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# Follow-up Situational Report on Children's Rights in Turkey

## **With Special Focus on Juvenile Justice**

January 2001 – May 2004

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*This report focuses on issues of juvenile justice, children's rights, deinstitutionalisation in Turkey between 2001-2004.*

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## Abbreviations

<b>BC</b>	British Council
<b>CoE</b>	Council of Europe
<b>CLC</b>	Children's Legal Centre
<b>CPT</b>	Council of Europe Committee for the Prevention of Torture
<b>CRC</b>	Convention or Commission on the Rights of the Child
<b>CYSA</b>	Child and Youth Services Act
<b>EC</b>	European Commission
<b>EU</b>	European Union
<b>FAO</b>	Food and Agriculture Organization
<b>IBRD</b>	International Bank for Reconstruction and Development, also known as the World Bank
<b>ICRC</b>	International Committee of the Red Cross
<b>IFRC</b>	International Federation of Red Cross and Red Crescent Societies
<b>IGOs</b>	International Governmental Organisations, like the UN
<b>ILO</b>	International Labour Organization
<b>IMF</b>	International Monetary Fund
<b>Interpol</b>	International Criminal Police Organization
<b>MoI</b>	Ministry of Interior
<b>MoJ</b>	Ministry of Justice
<b>NATO</b>	North Atlantic Treaty Organization
<b>NGOs</b>	Non-governmental Organisations
<b>OCMT</b>	World Organisation Against Torture
<b>OECD</b>	Organization for Economic Cooperation and Development
<b>OSCE</b>	Organization for Security and Cooperation in Europe
<b>SIS</b>	State Institute of Statistics
<b>SSCPA</b>	Social Services and Child Protection Agency or SHCEK
<b>TBA</b>	Turkish Bar Association
<b>TGNA</b>	Turkish Grand National Assembly, Turkish Parliament
<b>TPJC</b>	Law on Juvenile Courts
<b>UN</b>	United Nations
<b>UNDP</b>	United Nations Development Program
<b>UNESCO</b>	United Nations Educational, Scientific, and Cultural Organization
<b>UNHCR</b>	United Nations High Commissioner for Refugees
<b>UNICEF</b>	United Nations Children's Fund
<b>WFP</b>	World Food Program
<b>WHO</b>	World Health Organization
<b>YRAF</b>	Youth Re-Autonomy Foundation or TCYOV

## Background <sup>1</sup>

### Basic Statistics



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### Geography

**Area (total):** 779,452 sq. km of which 35% arable, 4% permanent crops, 26% forestry; Asian (Anatolia) - 755,688 sq. km, Europe (Thrace) - 24,888 sq. km

**Total length of land borders:** 2,627 km; Armenia (268), Azerbaijan (9), Bulgaria (240), Georgia (252), Greece (206), Iran (499), Iraq (331), Syria (822)

**Total length of coasts:** 8,333 km (Mediterranean Sea, Aegean Sea, Marmara Sea, and Black Sea)

**The most populated Cities (2000 census):** Istanbul (10,018,735) - Ankara (4,007,860)  
*Capital* - Izmir (3,370,866)

### People

**Population (2002):** 67,803,927 -2000 census; urban - 44,006,274 (64,9% of total), rural - 23,797,653 (35.1% of total)

**Population growth (2002):** 1.32 % annual

**Mortality rate, infant (per 1,000 live births, 2001):** 36

**Life expectancy (2002):** Male: 66, Female: 71 (2003)

**Languages:** The official language is Turkish. A considerable number of the population, esp. in the south east region, speak Kurdish dialects. Minority languages such as Arabic, Circasian, Romani, Greek, and Armenian are also spoken locally.

**Main ethnic groups (2000):** Turkish, Kurdish, Crimean Tatar, Arab, Romani, Greek, Armenian, other

**Religions (2000):** Muslim, Christian, Jewish

**UNDP HDI rank (2003):** 96 [UK 13]

**UNICEF under-5 mortality rank (2003):** 78 [U.K. 161]

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<sup>1</sup> Unless otherwise stated, statistical data provided are based on World Bank, World Development Indicators 2003, ESDS International, University of Manchester ([http://www.esds.ac.uk/International/access/dataset\\_overview.asp#desc\\_WBWDI](http://www.esds.ac.uk/International/access/dataset_overview.asp#desc_WBWDI)). Other information is based on the Core document forming part of the reports of States Parties [to the United Nations Human Rights Institutions]: Turkey. 1 October 2001 HRI/CORE/1/Add.116 ([www.unhchr.ch](http://www.unhchr.ch)); U.S. Department of State Country Background Notes (<http://www.state.gov/r/pa/ci/bgn/3432.htm>); UNDP, UNICEF, WHO State of the World Reports, Inter-Parliamentary Union (IPU) reports.

## Economy

**Currency:** Turkish Lira (TRL)

**GDP per capita PPP (current international in USD, 2002):** 6,175.52

**Natural resources:** Coal, chromium, mercury, copper, boron, oil, gold

**Industries (24.9% of GNP):** Textiles, food processing, automobiles, mining (coal, chromites, copper, boron), steel, petroleum, construction, lumber, paper.

**Agricultural products (11.8% of GNP):** Tobacco, cotton, grain, olives, sugar beets, pulse, citrus, livestock. (Provides more than 40% of jobs, 6% of exports)

**Main trading partners:** *Exports:* Germany, USA, France, UK, Italy, the Netherlands  
*Imports:* Germany, Japan, Italy, USA, France, Russia, UK, Sweden, the Netherlands

**Major Export Products:** Agricultural, textiles, iron, steel.

**Major Import Products:** Oil, machinery, chemicals, iron, steel.

## Government<sup>2</sup>

**Official name:** Republic of Turkey - *Türkiye Cumhuriyeti*

**Constitution:** 7 November 1982, amended in 1995. It has been constantly subject to change due to the EU accession process since the Tampere Summit in 1999; amended in 1999, 2001, 2003, and further waves of amendments planned in 2004. In its Constitution the Republic of Turkey defines itself as a democratic, secular and social State governed by the rule of law (Art2).

**Electoral system:** 18 years of age, universal suffrage, separate parliamentary and local elections (both every 5 years) with 10% threshold.

**Head of State:** President Ahmet Necdet Sezer (since 16 May 2000)

**Prime Minister:** Recep Tayyip Erdogan, 59th Turkish government (since 14 March 2003)

**Parliament:** The Turkish Grand National Assembly (TGNA) is a one-chamber parliament composed of 550 deputies. Elections are based on proportional representation subject to a national threshold of 10%. Elections take place every 5 years. The TGNA, as well as the President, can decide to hold new elections before the expiry of this period of time is completed. Only if 5% of the total number of seats are vacated (death, resignation, etc.) can intermediary election is held. MPs are elected by party list, drawn up by absolute discretionary power of party leaders. Once elected, they gain access to immunity from prosecution, unless TGNA lifts immunity. After two years as an MP, lifelong privileges are granted. The TGNA works in the form of commissions which prepare legislation etc. The TGNA legislates, supervises the Council of Ministers and adopts the budget. It decides on declaring war, martial law or emergency rule; it approves international agreements, general or special amnesties. The laws passed by the TGNA are promulgated by the President within 15 days. The President may refer the law back to the Assembly for reconsideration. The TGNA elects the President of the Republic.

