CHILDREN SUBJECTED TO DISCRIMINATION

# AND SOCIAL BULLYING BY THE STATE

SOLIDARITY WITH OTHERS

PREPARED BY NİHAL BOGAZ



## Contents

Introduction
What is discrimination?
The Concept of Discrimination in the Turkish Legal System2
International Texts
Domestic Law Texts6
How Does the State Discriminate?
Children Subjected to Social Bullying8
Right to Life
Right to Access to Health
Right to Education16
Right to a Name
Right to Liberty21
Right to Privacy23
Rights of Disabled Children
Benefiting from Social Rights25
The Right to Play and Socialize26
Right to Nutrition
Conclusion



# Introduction

In Turkey, there is discrimination by the state. Yes, in fact, the previous sentence is a sentence that is incompatible in terms of subject and predicate and should be considered as a misunderstanding. Because the state is not the one who discriminates, but the one who protects against discrimination. However, like many concepts and institutions that have been subject to disinformation in Turkey, this subject has also lost its role. In this article, the reflection of the state's systematic discrimination against a group in society and the children who are condemned to be the other because of themselves or their families<sup>1</sup> will be examined.

# What is discrimination?

While the concept of discrimination is equivalent to the "*discriminator's attitude and behavior, the path the discriminator follows*" in everyday language;<sup>2</sup> it is considered as a ban in legal literature. The prohibition of discrimination, equality before the law and equal protection by the law without any discrimination are basic and general principles regarding the protection of human rights.<sup>3</sup> The state is the implementer of the prohibition of discrimination. It is obliged to prevent the public from being exposed to this, directly or indirectly, both through the international agreements it is a party to and the regulations it will make in domestic law.

#### The Concept of Discrimination in the Turkish Legal System

The state has positive and negative obligations when ensuring the protection of a right. The main characteristic of positive obligations is that national authorities protect the rights of the individual by taking reasonable and appropriate measures.

<sup>&</sup>lt;sup>1</sup> According to Article 1 of the Convention on the Rights of the Child: Every human being up to the age of eighteen is considered a child, except in cases where the child reaches the age of majority at an earlier age, according to the law applicable to the child under this Convention.

<sup>&</sup>lt;sup>2</sup> Dictionary definition given by Oxford Languages.

<sup>&</sup>lt;sup>3</sup> <u>https://insanhaklariizleme.org/vt/yayin\_view.php?editid1=428</u>



The negative obligation is not to intervene.<sup>4</sup> So, what legal regulations has Turkey made within the scope of its positive obligation?

#### **International Texts**

Turkey is a party to more than one international agreement regulating the prohibition of discrimination. According to Article 90 of the Constitution, "…In the event of a dispute that may arise due to the fact that international agreements and laws regarding fundamental rights and freedoms that have been duly put into effect contain different provisions on the same subject, the provisions of the international agreements shall prevail." In other words, an international agreement regarding fundamental rights at the same level as a law in domestic law, but it has priority.

1. Article 2 of the United Nations Covenant on Civil and Political Rights<sup>5</sup>, on discrimination, reads as follows:

"Each State Party to the present Covenant undertakes to respect and ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."

2. Discrimination is regulated in Article 2/2 of the United Nations International Covenant on Economic, Social and Cultural Rights<sup>6</sup>:

"The States Parties to the present Covenant undertake to ensure that the rights set forth in the present Covenant shall be implemented without distinction of

<sup>&</sup>lt;sup>4</sup> <u>https://inhak.adalet.gov.tr/Resimler/Dokuman/10122019112811poizitif\_yukumluluk.pdf</u>

<sup>&</sup>lt;sup>5</sup> Turkey signed on 15 August 2000 and ratified by publication in the Official Gazette on 4 June 2003. Thus, it became applicable in domestic law.

<sup>&</sup>lt;sup>6</sup> Turkey signed the Convention on 15 August 2000. The Convention was ratified on 4 June 2003. Turkey deposited its instruments of ratification with the United Nations Secretary-General on 23 September 2003 and, in accordance with Article 27, the Convention entered into force for Turkey as of 23 December 2003.



any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."

3. Article 2 of the United Nations Convention on the Rights of the Child<sup>7</sup> prohibits all forms of discrimination against children. The text of the article is as follows:

*"1. The States Parties recognize and undertake to ensure that every child within their jurisdiction,* 

without distinction of any kind, such as race, colour, sex, language, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

2. States Parties shall take all appropriate measures to ensure that the child is protected against any form of discrimination or punishment on the grounds of the status, activities, expressed opinions or beliefs of the child's parents, legal guardians or other family members."

4. Article 14 of the European Convention on Human Rights (ECHR)<sup>8</sup> deals with discrimination:

"The enjoyment of the rights and freedoms recognized in the present Convention shall be ensured without any discrimination based on any other status, in particular, sex, race, colour, language, religion, political or other opinion, national or social origin, membership in a national minority, property or birth."

In addition, Protocol No. 12 to the Convention<sup>9</sup> also addresses discrimination. Turkey has accepted the Protocol but has not ratified it and made it applicable in domestic law.

<sup>&</sup>lt;sup>7</sup> Turkey became a party to the United Nations Convention, which it signed on 14 September 1990, in accordance with the TBMM Approval Law No. 4058 dated 9 December 1994 and the said Convention entered into force for Turkey as of 4 May 1995 following the deposit of our instruments of ratification with the UN Secretariat.

<sup>&</sup>lt;sup>8</sup> Turkey signed the Convention on 04.11.1950 and ratified it on 10.03.1954. The date of publication of the Law and the Convention in the Official Gazette is 19.03.1954. The ratification document of the Convention was deposited with the General Secretariat of the Council of Europe on 18.05.1954. This date is the date on which the Convention entered into force for Turkey.

<sup>&</sup>lt;sup>9</sup> Turkey signed it on 18.04.2001 but has not yet ratified it.



#### "Article 1-General prohibition of discrimination

1. The enjoyment of any right regulated by law shall be guaranteed without discrimination on any grounds such as sex, race, color, language, religion, political or other opinion, national or social origin, membership of a national minority, property, birth or other status.

2. No one shall be subjected to discrimination by any public authority on any of the grounds specified in paragraph 1."

Also, although it is not an international agreement, the Universal Declaration of Human Rights adopted by the United Nations General Assembly is also very valuable as a text. The Declaration has no legal binding force and is of an advisory nature. It has been translated into more than 360 languages and has been recognized by many states.

Turkey voted positively in the general assembly and put it into effect by publishing it in the Official Gazette on May 27, 1949. We can read Article 7 of the Declaration within the scope of the prohibition of discrimination:

"All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination contrary to this Declaration and against any incitement to discrimination."

