

**Women's organizations in Turkey
say "no" to amnesty for perpetrators of
sexual abuse of children and to child marriage**



July 6, 2020

#NoAmnestyForChildSexualAbusers

Women's organizations in Turkey say "no" to amnesty for perpetrators of sexual abuse of children and to child marriage

Women's organizations in Turkey are resisting a draft amendment that would let perpetrators of child sexual abuse walk free if they marry their victims.* The amendment to Article 103 of the Turkish Penal Code (TPC) is expected to come before the Turkish Parliament by July 15. In 2016, a similar version of the amendment was withdrawn as women's organizations mobilized against it and it failed to generate support from the opposition parties.

According to the recent draft amendment, a man who has been charged, tried, and convicted of child abuse will be released if he marries the victim provided that:

- the victim was at least 13 years old at the time of the incident,
- the age difference between the victim and the perpetrator is not more than 15 years,
- the marriage was officiated before the date the law is enacted, and
- the marriage continues for a period of at least five years.

The rationale of the draft amendment is that a one-time amnesty for men who are prosecuted for sexual abuse of a minor under the guise of "religious marriage" and/or the tacit consent of the girl's parents, which was subsequently endorsed officially when the girl came of age, would solve the problems encountered by such families. Whitewashing child sexual abuse under the label of marriage as proposed in this draft amendment, would attest to a failure to protect children, and the girl child in particular.

The most important and likely danger posed by the draft amendment is that, if and once it passes in the Parliament, Turkey's Constitutional Court can later annul any of the above 'specifying' criteria, as they may be seen to counter to the constitutional guarantee of 'equality'. This would turn a "one-time" amnesty into a general practice that would pressure all female survivors of rape to marry their abusers.

Per Article 90 of its Constitution, Turkey is bound to act in accordance with international human rights conventions to which it is a party. These include:

- Convention on the Rights of the Child (CRC), which obliges state parties to uphold "the best interests of the child" (Article 3)
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which prohibits child marriages, and specifies that

everyone should have “the right to choose a spouse and to enter into marriage only with their free and full consent” (Article 16)

- The Lanzarote Convention, which obliges states to “criminalize sexual activity with children below the legal age of consent, regardless of the context in which such behavior occurs” (Article 18)

- The Istanbul Convention, which highlights the need to promote gender equality for preventing and combating violence against women, and which obliges state parties to criminalize “the intentional conduct of forcing an adult or child into marriage” (Article 37)

In accordance with the underlying principles of these conventions, child and early marriages not only undermine girls’ sexual and reproductive health, by increasing their risk of maternal mortality and morbidity due to early pregnancies but also by making them more vulnerable to violence against women.

Our concerns about girls’ and women’s rights and well-being are compounded in light of recent public statements by high ranking officials from the ruling party who suggest that Turkey may withdraw from the Istanbul Convention.*

We call upon the international community to stand with us against all legislative initiatives that compromise children’s wellbeing and women’s human rights. We reiterate that Turkey should comply with its international legal obligations, as well as its commitment to the Sustainable Development Goals, and implement its existing national laws to protect children from sexual abuse, to ensure their overall well-being and to promote women’s human rights and gender equality.

Women’s Platform Against Amnesty for Child Sexual Abusers

July 6, 2020

iletisim@tck103kadinplatformu.net

* For background information, please read the following:

Women’s Platform Against Amnesty for Child Sexual Abusers. 15 June 2020.

<https://www.tck103kadinplatformu.net/>

Joint Statement by UNICEF, UNFPA and UN Women. 21 November 2016.

<https://www.unfpa.org/press/joint-unicef-unfpa-un-women-and-undp-statement-turkeys-draft-bill-sexual-abuse-against>

Yakin Erturk. “A move to set free child sex abusers: in the name of our ‘culture’” 2 December 2016

<https://www.opendemocracy.net/en/5050/midnight-motion-to-set-free-child-sex-abusers-in-name-of-our-culture/>

Turkey may consider withdrawing from the Istanbul Convention: AKP Official. 3 July 2020.

<https://www.hurriyetdailynews.com/turkey-may-consider-withdrawing-from-istanbul-convention-akp-official-156247>