

THE STATE OF TURKEY'S CHILDREN & VICTIMS OF UNLAWFULNESS



The Current Situation and Future Implications of the Intentional Violation of
Domestic Legislation and the Convention on the Rights of the Child
by the Turkish Government

The Grave and Intentional Violations of the Rights of the Child in Turkey

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JOURNALISTS AND WRITERS FOUNDATION

Journalists and Writers Foundation (JWF) is an international civil society organization dedicated to culture of peace, human rights, and sustainable development. The JWF promotes diversity and inclusion by creating forums for intellectual and social engagement; generates and shares knowledge with stakeholders, builds partnerships worldwide and develops policy recommendations for positive social change.

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Nagehan Gokcek was detained while she was visiting his arrested husband in Sincan Prison in Ankara. Her five children, including one disabled, were left behind in the car crying.

Cartoon by Carlos Latuff: www.theglobepost.com

SUMMARY

It is a typical cold day in January 2017. Nagihan Gökçek, a mother of five, drives to Sincan prison in Ankara to visit her husband, Abdullah. When she enters the prison, she is detained, and her children left alone in the car for hours. A video shows one of her children opening the car door in the prison parking lot, showing his brothers crying inside. In tears, he says, "We are five brothers, left alone. We have a disabled brother. I commend those people to God's punishment." One of her children has Down's Syndrome. Later that day a relative picks up the children from the cold car in the prison parking lot.

By the end of August 2017, six hundred sixty-eight (668) children under the age of six are in jails across Turkey with their mothers, detained or arrested as part of the government crackdown on the Hizmet Movement. One hundred forty-nine (149) of these children are infants under a year old.



Children are the victims of unlawfulness in Turkey

PART I

Introduction

As we look at Turkey and the Turkish communities around the world today, we're confronted with an uncomfortable but undeniable truth: Thousands of children's lives are currently shattered for no other reason than the family or the circumstances into which they were born.

As this paper shows, unless the relentless assault on dissent in the country and abroad is not stopped immediately, the future of hundreds of thousands of disadvantaged and vulnerable children – and therefore the future of the society -- will be imperiled. This discrimination and violence against communities and families means these children will not have the opportunity for an education nor the chance to earn a decent living and positively contribute in their respective communities.

The unlawful constraints confronting these children are neither technical nor a matter of resources. They are a matter of political commitment, and the Turkey's government crackdown on dissent. It is imperative to join forces and make it a priority to end discrimination and ensure that hundreds of thousands of children are not left behind.

The United Nations Committee on the Rights of the Child (CRC) has identified more than 50 types¹ of discrimination against children based either on their identity or, as in the case of Turkey, the identity of their parents. All forms of discrimination against children are exacerbated by their age and vulnerability, meaning they have fewer options available for challenging them. In addition to experiencing discrimination as a group, children face discrimination based on physical or mental disability, birth registration, place of residence, social segregation, gender or health, and sometimes and more seriously because of a combination of these reasons. This policy paper aims to highlight and raise awareness about the violation of children's rights on one or more grounds as prohibited by the United Nations Convention on the Rights of the Child.

A comprehensive analysis and any speculation on the long-term prospect and implications of the intentional violation of domestic legislation and the Convention on the Rights of the Child by Turkey is beyond the scope of this paper. It does, however, argue that ignoring the plight and the situation of hundreds of thousands of children in Turkey is detrimental to the interests of human dignity and human rights as well as Turkey's future. More specifically, this paper, divided into four sections, examines an array of important concerns about the grave and intentional violations of the rights of the child in Turkey and abroad that arise from the ongoing suppression of dissent following the attempted coup of July 15, 2016.

1 - Source: Implementation Handbook for the Convention on the Rights of the Child, UNICEF, 2008.



As of August 2017, there are 668 children in prison with their mothers

PART II

Major Areas of Concern and Non-compliance

Article 2 (non-discrimination): The Convention on the Rights of the Child applies to all children, whatever their race, religion or abilities; whatever they think or say, whatever type of family they come from. It doesn't matter where children live, what their parents do or whether they have a disability. No child should be treated unfairly on any basis.

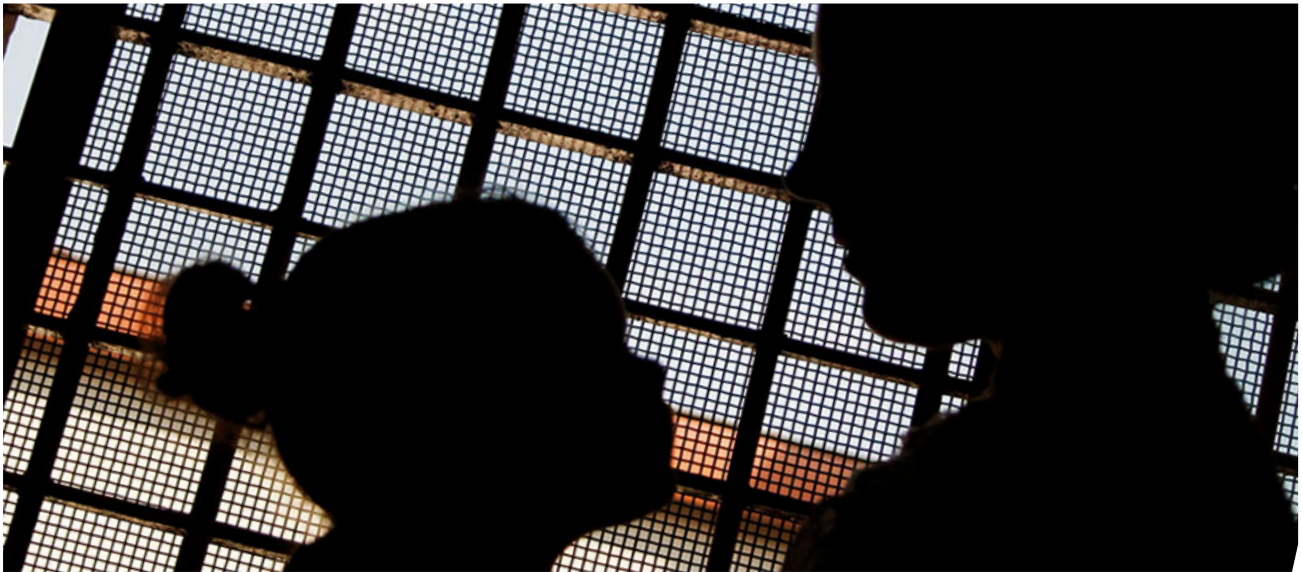
The current state of emergency imposed in Turkey for more than a year is routinely used as an excuse to curtail human rights and liberties, target human rights defenders and suppress dissent. Since the July 2016 attempted coup, individuals allegedly linked to the Hizmet Movement² suffer disproportionate multi-faceted discrimination, in particular as regards to equal access to political participation, health, education, employment, and justice because of current practice as well as the laws enacted.

