

COMMITTEE ON THE RIGHTS OF THE CHILD

42nd session (Geneva, 15 May to 2 June 2006)

Reports of States

Turkey (initial report on the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography)

Information submitted to the Committee

Turkey submitted its initial report¹ on the *Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography* (OPSC), on 17 May 2006. This report was quite short but detailed on legislative provisions relating to the issues under the OPSC. The written replies did not add much to the original report.

There was one alternative report on Turkey's implementation of the OPSC, submitted by the Turkish non-governmental organisation (NGO) Ankara Child Rights Initiative². Its concerns were mainly the lack of: relevant disaggregated data; a coherent, general law on children's rights; participation of NGOs and children in the preparation of legal and policy documents; and legislation on internet crime.

*Themes and issues*³

General measures of implementation

The Committee welcomed the adoption of a national plan of action, but underlined the inadequacy of the financial resources devoted to its implementation. According to information received by the Committee, this plan has not been applied in practice due to a lack of resources. The Committee requested clarification on the degree of coordination between the different bodies dealing with child issues. The delegation explained that the General Directorate of Social Services and Child Protection is the body responsible for coordinating all the different institutions dealing with children's rights. The Committee encouraged Turkey to strengthen the coordination and monitoring activities on the issues of child prostitution and child pornography.

There is clearly a lack of (disaggregated) data and research in Turkey on the issues covered by the Optional Protocol. The Committee wondered whether the low number of victims (e.g. seven children were reported victims of trafficking in 2005) was due to the fact that these crimes were not reported. The delegation admitted that the figures might not reflect the reality of the situation since trafficking in human beings was indeed a serious problem in Turkey. The Committee recommended the State party to undertake in-depth research into the relevant issues under the OPSC.

Prohibition and criminalisation of the sale of children, child prostitution and child pornography (Articles 1 and 3)

The Committee inquired about the legal provisions that have been adopted or amended pursuant to Turkey's ratification of the OPSC. The new penal code, which entered into force in 2005, brings key changes, particularly regarding the criminalisation of child exploitation. The Committee insisted that under the OPSC the State party is obligated to include in the legislative framework sanctions for crimes committed with the use of Internet and to protect the victims of such crimes. Experts also requested the adoption of specific legislative provisions on child pornography. Committee experts also asked questions on the extension of criminal liability to legal persons responsible for offences related to child prostitution or pornography. The delegation explained that the assets of a legal entity could be confiscated if its involvement in the offence was proved.

Protection of the rights of child victims (Article 8)

The number of rehabilitations centres is still inadequate, and the Committee asked whether there are centres to assist victims of sexual abuse. The Committee recommended to develop the child helpline and to attribute larger financial resources to be accessible from rural areas of the country. The Committee requested that children victims be given support in judicial proceedings, notably by being provided a lawyer. They should also be given a specific right to lodge a complaint, e.g. through an ombudsman. The Committee therefore

¹ CRC/C/OPSA/TUR/1

² <http://www.crin.org/docs/OPSC%20NGO%20Report-Turkey.pdf>

³ the records of the session can be found at

<http://www.unhcr.ch/hurricane/hurricane.nsf/424e6fc8b8e55fa6802566b0004083d9/312f2bb1ea816b12c12571710051ae64?OpenDocument>

Turkey

recommended that all necessary measures be taken to ensure the presence of an easily accessible and independent complaints mechanism to address all issues at stake.

Prevention and international cooperation (Articles 4 to 6, 9 and 10)

The Committee expressed concerns on the lack of preventive campaigns relating to sexual abuse and child trafficking to sensitize the general public on these issues. It wondered whether this was due to a taboo prevalent in the society on the topic. It recommended that children be able to participate in the preparation of such preventive programs.

To ensure cooperation with the police from other countries, Turkey has signed four bilateral agreements with neighbouring countries concerning trafficking of human beings. The Committee asked for confirmation of the possibilities of extradition to his country of a foreigner who commits a crime in Turkey.

Conclusions and next steps

The Committee welcomed recent legislation aiming at the protection of children as well as the direct application of the Optional Protocol to domestic legislation. The delegation appeared relatively receptive to the Committee's suggestions and remarks. However they did not acknowledge that the issues of child trafficking, prostitution and pornography are still taboo to some extent in Turkey. The Committee noted that there is a lack of research and data on these issues, and that the taboo explains to some extent why the Government has not yet implemented awareness raising campaigns. The Committee recommended the adoption of a comprehensive plan of action dealing with the issues of child prostitution, sale of children and child pornography. It also urged Turkey to ratify Council of Europe's *Convention on Cybercrime* and the *Convention on Action against Trafficking in Human Beings*. The Committee requested the State party to provide in its next report more detailed information on the services (e.g. free legal aid, medical attention, access to shelters) available for children victims of trafficking and/or abuse.

In its concluding observations relating to the examination of the Turkish report on the implementation of the *Convention on the Rights of the Child* (9 July 2001), the Committee had already recommended Turkey to undertake measures to prevent and combat commercial sexual exploitation, and to ensure rehabilitation services for children victims of sexual abuse. These recommendations have not yet been taken into account by the State party. The Committee against Torture is the only one having monitored the situation in Turkey recently (2003); it did not mention the sale of children in its examination.