disabled boys, all aged 0-18, receive daytime care at the Agency's family consultation and rehabilitation centres.

c. Disabled children attending normal schools

107. In 1480 Special Education Classes within primary education schools, 576 teachers provide education to 8.921 students. 45.532 students in 7.422 schools are following "Adaptation Education". Following the increase of compulsory education from five to eight years, the "Education Program for Primary School Children with Medium Level Learning Disabilities" and the "Education Program for Education Implementation School" were developed and put into effect as fundamental elements in the education of children with learning deficiencies. The education program for autistic children and the education program for vocational schools are other programs that are currently in use.

108. Within the cost-free transportation project implemented jointly by the Directorate for the Disabled and the Ministry of National Education for primary and secondary education students with disabilities, funds are also being allocated by the Directorate-General for Social Assistance and Solidarity. Within this context, a total of 1.945.503 TL have been earmarked for 6.900 students with disabilities in the academic year 2004-2005.

d. Children attending special schools for the disabled

109. The statistical data concerning children attending special education schools are as follows:

The number of students in 2001–2002; 17.320

The number of students in 2002–2003; 17.988

The number of students in 2003–2004; 20.164

The number of students in 2004–2005; 22.082

The number of students in 2005–2006; 25.238

110. Categorized data concerning personnel and students at special schools for the disabled are presented in Annex 3, Table 28.

II. HEALTH AND HEALTH SERVICES

(Article 24)

A. Pre-natal and post-natal maternal and infant health

111. All measures aimed at providing children with best health are being taken and implemented. The Conditional Cash Transfer (CCT) has been devised as a mechanism to assist those adversely affected by the economic crisis. It is operated by the Prime Ministry. Within the Health Assistance Program under the CCT, pre-school children, aged 0-6, are provided regular basic health care, while pregnant women are not only given pre-birth care, but also the possibility to have their delivery take place at a health centre and to receive post-delivery treatment. Whether expecting women are attending regular health checks and

whether families have their children regularly attend health controls are being monitored and families in need are provided with regular cash assistance. The health dimension of the CCT is being carried out in cooperation with the Ministry of Health. The numerical data concerning such assistance are in Annex 3, Table 29. The amount of assistance for children aged 0-6 and expectant women is 17 TL/month per child for 12 months, and, in case it is to take place at a hospital, 55 TL for the delivery.

112. The resolute efforts made to decrease infant deaths (newborn and children under 5) have yielded noteworthy results, the pertinent mortality rate falling from 25,6 per thousand in 2003 to 22,6 per thousand in 2006 (see Annex 3, Table 30).

113. Putting a General Health Insurance system into place has been determined as the primary goal under the 9th Development Plan, covering the period 2007-2013. In line with the principle “prevention comes before treatment”, the 9th Development Plan has also prioritized protective health services in such areas as preventable diseases, particularly contagious diseases and mother-child health, food, consumer and environment health issues, as well as health policies aimed directly at protecting children in the allocation of resources.

a. Newborn and 0-5 year-old children’s mortality rates

114. As mentioned in paragraph 112, considerable success has been achieved in this area. The data in Annex 3, Table 30 also show that the mortality rate for 0-5 year-old children has decreased from 31.3 per thousand in 2001 to 25.1 per thousand in 2006.

b. Underweight newborns

115. A normal and healthy weight at birth is important from a health perspective.

116. Approximately eight percent of all newborns are underweight (National Action Plan-NAP). Detailed data on children underweight at birth may be found in Annex 3, Table 31.

c. Moderately and highly underweight, emaciated children

117. According to the results of the Turkey Population and Health Survey (TNSA), conducted in 2003, inadequate nutrition appears as an important problem in the first months of life. The survey shows that around 12% of children younger than five years of age have chronic malnutrition, four percent of which were of serious nature. These indicators reflect the existence of malnutrition and chronic illnesses in the age group in question.

d. Families deprived of hygienic sanitation and reliable drinking water

118. There are no significant problems relating to quality of water in urban areas. Data derived from the EU rural development negotiation report on the situation of water in rural areas may be found in Annex 3, Table 32.

e. One year-olds vaccinated against tuberculosis, diphtheria, whoop cough, tetanus, polio and measles

119. The immunization rates within the framework of the Extended Immunization Program (GBP) are BCG 88%, DBT-3 90%, Pol3 90%, Hepatitis B3 85%, Td2+ 47%, and Measles 91% (all figures from 2005). In line with the pertinent resolution adopted at the 1988 World Health Assembly, Turkey initiated its Polio Eradication Program in 1989. The last case of feral poliovirus in Turkey was seen in 1998, and, as a result of its successful efforts, Turkey earned the “Country without Polio” certificate in 2002. In line, this time, with the goal set by the WHO Regional Office for Europe to eliminate measles, Turkey has set itself and included in its work plan, the objective of eliminating measles by the year 2010. Taking into account the epidemiology of measles in Turkey, approximately 18,5 million children aged 9 months – 14 have been given additional immunization against measles and an immunization rate of 96% has been attained. Following this supplementary immunization, a case-based and laboratory-supported measles survey has been initiated. The number of cases, which used to reach the 30.000’s in outbreak years, has dwindled thanks to immunization efforts and only 34 cases were registered in 2006.

f. Maternal mortality rates and the underlying causes

120. The National Maternal Mortality Survey, done in 2005-2006, has established Turkey's maternal mortality rate as 28,4 per 100.000 live births. This figure is worth comparing with the 49,2 per 100.000 recorded at a survey conducted by the Ministry of Health in 1997-1998. Currently, maternal mortality rates are 20,7 per 100.000 in urban areas, and 40,3 per 100.000 in rural sectors. The underlying causes may be cited as irregular urbanization, relatively lower levels of female education, the inability to achieve lower female fertility rates and lack of access to better health services.

