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FACTSHEET – TÜRKİYE

Lanzarote Committee Implementation Report on:

“The protection of children against sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs): addressing the challenges raised by child self-generated sexual images and/or videos (CSGSIV)”

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I. Introduction

Protecting children from sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs) is a common challenge faced by all States. The often transnational nature of these offences makes international cooperation of the utmost importance especially to identify and protect victims as well as to identify and prosecute perpetrators.

The Council of Europe [Convention on the Protection of Children against sexual exploitation and sexual abuse](#) (“Lanzarote Convention”) is a comprehensive instrument that sets out the applicable standards necessary to:

- Prevent child sexual exploitation and abuse, including where this is facilitated by ICTs;
- Protect victims;
- Prosecute perpetrators; and
- Promote national and international co-operation to strengthen these actions.

The [Committee of the Parties to the Lanzarote Convention](#) (“the Lanzarote Committee”) monitors the implementation of the Convention in thematic monitoring rounds. This allows for all Parties to be monitored simultaneously on the same theme.

Particularly concerned by the exponential increase in offences committed using child self-generated sexual images and/or videos (CSGSIV), the Lanzarote Committee decided to dedicate its second monitoring round to this topic. The 43 States that were Party to the Convention at the time the monitoring round was launched took part, including Türkiye.

The [implementation report](#) adopted by the Lanzarote Committee in the context of this monitoring round is based on information provided by [State Parties](#) and [other stakeholders](#) in response to a questionnaire. The implementation report also contains information received from 306 [children](#) in 10 Parties who chose to participate.

The Lanzarote Committee’s recommendations to improve or reinforce the protection of children against sexual exploitation and sexual abuse can be found in boxes in each of the 10 thematic chapters. The key messages resulting from the children’s participation are also reflected throughout the whole report. Each chapter also includes examples of promising practices.

The Lanzarote Committee indicates the different levels of urgency applicable to the recommendations made by using the following terms:

- **“Require”**: when the steps recommended correspond to obligations arising from the Lanzarote Convention, as clarified by its Explanatory report;
- **“Request”**: when the steps recommended correspond to obligations arising from the Lanzarote Convention, as clarified by documents adopted by the Committee (e.g. previous monitoring round findings, opinions, other)¹;
- **“Invite”**: when the steps recommended correspond to promising practices or other measures to enhance protection of children against sexual violence even beyond specific requirements of the Lanzarote Convention.

This factsheet is based on the implementation report and has been prepared by the Lanzarote Committee Secretariat as a practical tool to be used by Türkiye to clearly identify the relevant recommendations and actions addressed by the Lanzarote Committee to it. Therefore, it does not include updated information on measures implemented by the Parties since the adoption of the report in March 2022. Parties are

¹ See Rule 30 (General comments, proposals and opinions) of the Lanzarote Committee’s Rules of Procedure.

encouraged to inform the secretariat of any relevant measures implemented after that date, which may have an impact on the Committee's analysis and recommendations by completing this [online form](#) or by email to lanzarote.committee@coe.int.

Key findings of the implementation report as to all Parties

The Committee raised particular concerns that in the vast majority of State Parties, children are at risk of criminal liability in relation to their own self-generated materials, and that many Parties do not provide for the specific offence where a child is a victim of extortion involving the use of its CSGSIV.

Strengthening international cooperation was identified as of particular importance in this context, given that these offences often contain a transnational element. The Lanzarote Committee also called on Parties to establish jurisdiction where any constituent element of an offence takes place within their territory.

Many Parties were found to provide mechanisms to facilitate reporting of these crimes but without providing specific services to support and assist children who have been victims of online sexual abuse to recover. Lack of public awareness and education, including among children, about the specific risks associated with ICT facilitated sexual abuse and self-generated content was also identified as a common challenge.

II. Legal frameworks

Interpreting the Convention, in conjunction with its [Opinion on child sexually suggestive or explicit images and/or videos generated, shared and received by children](#) (6 June 2019), the Committee identifies what Parties ought to have in place as well as what they are encouraged to do to better protect children against the exploitation of their self-generated sexual images and/or videos (CSGSIV).

Observations and recommendations of the Committee on the legal framework specific to Türkiye

Interplay of the age of criminal responsibility and the age of sexual consent with the criminalisation of conduct related to the production and possession of child sexual abuse material (CSAM) and CSGSIV

The Committee observes that children who are below the age of criminal responsibility, which is the age of 12 in Türkiye, and above the legal age for sexual activities cannot be held criminally liable for production and possession of CSGSIV.² However, the Committee notes that relying on the age of sexual consent, to exclude criminal responsibility for the scenarios listed in paragraphs 3-6 of the 2019 Opinion, is insufficient as, in such case, younger children may not be covered from the exemption of criminal responsibility.³ The Committee highlights that particular attention must be paid where there is a gap between the age of criminal responsibility and the age of consent (particularly where the age of criminal responsibility is relatively low, or the age of sexual consent relatively high).⁴

- The Committee **requests** that Türkiye ensures in its legal framework⁵ that a child will not be prosecuted when he/she possesses:
 - their own self-generated sexually suggestive or explicit images and/or videos;
 - self-generated sexually suggestive or explicit images and/or videos of another child with the informed consent of the child depicted on them;
 - the self-generated sexually suggestive or explicit images and/or videos of another child as a result of receiving them passively without actively asking for

them.⁶

- The Committee also **invites** Türkiye to introduce explicit references in its legal framework to conduct concerning CSGSIV, identifying the circumstances when children should not be held criminally liable and when they should be prosecuted only as a last resort.⁷