**Internal administrative organisation:** The central administration, headed by the PM and Ministers, is represented in the territory by 81 governors in the 81 provinces. There is also a super governor for the State of Emergency region. There are sub-governors at district level. The Governor is assisted by a directly elected provincial council, and district

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<sup>2</sup> The information provided here is based on European Commission Enlargement Division at <http://europa.eu.int/comm/enlargement/turkey/index.htm> along with the US Department of State Human Rights Report 2003 at <http://www.state.gov/g/drl/rls/hrrpt/2003/27869pf.htm>, Amnesty International Annual Report 2004 at <http://web.amnesty.org/report2004/tur-summary-eng>

councils. Several ministries have offices at provincial and district level. (There are seven - geographical - regions in Turkey, essentially for statistical purposes.) An autonomous local administration exists at the level of municipalities (16 large metropolitan municipalities (MM) - subdivided in sectors - and 3200 other smaller towns) which elect a mayor and a municipal council. Istanbul MM has a population of 8.5 million, Ankara has over 3 million, and Izmir over 2 million people. In 50,000 villages a Council of Elders and village headman are directly elected by the village assembly.

**Security:** The Turkish National Police (TNP), under Interior Ministry control, has primary responsibility for security in urban areas, while the Gendarme, paramilitary forces under joint Interior Ministry and military control, carries out this function in the countryside. Although the Government completed the phased lifting of the state of emergency in the southeast in November 2002, it continued to maintain a heavy security presence in the region. There was a civil defence force known as the village guards, mostly concentrated in the southeast, which were regarded as less professional and disciplined than other security forces. Civilian and military authorities generally maintained effective control of the security forces.

**Economic Development:** Turkey has developing market economy. Industry and services dominate the economy, but agriculture remains important. There are major disparities in income, particularly between the relatively developed west and the less developed east.

**General human rights situation<sup>3</sup>:** Even though in recent years there have been improvements in a number of areas both through legal and administrative changes in line with requirements for the EU accession, human rights abuses have continued.

The practice of torture, beatings, and other abuses by security forces were reported within the reporting period and remain widespread. Security forces continue to use arbitrary arrest and detention, although the number of such incidents declined in recent years. Lengthy trials of human rights violators continue to be a cause of concern strengthened with the rarity of convictions and the light sentences imposed on police and other security officials for killings and torture continued to foster a climate of impunity. Prosecutions of mostly alleged terrorists and people allegedly inciting against the state brought by the State apparatus in State Security Courts (SSCs – reportedly influenced by the military) have suggested a state-biased supra-legal construction. Prison conditions are poor in general.

Major problems in other areas of civil and political rights including:

- freedom of speech through harassment and indictment of human rights monitors, journalists, and lawyers for the views they expressed in public;
- freedom of assembly and association through *inter alia* closure of political parties and heavy restrictive measures on non-governmental organisations (NGOs);
- freedom of some forms of religious expression, freedom of movement;
- violence against women and gender-based discrimination are still serious problems;
- child labour, which is widespread; and

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<sup>3</sup> Amnesty International annual report 2004; EU enlargement report on Turkey's progress 2004; US State Department Human Rights and Trafficking Reports 2004

- trafficking in persons, particularly women, and to a limited extent children which has grown recently.

There are high disparities between and within different regions in fulfilling the State's responsibilities in all categories of rights. Although there is a recent attempt to introduce poverty indicators in the State Institute of Statistics (SIS), there is no real measurement of understanding the level of the problem negatively affecting the civil, political, economic, social, and cultural rights. Vital statistical data needed to understand and measure the level of realisation of human rights norms and development related achievements that should be afforded by the Government in relation to its international and national obligations are not properly installed.

Since the EU Tampere Summit where an associate membership was granted to Turkey in 1999, Parliament passed extensive human rights-related reforms intended to meet the part of requirements known as Copenhagen Criteria for the EU accession. However, many of the reforms are yet to be implemented, and some reforms adopted since 1999 are still not implemented. Numerous human rights related education and training programmes or projects mainly directed towards relevant public officials have been jointly conducted by the Government and organisations like the Council of Europe, European Commission (EC), the British Council, United Nations Children's Fund (UNICEF), and United Nations Refugee Organisation (UNHCR). Almost all of these projects have child rights components. The Government, with a new amendment in the law regulating the Organisation of the Prime Ministry in 2001, established the Directorate of Human Rights (DHR) under the auspices of Prime Ministry. DHR maintains an advisory body composed of government officials from varying ministries, academics, professional organisations, and other NGOs including two concerned mainly with child rights (street children and juvenile justice).

**Member of: (non-exhaustive list)** ADB, ANT, BIS, BSEC, BTWC, CE, CTBT, EAPC, EBRD, ECO, ESCAP, FAO, IAEA, IBRD, ICAO, ICC, ICFTU, ICRM, IDA, IDB, IEA, IFAD, IFC, IFRCS, IHO, ILO, IMF, IMO, Inmarsat, Intelsat, Interpol, IOC, ISO, ITU, MTCR, NATO, NEA, NPT, NSG, NTBT, OECD, OIC, OPCW, OSCE, PCA, UN, UNCTAD, UNESCO, UNHCR, UNIDO, UPU, WCO, WEU (associate), WFTU, WHO, WIPO, WMO, WTO, WToO, ZC. Turkey is also an associate member with a view to full membership of the European Union (EU).

**Parties to: (non-exhaustive list)** UN: Convention on the Rights of the Child (CRC), CRC-OP I, Convention against Torture (CAT), International Covenant on Civil and Political Rights (ICCPR), Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), Convention on the Elimination of All Forms of Racial Discrimination (CERD), International Covenant on Economic, Social and Cultural Rights (ICESCR), Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (MWC), 1951 Convention on the Status of Refugees and 1967 Protocol relating to the status of refugees, Trafficking Protocols, ILO Conventions 138 (Minimum Age for Employment) and 182 (Prohibition and Immediate Action for Elimination for the Worst Forms of Child Labour) CoE: Convention for the Protection of Human Rights and Fundamental Freedoms (ECoHR), all Protocols except 4, 7, 9, 12, 13 (most signed but not ratified); European Social Charter, Convention on Repatriation of Minors, Custody of Children Convention, Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), Protocols 1 and 2 of CPT, Convention on the Exercise of Children's Rights.



## Child Rights Issues

1. The main purpose of this report is to highlight the situation of child rights in Turkey in light of the Convention on the Rights of the Child (CRC) 1989, updating the situational analysis undertaken by the Children's Legal Centre (CLC) in 2000. The report mainly focuses on issues of juvenile justice, children's rights, deinstitutionalisation which were the main areas of work undertaken by CLC in Turkey back in 2000-2001.

