



**Convention on the  
Rights of the Child**

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COMMITTEE ON THE RIGHTS OF THE CHILD  
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**WRITTEN REPLIES BY THE GOVERNMENT OF TURKEY TO THE LIST OF  
ISSUES (CRC/C/OPAC/TUR/Q/1) TO BE TAKEN UP IN CONNECTION WITH  
THE CONSIDERATION OF THE INITIAL REPORT OF TURKEY UNDER  
ARTICLE 8, PARAGRAPH 1, OF THE OPTIONAL PROTOCOL TO THE  
CONVENTION ON THE RIGHTS OF THE CHILD ON THE INVOLVEMENT  
OF CHILDREN IN ARMED CONFLICT (CRC/C/OPAC/TUR/1)\***

[Replies received on 26 August 2009]

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not edited before being sent to the United Nations translation services.

***Response to paragraph 1 of the list of issues\****

1. The concept “Minority Rights”, being a special aspect of the Human Rights Law, does not enjoy a common approach in the international community in terms of its definition, provisions or practical consequences, owing to the wide and final discretion bestowed upon individual States. Turkey acts in line with the UN Convention on Civil and Political Rights (Section 27) *lex generalis*, and the Lausanne Peace Convention (Section 39 and other provisions) *lex specialis*.
2. Notwithstanding these terms and 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. However, the official language of the State is stipulated in the Constitution of the Republic of Turkey (Article 3). This provision is among those articles of the Constitution which cannot be amended and is an essential characteristic of the Republic (Article 4).
3. The Article 2 of the Constitution stipulates that “The Republic of Turkey is a democratic, secular and social state governed by rule of law; bearing in mind the concepts of public peace, national solidarity and justice; respecting human rights; loyal to the nationalism of Atatürk, and based on the fundamental tenets set forth in the Preamble.” Article 10 provides 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”, which is an indication of the Turkey’s commitment to and acceptance of 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.

***Response to paragraph 2 of the list of issues***

4. Article 1 of the Military Act No. 1111 defines the age range for military service. As the same article provides that the age range for military service begins from the first day of the year when a male citizen reaches 20 years of age on the basis of public registry records, **it is legally impossible for the Turkish Armed Forces to conscript any man under 18 for national service and therefore to involve children in armed conflict.**
5. Turkey has demonstrated her resolve on this issue by approving, in 2001, the International Labour Office Convention No. 182, “Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour”, before the signature of the “Optional Protocol on the Involvement of Children in Armed Conflict”. In the ILO Convention, the worst forms of child labour have been defined as to include “all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict”.

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\* CRC/C/OPAC/TUR/Q/1.

6. The General Directorate of Labour under the Ministry of Labour and Social Security has prepared the “Time Dependent Policy and Frame Programme on Prevention of Child Labour”, in line with the ILO/IPEC Programme and the Convention No. 182 of the International Labour Organization with the participation of all the relevant authorities and entities, in an attempt to eliminate the worst forms of child labour. The programme defines the worst forms of child labour as “working on the street, in small and medium scale enterprises under heavy and dangerous conditions, or in temporary farming jobs with the exception of work on family farms”.

7. The Government has adopted a number of comprehensive objectives to eliminate poverty, the underlying cause of child labour, to increase and improve educational quality and availability, and to raise social awareness and sensitivity on such matters, so that the worst forms of child labour could be eradicated within a period of 10 years (covering the 2005-2015 period).

8. To support the Programme, some projects have been designed and implemented, beginning in 2005, to keep children away from early employment, particularly in the cities that have significant economic, social and educational disadvantages and experience of a high rate of child employment.

***Response to paragraph 3 of the list of issues***

9. Paragraphs 1 and 2 of Article 4 of the Military Act No. 1111 stipulates that men aged 19 could be conscripted into the armed forces upon the request of the Minister of National Defence, and approval of the Council of Ministers and the President, at times of general mobilization and in emergency situations. **It is therefore legally impossible for men under 18 to be called up for military service with the Turkish Armed Forces even at times of general mobilization or emergency.**

10. It is therefore impossible to conscript men into the armed forces beyond the procedure specified above, by State authorities or governmental entities in a legal manner. Such attempts may be outside the Constitutional system and only for illegal political-military purposes. Such crimes, as may be carried out by terrorist organizations, armed groups and insurgents, have specific provisions and sanctions under criminal laws. The existing legal arrangements are sufficient in this respect.

11. However, efforts have been expended since 2005 to bring military legislation in line with the amendments introduced in the Turkish Penal Law. The aim is to incorporate into the military legislation, particularly Military Penal Code Numbered 1632, the various international agreements and conventions on armed conflict, including the Optional Protocol on the Involvement of Children in Armed Conflicts to the UN Convention on the Rights of the Child.

***Response to paragraph 4 of the list of issues***

12. The Military Service Act No. 1111, and the Reserve Officers and Military Officials Act No. 1076, which are the basic laws that provide for arrange “military service”, define it as a right and duty for every Turkish citizen in accordance with the “national service” concept as stipulated in Article 72 of the Turkish Constitution. The Constitution as well as the Military Act No. 1111 and other legislations define military service as a mandatory obligation for healthy male citizens within the age range.

