International

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

ECPAT

TURKEY

COUNTRY OVERVIEW

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JULY, 2020
Preface

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.
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 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.

**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.


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’etat 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’s 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 employers 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 18\(^{th}\) 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.\(^26\)

\(^{6}\) Ibid., 39.
\(^{8}\) 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.

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EXPLOITATION OF CHILDREN IN PROSTITUTION

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. 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 number 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).

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. 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. 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 Sanliurfa, criminal networks coerce and pressure Syrian women and adolescent girls who have limited opportunities to generate income into sex work. The networks particularly target vulnerable adolescent girls and widows as they often have limited protective support from family. 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.

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. 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). 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.

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. 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.

### Article of the Turkish Penal Code

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32 Ibid, 106.


34 Ibid, 6.


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


Online child sexual exploitation (OCSE) can include child sexual abuse/exploitation material (CSAM/CSEM), 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). 60 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.”

According to the most recent statistics released by the International Telecommunications Union (ITU), 71% of Turkish individuals used the Internet in 2018 and 97.3 out of every 100 people had a mobile phone subscription. 61 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. 62 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. 63 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, 64 and studies have shown that offenders use digital communications to target and exploit children. 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. 65 29.5% 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. 66

Globally, CSAM is often shared on private Internet forums including those using the Dark Net and peer-to-peer file sharing networks. 67 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. 68 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 been not 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, 69 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). 70 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. 71

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. 72 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. 73 Statistics collected by the Turkish Freedom of Expression Association show that 54,903 websites were blocked in 2018, 74 however publicly 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. 75

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. 76 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.
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”.[66]

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)”.[67] In other words, the Protocol recognises that children can never be willing participants to their own exploitation.

For its part, the OPCWC 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”. [68]

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.[69]

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.[70] 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.[71] The Directorate General of Migration Management reported 134 identified victims of human trafficking in 2018, 303 in 2017 and 181 in 2016.[72] 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 for the purposes of sexual exploitation, affecting primarily women and girls, continues to be the most prevalent reason for human trafficking in Turkey.[73] Of the 776 total victims (children and adults) identified between 2014-2018, 71.5% were victims of sexual exploitation.[74]

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.[75] 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.[76] 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”. [77]

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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).[78] The Turkish Ministry of Culture and Tourism recorded 51,747,199 tourists arriving in Turkey in 2019, a 12.22% increase compared to 2018.[79] 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.[80]

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”.[81] 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.[82]


Ibid., 11.

Ibid., 11.

Ibid., 11.

Ibid., 11.

Ibid., 11.


UNWTO. (2019).


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


12.22% INCREASE

51,747,199

Tourist arriving in Turkey in 2019

10 ECPAT Country Overview: A report on the scale, scope and context of the sexual exploitation of children in Turkey

11 ECPAT Country Overview: A report on the scale, scope and context of the sexual exploitation of children in Turkey

72 Ibid., 11.

73 Ibid., 11.


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


The 2016 Global Study on SECTT (regional Europe report) identified Turkey as an emerging country of origin and destination for SECTT. 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. The issue of SECTT involving Turkish nationals in Moldova was also highlighted in the 2019 US State Department Trafficking in Persons Report, 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," and popular tourist destinations on the Turkish coast such as Antalya and Alanya have been identified as particular risk areas for children. 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 parlors in tourist districts, with some tourists willing to pay thousands of dollars to “spend a night with a virgin”. 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. Multiple participants in the study were employed in the tourism sector, including nine students that were interviewed by 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.

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. This is further reflected with the fact that only two Turkish companies are members of The Code, despite there being 4038 tourism facilities with tourism business certificates in the country. The Association of Turkish Travel Agents (TURSAB) as of January 2020. 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.

**Child, early and forced marriage (CEFM)**

The legal age of marriage in Turkey is 18 years for both men and women. 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, 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. While Turkey has committed to eliminate CEFM by 2030 in line with target 5.3 of the Sustainable Development Goals, 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 15.108 Research was also conducted on the prevalence of child 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 15.109 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 18.110 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. As the Girls Not Brides country profile on Turkey shows, gender norms drive CEMF in the country, for example, with Turkish girls being valued for “their ability to be good wives and mothers rather than succeeding in education”.111 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’. These issues predominantly affect those from vulnerable groups or low socio-economic status. In the 2019 report various concerns about insufficient efforts being made by the state to prevent CEFM, 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, which have, at times, arguably facilitated CEFM. For example, in 2018, Turkey’s Directorate of Religious Affairs (The Diyanet) published a glossy report of Islamic terms stating that who has received the age of adolescence had the right to marry. Elsewhere on their website, they stated that the age of adolescence began at the age of twelve for girls, and nine for boys. Upon request of the main opposition Republican People’s Party, a parliamentary inquiry into child marriages was launched and the glossary was removed. Additionally, in 2016, the government introduced a bill to parliament that envisaged postponing the sentences of convicted child abusers if they married their victims, however, the Bill was withdrawn due to cross party opposition, nationwide protests and public pressure. Despite the opposition the 2016 Bill faced, in January 2020, it was reintroduced and the similar Bill was brought forward to the Turkish parliament, which again would allow men