### Convention on the Rights of the Child

2. Turkey signed CRC on 14 September 1990 and ratifying it on 9 December 1994 with the reservation of its right to interpret the articles 17, 29 and 30 in accordance with the Lausanne Treaty of 1923 and the Turkish Constitution.<sup>4</sup> Article 17 focuses on the role of mass media and access to information, Article 29 enlists aims of education, and Article 30 ponders on the rights of minority children. All three articles include in or refer to rights of minority children. Lausanne Treaty and the Constitution entitle only three minority groups in Turkey with rights, namely Armenians, Greek and Jewish, rebuffing other possible minority communities from the special protection measures and rights enshrined in those two legal texts.
3. Social Services and Child Protection Agency (SSCPA) is the governmental agency designated with the responsibility of overseeing the implementation of CRC. It is reported that SSCPA runs a High Commission for Child Rights composed of governmental, non-governmental, and academic representatives. There are also thematic sub-commissions under this structure. However, it is also reported that there is seldom efficient labour delivered within and under this structure due to lack of coordination.<sup>5</sup>
4. The initial report of Turkey (CRC/C/51/Add.4, 7 July 1999), and the additional information the State provided (CRC/C/51/Add.8, 17 May 2001), were considered by the Committee within a constructive dialogue with the Turkish delegation at 701<sup>st</sup> and 702<sup>nd</sup> meetings (CRC/C/SR.701-702), held on 23 May 2001; and at its 721<sup>st</sup> meeting, held on 8 June 2001. The report was due in 1997, therefore there was a major delay in submission of the report. The second report was due on 3<sup>rd</sup> May 2002, however there is no indication of when the second report is going to be submitted and subsequently considered. One of the possibilities is that it will be submitted jointly with the third periodic report as was done with the CEDAW reporting.<sup>6</sup>
5. The delegation was large and multisectoral and the report was said to be prepared by an *ad hoc* committee composed of 200 persons from both government and NGOs. However there was no alternative report submitted by any Turkish NGO<sup>7</sup>, yet there is at least one recent report prepared and submitted by OMCT's Children's Rights

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<sup>4</sup> Ireland, the Netherlands and Portugal objected to these reservations on grounds of going against the object and purpose of the treaty. [http://www.bayefsky.com/./html/turkey\\_t2\\_crc.php](http://www.bayefsky.com/./html/turkey_t2_crc.php)

<sup>5</sup> TCYOV Report for the first half of 2004. (in file with CLC, in Turkish)

<sup>6</sup> It is recently reported by SSCPA that 2<sup>nd</sup> and 3<sup>rd</sup> reports will be jointly submitted and considered in 2007 upon agreement with the UNCRC (based on a telephone interview with SSCPA Child Rights Officer in Ankara on 23 November 2004).

<sup>7</sup> Most alternative NGO reports on States can be reached at <http://www.crin.org/docs/resources/treaties/crc.25/annex-vi-crin.shtml>, however for example the list provided at the website did not include OCMT report on Turkey (see *infra* at 6)

Programme in 2001.<sup>8</sup> This in general may reflect the diminished capacities and difficulties of human rights and child rights NGOs in Turkey in acting in a proactive manner at the international level.

6. The Committee praised the then recent positive developments<sup>9</sup>, yet expressed its concerns in a number of areas<sup>10</sup>:

#### General measures of implementation

- 6.1. The issue of deficiencies in disaggregated data by sex, age, and region was highlighted. Written replies concerning this issue mostly included data based on sex and age but regional data was lacking. Although the State Institute of Statistics (SIS) has regular household labour surveys producing limited data, the statistics are not up-to-date nor made readily available to the public.<sup>11</sup> Also the Committee expressed its concern on unclear data regarding increased budgetary allocations for children and how this would address the problems of the most vulnerable groups of children.<sup>12</sup>
- 6.2. Narrow interpretation of the definition of a minority affecting several minority children from the enjoyment of human rights protected under the Convention. This issue of thin interpretation is further exacerbated with the fact that Turkey is still keeping its blanket reservations to articles 17, 29, and 30 of the Convention. The Committee drew attention to the negative impact of these reservations on children belonging to ethnic groups which are not recognized as minorities under the Treaty of Lausanne of 1923, in particular children of Kurdish origin.<sup>13</sup>
- 6.3. Parts of domestic law, such as the "Anti-terror Law" of 1991 and some provisions relating to juvenile courts, are still not in full conformity with the provisions and principles of the Convention.
- 6.4. Centralised administrative persist adversely structures affecting proper functioning of the child rights monitoring agency, SHCEK. Poor budgetary allocation to the agency.
- 6.5. The absence of an independent mechanism, such as an Ombudsman or a commission for children, to monitor children's rights and to register and address individual complaints from children concerning violations of their rights under

<sup>8</sup> The World Organisation Against Torture, [http://www.omct.org/pdf/CC/TurkeyCC\(06.01\).PDF](http://www.omct.org/pdf/CC/TurkeyCC(06.01).PDF) available in country dossier.

<sup>9</sup> E.g. the minimum term for compulsory education has been extended to eight years; the maternal mortality rate has fallen by over 75% over the past twenty-five years; the rate of child labour for 6–15 year olds fell from 8.5% in 1994 to 4.2% in 1999; the minimum legal age for marriage was raised to 17 years for both girls and boys. For more information see Turkey's World Children's Summit monitoring report.

<sup>10</sup> Concluding Observations of the Committee on the Rights of the Child: Turkey. 09/07/2001.

CRC/C/15/Add.152 at

[http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/CRC.C.15.Add.152.En?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CRC.C.15.Add.152.En?OpenDocument)

<sup>11</sup> See [http://www.die.gov.tr/esg\\_II\\_Bolge.htm](http://www.die.gov.tr/esg_II_Bolge.htm) provides some statistics, yet nothing up-to-date or extensive. The Committee also added its concern on "the absence of a unit within the State Institute of Statistics (SIS) responsible for the systematic collection of disaggregated data for all areas covered by the Convention and in relation to all groups of persons under 18 years of age."

<sup>12</sup> See development and social indicators within the country dossier (CD version).

<sup>13</sup> See *supra* at 2.

the Convention in accordance with the Paris Principles<sup>14</sup> and the General Comments of the Committee on the Rights of the Child.<sup>15</sup>

6.6. Concerns regarding the dissemination of the principles and provisions of the Convention include the ways in which it has been interpreted thus efforts mostly one-off.

6.7. Definition of the child as well as gender and legal disparities caused the Committee express concerns regarding domestic law conflicting with international legal provisions including education, employment, and marriage.

## General Principles

6.8. The Committee expressed its concern that the general principles of the Convention - principle of non-discrimination, best interest of the child, and respect for the views of the child - were not being reflected in the domestic legislation although according to the Turkish Constitution, a ratified international text automatically becomes domestic law and existing law should be harmonised accordingly.<sup>16</sup> Therefore the Committee recommended appropriate integration of these principles into “all relevant legislation concerning children and applied in all political, judicial and administrative decisions, as well as in projects, programmes and services which have an impact on all children.”<sup>17</sup>

6.9. The Committee was concerned especially with the implementation of the principle of non-discrimination, severely hampered by the reservations and limited interpretation of the Convention by the government for children belonging to a minority group not recognised under the Treaty of Lausanne of 1923<sup>18</sup>; children with disabilities; children born out of wedlock; girls; refugee and asylum-seeking children; children who are internally displaced; and children living in the south-eastern region and in rural areas, especially with regard to their access to adequate health and educational facilities. The aforementioned lack of disaggregated data adds to that concern.

