

Question 18

By the Law No. 7188 and dated 17/10/2019 on the Amendment of the Criminal Procedure Code and Certain Codes, it is aimed to strengthen the rights of victims of crime and to prevent the victim from being traumatized during the trial, especially in offences of abuse against women and children. Accordingly, within the scope of Law No. 7188:

With the amendment made in the Child Protection Law No. 5395 by the Law No. 4787 on the Establishment, Duties and Proceedings of Family Courts, the procedure for assigning experts to courts was abandoned and experts were included in the directorates to be established in courthouses.

Thus, it has been made possible for the experts to serve the courts and the Chief Public Prosecutor's Offices according to the distribution system. With the said law, the legal basis of child monitoring centers (CMCs) and judicial interview rooms (JIRs) has been established.

It has been enabled that victims of sexual offences (qualified sexual assault and qualified sexual abuse) are taken to the centers (CMCs) where they are present in terms of judicial proceedings, while in places where there are no centers, the victims are taken to the nearest centers regardless of the jurisdiction and administrative borders.

It has been ensured that statements of the victims are taken in these centers (CMCs) by experts under the supervision of the public prosecutor. The statement and image of the adult victim is recorded if he/she consents, while the statement and image of children is compulsorily recorded.

If it is necessary to take the child victim's statement at the court stage or to take another action in order to reveal the material fact, this procedure is carried out by the court or the delegated judge to be assigned by the experts in these centers (CMCs).

It is envisaged in terms of all offences that the statements of children or victims, which are considered by the public prosecutor or judge to be taken in a private environment or about whom it is considered to be inconvenient to face the suspect or accused, are taken by experts in private environment (JIRs).

It is enabled that the accommodation, subsistence and transportation expenses of the victim are covered by the State in case of necessity to go to another place other than the residential address due to case transfer or forensic medicine procedures during the investigation or prosecution phase.

It is envisaged that the recorded statements and images of the victims of sexual offences should be kept in the case file as personal data and necessary measures should be taken for their confidentiality, and that the penalty to be imposed on any person who illegally obtains, disseminates or gives to another person someone's personal data shall be doubled according to Article 136 of the Turkish Criminal Code.

Directorates of Judicial Support and Victim Services:

"Department of Judicial Support and Victim Services" was organized as the main service unit of the Ministry of Justice with the Presidential Decree No. 63 on Supporting Victims of Crime, published in the Official Gazette dated 10 June 2020. With the same Presidential Decree, a legislative infrastructure was established for the establishment of Directorates of Judicial Support and Victim Services in provinces.

Directorates of Judicial Support and Victim Services have been established in 167 court houses, especially in the court houses with justice commissions of the first instance courts of civil and criminal jurisdictions, with a view to providing more effective information, guidance and psycho-social support services to the victims of crime, and to establishing an effective, sustainable and accessible victim support system within the framework of the principles of restorative justice and social state of law for the victims and especially the vulnerable group including children. Services are provided in the established directorates to all applicants, regardless of whether they are citizens of the Republic of Türkiye or foreigners.

With the establishment of the directorates of judicial support and victim services, information and guiding services, which are one of the most important services for the victims in the judicial process, are offered to all victims of crime in a systematic and effective manner, and the victims are informed about their rights and obligations throughout the judicial process.

Victims, who are considered to be affected by the offence they have been exposed to, need support and about whom an individual evaluation is required, are directed to the “Support Office for Vulnerable Groups” by the staff working in the information and guiding office. Support office for vulnerable groups is the office where the expert takes the initiative in service delivery and adds new services and concepts such as individual assessment, judicial support plan and case management to the judicial process. The judicial support plan, which includes suggestions about the measures to be taken and the services to be provided, about the victims who are found to be in the vulnerable group after the individual assessment process, is prepared by the judicial support officers and submitted to the relevant Chief Public Prosecutor’s Office or the court.

With the criminal proceedings support office, the expert support that was previously provided only for juvenile courts and juvenile high criminal courts has been expanded to include the Chief Public Prosecutor’s Offices and all criminal courts. In this office, a pre-interview is held to explain the environment, the persons involved and the process in order to reduce the anxiety level of the victim and to allow him/her to give a more comfortable statement before his/her statement is taken, an expert is present while the victim is taking his statement, and a social examination report, which includes suggestions for the measures to be taken to prevent the victim or child from being victimized again or being pushed to crime, is prepared if requested. Social examination reports are prepared as a result of the examinations made by experts about children. These reports are submitted to the relevant judge or public prosecutor. Specialists also provide various services for children, such as interviewing them to reduce their anxiety levels before the hearing, supporting them during the court process by accompanying them during the hearing, directing and following up those who are determined to need psycho-social support following the judicial process.