Criminalisation of conduct related to “offering or making available” CSAM and its relationship with the sharing of their own CSGSIV and of other children

The Committee observes that Türkiye has rules that lead to the criminalisation of the distribution/transmission of their own CSGSIV under special circumstances.⁸ It also has rules that lead to the criminalisation of the distribution by children of CSGSIV of *other* children.⁹

The Committee **requests** Türkiye to ensure that:

- a child will not be prosecuted for sharing his/her sexual images and/or videos with another child when such sharing is voluntary, consensual, and intended solely for their own private use.¹⁰
- the distribution or transmission by children of self-generated sexually explicit images and/or videos of other children is prosecuted as a last resort when such images and/or videos qualify as “child pornography” in accordance with Article 20(2) of the Lanzarote Convention.¹¹

On the prosecution of conduct amounting to

² Paras. 71, 73.

³ Para. 73.

⁴ Para. 74.

⁵ The expression “legal framework” is not limited to legislation but should be understood in a broader way, e.g., through prosecutorial guidance or practice.

⁶ Recommendation II-6.

⁷ Recommendation II-2.

⁸ Para. 78.

⁹ Paras. 82.

¹⁰ Recommendation II-8.

¹¹ Recommendation II-9.

“sexual extortion of children”

Regarding prosecution of cases of sexual extortion of children involving CSGSIV, Türkiye stated that it could not provide data or details about any such cases.¹²

The Committee observes that in cases of “sexual extortion of children” for the objective of obtaining additional sexual images or videos of the child, prosecutions would only be brought for offences related to child pornography, the presence of a threat not being taken into account.¹³ Türkiye also referred to the offence of corruption of children which may be established in recognition of the constituent elements of coercion/extortion.¹⁴

In cases where the objective of the perpetrator is to

obtain other sexual favours from the child depicted on the images/videos or from another child, Türkiye would prosecute for sexual abuse of a child in accordance with Article 18, child prostitution, participation of children in pornographic performances and corruption of children.¹⁵ In addition, the majority of Parties, including Türkiye, would prosecute conduct relating to the possession of the initial child sexual image or video as an offence related to “child pornography” under Article 20.¹⁶

In cases where the objective of the perpetrator is a financial gain, Türkiye would prosecute for offences related to child pornography and did not refer to extortion or any similar offences.¹⁷

Generic recommendations of the Committee on the legal framework

The Committee **invites** all Parties, including Türkiye:

- Acknowledging that the term “child pornography” can be misleading and undermine the gravity of the crimes it refers to, to rather use the term “CSAM” for material depicting acts of sexual abuse of children and/or focusing on the genitalia of the child following the guidance set out in the [“Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse”](#)¹⁸ in the development of future national, regional and international legal instruments and policies addressing the prevention of and protection from sexual exploitation and sexual abuse of children.¹⁹
- To introduce a definition of “CSAM” in its legal framework, in line with the [“Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse”](#).²⁰
- to contemplate appropriate legal responses to conduct involving non-visual self-generated sexual material produced by children in the context of offences covered by the Convention.²¹

- to adopt legislative or other measures which promote as a priority educational and other measures that will aim to support children in safely exploring their sexual development while understanding and avoiding risks deriving from the production and possession of self-generated sexual images and/or videos.²²
- to consider criminalising the offence of “grooming” (solicitation of children for sexual purposes), even when it does not lead to a face-to-face meeting or producing child sexual abuse material.²³
- to take into account the situation where CSGSIV are used to force, coerce or threaten the child to give additional self-generated sexual images and/or videos, other sexual favours, a financial gain or other gain to the offenders by:
 - either creating a specific incrimination to address this situation,
 - or prosecuting both the initial detention of CSGSIV and the act of extortion.²⁴
- to ensure that sexual extortion of children involving CSGSIV is investigated and

¹² Para. 95.

¹³ Para. 99.

¹⁴ Para. 100.

¹⁵ Para. 102.

¹⁶ Para. 103.

¹⁷ Para. 106.

¹⁸ The Terminology Guidelines also refer to the term “child sexual exploitation material”, indicating that this

term can be used in a broader sense, see [“Luxembourg Terminology Guidelines”, pages 38-40 in particular.](#)

¹⁹ Recommendation II-1.

²⁰ Recommendation II-3.

²¹ Recommendation II-4.

²² Recommendation II-7.

²³ Recommendation II-10.

²⁴ Recommendation II-11.

prosecuted.²⁵

²⁵ Recommendation II-12.

III. Investigations and prosecution

In its [Interpretative Opinion on the applicability of the Lanzarote Convention to sexual offences against children facilitated through the use of information and communication technologies](#) (ICTs) (12 May 2017), the Committee called on Parties to ensure effective investigation and prosecution of ICT facilitated sexual exploitation and sexual abuse by providing resources and training to responsible authorities.