6.10. Special concern was shown to call for immediate legal and political action for the problem of honour killings, especially in the south eastern region of the country and within the immigration communities.<sup>19</sup>

## Civil rights and freedoms

6.11. The issue of low rate of birth registration was a cause of concern to the Committee, in addition to incompatibility with the domestic legislation and the limited exercise of participatory rights such as freedom of expression and association.<sup>20</sup>

6.12. The Committee expressed concern about the number of cases of children being subjected to torture and/or ill-treatment when placed in pre-trial and

<sup>14</sup> General Assembly resolution 48/134 of 20 December 1993; there is also ongoing discussions on the establishment of an Office of the Ombudsman for Children.

<sup>15</sup> CRC/GC/2002/2 on 15 November 2002

<sup>16</sup> Turkish Constitution, Art.90. <http://www.tbmm.gov.tr/anayasa/constitution.htm>

<sup>17</sup> op cit supra 8 at para28.

<sup>18</sup> Treaty of Lausanne recognises only the Armenian, Greek and Jewish populations as minority groups.

<sup>19</sup> Op cit supra 8 at paras31-32

<sup>20</sup> Article 13 of the Turkish Civil Code of 1926 stating that children “shall not be entitled to exercise civil rights.” Moreover, although minimum age of employment is recently set at the end of 14 (the law seems to have avoided pronouncing 15 as suggested by the ILO texts), those reaching that age cannot join trade unions or worker’s associations.

incommunicado detention. Another cause of concern was the disappointing substandard investigations of alleged torture cases involving children.<sup>21</sup>

#### Family environment and alternative care

6.13. High number of children who live in institutions, half of whom are placed there because of socio-economic problems affecting their families caused concern for the Committee, in addition to bad physical and structural state of these institutions. The lack of alternative systems to institutionalisation seems to be exacerbated with the underdeveloped foster care system and a very restrictive law on adoption.

#### Child abuse and neglect

6.14. The Committee highlighted the lack of data, appropriate measures, mechanisms and resources to prevent and combat domestic violence, ill-treatment and abuse, including child sexual abuse and related virginity tests. The limited number of services for abused children is also a cause of concern.

6.15. The Committee expressed its deep concern that physical punishment in the home is culturally and legally accepted and that only "excessive punishment" resulting in physical injury is prohibited by the Penal Code. It also notes with concern that, although prohibited, corporal punishment is used in schools and other institutions.

#### Basic health and welfare

6.16. Concern was raised about the huge number of children with disabilities who are institutionalized and the general lack of resources and specialized staff for these children.<sup>22</sup>

6.17. The situation with regard to maternal, child and reproductive health was identified as being poor and the great disparities between geographic regions and socio-economic classes were pointed out.<sup>23</sup>

6.18. The Committee expresses its concern regarding the high rates of early pregnancy, the rise in the number of children and young people using tobacco and drugs, the increase in cases of sexually transmitted diseases (STDs), in particular syphilis, and the growing number of cases of HIV/AIDS among young people. Further, it notes the limited availability of programmes and

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<sup>21</sup> E/CN.4/2002/74/Add.1 Civil And Political Rights, Including The Question Of Disappearances And Summary Executions, Extrajudicial, summary or arbitrary executions Report of the Special Rapporteur, Ms. Asma Jahangir, submitted pursuant to Commission on Human Rights resolution 2001/45 Addendum Mission to Turkey p19 pp67-69 at [http://www.unhchr.ch/Huridocda/Huridoca.nsf/0/3567caf455c178f3c1256b4100368820/\\$FILE/G0116337.pdf](http://www.unhchr.ch/Huridocda/Huridoca.nsf/0/3567caf455c178f3c1256b4100368820/$FILE/G0116337.pdf). Also see E/CN.4/1999/61/Add.1 Report of the Special Rapporteur: Sir Nigel Rodley, submitted pursuant to Commission on Human Rights resolution 1995/37 Addendum visit by the Special Rapporteur to Turkey para17 and Annex at <http://www.unhchr.ch/Huridocda/Huridoca.nsf/TestFrame/f585dbcbd3cf2a138025674e004b9b35?OpenDocument>.

<sup>22</sup> Establishment of the Administration of the Disabled as the agency coordinating services, and the removal of some structural obstacles in education, employment and rehabilitation.

<sup>23</sup> the State party adopted the Integrated Management of Childhood Illnesses (IMCI) and established 35 new Social Service provincial directorates in 2000, and that protocols for cooperation were signed between the Social Services and Child Protection Agencies and non-governmental organizations in order to improve services for children at the local level

services in the area of adolescent health, including mental health, in particular treatment and rehabilitation programmes for drug addiction. It also noted the lack of sufficient prevention and information programmes, especially on reproductive health, in schools.<sup>24</sup>

#### Education, leisure and cultural activities

- 6.19. The high drop-out rates among girls after the third grade, particularly in rural areas; the decline in the quality of education and the insufficiently participatory teaching methods; the lack of trained personnel and insufficient infrastructure, especially classrooms, in particular in large metropolitan areas and in the south-east.

#### Special Protection Measures

- 6.20. The Committee raised concerns that only asylum-seekers from European countries are granted refugee status, thus child asylum-seekers of non-European origin, who represent the majority, can be granted asylum only on a temporary basis until they find a third country and, therefore, do not always have access to education and health care. It notes that personnel dealing with child asylum-seekers and refugees do not have training on child rights issues, in particular on how to deal with children who are unaccompanied and in cases of family reunification, as well as with children who come from areas affected by war and who may have been victims of traumatic experiences.
- 6.21. There were a large number of internally displaced children in Turkey who were forced to leave their home towns in the 1990s owing to the high level of violence in the south-east region. The Committee was also concerned about their limited access to housing, health services and education.<sup>25</sup>

#### Economic exploitation

- 6.22. The Committee pointed out that there is not a clear legal minimum age for working children<sup>26</sup> worried about the large number of children engaged in labour activities, in particular children working in the fields, domestic workers, children working in small enterprises and children working in the streets, who appear to be less protected by legislation.<sup>27</sup>
- 6.23. While noting that a number of centres have been established, with the collaboration of non-governmental organizations, to provide counselling, training and rehabilitation services for children living in the streets, the Committee nevertheless expresses its concern at the significant number of such children and notes that assistance is generally only provided to them by non-governmental organizations.

#### Juvenile Justice

<sup>24</sup> however, there are several new initiatives by NGOs and IGOs in this area. See ...

<sup>25</sup> Also see E/CN.4/2003/86/Add.2 Report of the Representative of the Secretary-General on internally displaced persons, Mr. Francis Deng, submitted pursuant to Commission on Human Rights resolution 2002/56 Addendum Profiles in displacement: Turkey, especially at paras 11, 15, and 16 at [http://www.unhcr.ch/Huridocda/Huridoca.nsf/0/45dac136128684d7c1256ca200552e3a/\\$FILE/G0215677.pdf](http://www.unhcr.ch/Huridocda/Huridoca.nsf/0/45dac136128684d7c1256ca200552e3a/$FILE/G0215677.pdf)

<sup>26</sup> See *supra* at 18.

