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## Convention on the Rights of the Child

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### COMMITTEE ON THE RIGHTS OF THE CHILD

#### Forty-second session

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

#### Concluding observations: Turkey

1. The Committee considered the initial report of Turkey (CRC/C/OPSC/TUR/1) at its 1129th meeting (see CRC/C/SR.1129), held on 17 May 2006, and adopted at its 1157th meeting, held on 2 June 2006, the following concluding observations.

#### A. Introduction

2. The Committee welcomes the submission of the State party's initial comprehensive report and its timely and comprehensive response to the list of issues (CRC/C/OPSC/TUR/Q/1). The Committee appreciates the frank and constructive dialogue held with the delegation.

3. The Committee reminds the State party that these concluding observations should be read in conjunction with its previous concluding observations, adopted on the State party's initial report on 8 June 2001 contained in CRC/C/15/Add.152.

#### B. Positive aspects

4. The Committee notes with appreciation:

(a) The amendments to the Penal Code (Act No. 5237) and the Criminal Procedure Code (Act. No. 5271), which entered into force on 1 June 2005;

(b) The Child Protection Law (Act No. 5395), which entered into force on 3 July 2005, aimed at integrating international standards into the procedures and principles regarding children in the need of protection;

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(c) The designation of the General Directorate of Social Services and Child Protection Agency as the Coordination Organization responsible for the monitoring and implementation of the provisions and principles of the Convention of the Rights of the Child, and thus also its Optional Protocol;

(d) The establishment of a National Task Force to Combat Trafficking in Human Beings, and the adoption of a National Plan of Action adopted in 2003;

(e) The amendments to the Constitution allowing for direct application of the Optional Protocol to domestic legislation;

(f) Training activities undertaken by the State party in order to enhance the awareness of the issues covered by the Optional Protocol.

#### C. Principal areas of concern and recommendations

##### 1. General measures of implementation

##### Coordination and monitoring of the implementation of the Optional Protocol

5. While noting the role of the General Directorate of Social Services and Child Protection Agency as the Coordinating Organization, and as having the responsibility of the monitoring and implementation of the provisions and principles of the Optional Protocol, the Committee remains concerned that the coordination and monitoring activities undertaken are insufficient.

**6. The Committee encourages the State party to strengthen the coordination and monitoring activities, at both central and local levels, in order to create a systematic and coherent approach to address the issues covered by the Optional Protocol, and to use such coordination also for strategy and policy development.**

### **National Plan of Action and budget**

7. The Committee welcomes the National Plan of Action on Combating Trafficking in Human Beings, but remains concerned that this Plan does not cover all issues referred to in the Optional Protocol, and that there is no specific Plan of Action on sale of children, child prostitution and child pornography.

**8. The Committee recommends that the State party strengthen its efforts to develop, adopt and implement, in consultation and cooperation with relevant partners, including the civil society, a national plan of action on the issues referred to in the Optional Protocol, including activities with regard to prevention and rehabilitation.**

9. The Committee also welcomes the existence of a National Plan of Action for the use of the Internet 2005-2015 and a draft law on cybercrime, but lacks information regarding the implementation of and measures foreseen in this plan for the prevention of dissemination of child pornography via the Internet.

**10. The Committee recommends that the State party provide specific information in its next report about the implementation of the National Plan of Action for the use of the Internet, in particular its impact on the prevention of dissemination of and access to child pornography, and about progress made in the adoption and implementation of the draft law on cybercrime.**

11. While noting the information provided on budgetary techniques and resource allocation, the Committee is concerned that the Plan of Action on Combating Trafficking in Human Beings lacks direct budgetary allocations for its implementation, and that therefore the implementation of this Plan depends on allocations of the necessary financial resources, if they are available, from budgets of different State institutions.

**12. The Committee encourages the State party to provide this Plan of Action with its own budget and that it be adequate for the implementation of activities under this Plan, and to make every effort to ensure that future plans of action also will be provided with their own budgets.**

### **Dissemination and training**

13. While noting the efforts to organize training activities for numerous professional groups, the Committee is concerned that awareness-raising efforts about the issues referred to in the Optional Protocol, both to the public and to State officials and sectors of the public administration such as security, social services, education and health, remain insufficient.

**14. The Committee recommends that further resources be dedicated to awareness campaigns and also to the development of training materials and training courses, with a view of establishing systematic training programmes for civil servants responsible for the implementation of the Optional Protocol. In addition, the Committee recommends that the State party make the provisions of the Optional Protocol widely known, particularly to children, through, inter alia, school curricula.**

### **Data collection**

15. While appreciating the information in the State party's responses to the list of issues on the number of child victims of human trafficking, the Committee remains concerned about the lack of information on the actual situation and the practical implementation of all issues referred to in the Optional Protocol, i.e. through disaggregated data (according to age, sex and minority group) and research on the prevalence of the sale of children, child prostitution and child pornography throughout the country.

**16. The Committee recommends that the State party ensure that in-depth research is undertaken into issues referred to in the Optional Protocol, and that data, disaggregated inter alia by age, sex, minority group, are systematically collected and analysed, as they provide essential tools for measuring policy implementation.**

## **2. Prohibition of the sale of children, child pornography and child prostitution**

### **Existing criminal or penal laws and regulations**

17. The Committee notes that provisions on the sale of children, child prostitution and child pornography have been recognized and included in the Penal Code and that the amendments to the Penal Code of 2005 provide for, inter alia, more effective sanctions and more elaborated aggravating circumstances with respect to crimes related to the sale of children, child prostitution and child pornography. However, the Committee notes that some remaining gaps have been identified in the national normative framework, in particular those regarding, as underlined by the State party, child pornography on the Internet.

