



TURKEY

ECPAT

COUNTRY OVERVIEW

*A report on the scale, scope and context of
the sexual exploitation of children*

JULY, 2020



International

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Recent years have seen unprecedented progress towards embedding the child's right to protection from sexual exploitation more deeply into the global agenda, no more so than the global mandate to eliminate the sexual exploitation of children (SEC) enshrined in the Sustainable Development Goals (SDGs) adopted by world leaders in 2015.

ECPAT Country Overviews on SEC provide an effective tool for advocacy at all levels as well as for monitoring, including on government commitments made in the SDGs to end violence against children in all its different forms by 2030.

ECPAT Country Overviews are first and foremost, a desk review exercise that gather and present all the existing publicly available information into a comprehensive summary of all forms of SEC in a country. They do not contain any new primary data. They also provide an assessment of achievements and challenges in implementing counteractions - including the participation of children themselves - to eliminate SEC.

ECPAT Country Overviews also suggest concrete priority actions urgently needed to proactively advance the national fight against SEC and enable the monitoring of the implementation of international instruments on child rights related to sexual exploitation that have been ratified by the State. Furthermore, the ECPAT Country Overviews provide well-organised information and research, which can be used in preparing Alternative Reports and Additional Submissions to the Committee on the Rights of the Child and the Human Rights Council.

During the process, drafts are shared with ECPAT members, relevant local organisations, and experts working on the ground who review the content and supplement the information with other local sources and analysis. ECPAT International greatly relies on the contributions of all those involved in producing these reports and would like to express its profound appreciation for their invaluable inputs.

At a Glance

Domestic instability, the influx of millions of refugees and Turkey's geographic position have resulted in Turkish children and foreign refugee children being vulnerable to child sexual exploitation in Turkey. The failed military *coup d'état* in 2016, and the two-year state of emergency that followed, have strained relationships between the government and civil society, with the operations of civil society organisations, including those working on human rights issues, being limited.

Coupled with domestic instability, Turkey has been at the centre of an enormous refugee crisis, receiving and hosting more refugees than any other country in the world, which the country and the government must be commended for. However, millions of refugees live in vulnerable circumstances in Turkey leaving thousands of children at risk of sexual exploitation. Vulnerability is aggravated by limited economic opportunities and extreme poverty. However, the issue of child poverty is not limited to the refugee population, with the poverty rate for Turkish households that include at least one child being as high as 22.6%.

Turkey's geographic position bordering the Middle East, Eastern Europe and Southern Europe, creates the perception that it is a 'bridge' between Asia and Europe and makes it an arterial route for migrants. With this comes the issue of becoming a transit, destination and origin country for human trafficking, including of children for the purposes

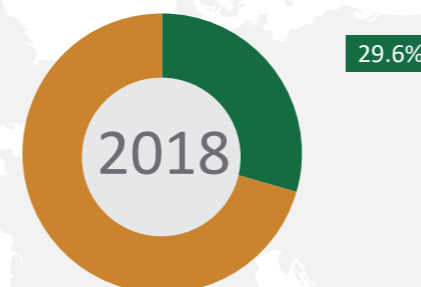
of sexual exploitation. Reports described in this overview highlight the phenomenon of children from states bordering Turkey - such as Iraq and Syria - being trafficked and sold for the purposes of child sexual exploitation. The issue of child, early and forced marriages, has been shown to impact thousands of Syrian refugee children and Turkish children. The Turkish government's response to the issue has been limited and criticised by a number of reports. Government data, consulted in this country overview, indicates that the issue remains prevalent.

Turkey has ratified a number of international and regional instruments which articulate efforts to combat child sexual exploitation. However, it is worth noting that national legislation is not fully in compliance with international standards, and legal limitations still exist. For example, there is no provision in Turkish legislation protecting child victims of trafficking, including for the purposes of sexual exploitation, from being prosecuted for involvement in unlawful activities. Additionally, Turkey also lacks any national action plans relating to child sexual exploitation, and there is a severe lack of data that is publicly available on the number of victims of different manifestations of child sexual exploitation, particularly online child sexual exploitation and the sexual exploitation of children in the context of travel and tourism. Therefore, identifying trends and groups within Turkey that are vulnerable to child sexual exploitation can be especially difficult.

POPULATION

SOURCE: UNICEF State of the World's Children Report 2019

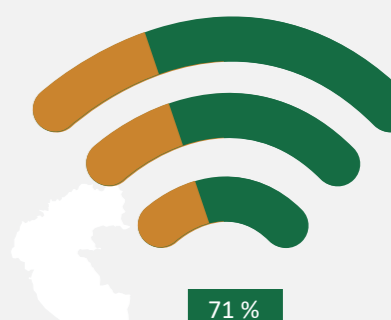
Children under 18 years



INTERNET ACCESS

SOURCE: ITU Statistics 2019: Turkey

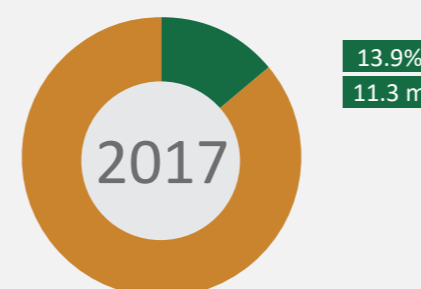
Have Internet access



POVERTY RATE

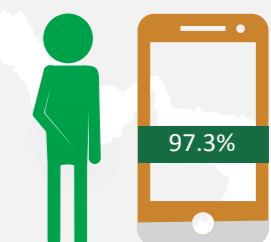
SOURCE: Poverty & Equity Data Portal: World Bank

Living under the national poverty line



MOBILE PHONE USERS

SOURCE: ITU Statistics 2019: Turkey



97.3 subscriptions per 100 inhabitants

CHILDREN'S RIGHTS UNDER THE LAW

	Girls	Boys
Age of consent for sex	18	18
Minimum age for marriage	18*	18*
Legal working age	15**	15**
Compulsory age of schooling	6-18***	6-18***

* with a few exceptions

** with exceptions for part-time employment and light work

*** 12 years of compulsory education starting at 5.5 or 6 years old

COUNTRY OVERVIEW AND SPECIFIC VULNERABILITIES LEADING TO THE SEXUAL EXPLOITATION OF CHILDREN

The Republic of Turkey occupies a unique geographical position between Asia, the Middle East and Europe, making it an arterial transit route for migrants.¹ The country is made up of 81 different provinces, with the capital being Ankara.² According to the latest available UNICEF statistics, Turkey's total population in 2018 was 82,340,000 with 29.6% of the population being under the age of 18, and 8.2% being under the age of five.³ Many children in Turkey continue to experience poverty, with the relative poverty rate of Turkish households with at least one child being as high as 22.6% in 2018,⁴ an alarming figure as poverty increases the risk of children experiencing exploitation.⁵ As well as poverty increasing children's vulnerability to exploitation, low levels of education also increase risk.⁶ In 2018, 5% of boys in Turkey were not enrolled in primary education compared to 6% of girls, which is below the global average (8% for boys, 10% for girls).⁷

In regards to upper secondary education, 15% of boys were not enrolled compared to 16% of girls.⁸ While these figures relating to upper secondary education are well below the global average (36% for both boys and girls),⁹ there is still a proportion of Turkish children that are more vulnerable to sexual exploitation as they are not enrolled in education. Research has found that when young people are not enrolled in education, they feel outside of the social mainstream and are thus more likely to be targeted by adults and peers who may exploit them.¹⁰ Additionally, the education system also works as a protection mechanism for children, enabling a sense of belonging and stability.¹¹

Turkey experienced a failed military *coup d'état* in 2016, and a state of emergency was in place for two years after. In 2017, Turkey held a constitutional referendum that significantly increased the powers of the president, moving away from a parliamentary system of governance.¹² A presidential election was then held in June 2018 and the state of emergency was subsequently lifted. The increased powers of the Presidency have been subject to criticism, with critics claiming that parliaments ability to "legislate and hold the executive accountable has

been curtailed".¹³ New powers have also been granted to the President who may now "issue decrees, propose the budget, appoint cabinet ministers and high-level bureaucrats without a confidence vote from the parliament, and directly and indirectly appoint the Council of Judges and Prosecutors".¹⁴

As well as a volatile domestic situation, Turkey also has the largest number of refugees worldwide.¹⁵ As of April 2020, almost 4 million refugees resided in Turkey, of which 3.6 million were Syrian refugees.¹⁶ In July 2019, approximately 1.4 million of all refugees were under the age of 15, and over 800,00 were between the ages of 15-24,¹⁷ and it is known that the conditions facing refugee children makes them particularly vulnerable to human trafficking and exploitation, including sexual exploitation.¹⁸ It has been specifically noted that Syrian refugee youth were at a heightened risk of sexual exploitation in Şanlıurfa,¹⁹ a Turkish province that borders North East Syria. The practice of Syrian families selling their daughters for marriage to Turkish men has become more widespread as it is an economic coping mechanism for Syrian families who have no other means of income or providing for children.²⁰ Syrian refugee boys are also vulnerable to sexual exploitation, due to a lack of effective protective mechanisms that often don't recognise the risks to boys and unstable economic and social situations that they face in refugee camps, residential care facilities or even just in public spaces.²¹

Vulnerable child refugees are taken advantage of by employees and volunteers working in refugee camps and shelters. For example, in Şanlıurfa, two camp officials were dismissed due to allegations they had been working with prostitution rings.²² Informants in another study have also highlighted incidents involving children that are placed in

institutionalised care.²³ For instance, a Syrian boy aged 12 was referred into the care system because he was suffering epileptic seizures, however it was later revealed he was sexually assaulted by a volunteer working in the residential care facility he was living in.²⁴

Turkey ranked 18th out of 60 countries in the 2019 Out of the Shadows Index on the response to child sexual abuse and exploitation, with a score of 56.7.²⁵ This places it just below Uganda (57.3) and joint with the Philippines. This overall score measures: how a country's environment exacerbates risks of sexual exploitation and abuse for children; how it helps them seek justice; if the government is committed to and capable of addressing sexual violence against children; and assesses the role that civil society and industry are currently playing in addressing the issue.²⁶



1 National Geographic. (2015). *The World's Congested Human Migration Routes in 5 Maps*.
 2 City Population. (2019). *Turkey*.
 3 UNICEF. (2019). *The State of the World's Children 2019*. 194.
 4 Turkstat. (2019). *Turkstat - Central Dissemination System*.
 5 ECPAT International. (2016). *Power, Impunity and Anonymity*. 43.
 6 *Ibid.*, 39.
 7 UNICEF. (2019). *The State of the World's Children 2019*. 231.
 8 *Ibid.*, 231.
 9 *Ibid.*, 231.
 10 London Metropolitan University. (2017). *Key messages from research on child sexual exploitation: Professionals in school settings*. 5.
 11 *Ibid.*
 12 Hurriyet Daily News. (2018). *Turkey's outlook a year after the April 2017 referendum*.

13 The Brookings Institution. (2019). *Turkey's New Presidential System and a Changing West: Implications for Turkish Foreign Policy and Turkey- West Relations*. 3.
 14 *Ibid.*, 5-6.
 15 UNHCR. (2020). *UNHCR Turkey Operational Update - April 2020*. 1.
 16 *Ibid.*
 17 UNHCR. (2019). *UNHCR Turkey Factsheet - July 2019*. 1.
 18 Lanzarote Committee. (2017). *Committee of the Parties to the Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse*. 3.
 19 International Crisis Group. (2019). *Mitigating Risks for Syrian Refugee Youth in Turkey's Şanlıurfa*. 4.
 20 Red Umbrella Sexual Health and Human Rights Association. (2017). *Syrians Under "Temporary Protection" in Turkey and Sex Work*. 102.
 21 All Survivors Project. (2018). *Destroyed from within – Sexual violence against men and boys in Syria and Turkey*. 6.
 22 International Crisis Group. (2019). *Mitigating Risks for Syrian Refugee Youth in Turkey's Şanlıurfa*. 7.
 23 All Survivors Project. (2018). *Destroyed from within – Sexual violence against men and boys in Syria and Turkey*. 24.
 24 *Ibid.*, 24.
 25 The Economist Intelligence Unit. (2019). *Out of the Shadows: Shining light on the response to child sexual abuse and exploitation*.
 26 *Ibid.*

The context of the sexual exploitation of children in Turkey

EXPLOITATION OF CHILDREN IN PROSTITUTION²⁷

Article 2 (b) of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (OPSC) defines ‘child prostitution’ as “the use of a child in sexual activities for remuneration or any other form of consideration”.²⁸

The sale and purchase of sexual services by adult sex workers in Turkey is not a criminal offence and is regulated in law. However, exploitation of children in prostitution and forcing another person

into prostitution are both criminalised under Article 227 of the Turkish Penal Code.²⁹ Sources reviewed for this report tend to indicate that in Turkey, exploitation of children in prostitution is driven primarily by economic deprivation and lack of opportunities for young people, particularly refugees.

As Turkey does not collect official statistics on the exploitation of children in prostitution, it is difficult to indicate the number of children affected by this crime. However, some insights on the scale of the phenomenon can be given by the official 2018 judicial statistics on related offences criminalised by the Turkish Penal Code; in particular, human trafficking (Article 80), sexual abuse of children (Article 103) and sexual intercourse with a minor (Article 104).³⁰

Article of the Turkish Penal Code	Total	Male	Female	Unknown	Foreign national male	Foreign national female
80	86	68	18	-	10	8
103	6,469	6,406	58	5	188	1
104	396	395	1	-	2	-

²⁷ ECPAT prefers the term ‘exploitation of children in prostitution’ instead of ‘child prostitution’ in line with the recently widely adopted Terminology Guidelines. Interagency Working Group on Sexual Exploitation of Children. (2016, January 28). *Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse*. 30. Bangkok: ECPAT International.

²⁸ UN General Assembly. (2000, May 25). *Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography*. (A/RES/54/263). Art. 2(b).

²⁹ *Penal Code*, Article 227.

