

Violations Against Children's Rights in Turkey



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for

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1. Children in Turkey's Prisons---2
 - 1.1 Pregnant Women and New Mothers Imprisoned---2
 - 1.2 668+ Babies Behind Bars---3
 - 1.3 Children Under the Age of 18---4
 2. Refugee Syrian Children in Turkey---5
 - 2.1 Sexual Abuse Against Refugee Children---5
 - 2.2 Forced into Labour---6
 - 2.3 Deprived of Other Fundamental Rights---6
 3. Turkey's Child Marriage Problem---7
 - 3.1 Child Marriage in Numbers--- 7
 - 3.2 Related Issues---8
 - 3.3 Encouraged by Authorities---9
- Conclusion---9
- References---10

1. Children in Turkey's Prisons



Depiction of Turkey's jailed mothers and children, via Carlos Latuff/The Globe Post

1.1 Pregnant Women and New Mothers Imprisoned

Article 16 of Turkish domestic Law No. 5275 requires imprisonment to be postponed for women who are pregnant or who have not passed six months since giving birth.¹ Nonetheless, there have been numerous accounts of pregnant women and new mothers being detained following the July 2016 coup attempt. In all, about 17,000 women have been subjected to coup-related charges, such as having subscriptions to newspaper Zaman, making payments through Bank Asya, or using the ByLock messaging application. The subject of detained new mothers and mothers-to-be is avoided by Turkish authorities, so exact statistics are elusive. This section covers what we do know about these rights abuses.

Firstly, contrary to domestic and international law, mothers are being taken from maternity wards straight after giving birth. The Stockholm Centre for Freedom outlines several of such instances in their report *Jailing Women in Turkey*.² For example, in January 2017 Şükran Akbaş was taken from the ward where her premature newborn baby was being kept in an incubator. She was detained in another province, 660 kilometres away, until her case was brought

before parliament by opposition member Mahmut Tanal. She was then released, albeit conditionally.

Pregnant women are also being illegally detained, with disastrous consequences as shown by the story of Nurhayat Yildiz. Nurhayat was detained in August 2016 over alleged ByLock use whilst fourteen weeks pregnant with twins. Kept in an overcrowded cell and under immense stress, she suffered a miscarriage five weeks later. She was allowed only two days in hospital following her miscarriage, heavily guarded, before being taken back to prison. She has suffered serious psychological problems as a result.

When young children cannot be without their mother (for breastfeeding, medical or other reasons) they are often taken into custody with their mothers. One such case is that of Ayşe Büyükgezirci, who was detained then conditionally released whilst pregnant. The stress caused a risky premature birth, and her newborn had to receive weekly medical treatment. When Ayşe was detained again in February 2017, her baby was taken with her. Another reason why children may be imprisoned with their mothers is if both parents have been detained. There have even been incidents of women being arrested when visiting their husbands in prison, leaving children stranded.³

1.2 668+ Babies Behind Bars

The above unlawful measures undertaken by the government of Turkey is why in August 2017 it was revealed that 668 children under the age of six were in Turkey's prisons, triggering the hashtag #668Babies. 149 of these children are under a year old, and 323 between one to three years of age. Prison is, of course, no place for a child to be raised. This is exacerbated by the conditions of Turkey's prisons, severely overcrowded – some over 200% capacity⁴ – since the July 2016 coup attempt. These children are growing up without their fathers, siblings, and other family members, and they are not socialising as a child in normal circumstances would.

They are subjected not only to the traumatic experience of prison life, but also to conditions conducive to developmental problems. A prime example is the case of baby Asim, who has been in pre-trial detention for the past 17 months with his mother Suna Uslu.⁵ Asim was only 40 days old when Suna was arrested, and was shortly after taken to stay with her. Suna could not breast feed due to the stress, so she unwillingly started him on baby food, of which a sufficient amount is difficult to obtain. There is no access to baby toys and he receives

limited sunlight. Asim now has developmental problems because of this. In addition, like the other imprisoned babies, Asim does not have his own bed and shares with his mother. He has fallen off and hit his head, leaving a large lump.

Prison beds are narrow, iron-congregated, and often bunks. Necessary baby supplies, like diapers and wet-wipes, may be available at the prison canteen but are expensive and limited. Hot water is scarce, as are spare clothes, so babies are not kept clean. Medical check-ups are only available on the ward's allocated infirmary day, even if children are unwell. Immunisations are not being provided. A cramped shuttle bus is used for doctor visits, for courtroom appearances and other travel where women cannot leave their babies behind. Some mothers have reported having to carry their babies in their arms at all times throughout their detention.⁶

The public uproar since August 2017 has not stopped this practice, with several further instances since the 668 figure came to light. The most recent known cases are that of Serap Öztürk imprisoned on the 23st of March with her two-month-old baby girl, and of Eda Kaplan imprisoned on the 3rd of April whilst four months pregnant. The total number of babies currently imprisoned is undetermined; however, it is estimated that 700 are now in Turkey's prisons. This is not to mention the thousands of other children severely affected by their parents being detained, dismissed from their jobs, and/or having their social services benefits cut off due to alleged Gulen movement links.

