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## **EUROPEAN SOCIAL CHARTER**

Comments submitted by  
the Partnership Network for Prevention of Violence against  
Children concerning the 15th National Report on the  
implementation of the European Social Charter

Report registered by the Secretariat  
on 29 June 2023

**CYCLE 2023**



**THE PARTNERSHIP NETWORK FOR PREVENTION OF VIOLENCE AGAINST  
CHILDREN SUBMISSION**

**ON THE 15<sup>th</sup> NATIONAL REPORT**

**ON THE IMPLEMENTATION OF THE EUROPEAN SOCIAL CHARTER  
(REVISED) SUBMITTED BY THE GOVERNMENT OF THE REPUBLIC OF  
TÜRKİYE**

**About the Partnership Network for Prevention of Violence against Children**

The Partnership Network for Prevention of Violence against Children (hereinafter, the Partnership Network), which was established in Türkiye in 2012 to strengthen the monitoring role of civil society in preventing violence against children, consists of national or local non-governmental organisations, child-related units of universities, professional organisations, bar associations and networks working for the benefit of children in Turkey. The Partnership Network, which supports rights-based monitoring and advocacy work in preventing violence against children, has prepared a series of capacity building programmes and training materials to develop indicator-based monitoring and training programmes. The work of the Partnership Network continues with trainings, information meetings, conferences, and symposiums to increase the capacity of the Network members and to support their work. The Partnership Network has 96 members as of June 2023.

**Introduction**

The Partnership Network's response to the government's 4-year report covering the period between 01.01.2018 and 31.12.2021 on Articles 7, 8, 16, 17, 19, 27 and 31 of the Social Charter (Revised) on the rights of children, families, and migrants, defined as Group 4, is hereby briefly presented.

Marred by a period of political and economic strife, COVID-19 pandemic, elections, and disasters some of which were climate change, it was one of the most difficult times for children, families, and migrants in Türkiye.

Space for civil society has been shrinking in Türkiye with increasing polarisation and othering in politics and decreasing economic enabling environment. CSOs and human rights defenders (HRDs) undertaking HRM have increasingly become a target of the government, and its

sympathisers, including affiliated media outlets and ultra-conservative CSOs.<sup>1</sup> The Law on Preventing Financing of Proliferation of Weapons of Mass Destruction that would restricted CSO activities and freedom of association in the name of counter-terrorism.<sup>2</sup> Yet, Turkey was placed under “Jurisdictions under Increased Monitoring on 21 October 2022 by the FATF to highlight strategic deficiencies in Turkey’s efforts to counter money laundering, terrorist financing, and proliferation financing.”<sup>3</sup>

According to the findings of the Human Rights Foundation of Türkiye (HRFT) Documentation Centre, in the first 11 months of 2022, governorates and district governorships banned all protests and events 72 times in 19 provinces and 3 districts, the shortest being 1 day and the longest being 30 days. At least 482 peaceful meetings and demonstrations were intervened by security forces and 54 events were prevented. As a result of these interventions, at least 5148 people, including 143 children, were detained with torture and ill-treatment and at least 42 people were injured.<sup>4</sup>

According to CIVICUS Monitor which tracks the state of civil society and civic freedoms in 196 countries, civic space in Turkey is repressed.<sup>5</sup> Likewise, International Centre for Not-for-Profit Law indicated that Turkey has one of the harshest laws stifling freedoms of expression, opinion, and assembly.<sup>6</sup>

Therefore, neither children nor CSOs could exercise their right to freedom of assembly to claim their social rights lest they were attached in the process.

According to the global Climate Action Tracker, published by Climate Analytics and the New Climate Institute, Türkiye’s policies and actions are “critically insufficient”.<sup>7</sup> Türkiye ranks 97 in UNICEF’s Children’s Climate Risk Index out of 163 countries assessed, the highest after Albania in Council of Europe members. It has the 15<sup>th</sup> highest CO<sub>2</sub> emissions globally.<sup>8</sup> According to a recent WHO report, all the ten most populated cities in Türkiye, for which air pollution data were available, had annual mean PM<sub>2.5</sub> levels above the WHO guideline value of 5 µg/m<sub>3</sub>.<sup>9</sup> According to the Health and Environment Alliance, Türkiye’s continued use of coal resulted in increased number of preventable diseases and deaths.<sup>10</sup> Due to increasing food insecurity due to protracted droughts and unviable agricultural policies in Türkiye, the number

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<sup>1</sup> OMCT-FIDH-IHD (2022). Drowned in Procedure, Sentenced to Fail: Administrative Harassment Against Civil Society in Turkey.

