

October 2001

Children's Rights in Turkey

Kathryn Libal

Follow this and additional works at: http://digitalcommons.uconn.edu/hri_papers

Recommended Citation

Libal, Kathryn, "Children's Rights in Turkey" (2001). *Research Papers*. 1.
http://digitalcommons.uconn.edu/hri_papers/1

Children's Rights in Turkey

Kathryn Libal

In the past decade human rights advocates, educators, health care professionals, and social workers in Turkey have secured important gains in the realm of children's rights. This is true particularly with regard to child welfare concerns and in the marshaling of new (but still insufficient) resources to investigate child welfare issues. Those working on children's rights have been successful in securing formal commitments from the state regarding child welfare. The commitments have included national initiatives and the participation of Turkey in international arenas such as UNICEF, the International Labor Organization, and the Council of Europe. Signing the 1989 United Nations Convention on the Rights of the Child (CRC) in 1990, and ratifying the Convention in 1994 are milestones on the road to meeting the needs of Turkey's young population.¹ In a nation-state where more than 40 percent of the population is 18 or younger, ratifying the CRC is no small commitment to Turkey's children and adult citizens.² Putting into force the guidelines such as the CRC and other international agreements for children's rights offers a promise to children and families that substantial improvements will be made on a number of child welfare issues in the foreseeable future.

In the instance of children's welfare issues and the evolving process of defining children's rights in both national and international contexts, Turkey's position has been significantly shaped by international norms and Turkey has worked closely with international organizations, such as UNICEF, to see the realization of many child-centered projects.³ Though ratifying the CRC has some of the broadest implications for the way that children's rights will be addressed in the country, other international measures illustrate key relationships that have developed. In 1992, Turkey began working closely with the International Labor Organization (ILO) to study and reform child labor practices.⁴ In September 1999, the Turkish government again professed a commitment to its children's welfare by signing the European Convention on the Exercise of Children's Rights.⁵ The Convention seeks to ensure that children's rights are respected particularly in family proceedings before courts.

Other political processes, such as Turkey's recent admission for candidacy for membership in the European Union, will likely further pressure the Turkish government to make greater strides on a host of issues that have been defined as key children's rights concerns. Among these are accelerating the process to build much-needed elementary schools, strengthening the primary health care system, innovating more effective ways to assist children living and working on the streets, and monitoring and enforcing fair child labor practices.

Though public education through grade eight is mandatory, as many as one in fourteen children do not attend school. Many are needed to work at home or as paid labor. Inadequate numbers of schools, especially in rural regions, and hidden costs, such as buying uniforms and school supplies, prevent others from getting a primary school education.⁶ Infant mortality rates average 43 per thousand live births, though significant regional disparities mean that in the east this rate is higher.⁷ According to government studies, one in five children are stunted for their age and ten percent of children are underweight. In Eastern Turkey, the most impoverished region, one in three children has stunted growth.⁸ Child labor statistics in Turkey yield further evidence of the challenges families and children face in meeting daily needs. The State Institute of Statistics reported in a 1999 Child Labor Survey that 1,635,000 children between the ages of six and seventeen (or 10.2% of children in this group) are employed as regular or casual paid workers or as unpaid household or agricultural workers.⁹ Of this figure, 57.6 percent are employed in agriculture, 21.8 percent in manufacturing, 10.2 percent in trade, and 10.4 percent in services. Since 1994 the percentage of children working in agriculture has dropped from 66.6 percent, and the percentage of children working in manufacturing, trade, and services have gone up from 16.9 percent, 7.9 percent, and 8.6 percent respectively. The proportion of children between the ages of six and seventeen in the total labor force is estimated to be 7.5 percent (5.1 percent in urban areas and 9.8 percent in rural areas). The formal commitment of the state to improve living conditions for children has opened a window of opportunity for Turkey to make significant strides towards realizing its goals for children's rights and child welfare in the coming decades. The sheer commitment of resources and coordination that must take place between governmental branches and official organizations, non-governmental organizations (both national and international), and the children who are to be better served by various initiatives themselves, however, tempers optimism for widespread change in the near future.