13. Article 2 of the Military Act No. 1111 defines “military age range” as beginning on the first day of January of the year when a male citizen reaches 20 years of age, and ending on the first day of January of the year when he enters 41 years of age. Article 3 of the Act stipulates that men aged 19 could be mobilized in a general mobilization or emergency upon request of the Minister of National Defence, and approval of the Council of Ministers and the President. Article 11 states that the voluntary soldiers could be deployed for marine and gendarmerie units and as the permanent junior officers, provided that the men in question have completed 18 years of age. In other words, there is a minimum age requirement even for voluntary military service, which is not practiced at present.

14. Bearing in mind the above facts and explanations:

(a) Military service is a right and duty for every Turkish citizen, as provided for in the Constitution and relevant legislation, beginning on the first day of the year when a male citizen reaches twenty years of age;

(b) There are no military personnel under 18 in the Turkish Armed Forces;

(c) Any person under 18 years old could not legally or actually be conscripted into or employed or deployed in an armed conflict by the Turkish Armed Forces. The minimum age requirement for mandatory or voluntary military service is over this limit (although there is no practice of voluntary military service at present);

(d) While the Act No. 1111 contains explicit restrictions on this issue, it does not specify penal or criminal sanctions for infringement of these restrictions. Nevertheless, those who discharge the functions outlined in the Act are all civil servants and may be charged for a number of crimes and illegal acts as defined under the Turkish Criminal Code No. 5237, especially “misuse of powers” or “negligence”. No penal sanctions have been provided for in the Mobilization and State of War Act of 1941, as conscription of men under 18 is not possible.

***Response to paragraph 5 of the list of issues***

15. Jurisdiction over cross-border matters is provided for in Article 13 of the Turkish Criminal Code which stipulates the following:

“(1) The Turkish Law is applicable when the following crimes are committed by a Turkish citizen or a foreign citizen in a foreign country:

(a) Crimes under Volume Two, Section One;

(b) Crimes under Volume Two, Section Four, Chapters Three, Four, Five, Six, Seven and Eight;

(c) Torture (Articles 94 and 95);

(d) Intentional pollution of the environment (Article 181);

(e) Production and trafficking of narcotics and stimulants (Article 188), facilitation of consumption of narcotics and stimulants (Article 190);

(f) Money forgery and counterfeiting (Article 197), manufacturing and trading in equipment for the production of money and valued stamps (Article 200), and manufacturing false seals and stamps (Article 202);

(g) Prostitution (Article 227);

(h) Bribery (Article 252);

(i) Hijacking or seizing marine, rail or air transportation vehicles (Article 223, paragraphs 2 and 3), damaging or destroying such means and vehicles (Article 152).

(2) With the exception of those crimes set forth in Volume Two, Section Four, Chapters Three, Four, Five, Six and Seven, the jurisdiction process in Turkey for the crimes listed under paragraph 1 depends upon the request of the Minister of Justice.

(3) For the crimes set forth in sub-paragraphs a and b of paragraph 1, a person may be tried in Turkey upon the request of the Minister of Justice, even if he or she has been acquitted of that charge in another country.”

16. The Turkish Criminal Code or any other laws or codes covering criminal and penal provisions contain no specific arrangements for the crime of enlisting children under 15 into the armed forces or actively deploying them in acts of war. Similarly, there is no explicit provision for the exercise of Turkey’s cross-border jurisdiction against such crimes. On the other hand, Turkey reserves her cross-border jurisdiction if and when such events constitute or involve genocide, crimes against humanity, migrant or human trafficking as set forth in sub-paragraph a of Article 13, other crimes endangering the security of the Republic of Turkey or its the constitutional regime, crimes against protection of state secrets and espionage, as set forth in sub-paragraph b.

17. According to Article 2 of the Military Service Act No. 1111, the age range for military service begins from the first of the year when a male citizen reaches 20 years of age. According to Article 11 of the Act, it is not possible to conscript those who have not completed 18 years of age for voluntary military service. These legal arrangements ensure that it would be illegal to conscript children under 15. In cases where a child is enlisted or deployed in acts of war outside Turkey by or against a Turkish citizen, Turkey would have the cross-border jurisdiction, under sub-paragraph b of paragraph 1 of article 13. On the other hand, as per Article 12 of the Turkish Criminal Code, “In those cases where a Turkish citizen has committed a crime punishable with imprisonment for not less than one year in a foreign country any crime, except those set forth in Article 13, he or she could be tried in Turkey, provided that he or she has not been judged in another country, that he or she resides in Turkey and that the crime could be investigated and judged in Turkey”. As the lower limit of punishment with imprisonment is longer than one year for the crime of forcibly enlisting and deploying a child in acts of war, Turkey would have cross-border jurisdiction.

18. In addition to the above-mentioned cases and instances, the crime of unauthorized enlisting of people is provided for in Articles 306 and 320 of the Turkish Criminal Code. Article 306, titled “Enlisting soldiers against another state”, stipulates the following:

“(1) A person who enlists soldiers against another country or committing other hostile acts so as to cause a risk of war for Turkey would be subjected to imprisonment from five to twelve years.

