**Contributions by the Republic of Türkiye**

**Ministry of Justice**

Sale and sexual exploitation of, or other forms of sexual conduct against children are criminalized under the Turkish Penal Code (TPC – No.5237). While the TPC lays down the conditions of criminal liability, framing issues pertaining to substantive law, the Code of Criminal Procedure (CCP – No.5271) sets forth procedural safeguards, such as, inter alia, mandatory legal representation for children, irrespective of the crime committed against them.

Victims and survivors are provided with a wide range of supportive services, legal, medical or psycho-social in nature.

National legislation encompasses a set of measures in relation to civil, criminal and administrative law. Beside relevant provisions of the TPC and CCP, Turkish Civil Code (No.4721), Turkish Code of Obligations (No.6098), Child Protection Law (No.5395), The Law on the Protection of Family and Prevention of Domestic Violence Against Women (No.6284), and the Presidential Decree on Supporting Victims of Crimes (No.63), embody such measures, and constitute the main legal framework on the subject. Based on statutory provisions, there are also regulations at secondary level of legislation.

Regarding civil law and administrative measures, under the Laws No.5395 and 6284, both judicial and administrative authorities can resort to a number of necessary measures in protecting and supporting victims.

The Law No.5395 guarantees the rights and best interest of the child. It envisages different types of measures regarding children in need of protection, ranging from consultancy, educational or medical services to placement in an institution, as a last resort. The Law stipulates the principles and procedures in taking those measures, along with the provisions concerning establishment, duties and capacities of juvenile courts.

Victims in vulnerable situations, including children and victims of crimes committed against sexual integrity, are referred to treatment and rehabilitation programs, in case they need, as per article 7 of the Presidential Decree on Supporting Victims of Crimes (No.63). In addition to such programs, children who fell victim of sexual abuse enjoy certain rights and tailored services, such as, inter alia, benefiting with priority from vocational courses, economic and social programs by public institutions and/or non-governmental organizations, as well as facilitation of change of their residence, workplace, or school, where applicable and necessary, as per article 6 of the same Decree. It also laid down the legal foundation of the establishment of a dedicated department for victim services.

Some good practices in terms of legal and institutional measures in the context of judicial proceedings are as follows:

The Department of Judicial Support and Victim Services was established under the Turkish Ministry of Justice with a view to provide victims of crime with guidance and support services that they need in the course of judicial process. The Department was mandated to inform all victims of crime, with a particular focus on children, about their rights and services available to them, as well as to effectively support victims in vulnerable situations in order to foster their unhindered access to justice and reparation. It has local branches in courthouses throughout the country.

Those units operating under the umbrella of the Department play a crucial role in informing victims of available supportive services rendered by both public institutions and civil society, so ensure their provision in a holistic way. Taking into consideration the individualized needs, these units take appropriate action for the protection, support, representation and rehabilitation of victims, in the course of both civil and criminal proceedings. In case victims are in need of support even after the completion of judicial process, they are directed to relevant institutions, such as Ministry of Family and Social Services and/or Ministry of Health.

The Department has also prepared a Guideline for practitioners, primarily law enforcement, health and judicial professionals, who get in touch with victims, incorporating basic standards and principles in approaching victims of crime into a single document, so as to ensure standardization.

As part of the efforts in creating child-friendly settings in criminal justice system, special interview and monitoring centers equipped with appropriate tools and staffed with a multi-disciplinary approach were established within courthouses and major state hospitals, particularly for victims of sexual offences.

Procedural safeguards, within the context of preventing secondary or repeating victimization, for those in vulnerable situations, including children are, inter alia, set out by article 236 of the CCP. The article is mainly addressing the question of how testimonies of crime victims should be taken in the course of legal proceedings.

The article stipulates that where the crime victim is heard as a witness, provisions related to the status of witnesses, except the obligation of taking oath, should apply. The child or the victim who has suffered psychological damages stemming from the offence committed, is heard, by rule, only one time during the proceedings, unless compelling reasons require otherwise for the sake of establishing factual truth, according to the same article. In this case, an expert in the fields of psychology, psychiatry, medicine or education should necessarily be present and accompany the victim during hearing.

Ensuring the ways of creating victim friendly -rather than suppressing- physical environments, the article also constitutes the legal basis of Judicial Interview Rooms (AGOs) and Child Monitoring Centers (ÇİMs).

AGOs, Turkish acronym for “Judicial Interview Rooms”, were optimally designed for the needs and convenience of children with a view to avoid any undue confrontation with perpetrators and to reduce secondary victimization are in now operation in 147 courthouses.

Victims are interviewed in these rooms with the help of experts, such as psychologists, pedagogues or social workers and the interview is transmitted to the courtroom, via technological means, where the hearing is being held, in a way respecting defendant's due process rights, such as cross-examination. This setting highly contributes to eliminating the risk of secondary victimization emanating from undue confrontations.

ÇIMs, Turkish acronym for “Child Monitoring Centers”, were established to conduct all necessary actions –be it judicial, medical or forensic- for the victims of sexual abuse at one time, in a single place so they can be better protected against secondary victimization. These centers are in operation at state hospitals.

In line with policy objectives set out by National Action Plan on Human Rights and Judicial Reform Strategy, a new model of “Child Justice Center”, bringing together all essential services and units dedicated to children, has been developed.

Moreover, physical arrangements, such as reception areas and playgrounds specially designed for children, are under development in courthouses in order to let them feel safer and more confident.

As for compensation of pecuniary and non-pecuniary damages, deriving from crimes committed against children, full compensation could be claimed, by invoking general provisions of Turkish Civil Code and Code of Obligations in this regard, and where any kind of state responsibility allegedly exists, full remedy action could also be taken before administrative courts.