³⁰ Republic of Turkey, Ministry of Justice General Directorate of Judicial Record and Statistics. (n.d). *Judicial statistics 2018*.

Despite the lack of specific official data, the problem is understood to have been exacerbated by the influx of refugees from Syria. A 2017 study conducted by the Red Umbrella Sexual Health and Human Rights Association which interviewed 26 Syrian sex workers, NGOs and police officers stated that almost all stakeholders interviewed raised concerns about Syrian underage girls becoming victims of exploitation in prostitution.³¹ Despite this, when questioned about the issue, the Police Directorate of multiple provinces in Turkey said there were no case records in connection to the exploitation of children in prostitution.³² This seems to indicate that the exploitation of Syrian children in prostitution in Turkey is underreported/not reported at all to Turkish authorities.

Provinces in the south east of Turkey which border Syria have become increasingly vulnerable to sexual exploitation of children due to the high concentration of vulnerable Syrian refugees. In the province of Şanlıurfa, criminal networks coerce and pressure Syrian women and adolescent girls who have limited opportunities to generate income into sex work.³³ The networks particularly target vulnerable adolescent girls and widows as they often have limited protective support from family.³⁴ Due to the practice of child, early and forced marriage (CEFM) in Syrian refugee camps, it can be expected that some of those targeted may also be underage girls.³⁵ As reported by media, in the province of Gaziantep, camp officials and prostitution gangs have collaborated to force girls into prostitution, allowing agents to enter camps and take girls under the pretext of labour before then forcing them into prostitution.³⁶

Young Syrian male refugees are also vulnerable to sexual exploitation in prostitution. In 2016, 30 boys between the ages of eight and 12 were raped by a cleaner at the Nizip refugee camp, after he paid them between 2-5 Turkish Lira (US\$ 0.33-0.84 as of February 2020).^{37,38,39} Of the 30 victims, only eight of the victims’ families filed criminal complaints with Turkish authorities, with the other 22 families reportedly refraining from taking legal action because of fear of threatening their legal

status in Turkey.⁴⁰ This example provides a small insight as to why SEC and the exploitation of Syrian children in Turkey in prostitution is likely to be grossly underreported.

In comparison to examples of Syrian child refugees being exploited in prostitution, there are extremely limited examples of this issue affecting Turkish children. However, this is not to say that Turkish children are not exploited in prostitution. For example, a 2015 report published by the International Children’s Centre on the sexual exploitation of children in the travel and tourism industry in Turkey highlighted that exploitation of children in prostitution occurs in massage parlours in tourist districts in different areas of Turkey.⁴¹ One of the key reasons for the limited evidence or examples of Turkish children being exploited in prostitution may be the lack of publicly available official statistics on the issue.

EXPLOITATION OF SYRIAN CHILDREN IN PROSTITUTION IS LIKELY TO BE

GROSSLY UNDERREPORTED



³¹ Red Umbrella Sexual Health and Human Rights Association. (2017). *Syrians Under “Temporary Protection” in Turkey and Sex Work*, 106.

³² *Ibid.*, 106.

³³ International Crisis Group. (2019). *Mitigating Risks for Syrian Refugee Youth in Turkey’s Şanlıurfa*, 6.

³⁴ *Ibid.*, 6.

³⁵ *Ibid.*, 11.

³⁶ Stockholm Center for Freedom. (2017). *Report: Syrian women in Turkey’s refugee camps forced into prostitution*.

³⁷ Hurriyet Daily News. (2016). *30 Syrian children ‘sexually assaulted’ in Turkey refugee camp*.

³⁸ All Survivors Project. (2018). *“Destroyed from within” Sexual violence against men and boys in Syria and Turkey*. 24.

³⁹ The Telegraph. (2016). *Turkish cleaner sentenced to 100 years in prison for abusing Syrian child refugees*.

⁴⁰ Hurriyet Daily News. (2016). *30 Syrian children ‘sexually assaulted’ in Turkey refugee camp*.

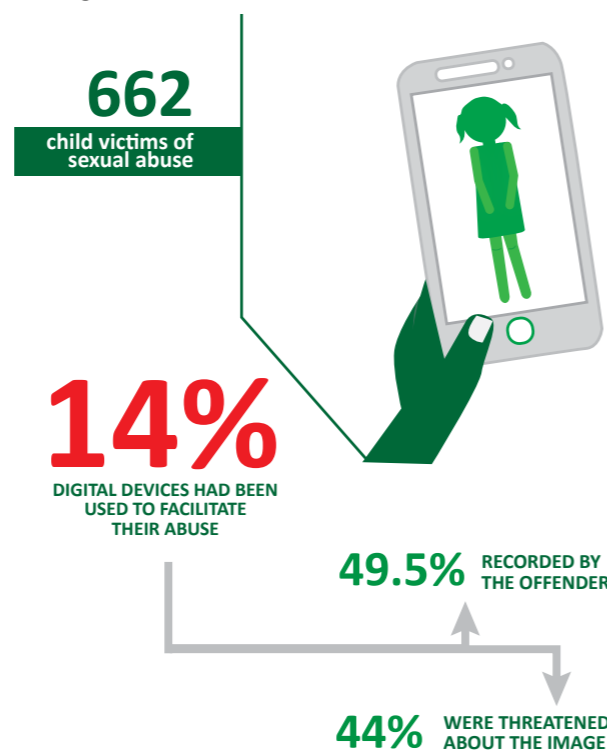
⁴¹ International Children’s Centre. (2015, October). *Global Study on Sexual Exploitation of Children in Travel and Tourism: Country Specific Report: Turkey*. 27.

Online child sexual exploitation (OCSE)

Online child sexual exploitation (OCSE) can include child sexual abuse/exploitation material (CSAM/CSEM),⁴² live streaming of child sexual abuse, online grooming of children for sexual purposes, sexual extortion of children and various CSAM/CSEM-related conducts (production, distribution, downloading).⁴³ Article 2 (c) of the OPSC defines ‘child pornography’ as “any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes”.⁴⁴

According to the most recent statistics released by the International Telecommunications Union (ITU), 71% of Turkish individuals used the Internet in 2018⁴⁵ and 97.3 out of every 100 people had a mobile phone subscription.⁴⁶ A 2018 study that interviewed 161 parents of children aged between 6 -15 found that six in ten children had smartphones, 85% had Facebook accounts, and 66% had Instagram.⁴⁷ Of the parents interviewed in the same study, 71% said that they checked their children’s social media accounts and who they were in contact with.⁴⁸ While parental mediation of a child’s social media accounts does reduce the vulnerability of children to OCSE, it does not completely eradicate the threat,⁴⁹ and studies have shown that offenders use digital communications to target and exploit children in Turkey. Research undertaken in 2015 of 662 child victims of sexual abuse found that 14% of participants reported that digital devices had been used to facilitate their abuse.⁵⁰ 49.5% of the children who reported the use of digital devices to facilitate their abuse said that an explicit image

of them had been recorded by the offender, and 44% of these children were threatened about the image.⁵¹

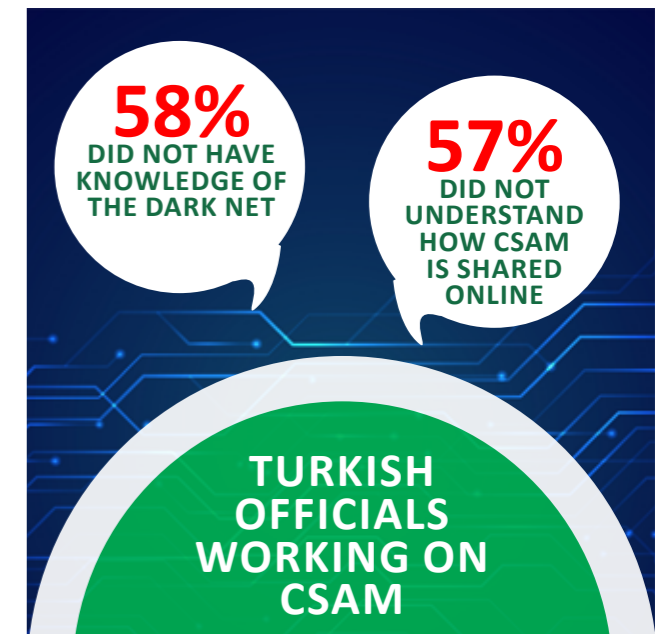


Globally, CSAM is often shared on private Internet forums including those using the Dark Net and peer-to-peer file sharing networks.⁵² Research published at Gazi University in 2017 that interviewed Turkish officials working in different government ministries tackling CSAM found that 57% of participants did not fully understand how CSAM was shared and distributed online, and 58% did not have any knowledge about the Dark Net.⁵³ While this evidence suggests that government officials responsible for tackling OCSE need access to further education on the topic, this is not to say that there have not been cases of OCSE investigated by authorities. For example, in 2018, a 34-year old male prosecutor was detained for having over 1,000 child sexual abuse images on

his computer,⁵⁴ and in a similar case, a 24 year old medicine student was arrested in Istanbul for downloading and sharing CSAM, after intelligence was shared with Turkish authorities by the US based National Centre for Missing and Exploited Children (NCMEC).⁵⁵ While examples such as these are encouraging, it’s important to consider that other forms of OCSE, such as the live streaming of child sexual abuse, and the grooming of children online for sexual purposes are not reported as much as cases involving the viewing and distribution of CSAM.⁵⁶

What is posted on the Internet in Turkey is regulated under Law no. 5161 which allows the government to block websites for a number of reasons, including if the website contains sexual exploitation or abuse of children.⁵⁷ Since the attempted coup in 2016 and the subsequent state of emergency, the blocking of websites has increased significantly, and it has been reported that the government indicates that almost all blocked websites are blocked due to sexual exploitation of children, obscenity, or prostitution, or because they are gambling sites.⁵⁸ Statistics collected by the Turkish Freedom of Expression Association show that 54,903 websites were blocked in 2018,⁵⁹ however publically available numbers were not found that disaggregate the reasons these websites were blocked. What proportion of these sites were blocked because of CSAM/CSEM related conduct is thus unknown.⁶⁰

For these reasons, it is extremely difficult to accurately measure the extent of OCSE in Turkey. Global network INHOPE found that less than 1% of CSAM contained in their global database was hosted in Turkey,⁶¹ however, it is important to note that INHOPE’s partner in Turkey, the Information and Communications Technology Authority, does not provide public data for how many reports it receives of CSAM.



42 ECPAT prefers the terms ‘child sexual exploitation material’ or ‘child sexual abuse material’, but in a legal context still uses ‘child pornography’ in line with the recently widely adopted Terminology Guidelines, 40.

43 ECPAT. (n.d.). *Issues we work on*. Bangkok: ECPAT International.

44 OPSC, Article 2(c).

45 ITU. (2019, December). *Country ICT Data: Percentage of Individuals using the Internet*.

46 ITU. (2019, December). *Country ICT Data: Mobile-cellular Subscriptions*.

47 GFK. (2018). *Her on 6-15 yaş arası çocuktan 6’sı akıllı telefon*. [Translated from Turkish].

48 *Ibid.*

49 UNODC. (2015). *Study on the Effects of New Information Technologies on the Abuse and Exploitation of Children*. 2.

50 Say, G. et al. (2015). *Abuse Characteristics and Psychiatric Consequences Associated with Online Sexual Abuse*. *Cyberpsychology, Behavior, and Social Networking*, 18(6), 334.

51 *Ibid.* 335.

52 EUROPOL. (n.d.). *Child Sexual Exploitation*.

53 Sen, S; Ocak, M. (2017). *Public Employees’ Level of Awareness and Perception of Sexual Abuse of Children in Online Environments: Turkey Case*. 2(1).

54 Hurriyet Daily News. (2018). *Turkish prosecutor detained over child pornography*.

55 Hurriyet Daily News. (2018). *Armenian exchange student arrested in Istanbul on child pornography charges*.

56 ECPAT International. (2018). *Trends in Online Child Sexual Abuse Material*. 8-10.

57 Law No. 5651 on Regulating Broadcasting in the Internet and Fighting Against Crimes Committed through Internet Broadcasting, Article 8. [Translated from Turkish].

58 Freedom on The Net. (2018). *Country Report - Turkey*.

59 Freedom of Expression Association. (2018). *An assessment report on blocked websites, news articles and social media content from Turkey*. 2.

60 *Ibid.*, 36.

61 INHOPE. (2018). *INHOPE Annual Report 2017*. 7.

62 UN General Assembly. (2000, November 15). *United Nations Convention against Transnational Organized Crime, Annex 2: Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol)*. Res. 55/25 of 15. Art. 3 (a).

63 *Ibid.*, Article 3 (c).

64 OPSC, Article 2 (b).

65 ECPAT International. (2016, January 28). *Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse*. 58. Bangkok: ECPAT International.

Sale and trafficking of children for sexual purposes

The Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol), defines ‘trafficking in persons’ as “the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs”.⁶²

In case of child victims, Article 3 (c) of the Protocol specifies that “the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered ‘trafficking in persons’ even if it does not involve any of the means stipulated in Article 3 (a)”.⁶³ In other words, the Protocol recognises that children can never be willing participants to their own exploitation.

