General context:

1. **What measures have been taken to implement the recommendations of the last report of the Secretary-General on the issue of child, early and forced marriage (A/75/262)?**

* Activities carried out within the scope of the **Provincial Action Plans For Combating Early And Forced Marriages**, which are in force in 19 provinces (Diyarbakır, Şanlıurfa, Mardin, İzmir (district of Kiraz), Antalya, Kars, Ağrı, Iğdır, Van, Muş, Bitlis,Gaziantep, Kilis, Nevşehir, Yozgat, Aksaray, Niğde, Hatay, have been continued.
* Fourth **National Action Plan on Combating Violence against Women,** entered into force on 30 June 2021, Plan includes activities related to combating early and forced marriages.
* **Awareness activities** (training, seminars, and conferences) for different target groups on combating violence against women and early and forced marriages were organized in 81 provinces. Within the scope of these activities, 70,376 public personnel, 37,561 citizens, 11,873 Muhtars, 10,753 university personnel and students, 7,199 ranker and 6,061 soldiers were reached in 2021.
* **A Joint Work Plan** was signed for **the** **third period** between the Ministry of Family and Social Services and the United Nations Children's Fund (UNICEF). Within the scope of the Joint Work Plan, "combating against early and forced marriages" trainings were organized for approximately **1500 public servants** working **in the fields of social services, law enforcement and the military**.
* Within the scope of the Joint Work Plan, a Project was carried out in which **examples of good practices** applied to combat early marriages in different countries were examined and these examples were reported in order to form the basis for the policies of our Ministry.
* **An Experience Sharing Workshop on Combating Early and Forced Marriages** was organized in order to announce the work of the provinces where activities are carried out within the scope of the Provincial Action Plans for Combating Early and Forced Marriages, to provide mutual support regarding the problems encountered during the studies, to solve the problems with a common mind and to produce new projects. Some of the good practice examples presented in the Workshop are *“Girls Football Team”, “Preventing Early Marriages for Refugee Population”, “Investigating the Causes and Consequences of Early and Forced Marriage”, “Household Visits for Absent Students”, “Role Model Women Meetings”.*
* As CEFM is recognized one of the main drivers for school dropouts, Ministry of National Education have carried out an IPA II Project entitled “Inreasing Atttendance and Enrollment Rates in Secondary Education”, aiming at decreasing absenteeism and grade repetition with a specific focus on girls.
* **National legislation encompasses a set of measures in relation to civil, criminal and administrative law. Turkish Civil Code (No.4721), Turkish Penal Code (No.5237), Child Protection Law (No.5395) and The Law on the Protection of Family and Prevention of Domestic Violence Against Women (No.6284), *inter alia*, embody the protection measures and frame the combat against the phenomenon of early and forced marriages.**

1. **What legislative actions have you taken to address the root cause of child, early and forced marriage? Any examples of legislation enacted, beyond minimum age of marriage, such as laws repealing or amending provisions that enable perpetrators of rape, sexual abuse or abduction to be exempted from prosecution and punishment by marrying their victims?**

* The legal age of marriage which is **eighteen,** is determined by the Turkish Civil Code, **but there are two exceptions.**
  + A person who completes **the age of 17** can marry with **the permission of his/her parents or legal guardians.**
  + A person who completes **the age of 16** can marry **with permission of the judge** under exceptional circumstances and on vital grounds.
  + With the introduction of new Civil Code in 2002, the statutory minimum age for marriage was **raised to 18** and evened for both genders. In the repealed one, it was 15 for women and 17 for men.
* Article 423 of the repealed Turkish Penal Code No. 765, "*the abolition of the penalty for sexual abuse of a girl who has completed the age of fifteen with marriage*" was abolished by the new Turkish Penal Code that came into force in 2005. With the new Penal Code, sexual acts against children are severely punished. No longer are perpetrators of sexual offences granted any kind of exemption from prosecution or punishment by marriage after the introduction of the new Turkish Penal Code.

1. **What measures have you adopted to support girls that are already married or in informal unions?** 
   * **Ensure their free, active and meaningful participation in decision-making on all issues affecting them, particularly when developing and implementing coordinated responses and strategies to prevent and eliminate child, early and forced marriage?**
   * **Protect their economic security and that of their families, including equal access to inheritance and property social protection, employment and financial services?**
   * **Support them to maintain or return to education, including technical and vocational education?**
   * **Ensure their access to health services, including services related to sexual and reproductive health?**
   * **Ensure their food and nutrition security, and their access to safe and affordable drinking water?**

Already married children who dropped out of their school are referred to Open High Schools, Vocational Open High Schools, or Imam Hatip Open High Schools that provide students with distance learning.

