

Clobat

status of action against commercial sexual exploitation of children

**TURKEY** 

ecpat

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## **GLOSSARY** OF TERMS AND ACRONYMS

- **AVR:** Assisted Voluntary Return Programme
- CAG: Children's Advisory Group
- CCC: Central Coordination Committee
- **CoE:** Council of Europe
- CRC: Convention on the Rights of the Child
- **CRIN:** Child Rights International Network
- CSEC: The Commercial Sexual Exploitation of Children consists of criminal practices that demean, degrade and threaten the physical and psychosocial integrity of children. There are three primary and interrelated forms of commercial sexual exploitation of children: prostitution, pornography and trafficking for sexual purposes. Commercial sexual exploitation of children comprises sexual abuse by the adult and remuneration in cash or in kind to the child or a third person or persons.
- EC: European Commission
- ECOSOC: UN Economic and Social Council
- **ECPAT:** End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes
- EU: European Union
- **FBI:** [United States] Federal Bureau of Investigation
- FSSP: Family Social Support Project
- **HRDF:** Human Resource Development Foundation
- ICC: The International Children's Center
- ICT: Information and Communications Technology
- ILO/IPEC: International Labour

Organization/International Programme on the Elimination of Child Labour

- INHOPE: International Association of Internet Hotlines
- **IOM:** International Organization for Migration
- ISP: Internet Service Provider
- ISPCAN: International Society for Prevention of Child Abuse and Neglect
- IT: Information Technology
- MFSP: Ministry for Family and Social Policy
- NATO: North Atlantic Treaty Organization
- NGO: Non-Governmental Organisation
- NPA: National Plan of Action
- OPSC: Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography
- **OSCE:** Organization for Security and Cooperation in Europe
- SHCEK: Social Services and Child Protection Agency
- SSC: Social Service Centres
- **TADOC:** Turkish Academy against Drugs and Organised Crime
- **TIB:** Telecommunications Communication Presidency
- TIP: Trafficking in Persons
- TurkStat: Turkish Statistical Institute
- UN: United Nations
- UNDG: United Nations Development Group
- **UNDP:** United Nations Development Programme
- UNFPA: United Nations Population Fund
- UNICEF: United Nations Children's Fund
- UNODC: United Nations Office on Drugs and Crime

## FOREWORD

At the First World Congress against Commercial Sexual Exploitation of Children (CSEC) held in Stockholm in 1996, governments from around the world first gave recognition that commercial sexual exploitation of children is a global crime of epidemic proportions. The Stockholm Declaration and Agenda for Action - a strategic framework for actions against CSEC - was adopted by the 122 governments participating in the Congress in order to guide a systematic global response against the sexual exploitation of children.

The outcome document of the First World Congress was soon followed by the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (OPSC). Adopted in 2000 as a legally binding treaty of the United Nations, the Optional Protocol (and other relevant international treaties) reaffirms the urgent need for political will and concrete actions from governments to ensure that children in their countries can live free from all forms of commercial sexual exploitation.

In 2001, high-level delegates from 136 governments, local and international

non-governmental organisations and children and young people, convened in Yokohama for the Second World Congress to review the achievements and challenges in combating CSEC as well as to identify new priorities needed to bolster and enhance action. Seven years later, the World Congress III in Rio de Janeiro provided the largest global platform to date for delegates from 137 governments to renew their state's commitment to protect children from commercial sexual exploitation. The Rio Declaration and Call for Action strongly urges all stakeholders, including the private sector, to continue their due diligence in taking the necessary follow-up actions to eliminate CSEC. The Rio Call for Action emphasises the obligation to uphold the rights of the child as identified in existing international human rights and child rights instruments. It also offers a framework for the accountability of all duty-bearers of children's rights, particularly governments, in the fight against sexual exploitation of children and re-affirms the continuing relevance of the Agenda for Action, first agreed to in Stockholm twelve years earlier.

This report, as part of the Second Edition series of country monitoring reports produced by ECPAT International, provides a comprehensive baseline of information on all manifestations of CSEC in the country and an assessment of achievements and challenges in implementing counteractions (including the participation of children and young people themselves) to eliminate CSEC. The report, which follows the framework of the Stockholm Agenda for Action, serves as an instrument for the sharing of information and experiences among various stakeholders and dutybearers within the country as well as internationally. It also suggests concrete priority actions urgently needed to proactively advance the national fight against CSEC. Furthermore, this report enables the monitoring of the implementation of international instruments on child rights, related to commercial sexual exploitation that have been ratified by the concerned state.

The production of this report is achieved through extensive collaboration within the ECPAT global network. ECPAT International would like to thank ECPAT member groups in the countries assessed, local and global experts and other organisations for their invaluable inputs to this report. ECPAT International would also like to express its profound appreciation of all the hard work of its dedicated team from within the Secretariat and for the generous support of its donors that helped make the finalisation of this report possible. The contributions of all involved have greatly strengthened the monitoring of the Agenda for Action and the heightened collaboration needed to fight the new and evolving complex manifestations of commercial sexual exploitation of children.

## **METHODOLOGY**

The Agenda for Action against **Commercial Sexual Exploitation** of Children provides a detailed framework and categories of actions to be taken by governments in partnership with civil society organizations and other relevant actors for combating commercial sexual crimes against children. Broadly, these actions are focused on: 1) Coordination and Cooperation; 2) Prevention; 3) Protection; 4) Recovery, Rehabilitation and Reintegration; and 5) Child Participation. The Agenda for Action is thus the formal and guiding structure used by governments that have adopted it and committed to work against CSEC. As such, the Agenda for Action is also the main organising framework for reporting on the status of implementation of the Agenda as seen in the World Congress II of 2001, the Mid-Term Review meetings held between 2004 and 2005 and the World Congress III in 2008. It has been used in the same way to structure and guide the research, analysis and preparation of information presented in these reports on the status of implementation of the Agenda in the individual countries.

Preparatory work for this 2<sup>nd</sup> Edition report involved a review of the literature available on sexual exploitation for each of the countries where ECPAT works. A number of tools were prepared, such as a detailed glossary of CSEC terms, explanatory literature on more difficult themes and concepts and a guide to relevant CSEC-related research tools, to assist researchers in their work and to ensure consistency in the gathering, interpreting and analysing of information from different sources and parts of the world.

Desktop research has shown a continuing lack of information in the areas of Recovery, Rehabilitation and Reintegration. After extensive efforts to collect information relevant to these areas for each of the countries covered, it was decided that as this information was not consistently available, the reports thus focus only on those areas of the Agenda for Action where verifiable information can be obtained. Thus, the report covers: Coordination and Cooperation; Prevention; Protection and Child and Youth Participation, and where information on recovery, rehabilitaton and reintegration, was available, it has been included under the country overview. These 2<sup>nd</sup> Edition Reports also reflect a greater focus on integrated and inter-sector collaboration for the realisation of the right of the child to protection from sexual exploitation, including the need nationally for comprehensive child protection systems.

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

Despite these limitations, sufficient information was gathered to provide a broad overview of the situation in each country. Subsequently, first drafts were prepared and shared with ECPAT groups, which then supplemented the information with other local sources and analysis (taking care to identify them and source appropriately). Upon receipt of these inputs, a series of questions were generated by the ECPAT International team for deeper discussion, which involved ECPAT groups and specialists invited by them. The information from these discussions was used to finalise inputs to each of the reports. These consultations proved to be invaluable for analysis of the country situation. They also served as a measure for triangulating and validating information as different actors offered their perspective and analysis based on their direct work.

As previously noted, the information of each country report is organised to correspond to the structure of the Agenda for Action. Thus all the 2<sup>nd</sup> Edition reports feature updated information in relation to: (i) an overview of the main CSEC manifestations affecting the country; (ii) analysis of the country's National Plan of Action (NPA) against CSEC and its implementation (or the absence of an NPA); (iii) overview and analysis of coordination and cooperation efforts during the period under review; (iv) overview and analysis of prevention efforts; (v) overview and analysis of protection efforts, which includes detailed information on national legislation related to CSEC (see www. ecpat.net for further details); (vi) overview and analysis of country's efforts incorporate participation of children in youth in the development and implementation of efforts to combat CSEC and (vii) priority actions required.

# TURKEY

## INTRODUCTION

The Republic of Turkey is a regional power connecting West Asia and Southeastern Europe. Over the past decade, Turkey has undergone various reforms to strengthen its democracy and economy. The country began accession negotiations with the European Union in 2005;<sup>1</sup> this has led to a variety of legal reforms, including an increase in legal protection for children affected by commercial sexual exploitation.<sup>2</sup> Turkey was ranked 90<sup>th</sup> out of 187 countries with high human development in the 2013 Human Development Report.<sup>3</sup> Children and youth make up the largest demographic group with over a quarter of the population under 15 years of age.<sup>4</sup> The Turkish state does not recognise Kurds and other Muslim groups as ethnic minorities, nor does the Constitution permit the disaggregation of official data on the basis of ethnicity.<sup>5</sup> However, the EU Parliament estimates 15-20% of Turkey's population are Kurds.<sup>6</sup> Kurdish children are disproportionately affected by issues such as poverty, displacement and street work.<sup>7</sup> While Turkish legislation regarding the commercial sexual exploitation of children (CSEC) is reasonably comprehensive, difficulties remain with law enforcement and

general awareness of CSEC-related issues.

#### **Causes of CSEC**

Children seem to be the group most vulnerable to sexual violence in Turkey. For example, ECPAT International's member group in the country, the International Children's Center (ICC), found that of all sexual offences committed in 2013, 46.11% (19,757 offences) were against children.8 Single parent homes and domestic abuse (including incest) appear to be risk factors for CSEC in Turkey, as such factors encourage children to run away from these environments or consider early marriage.<sup>9</sup> Street children are a particular concern in Turkey as they can be especially vulnerable to trafficking, prostitution and other forms of CSEC.<sup>10</sup> Former member of Parliament and the Parliamentary Inquiry Commission on Street Children, Canan Arıtman, conducted a study with civil society and experts which found that 77% of Turkish children subject to commercial sexual exploitation come from "broken homes;"11 of the 23% that lived with both parents, domestic violence was common in those homes.<sup>12</sup> Aritman

stated that the biggest risk faced by children living on the street is sexual exploitation and being forced into prostitution.<sup>13</sup> UNICEF states that the risk of exploitation is twice as high for street children, many of whom live in a situation which results from increased rural-urban migration of families suffering from poverty in the east and southeast of the country.<sup>14</sup>

The risk of sexual exploitation of children is also high in southeast Turkey due to the practice of honour killings. The UN Special Rapporteur on Violence against Women travelled to the region in 2006 to investigate high levels of suicide among girls, which she confirmed could be disguised "honour killings."<sup>15</sup> Although the latest report on "ethics and honour killings" was in 2008 – it reported 1100 cases between 2003 and 2007, 9% of whom were children – there was no sign of a decline in the practice over those years which may signify that it is continuing.<sup>16</sup> The KAMER Foundation, a Turkish women's rights group, reports that it provided support to around 750 women in eastern and southeastern Anatolia facing threats of honour killings between 2003 and 2010.17 This is linked to CSEC, as children who are sexually exploited may refrain from approaching family members for help out of fear of being 'dishonoured,' or the risk of being forced to marry their abuser.

ECPAT believes that child marriage is a form of CSEC when parents or others receive payment, goods or other benefits including a 'bride price' or *başlık*, in exchange for a child who is received and used for sexual services. Child marriage is a further risk factor for CSEC as young girls may be exposed to sexual violence within the relationship, or may be forced into an early divorce or abandoned with few means to survive on their own.18 Discrimination may lead to higher CSEC risk factors for children of minorities and girls; for example, Roma children have limited access to education in Turkey.<sup>19</sup> Similarly, girls may be kept out of school because of the belief that education may ruin a girl's chance for marriage.<sup>20</sup> Gender (that is, being female) has been identified as an indicator for early school dropout.<sup>21</sup> According to Turkish marriage statistics from 2013, 20% of all registered marriages in Turkey are of girls under the age of 18, which amounts to 600,138 girls. In an additional 2.5% of marriages registered in Turkey, the woman's age is unknown entirely.<sup>22</sup> For boys under 18, these figures are 2% and 0.5% respectively. New research available to the ICC shows the scale of the problem, reporting that of 411 girls in an Istanbul shelter for sexually abused or exploited girls, 36 of them had experienced CSEC and 48 had been forced into marriage.<sup>23</sup> This shows how child marriage is a problem of particular concern in Turkey when its prevalence is compared to CSEC more generally.

While poverty is a frequent risk factor for children becoming victims of commercial sexual exploitation, extreme poverty in Turkey is low, around 1%.<sup>24</sup> Yet following European Union standards, evidence-based research in 2014 showed that two out of every three children in Turkey are living in 'severe material deprivation' and the existence of stark regional variation; the figures rose to 75% of children in eastern regions and dropped to 50-55% in the west.<sup>25</sup> Following the 1996 Stockholm and the 2001 Yokohama global forums on CSEC, Turkey (through both government and non-governmental organisations) reaffirmed its commitments at the November 2008 World Congress III against Sexual Exploitation of Children and Adolescents in Brazil.<sup>26</sup> The World Congress III renewed global commitment and galvanised international resolve to combat sexual exploitation of children and adolescents. In total, more than 3000 people took part in the three-day gathering, including representatives from government, the private sector and civil society as well as 300 children and adolescents from around the world.

#### Child prostitution

Turkish law specifically and comprehensively prohibits child prostitution under the Penal Code of 2005. However, problems remain in terms of implementation. A 2006 ECPAT Situational Analysis of CSEC in Turkey identified child prostitution as the main form of commercial sexual exploitation of children in Turkey.<sup>27</sup> More recently in 2010, a Parliamentary Research Committee established to study missing children and other child victims reported that the phenomenon was increasing, and cited immigration, domestic violence and abuse as causative factors.<sup>28</sup> Early and forced marriages are also cited as contributing to CSEC; young girls trapped in unwanted marriages may see no option for reprieve other than running away, and may be forced into prostitution after doing so.<sup>29</sup> Similarly, children may be forced into prostitution after running away from an abusive family. Children may also be sold directly into prostitution by relatives or may be deceived into prostitution through false promises of employment.<sup>30</sup>

Such children can seek help at local shelters run by both the government and nongovernmental organisations (NGOs). However, one NGO has suggested that state-run dormitories are not a suitable solution, citing negative mental health impacts, risk of further abuse, lack of support for girls at risk of honour killings, verbal abuse and lack of resources as impediments. Furthermore, the system fails to cater to the specific needs of victims of failed forced marriages by treating them as women after they are married, but not allowing them into women's shelters (instead, they are placed in children's dormitories) when they leave their marriages.<sup>31</sup>

Local organisations have highlighted the need to change social and judicial attitudes in order to adequately address CSEC in Turkey. This need is highlighted by the 2013 case of a thirteen year-old girl who was sold into prostitution to over 26 men. While the women who sold her were sentenced to nine years in prison, the 26 abusers received reduced sentences (1-6 years) because it was ruled that the girl consented to the sexual activity. Although the Court was obliged to apply an old law and consent is no longer a mitigating factor to sexual intercourse with a child in Turkey, it is still of serious concern that a Court found that a thirteen year-old child had the capacity to consent to sexual intercourse with 26 men.<sup>32</sup>

### Child trafficking for sexual purposes

Turkey implemented anti-trafficking laws which specifically prohibit the trafficking of children in the Penal Code of 2005. Despite admirable initial progress in convicting and sentencing traffickers under these laws, the 2014 US Trafficking in Persons (TIP) Report suggested that law enforcement efforts were negligible and had dropped dramatically in comparison to the previous year following a government restructuring of its anti-trafficking programme.<sup>33</sup> The same report suggested that the identification of victims fell by half over two years and protection of trafficking victims declined, partly because some shelters were closed due to a lack of funding.<sup>34</sup> The fact that the Turkish interagency national taskforce on trafficking has not met since 2012 is an indication that momentum in this fight ought to be renewed. Thanks to the lobbying efforts of ICC, the Council of Europe Convention on Action against Trafficking in Human Beings is currently in Parliament pending ratification and may provide the required impetus.

## Despite such encouraging

developments, the 2014 Global Slavery Index still sets the figure for absolute modern slavery in Turkey as the highest in Europe due to the prevalence of trafficking for sexual exploitation and early marriage.<sup>35</sup>

Turkey is a destination, transit and source country for children subjected to sex trafficking.<sup>36</sup> Child trafficking is increased by political factors in the former Soviet Union countries which are the main source countries of victims trafficked into Turkey, along with Romania; girls and women from this area come to Turkey to find work, but are subsequently forced into prostitution.<sup>37</sup> Although Moldovans remain one of the largest groups trafficked into Turkey,<sup>38</sup> there has been a recent rise in the number of Uzbek and Turkmen victims who are replacing Russian and Ukrainian victims.<sup>39</sup>

Trafficking patterns are also influenced by the geographical location of Turkey. The country is a land bridge between Asia and Europe; it has a large coastline allowing for relatively easy "illegal" immigration; and it is close to other states within the former Soviet Union where poverty levels are high. The entry of Romania and Bulgaria into the EU in 2007 could be a factor in the decrease in the identification of trafficking victims in Turkey from 120 in 2008 to 58 in 2010,<sup>40</sup> as migrants seeking work can easily go directly to EU Member States, rather than crossing the Bulgarian border into Turkey.41

With respect to Turkey as a source country, UNODC figures show that Turkish citizens are the fourth most prosecuted nationality for trafficking in Germany;<sup>42</sup> this indicates a strong network for Turkish children being trafficked into Germany. There have been allegations that police corruption at all levels contributes to the trafficking of children for sexual exploitation.<sup>43</sup> The US Department of State annually releases a *Trafficking in Persons Report* which categorises countries into different "tiers" based on the extent of government action to combat human trafficking. Countries that have the highest level of compliance with the *Trafficking Victims Protection Act's* minimum standards for the elimination of trafficking are placed in **Tier 1**. Those that have made "significant efforts" to meet the standards are placed in **Tier 2** and countries that are not making significant efforts to combat human trafficking are placed in **Tier 3**.