For its part, the OPSC deals with the ‘sale of children’, defined as “any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration”.⁶⁴

Both concepts are often used in conjunction and without any clear distinction. However, despite a certain overlap, ‘sale of children’ is not identical to ‘trafficking’. The ‘sale of children’ always involves some form of commercial transaction, which trafficking in children does not require, but does not necessarily include the purpose of exploiting a child (e.g. sale of children for illegal adoption). Therefore, ‘sale of children’ is not necessarily related to sexual abuse and sexual or other forms of exploitation. Lastly, the ‘sale of children’ can take place without physically moving the child out of his/her social environment, whereas trafficking inherently depends on the movement of the child.⁶⁵

Turkey’s geographical location, being the ‘bridge’ between Europe and Asia and bordering states in the Middle East, Eastern Europe and Southern Europe make it particularly vulnerable to issues of human trafficking. While the data reviewed for this report does not clearly indicate the extent to which children may be trafficked for sexual purposes, the assumption can certainly be made that such cases are amongst the victims.⁶⁶ According to the 2019 US Department of State’s Trafficking in Persons Report, human traffickers exploit domestic and foreign victims in Turkey, and victims from Turkey abroad.⁶⁷ The Directorate General of Migration Management reported 134 identified victims of human trafficking in 2018, 303 in 2017 and 181 in 2016.⁶⁸ However, publicly available data is not disaggregated by age, gender, or type of exploitation, making it impossible to ascertain how many of these cases involved the

trafficking of children for the purposes of sexual exploitation. While there were 134 identified victims of human trafficking in 2018, there were only 77 people convicted and imprisoned for human trafficking offences.⁶⁹ Concerns have also been raised about the high number of acquittals of individuals accused of human trafficking, with there being 305 acquittals in 2018. These statistics highlight that in 2018 there were more people acquitted after being accused of human trafficking than both identified victims and imprisonments,⁷⁰ suggesting there is a need to improve effectiveness of investigations and prosecution.

Between 2014-2018, 170 of all identified victims of human trafficking in Turkey were children (22%).⁷¹ While it is not clear how many of these children were victims of trafficking for the purposes of sexual exploitation, reports in 2019 suggest that

66 UNICEF. (2016). *Uprooted*. 45.

67 U.S. Department of State. (2019, June). *Trafficking in Persons Report*. 470.

68 Directorate General of Migration Management. (2019). *İnsan Ticareti İle Mücadele*. [Translated from Turkish].

69 GRETA. (2019, October). *Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Turkey*. 54.

70 *Ibid.*, 54.

71 *Ibid.*, 11.

trafficking for the purposes of sexual exploitation, affecting primarily women and girls, continues to be the most prevalent reason for human trafficking in Turkey.⁷² Of the 776 total victims (children and adults) identified between 2014-2018, 71.5% were victims of sexual exploitation.⁷³

Extended instability in states bordering Turkey, such as Iraq and Syria, has increased Turkey’s vulnerability to being a destination and transit country for child victims of trafficking.⁷⁴ For example, the children of minority groups that have been persecuted during the conflict in Iraq, such as the Yazidi people, have been trafficked and sold for the purposes of exploitation in Turkey.⁷⁵ The influx of refugees into Turkey as a result of this regional instability means that there now exists a population of child refugees in the country who are extremely vulnerable to the issue of being sold or trafficked for the purposes of sexual exploitation. The vulnerability of these children can manifest itself in different ways. For example, the conditions facing refugees in refugee camps and severe economic hardship pushes many refugee families into impossible circumstances. Facing no alternatives, a solution to this immense economic hardship can sometimes be to allow underage daughters to marry in return for money. Not only does a family receive money, but it also means that the parents have one less person depending on them for basic necessities such as food. While it is difficult to estimate the scale of this issue among Turkey’s refugee population, participants interviewed in a study interviewing Syrian women working in the Turkish sex work industry acknowledged that this was an issue, with one participant explaining how she was sold to a Turkish man at the age of 16 for “a few thousand Turkish Lira”.^{76,77}

72 *Ibid.*, 11.

73 *Ibid.*, 11.

74 IOM. (2019). *IOM and Turkey’s Migration Directorate – Six Years Working Together Against Human Trafficking*.

75 Uzay Bulut. (2018). *Yazidi Slavery, Child Trafficking, Death Threats to Journalist: Should Turkey Remain in NATO?*

76 Red Umbrella Sexual Health and Human Rights Association. (2017). *Syrians Under “Temporary Protection” in Turkey and Sex Work*. 63.

77 1000 Turkish Lira is equivalent to US\$147 (Accurate as of June 2020).

78 ECPAT International, Defence for Children, Ministry of Foreign Affairs of the Netherlands. (2016, May). *Offenders on the Move: Global Study on Sexual Exploitation of Children in Travel and Tourism (hereinafter Global study on SECTT)*. Bangkok: ECPAT International.

79 UNWTO. (2019). *UNWTO Framework Convention on Tourism Ethics*. UN Doc. A/RES/707(XXII). Art. 5(3).

80 World Travel and Tourism Council. (2019). *Turkey - 2019 Annual Research: Key Highlights*.

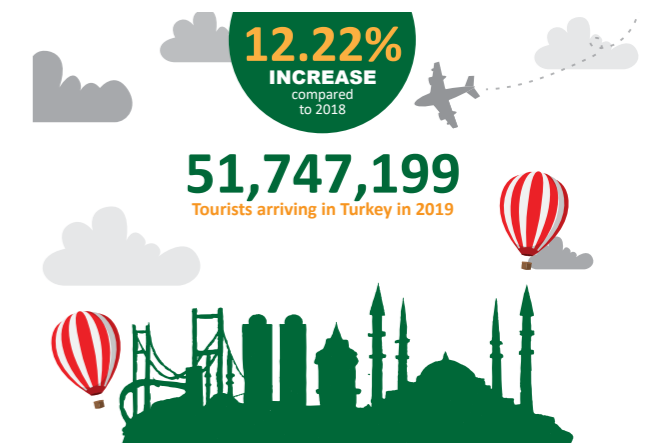
81 Turkish Ministry of Culture and Tourism. (2020). *Turkey Border Statistics Monthly Bulletin December 2019*.

82 TIME Magazine. (n.d.). *The Wages of Terror*.

Sexual exploitation of children in travel and tourism (SECTT)

The sexual exploitation of children in travel and tourism (SECTT) is defined as any “acts of sexual exploitation embedded in a context of travel, tourism, or both”.⁷⁸ The UNWTO Framework Convention on Tourism Ethics recognises that the exploitation of children conflicts with the fundamental aims of tourism and should be strongly combated with the cooperation of all the States concerned.⁷⁹

Little data exists on children exploited in the context of travel and tourism in Turkey, despite the sector being a significant contributor to the Turkish economy (the travel and tourism sector represented 12.1% of Turkey’s GDP in 2018 where last data was available).⁸⁰ The Turkish Ministry of Culture and Tourism recorded 51,747,199 tourists arriving in Turkey in 2019, a 12.22% increase compared to 2018.⁸¹ These figures also represent a sharp increase compared to 2016 and 2017, when numbers fell because of the threat of terrorist attacks and political instability.⁸²



The 2016 Global Study on SECTT (regional Europe report) identified Turkey as an emerging country of origin and destination for SECTT.⁸³ For example, the report cites NGO groups in Moldova reporting cases of Turkish nationals spending weekends in Moldova in private rented apartments and engaging in sexual relations with children.⁸⁴ The issue of SECTT involving Turkish nationals in Moldova was also highlighted in the 2019 US State Department Trafficking in Persons Report,⁸⁵ suggesting that this issue persists.

Within Turkey, the existence of SECTT has been acknowledged by multiple different stakeholders, for example a judge from Ankara explained “sexual exploitation of children in travel and tourism is a fact”,⁸⁶ and popular tourist destinations on the Turkish coast such as Antalya and Alanya have been identified as particular risk areas for children.⁸⁷ Interviews completed with different representatives from the travel and tourism industry and civil society organisations in a 2015 study by the International Children’s Centre noted exploitation of children in prostitution in massage parlours in tourist districts, with some tourists willing to pay thousands of dollars to “spend a night with a virgin”.⁸⁸

Another frequently highlighted issue in this study was student interns studying in tourism schools and doing internships in tourism facilities such as hotels, being abused by their seniors or even exploited in prostitution.⁸⁹ Multiple participants in the study that were employed in the tourism sector, including nine students that were interviewed, civil society organisations and even one judge with 27 years of experience in Ankara indicated that the sexual exploitation of young interns working in the travel and tourism industry was an issue that needed addressing.⁹⁰

While issues relating to SECTT have been identified in Turkey, as the 2019 Out of the Shadows Index highlights, Turkey’s tourism industry shows limited engagement with the issue of child sexual abuse and exploitation.⁹¹ This is further reflected with the fact that only two Turkish companies are members of The Code,⁹² despite there being 4038 tourism facilities with tourism business certificates from the Association of Turkish Travel Agents (TURSAB) as of January 2020.⁹³ The Code is a multi-stakeholder initiative to provide awareness, tools and support to companies in the tourism industry to prevent the sexual exploitation of children.⁹⁴

Child, early and forced marriage (CEFM)

The Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse (Luxembourg Guidelines) define ‘child marriage’ as “a marriage in which at least one of the parties is a child. It also refers to the act of marrying off children, usually young girls, with or without their consent”.⁹⁵ Some forms of child marriage are related to commercial sexual exploitation of children, in cases where child marriage is linked to forced child labour, slavery and bondage, servitude or payment of a dowry.⁹⁶

The legal age of marriage in Turkey is 18 years for both men and women.⁹⁷ However, Article 124 of the Civil code states that a boy or girl can marry at 17 if they have parental consent, and anecdotal

evidence suggests that the condition of parental consent is often overlooked in practice,⁹⁸ making the *de facto* accepted age 17. Additionally, a court may allow girls and boys to marry at the age of 16 in exceptional circumstances.⁹⁹ While Turkey has committed to eliminate CEFM by 2030 in line with target 5.3 of the Sustainable Development Goals,¹⁰⁰ there is very limited evidence of action from the government on CEFM.

According to the Turkish Demographic and Health Survey 2018, 2% of Turkish women aged between 20-24 were married at 15 years old, and 1.1% of women aged between 15-19 reported they were also married by the age of 15.¹⁰¹ Research was also conducted on the prevalence of child and forced marriage among Turkey’s Syrian migrant population, with 9.2% of Syrian women between the ages of 20-24 being married by 15, and 13.4% of Syrian women aged between 15-19 being married by the age of 15.¹⁰² This data on Turkish women aligns with UNICEF’s estimates released in October 2019 and based on 2012-2018 data, which found 1% of Turkish women aged 20-24 were married by the age of 15, and 15% were married by the age of 18.¹⁰³ No data from either the Turkish Demographic and Health survey or UNICEF on how boys are affected by CEFM is available. While CEFM does affect boys as well, the issue, both globally and in Turkey, disproportionately affects girls.¹⁰⁴ As the Girls Not Brides country profile on Turkey shows, gender norms drive CEFM in the country, for example, with Turkish girls being valued for “their ability to be good wives and mothers rather than succeeding in education”.¹⁰⁵

In 2016, the UN Convention on the Elimination of All Forms of Discrimination Against Women

Committee (CEDAW Committee), in response to Turkey’s periodic report, highlighted a number of concerns relating to CEFM in the country. These included giving girls as brides to settle blood feuds and reported cases of girls who had been raped being forced to marry the perpetrator to preserve family ‘honour’.¹⁰⁶ These issues predominantly affect those from vulnerable groups or low socio-economic status.¹⁰⁷ The CEDAW report also raised concerns about insufficient efforts being made by the state to prevent CEFM,¹⁰⁸ and since the publishing of the report, concerns remain about the states response to CEFM. Rather than working to prevent CEFM, there has been a worrying trend under the current government towards religious social conservative attitudes,¹⁰⁹ which have, at times, arguably facilitated CEFM. For example, in 2018, Turkey’s Directorate of Religious Affairs (The Diyanet) published a glossary of Islamic terms stating that whoever has reached the age of adolescence had the right to marry.¹¹⁰ Elsewhere on their website, they stated that the age of adolescence began at the age of twelve for girls, and nine for boys.¹¹¹ Upon request of the main opposition Republican People’s Party, a parliamentary inquiry into child marriages was launched and the glossary was removed.¹¹²

Additionally, in 2016, the government introduced a bill to parliament that envisaged postponing the sentences of convicted child abusers if they married their victims,¹¹³ however, the Bill was withdrawn due to cross party opposition, nationwide protests and public pressure.¹¹⁴ Despite the opposition the 2016 Bill faced, in January 2020, it was announced that a similar Bill was being brought forward to the Turkish parliament,^{115,116,117} which again would allow men

83 ECPAT International, Defence for Children, Ministry of Foreign Affairs of the Netherlands. (2016, May). *Sexual Exploitation of Children in Travel and Tourism: Regional Report - Europe*. 29.

84 *Ibid.*, 27.

85 U.S. Department of State. (2019, June). *Trafficking in Persons Report*. 331.

86 International Children’s Centre. (2015, October). *Global Study on Sexual Exploitation of Children in Travel and Tourism: Country Specific Report: Turkey*. 28.

87 *Ibid.*, 26.

88 *Ibid.*, 27.

89 *Ibid.*, 30.

90 *Ibid.*, 28-30.

91 The Economist Intelligence Unit. *Out of the Shadows Index: Turkey Profile*.

92 The Code. (n.d.). *Members of The Code: Turkey*.

93 TURSAB. (2020). *Ministry Certified Facility Statistics*. [Translated from Turkish].

94 The Code. (n.d.). *The Code: About*.

95 Terminology Guidelines, 63.

96 ECPAT International and Plan International. (2015). *Thematic Report. Unrecognised Sexual Abuse and Exploitation of Children in Child, Early and Forced Marriage*. Bangkok: ECPAT International.

97 *Civil Code Article 11*.

98 ECPAT Turkey/NGOs Network Against CSEC Turkey. (2020 January). *Personal Communication*.

99 *Civil Code. Article 124*. [Translated from Turkish].

100 Girls Not Brides. (n.d.). *Girls Not Brides: Turkey*.

101 Hacettepe University Institute of Population Studies. (2018). *Turkey - Demographic and Health Survey 2018*. 49.

102 Hacettepe University Institute of Population Studies. (2018). *Turkey - 2018 Demographic and Health Survey Syrian Migrant Sample*. 36.

103 UNICEF. (2019, October). *The State of the World’s Children 2019*. 234.

104 *Ibid.*, 187.

105 Girls Not Brides. (n.d.). *Girls Not Brides: Turkey*.

106 UN CEDAW. (2016, July). *Concluding observations on the 7th periodic report of Turkey : Committee on the Elimination of Discrimination against Women*. 8.

