



**Inter-Agency
Coordination**
Turkey

INTER-AGENCY GUIDANCE NOTE ON CHILD MARRIAGES

ANNEXES

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ANNEX 1

National Legal Framework on Child Marriages

Relevant Article	Criminal Act	Complaint Requirement	Explanation
<i>Criminalized Acts of a Person to Marry a Child</i>			
Turkish Criminal Code Article 103 <i>Child molestation</i>	<ul style="list-style-type: none"> If sexual abuse ceases at the level of sexual importunity, the term of imprisonment shall be from 3 years to 8 years. If the victim is less than 12 years of age, the imprisonment can't be less than 5 years. 	If the offender is a child, complaint is required from the parents or legal guardian of the child for the criminal procedure to be initiated.	Sexual behavior, which involves contact with the body and which involves abrupt movement, should be understood by the expression "child molestation".
Turkish Criminal Code Article 103 <i>Sexual Abuse</i>	<ul style="list-style-type: none"> All kinds of sexual behavior against children who are under the age of fifteen All kinds of sexual behavior against those attained the age of fifteen but lack the ability to understand the meaning and legal consequences of such act For other children, sexual behaviours committed against children by force, threat, fraud or another reason affecting the will. are punishable between 8 to 15 years. If the victim is less than 12 years of age, the imprisonment can't be less than 10 years. 	Complaint is not required for the criminal procedure to be initiated.	<p>For the sexual behaviors to be punished, there is no need that they derive from threat, force, fraud or any other kind of act affecting the will. However, if the sexual behavior also includes an act that affected the will of the victim (child), then the punishment is increased by half.</p> <p>The consent of the victim (child) is irrelevant to the crime, once all other elements of the crime are present. The Law, does not take into account the consent of the child who is below the age of 15 and of those who have completed 15 years of age; but who lack the ability to comprehend the legal consequences of such act. Hence, it also covers children who are 15 and above, if they lack the ability to comprehend the legal consequences of the act of if their will is affected by duress, threat, deception or due to other reasons.</p>
Turkish Criminal Code Article 103 <i>Aggravated Sexual Abuse</i>	<ul style="list-style-type: none"> In case sexual abuse is performed by inserting an organ or instrument into a body, the offender is sentenced to a term of imprisonment no less than sixteen years. In cases where the victim is less than 12 years of age, the imprisonment can't be less than 18 years. 	Complaint is not required for the criminal procedure to be initiated.	
If the offense is committed against a child by stepfather, stepmother, half-sibling or adopter or by his/her guardian, tutor, instructor, caregiver, custodial parents or by those who provide him/her with health care or are under an obligation to protect, look after or supervise him/her the punishment to be imposed is increased by one half. (For example, if the penalty is 10 years, it will be increased by 5 years to 15 years in total.)			
Turkish Criminal Code Article 104 <i>Sexual intercourse with</i>	<ul style="list-style-type: none"> Sexual intercourse with a child who completed the age of fifteen, without using force, threat and fraud: is punishable from 2 years up to 5 years of imprisonment. 	For the first bullet point, complaint is required for the	In order for this crime to occur, the willpower of the child having attained 15 years of age must not be altered by the use of force, threats or cheating/deception. If this is the

under age persons	<ul style="list-style-type: none"> If the offence is committed by the mother, father, brother, uncle, aunt, niece or a person providing care for a child prior to adopting the child or by a person who is under an obligation to protect, look after or supervise the child under custodial relationship : <p>is punishable from 10 years up to 15 years of imprisonment.</p>	<p>criminal procedure to be initiated.</p> <p>For the second bullet point, complaint is not required for the criminal procedure to be initiated.</p>	<p>case, then the crime is classified under Art. 103, sexual abuse. However, even if the child has entered into sexual intercourse without force, threat or fraud, the crime of sexual intercourse with under age persons will still be constituted.</p>
Turkish Criminal Code Article 105 Sexual Harassment	<ul style="list-style-type: none"> Sexual harassment of a child: is punishable from 6 months to 3 years of imprisonment. 	<p>Complaint is required for the criminal procedure to be initiated.</p>	<p>Sexual harassment refers to acts that do not involve physical contact and to acts of harassment of sexual nature (words, behaviours, signs).</p>

For crimes that are subject to complaint, including Art. 104 – 105 of the Turkish Criminal Code, the complaint should be lodged by the person affected by the crime including the child victim as well as his/her parents and/or legal representatives. The complaint should be lodged within 6 months after becoming aware of the perpetrator and the crime (Turkish Criminal Code Art. 73).

Turkish Criminal Code Article 109 Deprivation of Liberty	<ul style="list-style-type: none"> The act of restricting the freedom of a child to move, or to remain, in a particular place: is punishable from 2 years up to 10 years of imprisonment. Where the offence is committed against a child with a sexual purpose: The punishment to be imposed is increased by one half. 	<p>Complaint is not required for the criminal procedure to be initiated.</p>	
Turkish Criminal Code Article 234 Kidnapping and Retention of a Child	<ul style="list-style-type: none"> In case a child under the age of sixteen is kidnapped without using force or threat by mother or father who lost his/her parental rights, or by third degree blood relations while he/she is legally under the care or custody of a natural parent or guardian, the offender is punishable from 3 months up to 1 year of imprisonment. Any person who keeps a child who has run away from home without informing, or obtaining the consent of, their legal guardian without notifying the parents or competent authorities, notwithstanding the consent of the child: is punishable from 3 months up to 1 year of imprisonment. 	<p>Complaint is required for the criminal procedure to be initiated.</p>	

Punishable Acts of Parents of a Child

Turkish Criminal Code Article 38 Solicitation	<ul style="list-style-type: none"> A person soliciting another person to commit offense is punished according to the degree of crime committed. 		<p>If the parents, legal guardian and/or caregiver of the child who has been married off, have solicited the perpetration of the offence of child's sexual offence or sexual intercourse with under age persons, then the parents, legal guardians and/or caregivers will be punished according to the degree of the relevant crime.</p>
Turkish Criminal Code Article 39	<ul style="list-style-type: none"> In case any family members provide any assistance, incentive, guidance or facilitation for perpetration of the above mentioned crimes: 	<p>Complaint is not required for the criminal procedure to be initiated.</p>	