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84 Ibid., 27.
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.
93 TURSAB. (2020). Ministry Certified Faculty Statistics. [Translated from Turkish].
95 Terminology Guidelines, 63.
97 Civil Code Article 11.
99 Civil Code. Article 124. [Translated from Turkish].
104 Ibid., 187.
110 The Independent. (2018). Turkey’s highest religious body suggests children as young as nine could marry under Islamic law.
112 Independent. (2018). “Turkey’s highest religious body suggests children as young as nine could marry under Islamic law”.
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 increases 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

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.
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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. 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. Finally, in order to monitor progress, it has assigned responsibilities for 218 SDG indicators to different Ministries and published Sustainable Development Indicators Set comprised of 83 indicators in 2019. Turkey has presented its Voluntary National Review at the High-Level Political Forum twice already: in 2016 and in 2019. 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, the Turkish police have been coordinating with a number of international bodies to prevent sexual crimes against children, such as the European Committee on Crime Prevention and Criminal Justice, the European Law Enforcement Centre and the National Center for Missing and Exploited Children of America. The Southeast European Law Enforcement Centre works to enhance the coordination between countries 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. 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.

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. 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. 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. In 2018, nevertheless, Turkey made a global pledge at the UN to improve children’s well-being, which includes addressing sexual exploitation.

International and regional commitments

<table>
<thead>
<tr>
<th>Human Rights Bodies</th>
<th>Date of latest submitted report</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Committee on the Rights of the Child (CRC review)</td>
<td>29 March 2019</td>
<td>Turkey will be under review during a future session. At the last review in 2012, CRC’s key concluding observations related to SEC were: “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.”</td>
</tr>
<tr>
<td>Committee on the Rights of the Child (OPSC review)</td>
<td>22 June 2004</td>
<td>Key concluding observations: “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.”</td>
</tr>
<tr>
<td>Human Rights Council – Working Group on the Universal Periodic Review</td>
<td>14 November 2019</td>
<td>Turkey has been reviewed during the 35th UPR session (January 2020). The report of the Working Group is pending publication at the time of writing.</td>
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Exploitation of children in prostitution

In Turkey, prostitution is legal and subjected to a clear legal framework in the form of directives and regulatory implications.131 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.132 The exploitation of children in prostitution is also criminalised and is even more strictly punished by Article 227(1) of the Penal Code. Article 227(1) states 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.133

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 (hereafter, Civil Code), the age of majority is 18, which is understood as the age of sexual consent.134 According to Article 11 of the Turkish Civil Code, the age of majority is 18, which is understood as the age of sexual consent.135 According to Article 11 of the Turkish Civil Code, the age of majority is 18, which is understood as the age of sexual consent.136 According to Article 11 of the Turkish Civil Code, the age of majority is 18, which is understood as the age of sexual consent.137

Article 103 of the Penal Code defines the crime of sexual abuse against children, if does however not set out what "sexual behaviour" entails, which is therefore left to judicial interpretation.138 The criteria developed by the Court of Cassation over the years for assessing a case under Article 103 is the existence of "physical contact".139 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 103.140 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.141

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 2016.142 This amendment was subsequently criticised as implying that the sexual abuse of children under 12 is a less severe crime and as blurring the absolute prohibition of sexual behaviour against children under 15.143

Article 104 of the Penal Code states that anyone 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.144 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”.145 According to Article 11 of the Turkish Civil Code, the age of majority is 18, which makes a person “adult”.146 Yet, as will be expanded below, children may marry as of 17, and even in exceptional circumstances.147 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.148 By referring to matrimonial law and 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 the children aged 16 or 17.149

Online child sexual exploitation (OSEC)

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.150 CSAM-related conduct is nevertheless partially included in the Penal Code’s “obscenity” provision. Article 226(1) of the Penal Code prohibits 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.151 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.152 The Penal Code does not define the word “obscene”, which besides creating a problem of ambiguity which has been criticised as sometimes leading to free press restrictions,153 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.154

Article 105 of the Penal Code, referring to “sexual harassment”, is sometimes also applied with regard to OSEC. 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.155 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).156 The enactment of this law came during a period of increasing concerns regarding the availability of obscene content and CSAM on the Internet.157 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.158

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 9(a)), and blocking procedures in cases of violation of personal rights (Articles 9(b) and 9(a)).159 The Presidency of Telecommunication and Communication (TIB) is the body responsible for...