On the face of it, the ratification of the CRC and the European Convention on the Exercise of Children's Rights, the joint Turkish state-ILO efforts to improve child labor conditions, and admission to candidacy in the EU all point to a serious intent to improve the lives of children in Turkey.

Without the full commitment of the state to these projects, however, the statements will remain hollow promises, on the order of what one hears during the annual Children's Day (April 23rd). As in earlier decades, the road to be traveled is full of obstacles. First, the underlying factors that would sustain children's rights are shaped by the living conditions of their families and neighbors. Second, in addition to more material bases of welfare (e.g., access to health facilities, clean water, adequate housing, freedom from exploitation while working), the question of whether all children should have a right to express a particular cultural, ethnic, or religious identity troubles policy makers and government officials. Turkey's official stance with regard to the CRC was to claim itself exempt from recognizing the rights of children to publicly express a particular minority, ethnic, or religious identity.

While a number of official steps have been taken in the 1990s and early 2000s in policy-making and legislative terms, realities in contemporary Turkey have sharpened the need for state and non-governmental commitment to welfare measures. Ratifying the CRC and participating in UN oversight processes provides greater incentive to broaden child-centered programs, even as it focuses greater attention on the stated goals of the Turkish government *vis a vis* its citizenry. Poverty rates in the 1990s remain at about 30 per cent of the populace and children are disproportionately affected by socio-economic deprivation. Disparities between rural and urban populations are pronounced and those between Western and Eastern Anatolia appear to be sharpening, despite efforts of state and non-governmental organizations to reduce these gaps.¹⁰ Children's rights agendas are firmly intertwined with broader social issues and cannot be divorced from questions of women's rights, minority rights and social welfare in general.

Children's rights issues must be understood as social and economic problems within the Turkish context, such as the rise in runaway teenage populations, large numbers of street-bound or homeless children in Istanbul, petty crime committed by children and child labor. How well families have fared in the 1980s period of privatization and 1990s era of economic instability, high rates of inflation, and declining purchasing power, directly affects the overall welfare of children.

Children's Rights in Republican History

The history of a "children's rights movement" or dialogue between social activists, non-governmental organizations, and the Turkish state (both internally within the nation-state and externally with other international bodies and nation-states) predates the intensification of concern over children's rights in the past two decades. Ideologically, the Turkish govern-

ment has been committed to a notion of children's rights since the inception of the republic in 1923, though the government has been less successful in implementing broad-based social welfare programs targeting the perceived needs of children throughout the country.

The Turkish state formally recognized children's rights in 1928 when its President, Mustafa Kemal Atatürk, signed the Geneva Declaration on the Rights of the Child, four years after the document was drafted.¹¹ The Geneva Declaration was the first widely recognized international rights statement to specifically address children. Atatürk was anxious to include his nation's approval of the child-centered "rights" specified in the document as a sign of Turkey's participation in the international arena of sovereign states. Though Turkey would not be accepted to the League of Nations for another three years, this symbolic pronouncement underscored, both at home and abroad, the sovereignty and legitimacy of the new nation-state. Atatürk and early republican reformers were also responding to the needs of post-war reconstruction (the very reason the Geneva Convention was drafted and accepted by the League of Nations for broader Europe) and to the challenges of coping with many refugees, widows and orphaned children in the 1920s. Officially children held great promise of being a new generation that would embrace republican ideals and projects. They would be the inheritors of the new republic and as such needed to be protected and nurtured. In practice the state did little (or could do little) to redress child poverty in the early republic.¹²