With the civil proceedings support office, the expert support previously provided only for family courts has been expanded to cover all required civil courts. Judicial support officers hold pre-interviews to explain the environment, the persons involved and the process in order to reduce the level of anxiety of the child and to enable him to express himself more easily during the hearing of children as witnesses in civil courts, especially in family courts and civil courts of first instance that conduct trials as family courts, before the statement is taken, accompanies the child when the statement is taken and, if requested, gives professional opinion about the child.

Support office for vulnerable groups is the office where the expert takes the initiative in service delivery and includes new services and concepts such as individual assessment, judicial support plan and case management in the judicial process. The judicial support plan, which includes suggestions about the measures to be taken and the services to be provided for the victims who are found to be in

the vulnerable group after the individual assessment process, is prepared by the judicial support officers and submitted to the relevant Chief Public Prosecutor's Office or the court.

With the judicial support services office, people who need judicial support are assisted in collecting relevant information and documents upon their request, and they are directed to judicial support services. In these offices, it is aimed to increase the quality of judicial support services, to strengthen the access of those who benefit from this service to justice, and to ensure that judicial support procedures are carried out in a holistic manner.

Judgments and injunctions regarding the return of child and maintaining a personal relation with child, which are given by the offices for the return of child and maintaining a personal relation with child, are carried out by experts with child-friendly procedures.

In practice, it is envisaged that the necessary planning, implementation, monitoring and coordination processes are to be carried out effectively by a single judicial support officer in order to provide the services for the victims in a systematic and timely manner by developing a judicial support plan, case management and follow-up programs for the victims included in the vulnerable group. With this victim-oriented restructuring, it is aimed to strengthen the victims' access to justice and the protection ring in the judicial process. Thus, it is aimed to increase trust in justice by ensuring that the victims receive psycho-social support throughout the judicial process and by minimizing the effects of the crime in the judicial process and preventing them from being traumatized.

In line with the objectives in the Judicial Reform Strategy Document, some regulations have been made to strengthen the rights of victims and the access of vulnerable groups to justice. In this context, psychologists, pedagogues and social workers who previously served in family courts, juvenile courts and juvenile high criminal courts were discharged from these courts and assigned to courthouses. Subsequently, the experts in question were appointed to the directorates of judicial support and victim services established in accordance with the Presidential Decree No. 63 on the Support of Victims of Crime published in the Official Gazette dated 10.06.2020. Currently, 1299 experts work in the directorates.

Vocational training continues for psychologists, pedagogues and social workers working in the Directorates of Judicial Support and Victim Services, and trainings are provided on new practices. In this context, all judicial support officers working in the directorates have also been provided with trainings on the procedures related to the return of child and maintaining a personal relation with child, which were added to the Child Protection Law No. 5395 under the title "Return of Child and Maintaining a Personal Relation with Child".

Judicial Interview Rooms:

Article 41 titled "Protection of the family, and children's rights" of the Constitution of the Republic of Türkiye governs that the State shall take the necessary measures and establish the necessary organization to protect peace and welfare of the family, especially mother and children, and to ensure the instruction of family planning and its practice. Within this scope, in accordance with the principle of the best interests of the child, a total of 168 judicial interview rooms have been established in 161 court houses in 81 provinces in order to strengthen the access of all vulnerable groups, especially children, to justice and to prevent them from being traumatized, to carry out the proceedings of taking statements in private environments appropriate for the current physical, mental and psychological conditions of these persons for revealing the material fact, to enable taking statements of victims and

especially children victims and especially children in specially created environments in court houses through experts without making children come face-to-face with the suspect and the accused. As of 03.04.2017, the date when the judicial meeting rooms started to give service, more than 86,000 judicial meetings have been held throughout the country.

Judicial interview rooms have been established with a view to taking statements of victims of sexual crimes and domestic violence crimes, especially child victims, witnesses and children pushed to crime, and other victims included in the vulnerable group, who are considered to be inconvenient to come face-to-face with the perpetrator, in a private environment, accompanied by a judicial support officer. With this practice, while it is primarily aimed to carry out child-friendly judicial procedures in accordance with the principle of the best interests of the child, the proceedings of taking statements of vulnerable groups such as child victims, witnesses and children pushed to crime, victims of sexual crimes and domestic violence crimes, and disabled and elderly victims, are carried out through judicial support officers in a private environment without making them come face-to-face with the suspect or the accused. In this way, secondary victimization of the individuals in question can be prevented, and a more qualified statement as evidence can be obtained by allowing the victims whose anxiety levels are reduced to express themselves more easily. In this sense, the practice of judicial interview rooms also serves to reveal the material fact.

