



Global Monitoring

Report on the
status of action against commercial
sexual exploitation of children



TURKEY

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Contents

Glossary	4
Foreword	6
Methodology	8
TURKEY: Introduction	11
National Plan of Action	15
Coordination and Cooperation	16
Prevention	17
Protection	19
Priority Actions Required	26
Endnotes	28

Glossary of terms and acronyms

BCGM: Bahcelievler 80th Year Child and Youth Center

Code of Conduct: A code for travel and tourism companies, providing guidance on the protection of children from sexual exploitation

CoE: Council of Europe

CRC: United Nations Convention on the Rights of the Child

CSE: Commercial sexual exploitation

CSEC: The commercial sexual exploitation of children consists of criminal practices that demean, degrade and threaten the physical and psychosocial integrity of children. There are three primary and interrelated forms of commercial sexual exploitation of children: prostitution, pornography and trafficking for sexual purposes. Commercial sexual exploitation of children comprises sexual abuse by the adult and remuneration in cash or in kind to the child or a third person or persons.

CST: Child sex tourism, or the commercial sexual exploitation of children by men or women who travel from one place to another, usually from a richer country to one that is less developed, and there engage in sexual acts with children, defined as anyone under the age of 18.

ECPAT: End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes

EI: ECPAT International

EU: European Union

Grooming: Preparing a child for sexual abuse and exploitation

ICMEC: International Center for Missing and Exploited Children

ICT: Information and communication technologies

IGB: Internet Security Team

IO: International organisation

IOM: International Organization for Migration
ICT: Information and communication technology
IT: Information technology
NGO: Non-governmental organisation
NPA: National Plan of Action
OSCE: Organisation on Security and Cooperation in Europe
SHÇEK: Social Services and Child Protection Agency
TCYC: Taksim Child and Youth Center
UN: United Nations

Foreword

Ten years have passed since the First World Congress against Commercial Sexual Exploitation of Children (CSEC) was held in 1996 in Stockholm, Sweden. The Stockholm Congress was a landmark event, providing testimony that convinced the world that sexual violations against children exist in all nations, irrespective of cultural differences or geographic location. It marked the first public recognition by governments of the existence of CSEC and resulted in a commitment to a global Declaration and Agenda for Action, which was formally adopted by 122 governments, as a guide to the specific measures that must be taken for counteraction.

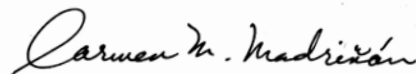
Since 1996, many actors around the world have focused their efforts around this common Agenda for Action and more government and non-government entities have linked, to ensure positive change for children and to protect their right to live free from sexual exploitation. This broad societal alliance (bolstered by a Second World Congress held in Yokohama in 2001, during which the number of countries adopting the Agenda rose to 159 - a figure which has since risen to 161) has made progress in improving protection for children from commercial sexual exploitation. However, the increasing sophistication of resources available to those who seek to exploit children have grown in equal measure. Responding to these challenges requires far more coordinated and targeted work to be undertaken to avoid retrogression.

Experience demonstrates that the level of responsibility and role that a government takes to set and uphold standards of protection, like the lead taken for protecting children's rights, determines the nature, quantity and quality of what the country achieves for its children. Governments can and have accelerated progress for implementation of the Agenda for Action, often opening new and important channels for such work. Nevertheless, their actions have not been uniform and, as these country profiles attest, far more urgent work must be done to protect children from such heinous violations, as these are still perpetrated with impunity in many countries.

This report aims to provide a baseline of information on actions taken and remaining gaps for addressing CSEC in each country, based on the framework of the Agenda for Action, to enable more systematic assessment of progress on implementation of this commitment. It also seeks to contribute to other international mechanisms that exist to protect children's rights; the *Convention on the Rights of the Child (CRC)* and the *Optional Protocol on the sale of children, child prostitution and child pornography* so as to strengthen the implementation and action against commercial sexual exploitation of children at all levels.

Another important objective of these reports is to stimulate the exchange of experience and knowledge among countries and different actors to create a dialogue that can further work against CSEC. While much has been achieved over the last 10 years, many gaps still remain. The implementation of the Agenda for Action is urgently required, for as the reports clearly illustrate, there is a compelling need for global action to protect children from these inhuman violations.

This project is the result of a broad and global collaboration. ECPAT International (EI) would like to thank all those who participated in the work and contributed their inputs, in particular the ECPAT member groups in the countries examined, local experts who provided valuable information and insights, other organisations that shared their experience and information, the dedicated staff and volunteers in the Secretariat of EI and the generous donors who backed the project (more extensive acknowledgements can be found in the Regional Report). This work would not have been realised without their support and solidarity.