Encouragement of a Person to Commit Crime	They shall be responsible of the above mentioned crimes and sentenced the half of the sentences above. However, the sentence cannot exceed 8 years.		
Turkish Criminal Code Article 232 Cruelty	<ul style="list-style-type: none"> Any person who is cruel to the person sharing the same dwelling is punished to imprisonment from 2 months to 1 year. Any person who improperly uses disciplinary power against a person whom he is responsible for his growth, education, care protection or training in professional field, is punished with imprisonment up to 1 year. 	Complaint is not required for the criminal procedure to be initiated.	
Turkish Criminal Code Article 233 Breach of Obligations Conferred Upon by Family Law	<ul style="list-style-type: none"> Any person who fails to fulfill the obligations conferred upon by the family law, which stipulate care, education or support of family members: is punishable with imprisonment up to 1 year of imprisonment. Mother or father, even in the event that custodial rights are lifted, who is determined to be risking the health, good morals, or safety of their children due to addiction or drugs, or by bringing dishonor on their children, is sentenced with imprisonment from 3 months to 1 year. Lastly, if the child becomes pregnant and the person who is married to the child (or the person constantly living together with the child, even though they are not formally married) abandons the child in a desperate situation knowing that the child is pregnant: is punishable from 3 months to 1 year of imprisonment. 	For the first bullet point, complaint is required for the criminal procedure to be initiated. For the second and the third bullet points, complaint is not required for the criminal procedure to be initiated.	
Notification Obligation			
Turkish Criminal Code Article 278 Failure in Notification of an Offence	<ul style="list-style-type: none"> Any person who fails to notify the authorized bodies about an offense while it is being committed and, Any person who fails to notify the authorized bodies about an offense that has been committed by where it is still possible to limit its consequences: is punishable up to 1 year of imprisonment. <p>Where the victim is a child not having yet attained his fifteenth year, the penalty to be imposed shall be increased by one half.</p> <p>However, as per Article 278/4, those who are exempt from testifying will not be punished as per this crime. Hence, as per Article 45 of the Criminal Procedural Law, penalty cannot be imposed for the mother or the father of the person married to the children.</p>	Complaint is not required for the criminal procedure to be initiated.	Considering the possibility of sexual intercourse occurring more than once in marriage, it can be said that there is an ongoing and consequent crime. This article applies to everyone, including NGOs.
Turkish Criminal Code Article 279 Failure by a Public Officer to Report an Offence	<ul style="list-style-type: none"> Any public officer who fails to report of an offence which requires a public investigation and prosecution or delays in reporting such offence: is punishable from 6 months to 2 years of imprisonment. Where the offence is 	Complaint is not required for the criminal procedure to be initiated.	This article shall apply to law enforcement officers and prosecutors, who have been informed about the offense and have not yet started proceedings.

committed by a judicial law enforcement officer, the penalty to be imposed shall be increased by one half.

Turkish Criminal Code Article 280

Failure by a Member of the Medical Profession to Report an Offence

- Any member of the medical profession who fails to report of an offence, or delays in reporting such offence, to the relevant authority after becoming aware, in the course of his duty, of any evidence demonstrating that a crime:

is punishable up to 1 year of imprisonment.

Complaint is not required for the criminal procedure to be initiated.

A member of medical profession refers to a doctor, dentist, pharmacist, midwife, nurse and other healthcare provider.

Child Protection Law Article 6

Applying to the Agency

- Judicial and administrative authorities, law enforcement officers, health and education institutions and nongovernmental organizations have the obligation to notify the Social Services and Child Protection Agency of any juveniles that are in need of protection.

Although there is no penalty for non-fulfillment of this obligation, NGOs who are aware of sexual abuse need to inform PDoFLSS about the child who is in need of protection within the scope of this article, in addition to the judicial authorities

Protective Measures to be taken for the Child

Law to Protect of the Family and Prevention of Violence against Women Article 4

Protective Measures to be Decided by the Judge

- Change of workplace,
- Providing a separate settlement from the common settlement if the child is married,
- In the presence of the conditions required by Turkish Civil Code, an annotation of family residence on the land registry.
- Changing the identity and other relevant information and documents in accordance with the provisions of the Witness Protection Act on the basis of the informed consent of the person concerned and in the event that it is understood that other measures for the protection of the person in question are not sufficient to prevent this danger.

The scope of this law is not limited only to children and includes adults.

One or several of these measures, or similar measures to be considered appropriate may be decided by a judge.

Preventive Measures to be taken against the Person Married with a Child

Law to Protect of the Family and Prevention of Violence against Women Article 5

Preventive Measures to be Decided by the Judge

- Not to exhibit an attitude or behaviors including the threats of violence, insult and humiliation against the child,
- To move from the shared dwelling or the vicinity immediately and to allocate the shared dwelling to the child
- Not to approach to the child and their residences, schools and workplaces
- If there is a previous decision to allow having a personal connection, to have a personal connection with the children together with a company and to restrict the personal connection or to revoke it completely.
- Not to approach the friends or relatives and children of the protected person even though they haven't been subject to the violence, without prejudice to the decisions that allows personal connection with children
- Not to damage the personal belongings and household goods of the child
- Not to cause distress to the child by means of communication instruments or alternative channels

One or several of these measures, or similar measures to be considered appropriate may be decided by a judge.

In cases where delay is considered to be risky, the measures as contained in the clauses of (a), (b), (c) and (d) of the first paragraph shall be taken by the relevant law enforcement chiefs as well. The law enforcement chief shall present the report to the judge for approval no later than the first work day after the decision is taken. The measures which are not approved within the twenty- four hours by the judge shall be per se abolished.

With the measures identified within this Law, the judge is authorized to take a decision on protective and preventive measures as contained within the Child Protection Law and on the issues of guardianship, custody, alimony and personal

- To hand over the officially permitted and authorized weapons to the law enforcement officials.
- To hand over the weapon to the employing institution, even if the person is in a profession of public service that requires carrying a weapon.
- Not to use alcohol, drugs or stimulants in places where the child is present or not to approach the protected people and whereabouts while under the influence of these substances and to ensure to have a medical examination and treatment including in-patient treatment in case of the addiction.
- To apply to the health centre for examination or treatment and to ensure having a treatment.

connection as per the provisions of Turkish Civil Code, if the child is subject to domestic abuse.

If the perpetrator of violence is the person who at the same time is the provider of or contributor to the family's livelihood, the judge may decide on a temporary alimony by taking into consideration of the living standards of the victim even without request provided that no decision on maintenance had been rendered as a priority, as per the provisions of Turkish Civil Code.

In case the perpetrator of violence for whom a cautionary decision is taken as per the provisions of this Law acts contrary to the requirements of this decision, the perpetrator will be subject to the preventive imprisonment from 3 to 10 days by the judicial decision depending on the nature and severity of the violated measure even if the act constitutes another crime.

In each recurring action contrary to the requirements of the cautionary decision, the period of the preventive imprisonment shall be from fifteen to thirty days. But the period of the preventive imprisonment cannot be more than six months.

