

Question 20.a.

Yes it is used. In our country, first of all, in accordance with the best interests of the child victims, their statements are recorded and they are prevented from being listened to again and again, in order not to harm them secondarily. This issue is regulated in paragraph (4) and the continuing paragraphs of Article 236 of the Criminal Procedure Code No. 5271, titled "Hearing the victim and the claimant" as: "(4) (Added on 17/10/2019 by the Law No. 7188/Art. 22) Statements of children or victims, which are considered by the public prosecutor or judge to require to be taken in a private environment, or for whom it is considered to be inconvenient to come face-to-face with the suspect or the accused, shall be taken by experts in a private environment.

(5) (Added on 17/10/2019 by the Law No. 7188/Art. 22) The statements of children who are victims of the offences regulated in the second paragraph of Article 103 of the Turkish Criminal Code during the investigation phase shall be taken by experts under the supervision of the Public Prosecutor at the centers providing services for them. Statements and images of the victim child shall be recorded. In the prosecution phase, where it is necessary to take the child's statement or take another action in order to reveal the material fact, this process shall be carried out by the court or the delegated judge to be assigned by the experts in these centers. The procedures specified in this paragraph shall be carried out by taking the victim child to the nearest center regardless of the jurisdiction and territorial boundaries.

(6) (Added on 17/10/2019 by the Law No. 7188/Art. 22) The provision of the fifth paragraph shall also be applied in terms of the statements of the victims of the offences regulated in the second paragraph of Article 102 of the Turkish Criminal Code during the investigation phase. However, the recording of statements and images shall be subject to the victim's consent.

(7) (Added on 17/10/2019 by the Law No. 7188/Art. 22) Statements and images recorded within the scope of the fifth and sixth paragraphs shall be kept in the case file, shall not be given to anyone and necessary precautions shall be taken for their confidentiality.

(8) (Added on 17/10/2019 by the Law No. 7188/Art. 22) Statements and images recorded within the scope of the fifth and sixth paragraphs shall be converted into a written report. The report in question shall be given to the suspect, accused, defense counsel, victim, attorney or legal representative who requests it. Statements and images may be watched by these persons under the supervision of the investigation and prosecution authorities, by protecting their confidentiality."

In addition, judicial interview rooms specially designed for children are used when taking statements from children. In this way, children are not brought to the courtroom, and the children's statements are taken in these special places accompanied by experts, and this image is transmitted live to the courtroom by using video equipment systematically.

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 Monitoring Centers:

CMCs are state institutions where, in cases of abuse, statements are taken by the experts from children who have been exposed to sexual abuse and harassment, by protecting them from the effects of the traumas they have experienced and from a secondary abuse; likewise, the children are examined in the presence of the experts in the field; a roadmap is created for the health and development of the children by having interviews with their families; and equipment and necessary personnel are provided to collect and report all findings. The child who has been brought to the center is welcomed by a judicial interviewer, taken into the waiting room, and the registration procedures are completed. The child is

taken into a preliminary interview room appropriate for his/her age, and a preliminary interview is held. In this manner, it is ensured that the child gets accustomed to the environment and distanced from the trauma. Thereafter, the child is taken into the judicial interview room, and his/her statement is taken under the supervision of the Public Prosecutor and with the participation of the persons concerned. It is mandatory to take video and audio recordings while the child's statement is being taken. A statement record is prepared and undersigned right after the judicial interview. A copy of the recordings will be submitted along with the minutes immediately after the interview has taken place. After the statement of the child is taken, in line with the instructions of the Public Prosecutor, under Article 76 of the Criminal Procedure Code no. dated 04/12/2004 and numbered 5271, the physical examination and/or sampling of the child shall be carried out at the center by a forensic medicine expert or other relevant specialist physicians. Consultation is requested from the relevant specialist physicians for the physical and psychological examination and assessment of the child. Consultations are held at the center. Where follow-up and treatment are required at the end of the examination, the relevant clinic/polyclinic provides the follow-up and the treatment. In the family interview room is held an interview with the family with the exception of those who are alleged to have committed a sexual offence against the child. The findings obtained during the interview, including the neglect of the child, are evaluated, a report on the family interview is drawn up, and a copy of the report is conveyed to the Public Prosecutor's Office. All these procedures are conducted under a single roof, and multidisciplinary cooperation is made in order to prevent the child from getting further affected.

Pursuant to the "Circular No. 2012/20 of the Prime Ministry published in the Official Gazette No. 28431 and dated 4 October 2012", child monitoring centers have been established within hospitals or institutions affiliated to the Ministry of Health in order to ensure that all judicial and medical procedures of children who have been sexually abused are carried out under one roof by experts in this field. Currently, the number of CMCs in our country has reached a total of 64 in 61 provinces. In line with the joint efforts and positive feedback received, it is planned to expand CMCs throughout the country, primarily in provincial centers and then in high criminal centers.

The objectives of establishing child monitoring centers may be enumerated as follows:

- 1- Preventing the increase in the sufferings of the children who are victims of abuse by carrying out procedures such as examination, law enforcement procedures, legal and judicial system procedures and treatment of the child under a single roof.
- 2- Reducing the impact of trauma upon the children through child-friendly physical structures created in the centers.
- 3- Preventing secondary abuse of children while taking their statements.
- 4- Meeting the shelter, nutrition, health and safety needs of those children who need to be taken under protection until the place where they will stay in safety is determined.
- 5- Taking measures to reduce the trauma also experienced by the family by having interviews with the family.