Families and children of individuals allegedly linked to this marginalized group face direct and indirect discrimination; the latter is also reflected in their families' economic status; their exclusion from certain aspects of society; and their violent, humiliating and degrading treatment, in particular in places where individuals are deprived of their liberty, like prisons, and in health-care facilities. The government has resorted to intentional methods and practices of violence that are particularly harmful and dehumanizing against alleged members or sympathizers of the Hizmet Movement, with the intention of causing humiliation, fear, and terror. As a direct result of these policies, children of those accused of having ties with this Movement have increasingly resorted to changing their last names to disassociate themselves from their parents [Hizmet Movement] to avoid, inter alia, discrimination, harassment, and pressure at schools, in their neighborhoods and beyond.³ In several cases brought to the attention of the JWF, children have died as a result of the immense psychological and emotional pressure, and some appear to have committed suicide.⁴

2 - Gülen movement is also referred to as Hizmet (the Service) Movement.

3 - <https://turkeypurge.com/imprisoned-journalists-children-changes-surname-amid-peer-pressure>.

4 - B.N.M., a high school student committed suicide on October 24, 2016, by jumping to her death from the walls of the Boyabat Fortress (Northern Turkey) after being reportedly bullied by classmates and teachers over her father's alleged links to the Hizmet Movement.



Inadequate conditions in prisons, affecting children's physical and cognitive development

Article 6 (Survival and development): Children have the right to live. Governments should ensure that children survive and develop healthily.

In post-coup Turkey, government officials have many times publicly declared that the members of the Hizmet Movement do not have the right to life. Further, they have repeatedly and publicly discussed the idea of reinstating the death penalty, specifically for the members of this Movement.

Measures undertaken against the alleged members of the Movement have had an adverse effect on family members and, in particular, on children. The denial of the right to life has been “extended” to include children born into the families who are victims of this discrimination through intentional, targeted discriminatory policies in the provision of health care and other such services critical to the health and development of children. In many cases, unborn children have not survived due to the victimization and psychological pressure the government put on their parents. For example, the government has cut off disability and social benefits to spouses or children of parents detained or arrested over alleged links to the Hizmet Movement. Children of individuals perceived close to the Movement are also denied health care in hospitals and health centers.⁵

Most alarming, in May 2016 the United Nations High Commissioner for Human Rights Zeid Ra’ad Al Hussein stated that he had “received a succession of alarming reports about violations allegedly committed by Turkish military and security forces in Southeast Turkey over the past few months,” and “reports of unarmed civilians including women and children -- being deliberately shot by snipers, or by gunfire from tanks and other military vehicles.” He went on to say, “there also appears to have been massive, and seemingly highly disproportionate, destruction of property and key communal infrastructure -- including buildings hit by mortar or shellfire, and damage inflicted on the contents of individual apartments and houses taken over by security forces.” Furthermore, “most disturbing of all” the High Commissioner stated, “are the reports quoting witnesses and relatives in Cizre which suggest that more than 100 people were burned to death as they sheltered in three different basements that had been surrounded by security forces.”⁶

5 - See <https://turkeypurge.com/3-year-old-child-with-fever-denied-treatment-as-father-under-arrest-over-gulen-links>.

6 - Office of the High Commissioner for Human Rights, Need for transparency, investigations, in light of “alarming” reports of major violations in South-East Turkey – High Commissioner Zeid, May 10, 2016.



There are hundreds of children in 14 countries who are not given Turkish Passports and IDs

Article 7 (Registration, name, nationality, care): All children have the right to a legally registered name, officially recognized by the government. Children have the right to a nationality (to belong to a country).

On July 20, 2016, the Government declared a nationwide state of emergency for ninety days beginning on July 21st under Article 120 of the Constitution and Article 3 § 1 (b) of the Law on the State of Emergency (Law No. 2935). On the same day [July 20, 2016] the Turkish Parliament approved the declaration of the state of emergency by a vote of 346 to 115. This state of emergency is still in force more than a year after it was introduced, with the possibility of further extension.

During a state of emergency, the government does not need Parliament authorization to legislate laws. Instead, it can decree laws based on the declaration of the state of emergency approved by the Parliament. On January 6, 2017, six months after the failed coup, Decree Law (KHK) 680 was published. Article 75 of the decree establishes, inter alia, the procedures for the arbitrary deprivation of nationality for Turkish citizens living outside of Turkey, by adding another paragraph in the end of Article 29 of the Turkish Citizenship Law:⁸

Drawing on available information, the Institute on Statelessness and Inclusion (ISI) concluded that the implementation of Decree 680 would result in the arbitrary deprivation of nationality of Turkish citizens in violation of international standards. According to the ISI, Decree 680 fails to serve a legitimate purpose, is disproportionate in its impact on individual rights, undermines the principle of legal certainty and is retroactive in nature. Furthermore, there is no provision in it for any judicial oversight or right to appeal any decision to deprive citizens of their nationality. There is also no provision of a safeguard to ensure that deprivation of citizenship will not result in statelessness.⁹

7 - Article 121 § 3 of the Constitution.

8 - Turkish Citizenship Law, Law No. 403, 11 February 1964, available at: <http://www.refworld.org/docid/4496b0604.html> (unofficial translation).

9 - http://www.institutesi.org/news/Policy-brief-Turkey-arbitrary-deprivation-of-nationality_2017.php.



A mother is being detained with her son

The ISI concluded that in addition to the risk of being arbitrarily deprived of nationality, parents are likely to be unable to transfer national citizenship to their children, potentially resulting in the denial of the child's right to acquire nationality under Article 7 of the Convention on the Rights of the Child.¹⁰

The denial of consular services and the related deprivations for Turkish citizens living abroad since the attempted coup of July 15, 2016, includes the cancellation and confiscation of passports, the refusal to extend the validity of passports and the refusal to provide nationality IDs or passports to children born to Turkish citizens abroad.

While the full extent of the actions of the Turkish government in regard to the arbitrary deprivation of citizenship is not known, this is certainly an increasingly serious problem. The Journalists and Writers Foundation documented 113 cases of denial of passports and nationality IDs for newborns in 15 countries as of August 2017.

Table 1: Denial of Passports / Nationality IDs for Newborns to Turkish Citizens Abroad

	Countries	Number of Newborns			
1	AFGHANISTAN	21	9	MYANMAR	4
2	ALGERIA	3	10	NIGERIA	24
3	DOMINICA	1	11	PHILIPPINES	3
4	EGYPT	6	12	TUNISIA	1
5	GEORGIA	4	13	VIETNAM	6
6	INDONESIA	7	14	INDIA	1
7	IRAQ	26	15	TAJIKISTAN	3
8	MOROCCO	3		TOTAL	113

10 - Ibid.



Busra Atalay was a detained pregnant woman with 6 month of twin babies. As a result of an early birth process, she lost one of her babies, the girl. The other baby is reportedly in intensive care.

Article 20 (Children deprived of family environment): Children who cannot be looked after by their own family have a right to special care and must be looked after properly, by people who respect their ethnic group, religion, culture, and language.

