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Geneva, 27 October 2005

Dear Mr. Independent Expert,

I refer to your letter of 22 March 2004 concerning the questionnaire regarding violence against children and wish to bring to your kind attention the response from our authorities to the questionnaire.

Please accept, Mr. Independent Expert, the assurances of my highest consideration.

Türkecul KURTTKIN
Ambassador
Permanent Representative

Encl:1

Mr Paulo Sergio Pinheiro
Independent Expert
Secretary-General's Study on the question of
violence against children

OHCHR REGISTRY

28 OCT. 2005

Recipients : J.G.....
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**QUESTIONNAIRE FOR GOVERNMENTS
RELATED WITH THE STUDY OF
UNITED NATIONS GENERAL SECRETARIAT
REGARDING VIOLENCE
AGAINST CHILDREN**

I - LEGAL FRAMEWORK

International Human Rights Instruments

1. Turkey is party to the following international instruments upholding the protection of children.

- European Convention on the Exercise of Children's Rights,
- The United Nations Convention on the Rights of the Child,
- Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography,
- Convention Concerning the Powers of Authorities and the Law Applicable in Respect of the Protection of Minors,
- Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor,
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime.

Taking into consideration the best interests of children in cases where children are employed in crimes or crimes against children or crimes committed by children, the new Turkish Penal Code No. 5237 and the Code of Criminal Procedures No. 5271, which entered into force on 1 June 2005, have been prepared in accordance with the standards and principles

enshrined in the abovementioned international documents.

Legal Provisions on Violence Against the Children

2. a) Constitution:

Article 41 of the Constitution stipulates that the State shall take necessary measures for the protection of children and family.

Article 17 of the Constitution states that everyone has the right to life and the right to protect and develop his/her material and spiritual entity.

Article 17 of the Constitution further envisages that no one shall be subject to torture or ill-treatment, and no one shall be subject to penalty or treatment incompatible with human dignity.

b) Legislation and subsidiary legislation:

Articles 1 and 2 of the Law on the Protection of the Family No. 4230 have introduced new civil and criminal legislative provisions for the protection of the children who are subject to violence in family.

Law on Establishment, Duties and Procedures of Juvenile Courts No. 2253 contains special provisions for the prosecution of children and for the protection of children in need of support.

Taking into consideration the provisions of the Constitution and the international instruments upholding children's rights to which Turkey is party, the new Turkish Penal Code No. 5237 has introduced protective provisions for children who are employed in crimes, or who are victims of crimes or commit crimes. In this framework the following articles of the Turkish Penal Code contains provisions to that effect:

- Article 6 (definition of child for the purposes of the provisions of the Turkish Penal Code)
- Article 31 (special provisions for criminal liability of children)
- Article 33 (provisions applicable for children who are deaf and mute)
- Article 43 (concurrent sentences in respect of sexual abuse of children)
- Article 50 (alternative sentences for short-term imprisonment)
- Article 51 (suspension of sentences on imprisonment)
- Article 56 (security measures specific to children)
- Article 58 (repetition of crimes and special dangerous crimes)
- Articles 66, 68 (statute of limitations)
- Article 76 (genocide)
- Article 77 (crimes against humanity)
- Article 80 (human trafficking)
- Article 82 (aggravated murder)
- Article 87 (willful injury)
- Article 89 (unintentional injury)
- Article 90 (experiments on human beings)
- Articles 94, 96 (torture and torment)
- Article 97 (desertion)
- Articles 99, 100 (abortion)
- Article 103 (sexual exploitation of children)
- Article 104 (sexual intercourse with those under age)
- Article 105 (sexual harassment)

- Article 109 (depriving a person from his/her liberty)
- Article 112 (forceful prevention from education)
- Article 226 (obscenity)
- Article 227 (prostitution)
- Article 228 (providing facility for gambling)
- Article 229 (begging)
- Article 231 (changing the link of relations of a child)
- Article 233 (breach of obligations arising from family law)
- Article 234 (abduction and keeping hold of a child)

Articles 45 and 63 of the Regulation on the Establishment, Duties and Powers of the Gendarmerie entrust the gendarmerie forces with the preventive security task to support those children or minors in need of protection and those who request for such support.

As for the legislation concerning matters under the responsibility of the Ministry of Employment and Social Security, paragraph II/b of Article 24 entitled "Worker's right to immediate termination on justified grounds" of the Labor Law No. 4857, Article 71 entitled "Employer's right to immediate termination on justified grounds" of the same Law, and Article 11 of the Regulation on the Procedures and Principles of Employment of Children and Young Workers provide for protective measures. Furthermore, Article 104 of Labor Law entitled "Violation of provisions concerning labor regulations" provides for penalties for violations of Article 71.

As per paragraph II/b of Article 24 entitled "Worker's right to immediate termination on justified grounds" of the Labor Law No. 4857, "If the

employer makes defamatory statements that harm the honor and integrity of the worker or a member of his/her family or behaves in such manner or attempts to sexual harassment against a worker," the worker has the right of immediate termination of the employment contract.

Article 71 of Labor Law No. 4857, prohibits the employment of children under the age of 15. However, those children who have completed the age of 14 and their primary education, may be employed in light positions provided that such activities do not obstruct their physical, mental or moral development or hinder their education.

Article 11 of Labor Law entitled "Employers who shall not employ children and young workers" of the Regulation on the Procedures and Principles of Employment of Children and Young Workers reads:

"Children and young workers shall not be employed by employers or employers' agents who

- a) have been convicted of offences against children,
- b) have been convicted of shameful crimes."

3) The Law on the Establishment, Duties and Procedures of Juvenile Courts No. 2253 has introduced the establishment of "juvenile courts". The Law on the Establishment, Duties and Procedures of Family Courts No. 4787 has established "family courts" which have specialized competence to deal with cases and claims (specified in Article 4 of the Law No.4787) arising from family law. Family courts also have the authority to recognize and enforce judgments given by foreign courts as well as power

to take measures for the protection of children who are subject to violence in family, in accordance with the Law on the Protection of the Family No. 4320.