Throughout the history of republican Turkey, children have been regarded as symbolic and living indices of modernity.¹³ While ideologically there has been a recognition of children as future citizens, as the building blocks of the nation-state so to speak, there has also been a persistent, troubling inability to make significant strides to control widespread poverty and adequately address related child welfare issues. Children's and women's rights advocates like Sabiha Zekeriya Sertel and Suat Dervi^o pointed to this gap between ideology and practice in the 1920s and 1930s.¹⁴ For them, the state had failed to take an appropriate role in serving the needs of vulnerable children and their mothers and was doing little to redress income inequalities between the greater populace and elites. Later, in the 1970s journalists and commentators pointed to the hypocrisy of celebrating a "Children's Day" that left out the experiences of so many poor children. Images of the child-laborer as *simit* seller or peddler of balloons to other middle-class children underscored sharp disparities in class and daily life experiences of Turkey's children.¹⁵

In the 1990s, journalists and cartoonists continued to employ images of children to highlight social injustice in the broader society. Yet there was an intensification of interest in children's rights in other sectors of society as well. Turkish parliamentarians, human rights advocates, scholars, and

social welfare experts lobbied the state to formalize and expand its programs for children. To advocates it was not enough to cite the fact that Turkey had long celebrated a “children’s day” when claiming that Turkey was ready to be accepted as a member of the European Union.¹⁶ Turkey would gain membership only if the state would take up a proportionally larger share of the financial and human costs of addressing child welfare. In other words, the historical state stance on the centrality of children for the good of the nation-state meant little unless the government, in cooperation with UNICEF and other non-governmental organizations, was able to mobilize more resources and personnel to comprehensively address key issues in the coming decade.¹⁷ Ratification of the CRC was seen as a first step in this direction.

Ratification of the Children’s Rights Convention: Implications and Prospects

The United Nations Universal Convention on the Rights of the Child (CRC), which was drafted in 1989 and has been ratified by all but two member countries to the United Nations,¹⁸ heralded a new era of activism and global awareness of children’s rights as human rights. This latest version of the declaration is the culmination of some eighty years of international work on the issue of children’s rights. It differs from previous statements in that it is a binding instrument and not only a moral declaration. Global children’s rights activists and the United Nations considered this more interventionist approach necessary to ensuring greater progress in children’s rights initiatives worldwide.

The Turkish state and children’s rights advocates (from both national and international organizations) supported signing the CRC soon after it was completed in 1989. Following the World Summit on Children in 1990, President Demirel signed the Convention. Over the next four years children’s rights advocates lobbied Turkey’s parliamentary body, the Grand National Assembly, to ratify the Convention. In the eyes of children’s rights advocates, ratification marked a major step in the movement to recognize children’s vulnerabilities in the face of poverty and unequal access to resources. Ratification would formalize and publicize state commitment to more comprehensively address social, political, and economic processes that have entailed widespread internal and external migration, reliance upon child labor in both formal and informal markets, persistent inadequate medical care and coverage for children, and uneven access to public education. Other issues these groups cited as key children’s rights issues included: juvenile detention and rights of minors while in custody; violence against children in the home, school, and communities; “street children” (homelessness, runaways); and post-earthquake disaster relief. Optimisti-

cally, putting the CRC into force would impel both state and non-governmental organizations to make greater strides towards addressing such issues.

Ratification of the CRC came at some cost, however, and reflected internal political and economic struggles within the broader society. Signing onto the Convention raised questions of how the state would respond to several articles that sought to secure children's rights to a cultural identity and others claiming that children had rights to the freedom of expression of opinion and of assembly. While implementing conditions of the CRC in Turkey would raise awareness of commonly accepted rights—for example, freedom from violence and freedom from exploitative forms of child labor—Turkey's parliament took exception to three specific articles of the Convention, reserving the right to interpret them in accordance with the 1923 Treaty of Lausanne and the Turkish constitution.¹⁹ Articles 17, 29, and 30 all raised issues of children's rights to assert an ethnic or cultural heritage distinctive from the dominant national Turkish culture.²⁰

Article 17 asserts that "States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health." Further, States Parties are to "Encourage mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or is indigenous." Article 29 focuses on children's rights to education. One clause again emphasizes that public schooling should prepare the child "for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origins." Perhaps the most contentious, Article 30 states: "In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language." In an initial state report to the United Nations on implementing the CRC in Turkey, the authors cited compliance with the Lausanne Treaty of 1923, in which non-Muslim minorities such as Greeks, Armenians, and Jews have the right to establish schools at their own expense, speak their own language, and exercise their own religion within these institutions.²¹ By adhering to the definition of minority employed in the 1923 Treaty, the state thus excluded Muslim ethnic groups, most notably the Kurds, from any special status as a minority.