All these international agreements that we have become parties to show that a person living in a state that is a party to the agreement will benefit equally from the rights recognized under the agreement. An individual will not be discriminated against on the grounds of the sex, race, color, language, or political or other opinions they have chosen according to their own preferences.

The states that are party to these texts will adapt their domestic legal systems to make the agreements applicable. Unfortunately, being a party to the agreement at the UN does not mean that the state party can be tried in the event of any violation. Turkey does not accept the compulsory jurisdiction of the Court of Justice, the UN's judicial body.



The European Court of Human Rights is an authority that can be applied to on the grounds that states that are party to the ECHR have committed rights violations. However, the obligation to exhaust domestic remedies does not occur within a reasonable time in countries that do not have effective and accessible domestic remedies, and it also causes the right to a fair trial to be violated.

The European Court of Human Rights has considered very few cases regarding discrimination against a person due to their political or other views.<sup>10</sup>

In Turkey, since 17-25 December 2013, the Gülen Movement has been subject to direct and indirect discrimination.<sup>11</sup> This group, which was declared as the perpetrator of the so-called coup that took place on 15 July 2016, has been called a terrorist organization, and the area and age group in which discrimination is made has expanded. Now, even a newborn baby is treated as a member of a terrorist organization, goes to prison with his/her parents, or is subjected to bullying by his/her teachers and friends at school.

#### **Domestic Law Texts**

There is no explicit provision regarding discrimination in the Turkish Constitution. However, if we read the opposite of discrimination as equality, Article 10 of the Constitution regulates this:

"Everyone is equal before the law, regardless of their language, race, color, gender, political opinion, philosophical belief, religion, sect, and similar reasons.

(Additional paragraph: 7/5/2004-5170/1 article) Women and men have equal rights. The state is obliged to ensure that this equality is put into practice.

<sup>&</sup>lt;sup>10</sup> There are 4532 files filed with the ECHR regarding discrimination. Only 18 of these are related to political and other opinions. (19.11.2023)

https://hudoc.echr.coe.int/tur#{%22kpthesaurus%22:[%22100%22,%22309%22],%22documentcollectio nid2%22:[%22GRANDCHAMBER%22,%22CHAMBER%22]}

<sup>&</sup>lt;sup>11</sup> For an example of direct discrimination, see: https://www.resmigazete.gov.tr/eskiler/2014/03/20140314-1.html



(Additional sentence: 7/5/2010-5982/1 article) Measures to be taken for this purpose cannot be interpreted as contrary to the principle of equality.

(Additional paragraph: 7/5/2010-5982/1 art.) Measures to be taken for children, the elderly, the disabled, the widows and orphans of war and duty martyrs, the disabled and veterans shall not be deemed to be contrary to the principle of equality. No privilege shall be granted to any person, family, group or class. State organs and administrative authorities shall act in accordance with the principle of equality before the law in all their transactions (...)9."

Article 122 of the Turkish Penal Code is regulated as Discrimination and Hate Crime:

"Hate arising from differences in language, race, nationality, color, gender, disability, political opinion, philosophical belief, religion or sect; a) Anyone who prevents a person from selling, transferring or renting a movable or immovable property offered to the public, b) A person from benefiting from a certain service offered to the public, c) A person from being employed, d) A person from engaging in a normal economic activity, shall be punished with imprisonment from one to three years."

The existence of all these legal regulations is to protect the person against discrimination that he/she may be subjected to. In cases where individuals discriminate against each other or institutions discriminate against individuals, the judicial organ of the state initially tells the person that he/she cannot be subjected to this. So what happens when the state discriminates against a group?

Discrimination supported by the state becomes implemented by state institutions. This is followed by private sector institutions operating in education, health or employment. And of course, this policy of discrimination is reflected on the public and individuals. People who are aware or unaware that this may be a crime end up committing the crime of discrimination. The group that is labeled in society is systematically marginalized and discriminated against.





# How Does the State Discriminate?

For example, it can do so by making an opportunity that is provided equally to everyone unavailable to a group. After the earthquake centered in Maras in Turkey on February 6, 2023, a person who was dismissed from his job with a Statutory Decree could not benefit from the housing opportunity provided for the earthquake victims.<sup>12</sup> In another example, a family that was affected by the earthquake went to an iftar for Ramadan from the dormitory where they were placed. The spouse who was dismissed from his job with a Statutory Decree due to his connection with the Gülen Movement was not accepted to the iftar.<sup>13</sup> In another example, your job applications are rejected due to the Code-37 label given to you by the state during the recruitment.<sup>14</sup> What is Code 37? It is the label given to a person who has been dismissed from his job with a Statutory Decree. Due to this label, the person cannot find a job according to his qualifications and often has financial difficulties. In the Social Cost of the State of Emergency in its 4th, 5th and 6th Years report, which was created with data collected from 30,000 people, it is stated that 83% of those who left their jobs with the Statutory Decree experienced financial difficulties.<sup>15</sup> Again, in the same report, it is stated that 61% of the victims had to change their city or home.

While all this is happening, what are the children who are forced to be the other because of their parents' label experiencing? Dozens of rights guaranteed by the UN Convention on the Rights of the Child are suddenly transformed into sentences that are safe to violate.

## **Children Subjected to Social Bullying**

This title will address the victimized children of families who were thought to have connections with the Gülen Movement after July 15, 2016, and who were labeled

<sup>&</sup>lt;sup>12</sup> <u>https://www.gazeteduvar.com.tr/depremzedeye-gbt-khkli-oldugu-icin-yurda-alinmadi-haber-1607142</u>

<sup>&</sup>lt;sup>13</sup> <u>https://www.tr724.com/akpnin-iftar-yemegine-khkli-polisin-depremzede-esi-alinmadi/</u>

<sup>&</sup>lt;sup>14</sup> <u>https://www.evrensel.net/yazi/89839/kod-36-ve-37-fisleme</u>

<sup>&</sup>lt;sup>15</sup> <u>https://artigercek.com/guncel/ohal-khk-raporu-insanliga-karsi-suclar-islendi-225433h</u>



without being tried or before the verdict was finalized, disregarding the presumption of innocence.

A person is innocent until proven guilty, and the burden of proof again lies with the person making the claim.

After July 15, 2016, hundreds of thousands of people were dismissed from their jobs by Statutory Decrees; their ID numbers and the institutions they worked for were suddenly declared guilty by being published in the Official Gazette.<sup>16</sup> However, in states where the rule of law prevails, a person should not be deprived of their rights without a court decision.