Carmen Madriñán
Executive Director, ECPAT International

Methodology

The Agenda for Action against Commercial Sexual Exploitation of Children (CSEC) provides a detailed framework and categories of actions to be taken by governments in partnership with civil society organisations and other relevant actors for combating commercial sexual crimes against children. Broadly, these actions are focused on: 1) Coordination and Cooperation; 2) Prevention; 3) Protection; 4) Recovery, Rehabilitation and Reintegration; and 5) Child Participation. The Agenda for Action is thus the formal and guiding structure used by governments that have adopted it and committed to work against CSEC. As such, the Agenda for Action is also the main organising framework for reporting on the status of implementation of the Agenda as seen in the World Congress of 2001 and in the Mid-Term Review meetings held between 2004 and 2005. It has been used in the same way to structure and guide the research, analysis and preparation of information presented in these reports on the status of implementation of the Agenda in the individual countries.

Preparatory work for this report involved a review of the literature available on sexual exploitation for each of the countries where ECPAT works. A number of tools were prepared, such as a detailed glossary of CSEC terms, explanatory literature on more difficult themes and concepts and a guide to relevant CSEC-related research tools, to assist researchers in their work and to ensure consistency in the gathering, interpreting and analysing of information from different sources and parts of the world.

Early desktop research revealed a lack of information in the areas of Recovery, Rehabilitation and Reintegration, as well as Child Participation. After extensive efforts to collect information relevant to these areas for each of the countries covered, it was decided that, as

this information was not consistently available, the reports would focus only on those areas of the Agenda for Action where verifiable information could be obtained. Thus, the report covers: Coordination and Cooperation; Prevention; and Protection. Where information on the other two areas was available, it has been included under the specific country or in the regional overview.

Research of secondary sources, including the Convention on the Rights of the Child (CRC) country reports, alternative CRC reports, the reports of the Special Rapporteurs, submissions for the recent UN Study on Violence against Children, as well as research and field studies of ECPAT, governmental and non-governmental organizations, and UN agencies, provided the initial information for each report. This information was compiled, reviewed and used to produce draft reports. In-house and consultant specialists undertook a similar process of review to generate information on specialised areas of the reports, such as the legal sections. Researchers often encountered a lack of information. While sources also included unpublished reports and field and case reports of ECPAT and other partners, many countries lacked up-to-date data and information on areas relevant to this report.

Despite these limitations, sufficient information was gathered to provide a broad overview of the situation in each country. Subsequently, drafts were prepared and shared with ECPAT groups, which then supplemented the information with other local sources and analysis (taking care to identify them and source appropriately). Upon receipt of these inputs, a series of questions were generated by the ECPAT International team for deeper discussion through teleconferences, which involved ECPAT groups and specialists invited by them. The information from these discussions was used to finalise inputs to each of the

reports. These consultations proved to be invaluable for analysis of the country situation. They also served as a measure for validating information as different actors offered their perspective and analysis based on their direct work.

As previously noted, the information in each country report is organised to correspond to the structure of the Agenda for Action. Thus all reports feature: (i) an overview of the main CSEC manifestations affecting the country; (ii) analysis of the country's National Plan of Action (NPA) against CSEC and its implementation (or the absence of an NPA); (iii) overview and analysis of coordination and cooperation efforts during the period under review; (iv) overview and analysis of prevention efforts; (v) overview and analysis of protection efforts, which includes detailed information on national legislation related to CSEC (see www.ecpat.net for further details); and (vi) priority actions required.



TURKEY

Child prostitution is the main form of commercial sexual exploitation of children (CSEC) in Turkey, according to research conducted by ECPAT International in 2006. It happens informally or through organised networks, and involves both girls and boys. The victimisation of boys is hardly acknowledged as it is a particularly sensitive issue. The research also revealed an increase in child prostitution in recent years,¹ fuelled by the precarious situation of a large number of migrant families, a generally high level of domestic violence and abuse, as well as ineffective protection systems, which increasingly lead children to situations of vulnerability, including living in the streets.²

Many children who run away from home head for Istanbul, the largest city, and some are forced into sexual exploitation to survive. Most boys seem to run away for financial reasons (in the hope of earning higher incomes), and because they lack a loving and supportive family environment; girls seem to leave home for similar reasons but also because of violence to which they were exposed at home. Some children also travel to the city in search of the 'easy and free' lifestyle they presume their friends are leading, only to find themselves in very difficult circumstances. Lack of protection mechanisms targeting such migrant children make them extremely vulnerable to sexual exploiters or intermediaries.³ In addition, children surviving on the streets are sometimes ensnared into prostitution through activities that they take up in the red-light districts, such as selling basic items, and slowly start to see prostitution as a way to earn a living.⁴

A report from the Children's Police Department, Social Services Directorate also highlighted that several of the children exploited in prostitution are from families that migrate to Istanbul and face economic difficulties, and thereby fail to offer a protective environment for their children.⁵