In the 2014 report, Turkey was placed in Tier 2.44

## Syrian refugees

The crisis in Syria, which borders Turkey to the south, has resulted in 1.6 million official Syrian refugees (as of November 2014) fleeing to Turkey since the conflict began in 2011, a large portion of which are children and vouth.<sup>45</sup> ORSAM Centre for Middle Eastern Strategic Studies released a report in January 2015 which discusses the results of this situation. Turkey's population has risen by up to 2.5% in the space of a few years and 85% of Syrian refugees live outside refugee camps where there is little international agency monitoring.46 There have been reports of Turkish men taking advantage of refugees' financial hardship and insecure living conditions to sexually exploit Syrian refugees, many of whom are children, through prostitution or arranged marriages.<sup>47</sup> UNHCR estimates 4.5% of Syrian refugee children in Turkey are married.48 Cultural differences with Syria have seen an increase in Turkish men practising polygamy, and not officially registering these second or third religious marriages.<sup>49</sup>

The MAZLUMDER human rights organisation conducted interviews with Syrian women living in Turkish refugee camps in the border town of Kilis in May 2014, and reported that girls averaging fifteen to eighteen years of age, but as young as thirteen, were sold as third or fourth wives, or for temporary one-night mut'ah marriages.<sup>50</sup> There are also concerning reports of prostitution rings involving military officials. With the risk of sexual violence and abuse within the camps, some parents may see selling children for marriage as a safer option.<sup>51</sup> Upon divorce or abandonment, these children often return to the camps after a few weeks where they are no longer welcome due to the cultural stigma associated with being separated from their spouse. The UNHCR has identified unaccompanied minors as a protection priority in the refugee camps in Turkey.<sup>52</sup> There is a risk of young asylum seekers disappearing from accommodation centres and becoming vulnerable to traffickers.53

It is feared that reports from the UNrun Zaatari refugee camp for Syrians in Jordan are equally true for camps in Turkey: that aging foreign men from Saudi Arabia and other Gulf states are also taking advantage of the Syrian crisis in order to purchase cheap teenage brides.<sup>54</sup> There is evidence that such child trafficking is also happening between Syria and Turkey by established "matchmakers" who traffic non-refugee girls from Syria who have been pre-ordered by reference to age: "girls between the ages of 12 and 16 are referred to as pistachios, 17 to 20 are called cherries, 20 to 22 are apples, anyone older is a watermelon."<sup>55</sup>

Turkey's developed national legal system does also apply to Syrian refugees.<sup>56</sup> The UNHCR is concerned that refugees in the host state be protected as they are additionally vulnerable to becoming victims of trafficking when their human rights are unmet.<sup>57</sup> Due to EU accession discussions and rulings of the European Court of Human Rights, Turkey is becoming increasingly aware of international human rights standards regarding the rights of refugees and recent action includes Turkey's new Law on Foreigners and International Protection 2013.<sup>58</sup> In particular, article 5(5) of the Council of Europe Convention on Action Against the Trafficking in Human Beings requires Turkey and other parties to "take specific measures to reduce children's vulnerability to trafficking, notably by creating a protective environment for them."<sup>59</sup> The scale of the crisis indicates long-term problems that could also affect future generations growing up deprived of education and opportunities in refugee camps. Preliminary recommended action to combat the sexual exploitation of child refugees would be for Turkey to allow greater access to NGOs and more strictly enforce its laws against polygamy.

### Child marriage

Turkey has the second highest child marriage rate in Europe<sup>60</sup> and its laws regarding child marriage are not completely in line with international standards. In 2002, the minimum legal age of marriage was increased to seventeen (under Article 124 of the Civil Code);<sup>61</sup> however, this remains lower than the minimum eighteen years of age considered appropriate by international norms.<sup>62</sup> Furthermore, exceptions allow marriage under the age of seventeen with parental consent and from sixteen with court authorisation. It is reported that judges, typically male judges, agree to these teen marriages.<sup>63</sup> There are problems with enforcement of even

these lower limits, such as reports of families applying to the courts to alter the legal age of their child.<sup>64</sup> Official ministry figures from the 2013 Turkey Demographic and Health Survey are concerning: 22% of girls were married before their eighteenth birthday and 4% before they were fifteen years old, despite a decline in early marriage over the past decades.<sup>65</sup> These results are based on a representative survey rather than a comprehensive marriage register. The official bodies gathering statistics in Turkey do not provide real data on child marriage and indeed many religious marriages are not preceded by a registered civil marriage, contrary to Article 143 of the Civil

Code.<sup>66</sup> In June 2014, the UNFPA cited the 2008 figure that 28% of women in Turkey had been under the age of eighteen at the time of their first marriage.<sup>67</sup>

The government has been accused

of turning a blind eye to the issue of early marriage in Turkey in the hope of population growth as such marriages assumedly lead to having children. Recently, however, there appears to be an encouraging trend of judges not granting early marriages.<sup>68</sup>

## Child pornography/child sexual abuse materials

There is a heightened risk of children being abused in the creation of pornographic materials when they belong to vulnerable populations such as trafficked or homeless children mentioned above. Unaccompanied children, such as those living on the street in Turkey, are easily preyed upon to create abuse materials, which are readily available in Turkey through street vendors.<sup>69</sup>

Turkey ratified the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (OPSC) in August 2002. It also recently became a member of the Global Alliance against Child Sexual Abuse Online, and has therefore pledged to increase efforts to block online access to child pornography, prosecute producers and support victims. As part of this Alliance, Turkey and twenty-seven other EU member states aim to pool resources and develop cross-border police investigation strategies to further protect child victims.<sup>70</sup> Continuing this momentum with encouragement by lobbying efforts of the ICC, Turkey ratified the Council of Europe Cybercrime Convention in September 2014, although no harmonisation of laws has taken place yet.<sup>71</sup> During Turkey's second periodic report to the

Committee on the Rights of the Child, the state claimed that operations conducted by the Interpol-Europol-Sirene department within Interpol had achieved significant progress in combating child pornography in the international sphere;<sup>72</sup> however, there was little information available to the Committee regarding Turkey's plans to address child pornography. The Committee also called for a National Plan of Action to implement the OPSC, which to date has not yet happened.<sup>73</sup> Child pornography appears to be illegal under the Penal Code 2005; however, there is some ambiguity in the use of the term "obscene images, printed or audio or video materials," which does not explicitly delineate what constitutes obscene material, child pornography or other specific terms. This problem was remedied to a degree when the government stated that child pornography is included in the Code's "indecency" clause.<sup>74</sup> Importing, duplicating, selling, transferring, storing, exporting, possessing, sharing, or allowing a child to view obscene material are also prohibited under the Penal Code.75

There are also some responsibilities placed on Internet Service Providers (ISPs) under Law no. 5651 on the Regulation of Publications on the Internet and Combating Crimes Committed by means of Such Publications.<sup>76</sup> Article 8(1) allows blocking access to websites if there is "sufficient suspicion that certain crimes are being committed on that website."77 These crimes include the sexual exploitation and abuse of children, prostitution and obscenity.78 However, the law is problematic as, inter alia, it neither requires ISPs to monitor the information that goes through their networks, nor obliges them "to actively seek facts or circumstances indicating illegal activity with regards to the transmitted data."79 The law has also been criticised for not being effective, over-blocking websites and infringing on civil rights and freedom of expression.<sup>80</sup>

Local news reports suggest that child pornography is both produced and accessed in Turkey.<sup>81</sup> Statistics compiled by the former Social Services and Child Protection Agency (SHCEK) suggest the number of Turkish children seen in sexually explicit photographs circulating the Internet is over 36,000.<sup>82</sup> According to the research, 42% are under seven years old and 77% are under nine years of age.<sup>83</sup>

#### Sexual exploitation of children in travel and tourism

Information on the sexual exploitation of children in travel and tourism in Turkey, or regarding offences committed by Turkish citizens abroad, is limited. ECPAT reports that child sex tourism in Turkey occurs around the Black Sea (where minors from Ukraine and Russia are trafficked into the country) as well as Izmir, Kusadasi, Fethiye and Antalya; however, figures are lacking.<sup>84</sup> One high profile case saw accusations of the rape of young boys in a hotel in Turkey in the 1990s brought against a high-ranking Dutch government minister. Criminal charges were brought against him in 2008 and 2010 by two of the six who claimed to be victims. Despite a confession by the policeman who admited to having assisted the accused in procuring the boys, the case was never taken to

trial.<sup>85</sup> The US Department of State noted in the 2014 TIP report that Turkey has not made efforts to prevent child sex tourism by Turkish nationals travelling abroad.<sup>86</sup>

Turkey has extradition procedures in place<sup>87</sup> and has also arrested and prosecuted foreign nationals for sexual exploitation in Turkey.<sup>88</sup> Article 13 of the Penal Code states that Turkish laws are applied where certain offences are committed by Turkish citizens or foreigners in a foreign country but where the accused is located in Turkey. These offences include child prostitution, child sexual abuse and child molestation; the offences of human trafficking and the production of child pornography are not included under this provision.<sup>89</sup>

## NATIONAL PLANS OF ACTION

Governments should develop and implement specific policies and National Plans of Action (NPAs) to protect children. NPAs should include a comprehensive and detailed component on CSEC that addresses all CSEC manifestations in order to establish a comprehensive framework for intervention in the following five key areas: coordination and cooperation, prevention, protection, recovery and reintegration and child participation. Based on these criteria, CSEC is not effectively addressed in any Turkish NPA at present.

A National Child Rights Strategy and a related action plan were drafted by the Ministry of Family and Social Policies (MFSP) for the period 2012-2016<sup>90</sup> based on the outcomes from a 2011 Children's Congress which brought together children and child rights advocates. The plan proved controversial among NGOs however, as it did not contain any reference to CSEC issues.<sup>91</sup> While a version of the children's rights plan was approved by the Child Rights Monitoring and Assessment Board in 2012, the plan was not publicised,<sup>92</sup> and in 2012, the UN Committee on the Rights of the Child (the Committee) noted the lack of information relating to the official status of the strategy and plan and the relevant institutional and financial arrangements surrounding it.<sup>93</sup> The ICC – one of the primary organisations focusing on CSEC in Turkey – also states that the plan does not adequately deal with CSEC.<sup>94</sup>

According to UNICEF however, the plan does reflect the Convention on the Rights of the Child (CRC) to a large degree. UNICEF points out that other strengths of the plan are that it lists aims and areas for action<sup>95</sup> and provides a monitoring and evaluation system,<sup>96</sup> though the mechanisms of such a system are unclear. Turkey has a 2013-2017 strategy in place, but similar concerns remain.<sup>97</sup>

A draft NPA on Violence Against Children was commissioned in 2006 and is understood to have been recently reviewed by local NGOs. The Council of Europe programme, "Building a Europe for and with Children" has drafted guidelines for strategies in the area of protecting children from violence. The guidelines contain specific measures against the sexual exploitation of children and make recommendations based on The European Convention on the Exercise of Children's Rights, the Convention on Action against Trafficking in Human Beings, and the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.98

The definition of violence includes all forms of exploitation of children, including child prostitution, child pornography, sexual exploitation in travel and tourism, trafficking and sale of children. The ICC has provided a Turkish translation of these guidelines<sup>99</sup> and use of these in the development of the NPA on Violence against Children in Turkey could be a good starting point for effectively addressing CSEC in a national plan of action. The NPA is expected to be adopted sometime in 2015; nonetheless, despite advocacy efforts of the ICC involved in the drafting process, and UNICEF lobbying for changes to be made, the current draft does not address CSEC.<sup>100</sup> In terms of human trafficking, the first National Action Plan on Combating Trafficking of Human Beings was approved in 2003. Neither this nor the current 2008 NPA addresses CSEC, and neither differentiates between child and adult victims. The Migration Administration (part of the Ministry of the Interior which has replaced the Ministry of Foreign Affairs as the NPA managing body) has confirmed that the 2008 NPA is currently under review.<sup>101</sup> The ICC has criticised the lack of online availability of the plan as well as a lack of involvement by the task force on human trafficking, which includes three members of the Turkish Network against CSEC.<sup>102</sup> Some effort is being made to address the absence of CSEC in the plan however, as evidenced by Turkey's Twinning Project Strengthening Institutions in the Fight against Trafficking in Human Beings – which was approved in 2009.<sup>103</sup> A "Twinning [Project] aims to provide support for the transposition, implementation and enforcement of

the EU legislation."104

In a 2005 report to the Committee relating to the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (OPSC), the Turkish government stated that a 2005-2015 NPA had been prepared by the Social Services and Child Protection Agency to protect the rights of children. In this report, the government identified a variety of measures to protect children from all forms of sexual exploitation including paedophilia and trafficking.<sup>105</sup> Identified measures include reviewing, implementing and harmonising various relevant legal provisions; conducting training activities concerning the protection of children from all kinds of sexual exploitation including their sale; implementing educational programmes for the protection of children against any form of sexual exploitation; and ensuring the recovery of sexually exploited children.<sup>106</sup> The government states that actions taken so far have included legislative reform and educational programmes. Despite being approved by the Prime Minister in 2008, this "national action plan" does not appear in any other national document.

The Turkish government has developed a National Time-Bound Policy and Programme Framework which aims to eliminate the worst forms of child labour (including child prostitution) by 2015.<sup>107</sup> Worst forms of child labour relating to CSEC identified in the policy include the sale and trafficking of children, slavery and practices similar to slavery, use of children for prostitution and the production of pornography or pornographic

performances. It also suggests that street work should be considered a worst form of child labour due to the increased risks of physical, sexual and psycho-social abuse these vulnerable children may face.<sup>108</sup> However, the priority interventions determined on the basis of available data and field experience meant that the worst forms of labour identified for priority intervention did not directly relate to CSEC.<sup>109</sup> The policy does prioritise the reduction of several risk factors for all forms of CSEC including reducing poverty, improving the quality and accessibility of education and increasing social awareness and sensitivity to the problem of child labour.<sup>110</sup> A large amount of information related to this NPA is publicly available; including a draft of the plan and various monitoring and evaluation documents. Despite this, the plan is not yet in effect according to the International Labour Organization (ILO).111

In 2006, the Committee recognised the existence of a 2005-2015 National Plan

of Action for the use of the Internet. but noted the lack of information regarding the implementation of the plan and measures for the prevention of dissemination of child pornography via the Internet.<sup>112</sup> As of August 2013, progress on this National Plan of Action seems to have stalled and the government has announced a new draft Information Society Strategy and Action Plan for 2014-2018.<sup>113</sup> The 2014-2018 Draft NPA includes findings from EU Kids online research which shows that 13% of children are exposed to sexual content online;<sup>114</sup> however, the draft does not currently include any CSEC-related strategies, apart from awareness raising activities.

In 2012, the Ministry of Development began facilitating a consultation process for a new 2013-2018 Development Plan. The ICC has contributed to preparatory reports by identifying Turkey's legal obligations towards children that need to be addressed within the new Development Plan.<sup>115</sup>

## **COORDINATION AND COOPERATION**

In accordance with the Stockholm Declaration, close interaction and cooperation between government and non-government sectors is necessary to effectively plan, implement and evaluate measures to combat CSEC. At an international level, effective cooperation is required between countries and international organisations to ensure that a coordinated approach is taken in eliminating CSEC. CSEC involves several international and extraterritorial characteristics, for example: children may be trafficked across borders; the sexual exploitation of children in travel and tourism involves offenders and victims from different countries; and the Internet facilitates child pornography sharing across many jurisdictions.

### National and local levels

The Juvenile Protection Law requires that coordination is ensured at the district, province and central government levels.<sup>116</sup> The Law on Organisation and Functions of the Ministry of Family and Social Policies provides for the coordination of national policies and strategies as well as cooperation among public institutions and organisations in the field of child protection.<sup>117</sup>

Due to recent system overhauls, many coordinating and administrative bodies relating to child rights in Turkey are quite new. The Ministry of Family and Social Policies, established in 2011 to replace the Ministry for Women and Family, is responsible for the monitoring and implementation of the CRC. The creation of the Ministry was criticised by Human Rights Watch and other human rights organisations, as there was concern that it would reduce emphasis on women's rights in the country.<sup>118</sup> However, the European Commission praised the establishment of the Ministry for the ways in which it remedied significant "structural disorganisation."119

The Ministry has established two committees for children within the body of the General Directorate of Child Services. The first is the Child Rights Monitoring and Assessment Board, established in 2012.<sup>120</sup> The intended purpose of this Board is to, *inter alia*, protect children's rights, make executive and legal arrangements to enable children to exercise their rights, ensure the preparation and approval of the child rights strategy document and relevant action plans, and ensure cooperation and coordination between institutions. The Board is inter-sectoral with representatives from various government ministries, departments and boards, as well as civil society institutions and NGOs working with children.<sup>121</sup> According to UNICEF, the Board has had little impact thus far because it was only recently established.122 Moreover, the ICC, which is one of the few NGO participants on the Board, fears that the Board may have lost momentum following Turkey's review by the UN Committee on the Rights of the Child. The Board was formed immediately before Turkey's review, and ICC reports there is now little response to its requests for meetings following the review.123

The second committee established under the General Directorate is the Central Coordination Committee (CCC). This committee is responsible for ensuring collaboration among a number of key ministries in order to implement the Juvenile Protection Law and to provide protection for children in need.<sup>124</sup> Initial extensive training programmes were provided to Committee members at both central and local levels; however, the ICC is concerned that the CCC is not operating at optimum efficiency and could incorporate more NGO involvement. The CCC has recently approved a "Coordination Strategy" to improve implementation of child protection services, which was prepared in the context of the EUfunded "Children First" Project. The Strategy focuses on coordination among government bodies, NGOs and civil society through awareness raising, training and support services, among other things. The document is currently being updated and implemented across the country with assistance from UNICEF.125

Separate from the Ministry of Family and Social Policies, the Child Rights Monitoring Committee (not to be confused with the Child Rights Monitoring and Assessment Board) was created in 2008 by the Turkish Grand National Assembly (parliament) in order to institutionalise efforts for child rights.<sup>126</sup> The Monitoring Committee invites children, adults or organisations to share their ideas and problems via its website.<sup>127</sup> Although UNICEF supports and maintains the Committee, the website currently has very little research or data collection and few publications; statistical information on the site is also limited and does not relate to CSEC.<sup>128</sup> The ICC reports that the Committee only works on an ad hoc basis, and in fact has not been working at all in recent years.