People who were dismissed from their jobs by the institutions they worked for and who were declared a terrorist organization overnight as a reason for this, and who were thought to have connections with the Gülen Movement, are now unemployed, homeless, deprived of health opportunities, and have been denied access to the right to education. The children of these people have been directly affected by this situation. In the schools they went to, the fact that their families were dismissed from their jobs by statutory decrees, open to the public, became known; the child was coded as the other by the administration, teachers or classmates, and was subjected to bullying. A child who transferred from a school closed by statutory decrees changed schools many times after the treatment he received from his classmates, and his adaptation problems continued.<sup>17</sup> In another example, a student whose family was in prison because they were affiliated with the Gülen movement stated that he could not leave the classroom during breaks because he was subjected to violence by his classmates.<sup>18</sup> However, in crime and punishment, a person cannot be punished for a crime he did not commit due to personal reasons! As regulated in Article 20/1 of the TCK, "Criminal responsibility is personal. No one can be held responsible for the acts of another." Even if their crimes and punishments were proven, children are not responsible for the crimes of their parents. As stated in the previous paragraphs, people were declared guilty

<sup>&</sup>lt;sup>16</sup> For example, 18,632 public personnel were dismissed with the State of Emergency Decree No. 710. See: <u>https://www.resmigazete.gov.tr/eskiler/2018/07/20180708-1.pdf</u>

<sup>&</sup>lt;sup>17</sup> This data was obtained after the interview with Ş.

<sup>&</sup>lt;sup>18</sup> This data was obtained after the interview with Y. Y. was 12 years old at the time of the incident.



without being tried or while the judicial process was ongoing, that is, without being proven guilty, and their children were convicted of a crime they did not commit.

The UN Convention on the Rights of the Child is a separate agreement to which Turkey is also a party and which regulates children's rights.<sup>19</sup> As stated above, Article 2/2 of this agreement states: "Party States shall take all appropriate measures to ensure that the child is effectively protected against any discrimination or punishment on the grounds of the status, activities, expressed opinions or beliefs of the child's parents, legal guardians or other family members."

In this case, the state shall protect the child from any discrimination that may arise from this, regardless of the family's thoughts, beliefs or actions, and shall not discriminate itself. However, the discrimination made by the state has paved the way for institutions and individuals to make this discrimination.

Let's examine the rights regulated under this agreement and the rights violations experienced by the children of related families who were subjected to discrimination and social tyranny after July 15th.

## Right to Life

Article 6 of the UN Convention on the Rights of the Child regulates the right to life

"States Parties recognize that every child has the fundamental right to life.

State Parties shall use their best efforts to ensure the survival and development of the child."

There have been families who have decided to leave Turkey due to the isolation they experience in Turkey and the injustice of the judicial process. These people, who have investigated files against them for their links to the Gülen Movement, have risked their lives and decided to leave their country via the Meriç River or the Aegean Sea.

<sup>&</sup>lt;sup>19</sup> Turkey signed the Convention on 14 September 1990. The Convention entered into force for Turkey on 4 May 1995.



Dozens of families have lost their lives along with their children while leaving the country in an unsafe manner. One of these is the Maden family.<sup>20</sup> The Maden family is one of thousands of families tagged with hate speech used by the regime in Turkey. While trying to cross the Aegean Sea to Greece with their three children, Nadire (13), Nur (10) and Feridun (7), their boat capsized. All members of the 5-person family lost their lives.<sup>21</sup>

Another case is the Abdurrezzak family who drowned while trying to cross the Meriç River with their 2 children. Ayşe Abdurrezzak and her husband Uğur Abdurrezzak are people who are under investigation for having connections with the Gülen Movement. The family set off to Greece with the hope of an ordinary life away from the society they were marginalized in. However, they lost their lives because their boat capsized. The news in the Turkish media reads, "The fugitives who capsized in the Meriç River turned out to be FETÖ members." The discourse that tried and convicted the 2 children who died - Halil Münir (3) and Abdülkadir Enes (11) - for being members of a terrorist organization is a manifestation of discrimination carried out by the state.<sup>22</sup>

36 people who have investigation files on them on the grounds that they are affiliated with the Gülen Movement and who tried to leave the country via the Meriç or Aegean Sea (as of 2023, according to records) have lost their lives. 17 of these 36 people are children.<sup>23</sup> These children have lost their lives while escaping from the discrimination and marginalization they have experienced and will experience in Turkey. Their parents will be in prison, as in thousands of other examples, and they will try to hold on to society as children of affiliated families. They will struggle while the opportunities provided to their peers are taken away from them because of their parents, and they will also become terrorists because they do this. These children have lost their lives while escaping from a social death carried out by society. So, if someone were to be held responsible for these lost lives, who would be?

<sup>22</sup> https://www.milliyet.com.tr/gundem/meric-te-bogulan-kacak-feto-suphelisi-2610350

<sup>&</sup>lt;sup>20</sup> <u>https://www.vice.com/el/article/to-mysthrio-me-ta-pnigmena-paidia-sth-lesbo-kai-thn-oikogeneia-toyrkwn-antika8estwtikwn-poy-agnoeitai/</u>

<sup>&</sup>lt;sup>21</sup> <u>https://kronos36.news/tr/ege-denizinde-can-veren-5-kisilik-maden-ailesinin-huzunlu-oykusu/</u>

<sup>&</sup>lt;sup>23</sup> <u>https://tr.solidaritywithothers.com/deaths</u>



The situation is no different for the young people and children who tried to survive in the country instead of fleeing. They were first isolated by social tyranny and then, unable to endure the discrimination they experienced, they gave up on living. After July 15, 2016, 92 people (as far as recorded) who were subjected to social discrimination and marginalization due to allegations of affiliation with the Gülen Movement ended their lives. 12 of these were students and 3 were children under the age of 18.<sup>24</sup>

Bahadır Odabaşı<sup>25</sup>, ended his life at the age of 16. His father was working at Selahattin Eyyübi University, which was closed down after July 15. The father, who was dismissed by a Statutory Decree and then arrested and tried<sup>26</sup>, Nurettin Odabaşı had been in custody for 4 years as of 2022. Bahadır, who had lost his trust in the justice system, succumbed to despair.

Nahit Emre Güney (26)<sup>27</sup> ended his life by jumping from the Galata Tower on October 14, 2022. His father was a high court judge who was dismissed from his post by a Statutory Decree on July 16, 2016. Nahit, whose psychology deteriorated during his father's detention, could not win his fight with life.

Tuğçe Ölçer(21)<sup>28</sup> committed suicide by jumping from the balcony of his house on June 10, 2017. Her father, who was working as the Director of National Education, was removed from his post and arrested after July 15, 2016. Tuğçe, whose psychology deteriorated during this process, started to receive medication, but was left in an even more difficult situation when her health opportunities were taken away from her.