<sup>27</sup> ILO/IPEC + NGOs

6.24. The Committee noted that positive developments included the proposed extension of the competence of juvenile courts from 15 to 18 years of age and the study started by the Ministry of Justice to harmonize the “Law about the formation, duties and procedure of the juvenile courts” with the provisions of the Convention, as well as the establishment of units for child protection within the Security Directorates in every province and sub-district. However, it remained deeply concerned at the major discrepancies between domestic legislation concerning juvenile justice and the principles and provisions of the Convention. In particular, it noted with concern that the minimum legal age for criminal responsibility is 11 and that the Juvenile Courts Law covers children only between the ages of 11 and 14, while children between 15 and 18 are subject to the Penal Law. Further, it also noted with concern that even children between 11 and 14 may not be subject to the Juvenile Courts Law if they are accused of having committed a crime falling under the jurisdiction of State security courts or military courts or if they live in areas under a state of emergency. The fact that detention is not used as a measure of last resort and that cases have been reported of children being held incommunicado for long periods was noted with deep concern. The Committee was also concerned that there are only a small number of juvenile courts and none of them are based in the eastern part of the country. Concern is also expressed at the long periods of pre-trial detention and the poor conditions of imprisonment and at the fact that insufficient education, rehabilitation and reintegration programmes were provided during the detention period.

7. Progress submitted through UN Special Session on Children

- 7.1. The Government of Turkey submitted a progress report to the UN Special Session on Children in 2002 on implementing the goals set in the World Summit in 1990. However the report is dated 2000, and it is therefore older than the report submitted to the Committee of the Rights of the Child, and does not provide any further insight to the information presented above.
- 7.2. Several state officials attended the Special Session along with few state sponsored NGO representatives. No NGO alternative report was submitted to the Special Session.
- 7.3. A long list of commitments for the improvement of the situation of children and their rights was provided within the report under the heading of Future Actions. However, no governmental or non-governmental mechanisms seem to be in place to monitor these commitments in the form of developing necessary and measurable indicators and benchmarks. The list seems to suggest an establishment of a whole new legal system in the country, which has been taking place since late 2000 after the approval of Turkey’s candidacy for accession to the EU in late 1999.

Recent Developments

8. Several English and Turkish news sites in addition to LexisNexis, WestLaw, PCI Fulltext, Proquest, JStor, Ingenta, and EbscoHost databases, Amnesty International, Human Rights Watch, Save the Children, Defence for the Children and their International Juvenile Justice Network were searched for latest child rights and juvenile justice in Turkey news, articles, and the like.
- 8.1. Databases revealed no results as of 22 June 2004 (latest check).



- 8.2. News sites revealed limited coverage on child rights and juvenile justice in Turkey. Some recent ones are as follows:
  - 8.2.1. Outcry over Turkey child arrests at <http://news.bbc.co.uk/1/hi/world/europe/1113767.stm>
  - 8.2.2. Turkey condemns 'honour killings' at <http://news.bbc.co.uk/1/hi/world/europe/3523123.stm>
  - 8.2.3. [www.NTVMSNBC.com](http://www.NTVMSNBC.com) news service in Turkish, part of msnbc.com, provides news coverage on child rights issues.
- 8.3. Human rights and child rights NGOs in the UK revealed limited coverage on child rights and juvenile justice projects in Turkey. BOND database revealed that 7 organisation have had operations in or related to Turkey.
  - 8.3.1. SOS Children's Villages UK has no programme in Turkey; International Planned Parenthood Federation has local partner; Minority Rights Group International has two local partners; Aid International has no programme; British Trust for Conservation Volunteers (BTCV), International Department has no programmes; OneWorld International has few partners that have projects or news coverage related to Turkey, but not especially on children; Doctors Worldwide has no programme.
- 8.4. Several Turkish NGOs are working on child rights covering several issues. There are also several IGOs, mainly UN, that were programmes that cover child rights issues. Provisions of their activities are reported in a separate heading below between paragraphs 36 – 57.

## Domestic Law and Practice

9. This section of the report shall provide concise information on the domestic law and practice on child rights in Turkey focusing on juvenile justice.<sup>28</sup>
10. Due to the EU accession process, along with other legal and administrative changes, legislation concerning children is fast changing. New changes are on the way before December as progress reports are written for Turkey's possible accession partnership negotiations starting in 2005.

### *General Child Rights Legislation*

11. As explained above, when ratified, international legal texts become domestic law in Turkey. Therefore, the CRC and other relevant international human rights treaties including the two additional protocols to the CRC, the European Convention on Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children, and European Convention on the Exercise of Children's Rights are part of Turkish legislation.<sup>29</sup> Also, article 41 of the Constitution asserts that every institutional measure should be taken to protect the safety and prosperity of the family and its members, especially women and children.
12. However, harmonisation of existing laws and regulations to these international texts is very slow and there is no established governmental or non-governmental screening or monitoring with respect to harmonisation activities. One of the child rights legal

<sup>28</sup> The information presented in this report was gathered from Turkey's state reports submitted to international organisations, the websites of the Court of Cassation ([www.yargitay.gov.tr](http://www.yargitay.gov.tr)), the Ministry of Justice ([www.adalet.gov.tr](http://www.adalet.gov.tr)) and Turkish Parliament, National Plan of Action (unpublished) prepared in late 2003 and revised in early 2004 (supported by UNICEF), and Council of Europe Committee for the Prevention of Torture (CoE/CPT) site visit reports.

<sup>29</sup> See the Turkish Parliament website: [www.tbmm.gov.tr](http://www.tbmm.gov.tr)

experts who has been engaged in drafting of child rights related legislation before the parliament reported that laws are being prepared and promulgated in a hurry to keep up with the EU deadline for the end of 2004.<sup>30</sup>

13. There is no child rights law framework. Related legislation is codified in mainly the Civil Code, the Criminal Code, and several other legal documents.
14. The new Civil Code promulgated in 2001 introduced several new protection measures for children and women. However, it is reported that unlike women's rights organisations, hardly any child rights organisation were involved in the drafting phase of the law, therefore no true child rights screening was undertaken in the process.<sup>31</sup>

### *Children in Conflict with the Law*

15. Turkey has under an international obligation under article 40 of the Convention to set a separate system for juveniles. However, so far there is no separate legal and/or administrative system for juveniles in Turkey in practice.
16. Article 19 of the Turkish Constitution along with Articles 104-126 of the Law on the Trial Procedures of Penalty Court (TPPC) defines arrest and trial procedures. There is no separate criminal procedural law specific to children. TPPC article 52/1 states children under 15 years of age are not allowed to produce statements under oath.
17. Children are subject to Law No. 2253 on the Establishment, Duties and Trial Procedures of Juvenile Courts (TPJC). Article 11 states that children under 11 years of age cannot be prosecuted and no penalty can be imposed on them. Children between 11 and 15 can be prosecuted based on their capacity of understanding the crime committed. Children between 16 and 18 can be prosecuted for all offences regardless of capacity; they can also be prosecuted by the State Security Courts (SSC) where terror suspects are prosecuted. Age of criminal responsibility is found unacceptable by the Committee.
18. Article 4 of the Law on Penalty Execution (LPE) outlines bail, fines and other measures other than the ones that limit freedom (prison sentences) for crimes that require one year or less imprisonment. Article 5 of LPE asserts that sentences in fines cannot be converted to prison sentences for children under 18 years of age. LPE article 6/2 regulates penalty deferral for children under 18.
19. Article 33 of the Press Act and article 40 of TPJC regulate the information ban regarding children under trial. This provision guarantees the right to privacy that children have.
20. There are only 10 juvenile courts in 7 provinces in Turkey although the law establishing the courts in 1979 states that each and every province and sub-province with population of one hundred thousand or more shall have a juvenile court. On 18 January 2003, a new law on Family Courts was adopted. It seems to have replaced many of the responsibilities of the juvenile courts. Since its introduction, several family courts started operating in most provinces. However, in one of his speeches, President of the Istanbul Bar Association criticised the law and its speedy launch stating that groundwork for such an important law was not properly planted.<sup>32</sup>
21. There are two main child penitentiaries in Turkey; in Ankara and Istanbul, where children can get rehabilitation, formal and non-formal training. There are sections for juvenile offenders in several other prisons in other provinces, which lack such rehabilitation and training facilities. There are adult prisons with juvenile sections

<sup>30</sup> Correspondence in Turkish between Assoc. Prof. of Law, Sevgi Usta Sayita, see country dossier/correspondence.