g. Benefitting from pre-natal and post-natal health services

121. 81% of pregnant women with access to pre-natal and post-natal health services receive pre-natal health care (TNSA 2003). It has also been established that 78% thereof give birth at hospitals. These indicate that a high percentage of women benefit from pre-natal and post-natal health services.

h. Children born in hospitals

122. About 1.4 million births occur in Turkey every year. 78% of these take place in hospitals, and 83% under the supervision of trained health personnel. The rate of women giving birth without assistance from health personnel is 9,7% in urban areas and 30,1% in rural regions.

i. Hospital care and personnel trained in the area of delivery

123. The training of personnel involved in delivery under the Neonatal Resuscitation Program continues. A total of 15.399 health personnel have been trained on newborn resuscitation since the introduction of the program until the end of 2006.

j. Breastfeeding

124. Under the program to encourage breastfeeding, launched in 1991, the number of Newborn-Friendly Cities has risen to 67, and the number of Newborn-Friendly Hospitals to 546 as of the end of 2006. The results of the 2003 TNSA survey indicate that the rate of newborns that were only breastfed for six months is 20.8%.

B. Children with HIV/AIDS

125. According to Ministry of Health statistics for the years 1985-2006, the total number of children under 15 that were HIV-positive was 51. Over the same period, there were 59 such cases in the 15-19 age group, while the number was 305 for the age group 20-24. Annex 3, Table 33 contains data categorized according to age and sex about all reported AIDS cases and carriers in Turkey. The number of cases where children were infected by their mother with the HIV has been established as 41.

126. There are no children with HIV-AIDS in the Agency's kindergartens, or with foster families. There are also no children who had to become heads of family due to HIV/AIDS, since, under the Laws on the Agency and the Protection of Children, children who lose their parents are deemed as children in need of protection, and are put under the most suitable social service scheme.

127. The change brought to our social security system in 2006, has provided all children with health care and medical treatment. Within this framework, the Ministry of Health provides medical care, counselling and support services to all children within its reach.

C. Adolescent health

128. Several programmes aim at the enhancement of adolescent health in Turkey. In the period 2001-2005, the project on "Development of a Strategy to Meet the Information and Service Needs of Adolescents" in Bursa and Izmir in cooperation with UNFPA and Ministry of Health's Department for Mother and Child Health and Family Planning was launched. A further project on "Adolescent Health and Development" was launched in Adana and Ankara in cooperation with UNICEF. Moreover, a "National Health Service Presentation Model" has been devised and put into practice, which includes the provision of specialized health services for adolescent in designated health centres.

129. As of 2006, a total 37 youth counselling and health service centres were formed under the supervision of the Ministry of Health. The number youth who benefit from these centres between 2003, when work began on the issue, and 2006 was 35.549. Counselling services

include physical and sexual development, psycho-social development, nutrition, physical exercise, alcohol and substance use and hygiene.

130. The Ministry of Education provides counselling and psychological information services, aimed at the psychological, social and cognitive development of adolescents. Counselling and Psychological Advice units are established in schools of all kinds and grades. Information on such services is provided in Annex 3, Table 34.

131. The Ministry of Education restarted an earlier project on “Adolescent Exchange” which seeks to contribute to the development of a healthy and happy generation. Covering sixth and seventh grade pupils in primary schools, their parents and teachers the project is managed with the support of Gazi, Hacettepe, Ankara and Cukurova Universities.

132. The project on the “Development of Health Awareness in Adolescents” was pursued under the coordination of the Ministry of Health in cooperation with the Ministry of Education and UNFPA. Vocational training was given to teachers selected from certain cities on the subject.

133. Centres which were established in 2005 for treatment of substance addiction treatment have provided in-patient treatment to 2.078 people in 2005. Information on the patients in question is provided in Annex 3, Table 35.

134. The 9th Development Plan, covering the period 2007-2013, includes measures which seek to improve the communication between youths and their families, and to enhance the young generation’s sense of belonging in the community.

CHAPTER 7 EDUCATION, LEISURE AND CULTURAL ACTIVITIES

(Articles 28, 29 and 31)

I. RIGHT TO EDUCATION

(Article 28)

135. The principles and objectives of education were indicated in the first report. These principles and objectives are still applicable.

A. Literacy rate

136. As stated in the first report, primary education is obligatory and free for boys and girls in public schools. The duration of education is eight years. As stated in Annex 3, Table 36 there is an increase in literacy rates for children and adolescents when compared with 2001-2006 period. While literacy rate for adolescents was 86.3% in 2001, it increased to 88.1% in 2006 (Annex 3, Table 37). For the age group 6-17, literacy rate is 91,95%. In gender perspective, the rate is 93.33 for girls and 90.48% (Annex 3, Table 37).

B. Students enrolled in primary and secondary education and vocational education

137. In the initial report, detailed information about education and training institutions was provided. Starting with the 2005-2006 education year, duration of the secondary education has been extended to four years and the ninth grade of regular and vocational education has been transformed into one common grade. The preparatory grade has been abolished by unification of foreign language intensive high schools and Anatolian high schools. This report will focus on information concerning children enrolled in education and training institutions. Figures indicate that while the number of new entrees to primary education was 1.293.697 in 2001, it increased to 1.378.236 in 2006. Data on the number of students, who registered in primary and secondary schools and open primary education schools, is presented in Annex 3, Tables 38, 39, 40, 41, 42 and 43.