According to the Regulation on Guidance and Psychological Counseling Services (Part 7, Statement 21, Sub-item 2) school counselors are responsible for providing students with individual and/ or group guidance services as developmental and preventive practices. These services can be considered as preventive approaches to protect children from early, child, and forced marriages as well.

Apart from guidance services, the same statement (Part 7, Statement 21, Sub-item 2) points out the important role of school counselors in providing students with individual counseling. Therefore, individual counseling sessions to support, improve and monitor the social-emotional development of students who may be at risk for child marriages can be considered as one of the practices expected from school counselors within the scope of preventive approaches in fighting against child and forced marriages.

In addition to developmental and preventive guidance and psychological counseling services, public officials are obliged to notify the authorities when they learn that a crime has been committed. In case of detection of children and forced marriages, the school counselor has the obligation to notify the relevant authorities so legal, civil and/or administrative actions deemed necessary can be taken.

According to the Regulation on Guidance and Psychological Counseling Services, school counselors are responsible for providing support services such as working with other professionals (i.e. administrators, teachers) in collaboration and providing consultation to parents and/ or guardians. Therefore, school counselors can implement these support services in cases of early, child, and forced marriages to follow up with the case after reporting the crime.

1. **What actions do you take to support girls and women affected or at risk of child, early and forced marriage, especially those who have fled such a marriage or whose marriage has dissolved, and to support widowed girls or women who were married as girls?**

* A woman older than 18 who is a victim of early marriage can benefit from the **women's shelter** if she is a victim of violence or needs an accommodation.

Women's shelters are residential social service institutions where women exposed to abuse or violence physically, emotionally, sexually, economically and verbally can be temporarily accommodated with their children, if any, and their needs are covered providing protection from violence, solving and strengthening their psycho-social and economic problems.

* If a woman who marries early is a victim of violence, protective and preventive measures can be applied to her within the scope of **Law No. 6284**.
* **The Violence Prevention and Monitoring Centers** have started their services pursuant to the Law No.6284. These centers provide psychosocial support, legal support, education and vocational support, health support, economic support and guidance, counselling and guidance services, as well as monitoring and monitoring measures for victims of violence, within the scope of Law No. 6284 on the Protection of Family and Prevention of Violence against Women.

1. **What measures are in place to facilitate the access by girls and women risk for already married girls and women to protective mechanisms and services, including legal services, safe accommodation and psychosocial support?**

Please refer to the explanations given above. As for legal services please also refer to answers given in response to the fourth and fifth questions under the second section of the questionnaire.

1. **What progress is made in gathering data disaggregated by sex/gender, age, geographical location, socioeconomic status, disabilities, educational level and other factors, in particular on the situation of already married girls and girls in informal unions?**

Marriage data are recorded in **the Central Population Management System**, which is the electronic system of the Ministry of the Interior, General Directorate of Population and Citizenship Affairs. The marriage data is disaggregated **by sex, age, geographical location, educational level**.

1. **What research has been conducted on married girls, including widow girls and women, and whose husbands have left them to fight or seek refuge internally or across borders, or who have been drained or disappeared?**

**The 2018 Turkey Demographic and Health Survey** (TDHS) **Syrian Migrant Sample** was implemented by the Hacettepe University Institute of Population Studies. One of the major topics is included by The Woman’s Questionnaire is **“marriage history and marriage characteristics”**

1. **Please share any examples of national reports on CEFM submitted to relevant international treaty bodies and the Universal Periodic Review, and national voluntary reviews conducted through the high-level political forum on sustainable development?**

N/A.

**In the context of COVID-19 pandemic:**

1. **Please share data and evidence on the impact of the COVID-19 pandemic on the trend of child, early and forced marriage.**

According to the **marriage statistics** announced by **TURKSTAT**; the rate of official marriages of girls in the **16-17 age group** in total official marriages was **3.1%** **in 2019,** it **decreased** to **2.7%** **in 2020**. Since the marriage statistics for the years of 2021 will be announced on February 25, 2022, the marriage data for this year cannot be included within this report.

1. **What measures are taken to mitigate the impact of COVID-19 on girls and women survivors of CEFM and at risk? For instance, have you continued or enhanced the provision of protection and support services for survivors of gender-based violence, and adapted essential health-care services, including sexual and reproductive health-care services?**