Child Protection Law

Child Protection Law Article 5

- Protective and supportive measures are to be taken in terms of consulting, education, care, health and shelter, for the purpose of protecting the child within his/her own family environment before all else.
- **Consultancy measure:** oriented to providing guidance on child rearing to those who are responsible for the care of the juvenile, and guidance to juveniles on solving problems related to their education and development;
- **Education/training measure:** oriented to ensure that the child attends an education institution as a day-student or boarding student, attends a vocational training course or arts & crafts course, or is deployed with a master of profession or at a workplace belonging to the public or private sector for the purpose of acquiring a job or a profession;
- **Care measure:** to make governmental or private care center services or foster family services available for the child or place the child under the care of such institutions, in the event that the person responsible for the care of the child fails to fulfil his/her care duties due to any reason;

- **Health measure:** to ensure necessary temporary or continuous medical care and rehabilitation for treatment and protection of the child's physical and physiological health, and treatment and therapy for children who use addictive substances;
- **Shelter measure:** to provide a suitable shelter for those who have children but do not have a place to live, or to pregnant women whose lives are in danger.

**Child Protection
Law Article 9**

- In case of a situation which requires taking the child under immediate protection, the child shall be taken under care and supervision by PDoFLSS and then the Agency shall apply to the child judge within five days at the latest following the day the child was brought to the Agency, in order for an urgent protection decision. The judge shall decide with regard to the request within three days. The judge may decide for keeping the child's location confidential and, when necessary, establishment of personal contact.

Limitation Periods Pertaining to Criminal Proceedings

**Turkish Criminal
Code Article 66**

- Thirty years for offences requiring a penalty of aggravated life imprisonment,
- Twenty-five years for offences requiring a penalty of life imprisonment,
- Twenty years for offences requiring a penalty of imprisonment of not less than twenty years,
- Fifteen years for offences requiring a penalty of imprisonment of more than five years and less than twenty years,
- Eight years for offences requiring a penalty of imprisonment of not more than five years or a judicial fine,

Unless otherwise provided for by law, public acts shall be discontinued upon the lapse of the above time limits.

Criminal proceedings shall be discontinued against those who were between the ages of twelve and fifteen at the time when the crime was committed if half of the above periods are exceeded; and they shall be discontinued for those who were between the ages of fifteen and eighteen at the time when the crime was committed if two-thirds of these periods are exceeded.

For complete offences, the time lapse shall begin on the day the offence was committed; for attempted offences, on the day when the last act was conducted; for continuous offences, on the day when the continuing act ended; for successive offences, on the commission date of the last offence and for crimes committed against children by their direct-ascendant or persons who have influence upon them, the limitation period shall begin on the day when the child completes eighteen years of age.

ANNEX 2

Considerations for Individual Assessments

- Assessment of the child's best interest on the individual level;
- How the child feels about the marriage and what kind of support s/he is in need of;
- The age and level of maturity of the married child or the child at risk of marriage;
- The age difference between the child and the person the child was married to¹;
- The relationship between the child and the person s/he was married to; whether there are polygamous relations in play;
- Signs of abuse, neglect, exploitation or violence against the child;
- Safety assessment of the child's current caregiving environment;
- The duration of the marriage and circumstances surrounding the marriage/elopement;
- Status of the marriage (i.e. formal or informal) and where the matrimony took place (i.e. country of origin, country of asylum, third country);
- In case of consideration for separation from family/spouse, the possible risks and consequences for the child;
- The national legislation relating to the age of marriage and separation/divorce (i.e. country of origin, country of asylum);
- Assessment of the child's family and close relationships;
- Who the caregiver of the child is (i.e. family/spouse's family);
- Existence or absence of support mechanisms surrounding the child and whether these mechanisms result in protective or risk factors;
- The child's pregnancy and/or parental status;
- The views and wishes of the child and caregivers;
- Child's access to various rights and services including registration, education and health;
- Child's development and identity needs;
- The child's daily routine and if applicable, the different responsibilities of the child within the house (i.e. domestic chores, child headed household);
- The current life conditions surrounding the child;
- The child's skills, talents and capacities;
- The child's opinions and expectations regarding durable solutions for himself/herself/themselves.

¹ According to relevant national laws and regulations, age difference is not reflected as a decisive factor in assessing whether the child is at risk or whether the communion is of a criminal nature. Nonetheless, as the large age gap may result either directly or indirectly in risks for the child, this should also be considered during individual assessments.

ANNEX 3

Child-Friendly Communication Techniques for Child Survivors of Sexual Abuse²

Service providers need to utilize various techniques to facilitate communication according to children's age and level of maturity. For children whom are deemed to be high risk, it is recommended for the interviews to be facilitated by psychologists or experienced/specialized child protection case workers. For low and medium risk cases, to the extent possible, the priority for facilitation lies again with the psychologists or specialized case workers, however may be conducted by social workers in case of absence. Parents may also be informed, preferably by psychologists, on communication techniques for child survivors of abuse, as is in accordance with child's best interests. Information must be shared with the child's parents to the extent child professes consent and is in the child's best interests. Below you may find a quoted passage from the 'Guidelines on Caring for Child Survivors of Sexual Abuse' prepared by IRC and UNICEF. For further information, it is suggested to refer to the Guidelines. You can also benefit from your office psychologist, if available.

Children, ages six years and older, who are able to communicate verbally can benefit from service providers who implement the following strategies:

- Talk with children about their life, school, family and other general topics before asking direct questions about their experience(s) of abuse. This helps the service provider to gauge the child's capacity to be verbal and helps a child feel at ease with the service provider.
- Use as many open-ended questions as possible. Avoid multiple-choice or yes/no questions, which can be confusing and lead the child to give inaccurate responses.
- Avoid using the words "why" or "how come." This will result in answers frustrating for you and the child: "I don't know," for example, or a shrug of the shoulders, or silence. Instead, ask for the child's opinion as to why something is so: "What do you think the reason is...?" In addition, "why" questions can come across as blaming, such as "Why didn't you..." for example.
- Use words that encourage the child to continue talking:
 - ◆ "Tell me more about that..."
 - ◆ "What do you mean by..."
 - ◆ "Give me an example of..." or "Describe for me..."
 - ◆ "Go on..."
 - ◆ "And then what happened...?"
- Do not guide the child's narrative through leading questions and do not interrupt the child; let the narrative flow freely. Whether using verbal or non-verbal techniques, service providers need to be careful not to put words in a child's mouth. For example, do not say, "Did he put his hands on your breasts?" Or if using a doll to help a child communicate what happened, do not point to the breasts on the doll and ask, "Did he touch you here?" Instead, ask the child to show you where he/she was touched. Other examples of useful questions or statements:
 - ◆ Has anyone ever touched you in a way that makes you confused or frightened?