138. In Turkey, there is only one official education system. The Article 42 of the Constitution and the Law on Unification of Education conclude that the State oversees and monitors education.

139. The Conditional Cash Transfer System aims at enrolment of children of poor families in schools by meeting costs of their education. The system, in a way, acts as a social solidarity mechanism for those families who are financially not able to send their children to schools or whose children had to drop-out of their schools due to similar reasons.

C. Attendance and drop-out rates

140. Tables 44 and 45 in Annex 3 present information on drop-outs and attendance rates concerning primary and secondary schools, together with the open high schools for vocational education. While the drop-out rate in primary education was 1.2% in 2001, it decreased to 0.5% in 2006. Same tendency is observed for secondary school, where drop-out rates were 8.3% for 2001, and 8.0% in 2006. Overall, drop-out rates of boys are higher than those of girls.

D. Teacher-student ratios

141. The data concerning teacher-student ratio in primary education and secondary education is available in Annex 3, Table 46. In order to provide qualified education and equal opportunities for children at primary school age, who live in less populated and comparatively dispersed provinces, as well as for those who continue their education in combined classes, “Transport-Provided Primary Education” is performed. Figures show that 694.329 students were transported to 27.818 schools in 2006-2007 education year. Data on this issue is present in Annex 3, Table 47.

E. Pre-school age children

142. A total number of 640.849 children benefited from pre-school education services at nursery classes and kindergartens of the Ministry of Education in 2006-2007 education year.

143. With a view to extending pre-school education institutions and meeting the deficit concerning the number of teachers; graduates from Departments of Child Development in Vocational Schools for Girls are granted the opportunity to attend Associate Programs and Undergraduate Studies at Anadolu University. In this context, a total number of 44.817 qualified instructors temporarily appointed to pre-school education institutions and 754.111 children from such education.

144. While the number of children who attended pre-school education was 253.513 in 2001, this number increased to 640.849 in 2006. Relevant data is provided in Annex 3, Table 48.

145. In the Ninth Development Plan covering the term 2007-2013, increase in pre-school education rate is targeted to be 50%. In order to achieve this target, comprehensive measures are deployed such as; awareness raising campaigns, one-on-one education, kindergartens for summer and mobile schools, which make use of mass education.

F. Alternative education

146. Children with prolonged illness are able to continue their education in “hospital primary schools”. In these institutions, children continue their treatment while not lagging behind the curriculum. The hospital primary schools are located in hospitals of universities, Ministry of Health and Social Security Institution.

147. The Ministry of Education in cooperation with the EU and the UNICEF launched the “Compensatory Education Project” in order to bring children of the age group 10-14 who have never been enrolled in schools or who quitted education.

148. In accordance with the “Law on Enforcement of Punishments and Security Measures”, child convicts and detainees staying in punishment enforcement institutions are able to benefit from mass education. Detainees kept in prisons, on the other hand, benefit from mass education only.

G. Education aids

a. Education material aids:

149. The Directorate-General for Social Assistance and Solidarity provides education material aids, such as uniforms, schoolbags and stationary to the low-income families whose children attend primary or secondary education, through the Directorate's agencies. While determining the amount to be allocated, the socio-economic development level of the province in question is taken into consideration. Approximately 1.5 million students benefit from education aids annually.

b) Lunch Aid in the Context of Transport-Provided Education

150. In transport-provided education, which was launched with the extension of compulsory primary education to eight years, students receive lunch aids, costs of which are met by the State.

c) Conditional Cash Transfer

151. Conditional Cash Transfer is a monthly support mechanism to poor families, which is conditioned upon sending of children to school. In order to increase the rate of girls enrolled in schools and the rate of their passing from primary to secondary education, higher levels of aid are reserved for girls and students who continue secondary education. For children continuing primary education, 18 TL is allocated for boy/month while 22 TL is allocated for girl/month. Amounts allocated increase up to 28 TL and 39 TL respectively for children continuing secondary education. The cash is granted to mother with a view to strengthening women's status in family and society. The Conditional Cash Transfer system yielded positive results especially in passing of children to secondary education. While the rate of children passing to secondary education in the education year 2003-2004 was around 47 % at average, it was calculated to be 74% among the Conditional Cash Transfer beneficiaries. In the same period, while the rate of girls passing to secondary education was 38.7% at average, it was figured out to be 74.5% among program beneficiaries. These figures underline the overall success of the system.

CONDITIONAL CASH TRANSFER SYSTEM		
Period	Transferred Amount (TL)	Number of Child
2003	1.594.609	59.206
2004	66.768.258	697.307
2005	180.133.679	1.266.331

SOURCE: Directorate-General for Social Assistance and Solidarity

152. The 9th Development Plan aims at meeting needs of especially girls in rural area, children with disabilities and children of low-income families with regard to education and facilitating their access to quality education.

II. CULTURAL ACTIVITIES

(Article 31)

153. In first national report, detailed information related to spending of leisure, resting and playing time as well as involvement of them in activities appropriate to their age and their participation in cultural and artistic life, were presented.

154. Turkish Scouting Federation organizes activities on proper spending of resting and leisure time in their camps, where children are educated on, inter alia, their responsibilities towards their families and ethical codes of living in society.

155. Student societies in schools and universities contribute to social development of children. Local administrations, too, pursue activities in this regard throughout the country.

156. The Ministries of Culture and Tourism (they were unified under one Ministry later on) organized joint activities for raising children's awareness and interest on arts and encouraging their to participation in related activities.

157. Youth Camps of the Turkish Red Crescent Society provides free vacation to children, who are unable to do so by their own means. These camps reinforce social integration and help contribute to increasing the level of social welfare.