As can be seen, the process of repression experienced by families affects the formation of the self and healthy development of young people who are not yet adults or who have just stepped into adulthood. Based on all these examples, the

<sup>&</sup>lt;sup>24</sup> <u>https://tr.solidaritywithothers.com/deaths</u>

<sup>&</sup>lt;sup>25</sup> <u>https://tr.euronews.com/2022/01/16/16-yas-ndaki-bahad-r-odabas-n-n-intihar-na-sosyal-medyadan-tepki</u>

<sup>&</sup>lt;sup>26</sup> <u>https://kronos36.news/tr/bahadirin-babasi-khkli-odabasi-oglum-olume-giderken-uzerinde-benim-tisortumvardi/</u>

<sup>&</sup>lt;sup>27</sup> <u>https://www.turkishminute.com/2022/10/14/to-his-death-from-galata-tower-over-fathers-imprisonment/</u>

<sup>&</sup>lt;sup>28</sup> <u>https://www.yeniasya.com.tr/gundem/babasinin-tutuklanmasi-travma-yasatmisti-intihar-etti</u> 435124



state party Turkey has not made the minimum effort required for the child to survive!

## **Right to Access to Health**

Article 24 of the UN Convention on the Rights of the Child regulates this right:

"States Parties recognize the right of the child to the best possible standard of health and to benefit from institutions that provide medical care and rehabilitation services. States Parties shall endeavor to ensure that no child is deprived of the right to benefit from such medical care.

States Parties shall pursue the full implementation of this right and in particular:

Reduce infant and child mortality rates;

*Ensure that all children receive necessary medical assistance and medical care, with emphasis on the development of primary health care;* 

Combat disease and malnutrition, inter alia, through the use of readily available techniques and the provision of nutritious food and clean drinking water, within the framework of primary health care, taking into account the dangers and harms of environmental pollution;

*Ensure appropriate prenatal and postnatal care for the mother;* 

They take appropriate measures to ensure that all segments of society, especially parents and children, obtain basic information on child health and nutrition, the benefits of breastfeeding, community and environmental health and accident prevention, and to help them use this information;

to develop preventive health care, guidance for parents, family planning education and services.

States Parties shall take all appropriate and effective measures to eliminate traditional practices that are harmful to the health of children.



States Parties undertake to promote and encourage international cooperation with a view to progressively achieving the full realization of the right recognized in this article.

*In this regard, the needs of developing countries shall be taken into account in particular."* 

Ahmet Burhan Ataç<sup>29</sup> is just one of hundreds of children who are victims of the process. His parents are employees of institutions that were closed by statutory decrees. After his parents were detained, his father was sent to prison to await trial, while his mother was released, but her case continued with a ban on leaving the country. During this period, 8-year-old Ahmet contracted bone marrow cancer.

While his treatment was ongoing, he went to a clinic in Germany for treatment with his 80-year-old grandmother, without his mother or father. On his second visit, his mother's travel ban was lifted and she was able to go with her son, but they had to return because his blood values were not suitable. His visit with his father, who is under arrest, is very limited during this process, and applications are made for his father to be tried without being arrested, but no result can be obtained. As it is known, while detention is the last choice among protective measures, it has been the first measure applied in the trials against the Gülen Movement. Ahmet Burhan Ataç could not recover from the cancer he contracted and lost his life on 07.05.2020.

Yes, the party state, Turkey, did not even make the minimum effort for the child to survive and develop! While other protective measures could have been applied while the trial was ongoing, and his child could have been accompanied during the treatment process; the protective measure was transformed into a punishment.

Furkan Dizdar lost his life when he was 12 years old. Furkan, who contracted brain cancer, could not access the treatment his family found in Cuba because his mother and father were affiliated with the Gülen Movement and therefore their passports were canceled. Doctors in Turkey said Furkan had 30 days to live, but a health unit

<sup>&</sup>lt;sup>29</sup> <u>https://tr.euronews.com/2020/05/07/kanser-hastasi-8-yasindaki-ahmet-atac-hayata-veda-etti-anne-zekiyebaba-harun-adana-tarsus</u>



in Cuba had accepted him with a special and emergency code. Unfortunately, he could not go with his mother and father. He was not allowed to go alone either.<sup>30</sup>

Mehmet Akif Gökdağ (13)<sup>31</sup> had cancer before his father went to prison and recovered after a year of treatment. However, his father was arrested and sent to prison on the grounds that he was affiliated with the Gülen movement. Mehmet Akif's cancer, which he had defeated, came back and Mehmet Akif, who had a 20% chance of living, became unable to walk due to the emergence of other diseases during the treatment process.

Yusuf Kerim Sayın (6)<sup>32</sup> is a child in the fourth stage of Ewing Sarcoma cancer. His mother was tried because of her connection with the Gülen Movement and sentenced to 6 years and 3 months in prison. This child, who has a 20% chance of living, needs the support of his parents to hold on to life. The application for postponement of the execution of the sentence was rejected.

The bill submitted to the Turkish Grand National Assembly by MP Ömer Faruk Gergerlioğlu on March 16, 2023 was passed by the committee and published in the Official Gazette on April 5, 2023.<sup>33</sup> However, the mother was released on April 18, 2023. Yusuf Kerim could not win his fight against cancer and lost his life on October 2, 2023.<sup>34</sup>

According to records, 510 people who experienced a single process after July 15, 2016 lost their lives due to the disease. 21 of them were children.<sup>35</sup> These children could not receive the necessary support from their parents during their treatment processes because their mother, father or both were detained and on trial.

<sup>&</sup>lt;sup>30</sup> https://boldmedya.com/2019/02/07/ohalin-12-yasindaki-kurbani-furkanin-olum-yildonumu/

<sup>&</sup>lt;sup>31</sup> <u>https://boldmedya.com/2020/07/29/babalari-cezaevine-atilan-hasta-cocuklar-olume-mahkum-ediliyor/</u>

<sup>&</sup>lt;sup>32</sup> <u>https://tr.euronews.com/2023/01/12/yasam-sansi-yuzde-20-kanser-hastasi-yusufun-babasindan-yargiya-annesine-kavussun-cagrisi</u>

<sup>&</sup>lt;sup>33</sup> <u>https://www.resmigazete.gov.tr/eskiler/2023/04/20230405-3.html</u> (see art.23)

<sup>&</sup>lt;sup>34</sup> https://www.tr724.com/kanser-tedavisi-gorduğu-6-yasindaki-yusuf-kerim-hayatini-kaybetti/

<sup>&</sup>lt;sup>35</sup> <u>https://tr.solidaritywithothers.com/deaths</u>



## **Right to Education**

Articles 28-29 of the UN Convention on the Rights of the Child regulate the right to education:

"Article 28

States Parties recognize the right of the child to education and, with a view to the gradual realization of this right on **the basis of equality of opportunity**, in particular:

Make primary education compulsory and free for all;

They shall encourage the organization of secondary education in various forms, both general and vocational, and shall ensure that they are accessible to all children and shall take appropriate measures, such as, where appropriate, the provision of financial assistance and the provision of free education;

They shall make higher education accessible to all, by all appropriate means;

They shall make information and guidance on education and vocational choice available to all children;

They shall take measures to ensure regular attendance at schools and to reduce drop-out rates.