* Within the scope of the epidemic, additional measures have been taken by many countries in the field of combating violence. **Turkey** also have immediately taken necessary steps to ensure that the services are not interrupted during the intensified combat against the **COVID-19 epidemic**.
* In this context, in order to provide the victims with the fastest access to help and institutional mechanisms in case of emergency, the **"0" key** in the hotline **183 Social Support Line** was assigned to the victims of violence, and the line was also enabled to serve over **WhatsApp** and **BIP** applications. In addition, **KADES** application and **155-156 emergency call lines** continued to serve actively.
* Measures have been taken, such as **health checks** of women and accompanying children residing in **women's shelters,** restriction of building entry and exit except in cases of emergency, cancellation of gathering events, periodic disinfection of shelter homes, and compliance with isolation rules. In addition, **65 facilities** (public institutions, dormitories, guesthouses, and hotels) in **49 provinces** were used for accommodation.
* **In-service training** and **awareness training** for the society are carried out in order to increase the awareness and response capacity of **healthcare professionals** on violence against women, to reduce the effects of violence on women's health, and to prevent secondary traumatization of women who are victims of violence. Between 2016-2021, a total of 537 health workers were provided with trainer training, a total of 208,135 health workers with in-service training, and a total of 846,524 participants with awareness training.
* In addition, a strategy has been added to the **4th National Action Plan for Combating Violence Against Women**, which entered into force in June 2021: *“Necessary measures will be taken to ensure that access to services and service delivery are not disrupted in extraordinary times such as disasters, emergencies, and epidemics.”* Under this strategy, 6 activities are included in order not to interrupt the services of combating violence against women in disasters and emergencies.

The strategies are mentioned below:

* + Institutions and units providing services before, during and after disasters and emergencies will review the detection and response processes in cases of violence and will create a handbook/guide that includes process-specific workflows, which will be included in training programs for the specialization of service providers.
  + Service models specific to extraordinary periods will be created and implemented according to the needs.
  + Families experiencing socio-economic problems specific to extraordinary periods will be identified in advance, and necessary support and preventive services will be provided to prevent violence.
  + Necessary measures will be taken to ensure continuity of service provision and access of victims of violence to institutional services in times of emergency.
  + Communication technologies will be used effectively so that the services can be provided and victims of violence can access such services in a rapid manner in times of emergency.
  + A report on good practices in different countries for the effective presentation of protective and preventive services specific to times of emergency will be prepared and shared with relevant institutions.
* A set of measures have also been made available for the victims of violence, including survivors of sexual violence and CEFM, in the course of judicial proceedings. Please refer to the answer to the fourth question under the following section of the questionnaire, for further detail.

**II: A report to the Human Rights Council on progress, gaps and challenges in addressing CEFM and measures to ensure accountability**

1. **Measures implemented to ensure accountability at the community and national levels, including the applicable legal framework, policies and programs.**

* Activities carried out within the scope of the **Provincial Action Plans For Combating Early And Forced Marriages**, which are in force in 19 provinces (Diyarbakır, Şanlıurfa, Mardin, İzmir (district of Kiraz), Antalya, Kars, Ağrı, Iğdır, Van, Muş, Bitlis,Gaziantep, Kilis, Nevşehir, Yozgat, Aksaray, Niğde, Hatay, have been continued.
* Fourth **National Action Plan on Combating Violence Against Women,** entered into force on 30 June 2021, includes activities related to combating early and forced marriages.
* **A Joint Work Plan** was signed for **the** **third period** between the Ministry of Family and Social Services and the United Nations Children's Fund (UNICEF). The Joint Work Program includes activities aimed at combating early and forced marriages.
* Within the scope of **"Technical Assistance for Supporting Children's Rights in Turkey" (**TR2017/RL/02/A3-01/001) initiated in November 2021, activities related to **combating early marriages** will be carried out.
* Prohibition of and penal sanctions for physical, sexual or psychological violence are included in the Turkish Penal Code (No.5237), while the Code of Criminal Procedure (No.5271) set forth procedural safeguards, such as, inter alia, mandatory legal representation for children, prohibition of penal mediation in sexual offences, etc.
* Protective provisions for children and in relation to the phenomenon of CEFM are also, directly or indirectly, included in laws, such as Turkish Civil Code (No.4721), Child Protection Law (No.5395), Law on the Protection of Family and Prevention of Domestic Violence Against Women (No.6284), Law on the Execution of Penalties and Security Measures (No.5275) and Code of Civil Procedure (No.6100).
* Based on statutory provisions, there are also regulations at secondary level of legislation.
* As for implementation of some of those provisions, please refer to the answer of next question.

1. **The legal consequences of CEFM, including criminal, civil, administrative and other legal consequences, as well as any documented effects, positive or negative, planned or unintended, of the application of legal framework.**

The issues in this question are within the scope of the Ministry of Justice. For this reason, it is considered that this questionnaire should also be forwarded to the Ministry of Justice.

CEFM is outlawed and may give rise to criminal liability under articles 103, 104 and 109 of the Turkish Penal Code, depending on the legal qualification of the facts. Family members directly involved or abetted the organization of an outlawed form of marriage could also face prosecution.

Article 103 of the Law is entitled “sexual abuse of children” and penalizes different types of sexual conduct, ranging from molestation to sexual intercourse.