In late November 2016, an official from Turkey's Ministry of Family and Social Policy told the media that authorities might remove children from their homes if their guardians are found to be supporters of the attempted coup [Hizmet Movement]. The official stated that it would not be right for a child to remain with a foster family if links to the Hizmet Movement are confirmed as a result of investigations.¹¹

The Journalists and Writers Foundation has not been able to conclusively substantiate the information received from several sources on the extent of the practical implications of this measure. Following the adoption of the policy, however, authorities have taken concrete steps to implement it, as boys and girls across Turkey are reportedly separated from their foster families when adoptive parents are under investigation for alleged links to the Hizmet Movement.¹²

11 - <https://www.turkishminute.com/2016/11/28/turkish-govt-may-remove-children-families-backed-coup/>.

12 - <https://turkeypurge.com/turkish-govt-removes-child-from-foster-family-over-gulen-links>.

Article 23 (Children with disabilities): Children who have any disability have the right to special care and support, as well as all the rights in the Convention so that they can live full and independent lives.

The United Nations estimates indicate that there are approximately 8.5 million persons with disabilities in Turkey, or almost 13% of the total population. Individuals with a disability are entitled to disability benefits covered by Social Security and benefits for a person in need, covered by the Directorate General of Foundations. Benefits also provide for reimbursements for certain costs, either partially or entirely, depending on the Social Security Department with which they are registered. State educational support is provided to children who need special education services, following an application to the Guidance Study Centre (Rehberlik Araştırma Merkezi) in the district of residence.

Punitive measures against children of individuals detained/arrested or dismissed over their alleged links to the Hizmet Movement are among the most deplorable in the long list of violations and abuses in post-coup Turkey. Disability allowances for children belonging to these parents are regularly cut off,¹³ and children with disabilities are sometimes denied the right to a family environment and left unattended after their parents are arrested.¹⁴ To the dismay of the respective families and the broader public, disabled persons have themselves been taken in custody for alleged involvement in the attempted coup.¹⁵

In addition to these devastating measures, health clinics and associations assisting disabled persons are among those shut down by decree laws, based on alleged links to the attempted coup.¹⁶



Omer Seyfettin and Tugba, both 98% disabled. Father Cakmak has been in prison since July 2016

Article 24 (Health and health services): Children have the right to good quality health care – the best health care possible – to safe drinking water, nutritious food, a clean and safe environment, and information to help them stay healthy.

A World Bank report in May 2016 highlighted that “universal health insurance (UHI) is compulsory in Turkey; everyone has to be insured either as an insurance holder or a dependent. Benefits include medical as well as dental treatments, including preventive health care, emergency care, inpatient and outpatient consultations and treatment, laboratory work, rehabilitation, and other services”.¹⁷

13 - <https://turkeypurge.com/government-cuts-off-funds-for-disabled-child-over-fathers-gulen-links>.

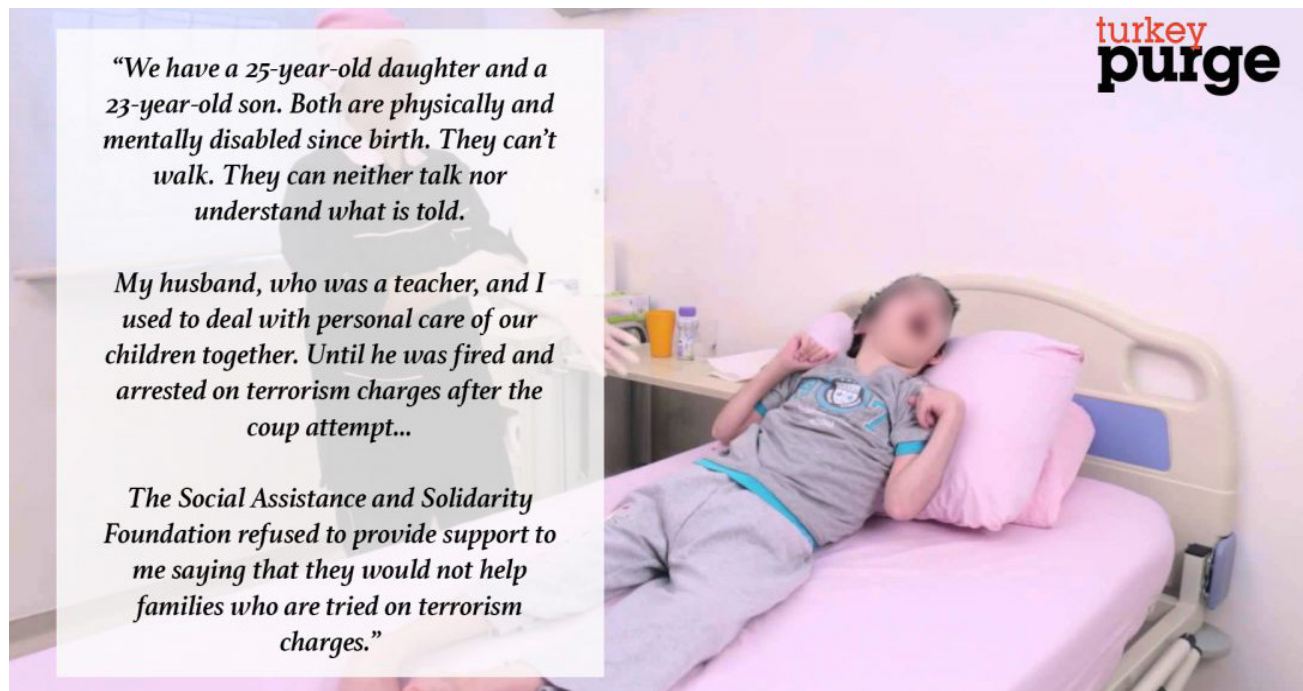
14 - See for example: <https://turkeypurge.com/autistic-children-left-unattended-as-teacher-parents-under-arrest-over-alleged-coup-links>. <https://turkeypurge.com/mother-with-disabled-son-daughter-detained-over-alleged-coup-involvement>.

15 - <https://turkeypurge.com/even-disabled-son-was-arrested-in-bylock-operation-woman-decries-witch-hunt>.

16 - For more see: <https://turkeypurge.com/13-health-clinics-2-disability-associations-shuttered-in-new-govt-decree>.

17 - World Health Organization (WHO), Strategic planning for health: a case study from Turkey, 2015, p. 2.

In the aftermath of the July 15, 2016, attempted coup, bank accounts of dismissed or detained individuals were frozen, their salaries cut, their health insurance canceled, and they have lost all benefits related to their former employment. Public sector workers are provided with health care packages for themselves, their partners and their children. After being dismissed, the family's health care protection is continued for only three more months, after which a premium is required to remain protected. Without any income or compensation, none of the dismissed public sector workers interviewed by Amnesty International have been able to pay to keep their health care protection.¹⁸



Families with disabled children are not given government support

Disability and social benefits to spouses or children of parents detained/arrested over alleged links to the Hizmet Movement have been cut off. In addition, children of individuals perceived close to the [Hizmet] Movement are constantly denied health care in hospitals and health centers.¹⁹

The government has imposed further restrictions on access to health care by closing hospitals, other health care facilities and clinics as well as pharmacies because they belong to, are connected, or are in communication with the Hizmet Movement, which is accused of organizing the attempted coup. The first decree law [KHK 667] under the State of Emergency identified 35 private health clinics and hospitals for closure. As of August 2017, 6,687 physicians and other individuals working for the Ministry of Health have been dismissed. Many of the 8,573 academics dismissed from their positions during the same period were also healthcare professionals.