The articles introduced politically volatile questions of whether the Turkish state would be forced to allow children of Kurdish descent to speak

Kurdish in schools and to have access to Kurdish-language television and other media. The provisions also raised the question of whether children adhering to Islamic practices (whether ethnic Turk or not) had the right to the cultural expression of religious beliefs in different public arenas (e.g., wearing head-coverings in public schools). This example demonstrates how the definition of what rights count in the Turkish sphere and what correspondent policies or programs will be initiated are colored by the specific political and economic tensions that have become pervasive since the 1990s. In the case of Turkey, children's rights and the notion of childhood itself are situationally dependent. For the state, the perceived threat to sovereignty that would arise if such rights were granted overrides an interest to adhere to international rights norms.

Despite this official stance on the Kurdish minority, in practice the Turkish state currently works with UNICEF and other Turkish non-governmental organizations to promote regional projects in the Southeast that aim at alleviating poverty. Relatively small in scope, optimistically one might consider them to be pilot projects leading the way for other more comprehensive development programs regarding maternal and child health, education, and care for orphaned or street children. In this case, the government and UNICEF have joined efforts to address both child and maternal welfare, and by extension to make progress in the arenas of children and women's rights. The fact that these initiatives often serve Kurdish populations is not highlighted, nor is there an attempt to acknowledge cultural and social diversity as a strength in the region. The government and national and international non-governmental organizations have more readily confronted issues of generalized economic inequality, though even these projects fallen far short of expectations.²² Yet for many children the issues of economic welfare and social and psychological well-being cannot be easily separated. It is at this juncture between having a fundamental right to economic security and being able to express one's cultural or ethnic identity that the most potent rights issues emerge. Unfortunately, in Turkey today (2001-02), open dialogue on such concerns remains difficult.

Closing Reflections

If one takes into account governmental reports to the United Nations on Turkey's progress towards the goals set by a state appointed Intersectoral Board on Children's Rights and the cautions of other non-governmental rights groups, Turkey has far to go in achieving its aims in the next decade. The Turkish state continues to follow a strategy of relying upon non-governmental organizations and other international agencies, such as UNICEF, to address child welfare. Those with knowledge of key child welfare issues and governmental and non-governmental agencies charged with helping

children often work in isolation, making up a spotty constellation of organizations and advocates who struggle to keep programs afloat.

The question is whether or not the state should commit to a more comprehensive program in securing basic living standards, access to health care and medical coverage, elementary education, and assistance to families whose income is insufficient to meet basic needs. First, the state must commit substantially more material and human resources to expand projects which remain in the "pilot project" phase. The temptation is to extend "information gathering" and "capacity building," without taking vital steps to implement broad-based reforms. Second, building capacity for initiatives will require greater centralization of the myriad ministries, departments, and non-governmental organizations working on children's rights and child welfare.²³ A step has been taken in this direction with the creation of a web-based Children's Information Network. How instrumental this web-based information clearing house will be in fostering new initiatives, helping to raise funds for projects, or communicating regional and national goals has yet to be seen.²⁴ Newly initiated national congresses for children also provide a venue for reviewing progress made throughout the republic in a given year. The congresses also allow representatives (both adults and children) to discuss and publicize their concerns on the process of implementing the CRC standards.²⁵ In another shift, the state upgraded the Social Services and Child Protection Agency, placing it under the Directorate of the Prime Minister.