Judicial interview rooms are private areas consisting of three rooms as "Waiting Room", "Interview Room" and "Observation Room" to prevent the persons to be interviewed from being traumatized.

Child Interview Centers:

With the amendments made in the Enforcement and Bankruptcy Law No. 2004, the Child Protection Law No. 5395, the Law No. 5717 on the Legal Aspects and Scope of International Child Abduction and other relevant legislation with Articles 39 to 55 of the Law No. 7343 on the Amendments to the Enforcement and Bankruptcy Law and Certain Laws, which came into force after being published in the Official Gazette dated 30.11.2021 and numbered 31675, Part Four, which includes regulations on the return of child and maintaining a personal relation with child, was added to the Child Protection Law No. 5395 under the title "Return of Child and Maintaining a Personal Relation with Child", and the current Part Four was continued as the Part Five.

With the aforementioned regulation, it is stipulated that the duties and procedures to be carried out regarding the return of child and maintaining a personal relation with child, shall be carried out by the directorates of judicial support and victim services in the designated "Child Interview Centers", and in places where these directorates are not available, by the editorial offices of the civil courts determined by the Ministry of Justice.

The Regulation on the Execution of Judgments and Injunctions Regarding the Return of Child and Maintaining a Personal Relation with Child came into force after being published in the Official Gazette dated 04.08.2022 and numbered 31913.

Child interview centers are located in parks, gardens, in or close to places where social, sports and cultural activities are carried out, which will allow children to spend quality time with their parents.

In addition, child interview centers have parts such as children's waiting room and playground where books, magazines, toys suitable for all age groups are found, adults' waiting room, interview room and infant care room.

Areas such as youth centers, family life centers, social service centers, public gardens and chambers, kindergartens and preschools are utilized in establishing child interview centers.

Article 41/D titled “Venues of delivery” of the Juvenile Protection Law No. 5395 governs that: “The proceedings concerning the fulfillment of the writs or injunctions with regard to the return of child and maintaining a personal relation with child shall be carried out at the venues specified by the directorate.” Pursuant to this provision, the number of court houses where this practice is performed has increased to 592, including 81 provincial and 511 district court houses, and this new practice has been initiated throughout the country.

Child Justice Center:

Based on the objectives set out in the Action Plan on Human Rights, the Judicial Reform Strategy and the Strategy Document of the Ministry of Justice, a new model named “Child Justice Center” has been developed in our country. Child justice centers were established in one building by structuring together the juvenile courts, the juvenile bureau of the Chief Public Prosecutor's Office and the directorate of judicial support and victim services. In these centers, it is aimed to provide holistic services in the field of juvenile justice and child protection in line with the best interests of the child by including the bar association, forensic medicine specialists, social services officers, child investigation offices of law enforcement, universities and other relevant units, and to carry out all judicial proceedings against children in this center by applying child-friendly procedures.

Child Justice Center was first established in Erzurum and was put into service in Erzurum on 20 November World Children's Rights Day, 2021, based on the cooperation protocol signed between the Ministry of Justice and Erzurum Metropolitan Municipality. In addition, works are ongoing on establishing a Child Justice Center in Gaziantep based on the cooperation protocol signed between the Ministry of Justice and Gaziantep Metropolitan Municipality. It is planned to expand child justice centers throughout the country in the future.

Waiting Rooms for Children and Witnesses:

With a view to making children who come to the court houses feel more comfortable and safer, and to protecting them from possible tensions in the court houses, children's waiting rooms and playgrounds have started to be established in the court houses. Thanks to these areas created in the Tekirdağ Courthouse as a pilot project, it is aimed to protect the best interests of children who are involved in the judicial process or who have to come to the court house with their parents or relatives and are asked to wait before or during the hearing, to protect them from the wearisome effects of the judicial process and to prevent them from being traumatized.

Guide on Approach to Victims:

The Guide on Approach to Victims has been prepared by the Department of Judicial Support and Victim Services so that practitioners, especially law enforcement officers, health care providers and judicial professionals, who provide services to victims of crime, can benefit from as a guide and application instrument. This guide aims to gather the basic standards and principles of approach towards victims of crime in a single document, to guide service providers in contact with victims of crime in their practices, and to support them in displaying a respectful and sensitive approach to the

victims' rights. A special section is devoted to the approach to children in this guide. In this way, it is aimed to raise the awareness of the officials who will contact the victims in question, and thus to increase the quality of service.