107 UNICEF. (n.d.). *UNICEF Turkey - Child Marriage*.

108 UN CEDAW. (2016, July). *Concluding observations on the 7th periodic report of Turkey : Committee on the Elimination of Discrimination against Women*. 8.

109 BBC News. (2017, January). *Reina attack highlights widening chasm in Turkish lifestyles*.

110 The Independent. (2018). *Turkey’s highest religious body suggests children as young as nine could marry under Islamic law*.

111 BBC News. (2018, January). *Turkish child marriage religious document sparks anger*.

112 Independent. (2018). *“Turkey’s highest religious body suggests children as young as nine could marry under Islamic Law”*

113 Girls Not Brides. (n.d.). *Girls Not Brides: Turkey*.

114 BBC News. (2016). *Turkey withdraws child rape bill after street protests*.

115 Oppenheim, M. (2020 January). *‘Marry-your-rapist’ bill to be introduced by lawmakers in Turkey*. *The Independent*.

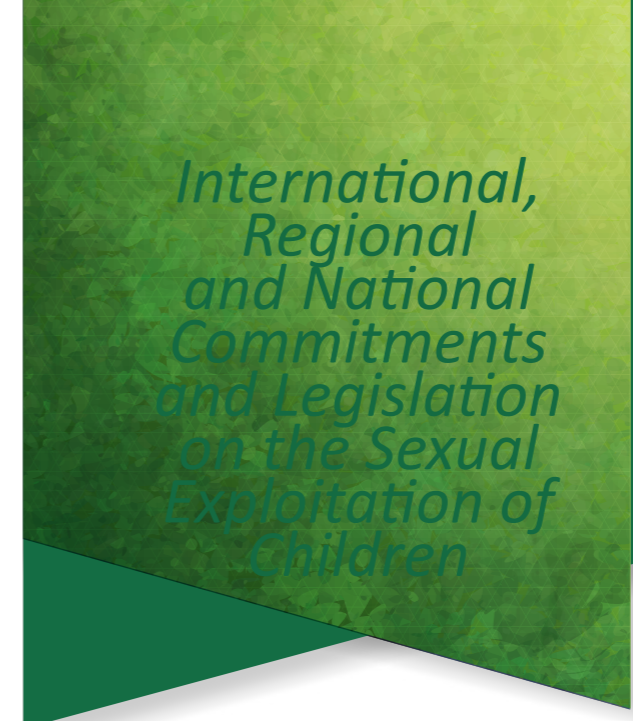
116 Dannies, K. (2020, January 30). *Turkey’s ‘marry your rapist’ bill is part of a disturbing global pattern*. *The Washington Post*.

117 McKernan, B. (2020, January 23). *Turkish activists oppose amnesties for child rapists*. *The Guardian*.

accused of raping girls who are under 18 to avoid punishment if they marry their victims.¹¹⁸ This Bill would not only legitimise child marriage and statutory rape, it would significantly increase impunity of perpetrators and wrong perceptions that exploiting and abusing a child can be somehow excused.

As highlighted earlier in this report, the large influx of refugees means there is now a population of children in Turkey that are vulnerable to sexual exploitation, and this is particularly true in regards to CEFM. As the Turkish Red Crescent Society highlights, CEFM is prevalent in rural areas of Syria, where most Syrian refugees in Turkey are from.¹¹⁹ Circumstances facing refugees, particularly Syrian refugees who have faced unimaginable challenges for over six years, means that families sometimes see no alternative other than to allow their children to marry so that they are not reliant on them anymore. This issue is highlighted in a Plan International report published in 2018 that interviewed caregivers in Lebanon working with Syrian refugees, with respondents saying that “if a girl gets married, then her husband has to take care of her; and if a boy gets married, his

wife will be able to go to work and support the family”.¹²⁰ While the above report focused on conditions facing Syrian refugees in Lebanon, considering the number of Syrian refugees Turkey has received, it can be reasonably assumed that similar circumstances exist in Turkey. Cases of Turkish men exploiting these vulnerabilities are known with payments made specifically to marry underage Syrian girls.¹²¹ While some of these marriages might secure better futures for children and decrease the financial burdens on their families, a specific issue relating to CEFM in Turkey is that many of these marriages are only religious ceremonies known as *imam nikahı* marriages. These marriages are not recognised as official marriages by the Turkish state and therefore Syrian girls and women married in this way are not entitled to rights and legal protections, leaving them vulnerable to maltreatment and abuse.¹²² Interviews with Syrian women who were married in Turkish refugee camps as children highlighted that many Syrian girls forced into these marriages are “exploited in every way” and in some cases, families of the men who have ‘married’ these children feel entitled to be able to exploit them as well.¹²³



Status of ratification of relevant international and regional instruments, reporting to human rights bodies and engagement with the special procedures of the Human Rights Council	
International Instruments	Date of ratification/accession
Convention on the Rights of the Child – 1989	4 April 1995
Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography – 2000	19 August 2002
ILO Convention on the Worst Forms of Child Labour - 1999 (No. 182)	2 August 2001
UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and children – 2000 (supplementing the UN Convention against Transnational Organized Crime)	25 March 2003
Regional Instruments	Date of ratification/accession
Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (“Lanzarote Convention”)	7 December 2011
Council of Europe Convention on Cybercrime (“Budapest Convention”)	29 September 2014
Council of Europe Convention on Action against Trafficking in Human Beings	2 May 2016
Council of Europe Convention on preventing and combating violence against women and domestic violence (“Istanbul Convention”)	1 August 2014
European Convention on the Exercise of Children’s Rights	1 October 2002

118 Oppenheim, M. (2020 January). ‘Marry-your-rapist’ bill to be introduced by lawmakers in Turkey. The Independent.

119 International Federation of Red Cross and Red Crescent Societies. (2019, October). *Action by Red Cross and Red Crescent National Societies to Prevent and Respond to Child Marriage*. 44.

120 Plan International. (2018). *Adolescent Girls and Boys Needs Assessment: Focus on Child Labor and Child Marriage - Full Report - Lebanon 2018*. 51.

121 International Crisis Group. (2019). *Mitigating Risks for Syrian Refugee Youth in Turkey’s Sanliurfa*. 11.

122 Kargin, A. (2018). *War hits the Women: Marriage as Syrian Women’s Coping Mechanism and Its Impact on Turkish Women*. 39.

123 Red Umbrella Sexual Health and Human Rights Association. (2017). *Syrians under “Temporary Protection” in Turkey and Sex Work*. 103.

Human Rights Bodies	Date of latest submitted report	Comments
Committee on the Rights of the Child (CRC review)	29 March 2019	Turkey will be under review during a future session. At the last review in 2012, CRC's key concluding observations related to SEC were: <ul style="list-style-type: none"> “Raise the minimum age of marriage to 18 years, and ensure full compliance therewith throughout the country, including in rural and remote areas.” “Provide information on measures taken to strengthen legislation concerning the sale of children, child prostitution and child pornography.”¹²⁴
Committee on the Rights of the Child (OPSC review)	22 June 2004	Key concluding observations: <ul style="list-style-type: none"> “Provide specific and disaggregated information on the activities and services of the Unit and the Teams and on the implementation of the Urgent Action Plan, specifically actions taken under this plan to prevent and combat child prostitution and other forms of sexual exploitation.” “Engage further in regional and bilateral judicial and police cooperation, in training and in awareness-raising activities in relation to the sale of children, child prostitution and child pornography, and to provide more detailed information in this respect in the next report.”¹²⁵
Human Rights Council – Working Group on the Universal Periodic Review	14 November 2019	Turkey has been reviewed during the 35 th UPR session (January 2020). The report of the Working Group is pending publication at the time of writing.

International and regional commitments

International commitments	
Commitment	Start date
2030 Sustainable Development Goals	2015
WePROTECT Global Alliance to End Child Sexual Exploitation Online	n.d
Regional commitments	
Commitment	Start date
The EU Agenda for the Rights of the Child	2011

124. Committee on the Rights of the Child. (2012). *Consideration of reports submitted by States parties under article 44 of the Convention - Concluding observations: Turkey*. CRC/C/TUR/CO/2-3.

125. Committee on the Rights of the Child. (2006). *Considerations of reports submitted by States Parties under Article 12(1) of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography – Concluding observations: Turkey*. CRC/C/OPSC/TUR/CO/1.

Since its adoption of the 2030 Agenda for Sustainable Development in 2015, Turkey has implemented the Sustainable Development Goals (SDGs) and their indicators by integrating them into national development plans and several sectoral national policy and strategy documents.¹²⁶ It has also set up an online National SDG Best Practices Database to continuously collect best practices and projects of public and private sectors, academia, NGOs and municipalities.¹²⁷ Finally, in order to monitor progress, it has assigned responsibilities for 218 SDG indicators to different Ministries and published a Sustainable Development Indicators Set comprised of 83 indicators in 2019.¹²⁸ Turkey has presented its Voluntary National Review at the High-Level Political Forum twice already: in 2016¹²⁹ and in 2019.¹³⁰ However, although the targets call for the elimination of all forms of violence, abuse and exploitation in children (16.2) and child early and forced marriage (5.3), neither the strategic framework nor the Voluntary National Review explicitly address SEC or any of its manifestations.

At the national level, Turkish police have been coordinating with a number of international bodies to prevent sexual crimes against children, such as the Southeast European Law Enforcement Centre and the National Center for Missing and Exploited Children and Interpol. The Southeast European Law Enforcement Centre works to enhance the coordination in preventing and combating crime, including transnational serious and organised crime, among 11 member states.

One of its eight specialised task forces focuses on “Countering Trafficking in Human Beings and

Illegal Migration” and allows for experts to share good practices and challenges, to initiate joint investigations, to evaluate the activities conducted and to decide upon further steps to be taken at regional level.¹³¹ In 2018, the Turkish National Police signed a protocol with the National Centre for Missing and Exploited Children that allows it to receive reports about child sexual exploitation and abuse content hosted in Turkey.¹³²

National legislation

Turkey has a robust legal framework for tackling the sexual exploitation of children. Some gaps nevertheless remain in the legislation, and some concerns have been raised regarding the legal harmonisation of Turkish laws with several international conventions protecting children's rights, such as the UN Convention on the Rights of the Child or the Council of Europe Convention on Action against Trafficking in Human Beings.¹³³ In particular, no provision in Turkish legislation protects child victims of trafficking, including for the purposes of sexual exploitation, from being prosecuted for their involvement in unlawful activities, contrary to Article 26 of the latter Convention.¹³⁴ Some of the most recent revisions to the Turkish legislation on sexual abuse of children in December 2016 have also been considered contrary to Turkey's international obligations, as will be explained below.¹³⁵ In 2018, nevertheless, Turkey made a global pledge at the UN to improve children's well-being, which includes addressing sexual exploitation.¹³⁶

126. Government of Turkey. (2019). *Turkey's Sustainable Development Goals – 2nd Voluntary National Review 2019 – ‘Strong Ground towards Common Goals*. 7.

127. *Ibid.*, 10.

128. *Ibid.*, 7.

129. Government of Turkey. (2016). *Report on Turkey's Initial Steps towards the Implementation of the 2030 Agenda for Sustainable Development*.

130. Government of Turkey. (2019). *Turkey's Sustainable Development Goals – 2nd Voluntary National Review 2019 – ‘Strong Ground towards Common Goals*.

131. See: *The Southeast European Law Enforcement Centre*.

132. The WeProtect Global Alliance. (2019). *“Working Examples of Model National Response Capabilities and Implementation”*. 16.

133. The Economist Intelligence Unit. (2019). *“Turkey – Out of the shadows: Shining light on the response to child sexual abuse and exploitation”*.

134. GRETA. (2019, October). *Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Turkey*. 52. According to Article 26 of the Council of Europe Convention on Action against Trafficking in Human Beings, for example, Parties shall provide for the possibility of not imposing penalties on victims of trafficking for their involvement in unlawful activities, to the extent that they have been compelled to do so. Yet, Turkish legislation does not contain a specific non-punishment provision in that regard with respect of victims of human trafficking.

135. Accountability Unit. (2017). *“Brief Note No. 2 – Revisions to Turkish Legislation on Sexual Abuse of Children”*. 1.

136. United Nations. (2018, October). *“Meeting Coverage – Global Pledges to Improve Children's Well-Being: ‘A Distant Dream’ Without Renewed Respect for Their Rights, Notably Protection, Third Committee Speakers Declare”*.

