



**SCREENING CHAPTER 24
JUSTICE, FREEDOM AND SECURITY**

**AGENDA ITEM 4:
CO-OPERATION IN THE FIELD OF DRUGS**

**Country Session: Republic of TURKEY
13 – 15 February 2006**



CONSTITUTIONAL FRAMEWORK

The essential need for the fight against addictive substances is stated under the Constitution. Article 58 of the Constitution reads “...The State shall take all the necessary measures to protect young people from alcohol addiction, illicit drugs, delinquency, gambling, illiteracy and other similar bad habits.” Therefore, it is the responsibility of the state to protect young people from hazards like alcohol, tobacco, illicit drugs and gambling.



MAJOR INTERNATIONAL CONVENTIONS

Turkey has ratified the major international conventions in the combat against addictive substances, namely;

- Single Convention on Narcotic Drugs, 1961,
- Protocol amending the Single Convention on Narcotic Drugs, 1972.
- Convention on Psychotropic Substances, 1971
- Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988.
- “Agreement on illicit traffic by sea, implementing Article 17 of the UN Convention against illicit traffic in narcotic drugs and psychotropic substances” (1988 Convention) was signed in 6 October 2004 and is under ratification process at the Turkish Grand National Assembly.



“Agreement between the European Community and the Turkish Republic on Precursors and Chemical Substances frequently used in the illicit manufacture of narcotics drugs or psychotropics substances” entered into force in 28 April 2004.



ACCORDING TO THE TURKISH CRIMINAL CODE:

Illicit manufacture, export, import, trafficking of the narcotic substances which are listed under the Law no. 2313 on Control of Narcotics constitute a major crime. The person who committed one of these crimes is sentenced to at least ten years of imprisonment and to a fine corresponding to twenty thousand days.

Drug user is sentenced to protective custody and treatment in a hospital until it is medically ascertained that he/she has been cured. In case the drug user does not comply with the requirements of the protective custody, imprisonment is executed for up to two years.



LEGAL OPIUM PLANT CULTIVATION

Legal opium plant cultivation in Turkey is regulated under the Law No. 3298 on the Control of Narcotics. As per this law, the purchase, sales, manufacture, import and export of opium and morphine like opium alkaloids, salts, esters and ethers and other narcotic substances are subject to the rules set by the Council of Ministers. No incident is reported so far with regard to the illegal use of legal opium plant. Opium poppy capsules are not lanced in Turkey.



LEGAL CANNABIS CULTIVATION

Legal cannabis cultivation in Turkey is regulated under Law No. 2313 on the Control of Narcotics. As per this law, production of cannabis for fiber, seed, straw and similar purposes is subject to the approval of the Ministry of Agriculture and Rural Affairs. The Ministry identifies, declares the territories eligible for cannabis cultivation and controls the production. Cannabis, which is used only for industrial purposes and not for use in addictive substances, is produced under the supervision, licensing and control of the Ministry of Agriculture and Rural Affairs.



LEGAL TRADE OF ILLICIT ADDICTIVE SUBSTANCES, PSYCHOTROPIC SUBSTANCES AND PREPARATIONS

Directorate General for Pharmaceuticals and Pharmacies,
Ministry of Health undertakes;

to regulate the manufacture, import, export and consumption of narcotic drugs, psychotropic substances and narcotic precursors and preparations which contain such substances, within the framework of national legislation and international conventions/agreements to which Turkey is party.

the measures to prevent usage of narcotic substances other than medical and scientific purposes and industrial purposes



UN 1961 and 1971 Conventions stipulate that the states parties may take more stringent measures than those stated under the Conventions.

Turkey, based on this provision, has included certain psychotropic substances listed in the Annex to the 1971 UN Convention under narcotics definition. Amphetamine and its certain derivatives, increasingly used in the EU Member States and the others and listed in the Annex to the UN 1971 Convention, was taken under narcotics definition in 1982 and the other substances (e.g. MDMA, known as ecstasy) in 1996 , 4-MTA was taken under narcotic definition in 2004 as per Article 19 of the Law no. 2313.



Regulation on Narcotic Precursors also entered into force in June 2004.

Control procedures over Acetic Anhydride which are listed in the 1988 UN Convention, have been implemented since 1950's in Turkey.



INSTITUTIONAL FRAMEWORK

In Turkey, the following institutions are involved in the fight against the trafficking of illicit addictive substances: Turkish National Police, General Command of Gendarmerie, Coast Guard Command and Customs Administration.

Besides these institutions, Department of Smuggling, Intelligence, Operation and Information Gathering (KIHBI) under the Ministry of Interior, Ministry of Justice, Ministry of Health, Ministry of Agriculture and Rural Affairs and Ministry of Foreign Affairs support these efforts.

Intranet network is mainly used by the central and provincial authorities in Turkey. Through this network's data, audio and visual files can be transferred. The provincial authorities may have access to the central archives through the same computer network.



INTERNATIONAL COOPERATION

Turkey cooperates firmly with the following international agencies in her anti-trafficking efforts:

- UN related agencies such as the United Nations Office on Drugs and Crime (UNODC),
- United Nations Drug Control Program (UNDCP),
- International Crime Prevention Center, Commission on Narcotic Drugs(CND),
- Sub-Commission for Middle and Near East Illicit Drugs Trafficking and Related Matters,
- Heads of National Law-Enforcement Agencies Against Drugs Trafficking (HONLEA)
- Justice for Crime Prevention and Criminal Justice (CCPCJ)
- Council of Europe,



- Black Sea Economic Cooperation Organization (BSEC),
- Economic Cooperation Organization (ECO),
- South East Europe Cooperation Initiative (SECI),
- Interpol,
- International Narcotics Control Board (INCB),
- POMPIDOU Group,
- International Drug Encountering Conference (IDEC)
- Europol.