[https://www.fidh.org/IMG/pdf/obs\\_turkey\\_report\\_administrative\\_harassment\\_june\\_2022.pdf](https://www.fidh.org/IMG/pdf/obs_turkey_report_administrative_harassment_june_2022.pdf)

<sup>2</sup> CoE Venice Commission opinion : [https://www.venice.coe.int/webforms/documents/?pdf=CDL-](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2021)023cor-e)

AD(2021)023cor-e and Commission for Human Rights: <https://www.coe.int/en/web/commissioner/-/turkey-authorities-should-refrain-from-further-restricting-ngos-activities-and-freedom-of-association-in-the-name-of-counter-terrorism>

<sup>3</sup> Please see: <https://www.fatf-gafi.org/countries/#T%C3%BCrkiye>

<sup>4</sup> Please see: <https://tihv.org.tr/ozel-raporlar-ve-degerlendirmeler/verilerle-2022-yilinda-turkiyede-insan-haklari-ihlalleri/>

<sup>5</sup> Please see: <https://monitor.civicus.org/Ratings/>

<sup>6</sup> Please see: <https://www.icnl.org/resources/civic-freedom-monitor/turkey>

<sup>7</sup> Please see: <https://climateactiontracker.org/countries/turkey/policies-action/>

<sup>8</sup> Please see: <https://www.unicef.org/media/105376/file/UNICEF-climate-crisis-child-rights-crisis.pdf>

<sup>9</sup> Please see: <https://apps.who.int/iris/rest/bitstreams/1422293/retrieve>

<sup>10</sup> Health and Environment Alliance. (January 2021). Chronic coal pollution Turkey. The health burden caused by coal power in Turkey and how to stop the coal addiction. [https://www.env-health.org/wp-content/uploads/2021/02/Chronic-Coal-Pollution-Turkey\\_web.pdf#new\\_tab](https://www.env-health.org/wp-content/uploads/2021/02/Chronic-Coal-Pollution-Turkey_web.pdf#new_tab)

of people who are unable to afford a healthy diet increased from 5.6 million to 6.9 million from 2017 to 2020.<sup>11</sup>

Devastating effects of earthquakes<sup>12</sup>, wildfires<sup>13</sup>, floods<sup>14</sup>, and a protracted drought<sup>15</sup> on realisation of the social rights of children during the past years in Türkiye are not assessed yet. However, they raise questions about the adequateness, efficacy and efficiency of the existing disaster prevention measures and their implementation by the authorities.

Poor implementation of construction and building codes<sup>16</sup> along with the mismanagement of tax revenues earmarked for earthquake proofing<sup>17</sup> caused irreparable damage to the lives of millions of children and families.

Rapid depreciation of the Turkish lira coupled with rising inflation<sup>18</sup> due to economic policies implemented during last five years has aggravated poverty and caused an almost daily decline in purchasing power. According to TurkStat family statistics a total of 3 million 276 thousand children lives in households with no income at all. This amounts to 14.4% of the overall children population of Turkey. This rate was merely 9.5% in 2018.

Data from the Organization for Economic Co-operation and Development (OECD) shows that house prices in Turkey increased six-fold in nominal terms between 2015 and 2022, while house rents tripled between 2018 and 2022. OECD data shows that no country other than Turkey has seen such a high increase in nominal house prices, which increased to 8 times until the last quarter of 2022.<sup>19</sup>

## **Article 7- Right of children and young persons to protection**

### ***Paragraph 1- Prohibition of employment under the age of 15***

In its report, Turkey stated that "According to the 2019 Child Labour Survey results by TURKSTAT, the rate of children engaged in economic activities in the 5-17 age group is determined as 4.4% (720,000 individuals)."

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<sup>11</sup> Please see FAO's report in 2022: <https://www.fao.org/3/cc0639en/cc0639en.pdf>

<sup>12</sup> For example please see Amnesty International's report in the aftermath of recent earthquakes: <https://www.amnesty.org/en/latest/campaigns/2023/02/turkiye-syria-earthquakes-a-human-rights-approach-to-crisis-response/> and see a news report about earthquake in Izmir:

<https://www.eurotopics.net/en/250750/izmir-after-the-earthquake-politicians-at-fault>

<sup>13</sup> Please see a news report: <https://www.dw.com/en/turkey-fires-it-took-only-a-few-minutes/a-58811906>

<sup>14</sup> Please see a news report: <https://www.bbc.com/news/world-europe-58200296> and <https://floodlist.com/tag/turkey>

<sup>15</sup> Please see: <https://e360.yale.edu/features/as-the-climate-bakes-turkey-faces-a-future-without-water>

<sup>16</sup> Please see a news report: <https://www.bbc.com/news/64568826>

<sup>17</sup> Please see a news report: <https://www.al-monitor.com/originals/2020/01/turkey-question-quake-taxes-after-deadly-tremor.html>

<sup>18</sup> Türkiye has the 8th highest inflation in the world according to official global figures:

<https://worldpopulationreview.com/country-rankings/inflation-rate-by-country>.