Until October 2016 Turkey's Social Security Institution (SGK) excluded at least 400 pharmacies from its electronic prescription system, which enabled them to sell medicine and receive payments from the state.²⁰ Thousands of other pharmacies were reportedly under investigation for alleged Hizmet Movement involvement in the attempted coup, even though it is not clear how pharmacies could have participated in it.

18 - Amnesty International, No end in sight: Purged public sector workers denied a future in Turkey, p. 15. <https://www.amnesty.org/en/documents/eur44/6272/2017/en/>

19 - See <https://turkeypurge.com/3-year-old-child-with-fever-denied-treatment-as-father-under-arrest-over-gulen-links>.

20 - Source: TurkeyPurge. <https://turkeypurge.com/turkey-takes-400-pharmacies-out-of-prescription-system-over-gulen-links>.

The health conditions and health care needs of detainees and 668²¹ children are of particular concern to the JWF because of overcrowding; underfunding; the lack of access to adequate medical, physical and hygiene conditions; the lack of adequate access to potable water, proper heating, ventilation, and lighting; and the increasing nutritional issues and the lack of food for children.



Police brutality against children

In addition, while child marriage per se is not referred to in the 1989 Convention on the Rights of the Child (CRC), Article 24.3 provides for the right of the child to be protected from harmful traditional practices often addressed by the Committee. This right, arguably, implicitly includes the right of children to be protected from such harmful practices as child marriage.

Recent efforts to introduce discriminatory legislation against women have unfortunately not been limited to the emergency decree laws and other related discriminatory acts both by law and in current practice. In July 2016 Turkey's Constitutional Court annulled the section of the criminal code which classified all sexual acts with children under 15 as sexual abuse, a move designed to clear the way for the government to put forward its highly controversial Child Rape Bill.

This move by the court sparked intense controversy over underage sexual relations, legalizing sex with children as young as twelve. The international community was outraged over the ruling, which also led to diplomatic tensions between Turkey and EU member states Sweden and Austria.

The Child Rape Bill put forward for adoption in the parliament by lawmakers of the ruling Justice and Development Party (AKP) provided for those who rape underage children to be pardoned for the crime as long as they marry the victim after the act. According to the AKP, the bill is intended for men in a sexual relationship with a minor and to address the complications of child marriage in the country.

21 - Source: Ministry of Justice, July 2017.

This draft of the bill sparked protests across Turkey, including by opposition parties before and after it was approved in an initial parliamentary reading. Critics said it would legitimize statutory rape and encourage the practice of taking child brides. The United Nations emphasized in a statement²² that this bill would weaken Turkey's ability to combat sexual abuse and child marriage. In addition, it would create a perception of accepting perpetrators of such child rights violations, and it would increase the risk for further victimization of the child if she marries the perpetrator of the sexual abuse.

Following fierce criticism from opposition parties and the public, Turkish President Erdoğan joined those advising "caution" in moving forward with this bill. Due to the public pressure and a call from the President just hours before a final vote in parliament in November 2016, the Prime Minister withdrew this draft from the Parliament's General Assembly and sent it back to a commission for review that was to include input from the opposition and other segments of the society.



A picture from a jail: three babies sitting on the floor as there is no proper facilities nor play areas for them

Article 27 (Adequate standard of living): Children have the right to a standard of living that is good enough to meet their physical and mental needs. Governments should help families and guardians who cannot afford to provide this, especially regarding food, clothing, and housing.

A May 2017 report by Amnesty International²³ found that "the dismissal of more than 100,000 Turkish public sector workers [was] arbitrary and has had a catastrophic impact on their lives and livelihoods. Tens of thousands of people including doctors, police officers, teachers, academics, and soldiers, branded as 'terrorists' and banned from public service, are now struggling to make ends meet. Tainted as 'terrorists' and stripped of their livelihoods, a large swathe of people in Turkey are no longer able to continue in their careers and have had alternative employment opportunities blocked."

For these public sector workers whose housing was linked to their job, their dismissal also meant the loss of their housing for themselves and their family. In addition, these workers have had their passports revoked, eliminating the possibility of working overseas, thereby severely restricting their job opportunities further.

22 - https://www.unicef.org/media/media_93338.html.

23 - Amnesty International, No end in sight: Purged public sector workers denied a future in Turkey, <https://www.amnesty.org/en/documents/eur44/6272/2017/en/>.

The government has also used less obvious methods for destroying people's lives, such as the deliberate deprivation of resources needed for the physical survival of those dismissed, resources such as food and medical services, which are available to the rest of the population. Those attempting to aid these workers also suffer consequences. For example, twelve businessmen were detained in March 2017 in Kayseri Province for raising humanitarian relief for families adversely affected by the ongoing crackdown on the Hizmet Movement.

The devastating measures of the Turkish government have had a catastrophic impact on the lives and livelihoods of hundred of thousands of families, especially children – significantly affecting their right to a standard of living, even minimally meeting their physical and mental needs.



Children are behind the bars in Turkey

Article 28 (Right to education): All children have the right to a primary education, which should be free. Young people should be encouraged to reach the highest level of education of which they are capable.

According to the 1982 Turkish Constitution, no individual can be deprived of the right to education. Primary school education is compulsory and free in public schools, and the primary school institutions are accessible to all with no discrimination based on language, race, gender, philosophical belief, and religion.²⁵

Before the July 15, 2016, attempted coup and subsequent decree laws, an astonishing array of detrimental measures had already targeted the education sector of the country. Thousands of educational institutions have been closed since 2015 as a result of a combination of open and hidden illegal acts by the government focusing, in particular, on preparatory schools. The current tally of investigations, prosecutions, dismissals, detentions, and campaigns of private harassment directed against teachers and academics across the country is staggering. In addition to institutions of higher education, 2,099 other educational institutions across Turkey, including hundreds of private K-12 schools, have been closed and all their assets expropriated and transferred to the Treasury. The closure of thousands of institutions immediately forced more than 128,000 students to either terminate their studies or relocate to other schools.

Students in these schools have faced some of the gravest consequences of these closures: they have been expelled from these institutions under the emergency decrees. Teachers and other administrative personnel have been unlawfully dismissed from their positions, based solely on political and administrative decisions – 44,385 in total.

24 - Hanifi Y., Muaz B., Mehmet A., Altan A., Hacı Ali D., Mahmut A., Mustafa A., Selçuk A., Fuat G., İbrahim Ş., İhsan Y. and Ali K. See also <http://www.dha.com.tr/yurt/abdden-gelen-paralari-fetoculere-dagitliyordu/haber-1542304>.

25 - Primary Education Law-İlk.ğretim ve Eğitim Kanunu, Article 6.

Along with their careers and right to work increasingly contributing unnecessarily to the precarious economic circumstances for hundreds of thousands of families, the future of approximately 1.5 million students and more importantly, the future of education in Turkey have been irreversibly impacted.