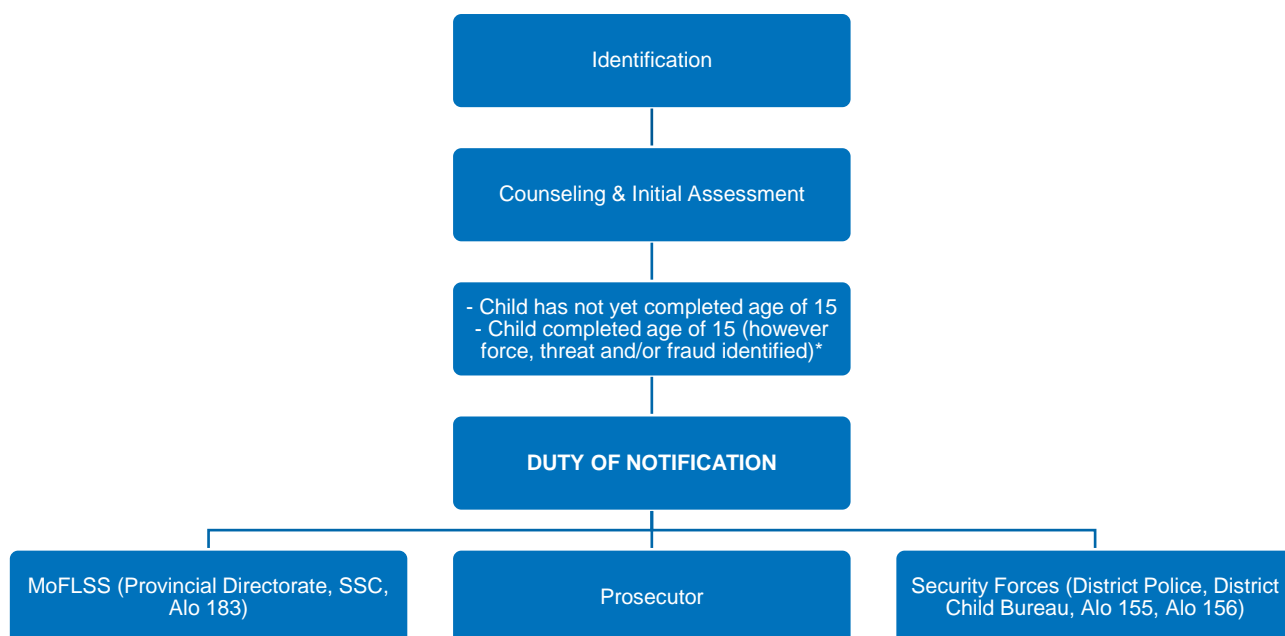
² United Nations Education Fund [UNICEF] / International Rescue Committee [IRC] « Caring for Child Survivors of Sexual Abuse » [2012]

- ◆ Share with me how you were touched.
- ◆ Tell me what happened next.
- ◆ Use your own words. It is okay to go slowly.
- Choose the right words. Children take words literally, so the service provider must be sure to use concrete language him/herself.
- Empower children. After children describe events or occurrences in their lives and talk about their reactions, they must be reassured that they “did the right thing” by telling another person about these events. It may be helpful to allow them the opportunity to explore their ideas and solutions: “What would you tell other kids to do if they were in the same situation?” If they are unable to reply, you can offer them paper and crayons and see if they want to draw their ideas.

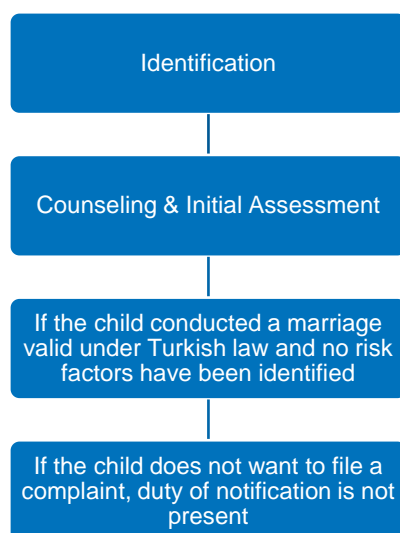
ANNEX 4

Duty of Notification³

Duty of Notification in Cases of Child's Sexual Abuse (TCC Art.103):



Duty of Notification in Cases of Sexual Intercourse with Persons Who Have Not Yet Attained the Lawful Age (TCC Art.104):



* REGARDING DUTY OF NOTIFICATION FOR CHILDREN WHO HAVE COMPLETED AGE OF 15, HOWEVER CAN BE CONSIDERED UNDER THE CATEGORY OF CHILD'S SEXUAL ABUSE THROUGHOUT STAY IN TURKEY, PLEASE REFER TO STATUTE OF REPOSE TIME FRAMES.

³ There is also a duty of notification concerning « children in need of protection » as defined by the National Child Protection Law [No. 5395]. Please refer to the legal definition and if you identify protection concerns beyond child marriages, proceed with notification of authorities listed above.

ANNEX 5

Individual Best Interest Assessment for Child Marriage Cases

UNHCR Case Number:	Click here to enter text.	Nationality:	Click here to enter text.	Sex:	Choose an item.	Age:	Click here to enter text.
Place of Birth:	Click here to enter text.	Date of Birth:	Click here to enter a date.	Date of Arrival	Click here to enter a date.	Current City:	Click here to enter text.
Information on Child				Information on Caregiver			
Full Name:	Click here to enter text.			Full Name:	Click here to enter text.		
Other name / Nickname:	Click here to enter text.			Relationship with Child:	Click here to enter text.		
Marital Status:	At risk of marriage	<input type="checkbox"/>		ProGres ID: (if different from child)	Click here to enter text.		
	Engaged	<input type="checkbox"/>					
	Married (legal)	<input type="checkbox"/>		Legal Caregiver	Yes	No	
	Married (common law)	<input type="checkbox"/>					
	Separated	<input type="checkbox"/>					
	Divorced	<input type="checkbox"/>		Custody Documents	<input type="checkbox"/>	<input type="checkbox"/>	
Phone Number:	Click here to enter text.			Phone Number:	Click here to enter text.		
Available Documents:	Original passport	<input type="checkbox"/>		Address:	Click here to enter text.		
	TurGov ID	<input type="checkbox"/> Click here to enter text.					
	Marriage certificate	<input type="checkbox"/>					
	Family booklet	<input type="checkbox"/>					
	Other ID	<input type="checkbox"/> Click here to enter text.					
Date of Interview:	Click here to enter a date.			Child's Informed Consent for Interview	Yes	No	
					<input type="checkbox"/>	<input type="checkbox"/>	
FAMILY QUESTIONS							
	Name	Location (District / Province)					
Mother (biological)	Click here to enter text.		Click here to enter text. / Click here to enter text.				
Father (biological)	Click here to enter text.		Click here to enter text. / Click here to enter text.				
Are you in contact with your parents? (If <u>yes</u>, provide information regarding last contact / If <u>no</u>, indicate why not?)							
Click here to enter text.							
Do your parents know you are in Turkey? (If <u>no</u>, fill below why not?)							
Click here to enter text.							
If they remain in the country of origin and/or a third country, are they planning to come to Turkey? (If <u>no</u>, fill below why not?)							
Click here to enter text.							