<sup>19</sup> Please see: <https://data.oecd.org/price/housing-prices.htm>

- The survey, conducted in October, November, and December, which are traditionally the months with the least child labour rates, covers a period when agricultural activities are largely completed and schools are open, resulting in the least number of working children.
- It is not specified whether the survey includes Syrian households who were forced to migrate to Turkey after the internal conflict in 2011. However, it is observed that the number of children has increased by approximately 1.2 million. This increase is due to a change in the population group covered by the survey. Previous surveys included the age group of 6-17, while the latest survey includes the age group of 5-17. Therefore, it is understood that Syrian immigrants were not included in the survey.
- Another group not included in the survey is apprentices. Apprenticeship, which is a form of child labour, has not been included in previous surveys or this latest survey.
- With the transition to the 4+4+4 education system, many children complete their primary education at the age of 13. It is anticipated that this situation leads to the entry of a significant number of children into the labour market who have completed their primary education but have not yet reached the age of 14. However, since the age breakdowns below 14 are not visible in the data released by TURKSTAT, no assessment can be made regarding this matter.
- Therefore, it is highly likely that the decrease in the number of working children is achieved through the employment of Syrian children under much harsher conditions.
- The scope of the Child Labour Survey is subject to certain limitations regarding the period of the survey, the location of residence, and the exclusion of children not included in the resident population of Turkey, which results in the exclusion of some child laborers.
- Children living in dormitories, workplaces, or temporary settlement areas such as tents are outside the sampling scope of the Child Labour Survey.

The minimum wage should be determined in a way that eliminates the need for child labour within the family and provides alternative sources of income and support to the family. It is crucial to ensure that adults have job opportunities in the places where they live.

For the child to continue their education in the place where they study, social and economic support should be provided to their family, or the child should be able to continue their education wherever they go with their family.

There is no specific legal regulation for the agricultural sector. Legal regulations regarding workers in this sector are scattered across multiple laws, including the Labour Law, the Law of Obligations, the Occupational Health and Safety Law, and the General Sanitary Law.

The minimum expected steps in the fight against child labour in seasonal migrant agricultural work include: (a) Registration of intermediaries, (b) Registration of agricultural enterprises, (c) Inspection to prevent the employment of children, (d) Inspection of working conditions. Fulfilling these tasks requires the organization of Labour Inspection Boards and labour inspectors at the provincial level (not only at the central and regional levels).

In its report, Turkey emphasized the results of inspections conducted by Labour Inspectors. However, the following information should be transparently shared based on these inspections: How many children were identified? What is the breakdown of these identified children? In which provinces do the children reside? In which sector(s) do the children work? What measures have been taken to ensure their continued education after identification? Have there been cases of children returning to work after resuming education? What additional measures have been taken and what supportive interventions have been implemented for these children?

In its report, Turkey provided information on "employment in domestic work" under the title of "employment in workplaces." The exclusion of private properties from inspection in Turkish legislation poses a significant problem in terms of identifying children working in domestic work. Although the state cannot include private properties in the inspection process, it can establish a notification/complaint system for children. It is essential to ensure that this notification/complaint system is known and accessible to children.

## **Paragraph 2- Prohibition of employment under the age of 18 for dangerous or unhealthy activities.**

The National Program on the Fight against Child Labour committed to the elimination of the worst forms of child labour by 2015. However, later, within the scope of the 2014-2023 National Employment Strategy, this target was postponed to the year 2023. Currently, there is no clear public progress reflected in this regard.

Contradictory regulations regarding the minimum working age in the legislation obscure the definition of a child. For instance, while the Regulation on the Principles and Procedures for the Employment of Child and Adolescent Workers allows individuals who have reached the age of 14 and completed compulsory education to engage in vegetable, fruit, and flower picking activities under certain conditions, the 2017-2023 National Program on the Fight against Child Labour includes work in seasonal and temporary agricultural jobs where activities mentioned as the worst forms of child labour in Turkey are carried out. Although the National Program states that seasonal agricultural labour will be explicitly prohibited through amendments to the Regulation, there is currently no visible progress in this regard.

The Child Labour Surveys conducted by TÜİK in 2012 and 2019 do not include data on refugee children from Syria and other countries. This lack of official data on refugee children in the labour force significantly affects the number of child laborers in Turkey.

In the legislation regarding employment in seasonal and temporary agricultural jobs, there are contradictions concerning the minimum working age. Legal regulations that allow children under the age of 18 to work in these activities, which are defined as one of the worst forms of child labour, pave the way for the exploitation of child labour.

In accordance with the commitment made upon the acceptance of ILO Convention No. 182, it is necessary to explicitly regulate in the Labour Law and relevant regulations that individuals under the age of 18 cannot be employed in seasonal and temporary agricultural work.

In cases where Temporary Protection Status holders' families are unable to obtain exemption and travel permits to leave their province of residence, their children are unable to continue their education outside their province. When they travel to locations for seasonal agricultural work with the mentioned permits, problems such as discrimination and language barriers arise, leading to difficulties in attending school. This situation, attributed to the insufficient inclusiveness of the education system, is considered as one of the significant reasons contributing to child labour.

As an important aspect of child labour, the government has failed to fulfil its obligation to establish domestic legislation regarding human rights violations arising from corporate activities, as mandated by the United Nations Business and Human Rights framework. Although the 2021 Human Rights Action Plan states that legal regulations will be implemented and a national action plan will be developed in this regard (9.3(b)), there is currently no publicly disclosed work undertaken in this direction. Furthermore, the National Program on Combating Child Labour committed to eliminating the worst forms of child labour by 2015, but later, within the scope of the 2014-2023 National Employment Strategy, this goal was postponed to 2023. Currently, there is no visible progress reported publicly in this regard.