<sup>31</sup> See NGO reports in the country dossier, Women to Women's Human Rights Project ([www.wwhr.org](http://www.wwhr.org))

<sup>32</sup> <http://www.istanbulbarosu.org.tr/Detail.asp?CatID=1&SubCatID=2&ID=491>



which violate a raft of international child rights and administration of justice standards. The fact that there are only 2 institutions is against the UN Rules for the Protection of Juveniles Deprived of their Liberty which recommends decentralization so that families can visit. It is highly unlikely children in these institutions have regular contacts with their families. This is against the purpose of the juvenile justice system that asks for reintegration and rehabilitation.

22. There are several activities that have been going on in improving the legislation and practice with respect to children in conflict with the law in particular and harmonisation of the legislation with the CRC. Almost all of them are technically or financially supported by UNICEF country office, British Council in Ankara, or CoE/EU joint human rights project.
23. One of the latest major activities is a project led by UNICEF, funded by the EU and is titled "Upgrading of the Juvenile Justice System in Turkey." The 3-year project was launched in 2001 and concluded in early 2004. The project was undertaken in partnership with the Ministry of Justice (MoJ), Prime Ministry Social Services and Child Protection Agency (SSCPA), Ministry of Interior Security General Directorate (MoI), Turkish Bar Association (TBA), and Youth Re-Autonomy Foundation (YRAF). The main aim of the project is to draw the existing legislation in juvenile justice to the international standards by way of training and drafting of new legislative framework.
24. Although the initial project evaluation report was not made available and there are no recent juvenile justice statistics, it appears that after 3 years, the legislation is changing with some seemingly rushed through due to the possible EU accession negotiation date for Turkey. According to the research the author carried and the YRAF report sent to CLC in early 2004 the following problems can be identified:
  - 24.1. Efforts to determine risk areas needed to prevent children from becoming involved in criminal offending are insufficient;
  - 24.2. There is a new Children's Police Unit (established in 2001) but it remains poorly funded;
  - 24.3. Slow process in adjudication of legal cases involving children both in juvenile courts and in others; it lasts minimum 6 months, which puts lots of pressure on children and their families. If children are remanded in custody, this puts further pressure due to lacking facilities for juvenile offenders;
  - 24.4. As indicated before in paragraph 21, there are only 10 juvenile courts in 7 provinces with insufficient funding and trained staff, which are unable to meet the best interest principle enshrined in CRC. Children in other provinces cannot benefit from this system and have their trials heard in other courts, with even less trained personnel;
  - 24.5. Evaluation reports for a juvenile offender that seek to establish the course of action in line with the best interests of the child are of poor quality. Further, the judge has excessive discretionary powers to decide how much weight to give to the report. As these reports are poorly done, preventive measures are not developing based on experience and research;
  - 24.6. There is inconsistency with the CRC in age of legal capacity in the juvenile justice system. Until 2003 there was a distinction made between children at 12-15 years of ages and children at 16-18 years of ages. Although a new law <sup>33</sup> has changed this so there is supposedly no distinction in the 12-18 group, articles determining criteria and provisions for ruling for 16-18 year olds have not been changed. Therefore, juvenile offenders aged 16-18 are not required to have an

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<sup>33</sup> Law #4963, it is a law amending several articles of other laws including Criminal Code in line with the EU standards.

- evaluative report carried out looking at their circumstance and the best interest principle is not applied to them. Hence, the legislative change only inflicted further burden to existing juvenile courts. There is other legislation that conflicts with this new change. For example, articles 12 and 18 of the Regulation on Custody and Arrests Procedures apply only children under 15.<sup>34</sup> The Law on the Enforcement of Sentences and the Regulation on Execution Institutions and Remand Institutions apply both to adults and juveniles. The Committee recurrently criticised governments that treat 16-18 year-olds differently giving lesser guarantees to them;
- 24.7. Children whose arrests are inappropriate due to the availability of information of their place of residence, their family, and attendance in school are still held on remand;
- 24.8. Existing legislation does not provide alternative measures to imprisonment; and
- 24.9. Care, supervision, training activities and facilities during and after the sentence served are insufficient.
25. The British Embassy (BE), especially through British Council (BC) has been supporting human rights and child right projects for several years.<sup>35</sup> Currently BC is running a juvenile justice project involving training of gendarme that is responsible the protection of juvenile prisons and training of NGO personnel. Past projects that BE funded are as follows: Prison Management, Training for Criminal Justice Lawyers, Children's Legal Rights, Human Rights Education in Primary and Secondary Schools, Training for Judges and Public Prosecutors, Training on Juvenile Justice, Training Programme for Senior Prison Administrators in Turkey, Development of Prisoner Education and Recreation Programmes, Short-term Training for Judges and Public Prosecutors on Criminal Justice, Provision of Material Aid to Children at Elmadağ Jail/Ankara Reformatory, Training for Public Prosecutors in Prison Management, Multi-agency Approach to Child Rights in Turkey, Gendarme Child Rights Training.
26. CoE/EU Human Rights Project also provided training on juvenile offenders in penal institutions and non-custodial sanctions and measures.<sup>36</sup>

### *Legislation before the Parliament*

27. Two of the main pieces of legislation concerning children before the Turkish Parliament include amendments in TPJC and Child and Youth Services Act (CYSA). The groundwork for drafting TPJC was first launched a few years ago upon a CPT and OCMT reports on juvenile justice system in 2001<sup>37</sup>. However, this first drafting attempt was aborted due to a problem involving authority structure. Recently a new committee was formed and is made up of people working in child rights law from NGOs, universities, etc. Sub-committees were also formed covering differing subject areas including a 4-person juvenile justice sub-committee that drafted the new TPJC in line with international standards.
28. Apart from TPJC, several other drafts laws were being prepared including children in difficult circumstances (like street children), harmonisation laws to the Hague Conventions.<sup>38</sup> These sub-committees also screened the amended Constitution and

<sup>34</sup> However there is a Council of State has a ruling on article 18 repealing the age restriction.

<sup>35</sup> [www.britishembassy.org.tr](http://www.britishembassy.org.tr) and [www.britishcouncil.org.tr](http://www.britishcouncil.org.tr)

<sup>36</sup> [http://www.coe.int/T/E/Legal\\_Affairs/About\\_us/Activities/Turkey2002.asp#TopOfPage](http://www.coe.int/T/E/Legal_Affairs/About_us/Activities/Turkey2002.asp#TopOfPage)

<sup>37</sup> Both are available in the country dossier.