Exploitation of children in prostitution

In Turkey, prostitution is legal and subjected to a clear legal framework in the form of directives and health and safety regulations.¹³⁷ While the sale and purchase of sexual services by adult sex workers is not criminal, forcing another person into prostitution and/or making a living off the earnings of the person incited into prostitution is criminalised by Article 227(2) of the Turkish Penal Code (hereafter, Penal Code), with punishment being imprisonment from two to four years and a judicial fine of up to three thousand days.¹³⁸ The exploitation of children in prostitution is also criminalised and is even more strongly punished by Article 227(1) of the Penal Code. Article 227(1) states indeed that any person who encourages a child to be involved in prostitution, or who facilitates prostitution, or acts as an intermediary for the exploitation in prostitution of the child, can be punished with imprisonment from 4 to 10 years, and with a punitive fine of up to five thousand days.¹³⁹

According to Article 11 of the Turkish Civil Code (hereafter, Civil Code), the age of majority is 18, which is understood as the age of sexual consent as well.¹⁴⁰ People younger than 18 – both boys and girls – can therefore not legally consent to sexual activities, which would consequently fall under Turkish regulations on rape and sexual abuse.¹⁴¹ The Penal Code regulates sexual abuse of children and sexual intercourse with minors in two different provisions – Article 103 and Article 104. Article 103 of the Penal Code defines “sexual molestation” of children as any sexual behaviour towards a child under the age of 15 and any sexual behaviour towards a child above 15 through threat, coercion, force or any other factor affecting their decision-making capacity.¹⁴² Anecdotal evidence suggests however that,

regarding children above 15, investigations aimed at determining whether the child was indeed threatened, coerced, forced or otherwise influenced are rarely conducted in practice.¹⁴³ Evidence also suggests that perpetrators often plead ignorance of the age of the victim – an argument that courts tend to overlook and accept in practice.¹⁴⁴

If Article 103 defines the crime of sexual abuse against children, it does however not set out what “sexual behaviour” entails, which is therefore left to judicial interpretation.¹⁴⁵ The criteria developed by the Court of Cassation over the years for assessing a case under Article 103 is the existence of “physical contact”.¹⁴⁶ Accordingly, any situation falling short of physical contact, such as the act of forcing a child to undress for sexual pleasure, falls outside the scope of Article 103.¹⁴⁷ The situation could still fall under Article 105, which defines the crime of “sexual harassment”. However, the amount of penalty foreseen is considerably lower here.¹⁴⁸

According to Article 103(1), child molestation is punished by imprisonment from 8 to 15 years, but several aggravating circumstances are envisaged throughout the different paragraphs of Article 103. The sexual abuse of children under 12 was added as an aggravating circumstance in Article 103 (1) and (2) following an amendment adopted in December 2016.¹⁴⁹ This amendment was subsequently criticised as implying that the sexual abuse of children above 12 is a less severe crime and as blurring the absolute prohibition of sexual behaviour against children under 15.¹⁵⁰

Article 104 of the Penal Code states that someone who has sexual intercourse with a child older than 15 without using force, threat and fraud, can only be punished upon complaint – except in cases

concerning a family member, a relative or a person taking care of/protecting the child.¹⁵¹ Contrary to Article 103, Article 104’s title does not talk about “children” but about “persons not [having] attained the lawful age”. This implies that this crime only concerns children who cannot legally be considered “adults”.¹⁵² According to Article 11 of the Turkish Civil Code, the age of majority is 18, but marriage makes a person “adult”.¹⁵³ Yet, as will be expanded below, children may marry as of 17, and even 16 in exceptional circumstances.¹⁵⁴ The problem here lies with the fact that sexual violence towards “adults”, even within a marriage, is punished as a less serious crime than towards “children” by the Penal Code.¹⁵⁵ By referring to minors instead of children, Article 104 of the Penal Code therefore creates a difference in treatment between children aged 16 or 17 who are married and have therefore lost their “minor” status, and the rest of children aged 16 or 17.¹⁵⁶

Online child sexual exploitation (OCSE)

Child sexual abuse material (CSAM) is not explicitly referred to in the Penal Code, leaving the issue undefined contrary to article 2(c) of the OPSC, to which Turkey is a party.¹⁵⁷ CSAM-related conduct is nevertheless partially included in the Penal Code’s “obscenity” provision. Article 226(1) of the Penal Code prohibits indeed the acts of giving, reading and/or making a child read, watch or listen to “obscene” written or audio-visual content. It is also prohibited to display in public, offer for sale or rent, give or distribute, and advertise such contents.¹⁵⁸ Moreover, Article 226(3) makes it illegal to exploit children in the production of “obscene” audio-visual materials, as well as to import, duplicate, sell, transfer, store, export, possess or share such materials.¹⁵⁹ The Penal Code does not however, define the word “obscene”, which besides creating a problem of ambiguity that has been criticised as sometimes leading to

free press restrictions,¹⁶⁰ might hamper children’s protection from CSAM. As the Organization for Security and Cooperation in Europe (OSCE) was writing already in 2005, there is indeed a “large subjective element” in any decision as to whether a matter is obscene.¹⁶¹

Article 105 of the Penal Code, referring to “sexual harassment”, is sometimes also applied with regard to OCSE. Anecdotal evidence suggests indeed that cases where sexual content was sent via text messages have been dealt with under Article 105 rather than Article 226 of the Penal Code in the past.¹⁶²

Regarding the online environment, it is worth mentioning that Article 226 of the Penal Code does not mention any kind of media as a means to distribute or disseminate CSAM, and particularly not the Internet. Internet regulations nevertheless have existed since May 2007, when the government enacted Law no. 5651 entitled “Regulating Broadcasting on the Internet and Fighting Crimes Committed through Internet Broadcasting” (hereafter, Internet Law).¹⁶³ The enactment of this law came during a period of increasing concerns regarding the availability of obscene content and CSAM on the Internet.¹⁶⁴ Until this law, the Internet was considered the same as any other media and regulated under the same terms. This law was therefore meant to provide further specifications as to what was not allowed online.¹⁶⁵

The Internet Law mainly regulates three areas: criminal and administrative liability of access and public-use providers (Articles 4-7), access restriction procedures regarding certain crimes (Articles 8 and 8(a)), and blocking procedures in cases of violation of personal rights (Articles 9 and 9(a)).¹⁶⁶ The Presidency of Telecommunication and Communication (TIB) is the body responsible

137 Sexual Rights Database. (2018). *Turkey – Adult sex work*.

138 *Penal Code*, Article 227(2). See Article 52 on “judicial fines of days”: “A Judicial fine is an amount payable to the State Treasury by the offender, which is calculated, unless otherwise stated in the law, by multiplying the identified number of days, which shall be more than five but not more than seven hundred and thirty, with a daily amount.”

139 *Penal Code*, Article 227(1).

140 *Civil Code*, Article 11.

141 Oxford Human Rights Hub. (2017). “*Child Marriage and Sexual Assault of Children in Turkey – Does Public Opinion Matter?*”.

142 *Penal Code*, Article 103(1).

143 ECPAT Turkey/NGOs Network Against CSEC Turkey. (2020 January). *Personal Communication*.

144 ECPAT Turkey/NGOs Network Against CSEC Turkey. (2020 January). *Personal Communication*.

145 Accountability Unit. (2017). “*Brief Note No. 2 – Revisions to Turkish Legislation on Sexual Abuse of Children*”. 4.

146 Turkish Court of Cassation, Docket No. 2006/714, Decree No. 2007/1887, 13 March 2007.

147 Accountability Unit. (2017). “*Brief Note No. 2 – Revisions to Turkish Legislation on Sexual Abuse of Children*”. 4.

148 *Penal Code*, Article 105.

149 See Article 13 of the Proposal on Amending the Code on Criminal Procedure and Other Codes No. 31853594-101-1339-4059, 22 October 2016.

150 Accountability Unit. (2017). “*Brief Note No. 2 – Revisions to Turkish Legislation on Sexual Abuse of Children*”. 6.

151 *Penal Code*, Article 104.

152 *Ibid.*, 5.

153 *Civil Code*, Article 11.

154 *Penal Code*, Article 102(3).

155 *Penal Code*, Article 102(3).

156 Accountability Unit. (2017). “*Brief Note No. 2 – Revisions to Turkish Legislation on Sexual Abuse of Children*”. 5.

157 UN General Assembly. (2000, May 25). *Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography*. (A/RES/54/263). Art. 2(c).

158 *Penal Code*, Article 226(1).

159 *Penal Code*, Article 226(3).

160 OSCE. (2005). “*Review of the Draft Turkish Penal Code: Freedom of Media Concerns*”. 4.

161 *Ibid.*, 4.

162 ECPAT Turkey/NGOs Network Against CSEC Turkey. (2020 January), *Personal Communication*.

163 A. Arisoy. “*Analysis of Internet Content Regulations in Turkey. Analytical Survey of the Issues and Literature*”. 50.

164 OSCE. (2015). “*Report of the OSCE Representative on Freedom of the Media on Turkey and Internet Censorship*”. 4.

165 A. Arisoy. “*Analysis of Internet Content Regulations in Turkey. Analytical Survey of the Issues and Literature*”. 51.

166 *Law No. 5651 (Internet Law)*, Articles 4 to 9(a).

for Internet-related issues, such as blocking websites.¹⁶⁷ SEC-related offences were specifically taken into account and are referred to in Article 8. Under Article 8(1), access to websites are subject to blocking if there is sufficient suspicion that certain crimes are being committed on a particular website.¹⁶⁸ Eight specific crimes are referenced, among which feature Article 103 (sexual exploitation and abuse of children) and Article 227(1) (exploitation of children in prostitution) of the Penal Code.¹⁶⁹ It is worth noting, however, that Article 8 does not clarify or establish what is meant by “sufficient suspicion”.¹⁷⁰ According to the Venice Commission of the Council of Europe, as the term was borrowed from Article 170 of the Criminal Procedure Code,¹⁷¹ interpretation should follow the strict conditions set forth in this Article and should not be left to the discretion of a judge or the TIB.¹⁷²

If hosted in Turkey, websites that carry content subject to Article 8 can be taken down by the TIB following a court order. If hosted abroad, the TIB has the authority to unilaterally block and filter these websites through Internet access and service providers without any court permission.¹⁷³ Article 8(4) enables indeed the TIB to issue “administrative blocking orders” with regard to crimes listed in Article 8(1) when the content and hosting providers are situated outside the Turkish jurisdiction.¹⁷⁴ The TIB may also issue such administrative blocking orders with regards to hosting companies located in Turkey in the particular circumstance where the content in question involves sexual exploitation and abuse of children or obscenity.¹⁷⁵ In such a case, a court order is still required, but follows a 24-hour emergency procedure.¹⁷⁶ Moreover, if the TIB can establish the identities of those responsible for the content subject to the blocking orders, it

must request the Chief Public Prosecutor’s Office to prosecute the perpetrators.¹⁷⁷ All TIB blocking decisions can be challenged pursuant to Section 11 of the Turkish Procedure of Administrative Justice Act.¹⁷⁸

It is important to note here that, although Law no. 5651 was claimed to have been adopted to protect children and families from accessing harmful content, a considerable number of blocking orders appear to have been based on reasons other than the ones included within the scope of Article 8 of the Penal Code.¹⁷⁹ In several cases unrelated to SEC offences, the blocking of websites was even ruled unconstitutional by the European Court of Human Rights.¹⁸⁰

Other forms of OCSE are left unaddressed by Turkish legislation. Even though the media is reporting instances of the problem in the country,¹⁸¹ Turkey does not have legislation defining or addressing online grooming. Moreover, none of the aforementioned provisions include the specific issue of live streaming of child sexual abuse online.

Sale and trafficking of children for sexual purposes

Turkey has taken a number of steps to combat human trafficking. The relevant national legal framework has evolved over the years, in line with the country’s international commitments.¹⁸² According to Turkish authorities, trafficking in human beings is considered to be in violation of some of the fundamental human rights and freedoms guaranteed by the Constitution of Turkey, and in particular Article 17 (personal inviolability), Article 18 (prohibition of forced

labour) and Article 19 (personal liberty and security).^{183,184} Moreover, according to Article 90 of the Constitution, the Council of Europe Convention on Action against Trafficking in Human Beings is an integral part of internal law, which means that it can be applied directly by Turkish courts.¹⁸⁵ In the context of this research, no case-law dealing with the issue was found.

Article 80(1) of the Penal Code punishes human trafficking, and especially in trafficking cases that involve exploitation through prostitution, with a penalty of 8 to 12 years and a judicial fine of up to 10,000 days.¹⁸⁶ Article 80(3) of the Penal Code provides that when the victim of trafficking is a child, the offender shall be sentenced even if no means have been resorted to.¹⁸⁷ This is in line with the Palermo Protocol’s definition, which includes three constitutive elements to the crime of human trafficking (i.e. action, means and purpose of exploitation),¹⁸⁸ but only requires the existence of two of them (action and purpose of exploitation) when the crime concerns a child.¹⁸⁹ Article 80 refers explicitly to the exploitation in prostitution, but does not consider any other SEC manifestation.¹⁹⁰ Article 80 does not encompass any aggravating circumstance, even when the victim is a child, which is not in accordance with the Council of Europe Convention on Action against Trafficking in Human Beings.¹⁹¹ According to the 2019 GRETA Report, a draft law amending Article 80 to include aggravating circumstances – such as when the offence is committed against a child – was recently proposed but it has not been adopted yet.¹⁹²

Article 80 of the Penal Code can be applied in conjunction with other offences of the Penal Code, such as exploitation of children in prostitution (Article 227(1)) and online sexual exploitation of children (Article 226). The 2019 GRETA Report is however concerned that some cases have sometimes only been prosecuted and adjudicated as prostitution or online sexual exploitation of children, which carry considerably lower penalties than those envisaged by Article 80.¹⁹³ According to the 2019 GRETA Report, this could create an inconsistent legal practice and impede the proportionate and dissuasive sanctioning of cases dealing with human trafficking.¹⁹⁴

Sexual exploitation of children in travel and tourism (SECTT)

Turkish legislation does not address the issue of SECTT specifically and under Article 20 of the Penal Code, legal entities cannot be held criminally liable.¹⁹⁵ If particular crimes are committed intentionally for the interest of the legal entity, such as tour companies facilitating the exploitation of children through prostitution, they could face security measures and administrative fines.¹⁹⁶ According to a national law firm specialised in commercial law, even if serious, such security measures are rarely applied.¹⁹⁷ Private legal entities can also be subject to security measures according to Article 60 of the Penal Code.¹⁹⁸ Among the criminal acts that could trigger corporate liability figures human trafficking (Article 80 of the Penal Code), obscenity (Article 226 of the Penal Code) and exploitation of children in prostitution (Article 227(1) of the Penal Code).¹⁹⁹

167 Internet Policy Review. (2015). “Internet censorship in Turkey”.

168 Law No. 5651 (Internet Law), Article 8.

169 Penal Code, Articles 103 and 227.

170 OSCE. (2015). “Report of the OSCE Representative on Freedom of the Media on Turkey and Internet Censorship”. 8.

171 Criminal Procedure Code, Article 170.

172 European Commission for Democracy through Law (Venice Commission). (2016). “Turkey: Opinion on Law No. 5651 on Regulation of Publications on the Internet and Combating Crimes committed by Means of such Publication (“The Internet Law”)”. Para. 46.