Before the Ministry of Family and Social Policies was established in 2011, the General Directorate of SHCEK was "the 'coordinating organisation' responsible for monitoring the implementation" of the CRC and the OPSC.<sup>129</sup> The CRC noted in 2006<sup>130</sup> and 2010<sup>131</sup> that the coordination and monitoring activities undertaken by SHCEK were insufficient.

In regard to children living and/or working on the streets, coordination has been defined in a "New Service Model for Children Living and/or Working on the Streets." This model aims to ensure the coordination and cooperation of all relevant public institutions, administrations and organisations in providing recovery and other services to children (including girl victims of commercial sexual exploitation)<sup>132</sup> and was reportedly put into practice in 2005. According to UNICEF, a comprehensive assessment of the model was carried out in 2009-2010, which led to recommendations given to the government;<sup>133</sup> however, results of this assessment do not appear to be publicly available and it is unclear if any monitoring or follow-up on government incorporation of these recommendations was carried out. While considerable improvement has been made in promoting coordination between public and non-governmental organisations in order to transfer knowledge from the field to the policy level, there is still no defined process to exchange information or to promote transparency and inclusion in decisionmaking.134

## Data collection

Systematic and reliable data collection and analysis on CSEC in Turkey is limited. Available data mostly focuses on trafficking and tends not to be disaggregated by age.

A "Children First: Towards Good Governance, Protection and Justice for Children in Turkey" project began in 2005 and is technically and financially supported by the European Union (EU) and UNICEF.<sup>135</sup> Several of the activities in the project relate to CSEC, including working with the Turkish Statistical Institute (TurkStat) to compile child-related statistics with systematic research, monitoring and data collection; and producing an annual child-related statistics report.136 To date, TurkStat does not appear to publish any data relating to prostitution, trafficking, pornography, sex tourism or exploitation. TurkStat has produced a Children's Statistics Report; however, sexual exploitation of children is not addressed within the report.137 TurkStat provides limited data on sexual offences through their website's search function, but this data is not disaggregated in any way that provides insight into CSEC or sexual offences against children.138

Significant data on trafficking has been collected from the Turkish government and analysed by the European Union in its Eurostat Trafficking in Human Beings 2013 Report. Data in this report indicates a decrease in identified and presumed victims of trafficking between the years 2008-2010 inclusive, with 120 victims in 2008, 102 victims in 2009, and 58 victims in 2010. Data was also provided to the EU on the number of identified and presumed victims who received assistance and protection from the government, including six month humanitarian visas. Turkey provided assistance for 78, 72 and 30 victims in the years 2008, 2009 and 2010, respectively; over the three year period, only four of those victims received a six month humanitarian visa. Thirteen, 23 and 28 traffickers were convicted in 2008, 2009 and 2010, respectively.<sup>139</sup> Although a reasonable amount of data was provided in this report, the method through which the data was obtained is unclear.

The Turkish International Academy against Drugs and Organised Crime also deals with human trafficking and produced reports in 2010 and 2011. The 2011 report stated there was a 41% increase compared to 2010 in the number of victims of human trafficking across Turkey.<sup>140</sup> In contrast, the Academy reported that there was a 35% reduction in illegal human trafficking operations and a 49% reduction in human trafficking offender suspects over the same year.<sup>141</sup> The reports do not address child victims specifically. The numbers of victims of trafficking identified by the Ministry of the Interior since 2010 are also available: 82 in 2011, 39 in 2012 and 21 in 2013, of whom 35, 18 and 3 were assisted by International Organization for Migration (IOM) in each year, respectively.

The general decline seen in figures above from 2011-2013 seems to be continuing. However, government figures relating to prosecutions for human trafficking related crimes are quite large and do not correlate. In 2013, there were 5301 cases in the Turkish courts concerning migrant smuggling in addition to human trafficking and 4463 convictions.<sup>142</sup> Due to the common confusion and blurring between these practices, there is the risk that there are many victims of trafficking who are not being recognised as such, but rather as individuals who are voluntarily assisted by smugglers. Under such a definition, it's unlikely these victims are receiving the protection or services they need. The UNODC does present some figures provided by the Turkish National Police representing investigations and convictions solely for trafficking; for 2012, this was 60 and 49, respectively.143 Even these lower figures suggest many victims of exploitation are not being identified, and the fact that official statistics

since 2008 have not disaggregated smuggling and trafficking indicates a potential lack of concern to do so. The Turkish government's denial that child trafficking takes place at all,<sup>144</sup> despite reports that trafficking in women and children for the purpose of sexual exploitation is widespread,<sup>145</sup> suggests an evasion of a complex problem where in fact more research and data disaggregation is required.

The government provides some trafficking data online, as presented in Table 1 below. Data from the government was also presented in two national reports on trafficking published in 2006<sup>146</sup> and 2007.<sup>147</sup> The 2006 report did not provide disaggregated data on child victims; however, the 2007 report noted that 8 out of 148 trafficking victims were minors that year. Ninety-nine of the victims came to Turkey for employment purposes and 142 were victims of sexual exploitation (compared to six individuals who were victims of forced labour). The 2006 report highlighted the significance of the "157" trafficking hotline,<sup>148</sup> and noted that clients of women forced into prostitution were the most frequent users of the hotline; only 19% of calls were made by victims themselves, with friends and relatives of prostituted women also using the hotline.<sup>149</sup> Reports for years post-2007 do not appear to be available.

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Year	Number of identified victims	Number of victims assisted by IOM	Number of child victims assisted by IOM	Number voluntarily returned	Number accommodated in shelters	Number of human traffickers apprehended
2004	239	62	2	61	18 (between November-December 2004)	227
2005	256	220	7	220	142	379
2006	246	191	10	197	190	422
2007	148 (8 minors)	118	4	117	114	308

Table 1: Trafficking data	from the Turkish	government for the	years 2004-2007 <sup>150</sup>

Continuation of the table for the years following those provided by the government, collating the available information above and from IOM<sup>151</sup>

Year	Number of identified victims	Number of victims assisted by IOM	Number of child victims assisted by IOM	Number voluntarily returned	Number accommodated in shelters	Number of human traffickers apprehended
2008	120	78	4 (14-17 year olds; 42 were in the group 18-24 years.)*			13 convicted
2009	102	75	4			23 convicted
2010	58	26	1			28 convicted
2011	82	35	1			
2012	39	18	0			60 investigated; 49 convicted
2013	21	3	0			
2014			<b>2</b> <sup>152</sup>			

According to the ICC, it is unclear if the IOM age profiling is inclusive up to the age of 18, meaning the true number of children assisted may not be known.

The ICC has recently carried out a systematic review of all research available from all actors and sources relating to CSEC and found that there has been an absence of scientific, reliable data relating to CSEC in the last 12 years.<sup>153</sup> This is a gap which needs to be filled.

The ICC has collected a variety of data relating to CSEC and related factors from sources such as statistics provided by TurkStat.<sup>154</sup> This includes information on birth registration, education, health, poverty, inequality, child marriage, child labour, sexual violence, children taken to law enforcement officials for various reasons including victimisation and street work and court cases on sexual offences against children. The Turkish government works with a range of international organisations and national governments to further the rights of children.

The government has worked with UNICEF (with financial support from the EU) for a number of years on three consecutive children's rights projects. These projects are: "Justice for Children" (present); "Children First" (2008); and "Towards Good Governance, Protection and Justice for Children in Turkey" (2005-2008). A country programme between the Turkish government and UNICEF is run by an Inter-Sectoral Child Committee which meets at least once annually to evaluate the country cooperation programme run by the government and UNICEF.<sup>155</sup> Efforts include updating the NPA on Human Trafficking with input from all related sectors in order to harmonise the NPA with the Millennium Development Goals.<sup>156</sup>

Turkish police coordinate with a number of international bodies to prevent sexual crimes against children, including: the Southeast European Cooperative Initiative, the UN Office on Drugs and Crime, the US-based National Center for Missing and Exploited Children and Interpol. For example, the Human Trafficking and Sexual Crimes Department, along with the Information Crimes Department of the Turkish police force, are conducting operations against "web site owners" and individuals who create or use child pornography websites whom they identify with information from

Interpol.<sup>157</sup> Through Interpol and the European Commission. Turkey collaborates with other states to arrest and prosecute offenders. In January 2013, Europol coordinated police in the simultaneous raid of properties in more than ten countries including Turkey, which led to the arrest of 103 suspects who had mainly been recruiting from or through Turkey, in what was termed one of the largest human trafficking operations in Europe.<sup>158</sup> The details of the case are not clear as the term "smuggling" was also used interchangeably with trafficking. Reports from September 2013 suggest, however, that Turkey could cooperate to a greater extent in the region on such initiatives. For example, it does not appear that Turkey assisted the Romanian authorities in dismantling a trafficking network of 30 nationals who had been trafficking Syrian refugees from Turkey through Romania to Germany.<sup>159</sup> At least 100 individuals (whose ages are unclear) were trafficked from Turkey to Germany via Romania by this trafficking ring. A joint investigation by German and Bulgarian police finally led to the operation's success without the assistance of Turkey.<sup>160</sup>

At the multilateral level, Turkey participates in and supports the activities of the Organization for Security and Co-operation in Europe (OSCE), the UN, the Council of Europe (CoE) and the EU on counter human trafficking efforts.<sup>161</sup> Child protection initiatives in Turkey have increased rapidly since 2005 due to Turkish efforts to join the European Union. On 20 December 2013, Turkey signed Protocol 16 to the European Convention on Human Rights, which aims to increase interaction between the European Court of Human Rights and local courts.<sup>162</sup>

The ICC works on the Council of Europe's "One in Five" campaign on sexual violence against children, which is linked to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.<sup>163</sup> The ICC began the campaign in Turkey in 2013. Campaign activities are based on a review of 42 scholarly articles on sexual abuse and exploitation of children in Turkey;<sup>164</sup> the review is publicly available in Turkish and, as of June 2015, was being finalised in English.<sup>165</sup>

## PREVENTION

The effective prevention of CSEC requires a variety of strategies and policies. These strategies should target both vulnerable children and those who engage in sexual activities with children while also addressing the root causes of CSEC, such as poverty and lack of education. Contributing factors to CSEC are numerous and varied; possible factors include poverty, cultural customs, lack of care and protection in the family, migration, a lack of education, organised crime, corruption, a lack of legal enforcement mechanisms and a continued demand for sex with children.<sup>166</sup>

Prevention strategies must be implemented to meet both short and long term goals. Long term prevention strategies include improving the status of children who are most vulnerable to CSEC by implementing policies to reduce poverty and social inequality and improving access to education, health and social services. Effective short to medium term strategies include awareness-raising campaigns and education and training initiatives for the general public, vulnerable groups and government officials.

The resources, expertise and influence of the private sector, particularly the tourism and IT industries, should also be engaged in prevention measures, in particular in awareness-raising activities. Furthermore, information, education and outreach programmes should be directed at those engaging in the commercial sexual exploitation of children (for example, users of children forced into prostitution) to promote changes in social norms and behaviour and to reduce the demand for victims of CSEC.

Turkey has increased its focus on prevention in recent years. The MFSP is responsible for carrying out preventive and protective services for children. The UN considers the MFSP's approach of moving towards preventive services "theoretically correct,"<sup>167</sup> but also notes that there are insufficient organisational structures and professionals to fully achieve preventative goals. Public awareness-raising initiatives relating directly to CSEC are limited in Turkey. Human trafficking, child marriage and honour killings receive moderate attention, and the commercial sexual exploitation of children is addressed to some degree within these campaigns. The ICC leads The Network Against CSEC which was established in 2008, together with ECPAT International. The ICC actively pursues working with the media, provides consultations on children's rights, and publishes and disseminates relevant information in order to raise awareness on child rights and to mainstream the CRC in Turkey.<sup>168</sup> The Network has made efforts to spread awareness-raising materials such as brochures, posters and t-shirts,<sup>169</sup> while ICC has given television interviews, radio interviews and contributed to other various publications relating to children's rights and CSEC.<sup>170</sup> The ICC also has a YouTube channel which broadcasts relevant interviews on children's rights.<sup>171</sup> The organisation has supported the Network to publish and distribute posters on early/forced marriages.<sup>172</sup>

In 2012, the Network focused on counter child trafficking advocacy and campaigns against early marriages, carrying out online and street petitions with the Body Shop, as well as working with ECPAT International to update report cards for the 'child trafficking for sexual purposes' campaign. The Network Against CSEC also launched a 2012 campaign, "Let's Not Send Child Brides,"<sup>173</sup> which included a petition to end child marriage in Turkey, highlighting the issue of bride price payments,<sup>174</sup> which are a form of commercial sexual exploitation. The ICC has also developed a Child Rights Monitoring and Reporting Website<sup>175</sup> to provide all stakeholders with information regarding the implementation of the CRC in Turkey. This website was designed to provide easy access to relevant news, literature and good practices in the Turkish language. The website has led to children and parents with CSEC-related problems to contact ICC for solutions.

The International Organization for Migration (IOM) Turkey is involved in awareness-raising activities in Turkey and has launched two national campaigns regarding human trafficking. Awareness-raising TV commercials have been screened in Turkey as well as in countries where trafficking victims originate. Advertisements on buses travelling through important trafficking areas have been used to advertise and promote the 157 helpline. The helpline has also been advertised at sports games and through passport inserts at border entry points.<sup>176</sup> Awarenessraising for the helpline appears to be particularly successful via printed and visual media; 46% of callers became aware of the helpline through such channels, and there appears to be a strong correlation between the number of news articles on the helpline and the number of rescued trafficked victims.<sup>177</sup> The government has increased its campaign focus on the prevention of honour killings.<sup>178</sup> However, at least

one NGO contends that this campaign has had no impact.<sup>179</sup>

Flying Broom, an organisation committed to ending early and forced marriage (and a member of the global partnership Girls Not Brides) has been engaging in awareness-raising activities since 2006. This has included sending representatives to 54 cities to raise community awareness of the detrimental effects of child marriage; sponsoring television commercials;<sup>180</sup> producing a documentary; and gathering 50,000 signatures on a petition urging legislators to amend the legal age of marriage to 18 with no exceptions and to formally criminalise early marriage in the Penal Code.<sup>181</sup> Although there are helplines which accept calls from children, there is a desperate need for a child-specific helpline designed for, and with the participation of, children and NGOs, similar to the EU's 116000 missing children helpline. Preferably such a hotline would utilise other media in addition to telephone communication.182 An "internet hotline" exists for reporting websites which contain content illegal under Turkey's Internet laws, including those related to CSEC, child pornography and child prostitution.183

The Ministry of Communications organises an annual "Safer Internet Day," which comprises such events as a national conference; the production of short, awareness raising films; launching the "Safe Web" website; launching a parental guide for the safe use of the Internet; and conducting and publishing research detailing the social networking experiences of Turkish children.<sup>184</sup> The "Safe Web" website<sup>185</sup> contains large amounts of well organised and digestible information, including relevant story books and games. It is regularly updated and provides warnings concerning evolving online risks as well as more traditional online safety messages; however, according to the ICC, it does not seem to appeal to young users, which could be in part due to the lack of child participation in its design.<sup>186</sup> There has been a certain effort to incorporate Internet safety into the school curriculum; however, children working with the ICC as part of the Children's Advisory Group suggest these initiatives are not prevalent. There has been a drive since 2005 to ensure that students and teachers are computer literate;<sup>187</sup> however, not all schools have Information and Communication Technology (ICT) teachers. As announced in the European Commission (EC) digital agenda, the Turkish ICT industry should also develop easy-to-use tools to access the Internet safely.<sup>188</sup>

EU Kids Online Turkey runs a website containing reports, posters and other information relevant to the EU-wide Kids Online project. Substantial research into Internet use, behaviours and perceptions has been conducted in Turkey by the organisation<sup>189</sup> (see Research on CSEC section below). Awareness-raising by the new Child Ombudsman has begun on how to contact the Ombudsman. According to the Ombudsman's office, posters have been distributed in Turkish, English, Kurdish and Arabic across all 81 provinces.<sup>190</sup> A Twitter account does exist, but tweets are primarily focused

on policy and are not directed towards children. The Ombudsman's website has a children's section but it is not operational.<sup>191</sup> Awareness-raising could also take place in schools regarding the role of the Ombudsman and how to petition him.

