

National Laws

Legislation of Interpol member states on sexual offences against children

Turkey - Turquie - Turquía

Ankara

The information on this page is up to date as of spring 2006

I. Ages for legal purposes

Age of simple majority

The legal age of majority is eighteen (18) years.

Age of consent for sexual activity

There is no precise legal age of consent for sexual activity.

Age of consent for marriage

The legal age of consent for marriage is seventeen (17) years for both male and female persons (Turkish Civil Code Art: 124).

II. Rape

Anyone who has intercourse with a child under the age of fifteen (15) is punished with not less than 5 years' imprisonment.

If the crimes are committed against minors by their kin or by those who have authority over them, they are punished half fold more.

Sexual intercourse with a child over fifteen (15) without any violence is punished between six (6) months to two (2) years imprisonment if the victim complains (New Turkish Penal Code Art: 104).

If the suspect is five (5) years older or more than the victim, without any complaint needed, the punishment is multiplied by two (New Turkish Penal Code Art: 104-b).

Extract from the New Turkish Penal Code:

Offences against Sexual Integrity; Sexual assault

ARTICLE 102– (1) The perpetrator who violates the physical integrity of another person by means of sexual conduct shall be imprisoned for a term of two to seven years upon the complaint of the victim.

(2) Where the act is committed by means of inserting an organ or a similar object to the body, the perpetrator shall be imprisoned for a term of seven to twelve years. If the act is committed against the spouse, legal investigation and prosecution shall be initiated if the victim lodges a complaint.

(3) If the offence is committed,

a) Against a person who is physically or mentally incapable of defending him/herself,

b) By breaching of duties and/or abusing the functions pertaining to the official status,

c) Against a person of first, second or third degree blood relation or a relative by marriage,

d) By using weapons and with the cooperation of more than one people, penalties imposed in accordance with articles above shall be increased by half.

(4) In case an extra power and violence further than necessary to suppress resistance is exerted on the victim during the commitment of the offence the perpetrator shall as well be punished for deliberate wounding.

(5) In case the offence results with the distortion of the physical or mental health of the victim, the perpetrator shall be imprisoned for a term of not less than ten years.

(6) If as a result of the crime the victim enter in to a vegetative state or dies the sentence will be strict life time imprisonment.

III. Other forms of child sex abuse

Extract from the New Turkish Penal Code:

Sexual abuse of children

ARTICLE 103– (1) the perpetrator of child abuse shall be imprisoned for a term of three to eight years. Sexual abuse means:

a) any act of sexual nature against a minor who has not completed fifteen years of age or though completed fifteen years who lack the competence to perceive the legal meaning and consequences of such acts,

b) sexual acts against other minors depending on use of force, threat, deception or any by any other reason affecting the will of the child,

(2) Where the sexual assault occurs as a result of insertion of an organ or a similar object into the body, a penalty of imprisonment from eight to fifteen years shall be imposed.

(3) Where the sexual assault is committed by the ascendant, second or third degree blood relative, step father, the person who has adopted the person concerned, guardian, tutor, teacher, caretaker, other persons in charge of providing health services or who bear the obligation for protection or supervision, or through abuse of the service relation, the penalty to be imposed in accordance with the above paragraphs shall be increased by half.

(4) Where the sexual assault is committed against the minors indicated in paragraph 1 (a) as a result of force or treat, the penalty to be imposed in accordance with the above paragraphs shall be increased by half.

(5) Where the force and compulsion used with the aim of sexual assault lead to aggravated consequences of the offence of deliberate wounding, provisions of the offence of deliberate wounding shall apply additionally.

(6) In case the offence results with the distortion of the physical or mental health of the victim, the perpetrator shall be imprisoned to strict life imprisonment.

(7) Where the offence lead the victim to enter vegetative state or die, the perpetrator shall be sentenced to strict life imprisonment.

IV. Child prostitution

Prostitution under the age of twenty-one (21) is forbidden.

Article 227 of the New Turkish Penal Code: The one, who motivates a child to prostitution, makes it easier and organizes something for this purpose is sentenced four (4) to ten (10) years imprisonment and additional fine.

V. Child pornography

Extract from the New Turkish Penal Code:

Obscenity

ARTICLE 226 - 1. a) A person who gives or displays to a child products containing obscene visual, printed or audio material or reads or makes them read or listen to such material,

b) A person who openly shows the content of such material in places accessible or visible to children, or who openly displays them, who exhibits them in a visible manner, who reads or talks about them to children, or who makes children read or talk about the content of such material,

c) A person who presents such products to sale or rent in a manner that reveals the content of the material.

d) A person who submits to sales, sells or rents such products in places other than specified sales points,

e) A person who gives or distributes such products along with the sales of other products or services and who therefore gives them free of charge,

f) A person who publicizes such products shall be sentenced to imprisonment for a term of six months to two years and a judicial fine.

(2) A person who broadcasts or publishes obscene images, printed or audio material or who acts as an intermediary for this purpose shall be sentenced to imprisonment for a term of six months to three years and a judicial fine of up to five thousand days.

(3) A person who exploits children in the production of products including obscene images, printed or audio material shall be sentenced to imprisonment for a term of five to ten years and a judicial fine of up to five thousand days. A person who brings in such material to the country, who duplicates, presents to sales, sells, transfers, stores, exports, keeps in possession or submits to the use of others shall be sentenced to imprisonment for a term of two to five years and a judicial fine of up to five thousand days.

(4) A person who produces, brings in to the country, presents to sales, sells, transfers, stores, exports, avails for the use of others or keeps in possession products containing written material, audio recording or images of sexual acts performed by use of force, with animals, on human corpse, or other unnatural means shall be sentenced to imprisonment for a term of one to four years and a judicial fine of up to five thousand days.

(5) A person who broadcasts or publishes the content of the products stated in paragraphs three and four through press and media or who acts as an intermediary for this purpose or who makes children see, listen to or read such material shall be sentenced to imprisonment for a term of six to ten years and a judicial fine of up to five thousand days.

(6) Legal entities shall also be imposed security measures for these offences.

(7) Excluding paragraph three and provided that access to children is prevented, the provisions of this Article shall not apply to scientific, artistic and literary works.