173 OSCE. (2015). “Report of the OSCE Representative on Freedom of the Media on Turkey and Internet Censorship”. 14.

174 Law No. 5651 (Internet Law), Article 8(4).

175 OSCE. (2015). “Report of the OSCE Representative on Freedom of the Media on Turkey and Internet Censorship”. 17.

176 *Ibid.*, 17. See Article 14(1) of the Regulations governing Publications on the Internet.

177 Law No. 5651 (Internet Law), Article 8(6)

178 Procedure of Administrative Justice Act (1982), Section 11.

179 OSCE. (2015). “Report of the OSCE Representative on Freedom of the Media on Turkey and Internet Censorship”. 19.

180 See European Court of Human Rights, *Ahmet Yildirim v. Turkey*, judgment of 18 December 2012; and *Cengiz and others v. Turkey*, judgment of 1 December 2015.

181 Hurriyet Daily News. (2019). “Online groomers target vulnerable children: Expert”.

182 GRETA. (2019, October). *Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Turkey*. 7.

183 Constitution, Articles 17 to 19.

184 GRETA. (2019, October). *Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Turkey*. 19.

185 Constitution, Article 90.

186 Penal Code, Article 80(1).

187 *Ibid.*, Article 80(3).

188 UN General Assembly. (2000, November 15). *United Nations Convention against Transnational Organized Crime, Annex 2: Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol)*. Res. 55/25 of 15. Art. 3(a).

189 *Ibid.*, Article 3(c).

190 Penal Code, Article 80(1). See: GRETA. (2019, October). *Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Turkey*. 20.

191 Council of Europe Convention on Action against Trafficking in Human Beings, Article 24.

192 GRETA. (2019, October). *Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Turkey*. 50.

193 *Ibid.*, 50.

194 *Ibid.*, 51.

195 Penal Code, Article 20.

196 Gün & Partners. (2018). “Criminal Liability of an Executive under Turkish Law”

197 *Ibid.*

198 Penal Code, Article 60.

199 Global Compliance News. “Corporate Liability in Turkey”

Child, early and forced marriages (CEFM)

The Civil Code sets the legal age of marriage at 18 years old for both men and women.²⁰⁰ However, Article 124 of the Civil Code states that a boy or a girl of 17 years old can marry if he or she has the consent of his or her parents or legal representatives. According to anecdotal evidence, the condition of parental consent is nevertheless very relaxed in practice, making it possible for parents to force their children into early marriages.²⁰¹ Moreover, the judge can allow the marriage of boys and girls aged 16 years old in case of extraordinary circumstances and on vital grounds.²⁰² Those circumstances and reasons are however not defined. This is not in line with general comment No. 31 of the Committee on the Elimination of Discrimination against Women and No. 18 of the Committee on the Rights of the Child, which require States to prohibit marriages before the age of 18.²⁰³ Article 126 states that minors cannot marry without the permission of their legal representative.²⁰⁴ However, according to Article 128, the judge has the right to allow the marriage of minors, even if the legal representative did not give consent.²⁰⁵

Marriage with a child is considered as child abuse under Article 103 of the Penal Code.^{206, 207} According to the UNHCR, state institutions, health and education institutions, as well as NGOs are obliged to inform the Turkish authorities about a child facing a risk in this regard. Additionally, anyone who is aware of such a crime being

committed is obliged to inform the authorities.²⁰⁸

In October 2017, a new law was adopted which awards government-endorsed clerics and *muftis* the same powers to perform marriages as civil authorities like judges.²⁰⁹ The law amended indeed Article 22 of the Civil Registration Services Law by adding “provincial and district muftis” to the list of officials who can conduct marriages.²¹⁰ Concerns have been raised as to the risk this represents for child marriage, given the conservative *muftis* “blind eye to brides under the age of 17”^{211,212,213} On a better note, in 2015, the Constitutional Court cancelled a law that required individuals to conduct an official marriage ceremony before the religious one given the risk of increase in child marriages and trafficking to that end.²¹⁴ Additionally, in 2016, the government withdrew a bill that meant to pardon men who had sexually abused children if they married their victims.^{215,216} However, as has already been mentioned in Section 2 of this report, a similar bill has been reintroduced to the Turkish parliament in January 2020.²¹⁷

Extraterritorial jurisdiction and extradition law

Several provisions of Turkish domestic law provide for extraterritorial jurisdiction – that is, the legal ability of Turkey to exercise authority beyond its territorial boundaries. Article 11 of the Penal Code addresses extraterritoriality based on the ‘active personality’ principle, which enables Turkey

to prosecute Turkish nationals who committed an offence in a foreign country. The suspect will be subject to a penalty under Turkish law, provided that the offence is punishable by a term of imprisonment of more than a year and that the suspect is present in Turkey.²¹⁸ Article 11(1) however, provides for two exceptions to this penalty: if the offence committed is listed in Article 13 or where the person has already been convicted for the same offence in a foreign country.²¹⁹ Article 11(2) provides for an additional requirement when the offence is punished by a term of imprisonment of less than a year: a complaint must have been filed by the victim of a foreign government within 6 months.

Article 12 refers to the passive personality principle, which enables Turkey to prosecute foreign nationals who committed an offence against Turkey (Article 12(1)) or a Turkish national (Article 12(2)) outside of its territory. Here too the offender must be present in Turkey and must not have already been convicted in a foreign country for the same offence.²²⁰ A request must be made by the Minister of Justice if the crime was committed against Turkey; and a complaint must be lodged by the victim if the crime was committed against a private citizen or legal entity.²²¹

Finally, Articles 12(3) and 13 of the Penal Code allow for prosecution in Turkey of crimes committed abroad by foreigners against other foreign citizens, according to the universal

jurisdiction principle. According to Article 12(3), the offender will be tried under Turkish law if he/she is present in Turkey, the crime requires a penalty of at least three years of imprisonment, extradition is not possible and the perpetrator has not already been tried abroad.²²² Article 13 provides for universal jurisdiction with regard to certain specific crimes; it lists a series of offences which will be subjected to Turkish law, no matter where they occurred or who committed them.²²³ Child trafficking (Article 80(3)) and sexual exploitation of children in prostitution (Article 227(1)) explicitly feature here – but not all SEC-related offences.

Extradition is addressed by the Constitution itself, whose Article 38 provides that no Turkish national shall be extradited to a foreign country on account of an offence, except under obligations resulting from the Statute of the International Criminal Court.²²⁴ Article 18 of the Penal Code outlines several conditions/restrictions on the granting of extradition.²²⁵ Particularly worrying is the ‘double criminality’ condition set out in Article 18(1)(a), according to which extradition is only possible in cases where the act constitutes an offence both in the offender’s country of origin and in the country where the crime was committed.²²⁶ This principle makes the prosecution of offenders more difficult, as they can then travel to countries with a weak legal framework to engage in SEC-related offences and then rely on the defence that the act is not illegal in the country where it took place.^{227,228}

200 Civil Code, Article 11.

201 ECPAT Turkey/NGOs Network Against CSEC Turkey. (2020 January), *Personal Communication*.

202 Civil Code, Article 124.

203 Committee on the Elimination of Discrimination against Women and Committee on the Rights of the Child. (2014). *Joint general recommendation/general comment No. 31 of the Committee on the Elimination of Discrimination against Women and No. 18 of the Committee on the Rights of the Child on harmful practices*. CEDAW/C/GC/31-CRC/C/GC/18.

204 *Ibid.*, Article 126.

205 *Ibid.*, Article 128.

206 UNHCR. (n.a.), *Turkey – Marriage and Divorce*.

207 ECPAT Turkey/NGOs Network Against CSEC Turkey. (2020 January), *Personal Communication*.

208 UNHCR. (n.a.), *Turkey – Marriage and Divorce*.

209 “The Draft Law that Amends the Law on Civil Registration Services and some other Laws” was prepared by the Ministry of Internal Affairs and was sent to the Turkish Grand National Assembly (TBMM) on 25 July 2017 by the Prime Ministry upon the decision of the Cabinet dated 17 July 2017. It consists of 37 articles, which amend Law No.5490 on Civil Registration Services and Law No. 5901 on Turkish Citizenship. See: UNCT. (2018). *Comments of the United Nations Country Team in Turkey on the ‘Draft Law that Amends the Civil Registration Services and some other laws’*.

210 Civil Registration Services Law, Article 22.

211 Hurriyet Daily News. (2018). *“Turkey’s top religious body issues notice on ‘mufti marriages’”*.

212 The New Arab. (2017). *“The ‘mufti marriage law’ and child brides in Turkey”*.

213 The Telegraph. (2017). *“New Turkish marriage law prompts fears of child weddings”*.

214 GRETA. (2019, October). *Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Turkey*. 27.

215 Girls Not Brides. (2018). *Turkey*.

216 BBC. (2018). *“Turkish child marriage religious document sparks anger”*.

217 The Independent. (2020 January). *‘Marry-your-rapist’ bill to be introduced by lawmakers in Turkey*.

218 Penal Code, Articles 11.

219 *Ibid.*, Article 11(1).

220 *Ibid.*, Article 12(2).

221 *Ibid.*, Articles 12(1) and (2).

222 *Ibid.*, Article 12(3).

223 *Ibid.*, Article 13.

224 Constitution, Article 38.

225 Penal Code, Articles 18

226 *Ibid.*, Article 18(1)(a).

227 ECPAT International, Defence for Children, Ministry of Foreign Affairs of the Netherlands. (2016). *“Offenders on the Move: Global Study on Sexual Exploitation of Children in Travel and Tourism”*

228 ECPAT International. (2014). *“Submission on behalf of ECPAT International to the Council of Europe Lanzarote Committee – General overview questionnaire on the implementation of the Lanzarote Convention”*. 15.

National Response to the Sexual Exploitation of Children

COORDINATION AND COOPERATION

Turkey does not have a national plan of action or coordination body specifically addressing sexual exploitation of children at present, nor has there been one in the past. However, some manifestations of SEC have been addressed in other national action plans and by other bodies. For example, the National Action Plan on Violence Against Women 2016-2020 published by the Ministry of Family, Labour and Social Services covers both CEFM and sexual violence against women and children.²²⁹ Encouragingly, the plan has a specific goal of combatting CEFM, and programmes have been coordinated around Turkey working towards this goal.²³⁰ The most recently available report monitoring this action plan was published in 2018, highlighting various measures relating to CEFM that have been carried out. These include the establishing of district coordination committees in districts that are particularly vulnerable to CEFM by the General Directorate of Child Services,²³¹ and preparation of provincial action plans by the Directorate General on the Status of Women for each province in the country.²³² As well as measures related to CEFM, the 2016-2020 plan aims to provide

specialist therapy and treatment for children who are exposed to violence,²³³ and encouragingly, in accordance with the Istanbul Convention, establish special service models for victims of sexual violence.²³⁴ However, it is not clear from the monitoring report if these service models have yet been established.

In addition to the measures outlined in the National Action Plan on Violence Against Women 2016-2020, the government has also announced that it has prepared an action plan on the issue of CEFM for the period of 2019-2023, coordinated by the General Directorate on the Status of Women.²³⁵ This action plan will build on activities implemented in the National Action Plan on Violence Against Women 2016-2020, including the example of provincial action plans, which is particularly encouraging as each individual province in Turkey faces different challenges in regards to CEFM. However, as of June 2020, there was no evidence that this national plan had yet been implemented.

The Ministry responsible for coordinating national action against human trafficking is the Directorate General of Migration Management, which provides support services to the Coordination Commission for Combatting Trafficking in Human Beings.²³⁶ This

commission ensures coordination between public institutions, international organisations and NGOs, and also coordinates with relevant ministries.²³⁷ Additionally, provincial coordination commissions work on trafficking of human beings and the protection of victims in different provinces.²³⁸ The National Coordination Commission is made up of representatives from 18 different branches of the Turkish government and meets once a year.²³⁹ Despite these commitments, there has been no national action plan on human trafficking since 2009, and there has only been one other before this, published in 2003. The 2003 National Action Plan led to the amendment of legislation for regulating procedures and principles for punishing acts of human trafficking, and established a hotline for protecting victims and preventing human trafficking crimes.²⁴⁰ The 2009 National Action Plan outlined provisions on required measures to be taken for victims to access support services under the titles of prevention, protection and prosecution.²⁴¹ Additionally, in their written response to GRETA in 2018, the government stated that the Coordination Commission took the decision to draw up a new national action plan on human trafficking in 2017.²⁴² At the time of writing, this plan has still not materialised.

In 2018, two sub-commissions of the Coordination Commission were set up, one of which was a sub-commission on children.²⁴³ While it is a positive step that a sub-commission on children has been created, it is not clear whether it has a focus on the sexual exploitation of children at all, and there is a lack of publicly available evidence of actions taken to protect child victims of human trafficking.

As the above section has highlighted, much of Turkey's efforts to address SEC have been implemented in the context of human trafficking and violence against women. While these are positive steps, the lack of a national plan or coordinating body specifically addressing the sexual exploitation of children, coupled with tensions between the government and civil society

organisations, has hindered Turkey's strategic response to SEC.²⁴⁴ It is crucially important that the Turkish government begins to formulate clear and articulated plans and mechanisms for action for all forms of child sexual exploitation, and that these plans are written and designed in collaboration with civil society organisations and NGOs that specialise on the issue of the sexual exploitation of children.

Prevention measures, awareness-raising and education

Turkish authorities, together with some civil society organisations, have implemented a number of awareness raising and education campaigns dealing with different manifestations of SEC.

The Turkish government has reportedly undertaken awareness raising campaigns relating to CEFM. In 2017, the Ministry of Family, Labour and Social Services announced it had launched a counter strategy to raise awareness of the physical and psychological consequences of child marriage in Turkey's most affected regions.²⁴⁵ In May 2019, the head of women's policies at the Ministry of Family, Labour and Social Services highlighted how the Ministry had delivered awareness raising training of CEFM to both public and private stakeholders. This training was given to 187 coffee shops in 47 villages, 1886 civil servants, 121 owners of barbershops and wedding halls, 141 Provincial Directorates of the Ministry of Family, Labour and Social Services and 154 Syrian individuals.²⁴⁶ NGOs have also implemented prevention and awareness raising programmes relating to CEFM in Turkey. For example, the Turkish Red Crescent Society ran prevention information sessions with both children and adults on the dangers of CEFM to children, and worked with children and their families whose marriages had already been planned, attempting to persuade

229 Republic of Turkey - Ministry of Family, Labor and Social Services. (2016). *National Action Plan for Combatting Violence Against Women (2016-2020)*. [Translated from Turkish].