## **Paragraph 10- Special protection against physical and moral dangers**

### **Protection against sexual exploitation**

According to the "Statistics on Children Brought to or Taken to the Security Unit" by the Turkish Statistical Institute in 2021, the number of children victimized by sexual crimes in 2020 was 18,450 (2,681 boys, 15,369 girls), and in 2021, the total was 24,432 (3,109 boys, 21,323 girls). The data for boys and girls is not broken down by age groups.

In the judicial system, there is a lack of visibility regarding the prosecution of sexual abuse cases involving boys. Protective and preventive measures specifically for boys are not currently in place.

- Children cannot access the judicial process when they are subjected to abuse. There are no accessible mechanisms for all children.
- There are no dedicated helplines for children.
- Regulations regarding the presence of perpetrators and children during trials are inadequate. The use of Forensic Interview Rooms and Child Witness Centres is insufficient. The personnel working in these facilities do not receive adequate training.
- Effective investigation obligations in cases of sexual abuse trials are not fulfilled. Children are not informed using child-friendly procedures during the legal process.
- There are privacy violations in the news and sharing of abuse cases.

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- The intervention of NGOs in cases is not legally guaranteed.
  - Courts without expertise in neglect and abuse issues make incorrect decisions. Cases are not heard in appropriate courts. The Child Justice Centre project, which has been initiated at a pilot level, needs to be accelerated and expanded nationwide.
  - The process of taking statements from children causes harm. The principle of obtaining a child's statement only once is not implemented.
  - There is no offender tracking system that prioritizes the best interests of the child.
  - Cases related to sexual abuse are not brought to justice.
  - Legal arrangements that protect perpetrators, such as marrying the victimized child to the perpetrator, are frequently raised.

Civil society organizations are not involved in the monitoring process of child rights violations, and the initiatives of NGOs seeking independent monitoring are hindered.

The Ministry of Family and Social Services (MoFSS), which is promoted as the primary responsible for child rights, adopts an approach that views the child as a part of the family rather than as an individual. Since its focus is on institutional care for children, its influence on all other aspects of child rights is minimal, if any.

The government establishes a limited relationship with civil society organizations in the field of child rights and does not share data with NGOs.

According to the Child Protection Law, which is the fundamental child rights law in Turkey, all individuals under the age of 18 are considered children, even if they reach early adulthood. However, all other laws and practices concerning children contradict this basic provision. For example, the legal age for marriage (it is possible to marry at the age of 16 with a court decision); the age of criminal responsibility (starts from the age of 12); the age of consent (it is uncertain, but when laws are interpreted, it is often interpreted as 15); the minimum working age (is not in accordance with the laws and can be as low as below 10 years old); the age of access to reproductive health services is 18; and the compulsory education age does not include the preschool period.

## **Article 16- Right of the family to social, legal, and economic protection**

### **Domestic violence against women**

The termination of the Istanbul Convention by Turkey has not only paved the way for gender-based violence but has also deprived children of protection mechanisms.

Law No. 6284, on the other hand, only includes provisions that can fulfil the second of the four fundamental principles of the Istanbul Convention. In this context, Law No. 6284, which is mentioned instead of the Istanbul Convention, fails to fulfil its steps (principles) regarding prevention, prosecution, effective investigation, and comprehensive policies.

Although the Fourth National Action Plan on Combating Violence against Women (2021-2025) includes similar strategic steps as the Istanbul Convention, it is widely known that Turkey has serious shortcomings in implementing, monitoring, and conducting impact analysis of its action plans. There is a lack of analysis and reports on the previous action plans' effectiveness in eliminating violence against women and girls, and it can be observed from relevant NGO reports and data on violence against women and girls that the strategic objectives set in previous action plans were not achieved (approximately 600 women lost their lives due to gender-based violence between July 1, 2021, and March 1, 2023). Furthermore, the Fourth National Action Plan (4NAP) does not include the concept of gender equality.

The hotline highlighted in Turkey's report, ALO 183, operates as a social support hotline for families, women, children, the elderly, and people with disabilities. This hotline serves as a single point of contact for numerous social issues but can only provide information to callers and is unable to generate solutions for emergency situations. It is necessary for hotlines like emergency helplines, specifically addressing violence, to be established in a way that is accessible to all women, as advocated by the Turkish Federation of Women's Associations.

The impact of domestic violence on children is not visible. Mechanisms for children to seek help in cases of domestic violence are not available. In the implementation of Law No. 6284, the focus is on protecting the family; protective and precautionary measures are granted through the mother; children are rendered invisible, and often they are not even informed about their rights. The lack of interagency coordination and a comprehensive approach also affects children (e.g., children who are not enrolled in school due to confidentiality orders).