Observations and recommendations of the Committee on Investigations and Prosecution specific to Türkiye

The Committee observes that Türkiye's investigation, prosecution, and court services are already in line with some of its recommendations as Türkiye has:

- specialised units dealing with ICT-facilitated offences against children within law enforcement, with sections/departments dedicated exclusively to cyber or sexual crimes against children.²⁶

- A special bureau for online child abuse crimes operating within the national Cybercrimes Unit, and Cybercrime units operating in every province within police forces.²⁷

- prosecution offices dedicated to combating cybercrime that manage cases concerning sexual abuse or exploitation of children facilitated by ICTs.²⁸

- specialised sections within the court system which handle ICT facilitated sexual offences committed by children.²⁹

- training programmes provided by State authorities for law enforcement agents related to aspects of child sexual exploitation and sexual abuse.³⁰ The cyber-crimes unit provides training both nationally and internationally.³¹ The content of training contains: children's rights and international law, sexual offences and violence against children, combating online child sexual abuse and exploitation, investigative processes, interviewing techniques where a child victim is involved, juvenile delinquency, and international

cooperation in cybercrime investigations.³²

- training programmes provided by State authorities on aspects of child sexual exploitation and sexual abuse for prosecutors,³³ organised by national judicial academies.³⁴ In Türkiye, the prosecutors' training is rather practical; aspiring prosecutors visit Child Monitoring Centres (ÇİM) for a total of 8 hours, in order to follow investigatory and examination activities in crimes where the victim is a child.³⁵ The training content includes interviewing children and other procedures, as well as sexual violence against children.³⁶

- relevant training programmes provided by State authorities for judges.³⁷

- joint training opportunities for judges and prosecutors,³⁸ involving not only theoretical but also practical elements.³⁹

- victim identification units within law enforcement for cases of ICT facilitated sexual offences against children, located within cybercrime or high-tech crime departments.⁴⁰

The Committee also observes that Türkiye makes an active contribution to the INTERPOL's ICSE database through units specialised in cybercrime or high-tech crimes.⁴¹

On the other hand, Türkiye indicated that a key challenge for a successful prosecution phase is to obtain electronic evidence that can be validly used before courts.⁴²

²⁶ Paras. 115, 116.

²⁷ Para. 119.

²⁸ Para. 125.

²⁹ Para. 139.

³⁰ Paras. 145, 146.

³¹ Para. 151.

³² Para. 152.

³³ Paras. 156, 157.

³⁴ Para. 159.

³⁵ Para. 162.

³⁶ Para. 164.

³⁷ Para. 167.

³⁸ Ibid.

³⁹ Para. 174.

⁴⁰ Para. 180.

⁴¹ Para. 186.

⁴² Para. 203.

To improve the effective implementation of the Convention, the Committee **requests** Türkiye:

- to ensure that training on ICT facilitated sexual offences against children is available for prosecutors who are or will be working on these issues.⁴³
- to ensure that training on ICT facilitated sexual offences against children is available for judges who are or will be working on these issues.⁴⁴
- to take the necessary legislative or other measures, in conformity with the fundamental principles of their internal law, to ensure an effective investigation and prosecution of ICT facilitated sexual offences against children,

allowing, where appropriate, for the possibility of covert operations.⁴⁵

The Committee also **invites** Türkiye:

- to ensure that training on the challenges raised by CSGSIV and ICT- facilitated coercion or extortion of children⁴⁶ is available to prosecutors and judges.⁴⁷
- to offer joint (or “joined-up”) training for professionals, and particularly law enforcement, prosecutors and judges, involved in legal proceedings involving ICT-facilitated child sexual exploitation and sexual abuse, in order to ensure consistency at all stages.⁴⁸

Generic recommendations of the Committee on investigation and prosecution

On the specialisation and training of authorities

- Mindful of the different contexts in the Parties as recalled in para 235 of the Explanatory Report, the Committee **requests** those Parties that are not already doing so to ensure that law enforcement and prosecution units, services or persons specialised in ICT facilitated sexual offences against children are adequately financed to ensure sufficient resources, including staff, equipment and training.⁴⁹

The Committee **invites** all Parties, including Türkiye:

- to ensure that the capacities of any investigative unit specialised in ICT-facilitated sexual offences against children take into account evolving technologies and online behaviours and reflect current practices used by perpetrators. Additionally, the Committee invites all Parties to exchange best practices between the relevant investigative units.⁵⁰
- to ensure that law enforcement units, services or persons specialised in ICT facilitated sexual offences against children adequately cover and/or are specialised in offences against children involving CSGSIV.⁵¹

- to ensure that units, services or persons within courts responsible for ICT-facilitated sexual offences against children have the necessary specialisation in the intersecting areas of children’s rights, sexual abuse and sexual exploitation of children, and ICT technical knowledge.⁵²
- to ensure that units, services or persons within courts responsible for ICT-facilitated sexual offences against children have sufficient specialisation in offences involving CSGSIV.⁵³

On measures to ensure the effective investigation and prosecution

- The Committee **requires** all Parties to ensure that investigations and criminal proceedings in ICT facilitated sexual offences against children are treated as priority and carried out without any unjustified delay.⁵⁴

The Committee also **invites** all Parties, including Türkiye:

- to ensure that measures, services and technology available to those in charge of identifying child victims of ICT-facilitated sexual offences are up to date, reflect current practices

⁴³ Recommendation III-16.

⁴⁴ Recommendation III-18.

⁴⁵ Recommendation III-28.

⁴⁶ Such trainings can also be part of broader training programmes.

⁴⁷ Recommendations III-17 and III-19.

