

Child Marriage in Turkey (Summary)



I have three children. I gave birth to my first child when I was 17. At the age of 19, I gave birth to my second child. Now, my third child is a 5-month-old baby. I never talked about contraception with my husband. I had several illnesses during my pregnancies.

—Child spouse

Legal context

Turkey has ratified both the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the UN Convention on the Rights of the Child (CRC). The Child Protection Law, adopted in 2005, identifies children as ‘individuals below 18 years of age’ (Article 3). Article 11 of the Turkish Civil Code states that the ‘age of majority is 18’, but also states that on marrying, a person under the age of 18 assumes the same rights and responsibilities as an adult. However, a common definition of a child as a person under the age of 18 does not exist in Turkey’s laws.

Under the 2002 Civil Code, the minimum marriage age for women and men is 17. The Civil Code also states that ‘marriage of a person (both men and women) of the age of 16 is allowed by the court decision based on exceptional circumstances’.

Under the Civil Code, if a woman has been forced into marriage, she can file a criminal complaint; she also has the right to file for an annulment within the first five years of marriage. The Turkish Penal Code does not include any specific sanctions against child marriages. Sexual assault committed against a child aged 15 or under is considered a crime, subject to a complaint from the victim.

In Turkey, only marriages registered at a state Register Offices (i.e. civil marriages) are legally recognised. Under the Civil Code, a religious ceremony can only be held after the civil marriage, and it is a criminal offence to hold a religious marriage ceremony prior to conclusion of the civil marriage. Religious marriages are very common, and despite the law, in some cases, couples do not go through a civil ceremony first. Most child marriages are conducted this way. As there is no official data on religious marriages, this means that accurate statistical data on child marriages in Turkey do not exist. Religious marriages have no legal official force, and women who have not also concluded a civil marriage have very few rights under the law.

Boys’ and girls’ equal right to education is supported in legislation. However, in March 2012, the Grand National Assembly of Turkey passed legislation to amend the ‘Primary Education and Training Act: 222’, which included a provision to allow the last four years of schooling to be completed as distance learning. Experts interviewed for this study voiced concern that some families may perceive this as an excuse for not sending their daughters to school, which may lead to an increase in child marriages for girls.

Child marriage is a social problem that is prevalent in all regions of the country and primarily affects girls. Gender inequality is embedded in traditions and values, rises with poverty and lack of education, and results in child marriage for girls.



Family planning and reproductive rights

In Turkey, the right to access and use contraception and reproductive health services is emphasised in the Population Planning Law.

According to the Turkey Demographic and Health Survey (hereafter TDHS) for 2008, 40.2 per cent of currently married women in the age group 15-19 years were using some family planning method, while only 17.6 per cent were using modern methods. The usage of both traditional and modern methods was lowest among this age group of women.

The school curriculum does not provide adequate information on sexual and reproductive health, particularly in regard to contraception. According to the Turkey Youth Sexual and Reproductive Health Survey 2007, young people (ages 15-24) mostly get information about sexual and reproductive health from their friends and the media, rather than from teachers or health workers. This may put young people at a greater risk of contracting sexually transmitted infections (STIs), including HIV, or of unwanted pregnancies.

Child marriages in Turkey

Until recently, child marriage was not a well-researched issue in Turkey. But in 2009, the Committee on Equality of Opportunity for Women and Men of the Grand National Assembly of Turkey established a 'Subcommittee on Early Marriages', which has published research on the issue. In addition, in 2011, a comprehensive report was published on early and forced marriages by a women's NGO, 'Flying Broom'. The visibility of child marriages in the Turkish media has also increased.

A review of the few available studies reveals that child marriage is practised in all regions of Turkey, but that there is regional variation. The TDHS found that whereas teenage childbearing (taken as a proxy for child marriage) is highest in Central East Anatolia (10 per cent), it is lowest in the East Black Sea Region (3 per cent). Teenagers in rural areas are more likely than teenagers in urban areas to have started childbearing (9 per cent and 5 per cent, respectively).

It was recognised in a report by the 'Subcommittee on Early Marriages' that child marriage is linked to gender inequality, and also to girls' education. Families who do not send their daughters to school tend to arrange marriages for them while they are still very young. As marriages and engagements are considered to be exceptional reasons for being absent from primary school for over 20 days, there are records to show how often such absences occur. These statistics show that girls are affected by child marriage more than boys: for the period March 2008 to March 2009, 675 girls and only 18 boys were recorded as being absent for this reason, according to e-school data.

According to the 'Subcommittee on Early Marriages' report, reasons for child marriage also vary, but economic deprivation, traditional and religious beliefs, lack of education, the desire to escape conflict and domestic violence at home, and social pressure are some of the main reasons.

Some families perceive girls as a socioeconomic burden, and see marrying a daughter off early as 'one less mouth to feed'. Families may also receive bride price/dowry, which remains a common practice in some areas, even though it is illegal. The prevalence of bride price is affected by the education level of the women: the TDHS found that the highest prevalence of bride price payment was among women who did not have any education or who had not finished primary school.