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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.
142 Penal Code, Article 103(1).
144 ECPR Turkey/NGOs Network Against CSEC. Turkish (2020 January). Personal Communication.
146 Turkish Court of Cassation, Docket No. 2006/714, Decree No. 2007/1887, 13 March 2007.
148 Penal Code, Article 105.
149 See Article 13 of the Proposal on Amending the Code on Criminal Procedure and Other Codes No. 3183594-101-1339-4059, 22 October 2016.
151 Penal Code, Article 104.
152 Ibid.
153 Civil Code, Article 11.
154 Penal Code, Article 102(3).
155 Penal Code, Article 101(3).
158 Penal Code, Article 226(1).
159 Penal Code, Article 226(3).
161 Ibid.
162 ECPR Turkey/NGOs Network Against CSEC. Turkish (2020 January). Personal Communication.
166 Law No. 5651 (Internet Law), Articles 4 to 9(a).
for Internet-related issues, such as blocking websites.\textsuperscript{167} SEC-related offensives were specifically taken into account and are referred to in Article 8. Under Article 8(1), access to websites is subject to blocking if there is sufficient suspicion that certain crimes are being committed on a particular website.\textsuperscript{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.\textsuperscript{169} It is worth noting, however, that Article 8 does not clarify or establish what is meant by “sufficient suspicion.”\textsuperscript{170} According to the Venice Commission of the Council of Europe, as the term was borrowed from Article 170 of the Criminal Procedure Code,\textsuperscript{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.\textsuperscript{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.\textsuperscript{173} Article 8(4) enables 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.\textsuperscript{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.\textsuperscript{175} In such a case, a court order is still required, but follows a 24-hour emergency procedure.\textsuperscript{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.\textsuperscript{177} All TIB blocking decisions can be challenged pursuant to Section 11 of the Turkish Procedure of Administrative Justice Act.\textsuperscript{178}

It is important to note here that, although Law no. 5651 was claimed to have been adopted to protect children and to combat crimes involving 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.\textsuperscript{179} In several cases unrelated to SEC offences, the blocking of websites was even ruled unconstitutional by the European Court of Human Rights.\textsuperscript{180}

Other forms of OSCE are left unaddressed by Turkish legislation. Even though the media is reporting instances of the problem in the country,\textsuperscript{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.\textsuperscript{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).\textsuperscript{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 Turkish law which means that it can be applied directly by Turkish courts.\textsuperscript{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.\textsuperscript{186} Article 80(3) of the Penal Code provides that when the victim of trafficking is a child, the offender shall be held liable even if means have been resorted to.\textsuperscript{187} This is in line with the Palermo Protocol’s definition, which includes three constitutive elements to the crime of human trafficking (i.e., actions, means and purpose of exploitation),\textsuperscript{188} but only requires the existence of two of them (action and purpose of exploitation) when the crime concerns a child.\textsuperscript{189} Article 80 refers explicitly to the exploitation in prostitution, but does not consider any other SEC manifestation.\textsuperscript{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.\textsuperscript{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.\textsuperscript{192}

**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.\textsuperscript{193} 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.\textsuperscript{194} According to a national law firm specialised in commercial law, even if serious, such security measures are rarely applied.\textsuperscript{195} Private legal entities can also be subject to security measures according to Article 60 of the Penal Code.\textsuperscript{196} 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).

168 Law No. 5651 (Internet Law), Article 8.
169 Penal Code, Articles 103 and 227.
174 Law No. 5651 (Internet Law), Article 8(4).
176 Ibid., 17. See Article 141(3) 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.
180 See European Court of Human Rights, Abmet Yildirim v. Turkey, judgment of 18 December 2012; and Cengiz and others v. Turkey, judgment of 1 December 2015.
182 GRETA. (2019, October). Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Turkey. 7.
The legal age of marriage is 18 years old for both men and women. However, Article 126 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. Moreover, the judge can allow the marriage of boys aged 16 years old in case of extraordinary circumstances and on vital grounds. 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. Article 126 states that minors cannot marry without the permission of their legal representative. 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.

Marriage with a child is considered as child abuse under Article 103 of the Penal Code. According to the UNHCR, state institutions, health and education institutions, as well as NGOs are obliged to inform the Turkish authorities about any such a crime being committed or to prosecute Turkish nationals who committed an offence in a foreign country. The suspect will be subjected 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. Article 11(1) however, provides for the same of a foreign offence, 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. 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.

Extradition is addressed by the Convention 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. Article 18 of the Penal Code outlines several conditions/reservations on the granting of extradition. 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. 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 defense that the act is not illegal in the country where it took place.

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 subjected 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. Article 11(1) however, provides for the same of a foreign offence, 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. 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.