#### **Training and education**

The Juvenile Protection Law requires judges, public prosecutors, social workers and probation officers to be trained on subjects such as juvenile law, social service, child development and psychology in line with the principles set forth by the Ministry of Justice.<sup>192</sup>

In support of this requirement, the ICC focuses heavily on knowledgesharing and educational activities for professionals in the field of children's rights. For example, the organisation provides consultations on children's rights along with knowledge and training expertise in relation to, inter alia, the realisation of children's rights and children's rights indicators.<sup>193</sup> The ICC has contributed to various projects such as the Draft Law on Provision of Assistance to Victims of Crime; facilitating the active involvement of child rights NGOs and reporting of the Technical Assistance and Information Exchange conference and workshops on administration of juvenile justice; participating in the development of the National Plan of Action on Violence Against Children; providing child rights training for other organisations and working with the Child Rights Congress and relevant conferences.194

UNICEF is currently working on a "Justice for Children" project, which

will complement two previous projects, "Towards Good Governance, Protection and Justice for Children in Turkey 2005" and "Children First 2008." Possible outcomes of this project include: increasing and institutionalising training on child rights for professionals working with children; simplifying legal procedures to facilitate access to justice for children who are victims of violence; strengthening institutional capacity to ensure prevention of secondary victimisation (for example, by ensuring that children only testify once and can use closed-circuit video conference technology); and strengthening coordination between relevant ministries and organisations.<sup>195</sup>

Ariadne is a group working against trafficking in human beings in South Eastern and Eastern Europe. They have produced several valuable publications including research on human trafficking in the region, a manual of good practices against trafficking, and regional guidelines on the identification of trafficking victims.<sup>196</sup> They partner with Human Resource Development Foundation (HRDF) in Turkey, a non-profit organisation that works to empower vulnerable groups which has been addressing the issue of human trafficking since 2003. Their main contributions to this area have been training service providers such

as law enforcement officials, health service providers, judiciary staff and NGO representatives; victim support; and collaboration with national and international organisations. The organisation has two protocols for cooperation with law enforcementrelated bodies: one with the General Directorate of Security and one with the General Commandership of Gendarme. Between November 2004 and August 2007, more than 300 women enrolled in HRDF's victim assistance programme,<sup>197</sup> 2.7% of whom were below the age of 18.<sup>198</sup> Another organisation, the Turkish Society for the Prevention of Child Abuse and Neglect, has experience in dealing with child sexual exploitation and abuse, and works to provide training and education on child rights to professionals and other members of society.199

Several conferences in recent years have increased education while promoting the development of new ideas on how to achieve recognition of child rights. In particular, Turkey hosted a legal advocacy workshop through the Child Rights International Network (CRIN) and the ICC in 2011.<sup>200</sup> This workshop is expected to be repeated across the world and encourages stronger forms of advocacy, including legal advocacy, to challenge violations of children's rights. Turkey was chosen as a pilot location, not only due to continuing child rights abuses, but also due to the fact that organisations in Turkey have notably already made use of the European Court of Human Rights. According to CRIN, Turkey has a "strong children's rights community."201 CSEC was not specifically addressed

at the conference as the goal was "to select violations which appear[ed] to be permitted under Turkish law, rather than to challenge lack of enforcement for those violations that are clearly unlawful yet persist." However, the lack of compensation for child victims, including victims of CSEC, was addressed.<sup>202</sup>

In 2011, Turkey held a Children's Congress, which brought children and child rights advocates from across Turkey together to discuss and cooperate on child rights implementation. Children participating in the Congress were able to exchange ideas about their rights and national policy. This resulted in certain submissions regarding the Constitution and a child rights National Strategy and Plan of Action. Nonetheless, these outcomes proved controversial among NGOs and did not contain any reference to CSEC issues.<sup>203</sup>

In 2012, Turkey hosted the 19th ISPCAN International Congress on Child Abuse and Neglect through the International Society for Prevention of Child Abuse and Neglect and the Turkish Society for Prevention of Child Abuse and Neglect. The conference involved 800 participants and focused on abuse prevention and developing national and international partnerships.<sup>204</sup> In November 2013, Turkey hosted a Children and Media Congress, which, inter alia, examined the opportunities and challenges of children's Internet use in Turkey.<sup>205</sup> It also involved preparing the first Turkey Children and Media Strategy and the Implementation Plan for 2014-2018.<sup>206</sup> Children were involved in the planning

of the conference and participated in drafting the strategy and plan.<sup>207</sup> In May 2013, there was a seminar involving ECPAT International and ECPAT Network members, representatives from NGOs specialising in Roma Issues, the NGO Network against CSEC in Turkey, and the Ecumenical Network for Youth Action focusing on the protection and care of trafficked and/or sexually exploited Roma children and youth. Key aspects of the seminar included developing the capacity of key young adult leaders; empowering participants to design and implement national and local projects; training in peer education methodologies and programmes; and increasing effectiveness of advocacy by young people to promote relevant policies, programmes, plans and projects.<sup>208</sup>

At the Turkish "Stepping up progress in combating violence against children" conference held in 2012,

which complemented UNICEF's "Protecting Children from Violence in Southeast Europe" campaign,<sup>209</sup> the ICC announced that they would manage the Council of Europe's "one in five" campaign in Turkey, which aims to stop sexual violence against children.<sup>210</sup> The ICC conducted a systematic review of research into CSEC in Turkey to provide evidence for the campaign.<sup>211</sup> The aims of the campaign include: implementing the ratified Lanzarote Convention, as well as "equip[ping] children, their families/caretakers and society at large with the knowledge and tools to prevent and report sexual violence against children, thereby raising awareness of its extent."<sup>212</sup> So far, the ICC has made contributions to the campaign regarding indicators and monitoring violence against children.<sup>213</sup> Aside from this, there is little evidence in the final report of the conference that sexual violence against children was given attention.<sup>214</sup>

#### Private sector involvement

The IOM has been working with the private sector in Turkey since 2005 focusing on human trafficking. It approached some of the most high profile businesses in Turkey in order to raise awareness of IOM's activities and incorporate counter-trafficking action by businesses into their corporate social responsibility policies.<sup>215</sup> Alarko Holding, one of Turkey's largest business conglomerates, agreed to raise awareness and others agreed to provide material support: Sinefeket Companies and Pana Film broadcast an advertisement campaign in cinemas, Unilever donated cleaning and food

supplies to victim shelters, and television channels Kanal-D and STAR TV also aired commercials for free. Private Airport Managements placed billboards at arrival points free of charge.<sup>216</sup>

In March 2013, five of Turkey's most prominent companies and associations signed the Private Sector Commitment to the Global Code of Ethics for Tourism at the 55<sup>th</sup> meeting of the UN World Tourism Organisation Network in Çesme, Turkey, which aims to combat the negative effects of tourism including the sexual exploitation of children.<sup>217</sup> The enterprises which committed to take efforts to adopt professional codes and ensure the training of staff in the field were: <u>FEST Travel</u>, <u>TOBB (the Union of</u> <u>Chambers and Commidity Exchanges</u> of Turkey), TÜROFED (the Turkish Hoteliers Federation), TÜRSAB (the Association of Turkish Travel Agents), and TYD (the Turkish Tourism Investors Association).

## **Vulnerability reduction**

Broad steps to reduce vulnerability include the increased legal recognition of children's rights and enhanced legal mechanisms to protect children, such as changes to the Constitution and the Penal Code (*see Legislation section below*).

A joint report by UNICEF and the Ministry of Development states that the Ministry is seeking to introduce a protective and preventive approach to social services, with an emphasis on the family, and with particular attention paid to disadvantaged families and children in need of protection. The Family Social Support Project (FSSP) and Social Service Centres (SSCs) are two important elements of this new policy. The aim of the FSSP is to create units for identification and evaluation of at-risk individuals, referrals and recovery. However, arrangements have not been completed and it has been reported that there is a lack of organisational infrastructure to support the project. SSCs are intended to replace existing Community Centres ("which aim to resolve local social problems with the participation of the public, and so to bring about the 'social development' of districts"); although UNICEF and the Ministry of Development believe that it would be better to sustain both the SSCs and the

Community Centres in order to assist more children and families.<sup>218</sup> The Research Project on Early Identification and Warning System for Children – covered within the scope of the 2013 Investment Programme by the Ministry of Development and carried out in cooperation with MFSP aims to identify children who are at risk of becoming vulnerable, as well as develop preventive and protective measures for these children. Features of this project include monitoring families and providing experts who will intervene if the children are in danger. The implementation of this project was scheduled for 2014 by the Turkish Scientific Council, but no result has been published.219

Social assistance schemes have led to a decrease in child poverty which may reduce the likelihood of some children becoming victims of sexual exploitation. The Conditional Cash Transfers Programme provides the poorest 6% of the population with financial assistance if particular conditions are met. For example, one type of payment is made to families on the condition that their children stay enrolled in school, while another is conditional upon children receiving regular health checks. An early impact evaluation demonstrated a rise in school enrolment and attendance for most groups of children.<sup>220</sup>

**Organisations like Turkish Grameen** Microfinance Programme provide microfinance to families in Turkey. This is important because "[e]mployment opportunities for girls, such as those supported by microfinance schemes or opened up through vocational training, can generate viable alternatives to child marriage."221 The organisation highlights the important influence poverty has on the rates of early and forced marriages. Its research<sup>222</sup> also suggests that poverty, rather than religion, is the main influencing factor for such marriages. Initial results from these initiatives indicate that by improving their families' economic security with micro-financing projects, Turkish parents may be more likely to keep young girls in the family.

Through the 2012 *Primary Education and Education Law, No. 6287*, the Turkish government has implemented significant legislative changes in order to improve childhood education.<sup>223</sup> Importantly, the previous requirement

for eight years of compulsory schooling has been increased to twelve years. While this reduces the likelihood that young girls may be easily pulled out of school at a young age to enter into a marriage, critics of the new law draw attention to the fact that students are now allowed to choose between electives or homeschooling at an earlier age, which may mean ending the basic curriculum at a much earlier age than under the old system. Some have argued that the new reform was a conservative move to encourage children to focus on religion earlier.<sup>224</sup> Furthermore, children may now divide their education into four year portions with gaps in between, and there is no method to track students to ensure that they will complete their education.<sup>225</sup> For these reasons, it has been suggested that families can manipulate this new law by placing daughters in the homeschooling system or by promising that their daughters will return to school at a later date.<sup>226</sup> It has vet to be seen whether this is the case, or whether the new law will improve attendance rates for the later years of high school.

#### **Research on CSEC**

Systematic research into CSEC is rare in Turkey.<sup>227</sup> However, a number of local and international NGOs have made efforts to conduct research that will allow for a more effective and efficient fight against CSEC. The government has also collected some data (*see Data Collection section above*) which could allow for better research into CSEC.

Research conducted in South Eastern

Europe examined the methods by which children are recruited by traffickers; methods of deception are frequently reported. For example, girls have reported that they were trafficked after being deceived by boyfriends who offered to take them away to get married, while both boys and girls report being misled by false job offers that turned out to be traps for sexual exploitation. Recommendations in the research aimed at Turkey included improving the collection and analysis of data about children who have been trafficked.<sup>228</sup> A report produced by the Turkish government in 2007 provided further evidence of employment as a façade for trafficking, with 99 out of 118 trafficking victims travelling to Turkey for the purpose of employment. Only one individual in the report travelled to Turkey for the purpose of marriage that year.<sup>229</sup>

One academic study has investigated the causes and consequences of commercial sex work on female children in Turkey. Its results suggested that family dynamics weighed significantly in causing girls to become involved in prostitution. Conditions such as a broken family structure. family disintegration, domestic violence, substance abuse, and pressure imposed by social and cultural norms binding together the concept of honour and virginity were highlighted. Consequences included mental health issues, physical health problems, substance addiction and self-harm.<sup>230</sup> Recent research by the Bernard van Leer Foundation has explored the relatively high prevalence of domestic violence, including sexual abuse, of children up to the age of eight in Turkey.231

A local news site describes a report prepared by Sefkat-Der, released in late 2013, suggesting that there were over 50,000 children working as "sex slaves" in Turkey. The report blames poverty and domestic abuse for the children becoming victims of the "prostitution mafia;" children who have been orphaned or those with mental disabilities were highlighted as particularly vulnerable.<sup>232</sup> Methods of data collection and analysis are unclear and attempts by ICC to obtain a copy of the report from Sefkat-Der were unsuccessful.

The Turkish Statistical Institute (TurkStat), with assistance from **ILO-IPEC's Statistical Information** and Monitoring Programme on Child Labour, conducted nationwide child labour surveys in 1994, 1999, 2006<sup>233</sup> and 2012.<sup>234</sup> Although CSEC is considered a worst form of child labour, these studies focused on more visible economic activities such as agriculture, industry, and household chores, and failed to discuss child prostitution or trafficking.235 TurkStat plans to regularise the statistics gathered about children by state institutions and to include them in a single database in the future. TurkStat also published a Youth in Statistics Annual Report in 2011; however, no statistics relating to commercial sexual exploitation of children or related issues were published at the time of this report.236

The Science Commission, established under the Ministry of Justice, is tasked with assessing legislation affecting children and analysing difficulties related to the application of the law. Members of the judiciary, public prosecutors, scholars and representatives from bar associations and the relevant ministries participate in this Commission. The Commission met in 2013 to discuss aspects of the Penal Code that deal with sexual abuse and exploitation of children, although the outcome of this analysis is unclear.<sup>237</sup>

The ICC constructed a "violence against children reporting and monitoring map" in 2010. The purpose of the map was "to crowd-source information collection, visualization and interactive mapping through involvement of children and concerned adults in reporting violence they witness or see in the news media."238 A number of Turkish NGOs have expressed interest in using this tool to benefit children in their local areas.239 The ICC has been working on an early and forced marriages database since August 2011, based on nine daily Turkish newspaper reports.<sup>240</sup> The ICC has also developed a guidebook of monitoring indicators for violence against children with the support of UNICEF, for NGOs to be able to contribute to the work of government in combating violence against children.241

The Ministry of Communication has conducted research into the online behaviours of children as well as on the theme of "perceptions and tendencies of the families regarding Internet."<sup>242</sup> These projects were presented at a national conference in 2010, with representatives from the media, civil society and other relevant sectors in attendance. A report on "Family Structure in Turkey" by the Ministry of Family and Social Policies augments the available research with data on the frequency of Internet usage, where the Internet is used the most and the primary purposes of Internet usage in Turkey.<sup>243</sup>

The EU Kids Online Project has done substantial research into attitudes regarding Internet use in Turkey and other countries.<sup>244</sup> Turkey is categorised in this study as a "low use, some risk" country where there is low Internet usage but also "some excessive use of the internet and some problems with user-generated content."<sup>245</sup> "Among all European countries, Turkish parents have the lowest levels of internet use and are least knowledgeable about the internet."<sup>246</sup>

In order to inform strategies and policies related to the NPA on trafficking, the General Directorate of Security reportedly publishes an annual report on organised and transnational crimes. These reports track criminal cases over time, investigate the methods used in trafficking activities, and pose suggestions for better prevention of, *inter alia*, human trafficking activities.<sup>247</sup>

## PROTECTION

## Children's rights instruments related to CSEC

## Ratification of Child Rights Instruments

Turkey has ratified the core international and regional instruments on the rights of the child. Turkey signed the Optional Protocol to the Convention on the Rights of the Child, on a Communications Procedure on 24 September 2012, but has yet to ratify the instrument.

Children's rights instruments	Date of ratification	Date of submitted reports
UN Convention on the Rights of the Child	4 April 1995	14 July 2009 7 July 1999
Optional Protocol on the sale of children, child prostitution and child pornography	19 August 2002	22 June 2004
Optional Protocol on a Communications Procedure	Signed 24 September 2012 (not yet ratified). Passed parliamentary commissions and got the backing of the Council of Ministers but pending ratification in the parliament.	
ILO Convention on the Worst Forms of Child Labour (Conventions No. 138 and 182)	138: 30 October 1998 182: 2 August 2001	See 'Ending child labour: A comprehensive review of Turkish Experience' <sup>248</sup>
UN Convention against Transnational Organized Crime	25 March 2003	
UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children – 2000 (supplementing the UN Convention against Transnational Organized Crime)	25 March 2003	

Regional Instruments		
European Convention on the Exercise of Children's Rights	10 June 2002	
European Convention on the Protection of Children Against Sexual Exploitation and Sexual Abuse	7 December 2011	Turkey submitted its General Overview Questionnaire on 31 January 2014 and its Thematic Questionnaire on 31 January 2014 for review by the Lanzarote Committee. <sup>249</sup>
Council of Europe Convention on Action Against Trafficking in Human Beings	Signed 19 March 2009 (not yet ratified). Passed parliamentary commissions and got the backing of the Council of Ministers but pending ratification in the parliament.	
Council of Europe Convention on Cybercrime	29 September 2014	

## *Reporting to the UN Committee on the Rights of the Child*

Pursuant to its obligations under Article 44 of the *Convention on the Rights of the Child*, Turkey submitted its initial report to the Committee on the Rights of the Child on 7 July 1999,<sup>250</sup> which was reviewed on 23 May 2001. The Committee adopted Concluding Observations on 8 June 2001, enumerating the following recommendations:

- Develop and establish an independent and effective mechanism...to deal with complaints from children in a child-sensitive and expeditious manner;<sup>251</sup>
- Review legislation with a view to increasing the minimum age of marriage of girls to that of boys in

order to bring it into full conformity with the provisions and principles of the Convention;<sup>252</sup>

- Improve the birth registration system in order to reach all families with children, in particular in the eastern region;<sup>253</sup>
- [Ensure all] cases of....ill-treatment and abuse of children, including sexual abuse within the family, be properly investigated within a child-sensitive inquiry and judicial procedure in order to ensure better protection of child victims, including protection of their right to privacy...;<sup>254</sup>
- [Ensure that ] measures ... be taken to provide support services to children in legal proceedings, and for the physical and psychological recovery and social reintegration of the victims of rape, abuse,

neglect, ill-treatment and violence, in accordance with article 39 of the Convention;<sup>255</sup>

- Support and improve existing mechanisms to provide children living...with rehabilitation services for physical, sexual and substance abuse, protection from police brutality; and services for reconciliation with their families;<sup>256</sup> and
- Ratify the Optional Protocols to the Convention on the Rights of the Child, including the Protocol on the sale of children, child prostitution and child pornography.<sup>257</sup>

In its review of Turkey's combined second and third periodic report, the Committee reiterated many of its initial recommendations on CSEC:<sup>258</sup>

- Adopt a comprehensive rights-based approach to the National Child Rights Strategy for 2012-2016;
- Expedite the process of establishment of the Ombudsman Agency. (Ombudsman for Children now established);
- Continue to raise awareness of the Convention and its Optional Protocols with relevant professions as well as the general public and children, by, among others, including the Convention and the Optional Protocols in the curricula of primary schools and organizing public discussions of the Committee's concluding observations;
- Raise minimum age of marriage to 18 years<sup>259</sup> and intensify efforts to eliminate arranged, early and forced marriage;

• Strengthen efforts in ensuring complete and immediate birth registration.