Accompanying Relatives / In-Laws (Turkey ⁴)			
Name	Age	Relationship	Location (District / Province)
Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text. / Click here to enter text.
Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text. / Click here to enter text.
Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text. / Click here to enter text.
Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text. / Click here to enter text.
Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text. / Click here to enter text.
Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text. / Click here to enter text.

If the child is pregnant and/or a child parent, collect information on the following of the son/daughter:

Number of children:	Click here to enter text.	Health status:	Click here to enter text.
Available documents:	Family booklet <input type="checkbox"/>	Notes / Concerns (including obstetric history of child parent):	Click here to enter text.
	Birth certificate of child <input type="checkbox"/>		
	Other: Click here to enter text.		
	Yes	No	
Access to services:	<input type="checkbox"/>	<input type="checkbox"/>	
Vaccination:	<input type="checkbox"/>	<input type="checkbox"/>	

HISTORY PRIOR TO FLIGHT
Information can be reflected on the child's daily life; access to education; relationship with family, social support network, circumstances leading to marriage (if occurred in the Country of Origin). If there is any relevant information about the journey, include as well. Make sure to reflect the views of the child.

Click here to enter text.

CURRENT SITUATION
Child's opinions and views on marriage, family and close relationships including 'spouse', in-laws/caregivers and biological parents; access to rights and services; social support network; circumstances leading to marriage (if occurred in the country of asylum). If possible, identify influencer in family, as well as protective and risk factors.

Click here to enter text.

HEALTH PROBLEMS

Do you have any health problems, conditions or disabilities? ☐ YES ☐ NO

If yes, please explain and provide medical reports if available (to be submitted with assessment form)

Click here to enter text.

Does the child have access to health services? ☐ YES ☐ NO

⁴ Include information on those closest to child and relevant to the child's circumstances (i.e. relatives / in – laws who are supportive to or those who create risk for child)

If yes, are the services formal or non-formal? ☐ YES ☐ NO

If services are non-formal, please provide the hospital and/or doctor's name: [Click here to enter text.](#)

If no, why not?

[Click here to enter text.](#)

CHILD PROTECTION COUNSELING

Would you like to continue to live with your 'spouse'/spouse's family? ☐ YES ☐ NO

If no, please note the concerns:

[Click here to enter text.](#)

Would you like to live with your biological family? ☐ YES ☐ NO

If no, please note the concerns:

[Click here to enter text.](#)

Would you like to be placed in a state-operated child care institution? ☐ YES ☐ NO

(Please assess on a case-by-case basis whether or not to pose this question)

[Click here to enter text.](#)

CAREGIVER QUESTIONS

What are your views on the child's marriage (Biological parents/caregivers other than 'spouse')

[Click here to enter text.](#)

What are your views and wishes for the child and his/her future (Biological parents, caregiver and 'spouse')?

[Click here to enter text.](#)

CLOSING THE INTERVIEW

Observations and concerns noted by Protection Staff member:

Please describe any concerns regarding the behavior or comments of the caregiver child that are important for follow up including any concerns for extra precaution due to tender age, sexual orientation or past traumatic history. Reflect the child's development and identity needs, as well as observations related to safe environment.

[Click here to enter text.](#)

REFERRAL ⁵	REQUIRED ACTION	RESPONSIBLE STAFF (Name and Title)	STATUS OF ACTION (Pending, ongoing, completed)
Provincial Directorate of Migration Management	<input type="checkbox"/> Registration with Turkish Government		
Legal Aid Bureau of Provincial Bar Association for Legal Support			
Provincial Directorate of Family, Labor and Social Services	<input type="checkbox"/> Notify 183 <input type="checkbox"/> Referral to Social Service Center <input type="checkbox"/> Notify PDoFLSS <input type="checkbox"/> Referral to state-operated child institution		
Security Forces	<input type="checkbox"/> Referral to police <input type="checkbox"/> Notify 155 <input type="checkbox"/> Referral to Gendarmerie <input type="checkbox"/> Notify 156		
Judicial Authorities	<input type="checkbox"/> Notification of Prosecutor <input type="checkbox"/> Referral to Court		
MHPSS	<input type="checkbox"/> Referral for Mental Health Services <input type="checkbox"/> Referral for Psychosocial Support		
Health	<input type="checkbox"/> Referral to Public Health Services (if available, Child Monitoring Center ⁶) <input type="checkbox"/> Referral to Migrant Polyclinic <input type="checkbox"/> Referral to Family Health Center <input type="checkbox"/> Medical Examination <input type="checkbox"/> STD Testing / Counseling		
Education	<input type="checkbox"/> Referral to Formal Education <input type="checkbox"/> Referral to Turkish Language Courses <input type="checkbox"/> Referral to Catch-up Courses <input type="checkbox"/> Referral for Higher Education		
Empowerment	<input type="checkbox"/> Engagement in Child Friendly Space Activities <input type="checkbox"/> Referral to Women and Girls' Safe Spaces <input type="checkbox"/> Engagement of child / caregivers in solidarity and/or other community-based groups <input type="checkbox"/> Referral to Vocational / Skills-Building Courses		
Other			

⁵ Please refer to Annex 6, Risk Assessment / Case Prioritization Matrix to identify child's individual risk level as well as relevant timeframes to align referral and follow up actions according to the urgency of the child's needs.

⁶ In Istanbul, child monitoring centers are available in İstanbul Sağlık Bilimleri Üniversitesi Kanuni Sultan Süleyman Eğitim ve Araştırma Hastanesi'nde, İstanbul Bakırköy Prof. Dr. Mazhar Osman Ruh Sağlığı ve Sinir Hastalıkları Eğitim ve Araştırma Hastanesi'nde ve İstanbul Şişli Hamidiye Etfal Eğitim ve Araştırma Hastanesi hospitals.