Finally, Articles 12(1) 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. 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. 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 Convention 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. Article 18 of the Penal Code outlines several conditions/reservations on the granting of extradition. 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. 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 defense that the act is not illegal in the country where it took place.
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.234 Encouragingly, the plan has a specific goal of combating CEFM, and programmes have been coordinated around Turkey working towards this goal.235 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 establishment of district coordination committees in districts that are particularly vulnerable to CEFM by the General Directorate of Child Services,236 and preparation of provincial action plans by the Directorate General on the Status of Women for each province of the country.237 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,238 and encouragingly, in accordance with the Istanbul Convention, establish special service models for victims of sexual violence.239 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.240 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.241 This commission ensures coordination between public institutions, international organisations and NGOs, and also coordinates with relevant ministries.242 Additionally, provincial coordination commissions work on trafficking of human beings and the protection of victims in different provinces.243 The National Coordination Commission is made up of representatives from 18 different branches of the Turkish government and meets once a year.244 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.245 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.246 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 2017.247 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-committee on children.248 While it is a positive step that a sub-committee 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.249 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.250 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, 1866 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.251 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

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235 Ibid., 48.

236 Ibid., 70.

237 Ibid., 121.

238 Ibid., 18.


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 Kils and Gaziantep on Turkey’s southern 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 programmes 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 As these programmes are focused on educating 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 Mius 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 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 related to human trafficking, as outlined in Article 10 of the Regulation on Combating Human Trafficking and Protection of Victims.262 However, the hotline, called ‘YİMER’ is not only for calls related to human trafficking, it is also used to provide information on visa-residence permits, international protection and temporary protection, and it has only received 69 calls related 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 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” are considered able to bring a case.269 For instance, children do not need the consent of their legal representative to enforce rights that are strictly personal.270 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.271 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.272

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 criminal lawsuits, free-of-charge services of a lawyer can be requested from the bar association.273 In 2012, the Ombudsman Institution was created, with a specific ombudsman for women and child rights issues.274 The Ombudsman Institution is responsible for examining and investigating complaints received about acts of public administrative bodies and giving recommendations to such bodies.275 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.
250 Safer Internet Day. (2019). Turkey Safer Internet Day Committee – Turkish Safer Internet Centre.
251 Ibid.
252 Ibid.
254 Ibid.
255 Hurriyet Seyahat. (n.d.) Hurriyet Newspaper Travel Supplement, [Translated from Turkish].
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 Combating 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.
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”.
271 Ibid, Article 16.
272 Penal Code, Article 278–280.
273 Criminal Procedure Code, Article 234.
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 be heard in 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 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 Combating 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 procedures 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, 5,134 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.\[306\]

287 [Ibid., Article 17.]
288 [See: https://www.ilkdolu.com.tr/]
290 [Constitution, Article 148.]
291 [ECPAT Turkey/NGOs Network Against CSEC Turkey. (2020 January). Personal Communication.]
292 [Delegation of The European Union to Turkey. (n.d.). “EU and Turkish authorities improve protection of vulnerable groups in the justice system”.]
293 [Juvenile Protection Law No. 5386, Articles 1 and 4.]
294 [Ibid., Article 5.]
295 [Criminal Procedure Code, Article 150.]
296 [Ibid., Article 52.]
297 [Ibid., Article 236(1).]
298 [Ibid., Article 236(2).]
299 [Ibid., Article 185.]
301 [GRETA. (2019, October). Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Turkey.]
302 [ECPAT Turkey/NGOs Network Against CSEC Turkey. (2020 January). Personal Communication.]
303 [Ibid.]
304 [Ibid.]
305 [Ibid.]
306 [Judiciary of Turkey. (2018). Forensic Interview Rooms in Turkey were designated as the best practice 21.05.2018.]

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**ECPAT Country Overview: A report on the scale, scope and context of the sexual exploitation of children in Turkey**

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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’.

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.

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.

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.

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.

In regards to the reintegration of child victims of sexual exploitation, the ‘Children and Youth Social Protection and Support Program’ has also been implemented.

The project aims to ensure the personal and social development of child victims, and also provides educational assistance to children. 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.

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.

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.

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 fault and unlawful behaviour causes damage to another is obliged to provide compensation. 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.

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.

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.

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. As already mentioned, the Draft Law on Victims’ Rights envisions 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.

308 Ibid. 5.
309 Ibid., 2.
313 Ibid., 2.
316 GRETA. (2019, October). Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Turkey. 47.
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. 22.
321 Ibid., 8.
322 Ibid., 13.
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. 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 combating child labour, which was subsequently included in a government action plan. 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. Under the initiative, UNICEF trained adolescent and youth volunteers as trainers on the CRC and adolescent engagement and social cohesion. 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.

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.

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;

324 Ibid. 32.
325 UNICEF. (n.d.). ‘Child Friendly Cities’.
327 UNICEF. (n.d.). ‘Child Friendly Cities Initiative - Turkey’.
328 Ibid.
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


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