In addition, the fact that lists of dismissed people have been published in the decrees and on the Internet and are part of a person's record visible to state institutions and the public at large has led to additional pressures on these individuals and their families. As a woman told Amnesty International, "My son didn't want to go to school, the other children were picking on him, saying that his mother was a terrorist and a traitor." A second woman told Amnesty International that when her daughter was interviewed for a school scholarship, the authorities told her that her mother was a "terrorist." She did not get the scholarship.²⁶

Finally, it is quite clear that in the past 15 years under AKP rule, and in particular since 2011, Turkey has experienced an intense and systematic effort to Islamize Turkey's educational system permanently. President Erdoğan is resolutely pursuing his vision to implement his so-called "pious generation" project -- or the devoutly religious generation. The estimated 15-fold increase in the number of students attending religious Imam-Hatip schools under the AKP rule shows that Turkey's social fabric along with its educational system is undergoing an adverse change. This change in educational policies is crucial for Erdogan's government to further his political Islam agenda as a breeding ground for radical elements. As a result, irreversible damage has already been inflicted on the traditional mainstream understanding of religion in the country.



Prison guards beat children during visit to imprisoned mother

Article 37 (Detention and punishment): No one is allowed to punish children in a cruel or harmful way.

Even before the July 15 coup attempt, Turkey's criminal system was over loaded with crowded prisons and backlogged courts. Prisons quickly filled in the days and weeks after the coup attempt, and many detainees found themselves sleeping in shifts, even in the communal spaces, often without any bedding. Authorities also used sports arenas, temporary tents and other unofficial detention facilities to house the tens of thousands rounded up in connection with the attempted coup.

²⁶ - Amnesty International, No end in sight: Purged public sector workers denied a future in Turkey, p. 15. <https://www.amnesty.org/en/documents/eur44/6272/2017/en/>.

The scale of Turkey's purge in the aftermath of July 15, 2016, has been nearly unprecedented. Based on monitoring government decrees and other reports from official sources, by the end of August 2017, TurkeyPurge reported 146,674 dismissals and 124,698 detained individuals.

The Journalists and Writers Foundation is particularly concerned about the situation of the 668 children under the age of 7, who according to the Justice Ministry, are being held (as of August 2017) in Turkish prisons along with their mothers. According to this Foundation, 149 of these children in prison are under a year old; 140 are 1 year old; 124 are 2 years old; 117 children, 3 years old; 77 children, 4 years old; 44 children, 5 years old; and 6 children, 6 years old, the ages of the remaining 11 being unknown (see below). According to the Ministry of Justice, 344 of the children imprisoned along with their mothers are male and 324 are female.²⁸



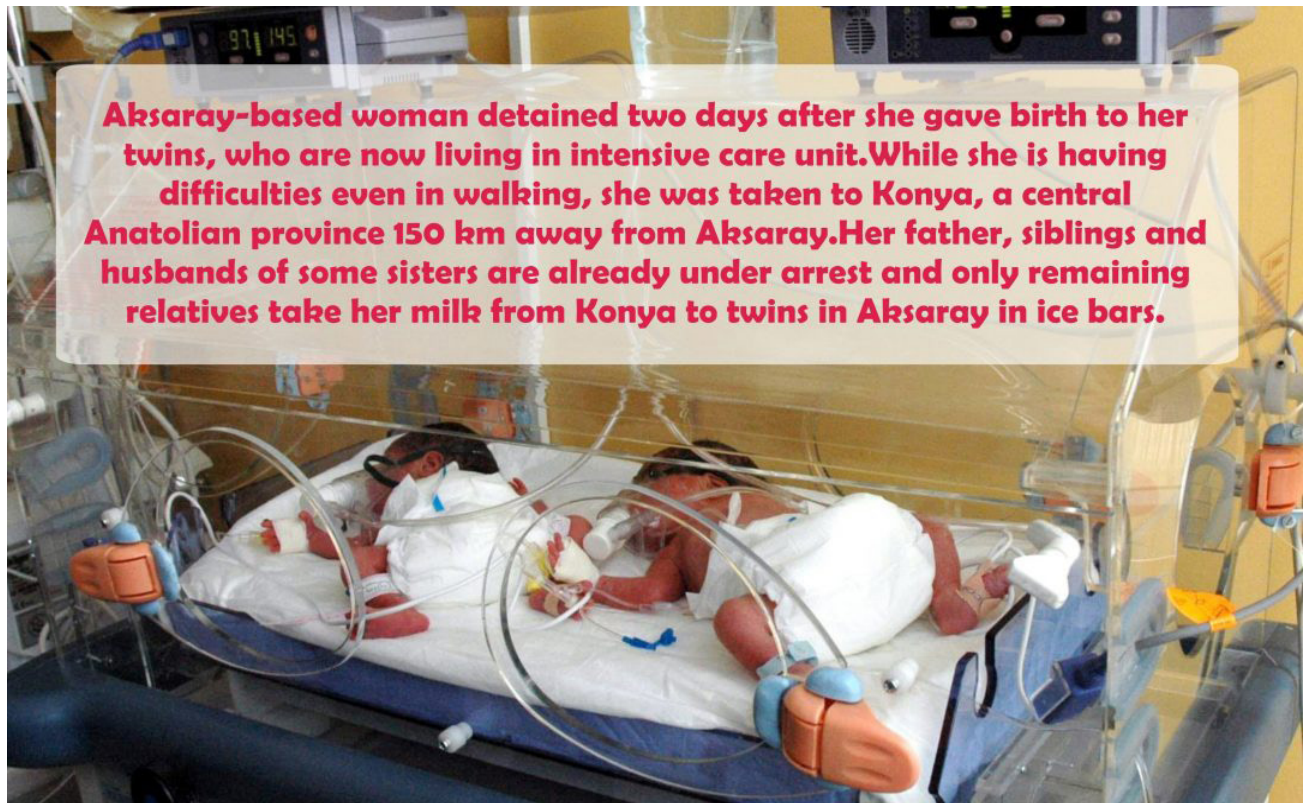
668 children in prison

Table 2: Ages and Gender of the 668 Babies Jailed with their Mothers by the Turkish Government

AGE	MALE	FEMALE	TOTAL
0-12 months	79	70	149
1 year	73	67	140
2 years	67	57	124
3 years	62	55	117
4 years	35	42	77
5 years	22	22	44
6 years	3	3	6
Unknown	3	8	11
Total	344	324	668

27 - A monitoring group tracking the purge and exposing human rights abuses through an online platform.

28 - Source: <http://odatv.com/kac-yasinda-kac-cocuk-cezaevinde-annesiyle-1508171200.html>.



Convention on the Rights of the Child indicates that no child, regardless of who his/her parents are, should be deprived of his or her right of access to health care services

PART III

Conclusions and Recommendations

Turkish children, both in Turkey and abroad are in so many ways victims of the “witch hunt,” the massive purge and suppression of the Hizmet Movement and its alleged members.