ANNEX 6

Risk Assessment / Case Prioritization Matrix

Risk Level	Emergency (Level 1)	High (Level 2)	Medium (Level 3)
Response and Follow-up Timeframe	<i>Respond within 24 hours</i> <i>Follow-up at least every other day</i>	<i>Respond within 0-3 days</i> <i>Follow-up at least once a week</i>	<i>Respond within 7 days</i> <i>Follow-up at least every other week/on a monthly basis</i>
Type of Harm / Risk	<p>Child below 15</p> <p>Child forcefully married</p> <p>Child between 16-17 and urgent protection need and/or abuse identified</p> <p>Pregnant child who has not yet undergone medical check-up</p> <p>Married child who has additional protection needs (i.e. disability, violence, abuse, neglect, exploitation, sexual intercourse without mutual consent) and cannot benefit from protective factors/support mechanisms (including within the family)</p> <p>Child with suicidal tendencies due to forced marriage</p> <p>Child is to be married within the coming days</p>	<p>Child between 16-17, marriage is not legal, either both are children or there is a big age difference</p> <p>Pregnant child</p> <p>Child is engaged and/or has been informed that s/he would be married in the near future</p> <p>Child has completed age of 15 and married with his/her own consent, however cannot benefit from support mechanisms (including within the family)</p>	<p>Child between 16-17, has not been forced to marry, has access to rights and services, support mechanisms within the family are available</p> <p>Child is legally married in Turkey (child is between 16-17 and has legalized marriage either through Courts or through parental consent)</p> <p>Legally married in country of origin (i.e. 15 in Syria) and there is mutual consent for ongoing sexual intercourse</p> <p>Pregnant child with access to formal health services</p>

ANNEX 7

Referral Mechanisms within Individual Case Management Procedures

Children at Risk of Marriage:

Counseling

For content of counseling, please refer to the Counseling section of the Guidance Note's Response chapter

Child

- In consideration that you may not be able to reach the child/family subsequent to initial counseling, risk and protective factors specific to the child should be identified effectively, and counseling should be provided accordingly.
- In case the child is being married without his/her consent, the possibility of placement into safe shelter under state protection should be emphasized.
- The child should be informed on institutions to be contacted and/or approached in case of emergencies (including security forces, prosecutor, 183 – 155 – 156 – 157 hotlines).
- If the child states she would like to be pregnant/have children, she should be provided health counseling with the aim of delaying pregnancy until she completes 18 years of age (minimum).

Person the Child is to be Married to

- They should be informed on potential criminal procedures and legal consequences of the marriage, as are summarized in *Annex 1*.
- Risks arising from the potential 'spouse' should be identified during counseling.

Parents, Caregivers and / or Legal Guardians (Female)

- Female family members / caregivers whom the child trusts, and who ensures the child's well-being should be identified and targeted.
- Purpose of counseling is to convince the identified female individual to influence delay of marriage until child is at least 18 years of age.
- Counseling content should emphasize the potential negative consequences of early sexual intercourse and pregnancies, as well as psychological effects of forced or 'loveless' marriages on children.

Parents, Caregivers and / or Legal Guardians (Male)

- Influential male family members should be identified and be included in attempts to convince the family to delay marriage. The male family member to be targeted should not only be limited to a father figure; if possible, elderly family members should also be engaged in the process.
- In full consideration of the principle of confidentiality, community and/or religious leaders could be engaged in counseling if family members are to be convinced to delay marriage.

Empowerment / Raising Awareness

- Children should be engaged in **child and/or youth-friendly spaces** according to their age and specific needs;
- Children should be encouraged to participate in individual and/or group **psychosocial activities**;

- Children should be referred for **empowering activities** and courses. Examples may include self-awareness and developing self-respect; inter-personal relations and conflict management skills; healthy development; planning for the future; safety planning; skills development and vocational courses.
- In addition to empowerment activities, children should also be engaged in **awareness raising activities**, including on universal children's rights, national legal framework in Turkey, consequences of child marriages, sexual reproduction and early pregnancy.

Education

- In case children are out of school and/or do not have access to formal, non-formal or informal education, both children and family members / caregivers should be engaged in attempts to refer children to formal and informal education, Turkish language courses as well as skills development and vocational courses.

Social – Economic Support

- **Important note:** Conditional financial support should be provided **only** in circumstances where the child will be married solely due to financial difficulties. It is crucial to monitor that the support provided is used for the right purpose (i.e. addressing financial difficulties leading to marriage), hence regular follow-up should be ensured.
- Referrals for social and/or economic support may be undertaken to the Emergency Social Safety Net (ESSN) Programme, Conditional Cash Transfer for Education (CCTE), socio-economic support (SED) provided by district Social Service Centers, Metropolitan Municipality and/or district municipalities, and Social Assistance and Solidarity Foundations.
- Hygiene and health, as well as dignity kits should be available and provided to identified children and families.
- Parents and/or caregivers of the identified children should be referred for livelihoods and employment opportunities, including to ISMEK and ISKUR.

Children who have already been married / pregnant children / child parents

Counseling

For content of counseling, please refer to the Counseling section of the Guidance Note's Response chapter

Child

- For children who have already been married at the time of identification, however who are not pregnant or do not yet have children of their own, both the children themselves and their family members should be counseled towards delaying pregnancy at least until 18 years of age. For children who are pregnant or already have children, attempts should be made to delay further pregnancies at least until 18 years of age.
- In consideration that the child may face protection concerns (even if risks are not observed at the time of initial identification), safety planning should be undertaken with the child, through his/her meaningful participation.
- In case the crime of sexual intercourse with persons who have not yet attained the lawful age is constituted (Turkish Criminal Code Art. 104), the child should be informed on his/her right to file a complaint as well as the 6 month complain timeframe. In case the child would like to proceed with a complaint, referrals to

Legal Aid Bureaus of Bar Associations should be undertaken and follow-up should be maintained regularly. Assessment of the child's willingness to be taken under state protection should be undertaken if the child states s/he would like to proceed with a complaint as well.

Person the Child is to be Married to

- The positive influence of the child's access to rights and services, empowerment and awareness on the relationship should be emphasized.
- The importance of access to health services, especially of pregnant children, should be clearly highlighted.
- Discussions should be held with regards to the significance of equal distribution of domestic tasks and chores.
- In case the child is below 15 years of age, **the duty of notification as well as the potential consequences should be communicated**. The importance of maintaining communication with the child and family, even after the notification is carried out, should be noted as well.