Boys over the age of 12 cannot stay in shelters with their mothers, which leads to women being forced to stay in violent environments. Additionally, the number of shelters and the social work conducted within shelters are inadequate; there is a lack of specific social work for children.

Although some cases of early and forced marriages of girls can be seen as instances of human trafficking, they are not evaluated as human trafficking offenses in the judiciary.

There is a lack of expertise in defining and evaluating early and forced marriages as commercial sexual exploitation and human trafficking, and professionals working in the field are not empowered in this regard.

## **Social and economic protection of families**

### **Childcare facilities**

In its report, Turkey has provided information about institutions that provide institutional care for children under state protection under this heading but has not shared information regarding early childhood education and care services.

In the 2021-22 academic year, the net enrolment rate for early childhood education at the age of 5 has increased to 81.6%. This represents a significant increase of 10.4 percentage points compared to the 2019-20 academic year, reaching the highest level in recent years. The net enrolment rate for girls in early childhood education at the age of 5 is 81.4%, while for boys, it is 81.9%.

Preschool enrolment rates vary among regions as they have in previous years. In the 2021-2022 academic year, the region with the highest net enrolment rate for 5-year-olds is the Eastern Black Sea region with 92.8%. It is followed by the Western Black Sea region (89.5%) and Northeast Anatolia region (89.5%). The centre with the lowest preschool enrolment rate for the 5-year-old age group, as it was last year, is Istanbul with 72.0%. It is followed by the Western Anatolia region (75.1%) and Southeast Anatolia region (76.5%).

The 20.8 percentage point difference between the regions with the lowest and highest enrolment rates at the age of 5 indicates the sharpness of regional disparities. This highlights the need to strengthen and sustain efforts in this area to achieve the principle of equality in education.

In formal education statistics, "community-based institutions," "4-6 age courses affiliated with the Presidency of Religious Affairs, kindergartens opened by municipalities, kindergartens opened by associations" are defined to include them, and these are reflected in the data as access to preschool education. However, the content and model of education provided in the courses offered by the Presidency of Religious Affairs do not meet the necessary conditions for being evaluated within the scope of preschool education. It is essential to evaluate the services provided in these courses within the framework of child rights norms and standards, including the child's freedom of religion or belief. Additionally, there is still a need for monitoring and evaluation studies on the effects of these services on children. The presentation of data on these courses in a disaggregated manner is important for assessing the quality of access to preschool education.

### **Measures in favour of vulnerable families**

Roma people are often unable to be included in the social security system due to their work in daily jobs and traditional occupations.

Child marriages, which are increasingly prevalent in Roma families and can occur until the age of 13, result in serious health risks and negatively impact the well-being of children during their developmental stages. Necessary measures to prevent forced child marriages are not being taken. These child marriages often lead to pregnancies within this age group. Preventing child pregnancies and child marriages requires the careful implementation of preventive measures.

It is necessary to map the housing stock in the areas where Roma people live based on criteria such as human health, building safety, and communal living spaces. Priorities for improvements should be determined based on the collected data, with the active participation of Roma communities, and implementation plans should be prepared. An urgent solution that involves the participation of Roma people in all processes needs to be generated for those living in tents and shanties.

In the report submitted by Turkey, it is stated that "the Turkish legal system does not have a differentiated and/or special measure specifically designed for the protection of single-parent families or Roma families. This is because the Turkish legal aid system includes certain provisions related to the financial situation of the applicant rather than their affiliation or origin." This approach eliminates the connection between ethnic origin, sexual orientation, gender identity, or demographic status (such as single-parent families, etc.) and poverty and disadvantage, thereby negating the need for special measures to be taken for groups experiencing disadvantaged situations due to different characteristics.

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## **Article 17- Right of children and young persons to social, legal, and economic Protection**

### **Paragraph 1- Assistance, education, and training**

#### **The legal status of the child**

According to the Directorate General of Migration Management (as of May 24, 2023, announcement), the number of Syrians under temporary protection in Turkey is 3,381,429. The number of foreigners under international protection is 300,720.

Among the top three nationalities with the highest number of applications for international protection are Afghanistan, Ukraine, and Iran. The number of foreigners residing with a residence permit is 1,308,514. The Directorate General of Migration Management has shared that the number of voluntary returnees among Syrians is 554,114.

According to the current data from the Directorate General of Migration Management, the total number of foreigners in Turkey is 4,990,663.

The Directorate General of Migration Management announced that, as of May 18, 2023, the number of irregular migrants apprehended in 2023, excluding duplications, is 40,480. According to the Directorate's data, the number of irregular migrants reached its peak in 2019 with 454,662. This number decreased to 122,032 in 2020 but rose again to 285,027 in 2022. The current number of irregular migrants in 2023 is 52,861.

As of March 2022, the information about the presence of 750,000 Syrian newborns in Turkey is obtained from unofficial records. There is no clear data regarding the number of children categorized as "unaccompanied" due to losing their parents for various reasons in Turkey.

The issue of not collecting the necessary records in migrant health centres for the past 3 years, which has not been reflected in official data, is a subject of debate.