The practice of child marriage of girls also originates from patriarchal understanding, customs, and traditions. Some families believe that child marriage preserves the girl's and family's honour, as it prevents her from losing her virginity before marriage, and having sexual relationships out of wedlock.

Although the majority of child marriages are arranged and based on the decisions of the family, in some cases children themselves decide to marry. Experiencing domestic violence, the loss of a mother or father at an early age, and/or having a stepmother or stepfather can lead children to believe that marriage is a solution and a way out. Girls in such situations may accept an arranged marriage, or choose to marry to escape.

Due to the lack of knowledge of family planning and reproductive health, in most cases child marriage means adolescent pregnancy and motherhood. The TDHS found that teenage mothers were more likely to experience miscarriages, stillbirths, and maternity-related mortality than mature women. Moreover, early childbearing hinders teenagers' opportunities to access educational and job opportunities.

Girls in child marriages in Turkey mostly marry men who are older than them. The TDHS found that the mean age difference between women and their spouses was greatest among young women, particularly those under age 20 (6.6 years). This puts them at greater risk of contracting HIV and other sexually transmitted infections, as older men are more likely to be sexually experienced, and to refuse requests to use contraception from their much younger wives.

Young married women are also more vulnerable to both physical and sexual violence than older women. The Domestic Violence Against Women in Turkey (2009) research report found that prevalence of physical and sexual violence experienced in the last 12 months by an intimate partner among ever-married women was highest (21 per cent) among the youngest age group (15-24).

Girls in child marriages usually live with their husbands' families. They rarely continue their education or find employment, as in most cases, the parents-in-law do not support this. In most of these marriages, their freedom is restricted. Decisions within the household are usually made by their parents-in-law and child spouses do not have the power to influence these decisions.

Responses to child marriage

Eliminating gender inequality in legislation.

Changes to the Turkish Civil Code in 2002 following efforts made by the women's movement in Turkey raised the minimum age for marriage for women from 15 to 17. Nevertheless, in this legislation there are no sanctions against child marriage of girls, or against gender differences in implementation of the law.

Recognition from the Grand National Assembly of Turkey. In 2009, the Committee on Equality of Opportunity for Women and Men of the Grand National Assembly of Turkey established a 'Subcommittee on Early Marriages', which has published a report on the issue of child marriage.

Improvement of gender parity in primary education. The Girls' Education Campaign, which was run by the UN Children's Fund (UNICEF) and Turkey's Ministry of National Education from 2003 to 2010, improved gender parity in primary school enrolment in Turkey. With the campaign, 200,000 girls were enrolled in primary school, meaning that their marriages would at least have been held after the age of 14 (the end of primary school education at the time of the campaign).

Campaigns and projects by NGOs and child rights advocates.

The Social Democracy Foundation, in collaboration with local officials and stakeholders, organised meetings in İzmir, Diyarbakır, Şanlıurfa, Batman, Mardin, and Balıkesir to increase public awareness on child marriages. In 2010, a project on child marriage was conducted in 54 provinces in Turkey by 'Flying Broom', an NGO working for women's rights. The project included meetings with experts, film screenings on child marriages, interviews and discussions with women in child marriages, and participation in TV programmes. In 2010, the International Children's Centre, an NGO working for human rights, the rights of women and children, and reproductive rights, created a 'Violence against Children Reporting and Monitoring Map', which includes reports of child and forced marriages. Finally, the Network against Commercial Sexual Exploitation of Children also initiated the 'Don't Send Child Brides' Campaign in 2012, focusing on the fact that child brides are sexually and commercially exploited for the bride price payment

Recommendations

- Since the data collected by the Turkish Statistical Institute and General Directorate of Civil Registration and Nationality do not indicate the real numbers of child marriages, the number of marriages involving people under 18 years should be investigated through alternative research. Moreover, Human Rights Committees in provinces and towns should take an active role in reporting unofficial religious marriages through alternative methods, such as by collecting information from village/neighbourhood headpersons (*muhtar*) or local officials.
- The discrepancy between the Child Protection Law, the Turkish Civil Code, and the Penal Code in the definition of the child should be reconciled, and 18 should be set as the minimum legal age for marriage in all related legislation.
- Health institutions should record and report child marriages, when they become aware of them. These institutions should also inform adolescent girls on the risks of child pregnancy and motherhood.
- A national agenda regarding child marriages should be set throughout the country and local officials and government representatives should work in collaboration with local stakeholders to implement this agenda. Moreover a strategy on the subject of child marriages should be determined by the Directorate of Religious Affairs and publicised among all religious officials.
- Awareness should be raised in educational institutions by conducting special training with teachers and school directors. The training would involve modules on gender equality, women's rights as human rights, and girls' right to education. Gender equality, family planning, and reproductive health issues should also be included in school curriculum.



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