The following provisions provide protection for children from negligence and abuse:

- Constitution, Article 61 (special protection in respect of social security)
- Turkish Civil Code No. 4721, Articles 340 (education in the scope of parenthood), 346 (judicial measures for the protection of the child)
- Protective Family Regulation, Articles 7, 8, 12, 22
- In Kind and Cash Aid Regulation of Social Services and Child Protection Agency, Articles 1 and 12
- Turkish Penal Code Article 86 titled "Willful injury", Article 90 titled "Experiment on Human Beings", Article 94 titled "Torture", Article 97 titled "Desertion", Article 102 titled "Sexual Assault", Article 103 titled "Sexual exploitation of children", Article 104 titled "Sexual intercourse with those under age", Article 105 titled "Sexual harassment", Article 109 titled "Deprivation From Personal Liberty", Article 226 titled "Obscenity", Article 227 titled "Prostitution", Article 228 titled "Providing space and facilities for gambling", Article-229 titled "Begging", Article 232 titled "Maltreatment", Article 233 titled "Breach of obligation arising from family law" and Article 236 titled "Abduction and keeping hold of a child".

4) There is no specific legislative provision which addresses all forms of violence against children in Turkish laws. However, different aspects of violence against children have been dealt with under various laws. In this

context, Turkish Penal Code No. 5237 contains a series of offences specific to children as well as those that involve violence against children, which have been referred to in paragraphs 2(b) and 3 above.

As regards violence against children in schools, Article 7 (b) of "Law on Promotion, Appreciation and Punishment for Primary School Teachers No. 4357" and Articles-20, 21, 22 and 27 of "Law on Promotion and Punishment for Secondary School Teachers" and Article 125 of State Personnel Law No. 657 contains punitive provisions for teachers who exert physical or psychological violence against children or injure or sexually abuse children.

Another aspect of the violence in schools is violence among children. The increased awareness of children's rights in our country, has made the solution of disciplinary problems in schools a more sensitive issue in recent years. The Regulation on Primary Instruction Institutions does not include disciplinary penalties. Instead, it focuses on cooperation between families and schools and guidance services. In Article 108 of the section "Assessment of Student Behaviors" of the same regulation, either of application, censure or school change sanctions shall be applied to students of 6th, 7th and 8th grades depending on the nature of the negative behaviors other than development characteristics.

5) Article 232 of the Turkish Penal Code No. 5237 penalizes all forms of maltreatment by a person against a member of the household. Article 232 reads:

"1. Whoever maltreats a member of his/her household shall be sentenced

to a term from two months up to one year.

2. Whoever abuses the disciplinary power arising from the right of tutoring of a person under his/her care or to whom he/she has obligation to raise, educate, care, protect or teach an occupation or art, shall be sentenced to term up to one year."

The scope of parenthood is determined by Articles 339 and 348 of the Turkish Civil Code. Article 339 reads:

"The father and the mother take and implement decisions concerning the care and education of the child taking into consideration the benefits of the child. The child is responsible for obeying his/her father and mother. The father and mother allow the child to arrange his/her life to the extent of his/her maturity, and take into consideration the opinions of the child to extent possible on important matters. The child shall not leave the house without the consent of the father and the mother, and shall not be separated from his-her parents without a legal reason. The name of the child is given by his-her father and mother."

Article 340 of the Turkish Civil Code reads:

"The father and the mother provide the child with educational opportunities according to their economic status, and ensure the physical, mental, psychological, moral and social development of the child, and protect the child. The father and the mother provide the child, especially the children with physical or mental disabilities, with a general and vocational education in accordance with their tendencies."

6) The death penalty in all circumstances was legally abolished in Turkey

on 7 May 2004. Nevertheless, prior to this legal action there had been a *de facto* moratorium regarding death penalty in Turkey and no execution had been carried out since 1984. The milestones leading to the *de jure* abolishment of the death penalty are as follows:

- The death penalty was abolished in the Turkish legal system except in times of war and imminent threat of war, and for crimes of terrorism with the Constitutional amendments adopted on 3 October 2001.

- Protocol No.6 to the European Convention on Human Rights concerning the abolition of the death penalty entered into force on 1 December 2003.

- Protocol No. 13 to the European Convention on Human Rights concerning the abolition of the death penalty in all circumstances was signed on 9 January 2004. The law concerning the ratification of the Protocol was approved by the Parliament on 6 October 2005. The law concerning the ratification will enter into force following its promulgation in the Official Gazette.

- The Second Optional Protocol to the International Covenant on Civil and Political Rights concerning the abolition of the death penalty was signed on 6 April 2004. The ratification process of the Protocol is under way.

- With the constitutional amendments of 7 May 2004, the death penalty was abolished in all circumstances.

- The Law abolishing the death penalty and amending various laws was adopted by the Parliament on 14 July 2004. The death penalty was thus abolished and replaced with aggravated life sentence.

Turkish Penal Code does not permit corporal punishment as a sentence in

any context.

7) Sexual assault, sexual exploitation of children, sexual intercourse with those under age and sexual harassment are addressed explicitly by various provisions of the Turkish Penal Code which have been referred to above.

8) Honor crimes, child marriages and other violent traditional practices are addressed in our legislation. For example, honor killing is an aggravated form of murder and accordingly the perpetrators receive a higher penalty than those who commit unqualified murder.

Courts tasked with addressing violence against children

13) The Law on the Establishment, Duties and Procedures of Juvenile Courts No. 2253 has introduced the establishment of juvenile courts, and the Law on the Establishment, Duties and Procedures of Family Courts No. 4787 has introduced the "family courts" which are authorized to address the cases and claims arising from family law under Article 4, and to recognize and enforce the judgments given by foreign courts as well as to take measures for the protection of children who are subject to violence in the family as per the Law on the Protection of the Family No. 4230.

Furthermore, Article 2 of the Law on the Establishment, Duties and Procedures of Family Courts No. 4787 stipulates that where there are not family courts, courts of first instance are authorized to address the cases and claims arising from family law.

Minimum Age for Sexual Activity

14) According to Articles 414 and 416 of the previous Turkish Penal Code it was an offense to have sexual intercourse with minors aged below 18 even with their consent, where as Article 104 of the new Turkish Penal Code No. 5237 which entered into force on 1 June 2005, makes it an offense to have sexual intercourse with a child (girl or boy) who has completed the age of 15, subject to complaint.