The Turkish Statistical Institute does not have access to household-based data of Syrians in its studies, and these data are primarily held within the Ministry of Interior.

It is not possible to obtain an official or unofficial clear information regarding the number of unregistered Afghan individuals in Turkey.

In addition to Syrians, the babies born to Afghan, Iranian, and Iraqi refugees in Turkey are also considered stateless.

Officials from the Directorate General of Migration Management and the Ministry of Family and Social Services refuse to publish official data on unaccompanied children, either in written or verbal form.

#### **Protection from ill-treatment and abuse**

Physical punishment for disciplinary purposes is not considered a crime. Corporal punishment is still not explicitly banned. Turkish Penal Code (TPC) article 232 authorizes parents or other

persons teaching the child any profession or trade to apply disciplinary measures when necessary. It can be inferred from the judicial organs that this article is interpreted as legitimizing corporal punishment in this context. For example, in its decision no. 2000/30, the General Criminal Assembly of the Supreme Court of Appeals considered teachers' striking the hands of students by using a ruler as the "exercise of the right to give discipline". Further, the 3rd Criminal Chamber of the same court acquitted, on 22 September 2014, a father who slapped her daughter for running away from home on the ground that the father exercises his "right to correct". 10 percent of the all calls to the Federation of Women's Associations in Turkey on average reported domestic and gender-based violence against children.<sup>20</sup>

### **Rights of children in public care**

Statistical data is not shared regularly and transparently. There is no segregated data available regarding children in institutional care.

Despite Article 133 of the Guidelines for Alternative Care stating that "every child should be assigned a specialized person to facilitate their independence whenever possible upon leaving care" and Article 134 emphasizing that "preparation for aftercare should begin long before the child leaves the care setting," children in institutional care are not monitored by the system and the support mechanism ends when they reach the age of 18.

Article 132 of the Guidelines for Alternative Care states, "Children leaving care should be encouraged to participate in post-care life planning." Article 131 further emphasizes that "throughout the care period, systematic targeting of acquiring social and life skills through participation in community life should prepare children to develop self-confidence and fully integrate into society." Despite the provisions stated in these articles, children are not being prepared for life after care. Particularly, due to the administrative workload and lack of expertise among personnel of the Ministry of Family and Social Services, it is almost impossible to implement counselling measures alongside care measures.

The best interests of the child are not considered in the recruitment processes within care institutions. The recruitment of expert personnel is conducted through administrative personnel regulations, and specialized empowering and training programs for professionals working in care institutions are not provided. There is a need to change the staff regime. These institutions should have a semi-autonomous structure.

The process of promoting family reunification and the return of the child to the family is not being carried out in accordance with Articles 49-52 of the Guidelines for Alternative Care, resulting in insufficient support systems for the child to stay and be supported within the family.

When children leave care institutions without permission, they are reported to the authorities as runaways. If a child does not return to care within 6 months, their record is deleted, and the state's care and protection process ends.

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<sup>20</sup> Federation of Women's Associations in Turkey. (2020) Report to the UN Special Rapporteur on Violence Against Women and Girls. Monthly reports of the Federation can be reached at <https://tkdf.org.tr/ayh>

During the process of returning children to their families or the termination of protection orders for any reason, courts make unilateral decisions based on the report of the relevant institution, without prioritizing the best interests of the child.

According to the data from the Ministry of Family, Labour, and Social Services, the number of children under institutional care in Turkey in 2021 is 13,302. The number of foster families is 6,978, and the number of children under foster care is 8,459. The number of children adopted in 2021 is reported as 495.

### **Right to Education**

- There is no comprehensive and disaggregated data regarding the education system.
- The education system operates as a discriminatory system in terms of children's registration system, school attendance, attitudes of teachers and administrative staff, poverty, language, religion, ethnic origin, disability, gender, and sexual orientation.
- Regional disparities in education persist.
- Although the government's data shows an increase in enrolment rates, these data also include data from distance learning programs. In distance learning programs, attendance tracking is not conducted. As a result, there is a risk of disengagement from formal education and a shift towards distance learning programs, especially for girls. This situation further supports the government's negative attitudes towards gender equality.
- The Ministry of National Education does not systematically monitor issues such as school dropouts and absenteeism; preventive mechanisms are not developed.
- There is a requirement of residential address for school enrolment, but the school selection based on residential areas almost obligates the selection of religious vocational (imam hatip) schools since there is a significant majority of imam hatip schools in terms of numbers.
- The expression "gender" has been removed from the educational curriculum through legal regulations.
- Children of women who have experienced violence and are under protection face difficulties in accessing education. There is a lack of interagency collaboration.
- There is no country-wide program specifically addressing peer bullying in schools; preventive, protective, and rehabilitative programs are lacking. Teachers are not empowered regarding peer bullying.
- The practice of having Turkish deputy principals in minority schools continues.