As their parents are dismissed from their jobs and professions, detained or arrested, children face serious problems, which significantly affect their physiological, psychological, and cognitive development. Many of them are in prisons with their mothers in precarious conditions where they are routinely denied the right to education and access to healthcare. The detention and arrest of their parents and their alienation as a result of the resulting labeling frequently causes psychological disorders in children.

Among the key determinants of children’s health, nutrition and development are the realizations of the mother’s right to health³⁰ and the role of parents and other caregivers. The state party, as all other parties, must reduce child mortality. Unfortunately, a significant number of infant deaths have occurred in the aftermath of the attempted coup due to the harsh conditions imposed on the mothers before and during the pregnancy and in the immediate postpartum period. In addition, the imprisonment of parents with dependent children has negative consequences for the child’s development, severely impacting his/her human right to flourish.

29 - See Committee on the Elimination of Discrimination against Women, general recommendation No. 24 (1999) on women and health, Official Records of the General Assembly, Fifty-fourth Session, Supplement No. 38 (A/54/38/Rev.1), chap. I, sect. A.

As a state party, Turkey should therefore, as a matter of urgency:

- Take all necessary measures to reverse all legal, administrative and practical measures, with a view of ensuring non-discrimination of children whose parents have been dismissed or imprisoned because of alleged links to the Hizmet Movement.
- Have the best interest of the child always a primary consideration, in particular those dependent children in places of deprivation of liberty.
- Should be strictly guided, in the treatment of all children, by the relevant principles enshrined in the Convention on the Rights of the Child, the Convention on the Elimination of all Forms of Discrimination against Women and other relevant international instruments.
- Should ensure that no child, regardless of who his/her parents are, is deprived of his or her right of access to health care services. Health and other services for children of individuals dismissed or deprived of their liberty in the aftermath of the attempted coup should be available and accessible on an equal basis, in accordance with the relevant principles of international human rights law.
- Provide healthcare coverage and ensure social and healthcare benefits, entitlements and protection for all children whose preventive health care is otherwise jeopardized, regardless of the political beliefs of their parents or whether they have been victims of the post-coup purges.
- Should provide access to preventive and remedial health services for all children and women with dependent children in places of deprivation of liberty, including care for cancer and disabilities.
- Should provide citizenship to all babies born to Turkish citizens, who have not been registered and thus denied the right to the nationality.
- Should allow non-custodial sentences for pregnant women and women with dependent children based on the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules).

PART IV

Examples of violations of the rights of the child

The incidents listed below are only examples of a much broader pattern of serious violations of the rights of the child, which have been corroborated by media reports, including pro-government media. Human rights abuses are increasing daily under the current rule of the AKP government. The universal principle of presumption of innocence is being disregarded when alleged members of the Hizmet Movement, mothers, children and babies suffer in prisons for no legitimate reason. Parents are being detained arbitrarily for months/years without accusation or indictment.

In Turkey, child victims are forced to stay in prisons, where conditions are not even adequate, healthy and humane for adults. According to psychologists, babies and children should not be in prison under any circumstances. In addition, they maintain that growing up in such an unhealthy environment causes long-term personality disorders in children such as Anthropophobia and effective disharmony, among other cognitive developmental issues.

Having no personal space while growing up can lead to problems in developing self-confidence as well as interrupting personal development. Because of this impact on their development, children growing up away from their parents in jail very likely face syndromes such as behavior disorder, aggression, and being prone to violence.

September 2016 – According to a letter sent from a recently released detainee to the independent news portal TR72, police used various methods of torture including placing a plastic bag over the head of a woman in the Ankara Police Station to convince her to testify against the Hizmet Movement. In other allegations contained in the letter, a woman with a 2-month-old baby was permitted to breastfeed her child only once a day. She was forced to plead guilty and sign pre-arranged testimony because the police officers were threatening to mistreat her husband and take away her baby, placing her in state-run children's home. Another case described in the letter involved a pregnant woman almost having a miscarriage as she was held in custody for six days without interruption.

Article 6: Survival and development



Furkan Dizdar

Furkan Dizdar, a twelve-year-old from the city of Izmir in western Turkey, had cancer. However, he was not allowed to go Cuba for treatment because his parents were denied permission to travel by the emergency decree laws. Unfortunately, Furkan died of cancer on February 7, 2017, because the travel ban denied him the right to seek treatment abroad.

Children of A.M. and M.M.

A.M. was arrested in Izmir due to his medical conditions. He has leukemia including an 80% loss of vision in one eye. Due to the mistreatment and the inhumane conditions in the prisons, A.M. was denied his leukemia treatment and lost a critical amount of weight. M.M. was also arbitrarily arrested and sent to prison even though she was pregnant. While they were both imprisoned without any evidence and a fair trial, their eight-year-old son was left behind without love and care.



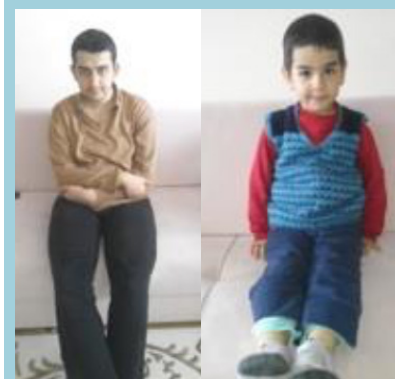
Ayse Sena

Ayse Sena, a two-year-old girl with Down's Syndrome, has been fighting a serious illnesses. Ayse's father Timur Bunlu, a chief in the Police Department, was arrested on 7 October 2016. Approximately, a month later on November 23, Ayse's mother Rukiye Bunlu was also arrested. Ayse's medical condition was severely impacted by her parents' imprisonment, and she developed several psychological and mental disorders, including pulmonary heart disease, mental retardation, acute kidney injury, acute respiratory failure, acidosis, bacterial pneumonia, bronchopneumonia, congenital hypothyroidism, congestive health failure, chronic hypertension, and sepsis.

Later, Ayse was hospitalized in intensive care for 20 days because she was not provided with the medical attention, nutrition, and nurture she needed as both of her parents were imprisoned without a fair trial. Her mother Rukiye Bunlu submitted several requests asking permission to take care of her daughter when she was in the intensive care unit in the hospital. Unfortunately, she did not receive any response from the authorities, and Ayse was left alone at the hospital without the care of her parents.

Veysel Kizilkaya's children

Veysel Kizilkaya was arbitrarily arrested in the city of Rize on 15 November 2016. He was detained without any official indictment from the prosecutor for approximately four months. His wife and three children experienced economic hardship as well as severe mental and health problems because of his arbitrary detention, especially the children who developed psychological disorders. Veysel's seven-year-old son developed aphasia while his oldest daughter had attention deficit disorder.



Fatih and Mucteba Uz

Mustafa Uz and Emel Uz, both public school teachers, were arbitrarily detained without any legitimate evidence for the arrest. Mr. Uz was imprisoned in Nevsehir, while Mrs. Uz has been imprisoned in Manisa for the last eight months. They have three children (Fatih, Mucteba, Sami) who are cared for by their 80-year-old grandparents in Kayseri.