⁴⁸ Recommendation III-20.

⁴⁹ Recommendations III-3 and III-7.

⁵⁰ Recommendation III-4.

⁵¹ Recommendation III-5.

⁵² Recommendation III-9.

⁵³ Recommendation III-10.

⁵⁴ Recommendation III-30.

across Parties, including establishing and using national child abuse material databases, and that resources are sufficiently allocated.⁵⁵

- to engage in and strengthen inter-Party cooperation for the purpose of identifying child victims and perpetrators of ICT facilitated sexual offences, including, where appropriate, by providing access to each other's databases or shared databases, including those containing information on such perpetrators.⁵⁶
- to take the necessary legislative or other measures to ensure that preservation of

specified stored computer data in connection with a specific criminal investigation or proceedings is made possible, fully upholding the rights of the parties involved.⁵⁷

- to take the necessary legislative or other measures to ensure that the investment in human, financial and physical resources is sufficient to have data generated by ICTs analysed in a timely manner so that investigations are carried out without any unjustified delay.⁵⁸

⁵⁵ Recommendation III-24.

⁵⁶ Recommendations III-25, III-29.

⁵⁷ Recommendation III-31.

⁵⁸ Recommendation III-32.

IV. Jurisdiction rules

Due to their online component, offences related to conducts involving CSGSIV have an inherently international aspect. As the prosecution of offences related to this material may involve more than one jurisdiction, the report analyses the jurisdictional rules in place in the Parties, enabling the determination of which Party may prosecute a particular case and under what conditions.

Observations and recommendations of the Committee on jurisdiction rules specific to Türkiye

Jurisdiction in cases of child sexual exploitation and abuse facilitated by ICTs committed on the territory of a Party: the territoriality principle (Article 25(1)(a-c))

The Committee notes that Türkiye has established laws clarifying the circumstances in which their national criminal law will apply to a transnational situation following the territoriality principle. Pursuant to the article 8 of the Turkish Criminal Code, where a criminal act is partially, or fully, committed in Türkiye, or the result of a criminal act occurs in Türkiye, the offence shall be presumed to have been committed in Türkiye, and be subject to application of Turkish criminal law.⁵⁹

Jurisdiction based on nationality and residency (Article 25(1)(d), (e))

It appears that Türkiye has jurisdiction over offences committed by nationals outside of its territory.

However, the Committee notes that Türkiye does not establish jurisdiction over offences established in accordance with the Convention committed abroad by persons who have their habitual residence in Türkiye.⁶⁰

- Therefore, the Committee **requires** Türkiye to establish jurisdiction over offences established in accordance with the Convention committed abroad by persons who have their habitual residence in its territory.⁶¹

Jurisdiction not subordinated to the condition that prosecution can only be initiated following a report from the victim or denunciation from the State where the offence was committed (Article 25(6))

The Committee notes that Türkiye did not

provide information on whether it subordinates jurisdiction to the condition that prosecution can only be initiated following a report from the victim or denunciation from the State where the offence was committed, for offences committed by its nationals, or persons having their habitual residence in its territory.

- Therefore, the Committee **requires** Türkiye to remove the requirement that prosecution can only be initiated following a report from the victim or a denunciation from the State of the place where the offence was committed for offences of sexual abuse (Article 18), offences concerning child prostitution (Article 19), the production of “child pornography” (Article 20(1)(a)) and offences concerning the participation of a child in pornographic performances (Article 21), when committed by one of their nationals or by a person who has his or her habitual residence in its territory.⁶²

Jurisdiction not subordinated to the condition that the acts are criminalised at the place where they were performed (Article 25(4)): the dual criminality principle

The Committee observes that under the Turkish Criminal Code, if a Turkish citizen commits an offence in a foreign country punishable by imprisonment for one year or more, and if the offender is found in Türkiye, then the offender is punished according to the Turkish laws provided that this person is not convicted in the said foreign country for the same offence and there is possibility for a trial to proceed in Türkiye. This trial is filed only upon complaint by the injured party or the foreign country. In such cases, the complaint must be brought within six months of

⁵⁹ Para. 214.

⁶⁰ Para. 217.

⁶¹ Recommendation IV-4.

⁶² Recommendation IV-5.

the date of entry into Türkiye.⁶³ Additionally, under Article 12 of the Turkish Criminal Code, a foreign offender who committed an offence against a foreign victim can be subject to criminal proceedings in Türkiye upon request from the Minister of Justice, if the offence is subject to a penalty of imprisonment of a threshold of at least 3 years and there is no extradition agreement applicable, or the State where the offence has been committed or of which the offender is a national refuses to grant extradition.⁶⁴

Jurisdiction in cases of child sexual exploitation and abuse facilitated by ICTs committed against nationals or habitual residents of a Party: the passive personality principle (Art. 25(2))

As detailed in the Explanatory Report of the Convention, Parties are not obliged, but can endeavour, to establish jurisdiction over an offence committed against one of its nationals or

a person having habitual residence in the territory under Article 25(2). The passive personality principle is applied only in respect of offences committed against a national in Türkiye.⁶⁵ Further conditions of prosecution in these cases are the report of the victim and existence of proceedings or investigations brought in the State where the offence was committed.⁶⁶

- Therefore, the Committee **requests** Parties that are not already doing so, including Türkiye, to endeavour to take the necessary legislative or other measures to establish jurisdiction over any offence established in accordance with the Lanzarote Convention where the offence is committed against one of its nationals or a person who has his or her habitual residence in its territory.⁶⁷

⁶³ Para. 225.