230 UNFPA. (2019, September). *UNFPA Country Program Evaluation Report (Period covered 2016-2019) - Turkey*. 67

231 Republic of Turkey – Ministry of Family, Labor and Social Services – General Directorate on the Status of Women. (2018). *Third National Action Plan for Combatting Violence Against Women 2016-2017 Monitoring and Evaluation Report*. 47. [Translated from Turkish].

232 *Ibid.*, 48.

233 *Ibid.*, 70.

234 *Ibid.*, 70.

235 Republic of Turkey – Ministry of Family, Labor and Social Services – General Directorate on the Status of Women. (2019). *Women in Turkey*. 18.

236 GRETA. (2019, October). *Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Turkey*. 14.

237 *Regulation on Combatting Human Trafficking and Protection of Victim*, Article 5.

238 *Ibid.*, Article 9.

239 GRETA. (2019, October). *Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Turkey*. 15.

240 GRETA. (2018). *Reply to the Questionnaire from Turkey*. 9.

241 *Ibid.*, 8.

242 *Ibid.*, 8.

243 *Ibid.*, 15.

244 GRETA. (2019, October). *Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Turkey*. 24.

245 UNFPA Turkey. (2019). *United Nations Joint Program is Working to Eliminate Child, Early, and Forced Marriage*

246 *Ibid.*

the families to find alternatives to marrying their children.²⁴⁷ The Turkish Red Crescent Society stated that, between March 2017 and June 2019, 64,778 children had been reached by their programmes, in 15 different provinces of Turkey.²⁴⁸ As well as the work that NGOs such as Turkish Red Crescent have been doing, UNICEF also works with local authorities in high risk provinces such as Kilis and Gaziantep on Turkey's south eastern border to enhance the capacity of local administrations in developing guidelines and training materials to increase the capacity of municipalities in the prevention of child marriage.²⁴⁹

In regards to prevention measures relating to OCSE, the Turkish Safer Internet Centre has been working to raise awareness of child Internet safety since their creation in 2017. The centre runs two separate safer Internet awareness websites, one for adults, and one for children, which includes interactive games and activities aiming to educate children about staying safe while online.²⁵⁰ As well as these websites dedicated to child Internet safety; the centre also runs regular training at schools for children, teachers and families.²⁵¹ In 2019, over 300 seminars have been given which over 65,000 Internet users have participated in.²⁵² As these education measures are focused on the general safety of children online, it is not clear how much education or awareness raising is dedicated specifically to OCSE.

In 2017, the Turkish NGO International Children's Centre also launched the 'Child Friendly Tourism Project', which aims to raise awareness of SECTT.²⁵³ The project aims to educate relevant stakeholders in the travel and tourism industry such as accommodation providers, domestic transport professionals, airlines and hotel guests on the issue of child sexual exploitation in the sector.²⁵⁴ At the time of writing, it was not clear

what stage the project was at, however, as of 2018, at least four training sessions had been carried out with the hospitality and travel industry.²⁵⁵

Members of the ECPAT Turkey's network have also conducted a wide range of awareness-raising campaigns. For example, the Minus 25 Association has carried out a project aimed at raising awareness on SECTT with other NGOs and public institutions.²⁵⁶ The Child Lawyers Network (ÇAÇAV) provided training to lawyers registered with the Ankara Bar Association and assigned to work with children, on the juvenile justice system, including issues such as sexual crimes, child monitoring centres, forensic interview rooms and child-friendly approaches.²⁵⁷ Apart from the Ankara Bar Association, similar trainings were provided at dozens of provincial bar associations to thousands of lawyers. In 2019 and 2020 Amnesty International Turkey Branch, in cooperation with ÇAÇAV, organised a "Fundamental Human Rights and Juvenile Justice System Training" in 20 provinces for different occupational groups.²⁵⁸

While awareness raising campaigns related to CEFM, OCSE and SECTT are fairly stringent and work to educate people on the threat of SEC in the country, the 2019 GRETA report highlights that Turkey is lacking awareness raising campaigns in relation to human trafficking,²⁵⁹ and this extends to a lack of awareness raising in regards to the trafficking of children for the purposes of sexual exploitation. While the report states that a public service announcement on child victims of trafficking was prepared for the second half of 2019,²⁶⁰ there is no detail as to what this entails, and at the time of writing, there is no evidence that this has taken place. Additionally, there were no awareness raising activities planned for children or education professionals.²⁶¹

Child protection, access to justice and right to remedies for child victims of sexual exploitation

National complaint mechanisms

National complaint and reporting mechanisms do exist in Turkey. The Directorate General of Migration Management runs a national hotline that takes calls relating to human trafficking, as outlined in Article 10 of the Regulation on Combatting Human Trafficking and Protection of Victims.²⁶² However, the hotline, called 'YIMER' is not only for calls related to human trafficking, it is also used to provide information on visas, residence permits, international protection and temporary protection, and it has only received 69 calls relating to human trafficking since it was created in August 2015.²⁶³ Additionally, it is not clear what proportion, if any, of these calls were related to children being trafficked for the purposes of sexual exploitation. The Information and Communication Technologies Authority also runs a dedicated online hotline where Internet users can report content they believe to depict the sexual exploitation of children,²⁶⁴ however, data was not available as to how many reports it receives about CSAM.

As well as the two reporting mechanisms outlined above for OCSE and human trafficking, there is a general 'Youth Helpline' which is funded by the Dutch Embassy in Turkey in cooperation with the Turkish Ministry of Justice, which children can phone if they have any sort of issue.²⁶⁵ The Helpline consults with children about the issues they are calling about, and directs them to relevant supports services.²⁶⁶ However, as with the other reporting mechanisms highlighted in this section, it is not clear how many children call this

helpline reporting issues of SEC, and the helpline does not publicly provide any data on the calls it receives.

The Turkish Civil Code sets the general age of majority at 18, at which point a person has full capacity to act, including before national courts.²⁶⁷ Subject to a court decision, the Civil Code makes it possible for children aged 15 and over to act as full legal adults.²⁶⁸ There are also specific circumstances in which children who have the "ability to distinguish"²⁶⁹ are considered able to bring a case.²⁷⁰ For instance, children do not need the consent of their legal representative to enforce rights that are strictly personal.²⁷¹ When a victim of a crime, a child may request the public prosecutor to file a criminal case. Adults who witness a crime against a child are legally obliged to report the crime to the public prosecutor and can be punished for not doing so.²⁷² According to Article 234 of the Turkish Criminal Procedure Code (hereafter, Criminal Procedure Code), victims can intervene in criminal proceedings, and child victims wishing to do so are automatically appointed representatives.²⁷³

No fees are paid during the criminal investigation and prosecution process. Persons with economic deprivation in civil cases can be exempted from paying fees through taking a legal aid order. For civil lawsuits, free-of-charge services of a lawyer can be requested from the bar association.²⁷⁴

In 2012, the Ombudsman Institution was created, with a specific ombudsman for women and child rights issues.²⁷⁵ The Ombudsman Institution is responsible for examining and investigating complaints received about acts of public administrative bodies and giving recommendations to such bodies.²⁷⁶ If a person or organisation becomes aware of a children's rights' violation

247 International Federation of Red Cross and Red Crescent Societies. (2019, October). *Action by Red Cross and Red Crescent National Societies to Prevent and Respond to Child Marriage*, 45.

248 *Ibid.*, 45.

249 UNICEF. (2019). *Turkey - UNICEF Country Programme of Cooperation 2016-2020*. 31.

250 Safer Internet Day. (2019). *Turkey Safer Internet Day Committee – Turkish Safer Internet Centre*.

251 *Ibid.*

252 *Ibid.*

253 International Children's Centre. (n.d.). *Combating Sexual Exploitation of Children with Rights Respecting Business in Travel and Tourism*.

254 *Ibid.*

255 Hurriyet Sehayat. (n.d.) *Hurriyet Newspaper Travel Supplement*. [Translated from Turkish].

256 Minus 25 Association. (2019, December). *Çocuk odaklı çalışan kurumların iş birliği-mihaliççik*.

257 Mersin Barosu. (2020, May). *Mersin Barosu Dergisi*.

258 Amnesty International Turkey. (2019, December) *İnsan hakları eğitimlerimiz herkes için, her yerde!*.

259 GRETA. (2019, October). *Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Turkey*. 30.

260 *Ibid.*, 30.

261 *Ibid.*, 30.

262 *Regulation on Combatting Human Trafficking and Protection of Victim*, Article 10.

263 GRETA. (2019, October). *Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Turkey*. 38.

264 Information and Communication Technologies Authority. (n.d.). *Internet Hotline*.

265 Youth Helpline. (n.d.). *About Youth Helpline*.

266 Youth Helpline. (n.d.). *What Should I Say When I Get Into Touch with the Youth Helpline*.

267 *Civil Code*. Article 11.

268 *Ibid.*, Article 12.

269 The "ability to distinguish" is defined in Article 13 of the Civil Code as the "capacity to act rationally".

270 *Civil Code*. Article 13.

271 *Ibid.*, Article 16.

272 *Penal Code*, Article 278-280.

273 *Criminal Procedure Code*, Article 234.

274 *Avukatlık kanunu*.

275 Child Rights International Network. (2015). *"Access to Justice for Children: Turkey"*.

276 *Law on the Ombudsman Institution*, Article 5.

by a public body, he/it may submit a complaint to the Ombudsman Institution.²⁷⁷ In 2014, the Ombudsman Institution created a website designed for children through which children can directly submit complaints.²⁷⁸ In the context of this research, no information was found on the implementation of this mechanism.

Turkey ratified the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure on 26 December 2017.²⁷⁹ This Protocol specifically recognises that children have the right to appeal to international mechanisms specific to them, when national mechanisms fail to address violations effectively. Moreover, any person, including a child, may directly challenge a violation of their rights set forth in the European Convention on Human Rights before the Turkish Constitutional Court after exhausting all national remedies.²⁸⁰ Anecdotal evidence suggests however that both adults and children are unaware of such possibilities.²⁸¹

Child-sensitive justice

Turkish legislation provides for rather child-sensitive justice mechanisms. Under the Child Protection Law, the protection of children and vulnerable victims of crime has indeed been identified as a legal requirement.²⁸² The Child Protection Law, which entered into force on 3 July 2005, deals with measures to be taken with respect to the protection of child victims and their rights.²⁸³ It provides protection and rehabilitation measures for children who have been exploited or forced into criminal activity and guarantees their rights to counselling, education, childcare, healthcare and housing.²⁸⁴

Moreover, according to Article 150(2) of the Criminal Procedure Code, a defence counsel is automatically appointed when a case concerns a child.²⁸⁵ Article 52 of the Criminal Procedure Code further provides that video recording is required when a child victim testifies as a witness.²⁸⁶ According to Article 236(1) of the Criminal Procedure Code, if a child victim has suffered psychological damage from the committed crime, he will only be heard once in relation to the investigation or prosecution of the committed crime.²⁸⁷ Article 236(2) further provides that a person with expertise in the fields of psychology, psychiatry, medicine or education must be present during the hearing as a witness of a child victim.²⁸⁸ According to Article 185 of the Criminal Procedure Act, hearings where the defendants are under 18 years of age are mandatorily closed to the public.²⁸⁹ In July 2017, a Draft Law on Victim Rights was presented for consultation, but no information is available on the date of its adoption. The draft includes victims of human trafficking and children in the definition of “vulnerable groups”.²⁹⁰ It also provides for financial assistance to victims, but submits it to strict eligibility criteria (such as the obligation to have been residing in Turkey under a residence permit for at least three years), which the 2019 GRETA Report considers as running against the non-discrimination principle.²⁹¹

Child monitoring centres in Turkey also provide assistance to child victims of sexual exploitation and abuse in the frame of judicial proceedings. Anecdotal evidence however suggests that there are limitations to the use of these centres for child victims when reporting instances of exploitation and abuse, due to recent amendments to the Criminal Procedure Law.²⁹² Amendments to the law now mean that only children whose abuse or

exploitation has included “physical contact” have access to the monitoring centres. If the abuse or exploitation does not include physical contact (like in cases of online sexual exploitation), the child can only make a report at a police station, and thus misses the benefit of being questioned by practitioners trained in child sensitive methods, as available in the child monitoring centres. This creates disparities between children who have experienced different types of sexual exploitation and their experience of the justice system.²⁹³

Some legislation deals more specifically with particular manifestations of SEC, such as the Regulation on Combatting Human Trafficking and Protection of Victim, which entered into force on 17 March 2016.²⁹⁴ This regulation lays down the rules and procedures concerning the identification of victims of human trafficking, victim support programmes, voluntary and safe return programmes, and residency permits for foreign victims.²⁹⁵ Article 24, for instance, sets out the requirements to be met when identifying victims of human trafficking among children.²⁹⁶ These include taking into consideration the best interests of the child in the identification process, the presence of a psychologist or a social worker during interviews with a child, and the need to carry out the procedures pertaining to the identified child victim, in conformity with the Child Protection Law.²⁹⁷ Further, Articles 27 and 28 of the Regulation contain provisions on the accommodation and assistance for foreign victims of human trafficking.²⁹⁸

The Turkish Ministry of Justice has been working with both the European Union and NGOs to improve the experiences of children in the

justice system. As reported in the 2018 UNICEF Country Office Annual Report, the Ministry of Justice, in collaboration with The Child Protection Centre Support Society, has enhanced the capacity of over 1000 judges, public prosecutors, court experts and clerks in implementing child sensitive court proceedings.²⁹⁹ In November 2018, the Ministry of Justice also issued a circular on specialised interview processes concerning sexual offences against children, reaffirming that children’s testimonies should be taken only once and that child friendly judicial interview rooms should be used during cases.³⁰⁰

In 2017, The Ministry of Justice also launched a plan of setting up and building specially equipped judicial interview rooms to move the Turkish judicial process to align with international conventions of child sensitive justice.³⁰¹ After a successful pilot period, the Ministry of Justice decided to establish these specially equipped judicial interview rooms in different cities, and as of June 2017, 31 additional interview rooms had been planned in various cities, taking the total number of court buildings equipped with these rooms to 61 nationwide.³⁰² As of November 2019, 5134 child victims of sexual abuse had been interviewed in these new specialised interview rooms.³⁰³ Due to this success, the Ministry of Justice also committed to automatically include child friendly interview rooms in all new courthouse plans.³⁰⁴ However, these judicial interview rooms have not yet been established in every province, and have not been fully activated.³⁰⁵ Despite this, in 2018, at the Agenda 2030 for Children: End Violence Solutions Summit, Turkey’s forensic interview rooms for children were designated as best practice of child friendly criminal proceedings.³⁰⁶

277 *Ibid.*, Article 17.