**18. The Committee encourages the State party to consider amending existing legislation and/or adopting specific legislation, to strengthen the provisions regarding crimes on the Internet as to also include direct references to child pornography.**

**19. The Committee urges the State party to strengthen the legislative framework by the ratification of the Council of Europe Convention on Cybercrime, 2001 and the Convention on Action against Trafficking in Human**

Beings , 2005.

### **Implementation of new laws**

20. The Committee notes the amendments to the Penal Code and the Criminal Procedure Code that strengthened the legal framework regarding offences referred to in the Optional Protocol. To that end, the Committee requests that the State party provide in its next report an evaluation of the implementation and use of the strengthened legislation with regard to the sale of children, child prostitution and child pornography, including the measures taken to review the provisions mentioned in paragraphs 17 and 18 above.

### **3. Protection of the rights of child victims**

#### **Measures adopted to protect the rights and interests of child victims of offences prohibited under the Protocol**

21. The Committee is concerned at the reported increase of cases of sexual exploitation of children. The Committee is also concerned that there is no inclusive information available and neither systematic monitoring nor complaints mechanisms in place as such thus making the reasons and extent of the root causes and ensuing problems difficult to address.

**22. The Committee recommends that the State party take all necessary measures to ensure effective monitoring and the presence of an independent complaints mechanism in order to effectively address all issues covered by the Optional Protocol. With respect to complaints, such mechanisms should also be easily accessible to children.**

23. The Committee notes the new Child Protection Law (Act. No 5395), which entered into force in July 2005, and thus the efforts made by the State party to address the concerns identified regarding the legal framework around children involved in criminal procedures.

**24. The Committee encourages the State party to take all necessary measures to ensure the implementation of the new Child Protection Law and to ensure that the rights and interests of the child victims of offences prohibited under the Optional Protocol are protected at all stages of the criminal justice process. In this respect, the State party should be guided by the United Nations Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (Economic and Social Council resolution 2005/20).**

25. The Committee notes the information in the State party report on the services, provided by a number of different service providers, available to child victims of offences prohibited under the Optional Protocol. The Committee is, however, concerned that these services may not always be provided in a systematic and all inclusive manner throughout the country, nor is it clear to the Committee who is responsible for such services and what regulations are guiding the service providers.

**26. The Committee requests that the State party provide in its next report more detailed information on such services, including free legal aid, medical and qualified psychological attention, access to shelter or temporary residence, etc., as well as on which governmental institution is responsible for such services, and on modalities for cooperation with non-governmental organizations (NGOs) in this respect.**

**27. The Committee also encourages the State party to seek means to expand the services of the helpline of the General Directorate of Social Services and the Child Protection Agency in order to reach out to marginalized communities and rural areas. In this regard, the Committee further encourages the State party to collaborate with NGOs and the telecom services.**

### **4. Prevention of the sale of children, child prostitution and child pornography**

#### **Measures adopted to prevent offences referred to in the Optional Protocol**

28. The Committee is concerned about the lack of public discussion on the issues of the sale of children, child prostitution and child pornography, and that the awareness regarding these issues among the public at large is still very limited.

**29. The Committee encourages the State Party to undertake all necessary measures, including awareness-raising campaigns, in collaboration with the civil society, in order to sensitize the general public as a whole on the issues referred to in the Optional Protocol, and in particular to undertake further preventive measures adapted and focused on children and to pay special attention in this regard to children from vulnerable groups.**

30. While noting the establishment of the Psychosocial Prevention, Protection and Response Unit and its Teams throughout the country, in order to enhance psychosocial prevention and protection in situations of, inter alia, exploitation, violence and abuse, and the Urgent Action Plan of the Government, which includes actions to be taken for the prevention of child labour, the Committee is concerned about the lack of information with regard to the impact of these activities.

**31. The Committee recommends the State party provide specific and disaggregated information on the activities and services of the Unit and the Teams mentioned above and on the implementation of the Urgent Action Plan, specifically actions taken under this plan to prevent and combat child prostitution and other forms of sexual exploitation.**

### **D. International assistance and cooperation**

## **Law enforcement**

32. The Committee notes the State party's efforts to strengthen its cooperation with various international and regional intergovernmental and non-governmental organizations covering various aspects of the Convention on the Rights of the Child. The Committee regrets, however, the lack of information on regional and, in particular bilateral, arrangements, for the prevention, detection, investigation, prosecution and punishment of those responsible for acts involving offences referred to in the present Optional Protocol.

**33. The Committee encourages the State party to engage further in regional and bilateral judicial and police cooperation, in training and in awareness-raising activities in relation to the sale of children, child prostitution and child pornography, and to provide more detailed information in this respect in the next report.**

## **E. Follow-up and dissemination**

### **Follow-up**

34. The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, inter alia, by transmitting them to the members of the Council of Ministers or the Cabinet or a similar body, the Parliament, and to provincial or State Governments and Parliaments, when applicable, for appropriate consideration and further action.

### **Dissemination**

35. The Committee recommends that the report and written replies submitted by the State party and related recommendations (concluding observations) adopted be made widely available, including (but not exclusively) through the Internet, to the public at large, civil society organizations, youth groups, professional groups, and children, in order to generate debate and awareness of the Convention, its implementation and its monitoring.

### **F. Next report**

36. In accordance with article 12, paragraph 2, the Committee requests that the State party include further information on the implementation of the Optional Protocol in its next periodic report under the Convention on the Rights of the Child, in accordance with article 44 of the Convention.

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