Children in prostitution stigmatised rather than protected

Turkish society views prostitution in general as degrading, regardless of age, which means that prostitutes are highly stigmatised. The way a girl child was treated by the authorities when seeking help was quite revealing: “When I was hitchhiking for prostitution, I got a ‘client’ who threatened to slit my throat. I went to complain to the police and was told that I am an indecent woman and the man I was complaining about is a reputable businessman. I will never go to the police again!”⁶

In some cases, the economic status of some CSEC victims has been found to be of medium to high level, and some of these children actually study in private high schools and live in the wealthier areas of Atakoy, Etiler, Moda, or Polonezkoy. In these cases, large shopping malls are used as meeting points between children and their exploiters.⁷

As previously mentioned, some children are lured into prostitution as they associate it with a life “without misery or poverty”, “comfortable”, “easy” and “independent”, that can lead them to “getting all that one desires”. Research by ECPAT and local NGO Yeniden has found that these misleading perceptions actually play a crucial role in the recruiting of minors, as they lack the capacity to assess the consequences of engaging in commercial sex. Family members or friends involved in the sex industry also play an important part in the induction process of vulnerable children. Moreover, there is an indication that the Internet has started to play a key role in facilitating the sexual exploitation of adolescents.⁸ Child prostitution takes place in a variety of locales, ranging from slums to rich neighborhoods, shopping centers and private homes. A large number of exploited girls are mobile and move between cities, either because they ran away from their city of origin or are forcefully displaced by organised prostitution rings.

According to the Children’s Police Department, children found in prostitution in Istanbul are mainly girls aged between 12 to 18 years old. The number of boys could also be significant, especially considering the large number of vulnerable boys living and working on the streets.⁹

Many child victims of prostitution are reportedly addicted to drugs and engage in commercial sex to support their addiction.¹⁰

Child prostitution is also widely acknowledged as an increasing problem in the city of Diyarbakir, where according to police officers, approximately 50 children have been identified as victimised in prostitution. Interviews with adult sex workers in this city revealed that many had been in prostitution from a young age, often exploited through

intermediaries, a member of their family, or as a result of forced marriage.¹¹ Prostitution of children takes place in the same locations as adult prostitution - in night clubs, around city walls, in hotels; the Surici and Fatihpasa districts were specifically mentioned. According to some taxi drivers, girls can be found in the same locations as adult prostitutes, whereas boys tend to be exploited in specific areas; mention was made of boy prostitution in tourist areas for example. In addition, both girl and boy victims can be found in train stations, where prostitution of minors is said to be common. Also, some exploiters meet high school girls in parks near their schools.¹²

Cross border and internal trafficking of children for sexual purposes is quite common, and Istanbul and Diyarbakir are key destinations.¹³ There is indication that Turkey is indeed a significant destination for children trafficked primarily for commercial sexual exploitation, as well as a transit country to a lesser extent.¹⁴ Countries of origin include Moldova, Russia, Ukraine, Belarus, Bulgaria, Kyrgyzstan, Turkmenistan, Uzbekistan, Azerbaijan, Georgia and Romania. Some victims are reportedly trafficked for sexual exploitation through Turkey to the area administered by Turkish Cypriots.¹⁵ Foreign child victims are exploited mainly in the Aksaray area, and command higher fees, paid in Euros or US dollars. Bars, hotels and the homes of various intermediaries are used as locations for the abuse. The intermediaries are well organised and in constant contact with many clients, informing them when new children arrive, especially if the child is a virgin. Taxi drivers and prostitutes reported that some children are brought from other towns by intermediaries connected to the mafia. Internal trafficking also occurs in Istanbul.¹⁶ There are also reports that children are being brought to the country by businessmen and bureaucrats for their sexual gratification, particularly from the Far East and Russia, which calls for further investigation on the part of relevant authorities.

Child traffickers receive heavy prison terms

The chief of a group organising child trafficking, a Turkish national, was sentenced to 23 years' imprisonment by the Cahul Court of Appeals on charges of trafficking in children and human beings. Another member of the gang was sentenced to 21 years in jail on charges of trafficking, as well as fabrication, possession and sale or use of false seals and stamps. A third female member was sentenced to 21 years in prison. They were also ordered to pay high fines. The Supreme Court upheld the sentences. According to the prosecutors, between 2000 and 2004, the gang's chief set up and commanded a large-scale network of traffickers linking three countries – Moldova, Ukraine and Turkey. They gathered information about potential victims, recruited them, counterfeited papers and transported the victims from Moldova to Ukraine and Turkey. Upon reaching the destination, the victims were sold for sexual purposes. A total of 16 young women, eight of them underage, were sold abroad by the gang.¹⁷

There is a serious lack of statistics regarding child trafficking. According to data provided by the General Directorate of Security, Border and Refuge Department of Turkey and the International Organization for Migration (IOM), only two child victims were identified in 2004, seven in 2005 and two as of March 2006. All of them were girls who had been forced into prostitution.¹⁸