(2) If a war breaks out as a result of such actions, the person would be imprisoned for life.

(3) If the action is of such a nature that it would only undermine political relations with another country or expose Turkey or Turkish citizens to acts of reprisal, the criminal would be imprisoned is from two to eight years.

(4) If political relations are interrupted, or a reprisal takes place, the criminal would be imprisoned from three to ten years.

(5) The prosecution of the crimes set forth in this Article depends on a prior approval of the Minister of Justice.

(6) The provisions of this Article may not apply to resistance movements aiming at the self-defence of the country if armed forces of another country wholly or partly occupy our national territory.”

19. Article 320 of the Turkish Criminal Code, titled “Enlisting or volunteering for the service of foreigners” states the following:

“(1) A person who enlists or arms Turkish citizens for deployment in the service of another state or a foreign citizen, without the permission of the Government, would be imprisoned from three to six years.

(2) If soldiers or persons of military age range are among those who are enlisted or armed, the prison term would be increased by one-third.

(3) Persons who accept such service as outlined in paragraph 1 would be imprisoned from one to three years.”

20. As both crimes are of the nature covered by sub-paragraph b of paragraph 1 of Article 13, Turkey would have cross-border jurisdiction over those crimes.

***Response to paragraph 6 of the list of issues***

21. The leadership of PKK/KONGRA-GEL, a separatist and terrorist organization, has underlined on various occasions the necessity of spreading violence, mass riots and protests to cities and urban areas by using particularly women and children.

22. In this regard, these groups are known to have committed illegal acts by throwing molotov cocktails, organizing demonstrations, burning cars on “special” dates recognized by the terrorist organization such as the 15th of February, 8th of March, 21st of March and 4th of April, and therefore confronted the security forces.

23. In such actions and attempts, masterminds of these acts, taking into account that criminal discretion of those under 18 is rather limited if not none, exploited these people either by force or by money or through false promises in order to create mass violence.

24. Through these acts, the terrorist organization has tried to reach its goals by triggering mass violence and by abusing the court proceedings. It further attempted to gain vote by presenting such violent actions as a legal right and those children engaged in crimes on behalf of the organization as innocent.

25. On the other hand, those members of terrorist organization PKK/KONGRA-GEL captured in operations or voluntarily surrendered, included people younger than 18.

#### **Actions taken by the security forces in order to protect children**

26. The officials approach those children younger than 12 used in such violent actions with amity and clemency in an attempt to gain them, to move their focus to playing games rather than political actions, and to create a dialogue amicably.

27. The children caught in any illegal action are taken to their homes under the supervision of Public Prosecutors, and the families are explained that **“minors may suffer physical and mental damages if they are forced to involve in violence”**. Furthermore the parents are briefed of any possible legal consequences in case they fail to fulfill their liabilities and obligations, whereupon an official record is issued to determine the cases and consequences and handed over.

#### **For the criminal prosecution**

28. In regard to the children older than 15 years committing crimes in Turkey, Article 9 of the **Anti-Terror Act** (hereinafter called ATA) stipulates **“The high criminal courts set forth in Article 250 of the Criminal Procedures Law No. 5271 of December 4, 2004 are authorized to handle and judge the cases which include those crimes covered under ATA. The same courts are authorized to handle the cases and actions against children over fifteen years old with regard to these crimes.”** Therefore, the investigation on the children committing such crimes is carried out by the specialized personnel within the Children Divisions/Offices in the Police Departments in line with the orders and instructions of the Public Prosecutors in charge of juvenile delinquency, and the affidavits and statements of such children are taken by the security officers or the Public Prosecutor who is based in the place where the children reside.

29. The Children’s Protection Act No. 5395, covering the rules and principles for protection of the children from being victims or being used in criminal acts, and securing their rights and well-being has entered into force upon publication in the Turkish Official Gazette No. 25876 of July 15, 2005. Article 5 of the same Act includes the protective and supportive measures on such children, while Article 7 defines the rules and procedures for decisions and judgments to be

taken on such cases. Article 15 and subsequent sections and paragraphs regulate the rules and procedures for the interrogation and investigation against the children, and Article 45 names responsible institutions and organizations.

30. According to Article 25 of the Act No. 5395, juvenile courts in charge of trials of the children comprise of only one judge, while the juvenile high criminal courts comprise of one chairman and a sufficient number of members. The crimes leading to an imprisonment for and less than 10 years are handled by juvenile courts, while those requiring imprisonment of longer than 10 years are handled by the juvenile high criminal courts.

31. In cases where a child commits a terrorist crime, if the child is between 12 and 15 years of age, and his/her ability to perceive the legal meaning and consequences of the crime has been adequately developed, he/she is judged by the juvenile high criminal courts, whereas those in 15-18 age group is handled and judged by the specially authorized high criminal courts established under Article 250 of the Criminal Procedures Law in accordance with Article 9 of ATA.