⁶⁴ Para. 230.

⁶⁵ Para. 231.

⁶⁶ Para. 233.

⁶⁷ Recommendation IV-9.

V. International cooperation

The implementation report also analyses cooperation practices and examples of coordinated international responses, not only in the fight against sexual exploitation and abuse of children, but also in areas related to the prevention, protection and assistance of child victims and persons related to them.

Observations and recommendations of the Committee on international cooperation specific to Türkiye

The Committee observes that INHOPE,⁶⁸ WeProtect Global Alliance,⁶⁹ and ECPAT⁷⁰ conduct cooperation projects to prevent and combat sexual exploitation and sexual abuse of children in Türkiye.⁷¹

- To improve the effective implementation of the Convention, the Committee **requires** Türkiye to ensure that victims of sexual exploitation or sexual abuse in matters related to CSGSIV in the territory of a Party other than the one where they reside may make a complaint before the competent authorities of their State of residence.⁷²

Generic recommendations of the Committee on international cooperation

- On international cooperation, the Committee **requests** all Parties, including Türkiye, to extend their international cooperation with other Parties to improve the effective implementation of the Lanzarote Convention.⁷³

The Committee **invites** all Parties, including Türkiye:

- to assess, strengthen and develop international cooperation with other Parties to prevent and combat sexual exploitation and sexual abuse of children and to provide assistance to victims in matters related to CSGSIV.⁷⁴
- to expand international cooperation with countries which are not Parties to the Lanzarote Convention to disseminate the standards of the Lanzarote Convention, including for the purpose of preventing and combating sexual exploitation and sexual abuse of children, for the purpose of protecting and providing assistance to victims and concerning the offences established in accordance with the Lanzarote Convention, in

matters related to CSGSIV.⁷⁵

- to regularly assess the difficulties that they face when dealing with international cooperation and remedy them.⁷⁶
- to strengthen cooperation with relevant intergovernmental bodies and with transnational networks and other international organisations and initiatives due to their capacity to mobilisation, their worldwide scope, and their flexibility to work, for the purpose of preventing and combating sexual exploitation and sexual abuse of children as well as for protecting and providing assistance to victims, in matters related to CSGSIV.⁷⁷
- to consider requesting the establishment of cooperation projects managed by the Council of Europe to assist them in their efforts to preventing and combating sexual exploitation and sexual abuse of children in matters related to CSGSIV.⁷⁸
- to support regional and international capacity building efforts to improve policy and operational measures including the pooling and sharing of successful education and awareness-

⁶⁸ www.inhope.org/

⁶⁹ <https://www.weprotect.org/>

⁷⁰ <https://ecpat.org/>

⁷¹ Para. 255.

⁷² Recommendation V-17.

⁷³ Recommendation V-3.

⁷⁴ Recommendations V-6, V-11.

⁷⁵ Recommendations V-4, V-7, V-12, V-15.

⁷⁶ Recommendation V-5.

⁷⁷ Recommendations V-8, V-13.

⁷⁸ Recommendation V-9.

raising tools for the purpose of preventing and combating sexual exploitation and sexual abuse of children in matters related to CSGSIV.⁷⁹

- to maintain and develop efforts to strengthen international cooperation with other Parties and non-Parties to the Lanzarote Convention, in investigation and proceedings concerning the offences established in accordance with the Lanzarote Convention, in particular in the area of police cooperation, namely ensuring that their law-enforcement

agencies can connect and contribute to the Europol and Interpol databases, and develop the areas of data, training, vetting, and selection, in matters related to CSGSIV.⁸⁰

- to integrate, where appropriate, prevention and the fight against sexual exploitation and sexual abuse of children in matters related to CSGSIV, in assistance programmes for development provided for the benefit of third States.⁸¹

⁷⁹ Recommendation V-10.

⁸⁰ Recommendations V-14, V-16.

⁸¹ Recommendation V-19.

VI. Assistance to victims

This chapter provides a comparative study of national mechanisms and measures for assisting child victims of sexual exploitation and abuse, particularly where this results from the CSGSIV.

Observations and recommendations of the Committee on assistance to victims specific to Türkiye

The Committee observes that, although Türkiye has legislation containing adequate provisions to assist child victims, it concerns the protection of children in general.⁸² In addition, Türkiye acknowledged that it has no specific data on any dimension of the proportion of child victims in contexts of abuse facilitated by ICTs.⁸³

- Therefore, the Committee **requires** Türkiye to take the necessary legislative or other measures to assist child victims of sexual exploitation and abuse, in the short and long

term, in their physical and psycho-social recovery, these measures must take due account of the child's views, needs and concerns.⁸⁴

- Additionally, the Committee **invites** Türkiye to ensure that the assistance measures are available to child victims of sexual exploitation and abuse facilitated by ICTs, including of offences due to the production, possession, distribution or transmission of CSGSIV.⁸⁵

Generic recommendations of the Committee on assistance to victims

- The Committee also **invites** all Parties, including Türkiye, to promote awareness raising or specialised training for professionals who advise children through telephone or

internet helplines on ICT-facilitated sexual exploitation and abuse of children –including the risks associated with CSGSIV– and how to provide appropriate support to victims and to those who wish to help them.⁸⁶

⁸² Para. 286.