15) Turkish Civil Code No. 4721 has laid down the minimum age for marriage as 18 years. The first paragraph of Article 124 of the Turkish Civil Code, states that a boy or a girl who has completed the age of 17 can marry upon permission from his/her legal representative. The second paragraph of Article 124 of the Turkish Civil Code stipulates that a boy or a girl who has completed the age of 16 can marry upon permission from the judge under extraordinary circumstances.

Sexual Exploitation of Children

16) As regards the prevention of commercial sexual exploitation of children through prostitution and other unlawful sexual activities, the Turkish Penal contains the following provisions regarding such offences.

"Sexual Exploitation of Children

ARTICLE 103 (1) The person exploiting a child sexually shall be punished for an imprisonment from three year up to eight years. Sexual exploitation means that;

- a) All kinds of sexual behavior effectuated against the children who have not completed the age of fifteen or whose ability of achieving the legal meaning and the aftermaths have not develop although they have completed the age of fifteen.
- b) Sexual behaviors effectuated against other children, based on another

reason influencing force, threat, deceiving or will.

(2) In case where the sexual exploitation is effectuated through insertion of organ or another object into the body, a confinement is ruled from eight years up to fifteen years.

(3) (Amended 29/06/2005 – 5377/art.12) In cases where the sexual exploitation is realized by ascendant, blood relative in second or third degree, stepfather, adopter, curator, tutor by the persons who renders educational, tutorship, companionship, healthcare services or have the obligation of protecting and watching for or by abusing the influence ensured by the service relationship or more than one person together, the penalty to be ruled according to above paragraphs are increased by half.

(4) In case where the sexual exploitation is realized against the children stated in sub-paragraph (a) the first paragraph through exercises of force or threat, the penalties to be ruled according to paragraphs above are increased by half.

(5) In case where the force and the violation applied for the sexual exploitation caused severe outcomes of the intended injuring offense, the clauses regarding the crimes of intended injury are applied separately.

(6) In case where the bodily and moral health of the injured is deteriorated as a result of crime, a confinement is ruled provided that it would not be less than fifteen years.

(7) In case where the crime caused the injured to turn into unconscious life or to die, an aggravated life imprisonment is ruled upon.”

Paragraphs 1, 5 and 8 of Article 227 of the Turkish Penal Code entitled “prostitution” read:

“1. Whoever encourages a child to prostitution, makes it easier to act as such, who procures or boards them with this purpose, or who acts as an intermediary in child prostitution shall be sentenced from five years up to

ten years and fined with an amount corresponding to three thousand days. The preparatory actions towards committing this crime shall also be punished like the completed crime.

5. Where the above-mentioned crimes are committed by the spouse, ascendants, ascendants by affinity, brother or sister, adoptive parent, guardian, teacher, tutor, attendant or other persons who have the responsibility of protection and supervising or by abusing the power conferred by public functions or services, the punishment to be given shall be increased by one half.

8. The persons forced to prostitution shall be provided with treatment or therapy.”

Article 226 paragraph 3 of the Turkish Penal Code titled “obscenity” reads:

“3. Whoever uses children in the production of obscene images, writings or statements shall be sentenced from five years up to ten years and fined with an amount corresponding to five thousand days. Whoever imports, reproduces, puts to sale, sells, transports, stores, exports keeps or makes available for others such products shall be sentenced from two years up to five years and fined with an amount corresponding to five thousand days.

Furthermore, in Article 80 of the Turkish Penal Code entitled “Human Trafficking” reads;

“ARTICLE 80. - (1) Whoever supplies, kidnaps, transports or directs from one place to other, or boards persons for the purpose of forcing to work or serve, subjects them to slavery or similar; uses threatening, pressure, force, or violence, abuses his/her powers, deceives, or makes benefit of

their possibilities of supervision or the victims despair to persuade him/her to give their body organs shall be sentenced from eight up to twelve years and fined up to an amount corresponding ten thousand days.

(2) In case that the acts attempted and comprising the crime with purposes mentioned in paragraph 1 have taken place, then the consent of the victim is invalid.

(3) In case that persons under 18 are supplied, kidnapped, transported or directed from one place to another, and boarded with purposes mentioned in paragraph 1, the criminal shall be punished as mentioned in paragraph 1, even if none of the instrument acts for the crime have been used.

(4) Juridical persons also shall be subject to security measures for these crimes.”,

Turkey has also signed the Protocol on the Prevention, Stopping and Punishment of Human Trading, Particularly Trading of Women and Children being one of two Optional Protocols to the UN Convention on Fighting Cross-Border Crimes concluded in Palermo on 12-15 December 2000.

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

Pornography and Harmful Information

17) **Legislation to prohibit the production, possession and dissemination of child pornography:**

As referred to in paragraph 16 above, child pornography is prohibited and penalized in paragraph 3 of Article 226 entitled "obscenity" of the Turkish Penal Code which reads :

"3. Whoever uses children in the production of obscene images, writings or statements shall be sentenced from five years up to ten years and fined with an amount corresponding to five thousand days. Whoever import into the country, reproduces, puts to sale, sells, transports, stores, exports keeps or makes available for others such products shall be sentenced from two years up to five years and fined with an amount corresponding to five thousand days."

18) **Legislation and guidelines to protect children from injurious information and material transmitted through the media, internet, videos, electronic games, etc:**

The Law No. 1117 on Protection of Minors from Obscene Publications contains provisions for the protection of children from publications with harmful content. Article 226 of the Turkish Penal Code contains penal provisions for those who make children read, listen, or display the content of, expose, sell or distribute, obscene materials, etc., to children.

Legislation concerning the Supreme Board on Radio and Television contains the following provisions for the protection of children from violence, pornography, etc.:

1 - In Article 4 (as amended by the Law numbered 4756) of the Law on Establishment of, and Broadcasting by, Radio and Television Channels numbered 3984, it is stated that "broadcasts should not be obscene" (t), "all forms of violence and discrimination against women, vulnerable and

minors should not be encouraged" (u), and "programs which may undermine physical, mental and moral development of children and young people should not be broadcast at times when they can watch them" (z).