Syrian families under temporary protection are unable to obtain exemption documents for work permits and travel permits to leave their province of residence, which prevents their children from continuing their education outside their place of residence. When they obtain these permits and work as seasonal agricultural workers in other areas, issues such as discrimination and language barriers arise, resulting in difficulties in attending school. This situation, attributed to the insufficient inclusivity of the education system, is considered as one of the significant factors contributing to child labour.

The education system was not inclusive during the pandemic period. Due to inadequate management and the lack of qualified monitoring and support, there were disruptions in schooling. The current data on the number of children who are unable or unwilling to return to school due to post-pandemic poverty, emotional disengagement from school, and lack of belief in education is still uncertain; monitoring and tracking are not being conducted. During the pandemic, all schools, including preschool education institutions in women's prisons, were unnecessarily closed, resulting in the violation of children's rights; the remote education system was not accessible to every child, and the educational losses were not compensated for.

Education is not compulsory for migrant children. It is left to the discretion of the family and school administration.

Even in households with technological devices such as television, computers, or phones, difficulties have been observed in children's access to the Education Informatics Network, and access has become even more difficult or impossible for families living in poverty and with multiple children.

During the COVID-19 period, it has become impossible to monitor the process for caregivers who lack literacy skills and do not have access to smartphones.

During the Covid-19 period, children with special educational needs have been particularly negatively affected due to a lack of interaction with their teachers. Children with visual or hearing impairments have been left out as remote education programs do not incorporate audio description, sign language, captions, or similar tools.

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The use of mother tongue in education is not considered. Kurdish education is only provided by private schools.

There is no government incentive for schools that provide Kurdish education, and the institutions' own resources are insufficient to sustain the service. Additionally, demands and efforts for education in the mother tongue can subject educators to intense pressure.

Many children and their families are unaware that elective courses are offered in the Kurmanji and Zazaki dialects of the Kurdish language as part of the Living Languages and Dialects course. Children who are aware of the elective course are unable to access Kurdish elective courses due to reasons such as a lack of teachers for the course, school administrations directing families to other elective courses with religious content, and exerting pressure in this regard. The course fails to provide children with a quality education in Kurdish: the course materials are incomplete, the content is not suitable for children, the level of the course does not meet the children's needs, subject teachers are not appointed, or teachers with insufficient language proficiency are assigned to teach the course. Children want to learn their mother tongue at school, but the elective course falls far short of meeting their Kurdish education demands.

### ***Children in conflict with the law***

- There is no monitoring or oversight regarding the human rights violations experienced by children in correctional institutions (prisons).
- Civil society cannot conduct independent rights-based monitoring visits.
- Monitoring mechanisms such as the Human Rights and Equality Institution of Turkey (TİHEK) do not have a separate agenda for visiting juvenile prisons. TİHEK has not visited juvenile prisons for many years. There are juvenile prisons that TİHEK has never inspected.
- Children in prison do not have access to legal aid units or individuals who can assist them regarding their lives in prison (such as torture, unjust disciplinary punishment, right to education, etc.).
- There is no system in place for families, legal guardians, or lawyers to access information regarding the child's medication, disciplinary actions, hospital referrals, written requests, and so on.

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- There is no standardized detention condition.
  - Children held in adult prisons have significantly fewer rights compared to those held in juvenile prisons.
  - Girls are held in adult prisons and are unable to benefit from detention conditions specific to children.
  - Each prison's implementation can vary depending on the institution's administration, with no standardization.
  - There is no system in place for monitoring and following up on the limited existing execution conditions for children according to the law. It is not possible to monitor torture and ill-treatment because there is no information available about the child's situation and their interactions with the outside world are severely limited. We also witness a culture of impunity in cases of child deaths or allegations of torture.

There is no disaggregated data available for the following information:

- In which adult prisons are children held?
- What types of crimes lead to their arrests, and what types of crimes are they convicted of?
- The rate of reoffending after release.
- The rate of returning to school after release.
- What kind of activities are organized for children in which institutions?
- In which prisons are children aged 0-6 held, and what types of crimes are their mothers convicted of?

The only regularly shared data is about the number of children in each prison, whether they are held in pretrial detention or convicted, and their genders.

Pretrial detention is not implemented as a last resort. More than half of the incarcerated children are held in pretrial detention, and they are subjected to harsher conditions than convicted children, without benefiting from the presumption of innocence. During the pandemic, while convicted individuals were being released, pretrial detainees continued to be held under even more severe conditions, under the pretext of isolation.

In cases involving multiple defendants, children are tried alongside adults in general courts as there are no specialized juvenile courts in the judicial circles where juvenile courts have not been established. General courts temporarily assume the role of juvenile courts and try children.

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During the investigation phase, the decision regarding detention or judicial control measures for children is made by peace criminal judges who do not specialize in the field of children, as they also make these decisions for adult.

There is no separate law or legislation for juvenile justice policy. Although the relevant provisions of the Child Protection Law (ÇKK) are applicable, the ÇKK is not inclusive for children involved in criminal activities.

Judges lack the motivation to implement alternatives to imprisonment, and there is no legislation that mandates it.

There are no specialized chambers for children's rights in the Courts of Appeal and the Court of Cassation (supreme appellate courts). This leads to both the lack of a child-focused justice system and prolonged trials and detention periods.