States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the human dignity of the child and in accordance with the present Convention.

States Parties shall strengthen and encourage international cooperation in the field of education, in particular with a view to contributing to the elimination of illiteracy and ignorance throughout the world and to facilitating access to modern educational methods and scientific and technical knowledge. In this regard, the needs of developing countries shall be particularly taken into account.



Article 29

States Parties recognize that child education shall have the following aims:

To develop the child's personality, talents, mental and physical abilities to the fullest extent possible;

The development of respect for human rights and fundamental freedoms, and the principles adopted in the United Nations Charter;

The development of respect for the child's parents, his/her cultural identity, language and values, the national values of the country of origin where the child lives or comes from, and for civilizations different from his/her own;

The preparation of the child to live responsibly in a free society, in a spirit of understanding, peace, tolerance, equality between the sexes and friendship among all people, whether of ethnic, national, religious or indigenous groups;

The development of respect for the natural environment.

Nothing in this article or in article 28 shall be construed as incompatible with the freedom of natural and legal persons to establish and manage educational institutions, provided that the principles set out in paragraph 1 of this article are respected and that the education provided in such institutions complies with the minimum rules established by the State."

The right to education is one of the rights violations that children have suffered the most after July 15 Children who were receiving education in primary, secondary or high schools in educational institutions that were closed by Statutory Decrees had to be transferred to other schools.<sup>36</sup> Children who came from a closed school were treated as other people, primarily by the administration, teachers and other students.

<sup>36</sup> On July 23, 2016, the number of schools closed by Statutory Decree was 997. See: <u>http://ookgm.meb.gov.tr/meb\_iys\_dosyalar/2016\_08/05034811\_997.pdf</u> In addition, 15 universities were closed. For the full list of schools, universities, associations,

foundations, dormitories and unions closed by Statutory Decree No. 667, see:

https://www.resmigazete.gov.tr/eskiler/2016/07/20160723-8-1.pdf



A teacher gave a low grade to a student who was successful in his/her classes and explained, "*I am giving this grade to your mother, not to you.*"<sup>37</sup> His/her mother is a person who is being victimized because of her connections to the Gülen Movement. Even if being a member of the Gülen Movement were a crime, the person should have been considered innocent until a final court decision was made. However, in Turkey, people are executed in public without being tried; the authorities that conduct the trial serve the state's discourse, not justice!

The parents of a student who was in the 0.26th percentile in the high school entrance exam held throughout Turkey were dismissed from their jobs by a Statutory Decree on the grounds that they had connections with the Gülen movement. The student who won a scholarship to the Private SANKO School in the city of Gaziantep was faced with the school administration's statement that "We will not be giving scholarships to children with Statutory Decrees this year."<sup>38</sup> The systematic marginalization of a group by the state has also affected the discourse and practices of private institutions; as a result, thousands of children who are subject to social bullying have been revealed.

According to a study conducted by UNICEF worldwide, one in every three children is subject to bullying.<sup>39</sup> At a time when physical and psychological violence against peers is increasing, the state, institutions and children who are tainted by the verbal and physical statements of their parents have excluded the "connected children of connected families" and have been driven to isolation from life.

Again, young people who have high school or university diplomas from schools closed by Statutory Decrees are not hired in the jobs they apply for because of the phrases written on their diplomas.

Hüdanur Kaçmaz (17), the eldest daughter of the Kaçmaz family who was abducted from Pakistan and brought to Turkey, has a high school diploma from the PAKTURK

37

https://www.academia.edu/44609212/3 Y%C4%B1l%C4%B1nda\_OHALin\_Toplumsal\_Maliyetleri\_Ropor u\_Updated\_

<sup>&</sup>lt;sup>38</sup> <u>https://twitter.com/gazianteptv27/status/1289113007193296896?s=20</u>

<sup>&</sup>lt;sup>39</sup> <u>https://www.unicef.org/turkiye/bas%C4%B1n-b%C3%BCltenleri/unicef-d%C3%BCnyadaki-</u>

gen%C3%A7lerinyar%C4%B1s%C4%B1-okulda-ve-okul-%C3%A7evresinde-akran-%C5%9Fiddetine-maruz Also see a detailed study conducted in 2023: <u>https://whattobecome.com/blog/bullying-statistics/</u>



school in Pakistan. She simultaneously followed the high school curriculum of Cambridge University and received a diploma from there. However, she was prevented from exercising her right to education in Turkey, where she was abducted. Father Mesut Kaçmaz explained the situation as follows: "Normally, despite being entitled to do so, a letter came from the Ministry of National Education stating that you will not be granted equivalence because you studied at PakTürk schools that are affiliated and connected to FETÖ (signed by Alpaslan Durmuş, the board chairman, and Kadir Halil Uçar, the deputy principal from the Provincial Directorate of National Education). Therefore, unfortunately, my eldest daughter could not study."<sup>40</sup> Even if she did not study at the school, if there is a person in her family who is determined to have ties to the Gülen Movement during the security investigation, her school or job application is still rejected.

A.K., who won the National Defense University Non-Commissioned Officer Vocational School in 2018, was not registered despite passing the physical competency test and health report stages because her aunt and uncle, who are her second-degree relatives, are affiliated with the Gülen Movement.<sup>41</sup> A.K. took the issue to court and received a negative result from the first degree court. The Court of Appeal, which is the 2nd degree, also annulled the security investigation decision due to the fact that there was no first degree relative and the way was opened for the student to return to school. However, the court annulled the decision due to the fact that the uncle and aunt were not close relatives; in this case, the conclusion to be drawn from the opposite notion is: if a first degree relative has affiliation with the Gülen movement, there is no harm in not accepting him to school! This is a practice that is contrary to both the presumption of innocence and the principle of individuality in crime and punishment.

On July 15, 2016, children are being pushed out of the education system due to the labeling of the family they were born into as a child or the fact that they are studying in an institution opened by the state and whose operation is not seen as harmful.

<sup>&</sup>lt;sup>40</sup> <u>https://kronos36.news/tr/pakistanli-yetkililer-sucunuz-yok-biliyoruz-ama-erdogan-cok-baski-yapiyor-dedi/</u>

<sup>&</sup>lt;sup>41</sup> <u>https://www.gazeteduvar.com.tr/gundem/2020/02/20/akrabasi-khkli-diye-universiteye-alinmayan-ogrencidavayi-kazandi</u>



The student amnesty, which was made for people who had to take a break from education for some reason throughout the country so that they could re-enter the education system, was removed, preventing people who are thought to have connections with the Gülen Movement from being considered as recipients of this right.<sup>42</sup>

The person who benefited from the scholarship given by TÜBİTAK to successful students benefited from this scholarship for two years and was dismissed by a Statutory Decree, and his scholarship was cut off.<sup>43</sup> In addition, after the earthquake that occurred in the southeast of Turkey on February 6, 2023, a statement was added to the scholarship announcement that undergraduate and graduate students who were dismissed from their jobs by a Statutory Decree could not benefit from the scholarship.<sup>44</sup> People's right to access education is being restricted based on a decree that is not a court decision.