Fatih, 18 years old, and Mucteba, four years old, are both severely autistic (diagnosed 90 % autistic). Both require daily medication and special care. It has been challenging for their 80-year-old grandparents to take care of three children, two of whom need special care. The grandparents submitted medical reports to the court for their release, but they have yet to receive a response.

Hikmet Ozturk

Ahmet Ozturk is a 4th-degree police chief who was detained on 22 July 2014. During his detention, his wife Aysegul Ozturk, who was pregnant at the time, waited for him to be released for hours and days in front of the police station and courthouse. Aysegul was hospitalized and miscarried as a result of the psychological trauma and the physical conditions resulting from her ordeal. Further, Aysegul's mental and physical health deteriorated, and she died on 8 September 2014 in the hospital. In 2015, Ahmet Ozturk was arrested, and his mother-in-law Arife Eser has been taking care of his son, Hikmet Ozturk. Later, Arife Eser was denied permission to visit his son-in-law in prison, and the prison authorities also violated Ahmet's right to see his son Hikmet while he was in prison.





Asim Sencer

Asim was imprisoned for six months along with his mother in Eregli Prison. He was only two months old, and his mother was not able to breastfeed him because of the resulting trauma and psychological disorders caused by her imprisonment. Even though his mother requested supplementary nutrition for him, the prison officials denied her request for the nutrition so necessary for his physical, mental, and socio-emotional development.

Baby Azra

Azra is one of the 668 babies held in Turkish prisons with their mothers. Azra was not allowed supplementary nutrition because her mother's breastfeeding was not sufficient due to her psychological disorders. The prison officials are violating her right to health, nutrition, and well-being while in prison.

Mahir Merdan

Mahir is one of the 668 babies imprisoned along with their mothers in unhealthy conditions in Turkish prisons. Mahir has been held in Tarsus Prison for 11 months now. The prison cell has a maximum capacity of 26 prisoners; however, there are 70 prisoners crowded into this cell. Baby Mahir was also denied supplementary nutrition even though his mother requested it for his health and development.



Article 23: Children with Disabilities



Omer Seyfettin and Tugba Cakmak

Seyfullah Cakmak was dismissed from his position as the Attorney General by the state of emergency decree laws. Later, he was arrested on the 17 July 2016 and imprisoned in Kocaeli Prison, then transferred to Silivri Prison in Istanbul. His wife Hacer Cakmak was left alone to take care of their two children, both of whom are 98% handicapped. The Turkish government revoked their social security and health care benefits for these children. The family appealed to the court and began a campaign on social media to regain their rights to health care. Fortunately, Mr. Cakmak was transferred back to Kocaeli Prison, and the children's disability benefits were granted once again.

Hacer Cakmak submitted several requests for release of her husband because she was having difficulty taking care of their disabled children. However, the government officials recommended that she give them to the state's child protection agency.

Article 24: Health and Health Services

Mehmet Selim Selcuk

Betul Selcuk was a physics teacher who was jailed when her baby was only five months old. Her husband was a teacher and was arrested as well. Betul's baby Mehmet Selim was also jailed along with his mother for five months. Baby Mehmet needed emergency care in prison, but he was denied his right to health care during the imprisonment. Baby Mehmet required consent from his parents for his eye surgery, but he could not obtain this permission because they were both in prison.

The family does not have any immediate relatives to take care of him. Mehmet is now 12 months old and has been in jail for the last seven months. Mehmet's physical and cognitive development is affected due to the inadequate conditions in prison. He is not even allowed to have any toys to play with in prison. Betul Selcuk has submitted multiple requests for release with parole; however, she has not received any responses.



Menap Aras' daughter

Menap Aras was a driver who was arbitrarily detained in Igdir on the 9 September 2016. Later, he was arrested and imprisoned in Kars Prison on the 23 September 2016. Menap Aras' daughter was diagnosed with bone marrow cancer and had to drop out school for treatment. She was traveling from Igdir to Erzurum twice a week. It was a severe economic hardship for the Aras family to pay for the medical care and the medication from abroad. After the arrest of Menap Aras, the family could not pay their debts, which stopped their social security benefits. Unfortunately, Menap's daughter is denied treatment because the government revoked their social security and health care benefits.

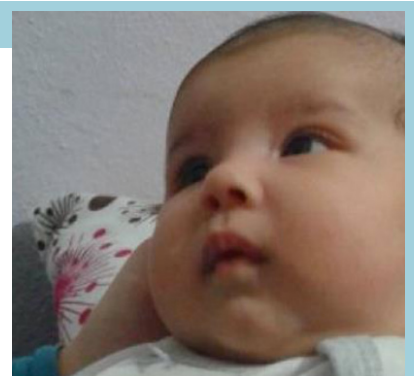


Ahmet Canik

Administrative Judge Fatih Canik was arrested and jailed in Kahramanmaras. Fatih's five-year-old son Ahmet Canik lost his life in a traffic accident while he was crossing the street to visit his father in jail on 19 May 2017. Judge Canik's family lives in the city of Afyon, but he was transferred to Kahramanmaras Prison; therefore, the family members were forced to travel hundreds of miles to visit him, and the tragic accident took place during one of their long commutes.

Betul Akdag

Betul Akdag, a 2½ year-old girl, has oral thrush, a fungal infection of the mouth. She was imprisoned along with her mother on 27 April 2017. Her mother Melek Akdag, a public school teacher, was arrested along with her husband in Buca. The medical report recommends immediate treatment for her thrush; however, the prison does not provide the treatment this baby needs.





Sena Uslu

Oya Uslu was detained in Kocaeli on 9 October 2016. She was accused with no evidence for volunteering at her a charity fair organized by her dormitory while studying for undergraduate degree in Konya in 2011. She was imprisoned along with her 3-month old baby. Baby Sena is suffering from a nutrition deficiency that is causing her to lose weight; she now weighs below what is recommended for healthy mental and physical development in infants. Her mother Oya requested supplementary nutrition for her baby, but the prison officials denied her access to the food from outside which is critical for infants who do not receive the necessary nutrition from breastfeeding. Due to the lack of nutrition, baby Sena`s health is getting worse every day.

Hafsa Huma Cinar

Teacher Sadice Cinar was arrested along with her 33-day old baby Hafsa Huma on 15 May 2017. The baby has critical kidney issues due to the unhealthy conditions in prison. The medical reports suggest that baby Huma should undergo surgery as soon as possible. Sadice has submitted requests for a conditional release (parole) to care for her baby and supervise the treatment for kidney (renal) failure, but the prison officials have ignored her request. Sadice Cinar was arbitrarily arrested without any evidence or fair trial.



Article 37: Detention and punishment

Ceyna Cinar

Zeynep Cinar was arrested and transferred to Sakran prison along with her husband on October 2016. Ceyda, who is 12 months old, stayed in jail along with her mother, Zeynep. During visiting hours in the jail, baby Ceyda was allowed to see her father and then was returned to her mother after the visit. Zeynep has applied for parole multiple times, but she has yet to receive a response.



Murat Meci

Ozlem Meci was a history teacher in a prep school that was closed by the decree laws after the coup failed. She was arrested on 3 October 2016 based on false accusations and without any evidence other than she worked for a school linked to the Gulen Movement. Ozlem, who was pregnant when she was detained, gave birth on 15 February 2017. One day after the birth, infant Murat and his mother were brought back to the prison, which is not a healthy environment for a newborn baby and a mother with medical needs.