CHAPTER 8 SPECIAL PROTECTION MEASURES

(Articles 22, 30, 32, 33, 34, 35, 36, 37 paragraphs (b), (c) and (d), 38, 39 and 40)

I. CHILD REFUGEES

(Article 22)

158. The implementation stated in the initial report is still applicable. Turkey is a party to the Geneva Convention of 1951 and its Optional Protocol of 1967. Our country grants the status of refugee only to asylum seekers from Europe. On the other hand, with humanitarian purposes, Turkey also accepts application for asylum from other regions as well. Studies in cooperation with the United Nations High Commissioner for Refugees (UNHCR) for the passage of these asylum seekers to third countries are currently underway.

A. Implementation

159. A total number of 104 unaccompanied children applied for asylum in 2004-2005. In the same period, 811 children applied for accompanied asylum. It is observed that majority of asylum demands is received from children of Somalia origin. Some of the children who apply for asylum are placed in institutions of the Agency. Data regarding these children are presented in Annex 3, Tables 49 and 50.

B. Right of child refugees to education and health services

160. All health expenses of applicants as well as refugees and asylum seekers bearing status are to be met by themselves. On the other hand, if these people cannot meet said expenses by their own means or through UNHCR and if they are deprived of any social security measures, the State might finance the cost of services they enjoy within the limits of legislation and capabilities.

161. Data regarding children who continue their schools is presented in Annex 3, Table 51.

II. CHILDREN IN ARMED CONFLICT

(Article 38)

SOCIAL RE-INTEGRATION BY PHYSICAL AND PSYCHOLOGICAL TREATMENT

(Article 39)

162. According to article 2 of the Military Service Law, men are eligible to attend military service starting with the first day of January, when he reaches the age of 20 and expires on the first day of January, when he reaches the age of 41. According to article 11 of Military Service Law, in order for being voluntarily enlisted, the person in question should be older than 18. However, in practice, voluntary enlistment is not observed in Turkey. No problem occurs concerning the enlistment of children either.

III. CHILDREN IN CRIMINAL JUSTICE SYSTEM

(Article 40)

A. Judicial proceedings against children under Turkish law

163. The entering into force of the new Turkish Penal Code and Code on Criminal Procedures introduced significant amendments regarding juvenile justice system, which also meet the concerns of the Committee, as set out in the concluding observations document about the first report. Since 2005, a person, who has not turned 18 at the time of crime, is perceived as a child and cases regarding these crimes are being brought before the Juvenile Courts. Hence, the children of age group 15-18 are not anymore tried before the adult courts.

a) Criminal Liability Age

164. The new Turkish Penal Code increased criminal liability age from 11 to 12.

Children of the age group 0-12

According to Turkish Penal Code, the children who are not at the age of twelve at the time of the crime, do not bear criminal liability. Criminal prosecution is not performed in this case. However, certain protective and supportive measures can apply.

Children of the age group 12–15

Discrimination needs to apply to the children of this age group due to the level of their capacity to perceive the legal meaning and repercussions of the acts they conduct and development of their skills in controlling behaviour. Therefore, children, who turned twelve but not completed the age of fifteen at the time of the crime, has no criminal liability. However, special measures can be applied to them. Provided that these children are able to perceive the legal meaning and repercussions of the crime they commit or their skills in controlling behaviour are sufficiently developed, criminal liability do apply. Such children are sentenced to 12 to 15 years imprisonment when their act necessitates aggravated lifetime imprisonment; and from 9 to 11 years imprisonment when the act requires lifetime imprisonment. The sentence for other crimes is halved and the prison sentence for each crime cannot exceed seven years.

Children of the Age Group 15–18:

The children of the age group 15–18 bear criminal liability. However, their sentences are reduced. Children, who turned fifteen but not completed the age of eighteen at the time of crime, are sentenced to 18 to 24 years imprisonment when the crime in question requires aggravated lifetime imprisonment; from 12 to 15 years when the act requires lifetime imprisonment. One-third of sentences for other crimes are decreased and the prison sentence for each crime cannot exceed 12 years imprisonment.

b. Certain situations about children with respect to penalties

165. Apart from what is mentioned above, Turkish Penal Code includes regulations in favour of children.

166. Penalties, which require obligatory short term suspension of freedoms can be executed in form of measures like labouring in works useful for the public order and training, in accordance with Article 50 of the Turkish Penal Code

c. Security measures to be implemented for children

167. Children pushed into crime require special security measures. These measures are stated in article 5 of the Child Protection Law. Protective and supportive measures aim at first and foremost the protection of children in their own family. Judge might decide on taking multiple measures about the child in question. If necessary, supervisory control can also be provided.

d. Rights of the children who are forced into crime and special measures to be applied to them

168. In cases where the child is suspect or defendant, it is obligatory to designate an attorney, in line with the regulations of the Child Protection Law and Law of Criminal Procedures. Children under custody are kept in children's unit of the police station. In stations where there is no such unit, the children are kept separate from the adults under custody.

169. According to national legislation, handcuffing, chaining or putting similar materials on children are prohibited. Decision for arrest cannot be taken for children who have not turned 15, if the upper limit of the penalty that the act in question requires is not more than five years imprisonment. Instead, judicial control measures such as; restricting the right to travel and get into contact with certain persons or institutions can be applied.

170. Decision of arrest can be taken as a last resort, provided that these measures do not yield desired results, or it is understood that they will not; and that the person in question does not obey the measures.

171. If the defendant has not turned eighteen, the hearing is conducted and decision is taken behind closed-doors. The content of the closed-door hearing is not published by any means whatsoever. According to Press Law, it is forbidden to make a broadcast which reveals the identity or enables the recognition of victim or perpetrator of the crime in question, provided that he/she has not turned 18.