Following its Initial Review before the Committee on the Rights of the Child, Turkey ratified the OPSC in August 2002 and submitted its Initial Report on the implementation of the OPSC to the Committee on the Rights of the Child in 2004. The Committee reviewed Turkey's initial report on 17 May 2006 and adopted concluding observations on 2 June 2006, making the following recommendations to:

- Develop, adopt and implement a national plan of action for the implementation of the OPSC, including activities with regard to prevention and rehabilitation;
- Ensure in-depth research is undertaken and that any data gathered is disaggregated inter alia by age, sex, minority group;
- Amend existing legislation and/ or adopt specific legislation, to strengthen the provisions regarding crimes on the Internet to include direct references to child pornography;
- Strengthen the legislative framework by ratifying the Council of Europe Convention on Cybercrime 2001 and the Convention against Trafficking in Human Beings;
- Take all necessary measures to ensure effective monitoring and the presence of an independent complaints mechanism in order to effectively address all issues covered by the Optional Protocol [para 22];

- Take all necessary measures to ensure the implementation of the new Juvenile Protection Law and ensure the rights and interests of child victims are protected at all stages of the criminal justice process [para 24]; and
- Expand the services of a helpline of the General Directorate of Social Services and the Child Protection Agency so as to reach marginalised and rural areas.

The United Nations Human Rights Council reviewed Turkey's human rights record in 2010 under the Universal Periodic Review process. The Working Group issued recommendations to Turkey, many of which overlapped with previous recommendations issued by the CRC:<sup>260</sup>

- Pursue its active participation in the international cooperation efforts to fight the trafficking of human beings;
- Strengthen its efforts in fully implementing the National Plan of Action on Combating Trafficking in Human Beings;
- Strengthen efforts to prevent and punish human trafficking, as well as to protect trafficking victims thorough effective assistance provision, elimination of their stigmatisation and cooperation with countries of origin; and
- Strengthen the combat against traditional practices such as early marriage, forced marriage or polygamy, which persist despite dispositions existing in the Civil Code.

Turkey's second cycle Universal Periodic review took place on 27 January 2015, although the Human Rights Council has not yet released the recommendations of the Working Group. These should be available shortly, but in their draft report, recommendations related to CSEC included:<sup>261</sup>

- Swiftly ratify the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure;
- Further measures in accordance with the National Strategy on Children's Rights and its Action Plan on Violence Against Children;
- Take measures to combat early, child and forced marriage, particularly for girls; and
- Take measures to prevent child trafficking through effective monitoring mechanisms and victim protection.

Certain recommendations made by NGOs included:<sup>262</sup>

- To make amendments to the Constitution. The child is not defined in the Constitution as a legal person, of under 18 years old, with capacities to exercise his/her rights;
- To take measures against child marriage, including raising the legal marriage age to 18;
- To withdraw its reservations on the Convention on the Rights of the Child, which have been made unnecessary by changes to the law regarding mother tongue and cultural rights;
- To ratify the Optional Protocol to the CRC on a Communications Procedure;

- To ratify the Council of Europe Convention on Action Against Trafficking;
- To develop a holistic law, policy or framework on child rights;
- Set up accessible complaints mechanisms for children, including those who speak minority languages. Include information about how to claim one's rights in the national curriculum;
- Set up hotlines specifically designed for children; and
- Harmonise laws to be compatible with the CRC, the Council of Europe Convention on Protection of Children Against Sexual Exploitation and Sexual Abuse and Cybercrime Conventions.

Under international law, once a treaty enters into force, it provisions become binding on its State parties and its obligations must be performed in good faith.<sup>263</sup> Article 90 of the Constitution of Turkey reinforces this international principle, stating that "[i]n the case of a conflict between international agreements in the area of fundamental rights and freedoms duly put into effect and the domestic laws due to differences in provisions on the same matter, the provisions of international agreements shall prevail."<sup>264</sup>

Additionally, the State now has a constitutional duty to support children in difficult circumstances,<sup>265</sup> and it is explicitly recognised that measures favouring children do not violate the principle of equality.<sup>266</sup>

The Constitution of the Republic of Turkey has recognised and enshrined child rights since September 2010. Articles 41 (Protection of the family, and children's rights),<sup>267</sup> 42 (Right and duty of education),<sup>268</sup> 50 (Working conditions and right to rest and leisure),<sup>269</sup> 56 (Health services and protection of the environment).<sup>270</sup> 58 (Protection of the youth),<sup>271</sup> 61 (Persons requiring special protection in the field of social security)272 and 62 (Turkish citizens working abroad)<sup>273</sup> protect child rights.<sup>274</sup> In reference to CSEC, one of the most important Constitutional provisions for prevention and protection is Article 41, which places a responsibility on the State to take necessary protective measures for children against all kinds of exploitation and violence, as well as highlighting the right for children to have direct contact with their parents unless it is not in their best interests.275

While substantial improvements have been made in recent years, the CRC has not been fully and directly integrated into domestic law. A number of laws have sought to introduce the general principles and certain articles of the CRC; these are addressed in the following sections of this report. However, CRIN has suggested that this falls short of fully reflecting the object and purpose of the CRC.<sup>276</sup> Human rights lawyers from Bilgi University and the Turkish Bar Association held a similar view in their report for UNICEF which assessed the compatibility of Turkish law with the CRC, finding that 12 clauses in the Constitution and 95 national laws would need to change

to be brought into compliance with the CRC.<sup>277</sup> UNICEF's first report on the issue (prepared by the Ministry of Justice), however, determined that the Turkish legal system was compatible with the CRC.<sup>278</sup>

## Legislation

Comprehensive and effective legislation, in line with international standards, is essential to protect children from commercial sexual exploitation. Laws must be enacted in compliance with State obligations and specific laws must be developed, implemented and/or strengthened to combat the various manifestations of CSEC. These laws must be reviewed and updated regularly to incorporate evolving forms of CSEC, such as online grooming or viewing and accessing child pornography online, and changes in the international legal framework. As well as enacting legislation that is compliant with international standards and obligations, national laws must be effectively enforced. Policies and procedures to protect child victims and/or witnesses are also essential.

The Penal Code 2005 defines and criminalises offences relating to CSEC, which are described in detail in the sections below.

Under the Penal Code, a child is defined as anyone under the age of 18.<sup>279</sup> Turkey also amended its Criminal Procedure Code in 2005,<sup>280</sup> making domestic legislation more closely aligned with the CRC and OPSC standards in certain cases, such as automatically providing legal counsel to any victim of a crime.<sup>281</sup> However, it is still not in full compliance with the CRC and OPSC.<sup>282</sup>

Amendments to the Turkish Civil Code in 2001 increased the minimum age of marriage to 17 for boys and girls; however, children may marry at 16 with court approval in exceptional circumstances.<sup>283</sup>

The Juvenile Protection Law 2005<sup>284</sup> is the primary implementing legislation of the CRC under domestic law and comprises of measures to be taken when children are charged with crimes. It is the only national law that explicitly refers to the CRC's general principles and rights while adding others, within Article 4 of the Act.<sup>285</sup> Although the focus of this law is on children in conflict with the law, Section 2 of the Act allows for special arrangements for the sensitive treatment of, and protection, support and care measures for the child, which is crucial in cases of CSEC. For example, Article 5 provides for Protective and Supportive Measures, but no direct link can be made with victim protection, as its main focus is children in conflict with

the law. It also determines the roles and duties of the related government departments, social workers and probation officers.<sup>286</sup> Importantly, as a result of Article 5(d) of the Act,<sup>287</sup> Care and Social Rehabilitation centres were established for child victims of crime.<sup>288</sup> In contrast to conventional child care institutions in Turkey such as orphanages, the goal of these centres is to help children to recover as quickly as possible.<sup>289</sup> This law is generally viewed as a "good piece of legislation, respectful of CRC principles."290 In addition to the specific offences described below, any kind of sexual abuse against a child is prohibited under Article 103 of the Penal Code 2005 and, depending on the relationship between the parties and the damage suffered by the victim, is punishable by three years to life imprisonment.<sup>291</sup> Sexual abuse includes:

[...] a) any act of a sexual nature committed against a minor who has not reached fifteen years of age or who, in spite of having reached fifteen years of age, lacks the competence to understand the legal significance and consequences of such acts, [and/or] b) sexual acts against other minors by means of force, threat, deception or any other means that influences the will of the child....<sup>292</sup>

It is to be noted that where abuse involves intercourse, paragraph (2) more than doubles the minimum sentence. Importantly, recognising that no child under the age of 18 is able to fully consent to sexual intercourse, Article 104 also punishes sex with a child who has reached the age of 15 where there has been no apparent force, threat or deception, with a lesser sentence of six months to two years. A potentially more predatory aspect is identified with the doubling of the penalty where the offender is more than five years older than the child.<sup>293</sup> However, on 18 June 2014, Act No. 6545 made an important amendment to the Criminal Code to raise this penalty to between two and five years, and added two paragraphs relating to increased protection for victims of these crimes,<sup>294</sup> increasing penalties to between ten and fifteen years where the perpetrator is a family member or another caregiver of the victim.295 Despite its many protections, the Penal Code does not prohibit criminal prosecution of child victims for prostitution, pornography or other crimes. The Child Protection Code does, however, contain child-sensitive legal procedures and measures to ensure children receive protection and care in the justice system.<sup>296</sup> It also recognises that the protective and supportive measures in the law shall be interpreted as "juvenilespecific safety measures with respect to juveniles who are pushed to crime and who do not have penal liability."297 The Juvenile Bureau, which is established under the law to assist children involved in the justice system, must work in cooperation with relevant public institutions, organisations and NGOs for the purpose of providing the necessary support services to juveniles who need protection, who are victims of a crime or who are pushed to delinguency.<sup>298</sup> Information on how these measures have been implemented or when a

child is perceived as being "pushed to delinquency" or "crime" is not available; however, these articles are a good starting point for recognising that children cannot be classed as offenders in regard to prostitution, pornography or other similar crimes.

## **Prostitution of Children**

Article 2(b) of the OPSC defines child prostitution as "the use of a child in sexual activities for remuneration or any other form of consideration." Article 3 of the OPSC obligates States to criminalise all acts of offering, obtaining, procuring or providing a child for prostitution.<sup>299</sup>

Although the term "child prostitution" is not defined in Turkish legislation, Article 227(1) of the Turkish Penal Code states that any person who encourages a child to become a prostitute, or facilitates prostitution, or shelters a person for this purpose, or acts as a "go-between" during the prostitution of the child, can be punished with imprisonment from four years to ten years, and with a punitive fine of up to ten thousand days. Article 227 is the only article of the Penal Code which deals with prostitution at all and hence paragraph (2) reproduces the same for those who are not children. To act as a prostitute is not illegal under Turkish Law, but Article 227 elaborates on the manifestations of another individual's involvement which are illegal. Various contributory elements which add to the seriousness of these crimes are well expanded upon in this law in the provisions which follow, although these are not specific to cases of children.

Article 227(2) of the Penal Code further states that fully or partially making a

living off the earnings of the person incited into prostitution is considered as encouraging another person to enter prostitution, and that preparation or intention towards this offence is punished in the same way as the offence.<sup>300</sup> Under Article 227(3), it is a crime to bring people in or send people out of the country for the purposes of engaging in prostitution.<sup>301</sup> Under Article 227(4), if the encouragement into prostitution involves the use of threat, force or malice, or takes advantage of one's helplessness, it is an aggravating circumstance and the sentence for the offence may be doubled.<sup>302</sup> Under Article 227(5), if the offence is committed by a relative, guardian, a person responsible for the protection of a person, or by a public officer or employee by due influence, it is also considered an aggravating factor which may increase the sentence by a half.<sup>303</sup> Under Article 227(6), if the activities are perpetrated in the context of organised crime, the sentence will be increased by one half.<sup>304</sup> Finally, under Article 227(8), the Penal Code requires that "[a]ny person who involves [sic] in prostitution is subject to treatment or therapy."305

It is of concern that "prostitution" itself is not defined in this provision, nor is the concept of the "child" in this context. When prostitution is not defined, there is a risk that children may not be protected in the less evident cases of sexual activities in exchange for consideration other than remuneration, which may also be relevant in cases of child marriage. The age of a "child" in this context ought to be clarified. Although a minor is defined in the Penal Code as being of 18 years or younger, Article 103 divides sexual abuse crimes into those against children under 15 and those of 15 or over where additional influencing factors are required.

In cases of child prostitution, the victims are placed under state

protection and suspects are arrested, taken into custody and tried in the courts. This was the case with at least 26 individuals accused of encouraging three juveniles to engage in prostitution in 2010.<sup>306</sup> However, child prostitution still appears to be a significant problem; one NGO reported that there were 50,000 child "sex workers" on the streets of Turkey.<sup>307</sup> It should be noted, in relation to this statistic, that the ICC requested a copy of this report, along with the research methodology and the definition used for children involved in prostitution, but none was provided.

## Child Pornography/Child Sexual Abuse Materials

The OPSC, under Article 2, 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." Article 3 of the OPSC requires states to prohibit the producing, distributing, disseminating, importing, exporting, offering, selling or possessing of child pornography.<sup>308</sup>

The Council of Europe Convention on Cybercrime 2010 requires States to enact legislation and other necessary measures to criminalise the production, offering, distribution, transmission, procuring and possession of child pornography in a computer system or on a computer-data storage medium.<sup>309</sup> Under this Convention, the term "child pornography" includes pornographic material that visually depicts a minor engaged in sexually explicit conduct as well as persons appearing to be minors and realistic images representing minors. A minor is defined as a person under 18 years of age.<sup>310</sup>

Turkey ratified the Convention on Cybercrime on 29 September 2014 and it came into force on 1 January 2015. Although the ICC has confirmed that harmonisation of Turkish law has not yet taken place, the laws in this area seemed to correlate with the Convention and other international standards to a certain extent prior to ratification.<sup>311</sup> Although child pornography is not directly referred to in the Penal Code, the Turkish delegation to the Committee on the Rights of the Child stated that child pornography is inherently included in the Penal Code's "indecency" clause.<sup>312</sup> The actions of the Internet authority seem to reflect this notion, with 50% of blocked websites involving the sexual exploitation and abuse of children in

2009.<sup>313</sup> Article 226(3) of the Penal Code makes it illegal to exploit children in the production of products including "indecent" images, printed or audio or video materials. It is also illegal to import, duplicate, sell, transfer, store, export, possess or share such material, or to allow children to view obscene material.<sup>314</sup>

The pertinent liabilities and responsibilities of hosting providers and Internet Service Providers (ISPs) are mostly described in the Law on the Regulation of Publications on the Internet and Combating Crimes Committed by means of Such Publications (Law 5651).<sup>315</sup> In line with the EU E-Commerce Directive,<sup>316</sup> hosting providers have no general obligation to monitor the information they store, or to actively seek facts or circumstances indicating illegal activities.<sup>317</sup> However, under Article 5(2), hosting providers are obliged to take down illegal content once served with a notice through the **Telecommunications Communication** Presidency (TIB) or a court order.<sup>318</sup> ISPs are regulated through Article 6 and, while they do not have a general obligation to actively monitor their service for illegal activity, they must also remove any illegal content hosted by their customers once they are made aware of it.<sup>319</sup> There does not appear to be an express requirement for ISPs to refer any suspicious traffic to the relevant authorities. Mass use providers, such as internet cafes, are regulated under Article 7. Such providers are required to use filtering tools approved by TIB to block access to illegal content, and must operate with official permission.<sup>320</sup> The existing requirements work to ensure that

traffic data is accurately maintained and available for law enforcement authorities to use in cases of CSEC online.