32. On the other hand, as per Article 31 of the Turkish Criminal Code no. 5237, those convicts younger than 18 years but older than 15 years are subjected to 2/3 of the penalties set forth in ATA, while for those who are younger than 15 years but older than 12 years, half of the penalties set forth in ATA is applicable to those who are able to perceive the meaning and legal consequences of their conducts, or who has sufficiently developed his/her ability to direct and manage their courses of action. Those children who do not fall under these groups are not subject to any penalty.

33. Articles 1, 2 and 3 of ATA have defined the terms of terror, terrorist criminal, terrorist crimes and the crimes committed for terrorist goals and objectives respectively. Although ATA does not specify terrorist crimes committed particularly against children, they could easily become victims besides the adults during the conduct of crimes set forth in ATA. The hearings with regard to terrorist activities which also involve juvenile victims are handled by the specially authorized high criminal courts established in accordance with Article 250 of the Criminal Procedures Law. However, the sanctions imposed on such crimes are those penalties imposed under Article 3 and 4 of ATA. Furthermore, the penalties for imprisonment and judicial pecuniary fines are inflicted with an increase of a half as per Article 5 of ATA. The sanctions may be heavy imprisonment for life, imprisonment for life, or imprisonment for a limited time as well as the judicial pecuniary fines. For the corporate entities, the penalties may include annulment of business licenses and impoundage.

34. The Penal Judgment Act No. 5271 includes provisions with regard to juvenile justice and securing the right to a fair trial. As per Article 150 of this Act, it is obligatory to appoint a defense lawyer when taking affidavits of the culprit or suspect in the course of interrogation or investigation, and if the victim is a minor, it is obligatory to directly appoint a lawyer without seeking the request as per Article 234, and to make available an expert on psychology, psychiatry, medicine or education during the course of hearings of child witnesses as per Article 236, and organizing closed hearings where a child is tried and announcing the rulings in closed hearings as per Article 185.



35. Hence, there are a number of legal provisions in Turkish juvenile justice system in parallel with United Nations Rules for the Protection of Juveniles Deprived of their Liberty (“Havana Rules”), and the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (“Beijing Rules”).

**Number of children who were subject to investigation and prosecution in accordance with Anti Terror Law No. 3713 (ATA)**

**Distribution of the defendants according to case and age groups judged in criminal courts for the year 2007**

Relevant article of Turkish Penal Code	Numbers of defendants						
	12-15 years		16-18 years		Total		
	Male	Female	Male	Female	Male	Female	Total
302	0	0	19	0	19	0	19
307	0	0	0	0	0	0	0
309	0	0	59	1	59	1	60
310	0	0	0	0	0	0	0
311	0	0	0	0	0	0	0
312	0	0	0	0	0	0	0
313	0	0	0	0	0	0	0
314	1	2	251	21	252	23	275
315	0	0	0	0	0	0	0
320	0	0	0	0	0	0	0

**The cases concluded in criminal courts related to Article 7 of the law No. 3713 (ATA)**

Year	Type of ruling according to the defendants from the cases concluded											
	Numbers of the defendants sentenced			Numbers of the defendants acquitted			Numbers of defendants in other rulings			Total Numbers of defendants		
	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total
2007	12	9	21	8	1	9	18	2	20	38	12	50
2008	69	8	77	22	17	39	97	11	108	188	36	224

***Response to paragraph 7 of the list of issues***

36. There is no case, issue or problem in Turkey on this matter.

***Response to paragraph 8 of the list of issues***

37. Temporary village guards must not be younger than 22 years old, as per Article 72 of the Rural Areas Act No. 442. On the other hand, according to the Regulation on Temporary Village Guards, which sets out the provisions for recruiting and commissioning village guards, a person must have completed his mandatory military service before he could be recruited. Since a person has to reach the age of 20 for military service, it is impossible for any person under 18 to be employed as a village guard.

38. Owing to the fact that Articles 68, 72 and 73 of the Rural Areas Act No 442 stipulate that armed temporary village guards may be employed to serve under the supervision of village administrators (muhtar), to protect the life and property of everyone within the boundaries of a village, and that paragraph 4 of Article 5 of the Regulation on Temporary Village Guards requires that village guards may not be younger than 22 years, **it is legally impossible for any person under 18 to be employed as a temporary village guard.**

***Response to paragraph 9 of the list of issues***

39. With regard to the procedure to be followed for those entering Turkish territory without accompany of an adult who is responsible from him/her and who is under 18 of age and called the “unaccompanied minor” unless they are effectively taken under the care and guardianship of such a person, and who is a foreigner or stateless asylum seeker, or an asylum seeker who went unaccompanied after entering Turkish territory, Article 6 of the Ministerial Implementation Order No. 57 regarding the unaccompanied minors is as follows:

“Any necessary procedure should be initiated immediately in coordination with the Provincial Social Services Management and/or Juvenile Divisions by serving an immediate prior written or verbal notice to the Ministry once unaccompanied minors apply for asylum. They would be placed in (General Directorate of Social Services and Child Protection Agency) SHCEK institutions immediately or following the completion of the necessary procedure depending on the age of the child.