1.3 Children Under the Age of 18

The hashtag #668Babies only refers to those under the age of six; there are thousands of children in Turkey's prisons. Official numbers from the Ministry of Justice in October 2017 show that 2,757 inmates, including those in pre-trial detention and remand, are between twelve and eighteen years old.⁷ This figure has doubled in just seven years. Numbers of those aged between six and twelve in prison are non-existent.

Of particular concern is the mothers and children in pre-trial detention and remand. With the current pressures on the Turkish Justice System, they are spending months on end behind bars without being found guilty or being sentenced to imprisonment. 1,778 of those between twelve and eighteen years – over half the total cohort imprisoned – have not been convicted. Furthermore, there have been 92 complaints of torture and ill-treatment against imprisoned children of twelve to eighteen over the past ten years.⁸

2. Refugee Syrian Children in Turkey



Syrian children at Nizip refugee camp in Gaziantep, via Lefteris Pitarakis/AP

2.1 Sexual Abuse Against Refugee Children

Turkey hosts the world's largest refugee population, with the majority having fled from neighbouring Syria. In March 2018, there was a total of 3,567,130 registered Syrian refugees in Turkey, with 46% under the age of eighteen.⁹ As a population at risk of exploitation and abuse, sexual assault against these refugee children is an underreported problem in Turkey, as are other rights violations as shown in this section.

In September 2015, a cleaner who worked at the Nizip refugee camp in Gaziantep was arrested for sexually assaulting 30 Syrian boys between eight and twelve years of age. He allegedly lured the children into surveillance blind spots by offering them money. During the cleaner's trial in 2016, he was quoted as saying "I know very well the names of many managers and camp workers guilty of abuse... but I will not say them so as not to hurt my own family."¹⁰ A follow up investigation of the camp by the Gaziantep Chamber of Doctors further noted the risk of sexual abuse and child marriage.

The Nizip cleaner was sentenced to 108 years imprisonment. However, sexual abuse against Syrian children remains a concern not only in refugee camps but

across Turkey. Most Syrian refugees live outside of camps. Recently, in January 2018, it was revealed that 115 pregnant girls, a third being Syrian, had been admitted to a single Istanbul hospital in a period of less than five months.¹¹ Although we do not know the full extent of sexual abuse against Syrian refugee children in Turkey, this snapshot does not paint a pretty picture.

2.2 Forced into Labour

Technically, the employment of anyone under the age of fifteen is against the law in Turkey. But in reality, child labour is widespread, and refugees are an at-risk population. Many Syrian families, after relocating to Turkey, are not able to afford rent, utilities and food based on the parent's income alone. The parents' employment situation and the higher cost of living in Turkey compared to Syria, alongside issues such as a lack of access to education for refugee children, is what leads many children being pressured into work. And although those aged fifteen to seventeen are permitted to work but no more than 40 hours a week, many work up to fifteen hours a day, six days a week – 90 hours in all.¹²

As of October 2016, official figures showed 94,124 child workers across Turkey, excluding those who are interning or working for free.¹³ In 2012, the last year for which complete data was available, the Turkish Statistical Institute revealed that overall, 893,000 children aged between 6 and 17 were working. A 2016 report by Support to Life and the Istanbul Bilgi University's Center for Migration Research claims the figure would be much higher today due to the influx of Syrian refugee children working.¹⁴ Indeed, their survey of Syrian households in Istanbul alone showed that a quarter had at least one child who worked instead of going to school.

Sectors in Turkey using child labour include agriculture, service and industry, with Syrian children appearing to be dominant in the textile industry. A Deutsche Wells investigative report showed Syrian children working in an Istanbul tailor's shop, twelve hours a day, five days a week, for about 150 euros per month. One such child is eleven-year-old Aras, who says "Of course I'd like to go to school, like all my friends."¹⁵ These children are missing out on their childhood and are at risk of physical harm from intensive labour and abuse, as well as psychological harm from harassment and exploitation.