Again, children of preschool age cannot go to school because their families live in hiding in order not to be victims of a system that does not allow fair trials and long periods of detention.

## Right to a Name

Article 7 of the UN Convention on the Rights of the Child regulates the right to a name:

"The child shall be registered immediately after birth and shall have the right to a name, the right to acquire a nationality and, to the extent possible, the right to know and be cared for by his/her parents.

State Parties undertake to ensure that these rights are implemented in accordance with their national law and the obligations they have undertaken

<sup>&</sup>lt;sup>42</sup> <u>https://www.hurriyet.com.tr/gundem/cumhurbaskani-erdogandan-20-yeni-universite-kurulmasina-onay40839919</u>

<sup>&</sup>lt;sup>43</sup> <u>https://www.gercekgundem.com/guncel/232035/khkli-ogrencinin-bursunu-kesip-faiziyle-geri-istediler</u>

<sup>&</sup>lt;sup>44</sup> https://www.tr724.com/tubitaktan-khkli-depremzedelere-burs-yok/



under relevant international instruments, particularly in cases where the child is stateless."

Yasemin Atik had to give birth to her son Yusuf in a 4-square-meter area in a house belonging to someone else because she could not go to the maternity ward due to fear of being arrested.<sup>45</sup> They were unable to register their child after birth. His mother Yasemin Atik stated, "Yusuf does not have a Turkish ID, he does not have a citizenship number. If we go to the civil registry office, a search record of the parents is directly recorded in the system. They query the parents in these institutions. Again, we were at risk." This is how it is.

There are dozens, perhaps hundreds of children like Yusuf Atik who are not registered and therefore do not appear in the system, and who have limited access to health. Parents who do not want their children to grow up in prison conditions are forced to prefer that their children be deprived of their other rights.

## **Right to Liberty**

Article 37 of the UN Convention on the Rights of the Child regulates this right:

*"States Parties shall ensure the following:* 

No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Those under the age of eighteen shall not be given the death penalty for crimes they have committed, nor shall they be given a life sentence without a condition for release.

No child shall be deprived of his liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in accordance with the law and shall be a measure of last resort and for the shortest appropriate period.

Every child deprived of his liberty shall be treated with humanity and with due regard to the inherent dignity of the human person and the needs of persons of his age.

<sup>&</sup>lt;sup>45</sup> <u>https://boldmedya.com/2019/06/19/musambanin-uzerinde-yaptigi-dogumu-anlatti-bebegimi-mutfak</u> <u>tartisiyla-tarttik/</u>



Every child deprived of his liberty shall be kept separately from adults, unless his best interests require otherwise, and shall have the right to maintain correspondence and contact with his family, except in exceptional circumstances.

Every child deprived of his liberty shall have the right to prompt access to other lawful and appropriate assistance, as well as the right to challenge the legality of his deprivation of liberty before a court or other competent, independent and impartial authority and to seek a speedy decision on such action."

On July 15, 2016, dozens of children who were students at a military high school were linked to terrorism and arrested overnight. After a long trial, these children were sentenced to life imprisonment, and this right, which was recognized by the Convention and said to be protected, was also violated.<sup>46</sup>

In addition, the military high school students, who were 13-14 years old on July 15, 2016, were detained and arrested after they turned 18. The children, who were accused of being members of the Armed Terrorist Organization in connection with the Gülen Movement, were receiving education at a school where the state trained soldiers at the time of the incident. Finally, in September 2021, 145 military high school students were detained after they turned 18 after 5 years.<sup>47</sup>

There are children who were abducted from various countries to be brought to Turkey on the grounds that their families were affiliated with the Gülen Movement. These children were detained with their families and their rights to freedom and security were violated. Despite having International Protection Status, children who were illegally abducted and detained are experiencing serious health problems due to the trauma they experienced. The Kaçmaz Family is one of dozens of families who were abducted from Pakistan and brought to Turkey. Before being brought to

<sup>&</sup>lt;sup>46</sup> <u>https://tr.euronews.com/2019/05/12/muebbet-alan-askeri-ogrenciler-anneleri-anlatiyor-yetistiren-</u> <u>depunishment-veren-de-devlet</u>

<sup>&</sup>lt;sup>47</sup> <u>https://boldmedya.com/2021/09/09/15-yasindan-kucuk-askeri-ogrencilere-gozalti-tck-ve-anayasaya-aykiri/</u>



Turkey, they were detained for 17 days in an unknown place. At the time of the incident, Hüdanur Kaçmaz was 17 and Fatma Kaçmaz was 15.<sup>48</sup>

The Kaçmaz family is not the only case where their families were abducted despite being granted protection status by the UNHCR from the country they were in. In cases reported from Bahrain<sup>49</sup>, Qatar<sup>50</sup>, Malaysia<sup>51</sup>, Saudi Arabia<sup>53</sup>, and Cambodia<sup>52</sup>, families were abducted on the grounds that they worked in institutions affiliated with the Gülen Movement and the children of these families were also violated in their rights to freedom and security.

## **Right to Privacy**

Article 16 of the UN Convention on the Rights of the Child regulates this right:

"No child shall have his/her privacy, family, home or correspondence subject to arbitrary or unjustified interference, nor shall his/her honour and reputation be unjustly attacked.

The child has the right to be protected by law against such interference and attacks."

The right to privacy of children of families affiliated with the Gülen Movement is violated both individually and by the state.

It is violated by the state because people are dismissed from their jobs with the publicly available statutory decree lists.<sup>53</sup> Children whose parents' names are on

https://www.resmigazete.gov.tr/eskiler/2016/11/20161122-1-3.pdf

<sup>&</sup>lt;sup>48</sup> <u>https://kronos36.news/tr/pakistanli-yetkililer-sucunuz-yok-biliyoruz-ama-erdogan-cok-baski-yapiyor-dedi/</u>

<sup>&</sup>lt;sup>49</sup> <u>https://boldmedya.com/2021/11/04/erdogan-rejiminin-interpolu-kilif-yapip-kacirdigi-kisilerin-belgeleri/</u>

<sup>&</sup>lt;sup>50</sup> https://www.sabah.com.tr/gundem/2017/06/24/katar-45-fetocuyu-kovdu

<sup>&</sup>lt;sup>51</sup> <u>https://www.tr724.com/bm-korumasindaki-komis-ailesi-turkiyeye-kacirilmak-icin-havalimanindawaited/</u>

<sup>&</sup>lt;sup>52</sup> <u>https://www.haberler.com/dunya/suudi-arabistan-yakalayip-turkiye-ye-teslim-etti-9582811-haberi/</u>

<sup>&</sup>lt;sup>53</sup> Thousands of public personnel were dismissed from their duties under the State of Emergency through lists published in the Official Gazette.