⁸³ Para. 296.

⁸⁴ Recommendation VI-3.

⁸⁵ Recommendation VI-4.

⁸⁶ Recommendation VI-2.

VII. Civil society involvement and cooperation

Civil society's involvement in protecting children against sexual exploitation and sexual abuse is crucial and acknowledged by the Convention. Projects and programmes carried out by civil society, as well as cooperation between the competent state authorities and civil society, cover a wide range of issues.

Observations and recommendations of the Committee on civil society involvement and cooperation specific to Türkiye

The Committee observes that Turkish authorities encourage the implementation of prevention projects and programs carried out by civil society not only at the national level but also at the local level.⁸⁷ The interaction with civil society includes preventive and awareness-raising activities to minimise the risk of abuse that children face online.⁸⁸ Additionally, civil society is consulted during the drafting of new legislation in Türkiye.⁸⁹

Other civil society projects - whether or not carried out in cooperation with the State - aimed at preventing abuses related to the sharing of such content are field research and analysis in

Türkiye.⁹⁰

To improve the effective implementation of the Convention, the Committee **requires** Türkiye:

- to involve civil society bodies in the implementation of preventive measures in the field of sexual exploitation and abuse of children.⁹¹
- to encourage the financing of projects and programmes carried out by civil society aiming at preventing and protecting children from sexual exploitation and sexual abuse.⁹²

Generic recommendations of the Committee on civil society involvement and cooperation

The Committee **invites** all Parties, including Türkiye:

- to expand cooperation with civil society to better prevent sexual exploitation and sexual abuse of children, including when facilitated by ICTs and the challenges raised by the exploitation of CSGSIV.⁹³
- to ensure that the forms of cooperation that take place with civil society in the field of prevention and protection of children against sexual exploitation and abuse are of a sustainable nature.⁹⁴

- to support civil society to carry out projects and programmes that include the issue of CSGSIV.⁹⁵
- to encourage the participation of children, according to their evolving capacity, in the development and implementation of state policies, programmes or other initiatives⁹⁶ and to seek children's views at the stage of drafting new legislation concerning the fight against sexual exploitation and sexual abuse of children, including when facilitated by ICTs and as regards CSGSIV.⁹⁷

Promising practices

In Türkiye, the Child Protection Code provides that public authorities, families and non-governmental organisations and other stakeholders shall work in collaboration for the protection of children, including from sexual abuse and exploitation. In 2014, the Ministry of Interior issued a circular on "Measures to Prevent Sexual Abuse of Children Online", which foresees that awareness-raising activities should be carried out in partnership with civil society and local governors.

⁸⁷ Para. 307.

⁸⁸ Para. 320.

⁸⁹ Para. 313.

⁹⁰ Para. 323.

⁹¹ Recommendation VII-1.

⁹² Recommendation VII-2.

⁹³ Recommendation VII-3.

⁹⁴ Recommendation VII-4.

⁹⁵ Recommendation VII-5.

⁹⁶ Parties are also invited to provide example(s) of how children's views are taken into account in the context of the participation of children.

⁹⁷ Recommendations VII-6, VII-7.

VIII. Promoting awareness of the risks of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves

The Articles 5, 6 and 8 of the Convention establish that States Parties should take the necessary measures to prevent all forms of child sexual exploitation and abuse and to protect children from their effects. Awareness-raising is one type of preventive measure.

Observations of the Committee on promoting awareness of the risk of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves specific to Türkiye

The Committee observes that in Türkiye videos are broadcast on television in order to reach a wider audience and make families aware of the risks that children may come across online, how to keep a watch on children's internet use, how to use secure internet software and, in the event of a criminal offence, how to call the police.⁹⁸

The Committee also observes that, although they are not necessarily specific to co-ordination of awareness-raising activities about the risks of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves, co-ordination between ministries and other institutions involved in protecting children from sexual abuse is carried out by local authorities and district governors.⁹⁹

Generic recommendations of the Committee on promoting awareness of the risk of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves

The Committee **invites** all Parties, including Türkiye:

- to ensure that explanations of the risks of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves, with or without coercion, are included in the awareness-raising campaigns that they promote or conduct, whatever the target audience.¹⁰⁰
- to ensure that awareness-raising for children about the risks that they face when generating and/or sharing sexual images and/or videos of themselves takes place early enough, before they reach their teens, and that it is "adapted to their evolving capacity" or, in other words, their age and degree of maturity.¹⁰¹
- to use unchanged, wherever possible,

the awareness-raising tools, materials and activities mentioned in this report or else to adapt them to their national contexts and their own languages and, if necessary, develop new ones, concentrating on videos and distribution through social media.¹⁰²

- to have available awareness-raising tools, materials, and activities suitable for children with disabilities.¹⁰³
- to ensure that awareness-raising for children regarding the risks of sexual exploitation and sexual abuse that they face when generating and/or sharing sexual images and/or videos of themselves is led first and foremost by their peers.¹⁰⁴
- to promote themselves and to encourage the information and communication of the technology sector, the media, and other professionals to raise

⁹⁸ Para. 374.

⁹⁹ Para. 378.

¹⁰⁰ Recommendation VIII-1.

¹⁰¹ Recommendation VIII-2.