Marrying children in return for financial or in-kind compensation is a form of commercial sexual exploitation, although it is rarely perceived as such in Turkey. While child marriage is in decline in Istanbul, it is still common in the region of Diyarbakir, as well as in rural areas throughout the country.¹⁹ Although the law prohibits children from marrying, families have sufficient leeway to give their adolescent daughters in marriage, owing to inadequate birth registration procedures as well as to the fact that many rural communities consider an *imam nikah* or religious ceremony sufficient to formalise a union. As a result, many marriages remain officially unregistered and essentially invisible to the State.²⁰ A major challenge in addressing the issue lies in the understanding that once a girl starts menstruating she should marry soon to prevent her from being seduced and ‘disgracing’ her family; also, the dowry is seen as a compensation for the loss of the girl to another family.²¹ Married young girls are no longer perceived as children and thus are not likely to enjoy the special protections afforded to children.²² At a very young age (13 at times) they are subjected to mature sexual activity, and some are severely abused, both physically and emotionally, by their husbands, who freely exercise authority over these unprotected young persons. In order to escape abusive situations, they sometimes flee their marital homes and can thus be pushed into other kinds of commercial sexual exploitation.²³

The police have repeatedly reported that they have not come across any Turkish children in the pornographic materials on Interpol’s database.²⁴ While there is no information about the production of child pornography in Turkey, the distribution of such materials is a reality, particularly in Istanbul, with CDs being sold on the street in various districts. Sellers of these products claim that they can obtain any kind of film with ‘young girls’, including films shot in Turkey. Other sources affirm that what is sold as a Turkish film is actually of foreign origin. It was also observed that the CDs available were mainly produced using hidden cameras.²⁵ Similarly, municipality officers interviewed by ECPAT in Diyarbakir had not come across child pornography in the pirated CDs they had confiscated; however local CD sellers stated that child pornography films were being sold under the title “Lolita” both by street sellers and in shops in all areas of the city. These CDs are produced and downloaded via the Internet or brought from Istanbul and Tahtakale, and do not include local films, according to the sellers.²⁶

Globally, the sexual exploitation of adolescents has been facilitated by the recent surge of social networking websites, some of which feature profiles of adolescent girls that have a strong sexual connotation and could be used for prostitution purposes. While there is no concrete evidence that they are being used for these purposes in Turkey, an informal research conducted by ECPAT revealed an alarming number of such profiles on various social networking websites.²⁷

With prostitution being legal in the country, Turkey has a growing reputation for sex tourism, particularly in its popular resort locations. While this does not point to large-scale child-sex tourism *per se*, there have been reports that minors are being sexually exploited in touristic areas in Diyarbakir, mainly by domestic tourists, but also travelers from abroad. Turkey also seems to be a country of origin of child sex tourists, who travel to far eastern countries.²⁸

Turkey adopted the *Stockholm Declaration and Agenda for Action* in 1996 and reaffirmed its commitment in Yokohama in 2001.

NATIONAL PLAN OF ACTION (NPA)

Turkey has no specific national plan of action to address the commercial sexual exploitation of children. While some related strategy papers have been prepared by a few governmental agencies, these have not been approved by Parliament and do not allow for comprehensive national-level actions to effectively tackle the problem.

A national plan to promote the rights of children is in place, covering the period 2005 to 2015 and is coordinated by the Social Services and Child Protection Agency.²⁹ The plan also aims to protect children from sexual exploitation, and actions in this regard have included legislation reform and educational programmes.³⁰

Linked to this plan is the *National Action Plan to Combat Human Trafficking*, developed in 2003 by the National Task Force to Combat Human Trafficking. It has led to the creation of a hotline for trafficking victims, as well as two shelters (one in Istanbul and another in Ankara).³¹ However, a major gap is that it lacks provisions to specifically address child trafficking and support child victims.³² A new action plan has been prepared as an output of the Project on Strengthening the Institutional Capacities for Combating Human

Trafficking within the scope of the Turkey-EU Financial Cooperation, and is pending approval.³³

COORDINATION AND COOPERATION

Local and National Level

Turkey has no focal point on commercial sexual exploitation of children, nor an ombudsman for children.

The National Task Force to Combat Human Trafficking, established in 2002, involves 15 different governmental and non-governmental agencies, and is coordinated by the Ministry of Foreign Affairs.³⁴ However, no actions to specifically address child trafficking have been undertaken.

Since 2003, ECPAT International has cooperated with Turkish NGOs working on children's rights with the aim to develop a national coalition against commercial sexual exploitation of children. These efforts have led to the establishment of the Turkish Network against CSEC in April 2008. The network currently includes 15 NGOs that work on children and women's rights issues.

Turkey's Social Services and Child Protection Agency (SHÇEK) is responsible for children in need of special protection measures, including street children, who are extremely vulnerable to commercial sexual exploitation. To better protect them, a new assistance model was developed in 2005 to enhance coordination between relevant governmental and non-governmental institutions.