172. Measure of conciliation is also applicable for children.

e. Investigation about children who are pushed into crime

173. Police and gendarmerie perform procedures, other than taking the testimony of the child. Custody period cannot last for more than 24 hours and immediately an attorney is designated to the child. Implementation in this field is in complete harmony with the law. The investigation about the child pushed into crime is performed by the public prosecutor in person. During taking of the testimony or other necessary procedures, a social worker might escort the child. Public prosecutor, if necessary, can request protective and supportive measures from the judge during the investigation.

h. Execution of penalties and security measures

174. Relevant institutions are as follows:

Child Prisons: Children detainees and children, who cannot be kept in Houses for Education due to level of discipline and other reasons, are kept in such prisons. They have precautionary measures to prevent prison break. Children of the age group 12-18 are sheltered in separate units of these institutions, taking into consideration their gender and physical development. In places where no child prisons exist, children are kept in child sections of regular prisons.

Houses of Education for Children: These institutions are facilities which operate on the basis of the principle “education instead of punishment”. In these institutions child convicts are trained with a view to making them gain profession and re-integrating them with the society. There are no physical blocks for preventing children’s escape from these institutions. The security of the institution is provided by the interior security officers with means of monitoring only. Children who have turned 18 and who continue education and training programs within or outside these institutions can be allowed to stay in these Houses until they turn 21, in order for them to complete their education. With the exception of those about whom arrest warrant is issued and those in the scope of article 11, the child convicts in these Houses are not transferred to child prisons.

B. Data on judicial proceedings

a. Children who are brought to security units by the Child Police upon the suspicion of having committed a crime

175. The organization of the Directorate-General for Security has been renovated in line with the national legislation and the Convention on the Rights of the Child, for providing more effective protection to the children.

176. In this regard, “Sections for Protection of Minors” were changed into “Child Sections”. Similar changes were brought to Departments for Protection of Minors. The said Sections and Departments took over the responsibilities of their predecessors and are also authorized to pursue investigations of children under the suspicion of having committed a crime. There are Child Sections in each and every town and Child Departments in all counties. Police officers and commanders who complete the two-week-long training start working as child police. As of December 2006, 3484 child police officers are on duty.

177. The number of children who are arrested by the police is provided in Annex 3, Table 52. The numbers show a sharp increase throughout the years. While the number of children brought to police stations was 13.309 in 2001, this number increased to 70.395 in 2006.

178. The number of children, who were subjected to legal proceedings upon the suspicion of having committed a crime in between 2002-2006 in the Responsibility Zone of the Gendarmerie, is presented in Annex 3, Table 53. It is understood that the number of children forced into crime increase dramatically in 2001- 2004 and decreased in 2004-2006. It is evaluated that this decrease took place as a result of the increasing immigration flow from rural to urban area and entering into force of the new Turkish Penal Code in 2005, as well as the Misdemeanour Law, which regulates certain public order crimes as misdemeanour.

b. Cases with legal or other kind of support

179. In Turkey, It is obligatory to designate an attorney to a defendant child who is in breach of the law, within the scope of legal support. Since 2002, Centres for Rights of the Child have been established in bars of major cities, such as Ankara, Istanbul and Izmir. These centres provide voluntary legal support to the victim child as well. With an amendment to the Law on Criminal Procedure in 2005, it is made obligatory to designate a free attorney for the victim child, like the defendant one. According to the data obtained from said centres of bars of metropolitan cities, attorney appointment for 2.761 victim children and defence lawyer appointment for 41.445 defendant children was performed by the Diyarbakir Bar in between

2001-2006. These figures are 28.881 and 289.037 for the Bar of Istanbul and 250 and 300 for Bar of Antalya respectively.

180. The studies to establish “Centres for Protection, Care and Rehabilitation” for children who are pushed into crime and who are in need of assistance are conducted, within the framework of the Child Protection Law, by the Agency. Up to date, two of such centres have been opened in Izmir and Kocaeli, each with total capacity of 50 boys.

c. Cases decreed in Juvenile Courts

181. The number juvenile courts, which was insufficient during the period of the first National Report, has been increased to 77, consisting of 13 Juvenile Aggravated Sentence Courts and 64 Juvenile Courts, in this reporting period.

182. Numeric information related with decisions taken for children in juvenile courts is presented in Annex 3, Table 54. While the children at age group 15-17 were heard in adult courts before 2004, they started being heard in juvenile courts since 2004. The table reflects this shift.

d. Children who attend special education program of House of Education

183. According to Law No: 5275 on Enforcement of Criminal and Security Measures”, published in official gazette on 29.12.2004, the name “Borstal” was renewed as “Houses of Education for Children”. The number of children accessing the services of these Houses is provided in Annex 3, Table 55.

e. Children who commit repeated crime

184. According to data obtained from the Ministry of Justice’s Criminal Records and Statistics Directorate, in 2004 only 21 of 205 imprisoned children belonging to the age group 12-15 committed repeated crime, while the number is 385 (out of 2701) for the age group 16-18. In 2005, 15 of 218 imprisoned children of the age group 12-15 committed repeated crime. The number is 268 of 2113 for the age group 16-18.

C. Measures and Punishment Applicable to Children

185. The taking of children into custody cannot last longer than 24 hours. It should be stated that 24 hours is the top limit for custody. The person in custody must be transferred to relevant institutions whenever the legal transactions are completed.

186. As of 2006, 133 Probation officers execute probation decisions taken for children. Thanks to this mechanism, children who are pushed into crime, complete their periods of punishment by fulfilling their legal obligations, as defined by the Court, without being separated from their families and social environment. In 2006, 3773 probation decisions were taken.