Guide on Approach to Witnesses:

"Guide on Approach to Witnesses" has been prepared in order to guide service providers who are in contact with witnesses in their practices, to support a respectful and sensitive approach to the rights of witnesses, and to increase the quality of service by bringing together the basic approach standards and principles towards witnesses. A separate heading is devoted to the approach to child witnesses in this guide. In this way, it is aimed to raise the awareness of the officers who will come into contact with the child witnesses in question and thus have a direct impact on revealing the material fact and the justice.

Victim Information Website:

Within the scope of the studies carried out by the Department of Judicial Support and Victim Services for the information of victims of crime, a "Victim Information" website, which contains information about the rights of victims of crime, especially the disabled, the elderly, children and women, and the services offered to them, has been created and made available in three languages. Information about the types of crimes frequently encountered for victims of crime and the mechanisms they can apply to are found on the website. Accordingly, when victims visit the website offering services with the domain name "www.magdurbilgi.adalet.gov.tr", they can easily learn what rights they have, which services they can receive from which institutions, and what procedure they should follow for this, depending on the type of victimization they have experienced.

Speedy Completion of Judicial Process Regarding Children:

As a result of the work carried out to conduct legal remedy investigations regarding the criminal files in which children are a party, in accordance with the principle of the best interests of the child, the necessary update has been made in the "Priority Status of the File" section of the "File Submission Form" sent to the Chief Public Prosecutor's Office of the Regional Courts of Justice and the Chief Public Prosecutor's Office of the Court of Cassation, the phrase "child pushed to crime" has been added and this regulation has been activated by being displayed on the National Judiciary Informatics System (UYAP) screen.

Project on Increasing the Efficiency of Victim Services for Children Pushed to Crime:

With the "Project on Increasing the Efficiency of Victim Services for Children Pushed to Crime" carried out by the Department of Judicial Support and Victim Services and the British Embassy in Ankara between September 2019 and February 2020, it is aimed to examine the problems experienced by children pushed to crime in the judicial process. Within the scope of the Project, an analysis report was prepared for the development of the services provided by determining the problems experienced by the children pushed to crime during the judicial process and contributing to the service provided, identifying tangible problems and needs.

Service Mapping Study:

A "Service Mapping" study is carried out in cooperation with the Department of Judicial Support and Victim Services and UNICEF in order to ensure the necessary efficiency in directing children to the services offered to them by other institutions following the services provided by directorates of judicial support and victim services.

The aims of the mentioned study are as follows: Gathering information on how the injunctions are implemented following the injunctions suggested by the Directorates of Judicial Support and Victim Services, what problems are experienced during the implementation of the injunctions and how the problems encountered can be resolved.

Creating provincial-based service maps regarding the services that all children can receive in terms of both injunctions and referral processes by being included in the judicial support system, thus facilitating children's access to services that meet their needs.

Listing the institutions and organizations that provide services for children on a provincial basis and sharing them with the relevant units, listing which services are provided by the institutions for children, and also carrying out case-based studies between institutions in cases that need coordination.

Within this scope, a workshop was held between 30 November and 1 December 2022 with the participation of judges, public prosecutors, lawyers, academics, representatives of non-governmental organizations and experts, as well as representatives of the Ministry of Justice and other relevant institutions in Erzurum, in order to address issues related to service mapping, the functioning of the Child Justice Center and works that may be done in the future.

Project on Protective and Restorative Approaches to Children in Judicial Processes:

Objectives are included in the Judicial Reform Strategy Document and the Strategic Plan of our Ministry for the evaluation of the acts committed by children under the age of 15 for the first time, within the child-specific protection mechanisms without being subject to investigation and prosecution. Within the scope of the works carried out for these objectives, the Project on Protective and Restorative Approaches to Children in Judicial Processes will be carried out in the IPA III period in the fundamental rights sector by the Department of Judicial Support and Victim Services of the Ministry of Justice in cooperation with UNICEF, with a view to increasing the institutional and professional capacity of the juvenile justice system in order to develop and implement community-based and remedial diversion measures for children in conflict with the law, to developing child-sensitive practices and improving child-specific probation models, deprivation of liberty for children in conflict with the law and to increasing alternative measures to take the measure as a last resort and for as short a time as possible, as well as to increasing institutional capacity in terms of the management of the justice system for children, to increasing victim-sensitive interventions and to strengthening communication and cooperation between the child protection and justice systems with multisectoral working principles. The project proposal is at the stage of being signed by the Delegation of the European Union to Türkiye. The aforementioned Project will contribute to the better defence and protection of children's rights in Türkiye in line with international standards.