The Telecommunication and Transmission Authority (established under Law No. 4502 in 2000) can ban websites without prior judicial approval if there are reasons for sufficient suspicion that the site hosts content that is illegal under Turkish law, including sexual abuse of children or obscenity, and its host resides in Turkey.<sup>321</sup> When a blocking decision is issued, access providers must then block the website within 24 hours.<sup>322</sup> If the identities of those responsible for the blocked content can be determined, the Chief Public Prosecutor's Office is contacted to prosecute the perpetrators.<sup>323</sup>

Some problems exist with the current strategy. For example, the blocked sites may be available by using proxies or changing Domain Name System (DNS) servers.<sup>324</sup> It is therefore important that, in addition to blocking any websites containing CSEC-related material, efforts are made to prosecute offenders if they are within Turkey, or to coordinate with international organisations and other governments to achieve prosecution if the website is hosted overseas. Furthermore, while it is imperative to combat child sexual abuse material online, it is also important to maintain civilian access to the Internet. This means that websiteblocking needs to target the specific websites containing illegal material. For example, Turkey has previously blocked youtube.com and other websites for hosting content deemed illegal under domestic law.325

Furthermore, the increasing level of discontent with the law due to censorship issues distracts from some of the pressing concerns that Law No. 5651 should address, such as CSEC. The ICC reports that some new restrictive Internet censorship laws have been justified in the name of child protection. This is despite an enduring need for the government to take measures to amend the relevant laws in order to harmonise them completely with the Convention on Cybercrime. Additionally, authorities have ceased publication of blocking data since 2009, possibly due to censorship debates.<sup>326</sup> This reduces the ability of NGOs to investigate and use online child sexual exploitation data. The European Committee has suggested that Turkey close gaps in its legislation, followed by a full review of the effectiveness of Turkish legislation on the basis of practical experience.327

There are reporting systems in place for members of the public who wish to report incidences of child sexual exploitation online, including a hotline (166) and an online reporting form.<sup>328</sup> The Information and Communication Technologies Authority works with the International Association of Internet Hotlines (INHOPE) to provide individuals in Turkey with a way to report child pornography or any form of child sexual exploitation on the Internet.<sup>329</sup>

It would also be beneficial for Turkey to establish a 24/7 contact point to facilitate the cooperation and exchange of information regarding cybercrimes; Turkey has reportedly decided to establish this under the Cybercrime Department of the Turkish National Police.<sup>330</sup>

The EU Kids Online project considers online child protection measures to be underdeveloped in Turkey due to the fact that the debate on Internet safety is still relatively new there.<sup>331</sup> It also considers Turkey a "low use, some risk" country where there is low Internet usage but also "some excessive use of the internet and some problems with user-generated content."<sup>332</sup>

There are numerous local media reports of child pornography charges being laid, however, official published data is lacking. Turkish police have arrested individuals in Turkey on child pornography charges on tips from the United States Federal Bureau of Investigation (FBI)<sup>333</sup> and local investigations. A local news source reported that, in 2012, the Ankara Police Department's Cyber Crimes Unit launched an investigation into a large number of accounts set up on a social networking site that shared content involving the sexual exploitation of children. The account owners also stalked children on the website and contacted them with sexual messages. The resultant operation led to the detention of close to 200 people, including state officials, in simultaneous raids carried out in 18 provinces. The information was handed over to a cybercrimes prosecutor and at least 12 individuals were referred to Court.<sup>334</sup> The results of the court case, and the outcome for the other suspects, are unknown.

Under Article 3(a) of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (UN Trafficking Protocol), trafficking in persons is defined 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 payment 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."335

Article 3(c) of the UN Trafficking Protocol states that "the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered 'trafficking in persons' even if this does not involve any of the means set forth in subparagraph (a) of this article."<sup>336</sup> Within this definition, a child is considered anyone under the age of 18 years.<sup>337</sup>

Under Article 80 of the Penal Code, trafficking is defined as:

Persons who provide, kidnap or shelter or transfer a person from one place to another unlawfully and by force, threat or violence or misconduct of power or by executing acts of enticement or taking advantage of control power on helpless persons in order to force them to work or serve for others or to send them away where he is treated almost like a slave.<sup>338</sup>

Under article 80(1), anyone found convicted of trafficking is sentenced to between eight and twelve years imprisonment and a fine up to ten thousand days.<sup>339</sup> In case of kidnapping, providing, sheltering or transfer of a person(s) who is under the age of eighteen, the offender is subject to the punishments indicated in the first subsection even if he did not execute the acts causing offence.<sup>340</sup> Consent of victims where such a trafficking act has taken place is deemed void.<sup>341</sup> This is a key principle of the Council of Europe Convention on Trafficking (which Turkey has signed but not yet ratified), as is the provision of a recovery and reflection period for victims in the host country to build a relationship of trust which can lead to effective cooperation in the prosecution of traffickers. In April 2013, the government passed Law No 6458 on Foreigners and International Protection which grants victims the possibility of a special residency permit which not only gives some initial time for the victims to recover from their ordeal before any removal proceedings, but ensures their presence at time of trial and also provides an incentive for victims to come forward.<sup>342</sup> Previously this had not been an automatic right in

law but only a discretionary power of the prosecutor provided for in circulars since 2003.<sup>343</sup>

Although the Turkish Penal Code does not explicitly mention sexual exploitation, this may not be problematic. The aforementioned Article 227 of the Penal Code governing sexual exploitation is also relevant to child trafficking for sexual purposes. Under this article, any person who shelters a child for the purposes of prostitution, or acts as a go-between during prostitution of the child, is punished with imprisonment from four years to ten years, and also a punitive fine of up to ten thousand days.<sup>344</sup> Furthermore, any person who brings people into Turkey, or sends groups abroad for prostitution, is guilty of an offence.345

Turkey is involved in the EU initiative to fight organised crime and human trafficking, which is part of the EU Strategy towards the Eradication of Trafficking in Human Beings, 2012-2016.<sup>346</sup> This project aims to, *inter alia*, improve systems of data collection, analysis and exchange at the national and transnational levels; promote and assist in information sharing and regional coordination on trafficking; and enhance national and transnational law enforcement cooperation.<sup>347</sup>

The IOM has reported that Turkey has conducted a self-evaluation on the effectiveness of its anti-trafficking regime. Identified good practices included the "consistent monitoring of the implementation of laws related to trafficking in persons, as well as training of the judiciary, which were both found to have increased the number of prosecutions."348 According to the IOM, over 40 Supreme Court decisions regarding the issue have reportedly provided good guidance to the judiciary;<sup>349</sup> however, these cases are not available to the public or NGOs. Furthermore, it was reported that the government maintains partnerships with NGOs (three from the Turkish Network Against CSEC) to assist victims and to establish and promote the 157 emergency helpline,<sup>350</sup> established in May 2005.351

## Sexual Exploitation of Children in Travel and Tourism

Turkish law states that Turkey's Penal Code applies where specific offences are committed by Turkish citizens or foreigners in a foreign country.<sup>352</sup> These offences relate, *inter alia*, to child prostitution, sexual abuse, and child molestation; the offences of human trafficking and the production of child pornography are not included under this provision.<sup>353</sup> Although travelling to another country to engage in sexual acts with a child and the prostitution that may be involved is therefore covered, this omission seems unjustified considering trafficking and pornography are those specific offences which most often have an international dimension. There have been investigations finding CSEC by Turkish men travelling to engage in sexual acts with children,<sup>354</sup> such as a man arrested in Cambodia for purchasing the virginity of two 14-year old girls.<sup>355</sup> Turkey requested Cambodia to extradite the individual although there is no further information on this case.

Moreover, Turkey has national procedures for extradition but "[t] here is not a specific and detailed law regulating extradition procedure in Turkish legal system. Only Article 18 of the Turkish Penal Code governs extradition of foreigners."<sup>356</sup> Article 18 of the Penal Code allows for the extradition of a foreigner accused or convicted of a crime only once certain conditions are met; extradition is rejected if, *inter alia*, the act does not constitute an offence according to Turkish law.<sup>357</sup> This double criminality requirement for extradition may hinder prosecution of travelling child sex offenders due to discrepancies in different countries' legal protections for children, and makes it even more imperative that Turkey's laws comply with international standards.

## **Child Protection Units**

The Turkish government ratified the Law on the Ombudsman Institution in June 2012.<sup>358</sup> One of the five deputy Ombudsmen is responsible for the rights of women, children and the disabled, so work is not focused on children alone. This Ombudsman is responsible for examining complaints against public institutions, ensuring public administration is accountable on children's issues, and making recommendations to improve children's rights.<sup>359</sup> More effort needs to be put into ensuring children both know about, and have access to, the Ombudsman. Following the example of other Turkish institutions, a website, hotline, or awareness-raising campaign could be used to this end.

The ICC has brought several issues to the attention of the Ombudsman, including the significant problems children face in using the judicial system, the ability of children to access organisations designed to protect their rights; the problems with the bureaucratic Ombudsman application

procedure; and the need for the new system to be clearly explained to children with child-friendly information on how to make complaints.<sup>360</sup> The Ombudsman has now developed websites, posters and brochures aimed at children of different age groups with the support of UNICEF.<sup>361</sup> Positive decisions have been taken by the Ombudsman, despite limited compliance with these and a low level of child-related complaints submitted by the children themselves and NGOs who may do so on their behalf.<sup>362</sup> The Ombudsman's power to take action depends on the receipt of individual complaints.

In 2001, the Children's Police division was created, with a mandate that includes working with "all persons under age 18 involved in offences, whether as perpetrators or victims."<sup>363</sup> As of 2008, the children's police units were comprised of 3,500 officers and staff throughout the country. This staff includes social workers, psychologists, Internet technicians and police officers. UNICEF considers the children's police division a model framework for other countries. UNICEF also considers the children's police units to be adequately funded. As of 2008, there were 83 juvenile courts in 25 provinces, and a specialised prosecutor or team of prosecutors was attached to each juvenile court.<sup>364</sup>

## **Support Services for Children**

The Juvenile Protection Law 2005 states that the Social Services and Child Protection Agency, now the Children's Services branch of the Ministry of Family and Social Policy, "shall take the necessary measures immediately with regard to events referred to it, and shall place the juvenile under the care of governmental or private organisations."<sup>365</sup>

# First contact, safe houses, recovery houses and other forms of accommodation

Victims of trafficking can call the national toll-free 157 helpline, operational 24 hours a day. According to IOM, 12,469 calls have been received since 2005<sup>366</sup> and 167 trafficking victims have been rescued through the helpline.<sup>367</sup> However, the IOM does not provide data disaggregated by age specifically regarding the helpline users<sup>368</sup> so it is difficult to say if the helpline is used by, or has had a positive effect on, children specifically.

State established shelters exist for children, although resources are insufficient.<sup>369</sup> Shelters run by NGOs also exist, although specialised services for children are limited. According to information provided by the government, at least 10 Care and Rehabilitation Centres have been established for children involved in the criminal justice system,<sup>370</sup> including those without "criminal responsibility," such as victims of CSEC.<sup>371</sup> Previous research conducted by ECPAT and the Body Shop suggested that these centres are not up to international standards.<sup>372</sup>

Article 14 of the Municipal Law requires municipalities having a population of more than 50,000 people to open houses for the welfare of women and children.<sup>373</sup> However, there does not appear to be effective oversight of these shelters or the government bodies responsible for them.<sup>374</sup> There have been reports<sup>375</sup> that some shelter staff have allowed offenders access to victims. There are also reports that no follow-up service is provided after a women leaves the shelter.<sup>376</sup> Some shelters have shut down and shelter directors in major cities report that they are forced to take in only the "very worst cases" due to limited space and funding.<sup>377</sup> Human Rights Watch reported in 2011 that there are government regulations that can exclude an individual – often a particularly vulnerable individual from a shelter: those with an infectious disease, psychological problems, drug or alcohol addiction, undocumented women, asylum-seekers, trafficked women and sex workers are not permitted in shelters.378

There are 39 Child and Youth Centres in 30 provinces and four monitoring houses run by MFSP, for children who are living or forced to work on the streets. Services provided at these institutions include accommodation, health, reintegration into education, professional skill development, psychosocial support and support for drug use rehabilitation. Psychosocial and awareness-raising support is also provided to the families of the children in order to assist in the return of the child to the family. According to the government, the Juvenile Protection Law will be activated and a criminal complaint will be made against the family if they "insist" on leaving the child on the streets despite social support services.<sup>379</sup> This excludes other situations in which it may not be in the child's best interests to return to the family home; it is important that thorough, individual assessments are made regarding each child's possible return to family life.

The Turkish Foundation for Children in Need of Protection (Koruncuk) provides home-like shelter, care and education for up to 120 children in its Bolluca Children's Village in Istanbul.<sup>380</sup> Children can stay in the village until they find quality employment in the city. The organisation is looking at expanding across Turkey and has been awarded "ECOSOC Special Advisor Status" by the UN Economic and Social Council for their work with children in need of protection.<sup>381</sup>

The Laundry in Istanbul was opened in 2000 by the NGO Children of Hope Association with World Bank support to provide basic services for disadvantaged street children such as a bed, first aid, food and laundry service,<sup>382</sup> although ICC reports that it is no longer providing these services.

Sefkat-Der is an organisation that works with marginalised groups in society, including child victims of commercial sexual exploitation. They provide shelter, informal peer counselling and support for re-entering society to victims of, inter alia, sexual exploitation. Publications, research and monitoring are limited; however, the organisation appears to have a reasonably strong presence in Turkey through strong connections with the media, an active online presence, and the regular release of press statements. Other organisations also frequently refer clients to Sefkat-Der.383

## Legal avenues of redress

Children who have been involved in crime are subject to special protections under the Child Protection Act and the Criminal Procedures Law.

In relation to legal avenues of redress, a child who has been a victim of a crime may request that the public prosecutor open a case. Parents, legal guardians and children's rights organisations may seek to initiate or to be involved in a case, subject to judicial discretion.<sup>384</sup> According to the ICC, involvement of NGOs in this regard is very limited.<sup>385</sup>

Adults who witness a child being victimised have an obligation to report the act and may be charged under Article 277 to 279 of the Penal Code if they fail to do so. Child victims are asked if they wish to be involved in the criminal proceedings under Article 238 of the Turkish Code of Criminal Procedure. If they wish to do so, they are automatically appointed representatives under Article 234.386 Children are entitled to have a family member, guardian or representative agency, as well as a social worker, present during the hearing.<sup>387</sup> The Code of Criminal Procedure also states that "a child or victim who has suffered psychological damages from the committed crime, shall be heard only one time in relation to the investigation or prosecution of the committed crime."388

In theory, the Supreme Court of Appeals may review violations of international instruments. However, the Court rarely does this in practice. Rather, recourse to the European Court of Human Rights has been the most widely used method for Turkish advocates to challenge rights violations<sup>389</sup> and could potentially be used for violations of the OPSC.

A draft law on compensation for crime victims was submitted for consideration by the relevant institutions in 2011; this law envisages compensation for victims of child trafficking.<sup>390</sup> As of August 2014, however, Turkey lacks any victim compensation programme and restitution is at the court's discretion.<sup>391</sup>

The IOM plays a key role as a medium for the coordination of legal assistance and cooperation that is required for effective prosecution of trafficking suspects through its project "Counter Trafficking in Human Beings through Legal Assistance to Trafficked Persons and Enhanced Judicial Cooperation-Turkey BSEC Region."<sup>392</sup>

## First-point-of-contact and immediate assistance services

Children who have been exposed to commercial sexual exploitation can securely apply for state care services at the Provincial Directorate of the MFSP in any Turkish province, although information available to the ICC indicates that few services are targeted to sexual abuse victims specifically, care is not based on needs and girls in these institutions are not well protected.393 There is also a Family, Women, Child and Disabled Social Services Counselling Line available 24 hours a day, seven days a week at the number 183. Social workers and psychologists answer the calls. Another helpline focuses on trafficking victims and can take calls in a variety of languages to assist minority populations or individuals who may have been trafficked across international borders. It is unclear how adept these helplines are in dealing specifically with CSEC. There are currently efforts to set up a 116000 helpline in Turkey by the ICC, in collaboration with Missing Children Europe, the Turkish Network against CSEC and the Southeast European Network on Missing Children. The EU is providing the project with funding and lobbying support with respect to the Turkish government.<sup>394</sup>

The ability for children to approach teachers and health professionals may be increasing due to recent initiatives by the Ministry of Health and ICC to train education and health staff on the CRC.<sup>395</sup>

IOM Turkey's project entitled, "Combating Trafficking in Turkey: Local Action and Direct Assistance" has been able to provide direct support to individuals trafficked within the region, by strengthening the referral system and the ability to identify actual and potential victims.<sup>396</sup>

## Mental and physical health services outside of residential care

Victims of trafficking can receive physical and psychological services for free at public health institutions, although lack of funding, availability and discrimination are problems reported by ICC.<sup>397</sup>

## Return of trafficking victims and foreign victims

Between 2004 and 2009, IOM Turkey was able to provide relief to, and return home, 744 of 1,111 trafficking victims identified by the government under its Assisted Voluntary Return (AVR) Programme.<sup>398</sup>

Trafficking victims are entitled to a six month humanitarian visa. Four victims received a six month humanitarian visa over the three year period from 2008-2010.<sup>399</sup> Implementation of this must be ensured as there have been reports by regional experts of women being arrested for prostitution and deported instead of being recognised as trafficking victims, such as those found on a vacht being used as a hotel in October 2010.400 Russian and Ukrainian women, some as young as 17, were found and deported and only afterwards was a trafficking case opened against 10 trafficking suspects involved. Greater efforts can be made to avoid this through adequate training of enforcement personnel to better recognise such situations.