187. Data on the number of children who stay in Houses of Education is provided in Annex 3, Table 56. Figures regarding the stay period of children in these Houses can be seen in Annex 3, Table 57. The number of children staying in these institutes shows decrease by years. Upon the entry into force of Child Protection Law in 2005 and by the application of supportive and protective measures, rulings of the juvenile courts limiting the freedom of the child took a downward slope. Data regarding children who stay in prisons is shown in Annex 3, Table 58. The imprisonment periods of children on average can be accessed in Annex 3, Table 59.

188. The convicted children are delivered to Houses of Education for Children. There are three of such Houses in Turkey (Ankara, Izmir, Elazig).

189. The data on children who stay in child units of prisons is available in Annex 3, Table 60.

190. Data on children, who are found guilty by a court and whose sentences are suspended or who are imposed a penalty except for the restriction of freedom, as well as those who are convicted by a court and imposed the penalty of imprisonment is provided in Annex 3, Table 61.

191. Data on the reported events concerning children who were subjected to abuse and ill-treatment during arrest, custody and imprisonment is not available.

IV. ECONOMIC EXPLOITATION OF CHILDREN, INCLUDING CHILD LABOUR

(Article 32)

A. Children under the minimum working age employed as child labourers

192. Turkey continued its efforts to prevent child labour. In this respect, “Time Dependent Policy and Programme Framework for Preventing Child Labour” was prepared by the Ministry of Labour and Social Security’s Directorate-General for Working Children in cooperation with the International Labour Organization, in line with the latter’s Convention no: 182, with the participation of all relevant institutions and organizations. The program sets “children working in streets, in difficult and dangerous jobs at small and medium scaled enterprises, in paid mobile and temporary agricultural labour except those within the family” as its main target groups.

193. With the said document, The Republic of Turkey aims at preventing the worst forms of child labour in a 10-year time period (2005-2015) by making use of comprehensive measures such as eliminating poverty, increasing the quality of and access to education and launching awareness raising campaigns.

194. Since 2005, ten projects have been performed covering 20 cities (Istanbul, Kocaeli, Bursa, Izmir, Sinop, Kastamonu, Cankiri,, Ankara, Corum, Adana, Antalya, Ordu, Elazig, Diyarbakir, Gaziantep, Sanliurfa, Erzurum, Van, Batman, Mardin), where child labour is observed comparatively more intensive than in the other cities. These projects contributed to the overall goals of the “Time Dependent Policy and Programme Framework for Preventing Child Labour”.

195. The said projects reached out about 25.000 employed children and those placed in the risk group. They played an instrumental role in directing them to education.

196. Studies are underway to align our national legislation with the ILO Conventions no: 138 and 182, to which we are party, as well as the EU Directive no: 94/33 EEC.

197. In this context, “Action Plan to Increase the National Capacity in Combating Child Labour” was launched by the Ministry of Labour and Social Security within the scope of ILO’s International Programme to End Child Labour.

198. The Ministry of National Education has carried out significant efforts to bring in those children who are employed or placed in the risk group. Since 1997, a remarkable decline is being witnessed in child labour with the introduction of eight-year compulsory education system. In the framework of “Initiative for Directing Working Children to Education”, “From Land to Schools” and “Prevention of Child Labour in Seasonal Agriculture Works” projects, more than 10.000 children were reached out.

199. The efforts for preventing child labour yielded positive results, which are reflected in the statistics. According to the results of Turkish Institute for Statistics’ children labour force research; while the number of employed children aged between 6 and 17 (agriculture, industry, trade, service) was 2.269.000 (15.2%) in 1994, it decreased to 1.630.000 (10.3%) in 1999, and to 958.000 (5.9%) in 2006.

200. Turkey was chosen one of the three countries which combat most effectively with Child Labour, at the special session of the ILO’s General Assembly, convened in Geneva in June 2006 with the participation of Ministers of Labour of 189 countries.

201. The implementation of the legislation on work life is primarily monitored by Labour Inspectors of the Ministry of Labour and Social Security. It should be noted that complaints received on child labour is paid primary consideration. Review reports in this field are prepared annually and submitted to the International Labour Organization within the framework of ILO Convention no: 81. On the other hand, officers such as the police, gendarmerie, and constabulary intervene in the cases concerning the worst forms of child labour and those which fall out of the authority of Labour Inspectors. Moreover, families who forcibly make their children work are brought before the Court. If the parental rights of the people concerned are annulled, their children are placed under the protection of the Agency.

202. Labour Inspection Directorate monitors the work conditions of children in the context of regular review programs and takes legal precautions. Within this scope; 54430 inspections were conducted in 2003 and as a result 1200 child workers and 2266 apprentices were found out. The numbers were figured out as 3843 and 3750 respectively in 2004 (48948 inspections); 1604 and 3807 in 2005 (62369 inspections). In all cases, legal procedures were applied.

203. Children Labour Force Research and Household Labour Force Survey were carried out in October, November and December 2006. The research covered children between 6 and 17 years of age and a total number of 28.978 children were interviewed. The following paragraphs summarize the findings of this survey.

204. The number of children at age group 6-17 was calculated to be around 16.264.000 toward the end of 2006. Children in this age group make up the 22.3% of the non-institutional civil population. 60.9% of these children live in urban areas, whereas 39.1% of them are in rural areas. While 84.7% of these children are enrolled in schools, 15.3% of them are not. 58.8% of the latter are girls.

205. 5.9 % of children in age group 6 - 17 are employed (958.000). 47.7% of the employed children between 6 and 17 years of age live in urban areas, while the rest live in rural areas. 66% of these employed children are boys.