2.3 Deprived of Other Fundamental Rights

Child refugees in Turkey, who are predominantly Syrian, are deprived of other fundamental rights. Refugee access to education in this country has been a

continuous concern for organisations such as UNICEF. Although the situation is improving, official statistics from Turkey's Education Ministry show that at least 300,000 Syrian children still had no access to schooling at the end of 2017. As mentioned, this contributes to the likelihood of child labour. It has also been noted that Syrian refugees lack adequate healthcare and housing and are at risk of forcible return to their war-torn country.¹⁶

3. Turkey's Child Marriage Problem



Turkish activists protest child marriage in Ankara, via Burhan Ozbilici/AP

3.1 Child Marriage in Numbers

Turkey has the highest rate of child marriage in Europe, with UNICEF reporting that 15% of women have been married before the age of eighteen. It has been acknowledged that the real percentage is likely much higher, as many child marriages are unregistered, occurring via unofficial religious ceremonies. Certainly, a nationwide survey conducted by the Hacettepe University Institute of Population Studies in 2014 found that 30% of women in Turkey were married before the age of eighteen, the majority to a man five or more years older.¹⁷ The Turkish Philanthropy Funds found an even higher figure of 40%.¹⁸

The official figures from the Turkish Justice Ministry, most recently given in 2016, stated that since 2006, 438,000 underage girls had been married.¹⁹ They also specified that 440,000 girls under the age of eighteen have become

mothers since 2002, with 15,937 of them below the age of fifteen. It should be noted that child grooms exist in Turkey too, yet there are no statistics on this. Regardless of skewed numbers, it can be deduced that Turkey definitely has a child marriage problem. This is a rights violation in itself, and contributes to many other issues as covered by this section.

3.2 Related Issues

Of course, children are neither physically or psychologically ready to get married, and are often done so without their consent. Marriage isolates young children and takes away their freedom. There are many other negative consequences of child marriage, such as an increased risk for mental health problems, sexually transmitted diseases, or complications during childbirth. In 2016, the story of a Turkish fifteen-year-old known as Derya B gained international attention.²⁰ Married through a religious ceremony at the age of fourteen, she died just a year later from her marriage after giving birth.

Child brides are also at a higher risk for sexual, physical, and emotional abuse. The Hacettepe University Institute of Population Studies 2014 survey found that half of those married before the age of eighteen were exposed to domestic violence. Abuse can come not only from the child's husband, but also from his family and friends. For example, Beyza, who was married at the age of thirteen, suffered abuse from her husband and her mother-in-law as she did not tend to housework to their satisfaction.²¹ And, just as many child marriages occur to protect the girls honour if she is alleged to have had premarital relations, she will face accusations if she attempts to leave.

On top of this, child marriage has an adverse impact on prospects for education and employment. The Hacettepe University survey found that one third of girls in Turkey were prevented from going to school by their families, and 11% of women were prevented from working. The Turkish Philanthropy Funds has reported that zero child brides in Turkey have achieved a high school diploma. An anonymous child bride has recounted how, although doing very well at school and dreaming of university, she was unable to continue her high school education as her family forced her into marriage. She began to work instead, only to have her new husband force her to resign. She says, "there was not a second [of the marriage] that I didn't hate."²²

3.3 Encouraged by Authorities

Instead of establishing measures to combat child marriage, Turkish authorities have shockingly encouraged this violation on children's rights. In July 2016, the Constitutional Court annulled the criminal code section which classified all sexual acts with children under fifteen as sexual abuse. Shortly after, the Justice and Development Party put forward a bill which would pardon those convicted of child sexual assault if they married their victim. This led to protests across Turkey and drew international condemnation. By November 2016, the bill was withdrawn; however, there are fears that it will be brought back with minor revisions.

To further concern, in November 2017 legislation was passed allowing muftis - religious officials from Diyanet, the Turkish Directorate of Religious Affairs - to conduct civil marriage ceremonies. As mentioned, young children are often married through religious ceremonies. Moreover, earlier this year, Diyanet publicly commented that boys as young as twelve and girls as young as nine have the right to marry. This sparked public outcry and a demand from the opposition Republican People's Party for an investigation into child marriage. But support from the ruling Justice and Development Party for such an investigation has yet to be seen.

Conclusion

There are many children's rights violations in current-day Turkey. Pregnant and new mothers are being illegally detained, with 700 children under the age of six now in jail. Others under the age of eighteen face long periods of pre-trial detention and torture. Syrian child refugees, an at-risk population, are being subjected to sexual abuse, child labour, and other rights abuses. Child marriage remains a large concern, leading to further issues such as domestic violence, health issues, and impediments to education and employment. Nevertheless, it is encouraged by authorities. The Turkish government has also shown an unwillingness to address children in prison, and has not done enough to protect Syrian child refugees. This is by no means an exhaustive account of violations against children's rights in Turkey, but are considered the most pressing issues which must be addressed immediately.

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