However, for the unaccompanied children who do not have any identity card, birth certificate, or other document to prove their actual age and claims himself/herself as minor in his/her personal statement, once no similarity is established between their actual appearance and declared ages, and if they seem to be over 18, a formal report on the age would be required from a State Hospital or the Forensic Medicine Institution.

The asylum seeker would be provided with shelter in the Juvenile Divisions of the Police Department, guest houses for asylum-seekers or other appropriate places while the official report regarding the applicant’s age is finalized.

A psychologist or social services expert should be present at the time of the children’s interviews. These experts should be invited from SHÇEK, Juvenile Divisions of the Police or any other entities and institutions.

The officials conducting the interview should also take into account the report issued by the expert who participated in the interview with the child. A copy of this report should be attached to the file to be forwarded to the Ministry of Interior.

Upon completion of the necessary procedures, the Provincial Directorates for Social Services should be contacted to place unaccompanied children in the Social Services Guesthouses, and a verbal and written notice should be immediately served to the Ministry.

In line with an age determination report obtained from a Fully Equipped State Hospital or Institution of Forensic Medicine, those who are found to be over 18 are subject to the procedures applied to the adult applicants.”

40. The total number of refugee or asylum-seeker children who arrived in Turkey between 2005 and 2009 from countries where they may potentially be recruited in case of war is 310.

***Response to paragraph 10 of the list of issues***

41. The vocational training courses are organized to carry out the ordinary and administrative justice effectively, efficiently, and quickly in line with the Article 20 of the Law on the agreement of the statutory decree on the organization and duties of the Ministry of Justice (No. 2992); the Articles 48 and 49 of the Law of Judges and Public Prosecutors (No. 2802) and the Regulations of Vocational Training of Judges and Public Prosecutors.

42. Pre-service and in-service training of the Ministry of Justice staff working at the headquarters or in the province is provided by regular training courses organized every year within the context of Article 21 of the Regulations of the Ministry of Justice on In-service Vocational Training.

43. As the Ministry of Justice is tasked with coordination between institutions for putting into practice the cautions specified in the Child Protection Law (No. 5395), which is published in the *Official Gazette* on 15 July 2005, the judges, public prosecutors, psychologists, pedagogues, and social workers who work at juvenile and family courts are often subject to the training courses on protection of the child within the context of the projects carried out in cooperation with the relevant General Directorate of the said Ministry.

44. Although the Optional Protocol on the Involvement of Children in Armed Conflicts has not been a course topic in professional and in-service vocational training given to judges, public prosecutors and social workers so far, it is envisaged to be included in the programme of the training courses regarding children's rights.

45. Additionally, further training programmes are developed to be carried out in the next period under the coordination of the Agency for Social Services and Child Protection (SHÇEK).

***Response to paragraph 11 of the list of issues***

**Implementation Support Project for Human Rights Reforms in Turkey**

46. Under the “**Implementation Support Project for Human Rights Reforms in Turkey**” in coordination with Prime Ministry Human Rights Presidency, the activities related to Directorate-General of Security have been carried out by the Anti-Terrorism Department.

47. Within the scope of the project, (493) ranked officers have received training in the fields of anti-terrorism, management of freedom of assembly and overcoming practical difficulties in the light of the European Convention on Human Rights, and (44) personnel have paid working visits to various European countries in this field.

48. The training activities within the scope of the Project were completed in December 2007.

## Directorate-General of Security

### 1. In the context of human rights training

#### (a) Vocational training

49. “Human rights” and “public relations” courses have been declared compulsory in all the vocational training programmes since 2000. Furthermore, starting from 2004, the courses of “**human rights**”, “**community policing**” and “**professional ethics of police**” have included a minimum of (2) hours each into all vocational training programmes.

50. The objective of the “human rights” course is to create the awareness of individual and institutional human right on the personnel. In this context, the concept of human rights is elaborated in the courses in terms of its development process and its legally binding contents for law enforcement personnel.

51. Today, as an approach based on respect to human rights while countering terrorism has been adopted in principle, the vocational training for personnel with good performance in the anti-terrorism branch, include the courses of **human rights, arresting and surveillance methods, interrogation and finding evidence in organized crimes** where human rights issues are covered.

52. In year 2008, in 5 terms, (98) participants, attended the course of “**arresting and surveillance methods**” which includes education on relevant legislation.

53. In year 2008, in 2 terms, (57) participants attended the course of “**interrogation and finding evidence in organized crimes**” which includes human rights in countering terrorism, criminal psychology and relevant legislation.

54. In November 2009, arresting and surveillance methods course will be conducted for 5 terms and interrogation and finding evidence in organized crimes course will be conducted for 2 terms.

55. In addition, within the framework of vocational training courses conducted in year 2008, (742) personnel participated in human rights lectures for a total of 20 hours in 14 terms, under different courses such as basic training for anti-terrorism services, countering left-wing terrorism, and countering separatist terrorism.

56. In July 2009, (816) personnel participated in human rights lectures for a total of 25 hours in 15 terms, under different courses such as basic training for anti-terrorism services, countering left-wing terrorism, countering separatist terrorism as well as basic training for anti-terrorism provided to Mongolian Police Force members in Turkey.