Where children who have not completed fifteen years of age or, though having completed fifteen years, lack the competence to understand the meaning and consequences of such acts, the aforementioned article envisages imposition of at least sixteen years of imprisonment where sexual intercourse is in question. In this case, it is deemed what is called as “statutory rape” in some legal jurisdictions, even if the act has been performed on so-called mutual consent.

Aggravated form of sexual abuse of children always entail the commission of “unlawful deprivation of liberty” which is penalized under article 109.

The same severe penalties apply to perpetrators who acted with the use of force, threat, deception or any other method affecting the willpower of children between the ages fifteen to eighteen.

However, consensual sexual intercourse with children between the ages fifteen to eighteen shall still give rise to criminal liability, upon complaint, as such conduct is penalized under article 104 entitled “Sexual intercourse with those who have not reached adulthood”.

The Law on the Execution of Penalties and Security Measures have determined longer prison terms, tailor-made treatment and specific rehabilitation programs for those who have convicted of sexual offences, in comparison to those who have convicted of ordinary crimes. As for the 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 the victims.

1. **Statistical data on the enforcement of legal measures, including, when relevant,**
   1. **If CEFM is prohibited and/or criminalized, the number of cases prosecuted, who initiated the legal action (prosecutorial authorities, victims, or others) and who is prosecuted (children, parents, other relatives or others), as well as data on the number of cases investigated, and cases that result in a conviction; and**
   2. **The number of CEFM annulled and other civil or administrative related procedures.**

While the acts encompassed within the term of CEFM give rise to criminal liability under relevant provisions of the Turkish Penal Code as summarized above, there is no autonomous/specific crime as “early marriage” in the penal legislation. As such, a distinct category of CEFM in relation to void marriages and/or annulment grounds does not exist in the Civil Code. Thus, no disaggregated data is available.

1. **Concrete measures implemented to ensure the integration of a human rights-based approach in judicial proceeding against CEFM, including age and gender sensitivity, victim-centered approach, respect of the best interest of the child, consideration of the evolving capacities of children, including adolescents as well as their right to be heard.**

The issues in this question are within the scope of the duty of Ministry of Justice. For this reason, it is considered that this questionnaire should also be forwarded to the Ministry of Justice.

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 which 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 effectively support victims in vulnerable situations in order to foster their unhindered access to justice. It has local branches in 161 courthouses throughout the country.

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.

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 120 courthouses.

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 58 state hospitals.

National Action Plan on Human Rights, as a main policy paper aiming at enhancing legislative, institutional and policy frameworks pertaining human rights issues, also envisages a benchmark of “Protection of Victim Rights” and a number activities to improve the efficacy of the support and protection services.

1. **The domestic articulation of the right to a remedy for victims of CEFM, including concrete measures to guarantee their right to reparations.**

Survivors of CEFM may file a criminal complaint under articles 103 or 104 of the Turkish Penal Code, depending on legal qualification of the facts. Victims of sexual abuse are also entitled to enjoy some special rights and reparations as stipulated in the Presidential Decree on Supporting Victims of Crime.

The Turkish Civil Code determines the rules governing marriage, divorce, absolute or relative nullity of marriage, as well as claims of pecuniary or non-pecuniary damages.

Those who have been forced into marriage can sue for annulment of marriage, under article 150 in case of deception and under article 151 in case of intimidation.

Pecuniary and non-pecuniary damages in relation to family law are regulated by article 174 of the Civil Code.

However, compensation claims deriving from the facts preceding over the marriage or from facts outside of a formal union can be put forward relying on the general provisions of the Civil Code or the Code of Obligations dedicated to the protection of individuals.

1. **Any examples, good practices or lessons learned on the use of strategic litigation related to CEFM and the impact of such initiatives.**

N/A.

1. **Any examples, good practices or lessons learned by the use of international and regional human rights protection mechanisms in relation to CEFM, including efforts made to include information on CEFM in the reporting to such mechanisms.**

N/A.

1. **Any examples, good practices or lessons learned by national human rights institutions to enhance State accountability for preventing and responding to CEFM.**

* **Compulsory education** in Turkey was increased to **12 years** in 2012**.** It is considered that **increasing the period of compulsory education** plays an important role in the decrease in the number of early marriages.
* "**Provincial Action Plans for Combating Early and Forced Marriages**", prepared to combat early and forced marriages **locally**, is an important example of good practice in terms of identifying **local problems** and combating **local actors.**

1. **Budgetary implications for the State for all measures to CEFM and design of gender and age sensitive budgeting and expenditure to prevent and respond to CEFM.**

N/A.

1. **Methodologies and approaches used by States to measure progress in the eradication of CEFM, including in the line with relevant Sustainable Development Goals indicators.**

* 11th Development Plan
* The Presidential Annual Programs
* Women's Empowerment Strategy Document and Action Plan (2018-2023)
* Human Rights Action Plan