¹⁰² Recommendation VIII-3.

¹⁰³ Recommendation VIII-4.

¹⁰⁴ Recommendation VIII-5.

awareness among children, their parents, persons having regular contact with children, and the general public about the risks of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves and about the preventive measures that can be taken.¹⁰⁵

- to step-up awareness-raising for parents and persons with parental authority about the risks of sexual exploitation and sexual abuse faced by children generating

and/or sharing sexual images and/or videos of themselves and about the preventive measures that can be taken.¹⁰⁶

- to promote or conduct awareness-raising campaigns for the general public providing information about the risks of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves and about the preventive measures that can be taken.¹⁰⁷

¹⁰⁵ Recommendation VIII-6.

¹⁰⁶ Recommendation VIII-7.

¹⁰⁷ Recommendation VIII-8.

IX. Education for children

While the protection of child victims and the prosecution of offenders are key elements in the fight against the sexual exploitation and sexual abuse of children, preventing them from occurring in the first place is paramount. Informing children about the risks of sexual exploitation and sexual abuse and how to protect themselves is the cornerstone of prevention.

Observations and recommendation of the Committee on education for children specific to Türkiye

The Committee observes that the challenges raised by CSGSIV are explicitly addressed in the national curriculum of Türkiye.¹⁰⁸ The information on the risks of sexual exploitation and sexual abuse facilitated by ICTs and/or on the challenges raised by CSGSIV is delivered in the framework of topics related to “ICT and software” and “Life Sciences”.¹⁰⁹ However, the information related to CSGSIV raised by ICTs is provided only during elementary/primary education.¹¹⁰

Therefore, to improve the effective implementation of the Convention, the Committee **requires** Türkiye:

- to ensure that all children at primary and secondary level receive information about the risks of child sexual exploitation and sexual abuse facilitated by ICTs. Organising lectures and/or activities on this topic should not be left to the discretion of schools or teachers.¹¹¹

The Committee also **invites** Türkiye:

- to ensure that information on the risks of child sexual exploitation and sexual abuse facilitated by ICTs, including as regards CSGSIV, is provided to children during both primary and secondary education (whether as part of the national curricula or in the context of non-formal education for children at these levels).¹¹²
- to provide information to children on the risks of child sexual exploitation and abuse facilitated by ICTs, including as regards CSGSIV, within a more general context of sexuality education.¹¹³
- to ensure that parents, caregivers and educators are involved, where appropriate, in the provision of information to children on the risks of child sexual exploitation and sexual abuse facilitated by ICTs, in particular as regards CSGSIV.¹¹⁴

Generic recommendations of the Committee on education for children

The Committee **invites** all Parties, including Türkiye:

- to consistently involve children in the development of internet safety awareness programmes.¹¹⁵
- to ensure that there is a standing national internet safety resource, with an ongoing programme of activities.¹¹⁶

- to provide information to children on child sexual exploitation and sexual abuse, facilitated by ICTs, including as regards CSGSIV, in their national curriculum or other non-formal educational contexts, in a form which is adapted to the evolving capacity of the children and therefore which is appropriate for their age and maturity.¹¹⁷

¹⁰⁸ Para. 383.

¹⁰⁹ Para. 398, 399.

¹¹⁰ Para. 393.

¹¹¹ Recommendation IX-3.

¹¹² Recommendation IX-2.

¹¹³ Recommendation IX-7.

¹¹⁴ Recommendation IX-8.

¹¹⁵ Recommendation IX-4.

¹¹⁶ Recommendation IX-5.

¹¹⁷ Recommendation IX-6.

X. Higher education curriculum and continuous training

Persons who have regular contact with children in the education, health and social protection sectors and areas related to sport, culture and leisure are at the forefront of the prevention of sexual exploitation and sexual abuse of children, as they have the most interaction with children under their supervision in these different settings. However, they may not be adequately equipped to inform children about their rights, to detect situations where a child is at risk of sexual exploitation or sexual abuse and to respond appropriately. It is therefore of crucial importance that they are well informed about the risks of sexual exploitation and sexual abuse of children, both during their education and continuously during their careers, to enable them to adapt to emerging trends and risks in the fight against sexual exploitation and sexual abuse of children, including when facilitated by ICTs.

Observations and recommendations of the Committee on higher education curriculum and continuous training specific to Türkiye

The Committee observes that in Türkiye persons working in contact with children receive information on the risks associated with CSGSIV,¹¹⁸ on the protection of children against sexual exploitation and sexual abuse, including when facilitated by ICTs¹¹⁹ as part of their curriculum during their professionals' education.¹²⁰ Although the Convention specifies that people in many sectors should receive adequate knowledge about these issues, the Committee notes that the people most likely to receive education and/or training on these issues are those working in educational institutions, such as teachers, which is also the case in Türkiye.¹²¹ The health sector is the second sector to benefit from this education and/or training in Türkiye, with students in medical faculties in the 3rd and 5th classes and students of the education program in Child and Adolescent Psychiatry Department for junior doctors (Meram University) receiving information on this topic as part of their curriculum.¹²² In addition, students of the sociology and psychology departments (TED University) of the teaching programme of the Department of Child and Adolescent Psychiatry for doctors in training (Meran University), receive information on the risks associated with CSGSIV.¹²³

To improve the effective implementation of

the Convention, the Committee **requires** Türkiye:

- to ensure that teaching or training on the rights of children and their protection for persons who have regular contacts with children (i.e. in the education, health and social protection sectors and in areas relating to sport, culture and leisure activities) is not optional.¹²⁴
- to ensure that the persons who have regular contact with children are equipped to identify any situation of sexual exploitation and sexual abuse of children and are informed of the possibility for them to report to the services responsible for child protection any situation where they have "reasonable grounds" for believing that a child is a victim of sexual exploitation and sexual abuse of children:
 - in the education sector
 - in the health sector
 - in the social protection sector
 - in areas relating to sport, culture and leisure activities.¹²⁵
- to encourage awareness of the protection and rights of children among persons who have regular contacts with children in the education, health, social protection, judicial and law-enforcement sectors and in areas relating to sport, culture and leisure activities.¹²⁶

¹¹⁸ Para. 410.

¹¹⁹ Para. 416.

¹²⁰ Paras. 412, 416.

¹²¹ Para. 420.

¹²² Para. 421.

¹²³ Para. 415.

¹²⁴ Recommendation X-4.

¹²⁵ Recommendations X-5 and X-6.

¹²⁶ Recommendation X-7.

- The Committee also **invites** Türkiye to ensure that the persons who have regular contacts with children (i.e. in the education,

health and social protection, sectors and in areas relating to sport, culture and leisure activities), have an adequate knowledge of the risks associated with CSGSIV, for example through education or continuous training.¹²⁷

Generic recommendations of the Committee on higher education curriculum and continuous training

- The Committee **invites** all Parties, including Türkiye to ensure that all the sectors where professionals work in contact with children, including when working on a voluntary

basis, have adequate knowledge of sexual exploitation and sexual abuse of children, including when facilitated by ICTs and with specific reference to the risks associated with CSGSIV.¹²⁸

Promising practices

In Türkiye, students in the sociology and psychology departments of TED University receive courses on "the effects of self-generated visuals and texts on children and adolescents" as well as on the "abuse of the sexuality of children by themselves or other people, legal aspects". At the University of Meram, students in the Education Program of the Department of Child and Adolescent Psychiatry study "self-generated sexually explicit images and videos" as a subject matter under the title "child abuse and negligence". The "teaching" students at the Faculty of Education of Gaziosmanpasa University receive as part of their curriculum an internet security course which includes basic rules to be explained to children such as "not sharing personal information, not trusting every people on the internet, etc."

In Türkiye, Circular No. 2014/33 entitled "Prevention of online sexual abuse of children and awareness-raising" stipulates that in-service training for professionals working in the public sector must cover topics such as "sexual abuse of children, internet safety, negative effects and the risks arising from social media use by children".

¹²⁷ Recommendation X-2.

¹²⁸ Recommendation X-3.

XI. Research

Effective prevention mechanisms and responses to tackle sexual exploitation and abuse of children require an understanding of the issues at stake, as well as knowledge of the prevalence and characteristics of the phenomenon. Accurate and precise information may be necessary to develop quality and targeted policies and measures. The gathering of information and understanding of the phenomenon is particularly important in the context of sexual exploitation and sexual abuse facilitated by ICTs, in light of their rapid development and increased use.

Observations and recommendations of the Committee on research specific to Türkiye

The Committee observes that Türkiye has participated for at least one year in the EU Kids Online surveys which is a multinational research network, seeking to enhance knowledge of children's online opportunities, risks and safety. Surveys carried out under the framework of EU Kids Online collect data and information on, *inter alia*, children's practice of sending and receiving sexual messages online.¹²⁹

On the other hand, the Committee identifies a **difficulty to implement the Convention** as Türkiye has affirmed that no research was undertaken on issues raised by CSGSIV and/or on the psychological effects on persons who have had such material shared online except the EU Kids Online surveys.¹³⁰

The Committee observes another **difficulty to**

implement the Convention regarding surveys undertaken in the context of EU Kids Online, as the information is lacking to determine which body was in charge of supporting and/or carrying out research in Türkiye.¹³¹

- Therefore, the Committee **invites** Türkiye to take the necessary legislative or other measures to set up or designate mechanisms for data collection or focal points at the national or local levels and in collaboration with civil society to observe and evaluate the phenomenon of sexual exploitation and sexual abuse of children, including on the issues arising from CSGSIV, with due respect for the requirements of personal data protection.¹³²

Generic recommendations of the Committee on research

The Committee **invites** all Parties, including Türkiye:

- to collect data and undertake research at the national and local levels to observe and evaluate the phenomenon of CSGSIV.¹³³
- to ensure that data on the phenomenon of CSGSIV and the risks associated with it is regularly collected and

research on the issue is regularly undertaken.¹³⁴

- to build on the findings from existing research on CSGSIV, when available, to ensure that policies and measures are best developed and appropriately targeted to tackle the issues raised by CSGSIV.¹³⁵

Promising practice

EU Kids Online is a multinational research network, working to increase knowledge of the opportunities, risks and safeties children face online. A significant number of Parties, including Türkiye, have participated to this research network for one or several years.

¹²⁹ Para. 440.

¹³⁰ Para. 443.

¹³¹ Para. 458.

¹³² Recommendation XI-4.

¹³³ Recommendation XI-1.

¹³⁴ Recommendation XI-2.

¹³⁵ Recommendation XI-3.