#### (b) Human rights courses

57. All the personnel participating in **basic training for anti-terrorism services** receive lectures on human rights. In addition to this, since 2003, “**human rights course**” has been carried out to update the personnel in the anti-terrorism branch in order for them to embrace human rights.

58. The curricula of the above-mentioned courses are drafted by taking into account various elements such as the Resolutions of the European Court of Human Rights, the recommendations of the European Committee for the Prevention of Torture, national and international contemporary developments in the area of human rights, recent legislations and the challenges in practice.

59. In this framework, between the years 2003-2006, **(542)** personnel participated in (12) terms of Human Rights Course organized by the Anti-terrorism Department.

60. In addition, human rights course for two terms is planned to be arranged in year 2009.

**(c) Booklet study**

61. A total of 80,000 booklets of **“Regulations of Arresting, Surveillance, and Interrogation”** and **“Regulations of Judicial and Preventive Search”** were published and distributed to the relevant units in 81 Provincial Directorates of Security in order to update the personnel about recent regulations, to facilitate access to information, and to strengthen respect of the personnel for human rights while carrying out their services.

**2. Twinning projects**

62. The Directorate-General of Security aims to improve the standards of human rights through its projects. The directly related projects to human rights out of the above-mentioned projects are as follows:

**(a) Development project of questioning techniques and questioning rooms**

63. Within the scope of this project which was completed in February 2006:

- **30 model questioning rooms** were installed in 27 provinces which enable visual and audio recording in compliance with international standards
- **The training seminars for the trainers were** carried out where 251 personnel were trained as the trainer of human rights
- **120 trainings** were carried out in 81 Provinces, and a total of 2,470 personnel were trained
- A **training handbook** about questioning and human rights was prepared

**(b) The Project of strengthening the responsibility, productivity and efficiency of the Turkish Police Organization**

64. The project prepared in the process of Turkey’s accession to the European Union (EU) and within the framework of EU Financial Cooperation, was carried out through PHARE-Twinning mechanism. Its objective was to strengthen the responsibility, productivity and efficiency of Turkish Police Organization by introducing the best practices in the EU and EU Acquis to Turkish Police Organization, in the light of the contemporary and human-centred principles and through increasing the institutional capacity.

65. Eighty-one activities under this project were carried out as the Spanish experts shared best practices within the EU Acquis and the EU Police with Turkish Police Organization.

66. The project also includes a part named “Respect to the Human Rights in the Execution of Police Operations” carried out by the Anti-terrorism Department. This part includes the following 3 sub components:

- Human rights
- Police ethics and professional police behaviour
- Human rights and surveillance actions by the Police

Under this part of the project, (51) personnel participated in the training of “Professional Police Ethics: Ethics Course as a daily tool for Policing”, (83) personnel participated in the training of “Human Rights: Globalization and Rights”, and (80) personnel participated in the training of “Training Course for the Trainers of Human Rights”.

67. Seminars on “Human Rights and Ethics Codes as Guidance for Policing” with the participation of approximately (1,000) people including the Members of Provincial Committees of Human Rights, Mukhtars (head of a village or urban district) of urban districts, Heads of Departments from universities, academicians, and the representatives of non-governmental organizations besides the personnel of Directorate General of Security were carried out in (10) different provinces.

68. The training material titled “Guideline for Trainers” to be used in the courses of Human Rights and Police Ethics were prepared in English and Turkish, and published by the financial support of the EU. Texts of lectures and case studies were included in this material and its complementary CD-ROM covered all the existing national and international legislation, course notes and Supreme Court’s rulings, etc.

69. As the 2006 Regular Progress Report of the European Commission and Accession Partnership Documents mentioned “a guideline of ethic behaviour is required to be prepared in the framework of international best practices for law enforcement officers”, the text of “Ethic Principles of Turkish Police” was drafted through the studies carried out within the scope of the project. The project was completed in January 2007.

### **Training for children police**

70. The vocational training programmes have been conducted for the personnel of Directorates of Security in Provinces and Districts, Departments of Children Police by the Department of Public Order in order to increase the quality of services for the children since 2001. The following vocational training programmes were standardized after exchanging views with the experts in the field and academicians in 2006:

1. Basic training courses for children police.

2. Expert programmes:
  - (a) Courses on fighting against child trade and sexual abuse;
  - (b) Juvenile justice course;
  - (c) Child protection course.
3. Seminar and workshop programmes.

Through the training project for Professionals of Juvenile Justice System between the years 2006-2008, interactive training methods for adults have been initiated.

71. In these courses, the instructors of those institutions where Directorate General of Security is in cooperation with are invited to introduce their institutions and share their expectations from the police. In the training courses, the participants are informed about the issues such as the development of the child, needs of the child, child-sensitive communication, children's rights and juvenile justice. Participants also receive guidance on how to develop their approaches in order that the juvenile justice system could function to safeguard the benefit of the child.

72. Seminars for **"Directors of Children Police"** have been organized for directors in charge of children police in 81 Provincial Directorates of Security in order to provide updated information about legislation and regulations, to extend the successful projects from provincial level to national level, and to standardize the practices of children police branches. Furthermore, **"Children Police Workshops"** have been organized once needed, in order to exchange ideas about the possible regulations considered to be put into practice, with the participation of experienced children branch personnel from different provinces in groups of 20 or 25 persons.