Parents / Caregivers

- In case the child is below 15 years of age, **the duty of notification as well as the potential consequences should be communicated**. The importance of maintaining communication with the child and family, even after the notification is carried out, should be noted as well.

Empowerment / Raising Awareness

- **Sexual reproduction:** girls and boys who have already been married should be targeted. Information should be shared on family planning, early pregnancy, sexually transmitted diseases and sexual intercourse based on mutual consent. Referrals may be undertaken to family health centers and migrant health centers.
- **Healthy relationships:** Awareness raising sessions should include establishing trust relationships, conflict management skills, consent, equal distribution of domestic tasks and chores (i.e. cooking, cleaning, child bearing). If need be, referrals for psychosocial support should be undertaken.
- Solidarity groups as well as participation and decision-making platforms should be established and both girls and boys (including both children and adolescents) should be engaged accordingly.
- The encouragement, especially of girls, to participate in formal, informal and non-formal education, including skills building, vocational and Turkish language courses, will be crucial towards their empowerment.
- Especially girls should be encouraged to participate in social life.
- Children should be referred for individual and group psychosocial support and activities.

Health

- Access to formal health institutions and services should be emphasized, especially in the case of pregnant children.
- Access to formal health institutions and services for the children of child parents should be ensured.
- Children who vocalize their wish to be pregnant, or those who are already parents and state their wish to have more children, should be provided counseling towards delaying pregnancy at least until 18 years of age.

- Children and/or families who are unwilling to benefit from formal health services, albeit receiving necessary counseling, should be referred to the Provincial Directorate of Family, Labor and Social Services, district Social Services Centers, or Prosecutors for the issuance of health measures through Courts.

Other

- In case of absence, registration with the Provincial Directorate of Migration Management of both married children as well as their children (if present) should be ensured as soon as possible.
- Birth registration of newborn babies should be undertaken to ensure that they attain identity before the law in general and to prevent statelessness where such risk is applicable.
- The child and family should be supported with hygiene/dignity kits, food items and any relevant support (excluding financial).
 - For hygiene/dignity kits, the case can be referred to Turkish Red Crescent, ASAM, Multeciler Association or UNFPA, who may offer hygiene/dignity kits.
- In cases where the child has not conducted a marriage valid before Turkish law, referrals should be undertaken to the Provincial Directorate of Family, Labor and Social Services, district Social Services Centers, or the Prosecutor for the issuance of care measures. In case a crime has been committed, security forces, the Gendarmerie, or the Prosecutor should be informed.
- In order to strengthen follow-up on cases, referrals to the Provincial Directorate of Family, Labor and Social Services, district Social Services Centers or the Prosecutor should be undertaken for the issuance of counseling measures.
- When providing counseling to the child, safety planning should be undertaken in case of future need.

ANNEX 8

Preventive Activities

Action to be Taken	Description	Target Group	Potential Institutions to Coordinate with	Timeframe
Counseling	<ul style="list-style-type: none"> Provision of holistic counseling on child marriages 	<ul style="list-style-type: none"> Parents or caregivers who express their wish to marry their children, Influential family members, including elderly, Children, Person whom the child is to be married to. 	<ul style="list-style-type: none"> If identification is carried out by a non-protection actor, referrals should be undertaken immediately to a protection actor. UNFPA, for sexual reproduction counseling. 	<ul style="list-style-type: none"> As soon as possible subsequent to identification.
Referral to Education	<ul style="list-style-type: none"> Outcomes of the multiple consultations with community groups indicate that education is one of the most important factors in the prevention of child marriages. For participation in education, children should be referred to district/provincial directorates of Education. Children with protection needs should be referred to district Social Services Centers for protective and supportive measures, including socio-economic support (only if family is considering to marry children due to financial difficulties). In case children have been out of school for at least three years, referrals may be undertaken to catch up courses according to availability. In case it is deemed in the best interest of the child to participate in vocational/technical education and if legal, referrals to mesleki eğitim merkezlerine/sair iş ve meslek edindirme kursları may be undertaken. An assessment of the child's best interest should be conducted prior to mentioned referrals. 	<ul style="list-style-type: none"> Children at risk of marriage, Children who are out of school or whom do not have access to education (including child laborers). 	<ul style="list-style-type: none"> Further information on accelerated learning programme can be obtained from UNICEF. 	<ul style="list-style-type: none"> As soon as possible subsequent to identification.
Notification of PDoFLSS/ SSCs	<ul style="list-style-type: none"> In case a protection need is identified during interviews and/or delivery of counseling to children and their families, there is a legal duty of notification to PDoFLSS/SSCs as per Art.6 of the Child 	<ul style="list-style-type: none"> Children with protection needs, Children at risk of marriage. 		<ul style="list-style-type: none"> As soon as possible subsequent to identification of child's protection need.

	Protection Law. According to the individual needs of each child, a counseling, education, health and/or care measure may be requested.			
Notification of the Prosecutor's Office / Police	<ul style="list-style-type: none"> • According to the Child Protection Law, in order to obtain protective and supportive measures in an urgent manner, Prosecutor's Office / Police may be approached. • Especially in cases where a child below 15 is at risk of marriage or a child above 15 is at risk of marriage without consent and through force, threat or fraud, it is crucial to apply to the Prosecutor for swift action. 	<ul style="list-style-type: none"> • Children with protection needs, • Children at risk of marriage. 	<ul style="list-style-type: none"> • If children are at risk of being married off by force or if children are younger than 15 years of age, duty of notification arising out of Turkish Criminal Code must be adhered to and Prosecutor's Office must be notified. • You may want to be supported by the lawyer in your office. If you do not have a lawyer, you may benefit from other protection actors with a lawyer. 	<ul style="list-style-type: none"> • As soon as possible subsequent to identification of child's protection need.
Access to Livelihoods and Employment Opportunities	<ul style="list-style-type: none"> • According to consultations with community groups, one of the predominant causes of child marriages was indicated as the financial difficulties experienced by parents. As such, it is crucial for parents, other family members and/or caregivers to be referred to: • ISKUR, • ISMEK, • In case of availability, vocational courses provided by district municipalities, • Public Education Centers. 	<ul style="list-style-type: none"> • Parents, caregivers and/or close family members whom express their willingness to marry their children due to financial difficulties. 	<ul style="list-style-type: none"> • UNHCR's MFT SGBV project supporting and empowering those at risk of SGBV and survivors of SGBV, • TOGEM-DER's livelihoods programme supporting refugee women's access to livelihoods, • ISKUR, • ISMEK, • Municipalities, • Public education centers, • Livelihoods partners, including HABITAT and Support to Life. 	<ul style="list-style-type: none"> • As soon as possible subsequent to identification.
Raising Awareness and Information Dissemination for Children and Parents	<ul style="list-style-type: none"> • Consultations with refugee children indicate that raising awareness sessions targeting parents on the legal and health consequences of child marriages will prevent them from accepting to marry their children. • Raising awareness and information dissemination sessions for parents on prevention of child marriages. • Raising awareness and information dissemination sessions for children on prevention of child marriages. 	<ul style="list-style-type: none"> • Children at risk of marriages, • Children out of school, without access to education, and/or child laborers, • Parents/families expressing their wishes to marry their children. 	<ul style="list-style-type: none"> • UNICEF Guidelines for Service Providers and Training Materials for Service Providers on prevention of child marriages, • UNFPA raising awareness sessions on the health, legal and religious aspects of child marriages. • ASAM raising awareness sessions on the health, legal, religious and psychological aspects of child marriages. • Mavi Kalem empowerment sessions targeting children/adolescents on gender, sexuality, adolescence, violence and abuse. 	<ul style="list-style-type: none"> • Regularly