<sup>38</sup> Convention on the Civil Aspects of International Child Abduction, Convention on Protection of Children and Co-operation in respect of Intercountry Adoption, Convention on Jurisdiction, Applicable

the Civil Code for further harmonising amendments in line with the CRC and other relevant international standards concerning child rights.

29. In April 2004, an 8-person sub-committee drafted the CYSA, a new law to be introduced to the Turkish legal system protecting children. According to one of the drafters, this law is a milestone in the Turkish child rights protection system, decentralising the child protection system in Turkey, involving local governments and administration. The CYSA, if promulgated, shall cover general child rights principles, services to be provided to the children and their families, regulations regarding children with special needs, protection measures, service and placement units, and establishment and working procedures of local organisations for service provision.
30. These drafting efforts have been technically and financially supported by UNICEF country office. However, since there have been other accelerated efforts going on in drafting the myriad of new legislation in Turkey due to the EU accession process, there is seldom coordination between these efforts that might finally effect the final product having conflicting regulations affecting the rights of the child in Turkey. For example, it is reported that a new Criminal Code, which contains regulations in contravention to the international child rights standards, has just passed the Justice Commission at the Turkish Parliament, moving it to be one step closer to adoption. Turkish Bar Association issued a statement warning the government of the conflicting legislation.<sup>39</sup>

### *Social Services Structure*

31. This section briefly looks at the social services structure in Turkey focusing on adoption, fostering, placement of children in care legislation and practice.
32. Social services provision is the responsibility of the Social Services and Child Protection Agency (SSCPA) under the Prime Ministry. This central agency is also the main responsible governmental body monitoring child rights practices in Turkey. SSCPA Law and consecutive regulations keep up-to-date the establishment and service provision of the Agency.<sup>40</sup> The organisation is highly under-funded and short of qualified personnel, therefore frequently under mostly unwarranted and imbalanced criticism by NGOs and other governmental bodies. It has branches in almost all provinces and sub-provinces, hence has the widest possible decentralised protection capacity. However, the structure of the agency is highly centralised. SSCPA takes care of all orphanages, women shelters, child placement centres, elderly placement centres, youth protection and services centres, disabled services, family protection units, etc. Until recently the Agency was the legally the sole body responsible for service provision in these areas, that is, no private or non-profit organisation was allowed to provide services in these areas. Although now there is a separate governmental and non-governmental bodies taking care of disabled persons and women shelters, still the bulk of the work is being undertaken by SSPCA.
33. The Turkish Civil Code and Law Establishing SSCPA deal with the issues of adoption, fostering and placement of children.<sup>41</sup>
34. There are two ways to adopt a child in Turkey: (a) by reaching an agreement between biological parent(s) and adoptive parent(s), completing the legal procedures, and

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Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children

<sup>39</sup> E-mails from Assoc. Prof. Sevgi Usta Sayita on 28 March 2004.

<sup>40</sup> Law #2828

<sup>41</sup> <http://www.byegm.gov.tr/on-sayfa/new-civil-code.htm>, [www.tbmm.gov.tr](http://www.tbmm.gov.tr) (Turkish Parliament website), [www.shcek.gov.tr](http://www.shcek.gov.tr) (SSCPA website in Turkish)

signing a contract at a notary public; (b) through the adoption authority, from the orphanage run by SSPCA. The new Civil Code reduces the minimum age limit for adoption from thirty-five to thirty and enables single persons and people who already have children to adopt too. Spouses can only jointly adopt. They must be at least thirty years old or must have been married for at least five years. Persons who are not married cannot adopt jointly. Persons can adopt small children only after taking care of and educating them for one year (fostering scheme). A single person can also adopt if he or she is at least thirty years old (Articles 305, 306 and 307). Civil documents required for adoption includes the ones showing the adoptive parents' civil status; (i.e. marriage license, birth record); financial documents; police clearance documents; health records of adoptive parent.

35. Fostering and placements are all undertaken by the SSCPA according to article 347 of the Civil Code and articles 21, 22, 23, and special decrees to the SSCPA Law. Determination of children in need of placement can only be referred by a governmental body including local governments, police, precinct administrators, etc. A social assessment report prepared by SSCPA experts is required to ask for a court protection order to place a child to a care centre.
36. Fostering is highly underdeveloped. Two years ago, the SSCPA launched a campaign with very limited success in the public to raise awareness and popularise fostering as a means of child and family protection. Incentives like family support allowance were put in place to make it attractive. The procedures for fostering is made easier that anyone including singles who has an income and stable life without criminal record is eligible for fostering application. A thorough SSCPA social assessment is required for any application to be considered.

## Activities of NGOs and IGOs

NGOs/IGOs	Activities	Contact details
37. UNICEF	Main child rights advocacy organisation, running programmes on education, child rights advocacy, juvenile justice, etc.	<a href="http://www.unicef.org/turkey">www.unicef.org/turkey</a> Nilgun Atalay, Public Awareness Officer, <a href="mailto:natalay@unicef.org">natalay@unicef.org</a> Siyma Barkin, Juvenile Justice <a href="mailto:sbarkin@unicef.org">sbarkin@unicef.org</a> Fatma Uluç, Child Rights and Education <a href="mailto:fuluc@unicef.org">fuluc@unicef.org</a>
38. British Council Ankara	Human rights and child rights projects	<a href="http://www.britishcouncil.org.tr">www.britishcouncil.org.tr</a> Seda Mumcu, Human Rights Programme Coordinator <a href="mailto:seda.mumcu@britishcouncil.org.tr">seda.mumcu@britishcouncil.org.tr</a> <a href="http://www.deltur.cec.eu.int/english/main-e.html">http://www.deltur.cec.eu.int/english/main-e.html</a> Didem Bulutlar Ulusoy, Responsible for child rights and juvenile justice projects <a href="mailto:Didem.BULUTLAR-ULUSOY@cec.eu.int">Didem.BULUTLAR-ULUSOY@cec.eu.int</a>
39. EU/EC Representation in Turkey	Mainly Donor	Emel Uresin, Project Coordinator <a href="mailto:euresin@superonline.com">euresin@superonline.com</a> UN Building in Ankara
40. Joint Initiative with Turkey in the Area of Human Rights and Democratisation, Council of Europe and EU	Human rights awareness and training, including juvenile justice and child rights	
41. UNDP	Mainly donor	<a href="http://www.un.org.tr">www.un.org.tr</a>
42. ILO	ILO/IPEC programme, donor	<a href="http://www.ilo.org/public/english/region/eurpro/ankara/">http://www.ilo.org/public/english/region/eurpro/ankara/</a> Nejat Kocabas, IPEC programme <a href="mailto:ankara@ilo.org">ankara@ilo.org</a>
43. UNFPA	Reproductive health programmes, donor	<a href="http://www.unfpa.org.tr/">http://www.unfpa.org.tr/</a>
44. UNHCR	Refugee women and children projects, donor	<a href="http://www.unhcr.org.tr">www.unhcr.org.tr</a> Metin Corabatir, External Affairs Officer <a href="mailto:corabati@unhcr.ch">corabati@unhcr.ch</a> Ali Emin, Refugee Children <a href="mailto:emin@unhcr.ch">emin@unhcr.ch</a> Regina Boucault, Chief of Mission, <a href="mailto:rboucault@iom.int">rboucault@iom.int</a>
45. IOM	Trafficking in children	<a href="http://www.un.org.tr/who/Who.htm">http://www.un.org.tr/who/Who.htm</a>
46. WHO	Child health, donor	<a href="http://www.icc.org.tr">www.icc.org.tr</a>
47. International Children's Center (ICC)	Adolescent health, reproductive health, child rights advocacy; holding Child Rights Consultancy meetings	Prof. Munevver Bertan, General Director <a href="mailto:mbertan@bilkent.edu.tr">mbertan@bilkent.edu.tr</a>