2,905 personnel have received Vocational Training since year 2001 and training studies have been continuing.

### **General Command of Gendarmerie**

73. Human rights training has been carried out at all levels within the General Command of Gendarmerie in order to raise awareness on the personnel regarding human rights, and to give information about the international conventions, their inspection mechanisms and their impact on Turkey. In this context:

(1) A separate lecture on "human rights" in the Gendarmerie Schools Command has been delivered since 1992/93 academic year. In academic year of 2008/09, the course of "human rights" was delivered (30) hours under Basic Training of Gendarmerie Officer, and (26) hours under Basic Training of Gendarmerie NCOs, and (34) hours in Gendarmerie NCO (Non-commissioned Officers) Vocational High School, and (32) hours in Specialized Gendarmes School.

(2) For the above-mentioned course, the "Textbook of Human Rights" which covers United Nations Convention on the Rights of the Child has been published by the Gendarmerie Schools Command.

(3) In addition to the course of Human Rights in the Gendarmerie Schools Command, the course of Prevention of Juvenile Crimes is available within the scope of “Vocational Courses” initiated by the General Command of Gendarmerie.

(4) Regardless of their branches, the non-commissioned officers and private soldiers undergo (10) hours of human rights training in the stage of recruit training, then upon arrival to their branches they receive a further training on human rights for (12-24) hours depending on the type of the unit, within a training year.

(5) Vocational training seminars and conferences have been organized in order to maintain the training of human rights received by the personnel within the scope of basic training, vocational courses, projects, and to inform the personnel about the national and international regulations and changes in the legislation within the scope of the human rights. In this context, (16,519) personnel received human rights training in year 2008.

(6) Mobile training activities have been carried out by the “Human Rights and the Turkish Gendarmerie Human Rights Violations’ Investigation and Evaluation Center” (JIHIDEM) in order to strengthen the coordination between the headquarters and units by increasing the level of information of the personnel in their areas. The personnel are briefed about the JIHIDEM and Human Rights in the provinces visited by the Mobile Training Teams.

(7) The Implementation Support Project of Human Rights Reforms in Turkey, the Project of Increasing the Professionalism of Gendarmerie Personnel in Policing Services, the Project of Increasing the Knowledge and Skills of the Policing Personnel in the area of European Standards of Human Rights, and the Project of Establishing an Appropriate Administration, Protection and Justice for the Children in Turkey (within the scope of this project, (200) Gendarmerie personnel who are in charge of children have received human rights training) which were carried out within the scope of the EU 2004 Financial Cooperation Program. A number of Gendarmerie personnel participated in these projects related with human rights where the objective was to increase their skills.

(8) Furthermore, within the scope of the “Project of Gendarmerie Training of Human Rights” carried out by the sources of the General Command of Gendarmerie, between the dates of 12 January and 30 May 2007, (38,407) personnel underwent training of human rights by the mobile training teams composed of (38) officers who received the “Basic Course of Human Rights” in the Gendarmerie Schools Command on the dates between 30 October 2005 and 3 November 2006.

## **Armed Forces**

74. The personnel of Turkish Armed Forces (TSK) and non-commissioned officers and private soldiers who are carrying out their military service, in compliance with their levels and in certain programmes:

(a) Receive human rights training which include the rights of the child;



(b) Receive information about the regulations of the international human rights law including the Universal Declaration of Human Rights;

(c) Receive information on “Fundamental Rights and Freedoms”, “Human Rights”, “Protection of the Youth” and “Domestic Violence against the Child and its prevention”.

75. On the other hand, all the responsibilities resulting from the law of human rights, the international criminal law, Turkish Penal Code, and all the obligations resulting from the law of armed conflict (within this scope, the children under legal guardianship and the issues related to children’s rights are taken into account) are indeed taken into consideration while drafting both the military code of conduct and the rules of engagement (conflict) designed specially for the service.

***Response to paragraph 12 of the list of issues***

76. All the course attendees and students in the Expert Gendarmerie School, Basic Course of Gendarmerie Sergeant and Basic Course of Gendarmerie Officer are selected from people over 18 in accordance with the relevant legislation (Law on Expert Gendarmerie, Law on Turkish Armed Forces Personnel and Regulation on Basic Course of Sergeants). Thus, there are no students or course attendees with the status of “child”.

77. In military schools, training activities are carried out within the framework of weekly course schedules which are approved by the Board of Education of the Ministry of Education.

78. In these schools, same courses and textbooks that are approved by the Board of Education for secondary education are studied and human rights trainings are given by the officers or civilian instructors who studied human rights courses in universities.

79. The instructors who take charge in the military schools without completing their pedagogic education are first given pedagogic training. Additionally, instructors are subject to 6-8 weeks of student-instructor relations and efficient teaching courses at the first stage of their profession. Every year, military instructors can participate in the vocational trainings and seminars, organized by the Ministry of Education.