In the 1990s and early 2000s a Turkish children's rights agenda has become more visible at the national and international level and gradually is being addressed in more regionally specific locales marked by the most severe forms of poverty (e.g., the Southeast, rural areas, squatter or migrant shantytowns on the outskirts of urban centers). Children's rights issues have been confronted in dialogue and through concrete social policies, though a question remains as to how comprehensive the reach of new policies and programs will be. In addition, a closer look at the CRC and the Turkish government's stance on key articles in the convention highlights tensions over the boundaries of state sovereignty, the limits of children's rights and even who is defined as a child by the Turkish state. The growing numbers of citizens who are dedicating themselves to research, policy-making, and social services on behalf of children, and the state's increasingly visible commitment to children's rights is a step in the right direction. This said, growing social and economic inequalities confirm the need for such heightened attention in the years to come.

Notes

1. For an overview of the process see Government of Turkey and UNICEF, *The Situation of Children and Women in Turkey: An Executive Summary*, May 1998, (www.unicef.org/turkey/c_in_tr/sa98htm).

2. Government of Turkey and UNICEF, *Children and Women in Turkey*, 1998, p. 2.
3. The partnership between the Turkish government, UNICEF, and various non-governmental Turkish organizations is one of the oldest and most durable examples of national-international cooperation in child welfare and development in Turkey. See Sevinç Karaspan, *UNICEF in Turkey: The First Forty Years* (Ankara: UNICEF, 1991).
4. Several joint International Labor Organization-International Program on the Elimination of Child Labor (ILO-IPEC) and Ministry of Labor and Social Security initiatives have been conducted since 1992. They include establishing and building capacity for a Child Labor Unit housed in the Ministry of Labor and Social Security and developing a course to train inspectors on child labor. Other joint initiatives with municipal governments or official organizations include working on health services for children working in small-scale businesses, researching the conditions of children working in the streets of Ankara, Istanbul, rural child labor, gathering national labor statistics and qualitative survey data (with the State Institute of Statistics), and working with trade unions on child labor issues. For a fuller listing of activities and joint-agency projects, see *United Nations Convention on the Rights of the Child Initial State Report: Turkey*, Ankara, 1999 (www.unicef.org/turkey/c_in_tr/isr.htm), pp. 89-91.
5. This measure has yet to be ratified by Turkey's parliamentary body, the Grand National Assembly. "Turkey Signs the European Convention on the Exercise of Children's Rights" [[www.coe.fr/cp/99/314a\(99\)htm](http://www.coe.fr/cp/99/314a(99)htm)].
6. Government of Turkey and UNICEF, *Children and Women in Turkey*, 1998, p.19-23; Douglas Frantz, "As Turkey's Schools Open, A Million Are Left Out," *New York Times*, September 15, 2000, p. A4.
7. Government of Turkey and UNICEF, *Children and Women in Turkey*, 1998, p.11. Turkey's figures reported in The State of the World's Children 2000 report are slightly lower. Under 5 year mortality rates are 42 and infant mortality rates (under 1 year) are 37 per 1,000 live births (www.unicef.org/sowc00/stat3.htm).
8. Government of Turkey and UNICEF, *Children and Women in Turkey*, 1998, p.14.
9. State Institute of Statistics. *Presidency of State Institute of Statistics Announced October 1999 Child Labour Survey Preliminary Results* (www.die.gov.tr/ENGLISH/SONIST/ISGUCU/070900E.htm).
10. For a brief overview see Government of Turkey and UNICEF, *The Situation of Children and Women in Turkey: An Executive Summary*, May 1998, (www.unicef.org/turkey/c_in_tr/sa98htm), pp. 4-6. The report underscores that the economic situation of the 1990s and persistent high rates of inflation have reduced the purchasing power of most families in Turkey. Poor families—and according to State Institute of Statistics estimates in the mid-1990s about 31% of all Turkish households lived in poverty—have been the hardest hit. Within that population, children often suffer the greatest brunt of economic deprivation.
11. For the text of the Geneva Convention, see Beverly Edmonds and William R. Fernekes, *Children's Rights: A Reference Handbook* (Denver, CO: ABC-CLIO, 1996), p. 82.
12. See Kathryn Libal, "The Children's Protection Society: Nationalizing Child Welfare in Early Republican Turkey," forthcoming in *New Perspectives on Turkey*.
13. This is true of many other nation-states as well and is not specific to Turkey. Historians and social scientists today examine exactly how children and the notion of childhood plays into nationalist and alternative discourses. For an important introduction to this topic and to the multiple intersections of globalization, capitalism, and emergent children's rights discourses, see Sharon Stephens, "Introduction: Children and the Politics of Culture in 'Late Capitalism,'" in Sharon Stephens, ed., *Children and the Politics of Culture* (Princeton, NJ: Princeton University Press, 1995), 3-48.
14. I address this historical case in more detail in "'The Child Question': The Politics of Child Welfare in Early Republican Turkey," paper presented at the Poverty and Charity in Middle Eastern Contexts Conference, Ann Arbor, Michigan, May 5, 2000.
15. *Simit* is a bread product similar to the sesame bagel and is usually purchased on the street as a snack or for breakfast.