2- Paragraph (t) of Article 5 of the Regulation on Fundamentals and Principles of Radio and Television Broadcasting reads: "Broadcasting should not contain indecent and obscene words and acts which aim at exploiting the sexual feelings, in which individuals are presented as sexual objects, which reduce human body to the element of sexual provocation, and which cannot be displayed within a social living area. The programs which contain sexuality due to its genre and content should be broadcast between 23:00 and 05:00 by making the necessary audio/written warnings in order to protect the mental, emotional and moral development of children, and in promotion clips of such programs, the sections containing sexual exposure should not be used, and they should be announced after 21:30." Paragraph (u) reads: "All kinds of discrimination and physical and psychological violence against women, the weak and minors should not be encouraged. Broadcasting should not contain elements which justify, mitigate or provoke the intra-family violence, battery, sexual abuse, rape, etc., which endorse inequality in social life and among family members, or which ignore consent, approval, representation and wishes of women. Physical, emotional or sexual exploitation of children or exploitation child labor should not be encouraged. Broadcasting should take into consideration the people's sensitivity concerning physical or mental disabilities, and actions

facilitating the disabled people to watch programs (such as sign language, subtitles, etc.) should be encouraged. Images containing violence against animals should not be broadcast." Paragraph (z) reads: "The programs which may undermine physical, sexual and moral development of children and young people should not be broadcast at times when they can watch them. Broadcasting should not present celebrities or other interesting characters so as to adversely affect the emotional, moral and social development of children and your viewers. The programs which contain sexuality, violence, and bad habits (gambling, alcohol, drug addiction, bad language, suicide, etc.) due to its genre and content should be broadcast between 23:00 and 05:00 by making the necessary audio/written warnings and taking into consideration the different age groups. In the promotion clips of such programs, the sections containing violence, sexual exposure, etc., should not be used, and they should be announced after 21:30."

Also, paragraph 10 of Article 12 of the same Regulation, reads: "... Promotional clips for conversation, finding pairs, etc., in which special phone numbers are given, can be broadcast between 23:00 and 05:00..."

Article 41 of the same Regulation reads: "For the child programs and cartoons, movies and TV films and serials which will be broadcast in protected hours, the viewers/listeners and families having different mental, emotional and social development characteristics are informed using audio/written methods and using Protective Symbol System and symbols defined for certain age groups. The application guide containing

explanations and guidance on the Protective Symbol System defined in this Regulation shall be published by the Supreme Board. The provisions of this guide are taken as basis in applications concerning the Protective Symbol System and the broadcasting is evaluated and announced in terms of these provisions." Taking into consideration the foregoing provisions, activities for the development Protective Symbol System as supported by the Dutch Government within the scope of MATRA Projects, and its implementation is planned for the year 2005.

Reporting obligations relating to violence against children

19) There is no specific legislation requiring the reporting of violence against or abuse of children. However, Article 278 of the Turkish Penal Code makes it obligatory to report any crime which is being committed and penalizes failing to report such incidents. If the victims of such crimes are children, the penalty for failing to report is increased by one half. Therefore, this provision also applies to violence offences against children as well as abuse of children.

In addition, Article 98 of the Turkish Penal Code has introduced penal provisions for persons who fail to inform the relevant authorities of the situation of those wounded, in need of support or assistance for various reasons and unable to take care of themselves, including children.

Furthermore, Article 125 of Law on Civil Servants No. 657 stipulates that civil servants failing to comply with the fundamentals and principles set forth by the organizations are punished by their super ordinates

(deductions from their salaries). The relevant authorities are informed thereon.

Article 21, under Part IV, of the Law on the Social Services and Child Protection Agency No. 2828 requires the local governors, health institutions, village headmen, general security forces and municipal officers to report the situation of children who need protection, care, assistance and social services to the Child Protection Agency.

Complaints Procedures

20) The new Code of Criminal Procedures Article 158 requires the reporting or complaints of crimes to be made to public prosecution office and law enforcement authorities.

Articles 278, 279 and 280 of the Turkish Penal Code also contain penal provisions for persons, public officers and medical personnel who fail to report offenses, including those committed against children.

The victims may also apply in person or by phone to the nearest Security Directorate, Gendarme, or Public Prosecution Offices. They may also complain to the school directors, commanders, dormitory directors, or local administrators. All superiors in the administrative structure are required to report the offenses that they have been informed of to the judicial and law enforcement authorities.

In case of violence at schools (violence exerted by teachers against children, incidents of violence among children), the guardian of the student may directly file a complaint to the school administration or to other affiliated units (province, town directorate, Ministry of National

Education (MNE)).

In case of violence against a child within the Social Services and Child Protection Agency, the child may apply to the relevant Directorate of the Institution, Directorate of Province, Authority of Governorship and General Directorate of the Institution. The administration then conducts an inquiry into the allegations and if a judicial matter is concerned, refers the complaint to the judicial authorities.

Also, in case where a child is exposed to violence inside or outside the Institution, the child may file a complaint to law enforcement authorities or to the office of the public prosecutor individually or through his/her guardian/curator.

The procedures are conducted in accordance with the circular issued by the General Directorate of Ministry Justice entitled "Notifications of Offences".

The children who are victims of violence in the family may request assistance through "Alo 183 Women, Children and Social Services Help Line".

21. Children as well as persons acting on their behalf may access to the procedures referred to above.

The General Directorate of Penalty and Prisons of the Ministry of Justice and 16 Provincial Bar Presidencies have signed a protocol establishing units called "Legal Assistance and Working Group". These units provide legal assistance to children and youngsters who are in confinement

institutions or released from these institutions, in particular by providing information concerning their rights and responsibilities, protecting their rights and solving their legal problems.

In case of violence against children within or outside the General Directorate of Social Services and Child Protection Agency and its affiliated organizations, the victims can apply in person or through his/her guardians/curators to judicial authorities for legal remedies and before the courts their rights are also protected by public prosecution offices. Furthermore, the lawyers at the Legal Department of the General Directorate of Social Services and Child Protection Agency also participate in the trials as co-counsel to protect the rights of the child.

The complaints filed by the guardians on behalf of the children at schools are examined by the relevant authorities, and if deemed necessary, primary education inspectors conduct administrative investigation concerning these complaints. The recommendations in the investigation report prepared by the inspectors are implemented by the administration.

22. In-service training programs for personnel working in the Social Services and Child Protection Agency and training programs and panels for children are organized depending on the availability of the provincial resources and facilities.