80. Furthermore, the instructors in the military schools are required to take courses and attend conferences on children’s rights within the framework of the Domestic Course Plans of the relevant Military Departments.

81. In order to enable students to submit their complaints without fear and hesitation, guidance and counselling system is available in the military schools. Students can directly get in touch with their guidance counsellors about any kind of issue. Questionnaires and screening tests are carried out within the scope of guidance activities. Furthermore, social activities are arranged for the students to verbalize their wishes more easily.

82. Wishes and complaints are transmitted to ordinal authorities by the student representatives. Suggestion Boxes available in public spaces at schools permit students to write down and drop their wishes and complaints without the obligation of disclosing their names. These papers are directly evaluated by the school commander.

83. In addition to internal inspections, military schools are also examined by the committee of General Staff's and Land Forces' Evaluation and Inspection Division in every two years and by the committee of Land Forces' Evaluation and Inspection Division once a year in terms of their administration and curricula and the effectiveness of complaint mechanisms via questionnaires and controls.

84. Guidance activities are meticulously carried out at the education institutions of Turkish Armed Forces and students can easily share their problems with their counsellors whenever they need. Students are also closely followed by their classroom officers and if needed their families are interviewed.

85. Therefore every student has the right and opportunity to transmit complaints in line with the scope of the petition and this right is under the guarantee of both the Constitution and other legislations such as Turkish Armed Forces Internal Service Law No: 211 and Turkish Armed Forces Internal Service Regulation.

86. In all the activities carried out by the Turkish Armed Forces, the liabilities within the scope of the armed conflict are taken into consideration in every level as long as they are applicable with human rights law. A great importance is attached to generalizing trainings on law of armed conflict and increasing the number of personnel benefiting from those training programmes. In the Partnership for Peace Training Center which operates under the General Staff, courses on law of armed conflict are organized in twice a year and the officers who are in the position of taking decisions are sent to Ankara for brush up sessions. Moreover, the international conferences on law of armed conflict and current developments in that area are closely followed.

87. In conclusion, about the inclusion of children in armed conflicts, the primary focus of Turkish Armed Forces is on the current limitations which are specified in the Convention on Children's Rights and the provisions of the Optional Protocol on the Involvement of the Children in the Armed Conflict annex to the Convention:

- (a) Preventing children from participating in the hostile actions;
- (b) Not compulsorily conscripting children under a certain age into the armed forces;
- (c) Conscripting children under a certain age into the armed forces only under the conditions voluntarily decided.

88. The main objective of the said Convention and Protocol is to prevent children from using the arms directly and being damaged by the armed conflicts and to prevent any preparatory activity to include children in armed conflicts. When our national legislation and our country declarations on inclusion of children in armed conflicts are taken into consideration together with the conditions to participate in the Turkish Armed Forces, it is seen that there is no issue to raise a concern in terms of protection of children from armed conflicts.

***Response to paragraph 13 of the list of issues***

89. With the Letter Number 356 of the Prime Ministry dated 26 May 1995 and the Letter Number 8 of the relevant State Ministry dated 24 January 1995, the Agency for Social Services and Child Protection (SHÇEK) was appointed as the "Coordinator Organization" responsible for

implementation of the Convention on the Rights of the Child in Turkey. The Agency, with this mandate, heralded the signing and ratification of the said Protocol to all public institutions and relevant sectors. All related public institutions took active roles in the process of drafting the first country report regarding the said protocol. All the practical information about the said protocol has been made available on the Agency's website and it is open to all segments of the public.

***Response to paragraph 14 of the list of issues***

90. The regulation in our national legislation regarding the sale of arms is as follows:  
References:

(a) Law No. 5201 dated 29 July 2004 on the Control of Industrial Organizations Manufacturing Arms, Explosives and Munitions of War;

(b) Regulation Published in the Official Gazette No. 26514 dated 6 May 2007 on Control of Industrial Organizations Manufacturing Arms, Explosives and Munitions of War;

(c) The List of Materials Published in the Official Gazette No. 27161 dated 6 March 2009 on the Arms, Explosives and Munitions of War, Their Spare Parts and Military Explosive Materials that are Subject to Control and Their Technologies.

91. Within this context, in order to Export or Take out of the Country Any Type of Material mentioned in reference (c):

(a) The importing company shall apply to the Ministry of National Security with an application letter in which type and quantity of material is specified together with the identity and residence of the receiver and with an Instrument of Final User signed and sealed by the National Security Authority of the receiving country in which the importing company commits itself to use the materials in line with the declared purposes;

(b) Following the primary examination of the application by the Ministry of National Security, military assessment of the Turkish General Staff and political assessment of the Ministry of Foreign Affairs are taken in line with the Law in reference (a) and the regulation in reference (c) and then the final assessment is made by the Ministry of National Security.

92. Accordingly, based on the political assessment of the Ministry of Foreign Affairs, the Ministry of National Security takes into account the decisions taken by the international organizations to apply sanctions on use of the military materials included in reference (c) by child soldiers of the receiving country, furthermore with the Instrument of Final User provided by the receiving country, a commitment is assured that those military materials would not be transferred into the third countries.

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