Amendments should be made to the legislation regarding trials and detentions without imprisonment.

#### Terror Crimes:

- If mothers of children aged 0-6 are being tried under the Anti-Terror Law (TMK), these children may face harsher conditions.
- The postponement of execution, probation, or conditional release is more difficult to apply to this group of prisoners, especially with recent changes, and often it is not applied at all.
- Children are subject to a two-thirds conditional release rate. Although more advantageous than adults, it is still a higher rate compared to other children. (Children involved in drug trafficking fall into this category as well.)
- Due to the multiplicity of defendants or difficulties in substituting evidence, trials under the TMK are prolonged, resulting in children being detained for extended periods. When they reach the age of majority, they suddenly become part of the adult correctional system.

#### ***Right to assistance***

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The amendments made to the Law on Foreigners and International Protection in December 2019 reduced the appeal period for deportation decisions to seven days. The seven-day limitation has restricted the right to access justice, raising concerns that refugees who are not registered in the cities where they reside may face the risk of deportation when seeking medical assistance. Irregular migrants are hesitant to seek medical care in state hospitals due to the fear of deportation.

Irregular migrants are unable to access healthcare services through state hospitals due to their lack of identification. These individuals mostly receive healthcare services from private hospitals (for those who can afford it) or humanitarian organizations. It can be said that undocumented migrants can only access healthcare services through individual efforts and social networks established for this purpose.

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It is not possible to access information about whether children are being held in return centres accompanied by an adult or alone.

The families of seasonal migrant agricultural workers (MGTİ) face hygiene and basic health issues in the areas where their children live in tents and where they work in fields/gardens. The living conditions of MGTİ children, including the areas covered by the Improved Working and Living Conditions of Seasonal Mobile Agricultural Workers Project (METIP), pose risks to their development.

Families under temporary protection who intend to work outside the province where they reside as seasonal migrant agricultural workers (MGTİ) are required to obtain an exemption certificate for work permit and a travel permit document from the relevant authorities. However, in practice, problems arise in both the application and approval stages specifically for individuals under temporary protection. As a result, these individuals who migrate to other provinces without registration to work in seasonal agriculture are unable to benefit from the healthcare services provided by the public institutions in the areas they move to.

### ***Child poverty***

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Due to increasing inflation and economic crisis, poverty has become one of the most fundamental problems in Turkey. (According to TURKSTAT statistics, the percentage of children experiencing material deprivation increased from 32.3% in 2019 to 33.7% in 2020.)

The Social and Economic Support (SED) System remains inadequate for children living below the poverty line and experiencing food insecurity. The SED system falls short in meeting even the basic developmental needs of children. Although the goal of the Social and Economic Support system is to support children within their families, provide social services, and prevent them from dropping out of education, there is no provision for social service support or monitoring.

The SED system is also not accessible to all children. Discriminatory practices and arbitrary decisions by public officials are prevalent in the SES application process.

The government does not have disaggregated data on the number of children living in poverty conditions in the country.

The fact that not all educational services (including in-school meals) are free for every child leads to school dropouts, absenteeism, and early engagement in labour.

Due to the rising rents accompanied by high inflation, many families are becoming homeless. Children in tent and shack settlements are at risk in terms of their well-being and safety. Social housing projects are designed at a level accessible to individuals with moderate socioeconomic status. Urban transformation practices also lead to many families living in poverty facing the risk of homelessness.

Although everyone under the age of 18 has health insurance, medical procedures and medications are subject to co-payment. This situation hinders children living in poverty from accessing their health rights.

Poverty varies according to ethnic identity as well. In such a way that children of Kurdish citizens in the Southeast and East regions of the country are in a more impoverished position compared to other children. In Turkey, the annual average equivalent household disposable income per capita was 37,400 TL in 2021, with the highest in the IBBS Level 2 regions being the TR10 (Istanbul) region at 51,765 TL. This was followed by the TR31 (Izmir) region at

47,595 TL and the TR51 (Ankara) region at 46,516 TL. The lowest annual average equivalent household disposable income per capita was recorded in the TRB2 (Van, Mus, Bitlis, Hakkari) region at 18,278 TL.

In other words, the average per capita income obtained in the TRB2 region, where Kurds predominantly reside, is only 35% of that in Istanbul; 38% of that in Izmir, and 39% of that in Ankara. Moreover, this income is not evenly distributed.

Similarly, according to the poverty line calculated based on 50% of the equivalent household disposable median income per capita, the regions with the highest relative poverty rates based on income are as follows: TR62 (Adana, Mersin) with 14.4%, TRC3 (Mardin, Batman, Şırnak, Siirt) with 13.7%, and TRA2 (Ağrı, Kars, Iğdır, Ardahan).

In Turkey, there are 9,831,804 students attending primary and middle schools, and 2,128,750 of them are going to school with conditional education assistance.

According to the 2021 data from the Public Ombudsman Institution, the number of children whose basic needs cannot be met within their families is around 150,000.