In the framework of the Republic of Turkey - UNICEF 2001-2005 Cooperation Program Main Implementation Plan, National Child Forums are organized in the context of the Promotion and Social Mobilization

Project with a view to ensuring that principles and provisions of the Convention on the Rights of the Child are learned and implemented by all children and adults in the country, and allow children to exercise their rights of participation. The main theme of the 4th National Child Forum organized in 2004 was the prevention of violence, and the children discussed their suggestions for possible solutions and drafted action plans. With a view to ensuring unity between schools and parents and providing cooperation between guardians and teachers at schools affiliated to the Ministry of National Education, school-family unions have been established. In accordance with the provisions of the Ministry of National Education Regulation on School-Family Units, the duties of school-family units include "to inform the parents of aims, training principles and training activities of the school, and to inform the student guardians of the school program, training and relevant regulations", as well as activities to increase awareness in the field of protection of children from violence.

Article 23: For the purpose of collecting evidence with respect to offenses concerning exploitation of and violence against children, "forensic medical investigation, doctor report, victim's and witness statements and on-site survey" methods envisaged in the Criminal Judgment Law are being used.

24. Outcome of complaints of violence against children (compensation, punishment of perpetrators, perpetrator rehabilitation, family therapy).

Depending on the outcome of the investigations concerning the complaints by student guardians with respect to violence against children, the teacher

who exert violence shall be subject to the following penalties under the applicable legal provisions).

- Ill-treatment of students: warning and censure (Law No. 1702-20/1)
- Beating students: deduction from salary (Law No. 1702-22/1)
- Sexual harassment of students: professional disqualification (Law No. 1702-27/1)

26. Through the Provincial Directorates of Social Services affiliated to the General Directorate of Social Services and Child Protection Institution, protective measures for the children who are victims of violence are taken. Under the Law on Social Services and Child Protection Institution numbered 2828, the children who are victims of violence are included in the definition of children requiring protection. At the provincial level, the General Directorate of Social Services and Child Protection Institution conducts its services via Provincial Directorates of Social Services and in cooperation with the relevant public bodies and organizations.

30. In the framework of the Republic of Turkey - UNICEF 2001-2005 Cooperation Program Main Implementation Plan, the projects 2.3 (Children in Need of Special Protection) and 3.2 (Promotion and Enhancement of Social Participation) are in progress. These projects are funded by the UNICEF.

32. With the participation of the public agencies and institutions, universities and non-government organizations, "Violence Prevention Platform" has been established and it is currently carrying out its activities.

37. In today's world television, with its ability to reach almost every house as the most common mass communication means, has become a major socialization element in individual's life. Although the effects of violence on TV varies depending on country, family, education, cultural structure and individual characteristics, the studies show that coverage of violence on the media is effective on the increase of violence. The researches in Turkey show that the average TV watching hour in Turkey is 4-5 hours per day. It is known that children who are included in this average represent the most receptive and sensitive group. Therefore, the messages transmitted by and the contents of TV programs is very important. Besides introducing new legislations to protect the individuals, particularly children and youngsters, from violence covered by TV in our country like in many countries, projects aiming at creating individual and social responsibilities and standards in this field should be supported. Accordingly, motivated by this understanding the Supreme Board of Radio and Television in addition to its monitoring functions and enforcement of sanctions to programs containing violence, it also carries out a project called "Prevention of Violence in Media" through the Media and Violence Group formed within the Platform for Prevention of Violence to which it is a member.

Moreover, the Supreme Board of Radio and Television is currently holding training meetings titled "Violence Sensitiveness" with the participation of officials from national, regional and local TV channels with a view to

increasing the sensitiveness to violence in visual media and creating a definite and widespread response to violence.

38. "The Regulation Regarding the Participation of Children in Management", ensures the participation of children in the planning of the activities for children who are given protection at the children's dormitories affiliated to the General Directorate of Social Services and Child Protection Agency. In accordance with the Regulation, the participation of children in the management is provided through the representative selected among children at the children's dormitories as well as through the board of representatives.

The main theme of the IVth National Child Forum organized in cooperation with the General Directorate of Social Services and Child Protection Agency and UNICEF last year, was "Prevention of Violence" where children were given opportunity to address and find solutions to their problems on this topic and concluded an action plan. In accordance with the action plan, cooperation with the Committee on the Rights of the Child is being planned.

III. ROLE OF CIVIL SOCIETY IN ADDRESSING THE VIOLENCE AGAINST CHILDREN

41. The Law on Social Services and Child Protection Agency numbered 2828 provides protection and care for children who are victims of physical, mental or sexual violence as well as shelter such as nurseries or children's dormitories suitable for their gender and ages.

Psychological support, treatment and professional help are also provided to children, where necessary, to ensure their integration to society.

48. Within the scope of 2004 Fiscal Year Business Plan of the European Union, the "Project for a Better Management, Protection for Children in Turkey and Enhancement of Justice" has been approved by the European Commission. This project also includes study on "Collection of Empirical Evidence for the Development of Measures for Protection of Children". The purpose of this study is to assess and evaluate the various types of negligence and exploitation of children as well as different approaches and perspectives in this field.

52. Total number of cases reported by the Social Services and Child Protection Institution concerning violence against children in 2000, 2001, 2002 and 2003:

96 cases in 2000, 135 cases in 2001, 168 cases in 2002, and 214 cases in 2003 have been given protection and care in the children's dormitories of the General Directorate of Social Services and Child Protection Agency.

244 cases in 2000, 396 cases in 2001, 471 cases in 2002, and 108 cases in 2003 have been given protection and care in the nurseries.

According to the reports of the General Command of Gendarmerie, the number of children who took part in incidents of public disorder is 5012 in 2001, 5712 in 2002, 8684 in 2003, and 7642 in the first 9 months of 2004.

The number of children who are victims in the incidents of public disorder is 12835 in 2001, 15772 in 2002, 18113 in 2003, and 17628 in the first 9

months of 2004.

In 2004, 2551 children were subject to legal measures, and 2145 children were sent back to their families, 176 children were sent to the Social Services and Child Protection Agency while 190 children were referred to security forces.