These lists are made available to the public. One of the examples of the State of Emergency Statutory Decrees where police officers were dismissed en masse:



the statutory decree lists published in the Official Gazette, which is accessible to everyone, are labeled in the eyes of the society.

It is violated by individuals because the number of people who report their neighbors, relatives or someone they are in the same parliament with on the grounds of having ties to the Gülen Movement is not small.<sup>54</sup> After these reports, people's family homes are raided and their housing and communication facilities are destroyed.

## **Rights of Disabled Children**

There is a separate regulation made specifically for children with mental and physical disabilities within the scope of Article 23 of the UN Convention on the Rights of the Child. According to this regulation, the family has responsibilities such as accessing the necessary treatment, providing financial support to the family during this process, and making the necessary arrangements for the integration of disabled children into social life.

Rana Tursun (15) has microdeletion syndrome (gene loss). Due to this disease, she cannot run and play like her peers due to the deficiency in her muscular structure and mental retardation. Her care and needs are met by her family. Rana's mother, whose father was arrested on the grounds that she was a member of the Gülen Movement, was also detained on the grounds that she was a member of the Gülen Movement.<sup>55</sup>

Disability support aid provided through the Ministry of Family and Social Services, Social Assistance and Solidarity Foundations or municipalities was not provided to families victimized by the State of Emergency/Statute of Decrees.

Tuğba (9) and Ömer Seyfettin (3) Çakmak are siblings with congenital disabilities. Their father, Seyfullah Çakmak, was dismissed from his job and was tried while under arrest due to the FETÖ investigation. During this process, the family, who

<sup>&</sup>lt;sup>54</sup> <u>https://www.haberturk.com/gundem/haber/1308530-40-bin-kisi-fetocu-diye-ihbar-edildi</u>

<sup>&</sup>lt;sup>55</sup> <u>https://kronos36.news/tr/uc-cocuk-annesi-iklima-tursun-gozaltina-alindi-gerekce-khklilara-yardim-etmek/</u>



had no income, was also prevented from receiving a disability pension for their disabled children.<sup>56</sup> In another case, Burcu Aktaş (18), who has Down syndrome and a 70% disability. Her father is not able to receive a care allowance due to the statutory decree.<sup>57</sup> Rüveyda Tekgöz (16) is a person with a 70% disability. Since her father is a person who has been subject to legal action within the scope of FETÖ investigations, she is not able to receive a disability allowance. The application made by mother Nazire Tekgöz was rejected as follows:

"Mr. Nazire Tekgöz, your application numbered 1700124345, which you made to the Prime Ministry Communication Center (BİMER), has been answered by the Antakya Social Assistance and Solidarity Foundation. As a result of the examination of your application made to the Prime Ministry Communication Center; the Social Assistance and Solidarity Foundation cannot handle the requests for assistance of citizens who have been subject to legal action, dismissed from their profession, suspended from their duties and arrested within the scope of the activities of the FETÖ/PDY terrorist organization. Therefore, your application for assistance has been REJECTED by the decision of the Board of Trustees dated 09/02/2017 and numbered 4".<sup>58</sup>

There is no statistical data on the rights loss experienced by disabled children. However, when looked at on a case-by-case basis, it is seen that they are prevented from accessing necessary care, deprived of parental support, restricted access to social rights, and not being able to receive the care allowance provided due to disability.

## **Benefiting from Social Rights**

In order not to give scholarships to the students of families affiliated with the Gülen Movement, when they applied for "*dormitories*" or "*scholarships*", they were asked to submit "a commitment stating that no terror investigation or expulsion

<sup>58</sup> <u>https://www.gazeteduvar.com.tr/engelli-yakinina-khk-gerekceyle-yardim-verilmedi-haber-1507972</u>

<sup>&</sup>lt;sup>56</sup> <u>https://artigercek.com/makale/engelli-ayligina-engel-18828</u>

<sup>&</sup>lt;sup>57</sup> <u>https://www.tr724.com/khkli-kizi-oldugu-icin-yuzde-70-engelli-burcuya-bakim-maasi-verilmedi/</u>



procedures had been carried out regarding any of their lineage ties"; thus, either their applications were prevented or, if they did apply, their scholarships were not granted on the grounds that they had "*made false statements*". On the other hand, by not taking any action against discriminations that constitute "*discrimination crimes*" such as preventing people from receiving scholarships or staying in student dormitories on the grounds of lineage, the judicial authorities ensured that systematic unlawfulness became permanent.<sup>59</sup> It has become a painful example of discrimination by the state.

There is a green card application in Turkey that provides free access to healthcare for those who are unemployed. A person who was dismissed from his job with a Statutory Decree due to his connections to the Gülen movement applied for and benefited from the right to a green card for himself, his wife and children. Later, it was determined that he was under Statutory Decree and the green cards of the entire family were canceled. The fact that his parent had some kind of connection to the Gülen movement has once again become an obstacle to a child's access to a right.<sup>60</sup>

## The Right to Play and Socialize

The UNCRC Convention guarantees children's rights to play and to engage in activities that will help their mental, physical and spiritual development under Article 31:

"States Parties recognize the right of the child to rest, to spend their free time, to play and to engage in entertainment (activities) appropriate to their age and to participate freely in cultural and artistic life."

According to the data of the General Directorate of Prisons and Detention Houses of the Ministry of Justice, 345 children between the ages of 0-6 are staying in prisons.<sup>61</sup> However, the detailed age distribution of these children and the prisons

<sup>&</sup>lt;sup>59</sup> Social Cost of the State of Emergency in its 4-5-6th Year Report/ Ömer Faruk Gergerlioğlu- Bayram Erzurumlu

<sup>&</sup>lt;sup>60</sup> https://www.gazeteduvar.com.tr/gundem/2020/04/30/khklinin-yesil-karti-iptal-edildi

<sup>&</sup>lt;sup>61</sup> According to the official press release made in March 2021, 345 children are in prison.



in which they are staying are not known. The rights of children who stay with their mothers in prisons to play and receive education appropriate for their age are being violated. After July 15, 2016, mothers who were arrested had to take their children between the ages of 0-6 with them. Because there are no relatives outside who can take care of the child, or even if there are, because the relatives of the family take care of the older children, mothers take their younger children with them.