278 See: <https://www.kdkcocuk.gov.tr>.

279 United Nations Treaty Collection. (2019). *11.d Optional Protocol to the Convention on the Rights of the Child on a communication procedure*.

280 *Constitution*, Article 148.

281 ECPAT Turkey/NGOs Network Against CSEC Turkey. (2020 January). *Personal Communication*.

282 Delegation of The European Union to Turkey. (n.d.). “EU and Turkish authorities improve protection of vulnerable groups in the justice system”.

283 *Juvenile Protection Law No. 5396*, Articles 1 and 4.

284 *Ibid.*, Article 5.

285 *Criminal Procedure Code*, Article 150.

286 *Ibid.*, Article 52.

287 *Ibid.*, Article 236(1).

288 *Ibid.*, Article 236(2).

289 *Ibid.*, Article 185.

290 United Nations in Turkey. (2018). “United Nations Country Team Opinion on the Draft Law on Victims Rights in Turkey”

291 GRETA. (2019, October). *Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Turkey*. 13.

292 ECPAT Turkey/NGOs Network Against CSEC Turkey. (2020 January). *Personal Communication*.

293 *Ibid.*

294 Republic of Turkey – Ministry of Interior – Directorate General of Migration Management. (2017). *The Coordination Committee of Combating Human Trafficking gathered for the first time*.

295 *Regulation on Combatting Human Trafficking and Protection of Victim*, Article 1.

296 *Regulation on Combatting Human Trafficking and Protection of Victim*, Article 24.

297 GRETA. (2019, October). *Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Turkey*. 39.

298 *Regulation on Combatting Human Trafficking and Protection of Victim*, Articles 27-28.

299 UNICEF. (2018). *Country Office Annual Report 2018 - Turkey*,

300 *Ibid.*

301 Delegation of The European Union to Turkey. (n.d.). “EU and Turkish authorities improve protection of vulnerable groups in the justice system”.

302 *Ibid.*

303 ECPAT Turkey/NGOs Network Against CSEC Turkey. (2020 January). *Personal Communication*.

304 *Ibid.*

305 *Ibid.*

306 Judiciary of Turkey. (2018). *Forensic Interview Rooms in Turkey were designated as the best practice 21.05.2018*.

Access to recovery and reintegration

Specific recovery and reintegration programmes for child victims of sexual exploitation exist in Turkey. Since 2014, different organisations that were responsible for providing care and rehabilitation to children who were victims of crime were merged into a single institution called ‘Child Support Centres’.³⁰⁷ These centres are specialised in determining protection needs of vulnerable children, and, when deciding what steps to take for a particular case, take into consideration the age and gender of the child, and the type of crime they have experienced.³⁰⁸ This suggests that while the centres are not solely for child victims of sexual exploitation, these children will receive a specialised response if they are a victim of sexual exploitation. A working group made up of officials from the Ministry of Family and Social Policy, field staff and academics have developed a psychosocial support and action programme called the ‘Anka Child Support Program’ to be used in these centres.³⁰⁹ This programme has been applied in centres since December 2014, and has a number of different methods to aid victim recovery such as: individual risk and needs assessments, group work, individual consultancy, family studies, supportive environment components and guidelines of approach for supportive personnel.³¹⁰ As highlighted in the Turkish governments response to the Council of Europe’s questionnaire on protecting children affected by the refugee crisis from sexual exploitation and abuse, the Anka programme is also open to refugee children who are victims of sexual exploitation.³¹¹ In regards to the reintegration of child victims of sexual exploitation, the ‘Children and Youth Social Protection and Support Program’ has also been implemented.³¹² The project aims to ensure the personal and social development of child victims, and also provides educational

assistance to children.³¹³ As well as the Anka programme and the Children and Youth Social Protection and Support Program, there has also been collaboration with UNICEF to launch the ‘Phoenix Children’s Support’ programme in 2014, which has provided training to practitioners such as social workers, psychologists and teachers, however since its implementation, anecdotal evidence suggests it has not yet been widely implemented.³¹⁴

While the existence of these programmes is a positive step for the recovery and reintegration of victims of SEC, international bodies have also raised concerns about recovery operations in Turkey. The 2019 US Department of State’s Trafficking in Persons Report highlighted how civil society organisations in Turkey have flagged that victim protection efforts were not inclusive of NGOs, and the government had excluded NGOs from identifying and providing services to victims.³¹⁵ Similarly, in 2019, GRETA raised serious concerns about the limited capacity of specialised shelters for victims of human trafficking, and that shelters that had been previously run by NGOs had been shut down or transferred to be run by the government.³¹⁶

Access to compensation

The compensation of child victims of sexual exploitation is not a well-established process in Turkey. The general regime for compensation is provided in the Code of Obligations. According to Article 49 of the Code of Obligations, any person who by faulty and unlawful behaviour causes damage to another is obliged to provide compensation.³¹⁷ Article 50 of the Code of Obligations further states that the injured party shall be required to prove the damage and the fault of the person who caused it. If the value of the damage occurred cannot be proved in an exact

manner and according to equitable considerations, the judge shall estimate the value.³¹⁸ Article 51 of the Code of Obligations also stipulates that the judge determines the extent and the form of compensation, having due regard to the circumstances and the degree of culpability.³¹⁹

According to the 2019 GRETA Report, it is possible for victims of human trafficking to apply to Bar Associations or Bar Legal Assistance Offices for legal assistance pursuant to Articles 178 and 179 of the Legal Profession Act, when the victims who claim compensation are unable to afford lawyers’ expenses in line with the Code of Obligations.³²⁰

The 2019 GRETA Report notes that there is currently no provision for State compensation of victims of violent crimes in Turkey, which includes SEC manifestations.³²¹ As already mentioned, the Draft Law on Victims’ Rights envisages the introduction of a one-off financial compensation paid by the State to victims of violent criminal offences. In regards to foreign victims of crimes, the draft law however intends to limit access to State compensation to either the reciprocity principle with the country of their nationality, or to foreign victims lawfully residing in Turkey for at least three years.³²²

307 Republic of Turkey. (n.d.). *Replies of the Republic of Turkey to the Questionnaire Prepared by the United Nations Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography*. 1.

308 *Ibid.*, 5.

309 *Ibid.*, 2.

310 Republic of Turkey. (n.d.). *Republic of Turkey’s contribution to the OHCHR Report on Information and Communications Technology and Child Sexual Exploitation*. 5.

311 Republic of Turkey. (2017). *Focussed Questionnaire Protecting children affected by the refugee crisis from sexual exploitation and sexual abuse*. 8.

312 Republic of Turkey. (n.d.). *Replies of the Republic of Turkey to the Questionnaire Prepared by the United Nations Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography*.2.

313 *Ibid.*, 2.

314 ECPAT Turkey/NGOs Network Against CSEC Turkey. (2020 January). *Personal Communication*.

315 U.S. Department of State. (2019, June). *Trafficking in Persons Report*. 469.

316 GRETA. (2019, October). *Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Turkey*. 22.

317 *Code of Obligations*, Article 49.

318 *Code of Obligations*, Article 50.

319 *Code of Obligations*, Article 51.

320 GRETA. (2019, October). *Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Turkey*. 47.

321 *Ibid.*, 8.

322 *Ibid.*,13.

Child, Victim and Survivor Participation

Over the last year, the Turkish government has continued to work with UNICEF to promote and support institutional mechanisms for child participation on issues that affect them. There are a number of different initiatives involving children, such as The National Children's Forum. The Forum, run by UNICEF and the Ministry of Family, Labour and Social Services, gathers child representatives from across Turkey, including refugee children, to visit parliament and make recommendations to both the President and Parliament on child rights issues.³²³ In 2018, the forum focused on child labour and a set of recommendations were presented relating to the elimination of child labour in the country. The key recommendation from 2018 was to establish provincial units for combatting child labour, which was subsequently included in a government action plan.³²⁴ This is a particularly encouraging example of child participation, as it highlights how the government is willing to actively engage with children's suggestions, and implement them in national plans.

As well as The National Children's Forum, UNICEF runs the 'Child Friendly Cities' initiative in partnership with the government to make children feel safe and that their voices are heard.³²⁵ Under the initiative, UNICEF trained adolescent and youth volunteers as trainers on the CRC and adolescent and youth engagement.³²⁶ Between 2016-2020,

the initiative is being expanded to 150 municipalities, aiming to target 10,000 children directly and 2 million children indirectly.³²⁷ Key objectives of this expansion include ensuring municipalities have the knowledge for evidence based policies and programmes, and to empower young people at local level to advocate for child rights.³²⁸ Again, this is a particularly encouraging example of the government and local municipalities engaging children on key issues, especially considering that young people are trained on the CRC, which includes measures related to SEC. The fact that the Child Friendly Cities initiative is decentralised and focusses on involving children on a local level rather than just a national level is also a measure that is particularly encouraging, as children in different municipalities across Turkey will have different experiences and face different challenges.

While the above examples are both welcome, there are no specific examples of child victims of sexual exploitation being involved in decision making processes regarding policies and programmes that directly affect them. The participation of victims of specific manifestations of SEC such as CEFM, an issue that Turkey is particularly vulnerable to, would be extremely beneficial to policy and programme development in Turkey.

323 UNICEF. (2019). *Turkey - UNICEF Country Programme of Cooperation 2016-2020: Annual Report 2018*. 32.

324 *Ibid.*, 32.

325 UNICEF. (n.d.). *Child Friendly Cities*.

326 UNICEF. (n.d.). *Adolescent engagement and social cohesion*.

327 UNICEF. (n.d.). *Child Friendly Cities Initiative - Turkey*.

328 *Ibid.*

Recommendations for Action

INTERNATIONAL AND REGIONAL LEGISLATION, COMMITMENTS AND COORDINATION TO ENDING SEC

- Strengthen existing international police and judicial cooperation through multilateral, regional and bilateral arrangements to improve prevention, investigation, prosecution and punishment of sexual exploitation of children and develop mechanisms to coordinate the implementation of such arrangements.

NATIONAL RESPONSE TO SEC'S MANIFESTATIONS

- Withdraw any bills that allow the pardoning of child sex abusers if they marry their victims;
- Amend and adopt legal provisions to criminalise all forms of sexual exploitation of children in compliance with international legal standards, specifically:
 - Address issues of sexual exploitation of children in travel and tourism in national legislation;
 - Amend the legal provision allowing children under 18 years old to marry in order to explicitly prohibit child marriage;
 - Amend Article 226 of the Penal Code to provide a definition of "obscene";
 - Amend Article 103 of the Penal Code to provide a definition of "sexual behaviour";

- Amend the Internet Law to provide specific and well-defined grounds regarding the blocking of websites;
- Abolish the requirement of double criminality for extradition, set out in Article 18(1)(a) of the Penal Code;
- Ensure that the Child Monitoring Centres provide support and a safe place to be interviewed to child victims of any sexual crime.

- Develop a national action plan addressing all manifestations of child sexual exploitation;
 - Ensure that child victims of sexual exploitation are not criminalised or punished for acts directly related to their exploitation, but are given the status of victim and are treated accordingly;
 - Increase educational opportunities for refugee children, particularly girls, enabling them to gain skills and qualifications to facilitate employment, reducing likelihood of being coerced into situations of sexual exploitation.

ACCESS TO JUSTICE AND RIGHT TO REMEDIES FOR CHILD VICTIMS OF SEXUAL EXPLOITATION

- Make child support centres accessible to *all* victims of child sexual exploitation, not just those whose exploitation and abuse has included physical contact;

- Make access to compensation and information on procedures to seek it more child-friendly.
- Establish child friendly judicial interview rooms in *all* provinces.

CHILD, VICTIM AND SURVIVOR PARTICIPATION

- Include victims and survivors of sexual exploitation of children to further develop the ANKA Support Programme;

- Engage children, including child victims, in the drafting and implementation process of various national action plans that affect children and youth.

RESEARCH NEEDS AND AGENDA

- Collect and publish disaggregated data on all manifestations of child sexual exploitation.



CEDAW	Convention on the Elimination on All Forms of Discrimination Against Women Committee
CEFM	Child, early and forced marriage
CRC	Convention on the Rights of the Child
CSAM	Child sexual abuse material
CSO	Civil Society Organisation
GRETA	Group of Experts on Action Against Trafficking of Human Beings
ITU	International Telecommunications Union
NCMEC	National Center for Missing and Exploited Children
NGO	Non-Governmental Organisation
OCSE	Online child sexual exploitation
OCSE	Organization for Security and Cooperation in Europe
OPSC	Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography
SDG's	Sustainable Development Goals
SEC	Sexual exploitation of children
SECTT	Sexual exploitation of children in travel and tourism
TIB	Presidency of Telecommunication and Communication
TURSAB	Association of Turkish Travel Agents
UNWTO	United Nations World Trade Organisation



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