Moreover, since the date of the establishment of the Juvenile Centers of Gendarmerie, the Gendarme has taken actions against (2511) children in total: including (884) in İstanbul, (675) in Ankara, (608) in İzmir, (303) in Aydın, (12) in Erzurum and (29) in Antalya. These included children who were forced to work in streets (476), who were charged with offenses (643), who were victims of offenses (437), who were lost (190), who needed support (451), who deserted their families (96), who deserted their schools (2003), and who are witnesses (15).

As a result of the compilation of statistical data arranged in the annex to the Regulation on the Establishment, Duties and Operation of Juvenile Branch/Office of the General Directorate of Security promulgated in the Official Gazette dated 13.04.2001 and numbered 24372:

	Offenses Committed Against Children
Year 2001, Last 6 months	7308
Year 2002	23882
Year 2003	20466

VII. AWARENESS, ADVOCACY AND TRAINING

54. Within the scope of the Project for Improving Child Criminal Justice System in Turkey, a joint project by international organizations and relevant public bodies and organizations, the following activities are being carried out.

The in-service training given to the groups consisting of representatives of executives, trainers, experts, and supervision officers working in prisons and arrest houses, provides the participants with information concerning communication, team work, problem solving, international instruments, training and rehabilitation programs, child development and psychology.

The security authorities has contributed 60.000 (sixty thousand) signatures to the "Say Yes for Children Campaign" launched by the UNICEF within the framework of the Special Child Session held by the United Nations (UN) in New York, and the signatures were sent to the United States of America.

The UN has specified 10 basic principles which should be given priority in the implementation of the Convention on the Rights of the Child in countries which ratified the Convention since 1990, and in this respect, "Say Yes for Children Campaign" has been launched on 26 April 2001 as a worldwide appeal for global child movement. This Campaign has been launched on 23 April 2001 in Turkey under the leadership of UNICEF Turkey Representative and in coordination with the Social Services and Child Protection Institution on the occasion of national sovereignty and

child festival.

The purpose of "Say Yes to Children Campaign" is to raise awareness of the 10 basic principles determined in line with the supreme interests of children in society. Thus, it is envisaged that this campaign will accelerate the improvement of rights of the child as a social movement.

10 basic principles adopted within the scope of the campaign have received a broad participation and the signatures were sent to the Child Session of the United Nations on 21 September 2001. It is expected that the signatures collected in this campaign would be a significant force in the decision-making of and the implementation of these decisions by the Child Session of the United Nations in the next 10 years to come.

In the meeting held on 23 Mays 2001 by the General Directorate of Social Services and Child Protection Agency with the participation of the representative of the General Directorate of Security, the sector representatives evaluated the campaign "Say Yes for Children" and decided that the activities that can be carried out in their respective areas in the framework of this campaign would be notified to the relevant authorities.

In order to promote the activities concerning children, to enhance relationships between the police and the public, and to give positive messages to the public, participation of the central and rural organizations in the campaign was also ensured with the Authority Approval on 31.05.2001.

The participation forms collected during the campaign to be submitted to

the Special Child Session of the United Nations held in New York in September 2001, were delivered by the UNICEF Turkey Representation Office to the President.

Sixty thousand staff members from the central and rural organizations have participated in the campaign. The participation forms which were delivered to the UNICEF Turkey Representation Office in an official ceremony.

55. The campaign messages and information disseminated have been ensured by undersigning the following text.

"SAY YES FOR CHILDREN"

I believe that all children should be free to grow in a healthy and peaceful environment.

We should do the following:

All children have equal rights.

Give priority to children

Care for Every Child

Fight HIV/AIDS

Prevent harming and exploitation of children

Listen to Children

Educate Every Child

Protect Children from War

Protect the Earth for Children

Fight Poverty

Invest in Children

Furthermore, necessary information is transmitted to the members of the police organizations through Pol-Net, the local internet network, information regarding the general activities of the police organization are disseminated countrywide through the Internet. In addition to it, the Spokesman of the General Directorate of Security is giving regular weekly press releases.

A "Juvenile Police Page" has been created on the website of the Turkish Police Organization to give recommendations to children and their families on various issues. For detailed information, see www.egm.gov.tr/asayis and www.cocukpolisi.gov.tr.

56. Within the scope of the 3.2 Promotion and Social Mobilization project undertaken in the framework of the Republic of Turkey - UNICEF 2001-2005 Main Implementation Plan, "National Child Forums" were launched since 2000, and the 5th National Child Forum was held in 2005. In this framework, the first "Rights of the Child Educational Program for Trainers" was held in November 2004 and the second was held on February 2005. The core trainer group consisting of 16 children gave trainings to child delegates from 81 provinces. It is planned that by the end of 2005, there will be 2 "Trainers on the Rights of the Child" in every province and this educational program is conducted at the local level.

The staff of the "Gendarmerie Juvenile Centers" attended a special training at the Istanbul University Faculty of Law and the Forensic Medicine Institute concerning the protection of children, child psychology and communication before resuming their tasks.

In accordance with the Regulation on the Establishment, Duties and Operation of Juvenile Branch/Office of the General Directorate of Security, the following activities were carried out:

* Between 03-07 April 2000, under the coordination of Public Order Department, 21 staff members (1 Security Chief, 1 Chief Superintendent, 1 Superintendent, 17 Police Officers, and 1 General Administrative Staff Members from Ankara Security Directorate) were given Juvenile Police in-service training.

* Between 10-14 April 2000, under the coordination of Public Order Department, 21 staff members (1 Security Chief, 2 Chief Superintendent, 17 Police Officers, and 1 General Administrative Staff Members from Ankara Security Directorate) were given Juvenile Police in-service training.

* Between 10-27 April 2001, under the coordination of Public Order Department, 40 staff members (1 Security Chief, 38 Police Officers, and 1 General Administrative Staff Members from Adana Security Directorate) were given Juvenile Police in-service training.

* Between 04-22 April 2002, under the coordination of Public Order Department, 34 staff members (1 Security Chief, 3 Superintendent, 29 Police Officers, and 2 General Administrative Staff Members from Adana Security Directorate) were given Juvenile Police in-service training.

* Between 07-18 March 2001, under the coordination of Public Order Department, 37 staff members (1 Security Chief, 3 Chief Superintendent, 3 Superintendent, 30 Police Officers from İstanbul Security Directorate) were given Juvenile Police in-service training.