Table 1- Indicators on Child Labour Force (Thousand people)

	October 1994	October 1999	October-November- December 2006
Non-institutional Civil population	59.736	65.422	72.957
Age group of 0-5	8.469	7.930	8.479
Age group of 6-17	14.968	15.821	16.264
Employment (Six years of age and older)	20.984	22.124	22.963
Employment (6-17)	2.269	1.630	958
Employment rate (6-17)	15,2	10,3	5,9
Urban	611	478	457
Rural	1.659	1.151	502
Girl	898	675	326
Boy	1.372	955	632
Agriculture	1.510	990	392
Non-agricultural	759	640	566
Paid	648	617	513
Employer or on his/her own means	52	28	26
Non-paid family Labourer	1.570	985	420

Source: Turkish Institute for Statistics, Child Labour Force Statistics

Note: The results of the Survey on Child Labour Force conducted in 1994 and 1999 were revised in line with those of 2000 General Population Census.

206. While 31.5% of working children go to school, 68,5 % of them do not. Among children who continue education, 2.2% in age group 6-17 work in a job. For the same age group, 26,3% of children who do not pursue education, are employed. 41% of working children are employed in the agricultural sector (393.000) while 59% of them work in other sectors (565.000). 53% of working children receive salary or daily wage; 2.7% work on his own means or is an employer, and 43,7% are employed as a domestic worker without receiving any payments. 43.1% of children between 6 – 17 years of age are engaged in house work. 61.2% of approximately seven million children, who express that they help their family in house work are girls (4.289.000). 42.8% of children who are enrolled in schools help in house works. This figure rises to 44.4% for the ones who do not continue education.

207. When children employed in housework are compared on the basis of implementation periods, the variations in the composition of the questions addressed to them should be taken into consideration for a sound elaboration. While the data in this field were obtained with one single question in 1994 and 1999, in 2006 research, children were questioned by expressing all aspects of house work. It is understood that reminding children house works one by one, thereby, minimizing possible errors arising from child's memory, generated more positive replies. Hence, although the number of children employed in house work seems to have increased in 2006, it would not be rational to express the net increase in the number of children employed in such a way or to make an absolute comparison for this variable on the basis of implementation periods. Furthermore, it should be stated that there is no time criteria concerning house work and that children who are employed in house work for one hour or more in a week were included in the total number. While 74.4% of children who state that they help their families' in house work are engaged in these works for less than seven hours a week, 15.2% of them state that they do for 8 to 15 hours.

B. Basic Cost-Free Education and Vocational Training

208. The Agency has pursued the services it provided to the children working and living on the streets through 44 Centres and eight observatories as of late 2006. These figures mark a sharp increase from those of 1997, when there was only one Centre dealing with these children. The number of children benefiting from the Agency's assistance in these Centres was 9114 in 2006.

209. A committee consisting of Ministers of Interior, Health, National Education and Justice, under the coordination of the State Minister for Woman and Family Affairs was launched in 2004. The Committee aims at channelling of children who live and work in the streets to education, directing them to their families or child-care institutions, as well as making the ones who completed their rehabilitation and education gain an occupation. The Agency prepared a new service model upon the instructions of the Committee.

210. In the framework of a Protocol signed between the Agency and the Representation of the International Labour Organization in Turkey, a project was conducted in 13 cities (Adana, Ankara, Antalya, Bursa, Corum, Diyarbakir, Gaziantep, Istanbul, Izmir, Kocaeli, Sanliurfa,

Batman, Mersin) aiming at directing the children working on streets to education and preventing the children in risk group from working. Up to date, 3680 children in the risk group and 1991 children working on streets were directed to education. Also 3000 families were provided with counselling and social support services. Data concerning this project is available in Annex 3, Table 62.

V. Drug and Substance Addiction

(Article 33)

211. There is no data available concerning all drug addict children. Nevertheless, 88 schools were visited in 2003 in the context of the survey conducted in six major cities (Adana, Ankara, Diyarbakir, Istanbul, Izmir and Samsun) by the United Nations Office on Drug and Crime (UNODC) on the basis of Europe School Survey Project on Alcohol on Other Drugs (ESPAD). This section examines the data about the use of addictive substances, alcohol and smoking among the youth gathered upon the very statements of them, at scales of lifetime, as well as last 12 months and last 30 days before the date of the research. More than half of the surveyed students stated that they smoked. Two striking results were achieved about smoking: 18% of the students said that they smoked cigarettes once or twice, 13% stated that they smoked more than 40 cigarettes. Less than half of the surveyed students stated that they consumed alcoholic drinks. Although most of the children expressed that they experienced drinking alcohol, 20% stated that they got drunk once or twice. The substances most used among students were stated as marijuana and volatiles respectively. These substances are followed by non-prescription anabolic steroids, anodynes or sedatives and ecstasy. More than five percent of the students stated that they used anodynes as monitored by their doctors. In addition, most of the children declared that they used these substances for less than three weeks. Alcohol use rate for all children in the last 12 months is around 35%. In this case too, rates concerning boys are higher than those concerning girls. Similarly, 16% of the students stated that they got drunk once or twice in the last 12-month period. Among the substances which were stated to be used in this period, marijuana was consumed by more than three percent of the students; while volatiles were used more than two percent of them. Here again, boys' rate is higher than that of girls. Regarding substance use except marijuana and volatiles, less than one percent of the students surveyed expressed that they did use these substances in the last 12 months. The ratio concerning the use of alcohol, drugs and smoking in last 30 days

can be evaluated together with those concerning children who tried them for the very first time and who use them at a permanent scale. According to information provided by the latter survey on alcohol use in 30 days, almost 20% of the students (in total 10%) expressed that within this period they took alcohol once or twice. More than 15% of the children stated that they drunk more than five different drinks at one occasion (at a party etc), 8% of them stated that in a 30-day period before being interviewed, they got drunk once or twice. Most of the children answered the question about daily smoking for the last 30 days by replying that they smoked 1 - 5 cigarettes. The second highest reply is 6 - 10 cigarettes daily. About marihuana and volatiles use, more than two percent of the students replied that they used these substances in the said period. The rate of other substances used by the students in the last 30 days is close to one percent. In addition, Turkey became a member of European Monitoring Centre for Drugs and Drug Addiction. Detailed data on this issue will be provided in the next national report.