Other than these international agencies, Turkey has also concluded bilateral and multilateral security and cooperation agreements with a total of 66 countries.



Turkey has become a member of the Group of Major Donors in the UNODC by increasing its voluntary contributions and has been elected to the Commission on Narcotic Drugs (CND) again for the term 2006-2009.



CONTROLLED DELIVERY OPERATIONS

In order to carry out controlled delivery operations Turkish legislation has been amended in 1997.

In the period 1997-2004, Turkey carried out a total of 79 national and international controlled delivery operations.

In the controlled delivery operations Turkey worked mainly with the following countries: USA, Germany, Austria, Bulgaria, France, Holland, UK, Italy, Canada, Macedonia, Romania, Russia and Greece.



TRAINING OF LAW ENFORCEMENT ON DRUGS

In order to share her training knowledge and experience with the other countries in the region, Turkey supports every initiative aims at sustaining regional training activities on a solid basis.

In this context, the “Turkish International Academy Against Drugs and Organized Crime” (TADOC), the first international drug and organized crime enforcement academy of Turkey, was established in Ankara on 26 June 2000 in cooperation with UNODC and as an affiliate of Turkish National Police, Department of Anti-Smuggling and Organized Crime (KOM) to deliver training on the fight against drugs and organized crime.



Established in September 2000, TADOC has been delivering training activities to the law enforcement authorities of the member states to the Economic Cooperation Organization, Black Sea Economic Cooperation Organization and Balkan countries as well as the other countries having bilateral cooperation agreements with Turkey. These training programs are intended to cover every aspect of the fight against drugs and organized crime.

Constituting a suitable basis for the establishment, sustenance and improvement of regional and international cooperation, TADOC contributes to the strengthening of cooperation via the integration of trainees from different countries and also from different institutions of our country.



TADOC is not only a training institution but also a source for more comprehensible scientific research on organized crime, money laundering, drug supply and demand reduction and new types of crimes in communication sector, thanks to the “Organized Crime and Crime Prevention Research Center”, “Drug Demand Reduction Research Center”, “Money Laundering Research Center” and “IT Crimes Research Center” in its structure.



Apart from being a training institution, TADOC fulfills its role as a center which contributes to the improvement of existing communication and cooperation between national and regional law enforcement authorities working in the field of drug and organized crime enforcement via the following mechanisms :

- National Advisory Board (Inter-institutional Cooperation and Coordination Meeting)
- Regional Training Advisory Board
- Regional Operational Advisory Board



COOPERATION AND COORDINATION FOR DEMAND REDUCTION

“Supreme Committee for Monitoring and Steering the Fight against Use of Narcotic Drugs” and “Sub-Committee for Monitoring and Steering the Fight against Use of Narcotic Drugs” were established with the Resolution of the Council of Ministers of 25 July 1997 and No. 97/9700, in order to carry out the activities for fighting against the use of and addiction to narcotic drugs, to determine and to coordinate the measures to be taken. Representatives of 18 institutions and organizations work together in these committees.



Turkey's membership in the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA), which was established for the purposes of comparable, reliable and objective information gathering, analysis and use thereof in the fields of use of narcotic drugs, addiction and its consequences, was approved as envisaged in the EU Acquis with regard to the fight against addictive substances.



TADOC was assigned as the National Focal Point of the EMCDDA to ensure the realization of the membership activities on a continuous basis.

Turkish Monitoring Center for Drugs and Drug Addiction (TUBİM) was established and initiated its activities under the auspices of TADOC to carry out projects in the fields of narcotic drugs and drug addiction in a longer term under a single umbrella, to ensure and maintain coordination and information exchange among other related institutions and/or organizations, and provide the continuity of bilateral relations with the EMCDDA.



Since the cooperation among the related institutions in different fields is of utmost importance in the fight against narcotic drugs, Institutional Focal Points comprised of members from the institutions in question were established to ensure direct communication and cooperation. Each institutional focal point is represented by two members.

The “Enforcement and Liaison Unit for Fight Against Substance Use” was established under the structure of Narcotics Units of 81 Provincial Divisions of Anti-Smuggling and Organized Crime, affiliated to the Turkish National Police.



“Train the Trainers Programme for the Fight Against Substance Use” was provided to the personnel of the provincial divisions with the coordination of the Department of Anti-Smuggling and Organized Crime, Ministry of Interior. The said personnel organize training activities for the target groups in the context of the use of narcotic drugs. The experts participated in this training programme, organize activities such as conferences and panels for students and teachers at high schools and parents of the students, personnel of the Directorate General of Prisons and Detention Houses, and for other audiences upon request, in the field of substance use and addiction.

These activities are organized with the support of the experts working in Provincial Directorates of National Education and Health.



NATIONAL STRATEGY

Turkey has prepared its national strategy on the fight against addictive substances in 1997. The strategy has entered into force by the Decree of the Council of Ministers which specifies the principles of the fight against addictive substances including supply, demand and rehabilitation aspects and also defines the target groups in this field.



During the updating works of the 5-year period strategy for the years 2003-2008, it was underlined that our national strategy should be aligned with the EU strategy for the addictive substances. Within this framework, the Twinning Project for the Establishment of the Turkish National Focal Point for the EMCCDA and Development and Implementation of the National Strategy for Addictive Substances has been put into force in order to meet the requirements mentioned above.



Since one of the sub-titles of the project is the harmonization of Turkish national strategy with the EU strategy, it has been decided to update the strategy. It has also been decided that the national strategy covering the years between 1997 and 2002 should remain in force until the end of the said project.

Work on the harmonization of the National Strategy with the EU strategy is ongoing.