* Between 11-22 June 2001, under the coordination of Public Order Department, 69 staff members (13 Chief Superintendent, 2 Superintendent, 6 Vice-Superintendent 40 Police Officers, and 8 General Administrative Staff from İstanbul Security Directorate) were given Juvenile Police in-service training.

* Between 10-15 September 2001, under the coordination of Public Order Department, 34 staff members (17 Police Officers from Kars Security Directorate, 1 Police Officers from Iğdır Security Directorate, 6 Police Officers from Ardahan Security Directorate, 1 Vice-Superintendent and 9 Police Officers from Ağrı Security Directorate) were given Juvenile Police in-service training.

* Between 05-09 November 2001, under the coordination of Public Order Department, 35 staff members (1 Superintendent and 13 Police Officers from Muş Security Directorate, 1 Vice-Superintendent and 7 Police Officers from Bingöl Security Directorate, 1 Vice-Superintendent and 9 Police Officers from Bitlis Security Directorate, and 2 Police Officers from Batman

Security Directorate) were given Juvenile Police in-service training.

* Between 12-16 November 2001, under the coordination of Public Order Department, 24 staff members (20 Police Officers from Artvin Security Directorate, 20 Police Officers from Rize Security Directorate) were given Juvenile Police in-service training.

* Between 10-14 December 2001, under the coordination of Public Order Department, 46 staff members (1 Superintendent and 11 Police Officers from Uşak Security Directorate, 1 Police Officer from Kütahya Security Directorate, 1 Superintendent and 14 Police Officers from Denizli Security Directorate, and 18 Police Officers from Afyon Security Directorate) were given Juvenile Police in-service training.

* Between 10-14 December 2001, under the coordination of Public Order Department, 108 staff members (1 Chief Superintendent, 2 Vice-Superintendent and 36 Police Officers from Diyarbakır Security Directorate, 14 Police Officers from Mardin Security Directorate, 1 Chief Superintendent and 25 Police Officers from Adıyaman Security Directorate, 1 Chief Superintendent and 1 Superintendent, 2 Vice-Superintendent and 25 Police Officers from Şanlıurfa Security Directorate) were given Juvenile Police in-service training.

* Between 10-14 December 2001, under the coordination of Public Order

Department, 29 staff members (7 Police Officers 1 General Administrative Staff Members from Bartın Security Directorate, 1 Vice-Superintendent and 7 Police Officers from Karabük Security Directorate, 4 Police Officers from Kastamonu Security Directorate, 1 Chief Superintendent, 1 Vice-Superintendent, 6 Police Officers and 1 General Administrative Staff Members from Zonguldak Security Directorate) were given Juvenile Police in-service training.

* Between 24-28 December 2001, under the coordination of Public Order Department, 53 staff members (1 Security Chief, 1 Superintendent, 3 Vice-Superintendent and 32 Police Officers from Kırıkkale Security Directorate, 1 Vice-Superintendent and 8 Police Officers from Çorum Security Directorate, 1 Police Officer from Yozgat Security Directorate, 6 Police Officers from Kırşehir Security Directorate) were given Juvenile Police in-service training.

* Between 24-28 December 2001, under the coordination of Public Order Department, 25 staff members (1 Security Chief, 1 Chief Superintendent, 1 Superintendent, 22 Police Officers from Eskişehir Security Directorate) were given Juvenile Police in-service training.

* Between 07-11 January 2002, under the coordination of Public Order Department, 83 staff members (1 Chief Superintendent, 2 Superintendent, 29 Police Officers, 1 Guard and 1 General Administrative

Staff Members from Aydın Security Directorate, 2 Chief Superintendent and 1 Superintendent and 13 Police Officers from Muğla Security Directorate, 2 Chief Superintendent and 3 Vice-Superintendent and 28 Police Officers from Manisa Security Directorate) were given Juvenile Police in-service training.

* Between 11-15 February 2002, under the coordination of Public Order Department, 36 staff members (9 Police Officers from Erzincan Security Directorate, 10 Police Officers from Giresun Security Directorate, 7 Police Officers from Gümüşhane Security Directorate, 1 Vice-Superintendent and 9 Police Officers from Tunceli Security Directorate) were given Juvenile Police in-service training.

* Between 28.01.2002 – 01.02.2002, under the coordination of Public Order Department, 62 staff members (1 Chief Superintendent, 2 Superintendent, 2 Vice-Superintendent 23 Police Officers from Sivas Security Directorate, 1 Vice-Superintendent and 15 Police Officers from Tokat Security Directorate, 15 Police Officers from Ordu Security Directorate) were given Juvenile Police in-service training.

* Between 14-25 January 2002, under the coordination of Public Order Department, 45 staff members (1 Superintendent, 43 Police Officers and General Administrative Staff Member from İçel Security Directorate) were given Juvenile Police in-service training.

* Between 28.01.2002 – 20.02.2002, under the coordination of Public Order Department, 25 staff members (25 Police Officers from Antalya Security Directorate) were given Juvenile Police in-service training.

* Between 11-15 February 2002, under the coordination of Public Order Department, 50 staff members (1 Vice-Superintendent 32 Police Officers from Burdur Security Directorate, 15 Police Officers and 2 General Administrative Staff Member from Isparta Security Directorate) were given Juvenile Police in-service training.

* Between 11-15 February 2002, under the coordination of Public Order Department, 31 staff members (1 Chief Superintendent, 2 Vice-Superintendent and 28 Police Officers from Elazığ Security Directorate) were given Juvenile Police in-service training.

* Between 15-19 April 2002, under the coordination of Public Order Department, 29 staff members (2 Vice-Superintendent and 8 Police Officers from Kırklareli Security Directorate, 2 Vice-Superintendent and 9 Police Officers from Tekirdağ Security Directorate, 8 Police Officers from Edirne Security Directorate) were given Juvenile Police in-service training.

* Between 10-14 June 2002, under the coordination of Public Order Department, 45 staff members (1 Chief Superintendent, 1

Superintendent, 41 Police Officers and 2 General Administrative Staff Members from Malatya Security Directorate) were given Juvenile Police in-service training.