212. The total inpatient bed availability of substance addiction centres in Turkey is 483. Of 2078 people, who applied for inpatient treatment to these centres in 2005, 1023 used opiates, while others were addicted with cocaine (75), drugs (105), hypnotics and sedatives (65), volatiles (271), cannabis (440), and other substances (29). Speaking of the age of first use, it is 271 for people under 15 years of age, 654 for the age group 15-19. Out of 20 children under the age of 15, who applied for inpatient treatment, one was 11, two were 12, four were 13 and 13 were 14 years old. On the other hand, all of such children are boys and 16 of them live with their families, three of them are accommodated in child-care institutions while one of them live in an unstated place. 17 of these 20 children are addicted to volatiles, while three of them with cannabis. Three of these children expressed their age of first use as 10, two of them as 11, four of them as 12, eight of them as 13 and three of them as 14. Nine of them stated that they used substance every day, seven of them replied as 2 - 6 days a week, three of them indicated their consumption rate as less than a day in a week, and one of them expressed that he or she did not use substances in the last month before the date of the interview.

213. The Turkish Centre for Monitoring Drug Addiction (TUBİM) accelerated its training and awareness raising activities within the framework of fight against the use of drugs. In 2006, a total number of 1016 training activities, which were organized in line with the “National Plan and Strategy Document on Drug Addiction”, provided information to 178521 people,

comprised of 7166 teachers, 127640 students from all levels, 15519 students' parents, 10891 NGO members, 5926 civil servants and 6535 private sector employees.

VI. Sexual exploitation, sexual abuse and human trafficking

(Article 34)

214. The decision of the Council of Ministers regarding the free treatment of victims of human trafficking entered into force on January 20, 2004. Temporary residence allowance is granted to these victims for their stay in Turkey during the period of treatment, care and legal proceedings. In line with Article 80 of the Turkish Penal Code, all victims of human trafficking, including children, receive free physical and psychological counselling services from the Ministry of Health. According to data provided by the Foreigners, Border and Asylum Department of the Directorate-General of Security, the number of child victims of human trafficking per years is 1 in 2004, 6 in 2005 and 14 in 2006. All child victims were provided with rehabilitation services during their stay. The rehabilitation of girl victims who were exposed to commercial sexual exploitation has been executed by the Agency together with the Istanbul Taksim and Bahcelievler Children and Youth Centres and Intermediate Station Centres of the Izmir Buca Girls' Orphanage and Mardin Musa Cihaner Orphanage. The services in Intermediate Station Centres were launched in 2006 and their total capacity is 22. Detailed data is provided in Annex 3, Table 63.

215. Data on the number of finalized cases on crimes committed against children, such as commercial sexual exploitation and sexual abuse, is provided in Annex 3, Table 64.

216. Data obtained from the General Command of the Gendarmerie about kidnapped children for reasons including child labour can be found in Annex 3, Table 65.

217. Data has been collected from relevant institutions concerning execution officials trained on preventing child trafficking and respect for the dignity of child.

218. Staff of Child Centres of the Gendarmerie as well as the Non-Commissioned Child Protection Officers of seven Provincial Gendarmerie Commands took "the Course on Preventing Child Crimes" in 2003-2006. These courses provided information on national and

international legislation, the concept of child, child development, child abuse, drug addiction, child crimes committed through the Internet, cooperation with relevant institutions, child protection, and preventing child crimes.

219. In the framework of “Project on Improvement of Training Programmes for Directors and Enforcement and Protection Officials Dealing with Children in Prisons and Detention Houses” by the Ministry of Justice, relevant personnel were provided with training concerning respect for dignity of the child.

220. The enforcement protection officers are subject to orientation programmes of the Ministry of Justice before taking office. These programmes also include international conventions covering respect for dignity and rights of children.

221. Eight personnel of the Coat Guard Command were trained in 2006 on struggle against human trafficking with a child perspective.

222. Child Police is provided with in-service training on issues related to national and international legislation, child development and psychology, communication with children and social service.

223. As a result of operations conducted by the Interpol-Europol-Sirene Department of the Directorate General of Security, under the coordination of the General Secretariat of the Interpol, significant results have been achieved in efforts about prevention of child pornography committed in the international sphere and perpetrators were handed over to justice. Studies and researches in this field are carried out meticulously.

CHAPTER 9 OPTIONAL PROTOCOLS TO THE CONVENTION ON THE RIGHTS OF THE CHILD

224. The country report regarding the Optional Protocol on Involvement of Children in Armed Conflict was prepared and submitted to the Committee in 2007.

225. The country report prepared regarding the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography as well as the Concluding Observations of the UN Committee on the Rights of the Child were shared with relevant institutions and organizations in order to raise awareness on the issue. In addition, said texts are published on the Agency's website. Besides, a course on the Optional Protocol is included in the curriculum of the in-service training programmes on the rights of the child.