Regional and International Level

Turkey has not engaged in regional or international cooperation to protect children against commercial sexual exploitation, and current agreements are related to State security. However, cooperation with Interpol to address child pornography on the Internet has increased.

In 2005, Turkey signed an agreement with Greece, Pakistan and Iran to boost cooperation against organised crime and trafficking of human beings and drugs. The agreement aims to strengthen border controls, enhance coordination between police forces and encourage information sharing.³⁵ Turkey has also signed bilateral agreements to combat human trafficking with Belarus, Georgia, Kyrgyzstan, Moldova and Ukraine.³⁶

Turkey is a member of the Black Sea Economic Cooperation (BSEC), a multilateral political and economic initiative that also deals with human trafficking and is considering the establishment of a regional data information system on trafficking as well as national contact points for better combating it.³⁷

PREVENTION

In general, there seems to be a lack of prevention efforts against child prostitution and child trafficking in Turkey. Similarly, initiatives to prevent trafficking do not address the situation or needs of potential child victims.

In 2006, ECPAT International organised a national consultation to share the findings of the *Situational Analysis of Commercial Sexual Exploitation of Children in Turkey*, conducted in collaboration with local NGO group Yeniden.³⁸ As mentioned above, this process has increased awareness of CSEC among key child protection agencies and organisations in the country, and contributed to the establishment of a national coalition against CSEC. Subsequently, a three-day training workshop was organised for direct service providers, psychologists, social workers and child rights activists with a view to enhancing their understanding of CSEC and child protection issues and building their capacity in terms of rehabilitation of children victimised through commercial sexual exploitation. The ECPAT International *Self-Study Manual for the Psychosocial Rehabilitation of Children who have been Commercially Sexually Exploited for Commercial Purposes* was translated and distributed to key organisations, as well as other information materials on CSEC.

The conference ‘Vulnerable Children and Adolescents’, held in 2005 at Istanbul’s Bilgi University, included a symposium on “children exposed to commercial and sexual exploitation”, and was attended by 350 psychologists, counsellors, social workers and students.⁴⁰

Within IOM's work against human trafficking, more than 500,000 information leaflets (in Turkish, Russian, Romanian and English) have been distributed at border crossings, especially in Istanbul, Atatürk and Antalya airports. Short broadcasts on human trafficking have featured on TV and radio channels, and an information website (www.countertrafficking.org) was created. In addition, related training activities have been provided for the security forces,⁴¹ lawyers and social workers. An ECPAT representative provided training workshops on child trafficking for sexual purposes. In 2005, a toll-free number (157) was made available for victims of human trafficking,⁴² operated by IOM.

Although Turkey is still in its infancy in terms of Internet access, a number of awareness raising activities to promote safe Internet use have been carried out in recent years. To promote safer Internet use, a protocol was signed between the Ministry of National Education and Türk Telekom whereby access to websites featuring illegal or harmful content (including child pornography) are blocked through a filter mechanism.⁴³ Furthermore, the Ministry issued a *Circular on Internet Ethics (No.2004/61)* whereby teachers and administrators are deemed responsible for ensuring safe Internet use among students by introducing guidelines for this purpose. The Ministry of Interior also issued a *Circular on Internet Cafés (No.2006/38)*, with regulations as to how they should be run, with a view to promoting a healthy environment and protecting children from accessing harmful Internet content.⁴⁴ However, enforcement of the circular is insufficient.

Successful initiative to curb child abuse imagery and online sexual exploitation of children

In response to the growing number of Internet websites featuring sex crimes against children, the Internet Security Team (IGB) was established in 2007 to monitor online usage, receive reports from the public through a hotline and block websites containing child abuse images. IGB's have proved to be quite effective and led to the blocking of a large number of child pornography websites.⁴⁶

The Ministry of Education runs a website that includes a reporting mechanism on child abuse, child prostitution and child pornography.

A child rights training module, a children-at-risk module and a gender sensitivity module were prepared for primary schools in 2003-2004.⁴⁷ In 2004, a training course was organised for 30 teaching advisors from various provinces, focusing on communicating with and

supporting children at risk and parents, as well as preventing and identifying cases of child prostitution and child pornography.⁴⁸

The Turkish women's rights association Flying Broom (<http://en.ucansupurge.org>) runs a project to address child marriage, which has included short films and special events to raise awareness of the problem.

Danger that age of consent for marriage is lowered

A commission that includes High Court judges is presently considering decreasing the age of consent for marriage from 17 to 14 years old.⁴⁹ This would have very serious implications in terms of making girls even more vulnerable to abusive early marriages and commercial sexual exploitation. It is hoped that the Parliament will reject such a proposal and avoid further exploitation of children in Turkey.