* Between 14-18 October 2002, under the coordination of Public Order Department, 44 staff members (1 Superintendent, 28 Police Officers from Balıkesir Security Directorate, 5 Police Officers from Bilecik Security Directorate, 5 Police Officers from Çanakkale Security Directorate, 5 Police Officers from Yalova Security Directorate) were given Juvenile Police in-service training.

* Between 20-31 January 2003, under the coordination of Public Order Department, 46 staff members (1 Vice-Superintendent, 24 Police Officers from Trabzon Security Directorate, 12 Police Officers from Erzurum Security Directorate, 7 Police Officers from Bayburt Security Directorate) were given Juvenile Police in-service training.

* Between 03-07 February 2003, under the coordination of Public Order Department, 40 staff members (1 Chief Superintendent, 1 Vice-Superintendent and 23 Police Officers from Mardin Security Directorate, 8 Police Officers from Siirt Security Directorate, 7 Police Officers from Şırnak Security Directorate) were given Juvenile Police in-service training.

* Between 17-21/24/28 February 2003 (2 Terms), under the coordination

of Public Order Department, 88 staff members (1 Superintendent, and 47 Police Officers from Tokat Security Directorate, 11 Police Officers from Çankırı Security Directorate, 14 Police Officers from Çorum Security Directorate, 1 Chief Superintendent, 2 Vice-Superintendent and 12 Police Officers from Sivas Security Directorate) were given Juvenile Police in-service training.

* Between 10-14 March 2003, under the coordination of Public Order Department, 16 staff members (1 Chief Superintendent, 15 Police Officers from Erzurum Security Directorate) were given Juvenile Police in-service training.

* Between 31 March – 04 April / 07-11 April 2003 (2 Terms), under the coordination of Public Order Department, 28 staff members (1 Chief Superintendent, 27 Police Officers from Van Security Directorate) were given Juvenile Police in-service training.

* Between 14 April – 02 May 2003, under the coordination of Public Order Department, 50 staff members (1 Superintendent, 2 Vice-Superintendent and 32 Police Officers from Adana Security Directorate, 1 Vice-Superintendent and 14 Police Officers from Osmaniye Security Directorate) were given Juvenile Police in-service training.

* Between 05-09 May 2003, under the coordination of Public Order

Department, 39 staff members (1 Vice-Superintendent, 11 Police Officers and 1 General Administrative Staff Members from Niğde Security Directorate, 17 Police Officers from Nevşehir Security Directorate, 1 Vice-Superintendent, 8 Police Officers from Aksaray Security Directorate) were given Juvenile Police in-service training.

* Between 26-30 May 2003, under the coordination of Public Order Department, 45 staff members (20 Police Officers from Muş Security Directorate, 5 Police Officers from Bitlis Security Directorate, 4 Police Officers from Batman Security Directorate, 5 Police Officers from Bingöl Security Directorate, 5 Police Officers from Hakkari Security Directorate, 6 Police Officers from Şırnak Security Directorate) were given Juvenile Police in-service training.

* Between 09-20 June 2003, under the coordination of Public Order Department, 75 staff members (1 Vice-Superintendent, 74 Police Officers from İstanbul Security Directorate) were given Juvenile Police in-service training.

* Between 16-20 June 2003, under the coordination of Public Order Department, 14 staff members (14 Police Officers from Edirne Security Directorate) were given Juvenile Police in-service training.

* Between 30 June – 04 July 2003, under the coordination of Public Order

Department, 15 staff members (15 Police Officers from Ağrı Security Directorate) were given Juvenile Police in-service training.

* Between 26 October – 01 November 2003, under the coordination of Public Order Department, 32 staff members (17 Police Officers from Rize Security Directorate, 5 Police Officers from Rize Security Directorate, 4 Police Officers from Gümüşhane Security Directorate, 5 Police Officers from Ardahan Security Directorate, 1 Police Officer from Bayburt Security Directorate) were given Juvenile Police in-service training.

* Between 01-05 December 2003, under the coordination of Public Order Department, 28 staff members (13 Police Officers from Yozgat Security Directorate, 8 Police Officers from Kayseri Security Directorate, 7 Police Officers from Konya Security Directorate) were given Juvenile Police in-service training.

List of courses as below;

IN-SERVICE TRAINING PACKAGE CURRICULUM SAMPLE PROGRAM SCHEDULE

COURSE HOURS/...../..../...../..../...../...../...../...../...../....

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY

09:00 - 09:50	Convention on the Rights of the Child Trainer	Convention on the Rights of the Child Trainer	National Legislation Trainer	Developmen t Psychology Trainer	Children under Hard Conditions Trainer
10:00 - 10:50	Convention on the Rights of the Child Trainer	Convention on the Rights of the Child Trainer	National Legislation Trainer	Public Relations Trainer	Police Professional Ethics Trainer
11:00 - 11:50	Convention on the Rights of the Child Trainer	Human Rights Trainer	National Legislation Trainer	Public Relations Trainer	Police Professional Ethics Trainer
11:50 - 13:00	LUNCH BREAK	LUNCH BREAK	LUNCH BREAK	LUNCH BREAK	LUNCH BREAK
13:00 - 13:50	Internation al Legislation Trainer	Juvenile Trial Trainer	Developmen t Psychology Trainer	Children under Hard Conditions Trainer	Effective Communica tion Skills Trainer
14:00 - 14:50	Internation al Legislation Trainer	Juvenile Trial Trainer	Developmen t Psychology Trainer	Children under Hard Conditions Trainer	Effective Communica tion Skills Trainer

15:00 - 15:50	Internation al Legislation Trainer	Juvenile Trial Trainer	Developmen t Psychology Trainer	Children under Hard Conditions Trainer	Effective Communica tion Skills Trainer
16:00 - 16:50	Internation al Legislation Trainer	Juvenile Trial Trainer	Developmen t Psychology Trainer	Children under Hard Conditions Trainer	Effective Communica tion Skills Trainer

General Directorate of Social Services and Child Protection Agency

	PREVENTI ON	PROTECTI ON	IMPROVEM ENT	REHABILITATI ON	PENALT Y
Medical professionals (including psychiatrists and dentists)		27			
Public health practitioners					
Social workers and psychologists		244			
Teachers and other trainers		314			
Court officers (including judges)					
Police					
Prison officers					
Young perpetrators, professionals, organization's staff, parents/guardians					
Other (please specify) Executives		197			