Case of Baby Elif

Elif is a three months old baby whose parents are both jailed. Baby Elif stayed in prison with her mother for the last eight months. Elif is one of the 668 children in prison who undergoes nutritional deficiency where access to supplementary nutrition and healthy food for babies were denied.

B.K.'s two children

The state of emergency and the decree laws allow prison officials to threaten the children and family member of prisoners. B.K. is one unfortunate example of such threats. B.K. was dismissed from his government job in Domanic, Kutahya, because of the decree laws and imprisoned in prison for seven months. He was diagnosed with chronic obstructive pulmonary disease, and the medical reports were submitted to the police officers. However, the officers sent him along with 24 other prisoners victims to a jail with a maximum capacity of eight people.

On 2 March, 2017, police officers broke into his house searching for illegal objects or documents. There were no elements of a crime in the home, but it was recorded that the police chief ordered the officers to detain B.K.'s wife and children until they could find evidence that can be used against the family. B. K.'s son was a high-school student, and his daughter dropped out of college because the family could not afford their tuition and the daily expenses anymore.

Omer Celikbilek

Hatice Kubra Celikbilek was arrested during the second wave of the police operations in Denizli. Many people including teachers, housewives, and small business people were accused of financially supporting a terrorist organization. She was arrested without an indictment; the prosecutor finally prepared one, and her trial was held months later. Baby Omer was eight months old and lived in prison with her mother, a situation that is unhealthy for infants. The court agreed to release the baby due to the unsanitary conditions, and relatives were allowed to care for Omer.



PART V

Illustrative account from a victim in Bakirkoy Women's Prison

In the course of drafting the present report the Journalists and Writers Foundation collected evidence on several cases illustrating the plight of mothers with their children in prisons. The Journalists and Writers Foundation carefully examined and found most of allegations consistent and credible. The account described below was selected as the most illustrative among those cases, based on the understanding that it was detailed and the victim had no children of her own in prison. In addition, elements of her case were corroborated with information from at least another source. The Journalists and Writers Foundation has withheld her name and other relevant information, such as dates, times, place of detention and profession, to protect her and her family against repercussions – referring to her below as “the victim”.

The victim was detained in Istanbul and transferred to the Bakirkoy Women's Prison in the aftermath of the attempted coup on terrorism-related charges, as an alleged sympathizer of the Hizmet movement. She spent several months in the Bakirkoy Women's Prison where she described the conditions in detention facility as “dreadful”. According to her account, the detention cells were accommodating 3 to 5 women and the cells were all in the basement without any sunlight. Women deprived of their liberty could only “count” on the light dimming through the corridors. Women were not allowed to have any belongings and had to take bath in the restrooms, which were used by both, men and women. She and other women had to make pillows out of their own dresses. Foams on the floor were used both, as beds and to sit on them during the day, since there was simply nothing else in the cell. The canned food the detainees were fed was simply “awful” and smelled horribly. In her detention cell there was one pregnant women and one breastfeeding lady. Given the conditions everyone else was constantly praying for them to be either released or be transferred to an imaginary “better” prison.

There were no children in her ward who would spend all the time along with their mothers. Children below the age of 6 were temporarily “joining” to visit their mothers in prison for several days. In the view of many however it was not wise for children to spend any time in the jail given the inhumane conditions. Every week, one woman was allowed to have her child inside and request additional nutrition, including milk, eggs and cheese. The victim herself had friends with children in jail; one had a 3 years old boy, one had a 4 years old girl, and the other one had a 5 years old girl, who occasionally visited their mothers.

The psychological pressure on children in prison was devastating, since they were constantly posing the question - why the gates were closed? They were asking why anyone was not allowed to go outside and the doors were being shut all the time. The prevailing view among the children was that the facility was indeed a hospital and their mothers were simply patients. This view was reinforced by the fact that children were able to see some of the prisoners having medicines, and they truly believed the facility to be a hospital. However, there were other children who could only talk to their mothers behind the glass wall, and it was so hard to explain the situation to those children.

Mothers were also “feeding” this view and trying to “convince” their children that the wards were patient rooms and they had to stay inside for treatment. Several women police officers deprived of their liberty would normally state to their children that “they were on duty and could not leave until their term was over.” The victim and other detained women would buy candies and fruits from the cafeteria every time children would visit their mothers in prison. They were doing their best for the children not to remember the prison as a bad place. Praying and buying candies and fruits, this was indeed all they could do for them.

Sometimes however that would not work and several children would manifest serious psychological problems. One of the victims friend’s son for example started to have serious problems. He did not want to communicate with any of the other women in the cell and would “stick” to his mother all the time, reluctant to leave his mother alone even for a moment. He was holding on to his mother’s arms and legs to restrain her from leaving him. After only spending a week or so in the prison, he started speaking to other women. From the gender prospective, detained women would observe that male children tend to be generally closer on their mothers, which caused communications problems. In comparison, female children were more relaxed and open compared to male children. In the end however both, male and female were extremely worried and anxious to lose their mothers again.

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ASSAULT ON EDUCATION
In Turkey And Abroad



WOMEN'S RIGHTS
UNDER ATTACK IN TURKEY



POST-COUP TURKEY: State Of
Emergency, Torture and Impunity

668

Children in Prison

Age		Increment	
0-12 mts	114	+30%	149
1-3 years	323	+18%	381
4-6 years	106	+20%	127

#childrenvictims

Source: "The state of turkey's children & children victims of unlawfulness" jwf 2017
 Facebook: <https://www.facebook.com/JWFGlobal/> twitter: @JWFfoundation_

Article
02

Non-discrimination: The Convention on the Rights of the Child applies to all children, whatever their race, religion or abilities; whatever they think or say, whatever type of family they come from. It doesn't matter where children live, what their parents do or whether they have a disability. No child should be treated unfairly on any basis.

Article
06

Survival and development: Children have the right to live. Governments should ensure that children survive and develop healthily.

Article
07

Registration, name, nationality, care: All children have the right to a legally registered name, official recognized by the government. Children have the right to a nationality (to belong to a country).

Article
20

Children deprived of family environment: Children who cannot be looked after by their own family have a right to special care and must be looked after properly, by people who respect their ethnic group, religion, culture, and language.

Article
37

Detention and punishment: No one is allowed to punish children in a cruel or harmful way.

Article
27

Adequate standard of living: Children have the right to a standard of living that is good enough to meet their physical and mental needs. Governments should help families and guardians who cannot afford to provide this, especially regarding food, clothing, and housing.

Article
24

Health and health services: Children have the right to good quality health care – the best health care possible – to safe drinking water, nutritious food, a clean and safe environment, and information to help them stay healthy.

Article
23

Children with disabilities: Children who have any disability have the right to special care and support, as well as all the rights in the Convention so that they can live full and independent lives.

Article
28

Right to education: All children have the right to a primary education, which should be free. Young people should be encouraged to reach the highest level of education of which they are capable.