PROTECTION

Turkey ratified the *Convention on the Rights of the Child* in 1994 and the *Optional Protocol on the sale of children, child prostitution and child pornography (Optional Protocol)* in 2002. The *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Trafficking Protocol)* was ratified in 2002, and *ILO Convention No.182* was ratified in 2001. At the regional level, as of July 2008, Turkey has neither signed nor ratified the *Council of Europe Convention on Action against Trafficking in Human Beings* or the *Convention on Cybercrime*. Turkey signed the *Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse* in 2007.

Legislation

The series of reforms encouraged by the European Union (EU) accession included legal reform to better protect children and women. As such, the *Child Protection Law (Act No. 5395)* came into force in 2005 with the aim of integrating international standards into the procedures and principles that apply to children in need of protection. This Law provides for special arrangements for the sensitive treatment and protection of child victims, and has led to an increase in the number of child courts.⁵⁰ Also in 2005, Turkey brought amendments to its *Penal Code (Act No.*

5237) and *Criminal Procedure Code (Act. No. 5271)*, which means that Turkish criminal law is now closer in line with the *Optional Protocol* standards.⁵¹ Some gaps nevertheless remain, as noted by the Committee on the Rights of the Child, most notably around the absence of laws addressing Internet-related child pornography, as well as Turkey's failure to ratify the *Convention on Cybercrime* and the *Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse*.

Prostitution of Children

Turkish law provisions on child prostitution are broad and appear to cover all of the child prostitution related acts contemplated by the *Optional Protocol*, namely obtaining, procuring or providing a child for prostitution. However, because prostitutes are highly stigmatised, child victims of prostitution receive very little support from law enforcement.

The age of consent is 15. Non-consensual sexual acts with a child below the age of 15, or with a child over 15 who is unable to understand the legal consequences of such acts, is considered sexual abuse and offenders are subject to three to eight years' imprisonment.⁵² If the sexual act is accompanied by force or threat, punishment is increased by one half.⁵³ If the victim suffers a deterioration of corporal and spiritual health as a result of the offence, the sentence increases to a minimum of 15 years.⁵⁴ If the action results in death, the offender is subject to life imprisonment.⁵⁵ Sexual acts with a person who is older than 15 are punishable upon complaint by the victim and subject to imprisonment for a term of six months to two years upon complaint.⁵⁶

The *Penal Code* specifically mentions child prostitution, providing that anyone "who instigates a child to prostitution, who facilitates the way of it, procures or shelters or mediates to a child's prostitution will be sentenced to a prison term of four to 10 years and fined up to five thousands days equivalent Turkish liras". A "child" is defined as anyone under 18 years of age.

The law further states that "fully or partially making a living off the earning of the person incited into prostitution" is considered as incitement into prostitution.⁵⁷ Preparation or intention towards this offence is punished in the same way as the offence.

If force, threats, malice, or taking advantage of the victim's helplessness is utilised in the commission of the offence, the sentence will be doubled.⁵⁸ If this offence is committed by a person from the ascending line by blood or marriage, brother or sister, adopter, legal guardian, trainer, tutor, caregiver or supervisor, or through abuse of position, authority and relationship, the penalty shall be increased by one half.⁵⁹ The sentence can also be increased by one half if the offence is committed as part of an organised criminal group's activities.⁶⁰

The *Penal Code* also provides for treatment or therapy for whoever is incited into prostitution.⁶¹ However, this provision is rarely implemented.

Trafficking in Children for Sexual Purposes

Although Turkey has made significant efforts to harmonise its legislation on human trafficking with the *Trafficking Protocol*, Article 80 of the Turkish *Penal Code* could be amended to specifically include trafficking for the purpose of sexual exploitation.

The principal article dealing with trafficking in human beings is Article 80 of the Turkish Penal Code,⁶² which is modeled on the *Trafficking Protocol* and reads:

“1) Those who recruit, abduct, transport or transfer or harbour persons for the purpose of subjecting to forced labour or service, prostitution, enslavement or for removal of body organs, by getting their consent by means of threat, oppression, coercion or using violence, of abusing influence, of deceit or of abusing their control over or the vulnerabilities of these persons shall be sentenced to imprisonment between eight to twelve years and a fine corresponding to 10,000 days; 2) The consent of the victim shall be irrelevant in cases where the acts that constitute a crime are attempted with the intentions described in paragraph 1; 3) In cases where minors below the age of 18 are procured, abducted, transported or transferred, or harboured with the intentions specified in paragraph one, the penalties foreseen in paragraph 1 shall still be applied to the perpetrator, even when no intermediary actions relating to the crime are committed; 4) Legal entities shall also be subject to security measures for such crimes.”

While the law covers trafficking for the purpose of prostitution and “enslavement”, it could be strengthened by including trafficking for the purposes of sexual exploitation, and

thus more specifically apply to child pornography and other forms of sexual exploitation. In addition, while this provision does protect children under the age of 18, it could be strengthened by mentioning that in such cases the use of threat or illicit means is not a necessary element of the offence.