## **Training Law Enforcement Personnel**

Turkey has made significant strides in increasing legal protection for children vulnerable to commercial sexual exploitation. In order to give maximum effect to this progress, it is essential that Turkey has well trained law enforcement officials, who are knowledgeable about children's rights issues and child protection mechanisms. In addition to providing training, it is also essential that mechanisms are in place to control police corruption and police engagement in the commercial sexual exploitation of children. Beyond reports that some police officers who raid brothels are also regular "clients" of those brothels,<sup>401</sup> members of the military and police were prosecuted after complicity in human trafficking in 2012.<sup>402</sup> A report from January 2014 of eight soldiers being among 28 arrested for involvement in a prostitution ring which included many children indicates that this problem may be more widespread.<sup>403</sup>

The Juvenile Protection Law requires that all juvenile justice professionals receive special training on child law, social services, child development and psychology.<sup>404</sup>

Under three consecutive projects ('Towards Good Governance, Protection and Justice for Children in Turkey 2005', 'Children First 2008', and the current 'Justice for Children' project), the Ministry of Justice, the Ministry for the Family and Social Policies, the High Council of Judges and Prosecutors, the Justice Academy, prisons and detention houses, UNICEF (providing technical support) and the EU (providing funding) have been developing a training programme to provide best practice information regarding, inter alia, children exposed to commercial sexual exploitation. The main objective of the training is to "ensure that all professionals have a common understanding of child rights, national and international legislation, communication, child development, inter-sectoral coordination and childspecific judicial procedures."405 Training has been given to judges, prosecutors, lawyers, police officers and social workers. The long term plan is that the programme will eventually be rolled out to all relevant personnel working in the juvenile justice system, sensitising them to the needs of children in contact with the law, whether as suspects, victims or witnesses. The training programme is also to be institutionalised within the framework of the Justice Academy of Turkey in order to provide consistent training.406

According to the members of the Child Rights Committee of the Ankara Bar Association, the attitudes of judges and prosecutors who have participated in training with respect to granting judicial authorisation for child marriages "are changing."<sup>407</sup> Several judges and prosecutors have identified their own need to "improve their skills in listening to children and treating them as individuals."<sup>408</sup> Until the law allowing marriages at 16 with the consent of a judge is remedied, this may have an impact in discouraging the granting of authorisation.

The Ministry of Foreign Affairs stated that training has been given to law enforcement officials regarding human trafficking, although little specific information has been provided.409 The Turkish National Police and the Jandarma paramilitary police have reportedly led multiple trafficking trainings for officers.<sup>410</sup> Turkish armed forces also undertake anti-trafficking training prior to deployment abroad on international peacekeeping missions.411 It is unknown if these training sessions contain specific information related to CSEC. In its 2013 TIP report, the US Department of State recommended that Turkey increase the focus on training law enforcement personnel to recognise signs of non-physical control methods employed by traffickers including psychological coercion, document control and threats.412 Efforts have also been made by IOM through its afore-mentioned "Counter

Trafficking in Human Beings through Legal Assistance to Trafficked Persons and Enhanced Judicial Cooperation-Turkey BSEC Region" project, which focuses on training law enforcement officials, barristers and judges on the application of the revised Penal Code and Criminal Procedure Code and a core-group of experts on trafficking.<sup>413</sup>

In 2006, the Computer Facilitated Crimes against Children International Law Enforcement Training (provided by the International Centre for Missing and Exploited Children, Microsoft and INTERPOL) was given to law enforcement officials in Turkey. Three officers were provided with new investigative techniques including how to conduct online investigations as well as the most effective methods for handling evidence. Following this training, one law enforcement officer created an in-house training programme to continue the education of law enforcement officers on crimes against children.<sup>414</sup> Efforts continue through several training programmes sponsored by the EU at various locations, though these are not coordinated.<sup>415</sup>

The Organization for Security and Cooperation in Europe has developed the OSCE Action Plan to Combat Trafficking in Human Beings. In an effort to assist Turkey in developing capacity building in the area of human trafficking, training seminars and workshops took place in Turkey for law enforcement personnel in 2011. The training included promoting an understanding of the role of law enforcement officials in informing trafficked persons and presumed trafficking victims of their human rights, as well as referring them to assistance providers.<sup>416</sup>

## **CHILD AND YOUTH PARTICIPATION**

Turkey is obliged to respect the views of the child under Article 12 of the Convention on the Rights of the Child. According to Article 90 of the Turkish Constitution,<sup>417</sup> the CRC takes precedence over national law. Articles 4, 6 and 10 of the European Convention on the Exercise of Children's Rights<sup>418</sup> relate to the right of a child to participate in legal proceedings affecting him or her. Similarly, under the Juvenile Protection Law 2005, any decisions made according to the provisions of the law must take into consideration the opinion of a child who possesses adequate capacity; and children are entitled to participate in legal proceedings and to be informed in regard to them if they are involved in the proceedings.<sup>419</sup> The MFSP presented its National Youth Policy which, according to the United Nations Development Group (UNDG) in Turkey, promotes youth participation as a key issue.<sup>420</sup> A 2008 research project,<sup>421</sup> 2009 study<sup>422</sup> and 2010<sup>423</sup> briefing regarding the National Youth Policy aided in the formation of the present draft. A specific national agency should be up and running by 2015 to implement this National Youth Policy while ensuring the meaningful participation of youth.<sup>424</sup>

The 2008 UN Development Programme (UNDP) Turkey Human Development Report titled "Youth in Turkey"425 placed particular emphasis on child and youth participation, suggesting that there is a need in the country to develop a comprehensive and participatory youth policy to ensure youth involvement. Small scale research in Turkey has suggested a considerable portion of youth believe that society does not value young people and that young people are not included in any of the decision-making processes in society. A lack of selfconfidence, capacity and deficiencies in information were reported to be contributing factors to the lack of youth participation in Turkey.<sup>426</sup> These factors may be even more pronounced in youth who have experienced commercial sexual exploitation and who could potentially provide valuable input into new laws, policies or

programmes relating to this pertinent issue.

Particular participation programmes appear reasonably successful. A National Children's Congress was first held in 2000 and involved 700 participants, including a child from each of Turkey's 81 provinces.427 At the request of child participants, it was decided in 2000 that the event would continue as an annual forum.428 The annual Child Forum established through this 2000 Congress is supported by the Child Rights Monitoring Committee (Parliament and UNICEF) and the Ministry for Family and Social Policies.<sup>429</sup> Children identify themes for the forums which have included a wide variety of topics aimed at increasing child participation, providing better education and health services, and reducing violence. In 2002, "preventing violence and exploitation" was discussed. In 2006, children launched their own Rights of the Child promotion campaign. Children reportedly have a long term dialogue with local Members of Parliament. The Forum has reportedly contributed to a draft National Action Plan for Children, including contributions regarding violence towards and exploitation of children.430

Two child right's committees have been set up in each of Turkey's 81 provinces: one made up of adults and one made up of children. Together, the committees have been tasked with identifying priority issues and proposing solutions for the National Congress. Each year on Child Rights Day, one girl and one boy representative from each province of Turkey visits Parliament to discuss their concerns and recommendations.<sup>431</sup> In 2011, these representatives discussed the new Constitution of Turkey and submitted their list of recommendations.<sup>432</sup>

In 2011, the International Youth Leadership Academy was established in Istanbul. This institution, in collaboration with Habitat Center for Development and Governance, provides training for young people on democracy, rights, participation and communication.<sup>433</sup>

The Child Rights Monitoring Committee was designed to provide an institutionalised structure for child rights initiatives and aims to overcome "all deficiencies regarding the implementation of children's rights in Turkey."<sup>434</sup> In terms of child and youth participation, the Committee requests children to bring their problems and feedback to the attention of the Committee.<sup>435</sup> Opportunity for children to communicate with the Committee is provided through the Committee's website.

In relation to child and youth participation in other non-government settings, the Children's Advisory Group (CAG) was set up by the ICC in 2010. This group of 11 children participates in ICC's decision-making processes. The CAG wrote a children's report as a contribution to Turkey's reporting to the UN Committee on the Rights of the Child. The ICC states that the children's report had a significant impact on the concluding observations issued by the Committee on 18 June 2012.<sup>436</sup>

## PRIORITY ACTIONS REQUIRED

Turkey has demonstrated a pattern of progress in the area of children's rights over recent years. Implementation of the following 'priority actions' will assist in the continuation and improvement of this pattern.

## **Child protection structures**

- A comprehensive, well-resourced and strategic National Action Plan to protect children should be adopted and implemented. The plan should address all manifestations of CSEC, and should include clear monitoring and evaluation mechanisms. Alternatively, within NPAs already established (National Child Rights Strategy and Action Plan or NPA on Violence against Children), it is recommended that adequate measures are included to combat CSEC as part of a comprehensive plan to promote child wellbeing in Turkey. This would remedy the disjointed approach to child welfare currently seen in the various NPAs relating to children.
- National laws relating to child pornography/child sexual abuse materials could be strengthened by specifically defining and referring to child pornography rather than including it under the vague term, "obscene" material.
- The discrepancies in the age of children in the different national laws (the Civil Code, Penal Code, Child Protection Law) should be streamlined, so that a child is consistently viewed as an individual under the age of 18 in Turkish law. This could be inserted into the Constitution.
- The minimum age of marriage should be increased to 18 without exceptions to bring national law in line with international standards. There should be additional efforts to enforce these laws and to gather statistics on unregistered religious marriages, particularly of children under the age of 16.
- The laws relating to prostitution should be amended to clarify that "any other form of consideration" in place of remuneration being accepted in exchange for sexual activity is also included. This may have an important impact on child brides.
- While the new Ministry of Family and Social Policies appears to provide a good starting point for coordination and development of children's rights initiatives, monitoring and evaluation of the new system needs to be improved to ensure

functionality and efficacy. The Ministry should also improve the information available on its current website and present it in an interactive and resourceful format.

Prevention

- Data collection and reporting needs to be improved. Organisations collecting, analysing and disseminating data need to ensure adequate disaggregation in relation to age and sex in order to improve protection mechanisms and to allow for adequate monitoring and evaluation of projects relating to child protection.
- Turkey should complete the procedures which have been set in motion to finalise the ratification of the Council of Europe Convention on Action Against Trafficking in Human Beings.
- There is a strong focus on human trafficking in Turkey; however, the specific victimisation of children in the area of human trafficking could be given more attention in government projects and awareness-raising activities, as could the other manifestations of CSEC.
- Research suggests Turkish parents are particularly unaware of child Internet safety issues;<sup>437</sup> it is therefore recommended that parents of children and youth in Turkey receive education and targeted awareness-raising on this issue. This could include awareness-raising through the education services that already exist, such as the government run InternETIK and Safeweb.<sup>438</sup>
- Turkish children appear to have few Internet skills and a particularly low level of knowledge about Internet safety usage skills compared to other children in and around the European Union.<sup>439</sup> This should be remedied through contextual, up-to-date and relevant education in schools and through awareness-raising activities to allow for Turkish children to use the Internet in a safe and beneficial manner.
- Turkey should ensure Internet-safety mechanisms are democratic and effective, and do not involve arbitrary censorship. Aside from human rights issues inherent in this unfortunate trend, the backlash against such arbitrary censorship may hinder child protection efforts.
- The production of the annual trafficking reports appears to have ceased. These could be continued with an additional focus on child trafficking and potentially other forms of child exploitation. Turkey appears to have reasonable data collection and research methods (as evidenced in the Turkish International Academy against Drugs and Organised Crime annual reports) in place to investigate 'hidden populations' existing in the area of human

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trafficking. This could be extended to cover child victims of trafficking as well as child victims of pornography, sex tourism and prostitution.

Primary Education and Education Law, No. 6287 (dated 3 March 2012) should be reviewed and possibly revised in order to ensure that the system is not manipulated to allow for early child marriage. Similarly, a monitoring and evaluation programme of the new law should be implemented. Any similar law changes should go through a public consultation process or at least involve consultation with the National Education Council.

## Protection

- While the implementation of an Ombudsman for Women and Children was an important and commendable step, efforts to increase the awareness of, and accessibility to, the Ombudsman should be increased so at-risk children or child victims of commercial sexual exploitation are able to make full use of the legal structures available. Following the example of other Turkish institutions, a website, helpline, or well-planned awareness-raising campaign could be used to achieve this goal.
- The 157 trafficking helpline should develop a specialised protocol for assisting children. Similarly, awareness-raising of the 183 helpline for women, children and persons with disabilities should be increased. The establishment of the 116000 helpline, as a child-specific service, should be promoted.
- Social pressure in some areas of Turkish society may lead to child brides staying silent about abuse due to fear of honour killings. This requires a large scale awareness-raising campaign of services available to assist child brides, as well as a campaign to educate and inform communities about children's and women's rights.
- Complaint mechanisms and the courts' system should be made accessible to all children, making provisions for the regional, linguistic, economic and social diversity of children in Turkey. Information targeted at children ought to be available in various languages taking into account linguistic minority groups in Turkey and common countries of origin of trafficking victims.

- The government should ensure it meets its current legislative mandate under the Law on Municipalities to provide adequate shelter for victims of violence. Across-the-board training in violence, particularly commercial sexual violence relating to children, should be conducted with all staff working in these centres.
- NGO and government shelters need to be prepared to adequately deal with the specific needs of child victims of abuse and exploitation. In particular, there is a need for appropriate facilities for girls under 18 who have been through a divorce or separation after a child marriage.

Child and youth participation

Mechanisms should be developed to ensure diversity of children who participate in matters affecting them; in particular, opportunities to work with established child and youth participation initiatives should be made available to children in lower socio-economic groups, Kurdish children and children affected by CSEC, if they wish to participate.

## ANNEX

## The Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents\*

Note: This is a condensed version. The full Rio Declaration and Call to Action also contains: Preamble; A. Review of progress and outstanding challenges; and B. Declaration.

## C. Call for Action

We call on all States, with the support of international organizations and civil society, including NGOs, the private sector, adolescents and young people to establish and implement robust frameworks for the protection of children and adolescents from all forms of sexual exploitation, and we call upon them to:

### I - International and Regional Instruments

- (1) Continue working towards ratification of relevant international instruments, including as appropriate the United Nations Convention on the Rights of the Child and the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, ILO Convention 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and the Convention on the Elimination of All Forms of Discrimination against Women.
- (2) Continue working towards ratification of relevant regional instruments, including as appropriate the African Charter on the Rights and Welfare of the Child, the ASEAN Charter, the Inter-American Conventions on International Traffic in Minors and on the Prevention, Punishment and Eradication of Violence against Women, the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, and the Council of Europe Conventions on Action against Trafficking in Human Beings, on Cybercrime and on the Protection of Children against Sexual Exploitation and Sexual Abuse, conventions which can be ratified by States that are nonmembers of the Council of Europe.
- (3) State Parties should take all necessary measures to implement the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, taking into due accounts the conclusions and the recommendations of the Committee on the Rights of the Child in the context of its review of State Parties'

\* The Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents (2008), full text available at: http://www.ecpat.net/WorldCongressIII/PDF/Outcome/WCIII\_Outcome\_Document\_Final.pdf

reports. All countries are encouraged to use this as an important reference.

#### II – Forms of Sexual Exploitation and its New Scenarios

### Child pornography/child abuse images

- (4) Criminalize the intentional production, distribution, receipt and possession of child pornography, including virtual images and the sexually exploitative representation of children, as well as the intentional consumption, access and viewing of such materials where there has been no physical contact with a child; legal liability should be extended to entities such as corporations and companies in case the responsibility for or involvement in the production and/or dissemination of materials.
- (5) Undertake specific and targeted actions to prevent and stop child pornography and the use of the Internet and new technologies for the grooming of children into online and off-line abuse and for the production and dissemination of child pornography and other materials. Victim identification, support and care by specialized staff should be made a high priority.
- (6) Conduct educational and awarenessraising campaigns focusing on children, parents, teachers, youth organizations and others working with and for children with a view to improve their understanding of the risks of sexually exploitative use of the Internet, mobile telephones and

other new technologies, including information for children on how to protect themselves, how to get help and to report incidences of child pornography and online sexual exploitation.

- (7) Take the necessary legislative measures to require Internet service providers, mobile phone companies, search engines and other relevant actors to report and remove child pornography websites and child sexual abuse images, and develop indicators to monitor results and enhance efforts.
- (8) Call upon Internet service providers, mobile phone companies, Internet cafes and other relevant actors to develop and implement voluntary Codes of Conduct and other corporate social responsibility mechanisms together with the development of legal tools for enabling the adoption of child protection measures in these businesses.
- (9) Call upon financial institutions to undertake actions to trace and stop the flow of financial transactions undertaken through their services which facilitate access to child pornography.
- (10) Set up a common list of websites, under the auspices of Interpol, containing sexual abuse images, based on uniform standards, whose access will be blocked; the list has to be continuously updated, exchanged on international level, and be used by the provider to perform the access blocking.

- (11) Undertake research and development, in the realm of the private sector, of robust technologies to identify images taken with electronic digital devices and trace and retract them to help identify the perpetrators.
- (12) Promote public/private partnerships to enhance the research and development of robust technologies to investigate and to trace the victims with a view to immediately stop their exploitation and provide them with all the necessary support for full recovery.
- (13) Make technologies easily available, affordable and usable for parents and other caregivers, including to assist with the use of filters to block inappropriate and harmful images of children.

## Sexual exploitation of children and adolescents in prostitution

- (14) Address the demand that leads to children being prostituted by making the purchase of sex or any form of transaction to obtain sexual services from a child a criminal transaction under criminal law, even when the adult is unaware of the child's age.
- (15) Provide specialized and appropriate health care for children who have been exploited in prostitution, and support child centered local models of recovery, social work systems, realistic economic alternatives and cooperation among programmes for holistic response.