	regularly in Ankara, doing networking on child rights, established a advisory council on child rights	Gulgun Muftu, Child Rights Programme Coordinator <a href="mailto:gulgun@bilkent.edu.tr">gulgun@bilkent.edu.tr</a>
48. International Catholic Migration Council (ICMC), Istanbul	Refugee and asylum seeking children project, social services projects include prison visits	<a href="http://www.icmc.net">www.icmc.net</a> Ekin Ogutogullari, <a href="mailto:ogutogullari@icmc.net">ogutogullari@icmc.net</a> or <a href="mailto:ssp@icmc.net">ssp@icmc.net</a>
49. Amnesty International Turkish Section	Limited involvement regarding child rights, leading involvement in legal advocacy	<a href="http://www.amnesty-turkiye.org">www.amnesty-turkiye.org</a> Ozlem Dalkiran, General Secretary <a href="mailto:Amnesty@superonline.com">Amnesty@superonline.com</a> Levent Korkut, External Relations <a href="mailto:lkorkut@hotmail.com">lkorkut@hotmail.com</a> (involved in several human rights related law drafting recently)
50. Youth Re-Autonomy Foundation	Main national NGO on juvenile justice	<a href="http://www.tcyov.org">www.tcyov.org</a> Emrah Kirimsoy, Programme Officer <a href="mailto:emrahkirimsoy@yahoo.de">emrahkirimsoy@yahoo.de</a>
51. Association for Solidarity with Youth Deprived of Liberty	developing national advocacy NGO on juvenile justice, started a new project funded by the EC	<a href="http://www.ozgeder.org.tr/">http://www.ozgeder.org.tr/</a> <a href="mailto:ozgeder@ozgeder.org.tr">ozgeder@ozgeder.org.tr</a>
52. Semiha Sakir Charitable Foundation	Donor, minor projects, mainly with SSCPA	<a href="http://www.semihasakir.org/">http://www.semihasakir.org/</a>
53. Human Rights Association	Very limited involvement regarding child rights, recently started issuing child rights related press releases (one can be found in country dossier, NGO reports), however has extensive information on treatment received by juvenile offenders, etc.	<a href="http://www.ihd.org.tr">www.ihd.org.tr</a> Ferah Salman, <a href="mailto:fsalman@superonline.com">fsalman@superonline.com</a> <a href="mailto:ihd@ihd.org.tr">ihd@ihd.org.tr</a>
54. Human Rights Foundation	Very limited involvement on child rights, extensive knowledge and information regarding prison conditions, torture, etc.	
55. Turkish Bar Association	Juvenile justice and other child rights issues,	<a href="http://www.barobirlik.org.tr">www.barobirlik.org.tr</a>

56. Ankara Working Women's Association	issuing statements, one of the main NGO project partners with UNICEF Also Istanbul, Ankara, and especially Izmir Bar associations has separate child rights projects and has the power to influence decision making. Street Children	Ankara Child Rights Centre, Turkay Asma <a href="mailto:turkayasma@hotmail.com">turkayasma@hotmail.com</a> (also member of Association for the Protection of Children and Prevention of Abuse and Neglect) Hatice Kaynak <a href="mailto:hkaynak@isbank.net.tr">hkaynak@isbank.net.tr</a> Nesrin Hatipoglu, <a href="mailto:nhatipoglu@yahoo.com">nhatipoglu@yahoo.com</a> Olca Aydin <a href="mailto:olcayaydin@hotmail.com">olcayaydin@hotmail.com</a>
57. Sustainable Development Association	Working children	Ertan Karabiyik, <a href="mailto:ertankarabiyik@hotmail.com">ertankarabiyik@hotmail.com</a>
58. Istanbul University Department of Law	Juvenile Justice, Child Rights, Street Children (one latest study in English can be found in country dossier in received files)	<a href="mailto:SevgiSAYITA@mail.koc.net">SevgiSAYITA@mail.koc.net</a>

## Areas of concern

59. The main gaps in child protection in Turkey
  - 59.1. Responsibility for child protection mainly rests on the shoulders of one organisation, the SSCPA, which is overburdened and unable to lead or work in coordination with other governmental bodies or NGOs as its mandate suggests. There is a serious need for a coordinating and networking body protecting of child rights. Also there is a need to diversify and dismantle the services provided by SSCPA to its varying constituencies. This might bring in specialisation of protection services to the children.
  - 59.2. There is no framework law on child rights and the legislation regarding child protection is highly fragmented.
  - 59.3. There is very limited NGO presence and representation especially in the areas of monitoring and reporting of child rights violations. This gap means that legislation and policy which violates children's rights or worsens the situation for children goes through unchallenged. The reluctance of NGOs undertaking monitoring of child rights and protection related issues exacerbates the fact that efforts to establish coalitions or networks are very weak.
  - 59.4. Although changing slowly, NGOs or academics are rarely involved in drafting new legislation.
  - 59.5. Participation of children in such law making processes is taken is also rare.
  - 59.6. There is a perception and belief by most child rights NGOs that monitoring and reporting of wrongdoings or inefficiencies in the country is not beneficial.
60. The main problems in the juvenile justice system
  - 60.1. In addition to the points highlighted above, the issue itself is largely seen as something that can be addressed totally within the ambit of Ministry of Justice.
  - 60.2. Therefore, preventive measures are not properly thought out to address the problem.
  - 60.3. No research and/or evaluation have been undertaken to evaluate the impact of the existing system and the efforts to address the problems of the existing system. Therefore reforms are undertaken based on assumptions.
  - 60.4. Innovative participatory methods are not used to get affected children to get involved in the projects directly. For example, the overarching ambitious UNICEF project oversees consultations with several stakeholders but not the beneficiary children.
  - 60.5. There is no international networking effort by NGOs to learn and share experiences. For instance, no Turkish NGO is a member in Defence for Children's International Juvenile Justice Network.
  - 60.6. Rights of juvenile offenders in addition to child rights in general are not made part of public awareness projects or programmes addressing human rights.
61. The main difficulties for children in institutions
  - 61.1. In addition to the aspects pointed above, the problem is seen as one dimensional and only to be addressed by SSCPA only. Deinstitutionalisation therefore is not properly thought out. There is little effort to correct this handicap in the system.
  - 61.2. There is little NGO presence in monitoring the rights and wellbeing of the children in institutions.
62. Areas requiring the most urgent attention
  - 62.1. The lack of efforts in creating good practice guides or examples to the NGOs and governmental bodies in addressing above mentioned problems.



- 62.2. The lack of participatory monitoring; evaluation, and impact assessment of existing system affecting the rights of the child.
- 62.3. The lack of effective coordination between and amongst agencies including governmental and non-governmental in taking collective steps to improve the situation of children.

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