Child Pornography

Turkish law generally complies with the *Optional Protocol's* requirements on child pornography. By criminalising the mere possession of child pornography, Turkey also sets a standard higher than the *Optional Protocol*, which is limited to criminalising possession with the intent of distribution. However, while the *Penal Code* contains many provisions targeting “obscene materials”, including materials produced with the use of children, Turkish law does not provide a clear definition of child pornography. The legislation could be strengthened by specifically defining child pornography as any representation, by whatever means, of children engaged in sexual explicit activities or any representation of the sexual parts of the child for primarily sexual purposes. The definition should also cover materials that visually depict persons who appear to be minors engaged in sexually explicit conduct, in accordance with the *Convention on Cybercrime*, which Turkey should sign and ratify, and the *Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse*.

The main provision addressing child pornography is Article 228(3) of the *Penal Code*. It provides that anyone who “employs children in the production of obscene materials shall be sentenced to 10 years in prison, and a person who imports into the country, reproduces, sells, keeps, or makes available to other people’s use such obscene materials shall be sentenced to two to five years in prison, and fined.”⁶³

Extraterritorial Legislation

According to Turkey’s Initial State Report, Article 5 of the Turkish *Penal Code* applies to offences committed by Turkish citizens while abroad, provided the offence in question is punished by a minimum of three years’ imprisonment under Turkish law.⁶⁴

According to Article 6 of the *Penal Code*, if a Turk or foreigner commits an offence described in Chapter VIII, of Part 3 of the *Penal Code* (which includes CSEC crimes) in a foreign country, prosecution shall be instituted directly, and the perpetrator shall be subject to the punishments provided for in the Articles of that Part.⁶⁵

Turkish legislation has no specific mechanism for extradition. In practice, it is carried out according to various extradition treaties between Turkey and the requesting state, or, in the absence of such treaty, on the basis of reciprocity.⁶⁶

Child Protection Units

Specialised Child Protection Units have been established within police branches in 81 provinces. In addition, seven 'Gendarme Child Centres' - in Istanbul-Bahçeşehir, Ankara, Izmir, Aydın, Antalya, Erzurum and Taşdelen Istanbul - take measures to prevent sexual abuse of children and their use in prostitution and pornography. Trainings for this purpose have been provided, and they are also supported by the Ankara Bar Association, NGOs and academics.

Article 11 of the *Civil Code* states that minors (anyone under 18) are to be represented in court by either their parents or legal guardians.⁶⁷ In addition, the *Regulation on Legal Counselling Aid* ensures that, in certain regions, child victims are automatically provided with legal representation, with extra attention given to victims of sexual abuse.⁶⁸ In Turkey's State Report to the CRC, the Government reported that the Ankara and Istanbul Bars amended their bylaws and now all child victims are provided with lawyers free of charge, regardless of the region where they are based or their financial situation.⁶⁹ Psychologists and social service specialists are employed by the police, juvenile and family courts, and the gendarme child centres to provide psychosocial support to child victims.⁷⁰ Despite these measures, Turkey's State Report to the CRC acknowledges that child victims do not necessarily benefit in practice, and often feel "defenseless and excluded from the system".⁷¹

Support Services for Children

Care and protection services for child victims of commercial sexual exploitation are scarce in Turkey, and specialised services are only located in Istanbul. The lack of skilled personnel to properly rehabilitate and reintegrate CSEC victims is a major issue. Misconceptions about child rights and child participation among professionals working with children as well as the inadequacy or inexistence of child-friendly procedures within the social services, also hinders adequate support to victims. The absence of follow up contributes to their revictimisation.

Until very recently, there were no specialised services for CSEC victims in Turkey. In 2002, the Social Services Provincial Directorate opened the first centre exclusively for girl victims of sexual exploitation, following an initiative of the Governorship of Istanbul. There are now two such centres in Istanbul: the Taksim Child and Youth Center (TCYC), which operates as a first-step station, and the Bahçelievler 80th Year Child and Youth Center (BCGM), which operates as a second-step centre.

TCYC provides protection, first aid, treatment, rehabilitation and special education services to commercially sexually exploited girls between the ages of 11 and 18. Renovated and equipped by the Istanbul Foundation for Children, it also offers individual therapy, family interviews and observations, social and sport activities. There is no specific period for a child's stay, but children are required to stay for a minimum of 15 days. Special efforts are undertaken to reintegrate the children with their families. Those girls who cannot go back to their families are encouraged to find a job and become financially independent, and are referred to the second-step centre to receive the necessary support for this.

Other organisations assist CSEC victims but do not address their particular needs. For instance, in Istanbul and Diyarbakir some centres offer residential and non-residential support services for children living on the streets (13 in Istanbul, one in Diyarbakir). These centres cooperate with various NGOs and some police departments, and provide psychological support and a range of social activities.