## Sexual exploitation of children and adolescents in travel and tourism.

- (16) Encourage and support the tourism, travel and hotel sectors in adopting professional Codes of Conduct, for example by joining and implementing the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism; encourage the use of businesses that put in place appropriate child protection-focused corporate social responsibility strategies; and/or provide other incentives for those participating.
- (17) Ensure that all stakeholders pay specific attention to unregulated tourism to prevent domestic and international travellers from sexually exploiting children and adolescents.
- (18) Cooperate in the establishment of an international travel notification system, such as the Interpol 'green notice' system, in accordance with applicable law and human rights standards.
- (19) Ensure investigation and, where sufficient evidence exists, that appropriate charges are brought and vigorously pursued against the State's nationals who are reported or alleged to have sexually exploited a child in a foreign country.
- (20) Prohibit the production and dissemination of material advertising the sexual exploitation of children in tourism; and alert travellers to criminal sanctions that will apply in cases of sexual exploitation of children.

(21) Monitor new and emerging tourist destinations and establish proactive measures to work with private sector partners involved in the development of tourism services on measures to prevent the sexual exploitation of children and adolescents, including the use of socially and environmentally responsible strategies that promote equitable development.

Trafficking and the sexual exploitation of children and adolescents

- (22) Mobilize communities, including children and adolescents with a view to engaging them in dialogue on and a critical review of social norms and practices and economic and social conditions that make children vulnerable to trafficking, and establish procedures that involve them in developing strategies and programmes where they participate, where appropriate, in the planning, implementation and monitoring of such programmes.
- (23) Pilot and adapt or replicate successful models of community-based prevention and rehabilitation and reintegration programmes for child victims of trafficking.
- (24) Establish policies and programmes that address not only cross-border but also internal trafficking of children and that include, among other elements, a standard operating procedure for the safe repatriation and return of children based on the child's view and on a careful assessment of the needs and risks to the child of returning to her/his place of origin to ensure that

the best interests of the child are taken into account.

- (25) Continue strengthening cross-border and internal cooperation of law enforcement officials, for example by establishing coordinating units with a mandate to issue clear guidelines for child centered investigation of cases of trafficking of children and for treating trafficked children not as criminals but as victims in need of protection.
- (26) Take legislative and other measures to ensure that a guardian is appointed without delay for every unaccompanied trafficked child, that an effective system of registration and documentation of all trafficked children is established, and that every trafficked child is provided with not only short-term protection but also with the necessary economic and psycho-social support for full and long-lasting recovery and social reintegration (in line with the UNICEF

Guidelines on the Protection of Child Victims of Trafficking and UNHCR Guidelines on Formal Determination of the Best Interests of the Child).

(27) Undertake and/or support, with the involvement of civil society and children, the regular evaluation of programmes and policies to prevent and stop the trafficking of children and of legislation that may have a conducive impact on trafficking, for example laws on marriage, free education, adoption and migration, birth registration, accordance of citizenship, refugee or other status.

### III – Legal Frameworks and Enforcement of the Law

- (28) Define, prohibit and criminalize, in accordance with existing international human rights standards, all acts of sexual exploitation of children and adolescents in their jurisdiction, irrespective of any set age of consent or marriage or cultural practice, even when the adult is unaware of the child's age.
- (29) Establish effective extraterritorial jurisdiction, abolishing the requirement of double criminality for offences of sexual exploitation of children and adolescents, and facilitate mutual legal assistance, in order to achieve effective prosecution of perpetrators and appropriate sanctions. Make all acts of sexual exploitation of children and adolescents an extraditable offence in existing or newly established extradition treaties.
- (30) Designate a lead law enforcement agency, where appropriate to national circumstances, to proactively enforce extraterritorial laws related to sexual exploitation of children and adolescents.
- (31) Ensure that child victims of sexual exploitation are not criminalized or punished for their acts directly related to their exploitation, but are given the status of victim in law and are treated accordingly.
- (32) Establish special gender sensitive units/children's desks within police forces, involving when appropriate other professionals like health care and social workers and teachers, to address sexual crimes against children, and provide specialized training to judicial and law enforcement personnel.

- (33) Address corruption in law enforcement and the judiciary, as well as other authorities with a duty of care to children, recognizing corruption as a major obstacle to effective law enforcement and protection for children.
- (34) Establish and implement international, regional and national legal mechanisms and programmes for addressing sex offender behaviour and preventing recidivism, including through risk assessment and offender management programmes, the provision of voluntary extended and comprehensive rehabilitation services (in addition to but not in lieu of criminal sanctions as appropriate), safe reintegration of convicted offenders and the collection and sharing of good practices and establish where appropriate sex offenders registers.

#### IV – Integrated Cross-Sectoral Policies and National Plans of Action General

(35) Develop and implement comprehensive National Plans of Action on the sexual exploitation of children and adolescents, or include these in existing relevant planning frameworks, such as National Development Plans and ensure that these Plans are based in a cross-sectoral approach which brings all stakeholders together in a coherent and comprehensive framework for action. These Plans should incorporate gender-sensitive strategies, social protection measures and operational plans, with adequate monitoring and evaluation targeted resources and designated responsible actors, including civil society organizations for implementation of

initiatives to prevent and stop the sexual exploitation of children and adolescents and provide support for child victims of sexual exploitation.

- (36) Promote and support multisectoral policies and programmes, including community-based programmes, within the framework of a comprehensive national child protection system to address phenomena that contribute to the sexual exploitation of children and adolescents including, for example, discrimination (including on the basis of sex), harmful traditional practices, child marriage and social norms that condone sexual exploitation.
- (37) Promote and fund meaningful child and youth participation at all levels in the design, monitoring and evaluation of policies and programmes, in campaigns and through peer-to-peer youth programmes, aimed at raising awareness and preventing the sexual exploitation and trafficking of children and adolescents.
- (38) Initiate and support the collection and sharing of reliable information and cross-border cooperation, and contribute to databases on victims and perpetrators, to enhance assistance to children and address the demand for sex with children, in accordance with applicable laws.

## Prevention

- (39) Ensure that all children born on their territory are registered immediately and for free after their birth and pay special attention to not yet registered children and children at risk and in marginalized situations.
- (40) Strengthen the role of educational institutions and staff to detect, denounce and help address sexual

abuse and exploitation of children in all forms and sources.

- (41) Emphasize prevention of sexual exploitation of children and adolescents, through e.g. awareness raising and educational campaigns, support for parents and eradication of poverty while reinforcing or establishing multi-sectoral referral mechanisms to provide comprehensive support and services to children who have been victimized in sexual exploitation.
- (42) Support children to gain deeper knowledge of their own rights to be free from sexual exploitation, and the options available to help them to address abuse, so that they are empowered, with the partnership of adults, to end sexual exploitation.
- (43) Engage children in meaningful and critical examination of changing contemporary values and norms and their potential to increase vulnerability to sexual exploitation; and promote education to enhance children's understanding of these issues in relation to sexual exploitation.
- (44) Undertake research on contemporary patterns of socialization of boys and men across different contexts to identify factors that promote and strengthen boys' and men's respect for the rights of girls and women and engage them in action initiatives that inhibit and discourage them from engaging in sexual exploitation of children and adolescents.

## Protection of the child

(45) Increase efforts to address the sexual exploitation of children and adolescents through the

development of comprehensive and integrated national child protection systems, including the necessary budget allocations and based on identifications of settings where children are most at risk that aim to protect children from all forms of violence and abuse.

- (46) Establish by 2013 an effective and accessible system for reporting, follow up and support for child victims of suspected or actual incidents of sexual exploitation, for example by instituting mandatory reporting for people in positions of responsibility for the welfare of children.
- (47) Develop or enhance accessibility of existing telephone or web-based help lines, in particular for children in care and justice institutions, to encourage children and require care givers to confidentially report sexual exploitation and seek referral to appropriate services, and ensure that the operators of such reporting mechanisms are adequately trained and supervised.
- (48) Strengthen existing national child protection services or establish new ones in order to provide all child victims of sexual exploitation, girls and boys, without discrimination, with the necessary economic and psychosocial support for their full physical and psychological recovery and social reintegration, and when appropriate, family reunification and interventions that support and strengthen families to mitigate the risk of further exploitation; such services to be provided by well trained multidisciplinary teams of professionals.

- (49) Ensure that these services are accessible, appropriately resourced, comprehensive, child- and gendersensitive, and reach all children without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex (or orientation), and social origin and including children with disabilities, from ethnic minorities, indigenous or Aboriginal children, refugee or asylum-seeking and children in domestic service or living on the streets and children displaced by conflict or emergency situations.
- (50) Develop programs that provide children of sex workers and children living in brothels with support and protection.
- (51) Promote and defend the privacy of the child victims and child perpetrators of sexual exploitation, taking into account relevant national laws and procedures, to protect their identity in investigatory or court proceedings or from disclosure by the media and ensure that these proceedings are child friendly and allow the child to participate in a meaningful way in the process of bringing the perpetrator to justice.
- (52) Ensure that children and adolescents exhibiting acts of sexual violence harmful to others receive appropriate care and attention as a first option through gender-sensitive and childfocused measures and programmes that balance their best interest with due regard for the safety of others, and ensure compliance with the principle that depriving children of liberty should be pursued only as a measure of last resort, and ensure that those responsible for the care

of such children are equipped with relevant and culturally appropriate training and skills.

### V – International Cooperation

- (53) Take all necessary steps to strengthen international cooperation by multilateral, regional and bilateral arrangements for the prevention, detection, investigation, prosecution and punishment of those responsible for acts of sexual exploitation of children and adolescents; and for the assistance of child victims in their physical and psychological recovery, social reintegration and, as appropriate, repatriation.
- (54) Establish and/or improve by 2013 concrete mechanisms and/or processes to facilitate coordination at national, regional and international levels for enhanced cooperation among government ministries, funding bodies, UN agencies, NGOs, the private sector, workers' and employers' organizations, the media, children's organizations and other representatives of civil society with a view to enabling and supporting concrete action to prevent and stop the sexual exploitation of children and adolescents.
- (55) Strengthen and improve the effectiveness of existing regional mechanisms for exchange, coordination and monitoring of progress on child protection including against sexual exploitation in order to review progress and strengthen follow-up on the implementation of the recommendations made.

- (56) Provide, when in a position to do so, financial, technical and other assistance through existing multilateral, regional, bilateral and other programmes for addressing the sexual exploitation of children and adolescents; and explore the potential of a fund for child and youth initiatives in this area.
- (57) Develop, where appropriate with the support of UN agencies, NGOs, civil society organizations and the private sector, workers' and employers' organizations, policies and programmes to promote and support corporate social responsibility of enterprises operating inter alia in tourism, travel, transport and financial services, and of communication, media, Internet services, advertising and entertainment sectors; so that child-rights focused policies, standards and codes of conduct are implemented throughout the supply chain and include an independent monitoring mechanism.
- (58) Support and contribute to the Interpol international child abuse images database and nominate a responsible national focal point person or unit to collect and update promptly national data on sexual exploitation of children and adolescents, and systematically share this information with Interpol in order to support cross-border (international) law enforcement action and strengthen its effectiveness, and adopt multilateral agreements especially for police investigation work.
- (59) Undertake national and international coordinated measures to curb and stop the involvement of

organized crime in commercial sexual exploitation of children and bring persons and/or legal entities responsible for this form of organized crime to justice.

### VI – Social Responsibility Initiatives

We encourage the private sector, employers' and workers' organizations, to proactively engage in all efforts to prevent and stop the sexual exploitation of children and adolescents, and to use their knowhow, human and financial resources, networks, structures and leveraging power to:

- (60) Integrate child protection, including the prevention of sexual exploitation of children, into new or existing corporate social responsibility policies of enterprises operating inter alia in tourism, travel, transport, agriculture and financial services, and of communication, media, Internet services, advertising and entertainment sectors, and ensure appropriate implementation of such policies and widespread public awareness.
- (61) Incorporate the prevention and protection of children from sexual exploitation in human resources policies, such as Codes of Conduct and other corporate social responsibility mechanisms throughout the supply chain.
- (62) Join efforts with Governments, UN agencies, national and international NGOs, and other stakeholders to prevent the production and dissemination of child pornography, including virtual images and the sexually exploitative representation of children, and stop the use of the Internet and new technologies for the

grooming of children into online and off-line abuse; undertake actions to trace and stop the flow of financial transactions for sexual exploitation of children through the services of financial institutions; support efforts to address the demand for sexual exploitation of children in prostitution and the strengthening of services for children victims and their families, including the establishment of accessible telephone or web-based help lines; and provide support for educational and awareness-raising campaigns targeting children, parents, teachers, youth organizations and others working with and for children, on the risks of sexual exploitation of children, sexually exploitative use of the Internet, mobile phones and other new technologies as well as on protective measures.

### VII – Monitoring

(63) Establish by 2013 independent children's rights institutions such as children's ombudspersons or equivalents or focal points on children's rights in existing human rights institutions or general ombudsperson offices, highlighting the importance for States Parties to the Convention on the Rights of the Child of General Comment No 2 of the Committee on the Rights of the Child; these bodies should play a key role in the independent monitoring of actions taken for the prevention of sexual exploitation of children and adolescents, protection of children from such exploitation and the restoration of the rights of sexually exploited children, in advocating for effective legal frameworks and enforcement and in ensuring, where necessary, that child victims have

effective remedies and redress, including the possibility of filing complaints before these institutions.

We encourage the Committee on the Rights of the Child to:

- (64) Persevere with reviewing progress of States Parties' fulfilment of their obligations to uphold the right of children to protection from sexual exploitation and pay special attention to the recommendations in the Rio Call for Action in its examination of reports under the Convention on the Rights of the Child and its Optional Protocols.
- (65) Adopt as a matter of priority a General Comment on the right of the child to protection from sexual exploitation, trafficking for sexual purposes, and the abduction and sale of children, including detailed guidance to States on the development, implementation and enforcement of national legislation and policies in this regard.
- (66) Continue to work with the Office of the High Commissioner for Human Rights in protecting child rights, and raising awareness of relevant international and regional human rights mechanisms.

We encourage other United Nations human rights treaty bodies, special procedures of the Human Rights Council and special representatives of the United Nations Secretary-General, as well as regional human rights mechanisms, to:

(67) Pay particular attention to combating the sexual exploitation of children and adolescents, within their respective mandates and during their examination of State Parties' reports, country visits, in their thematic work and/or other activities. We urge the Human Rights Council to:

(68) Ensure that the Universal Periodic Review process includes rigorous examination of States' fulfilment of their obligations to children, including preventing and stopping the sexual exploitation of children and adolescents and to respectfully the rights of child victims of such exploitation.

We urge the yet-to-be-appointed Special Representative of the Secretary-General on Violence against Children, the Special Representative of the Secretary-General for Children and Armed Conflict, the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography and the Special Rapporteur on Trafficking in Persons, especially in Women and Children, together with other appropriate mandate holders and in collaboration with the Committee on the Rights of the Child, to:

(69) Work together to avoid duplication and to maximise their impact in preventing and stopping the sexual exploitation of children and adolescents and, through their work, map experiences in the area of prevention and response to sexual exploitation of children and asses their effectiveness.

We encourage UN agencies, NGOs and human rights institutions to:

- (70) Support and provide information on the extent of and responses to sexual exploitation of children and adolescents to these bodies.
- (71) Work with the media to enhance their role in education and empowerment, and in protecting children from sexual exploitation, and to mitigate

the harmful potential of the media, including through the sexualization of children in advertising.

We call on international financial institutions such as the World Bank and the International Monetary Fund to:

(72) Review their current macro-economic and poverty reduction strategies with a view to counteracting any negative social impact on children and their families, including loan conditionality which essentially limits social services and access to rights and minimizing the risk for children to sexual exploitation. We call on religious communities to:

(73) Reject, in the light of their consensus about the inherent dignity of every person, including children, all forms of violence against children including sexual exploitation of children and adolescents and establish, in that regard, multi-religious cooperation and partnership with other key stakeholders such as governments, children's organizations, UN agencies, NGOs, media and the private sector using their moral authority, social influence and leadership to guide communities in ending sexual exploitation of children and adolescents.

## C. Call for Action

(1) We commit ourselves to the most effective follow-up to this Call for Action:

- At the national level, inter alia, by biennial public reporting on the measures taken for the implementation of the Rio Declaration and Call for Action and promoting/ initiating discussions on the progress made and the remaining challenges to named responsible mechanisms for monitoring implementation while also integrating such requirements into State reporting to the Committee on the Rights of the Child.
- At the international level, by encouraging and supporting coordinated actions by the relevant human rights treaty bodies, special procedures of the Human Rights

Council and Special Representatives of the Secretary-General of the United Nations with a view to maintaining awareness of the Rio Declaration and Call for Action and promoting its implementation.

(2) Encourage the private sector to join the United Nations Global Compact and communicate their implementation progress with regard to addressing the sexual exploitation of children and adolescents and supporting the realization of this platform for coordinated corporate efforts and sharing of best practices.

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"ARTICLE 49- (1) The residence permit granted to allow for a period of recovery and reflection may be extended for six-month periods at most for the safety, health or special circumstance of the victim. However these periods shall not, in any case, be in excess of three years in total. (2) The residence permit may be cancelled in cases when it is determined that the victim or the foreigner, strongly suspected of being a victim, has on his or her own initiative re-established relations with the perpetrators of the crime. **ARTICLE 55-** (1) Regardless of whether they fall under the scope of Article 54 (those against whom a deportation decisions shall be issued) of this Law, a removal decision shall not be issued against those:... ç) who are victims of human trafficking benefitting from victim support processes, d) who are victims of psychological, physical or sexual violence until their treatment is completed.

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