			<ul style="list-style-type: none"> • Specialized psychologists to facilitate healthy communication between children and parents/caregivers. • District SSCs and municipalities, especially for identification of participants, provision of physical space and transportation. • Migrant health centers, specifically for sexual reproduction / reproductive health sessions. 	
Development of standardized raising awareness modules	<ul style="list-style-type: none"> • Although in the short-medium term, it will be important to deliver as many raising awareness sessions through available modules to various community groups, it will be important in the longer term to ensure that key messaging on child marriages is standardized across agencies. To this end, through inter-agency platforms such as the Istanbul CPsWG, agencies may opt to produce joint modules in coordination with specialized persons/institutions. 	<ul style="list-style-type: none"> • Children at risk of marriages, • Children whom have already been married, • Pregnant children and/or child parents, • Out of school / drop-out children, • Parents/families expressing their wishes to marry their children. 	<ul style="list-style-type: none"> • For legal modules, collaboration with Bar Associations, legal clinics, NGO lawyers • For health modules, collaboration with the Ministry of Health, Universities, TAPV, Cinsel Siddle Mucadele Dernegi, UNFPA, WHO, Turkish Medical Association • For education modules, collaboration with Ministry of National Education, UNICEF, Mavi Kalem, IBC • For MHPSS modules, Turkish Psychiatry Association, Turkish Psychologist's Association, NGO psychologists, Universities • For modules on religion, collaboration with the Mufti's Office and other departments within Religious Affairs. Turkish and Syrian religious persons should also be included in the process. 	<ul style="list-style-type: none"> • Medium-long term, if prioritized by inter-agency partners

It is crucial that families are regularly referred to awareness raising and information dissemination sessions on child marriages, even if the risk of marriage does not exist in the identified family. Such sessions are currently (2018) being provided by the following institutions on the indicated subjects:

- **UNICEF** Guidelines for Service Providers and Training Materials for Service Providers on prevention of child marriages *regarding seminars on prevention of child marriages for mothers, fathers and girls*
- **UNFPA** raising awareness sessions on the health, legal and religious aspects of child marriages.
- **ASAM** raising awareness sessions on the health, legal, religious and psychological aspects of child marriages.
- **Mavi Kalem** empowerment sessions targeting children and adolescents on gender, sexuality, adolescence, violence and abuse.

Please contact and directly coordinate with the above mentioned institutions in case of interest for referrals.

Training of Trainers	<ul style="list-style-type: none"> • Identification of community leaders and/or members who have access to community groups, with the prospect of the leaders' delivery of information on child marriages, subsequent to receiving training on the matter. 	<ul style="list-style-type: none"> • Community leaders / members with access to networks, • Refugee imams • Refugee doctors • Refugee youth • Refugee teachers 	<ul style="list-style-type: none"> • Modules for trainings may be received from the above mentioned organizations whom already have produced raising awareness modules, • In consideration that PDoFLSS has training of trainers programmes on various issues, including family communication, health (etc.), cooperation can be sought with the Directorate. 	<ul style="list-style-type: none"> • Regularly
Seminars and similar exchange platforms where refugees families in similar situations are able to convene	<ul style="list-style-type: none"> • Consulted refugees indicated their preference to meet with other refugees and families that are in similar circumstances as themselves. • As per the indications, families who have changed their decisions about marrying their children with those who express willingness to proceed with child marriages could be brought together in exchange platforms to share experiences and thoughts on the matter. 	<ul style="list-style-type: none"> • Families expressing their wish to marry their children, • Families who have changed their decisions about marrying their children. 	<ul style="list-style-type: none"> • In order to be informed on past experiences and successes, ASAM may be contacted. 	<ul style="list-style-type: none"> • Regularly
Establishment of solidarity groups for women, men, children and adolescents	<ul style="list-style-type: none"> • During consultations with refugee children, participants stated that they would be interested in meeting with their friends and children from their age groups, confirming that they would participate in discussions if such platforms were established. • Solidarity groups to be established with the purpose of conducting raising awareness activities and information dissemination sessions aiming at the increased empowerment and self-confidence of refugee women, men, girls and boys. 	<ul style="list-style-type: none"> • Children at risk of marriage, • Adolescent children, • Parents/caregivers expressing their wish to marry their children. 	<ul style="list-style-type: none"> • Many NGOs have experience in establishing and supporting solidarity groups, therefore information exchange and cooperation could be sought with these organizations, including ASAM, HRDF, Mavi Kalem and KADAV. 	<ul style="list-style-type: none"> • Regularly
Preparation of informative materials as well as the use of television and internet for communication with communities, especially children at risk and their parents / caregivers	<ul style="list-style-type: none"> • Outcomes of consultations with communities indicate that informative materials could be beneficial towards prevention of child marriages. • Syrian women who participate regularly in the solidarity group established by HRDF indicated that many refugees closely follow up on TRT Arabic. Hence, it was suggested to produce 	<ul style="list-style-type: none"> • Children at risk of marriage, • Adolescent children, • Out of school children, • Parents/caregivers expressing their wish to marry their children. 	<ul style="list-style-type: none"> • Coordination with NGOs that have already produced and tested various informative materials, for preparation and broadcasting of information on a range of media outlets, including social media. • UNHCR Ankara Communication with Communities Unit 	<ul style="list-style-type: none"> • Regularly

informative videos to be broadcasted on the channel. Furthermore, refugee children stated that they do not watch television and rather requested for videos to be published on various internet sources (such as Facebook, YouTube or SMS).	<ul style="list-style-type: none">• Social media influencers (in particular, refugees)
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