Shelters for trafficking victims in Istanbul and Ankara are managed by NGOs and supported by the Metropolitan Municipalities. Victims receive medical, psychological and legal counselling at these shelters, but no special services are provided for children. Trafficking victims can claim compensation before the Turkish courts, and are entitled to free medical care and medication. The Ministry of Interior issues free six-month (extendable) residence permits to victims in order to enable them to stay legally in Turkey during their rehabilitation period. There are no preconditions to obtain the permit, such as cooperating with authorities.

Training Law Enforcement Personnel

Several training sessions on human trafficking have been held in the last few years, however none of them focused specifically on combating child trafficking for sexual purposes. Trainings on how to address other forms of sexual exploitation of children, especially child prostitution and child marriage, are virtually non-existent.

IOM has organised various workshops on human trafficking targeting law enforcers. In 2005, 50 judges and public prosecutors attended the ‘Human Trafficking Seminar’. In 2007, the national training workshop on ‘Operational Networking, Cooperation and Joint Multidisciplinary Training Process for Judicial, Law Enforcement, NGO and International Organisation Specialists in Fighting Trafficking in Human Beings’ gave special focus to the identification and protection of trafficked persons.⁷² Also in 2007, IOM organised a workshop on ‘Combating Human Trafficking and Legal Arrangements’ targeting lawyers from the Turkish Bar Association and aiming to foster the development of mechanisms to ensure sustainable legal assistance to trafficked persons.⁷³

Since 2003, the project ‘Development of Institutional Capacities in the Fight against Human Trafficking’ has been undertaken within the framework of the Turkey-EU Financial Cooperation – Twinning Project on Human Trafficking. In cooperation with IOM, extensive trainings on how to combat human trafficking are provided to key instructors who shall subsequently train a total of one thousand judges and public prosecutors.⁷⁴

The UN High Commissioner for Refugees has also organised training courses for NGOs, the Bars and the security forces concerning child kidnapping and child pornography, within the scope of asylum.⁷⁵

Capacity building activities to combat the production and distribution of child abuse imagery are limited. A training seminar on ‘Computer Facilitated Crimes against Children’ was jointly organised in 2006 by the Public Order Department of the General Directorate of Security, Microsoft, the General Secretariat of Interpol and the International Center for Missing and Exploited Children (ICMEC). Six experts from the General Directorate of Security, six from the Ministry of Justice, 10 from the General Command of Gendarmerie, 25 foreign experts and eight foreign teachers from 15 countries participated in the seminar.⁷⁶



PRIORITY ACTIONS REQUIRED

- A national plan of action to address all forms of commercial sexual exploitation of children must be adopted and widely disseminated to key stakeholders to ensure its adequate implementation; it should include clear monitoring and evaluation mechanisms.
- There is an urgent need to establish an independent mechanism of complaint and redress for children, such as an ombudsman for children: widely publicised, easily accessible at all times, and empowered to follow up with investigations and protective measures deemed necessary.
- A national focal point on CSEC must be in place to coordinate the necessary actions to tackle the problem.
- To increase protection to migrant and street children, social assistance mechanisms must target disadvantaged and migrant families.
- Social workers must mentor families with a view to detect and prevent various forms of child abuse. This requires special training as well as the establishment of child-friendly procedures within the social services.
- Institutions providing care and protection services for child victims of commercial sexual exploitation must be established in other cities apart from Istanbul. This would involve specific training on rehabilitation and reintegration of CSEC victims, including long-term monitoring to prevent revictimisation.
- A national database and a referral system for child victims of commercial sexual exploitation, including trafficking for sexual purposes, must be established as an essential step to ensuring their rehabilitation and reintegration.

- Trainings on how to combat all forms of sexual exploitation of children should be included within the educational framework for law enforcement and security agencies. These trainings should emphasise the need to enforce legal provisions whereby the Bar has to be contacted to designate a legal officer and ensure that a rescued child testifies in the presence of a designated lawyer.
- Child marriages are illegal but still take place; the relevant authorities need to ensure better implementation of the law and clear action plans in this regard must be embedded in related policy documents.
- More effective public awareness campaigns need to be organised for retaining girls in education, preventing early marriages and reducing violence against women in general.
- Compulsory education should apply to all those under 12 years of age, accompanied by an effective monitoring system.
- Turkey must sign and ratify the *Council of Europe Convention on Action against Trafficking in Human Beings* and the *Convention on Cybercrime*.
- Turkish law could be strengthened by specifically defining child pornography as any representation, by whatever means, of children engaged in sexual explicit activities or any representation of the sexual parts of the child for primarily sexual purposes. The definition should also cover materials that visually depict persons who appear to be minors engaged in sexually explicit conduct, in accordance with the *Convention on Cybercrime and the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse*.
- To reduce the stigmatisation of children exploited in commercial sex, and enable their recovery and reintegration into society, sensitisation campaigns should be conducted targeting both the general public and law enforcement.
- The media must be sensitised – including through a code of ethics – on how to report on cases of commercial sexual exploitation of children in ways that preserve the children's integrity and reduce their stigmatisation.

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