The report titled 'Children Imprisoned with Their Mothers' monitored the rights violations experienced by women with children in prison.<sup>62</sup> The following statements were made from one-on-one interviews conducted during this study: *"Children of judicial prisoners were going to nursery school, but our children could not. The prison had a nursery school, but our children were not accepted to that nursery school, and the children of FETÖ members could not enter the nursery school. When I entered, it was the period when the State of Emergency was most intensely implemented, they were very harsh and merciless, the guards treated us the same way." (39 years old, 1.5-year-old child, Izmir No. 1 T Type-Şakran) The procedure applied in prison changes depending on whether the parent is a judicial or political prisoner.* 

First of all, even if the parent is arrested or convicted due to the nature of the crime and punishment, the child cannot be punished for this. In addition, applying different practices to people under the same conditions is a violation of the right to equality. Equality in the crime and punishment is regulated in the Turkish Penal Code, and in Article 10 of the Constitution, and its sanction is regulated as a discrimination crime in the Turkish Penal Code. The children subjected to the practice are not the children who committed the crime, but the children who are in prison because they are with their parents.

https://cte.adalet.gov.tr/Home/SayfaDetay/basin-aciklamasi09032021045708,

Related news about 396 children in prison in 2023:

https://serbestiyet.com/featured/0-6-yas-arasi-396-cocuk-bu-bayrama-hapishanedeirdi134049/#:~:text=Adalet%20Bakanl%C4%B1%C4%9F%C4%B1n%C4%B1n%20son%20istatisti%C4%9Fi %2031 ,if they are in prison, they can stay with their mothers.

<sup>62</sup> <u>https://etkiniz.eu/wp-content/uploads/2021/12/Annelerini-Birlikte-Mahpus-C%CC%A7ocuklar-</u> <u>Raporu.pdf</u>



Again, in the same report, there is data indicating that children's access to toys is severely restricted by the actions of the administration:

"My daughter never had a toy, I had medicine boxes, asthma sprays, my child was playing with them. We insisted on asking the administration but they would not give it. They said a doll had come from outside, we will open the doll and see inside, how can I give it to the child after opening the doll." (40 years old, 6-month-old child, İzmir No. 1 T Type Şakran)

"They were not giving toys, they only gave books, they were for the older age group, but we were looking at their pictures. I tried very hard, I went to the principal many times, I wrote petitions. All I wanted was crayons, drawing books, play dough, a toy cup set, they only gave me the cup set. It was completely the officer's initiative." (36 years old, 1.5-year-old child, Osmaniye No. 1 T Type)

"There was a small park in the courtyard, they told us that we could only go out for 1 hour on the weekends. We also submitted a petition, we also requested it during the week, it was not accepted because either a sociologist or a child development specialist, one of these two, did not want to supervise the children and could not go out with the mother during the week, so our request was not accepted.

The guard would come whenever he wanted on the weekends, we would only go out to the park for one hour." (30 years old, 3-year-old child, Trabzon Type E)

In prisons where children do not have the necessary facilities for their development such as open air, space to move, and a place to sleep separately from their mothers, children cannot even play with toys.

#### **Right to Nutrition**

Nutrition is at the forefront of children's physical and mental development. Situations where children's healthy nutrition appropriate to their age is not supported or even prevented constitute a violation of the "*right to life*" and are contrary to the principle of "*considering the best interests of the child*".



The right to nutrition of children is emphasized in the second paragraph of Article 65 of the relevant Law No. 5275: "*Children staying with their mothers are provided with food and drink according to their age, condition and needs.*" However, in prison conditions, children are not considered as individuals separate from their mothers and are forced to share their mothers' meals.

In the report titled Children Imprisoned with Their Mothers, the following information was shared in interviews conducted with mothers in prison: "Desperation. I was trying to get my daughter used to solid food because my milk had also decreased but the food was so bad, it was too oily, we tried to wash her and feed her but she would not eat, sometimes my milk would curdle, my daughter would go hungry. I would count her and say she was hungry today, she was hungry today too, then I stopped counting and got used to it. None of her needs were being met." (40 years old, 6-month-old child, İzmir No. 1 T Type-Şakran)

".... I went in, my milk stopped at first. We couldn't find food for my daughter, the canteen didn't sell food, I told the guard, "My milk stopped, my child is hungry", they brought me food 1 day later, the food was 2 years out of date. They said they didn't have food, they said they could get it on Monday, my daughter went hungry for 3-4 days." (40 years old, 6-month-old child, Aydın Type E)

"The next day, since I didn't have milk, I had to feed my 4-month-old baby eggplant. They brought her food as they wished and in limited quantities. Sometimes she ate whatever she could find, like bulgur pilaf."<sup>66</sup> Mothers' milk is stopped because they can't get enough nutrition. The child's access to baby food is provided according to arbitrary practices. Preventing a child from being fed is also an issue that falls within the scope of the right to life. It is very difficult for a baby to be fed without breast milk and baby food, and it is not appropriate for her health to eat the same foods that adults eat.

# Conclusion

As can be seen from the examples discussed under each right heading above, children experience clear rights violations due to the labels of their parents.



Thousands of children between the ages of 0-18 are deprived of dozens of rights in the spectrum of rights, are marginalized, isolated from society and are subject to discrimination.<sup>63</sup> Discrimination carried out by the state grows in waves and surrounds society. The children of connected families who are marginalized are once again isolated by the tyranny of society where they could have been healed with social acceptance and support.

Children who are imprisoned while in the womb are deprived of countless things such as the sky, healthy food, a bed of their own, toys, education, soil and plants.

A school-age child is most likely with his/her family. But most of the time, one or both of his/her parents are not with him/her. He/she is growing up without them at a time when he/she could have developed with parental support. The administration and teachers in the schools they are in do not act equally. In many secondary education institutions, children who have just started to develop their identity are introduced to their labels, and they cannot benefit from the opportunities provided due to these labels.

Serious rights are lost in terms of access to health and social rights; access to opportunities provided to individuals with disabilities is prevented.

Some young people who are approaching adulthood have been unable to fight against the state's discrimination and society's tyranny and have given up on their lives. There is no value in the restoration of dignity or justice that comes after a person dies. Many young people lose their existence, identities and unfortunately their lives under the soil thrown at them.

In order for the next generation to exist, the state must urgently end the discrimination it carries out and the necessary measures must be taken by the state to prevent society from being the implementer of this discrimination. However, since it is not a situation where results can be obtained quickly from above, a change must be made in the language, that is, the discourse, used by social formations.

<sup>63</sup> https://www.bbc.com/turkce/haberler-turkiye-40831729



As everyone knows, it is easy to destroy but difficult to build! In a generation-saving project that will take a long time to build, every cell of society must react.

SOLIDARITY WITH OTHERS BELGIUM 2023

P

....

and and an