16. Nationalist pride in the meaning of celebrating Children's Day is often cited in popular media. Increasingly commentators have emphasized that Europe should recognize that any nation which celebrates its children in such a way should be considered worthy of admission to political bodies, such as the European Union. See, e.g., "Erbakan'ın 23 Nisan Beyanatı," *Milli Gazete* 24 April 1996, p. 1.
17. See a particularly powerful editorial written by Sevgi Usta Sayıta, a professor of political science at Istanbul University concerning underlying factors contributing to relatively large numbers of children living and working on the streets in Istanbul today. Her editorial exemplifies how advocates are attempting to go beyond the rhetoric of being a nation that cares for its children to deeper understandings of the social and economic conditions children face daily, "Asıl Suçlular Bulundu!" *Radikal Yorum* (www.radikal.com.tr/2000/08/29/t/yorum/01asi.shtml). No reliable estimates of the numbers of children living and working on the streets of large cities exist. Government estimates are markedly low (several thousand) and non-governmental estimates have been reported as high as 250,000 children in Turkey. Until detailed work is done with these children it is difficult to gauge how widespread the phenomenon is.
18. The United States Congress has yet to ratify the UN Declaration after some 10 years of active lobbying by national and international children's rights groups. The only other nation-state to withhold its approval is Somalia. This rejection of such universally approved standards is less a mark of "democratic processes" than the stubborn denial of US legislators and their interested lobbies of the need to participate in such a process of global oversight. The fact that the US would not be able to adequately answer for or correct its failings with regard to providing for the rights outlined in the document is a topic that merits separate discussion. For more see the UNICEF website (www.unicef.org/crc/crc.htm).
19. *United Nations CRC Initial State Report: Turkey*, 1999, p. 16.
20. See the UNICEF website for an on-line version of the Convention (www.unicef.org).
21. See *United Nations CRC Initial State Report: Turkey*, 1999, pp. 96-97.
22. The media has addressed the gap between services for children in Eastern Anatolia and those in Western Anatolia. See, e.g., Figen Atalay and Nizamettin Kaplan, "Güneydoğu'da İlgi Bekleyen Çocuklar," *Cumhuriyet*, 7 March 1996, p. 3.
23. For a list of organizations dealing with children's rights in Turkey, see either the Child Information Network website, (www.die.gov.tr/CIN/ngos.html) or the UNICEF Turkey website, (www.unicef.org/turkey/c_in_tr/ngo.htm).
24. See the Child Information Network website, (www.die.gov.tr/CIN/).
25. See the short report and "Children Council Declaration" from the 1st National Congress for Children. The "Children Council Declaration" outlines numerous fronts on which children's rights activists are seeking immediate attention. The list underscores the extent to which "children's rights issues" should be regarded as child welfare issues, "National Congress for Children, 20-21 April 2000" (www.die.gov.tr/CIN/got-unicef/newsflash.htm).