



# **CROSSBORDER JURISTS ASSOCIATION**

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For the consideration of Türkiye's second Periodic Report**

**Children's Rights Violations in Türkiye**

**September - 2024**

## **THE VIOLATIONS OF CHILDREN'S RIGHTS**

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## **Executive Summary**

The report prepared by Crossborder Jurists focuses on the topic of Children's Rights. It highlights the violations of children's rights that have been ongoing since the state of emergency between July 2016 and July 2018. The report specifically looks at the children of parents who were dismissed from their jobs and arrested on political grounds by emergency decrees.

The analysis in the report considers the rights of children in line with the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child.

One of the most serious issues highlighted in the report is discrimination against children. This discrimination has resulted in numerous violations of their rights. The children have been affected by the same political upheavals as their parents, leading to violations of almost all rights outlined in the Convention on the Rights of the Child, including the right to freedom of movement, the right to life, and the right to liberty and security of person.

The report is based on concrete data and documents, and it provides two recent examples to illustrate the ongoing rights violations. The first example is the "Finland Immigration Service: Turkey Individuals Associated with the Gülen Movement" report, which demonstrates the ongoing rights violations. The second example is an investigation conducted by the Istanbul Chief Public Prosecutor's Office in May 2024, resulting in the indictment of children under the age of 18 without any criminal act or suspicion of a crime. The report highlights that the law's limits have been exceeded, and children have been subjected to detention and interrogation without access to legal representation.

This report emphasizes the need for stronger international scrutiny of Turkey's actions in relation to children's rights. It calls on the Turkish government to take meaningful steps to align its practices with international child and human rights standards. The report urges the international community to press Turkey to ensure that the fundamental rights and freedoms of children are protected under the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, and other relevant international treaties.

## **I- CONCEPTS**

### **1. Child**

1. As stated in Article 1 of the Convention on the Rights of the Child, every individual is unequivocally deemed a child until reaching the age of 18. Consequently, our study unequivocally centers on the victimization of individuals under the age of 18.

### **2. State of Emergency Decree Law**

2. The term "State of Emergency Decree Law" in the Report refers to the decrees issued during the State of Emergency. Hereinafter in the Report, the term "Decree Law" will be used as a single word.
3. Turkey was under a state of emergency between July 21, 2016 and July 18, 2018. During this period, 37 decrees were issued. Hundreds of laws, from the Law on Procurement to the Village Law, were amended. With these decrees, mechanisms protecting fundamental rights and freedoms became dysfunctional.
4. Despite the end of the state of emergency, the vast majority of amendments to the law remain in place.

### **3. Victim of the State of Emergency Decree Law**

5. Victims of emergency decrees refers to people whose rights have been arbitrarily violated by decrees issued during the state of emergency. Hereinafter, the shorter and more concise term "Victim of Decree" will be used. The term "decree victims" refers to two groups in the narrow and broad sense. In the narrow sense, decree victims refer to people whose names were included in the published lists and who were thus dismissed from public office and banned from practicing their professions ever again. The number of people in this scope is 134,258<sup>1</sup>.
6. In a broad sense, victims of the decrees correspond to a group of people based on the criteria introduced by the decrees. These criteria were used in administrative decisions, official documents, prosecution and court decisions as follows<sup>2</sup> :
  - His/her workplace was closed down by decree,
  - Having an account in Bank Asya, which was closed by decree,
  - Their children were educated in schools that were closed by decree,
  - The fact that they themselves were educated in courses, dershanes, dormitories, schools and universities that were closed down by decree years ago,
  - Reading and keeping books by publishing houses closed down by decrees in their homes,
  - Reading and subscribing to newspapers and magazines closed down by decrees,
  - Being a member of associations closed down by decrees, participating in the activities of these associations, providing financial aid to them in the past,
  - Membership of trade unions closed down by decrees,
  - The spouse, child, mother or father of someone who has been dismissed by decree,

<sup>1</sup> <https://www.solidaritywithothers.com/dismissal-by-decree-laws-and-hsk>

<sup>2</sup> FIS, Finnish Immigration Service : Turkey Individuals Associated with the Gülen Movement, [FIS\\_Turkey\\_Individuals+associated+with+the+Gülen+movement\\_June\\_2024+\(2\).pdf \(migri.fi\)](https://www.fis.fi/en/individuals-associated-with-the-gulen-movement-june-2024-2) .

<https://www.crossborderjurists.org/turkey-womens-rights-report-women-victims-of-the-state-of-emergency/>

It is possible to increase the number of these criteria.

7. People have been detained, tortured and arrested on the basis of these criteria. Many of them have been sentenced to long prison terms. What is striking here is that the expression "decree" constitutes the core of the accusations. In other words, when this expression is removed from the accusations, there is neither a crime nor a basis. Because the same people were living in the same country in the same way before the decrees. Their ordinary activities in their daily lives were not considered crimes. This is why "victims of the Decree" refers to a very large group of people.
8. Broadly speaking, the victims of the decree are largely composed of volunteers of the Hizmet Movement<sup>3</sup> and members or supporters of the Peoples' Democracy Party. Service Movement volunteers were accused of having links or affiliations with the organization defined by the political will as "FETÖ", while members and supporters of the Peoples' Democracy Party were accused of having links or affiliations with the PKK. The criteria used in these accusations are fabricated and hypothetical arguments produced by decrees. People have been accused of membership, leadership or aiding a terrorist organization based on these manufactured criteria.
9. In a broad sense, the victims of the decree also include dissidents. For example, academics who signed the "Academics for Peace Declaration". They were dismissed from their jobs and subjected to investigations, detentions and arrests. Again, those who supported the Özgür Gündem newspaper, which was shut down by the decrees, were arrested. Among them is the writer Aslı Erdoğan. In this context, tens of thousands of people who are seen as opponents of the government have been victimized by charges brought by decrees with retroactive effect<sup>4</sup>.
10. Important findings on the victims of the decree in a broader sense were also included in the European Commission's Turkey Reports (also known as the European Union Progress Reports). For example, in the 2018 report, "Trials involving suspected members of the Gülen movement and coup plotters have raised serious questions about compliance with international standards. Of particular concern is the fact that relatives of suspects have been directly or indirectly targeted by a range of measures, including dismissal from public institutions and organizations and confiscation or revocation of passports. The determination of alleged links to the Gülen movement has been based on a number of informal criteria, including the education of their children in schools linked to the organization, the deposit of money into a bank account linked to the organization or the use of the ByLock mobile messaging application."<sup>5</sup>. These criticisms later found their way into ECtHR judgments as violations.
11. The number of victims of the decrees in broad terms is not known exactly, but exceeds 1 million. The decrees closed down 3,942 institutions<sup>6</sup>. 985 were transferred to the Savings Deposit Insurance Fund and placed under state control<sup>7</sup>. These include institutions such as joint stock companies, holdings, schools, universities, universities, classrooms, newspapers, televisions, radios, associations, foundations, trade unions with hundreds of thousands of employees and members. This group also includes thousands of people who have been dismissed by their bosses on the basis of the criteria listed above for fear of state repression.
12. The data that most clearly shows the number of decree victims in a broad sense is the data on judicial investigations and prosecutions. According to the report prepared by MP Mustafa Yeneroğlu, the number of people accused of armed terrorist organizations based on criteria

<sup>3</sup> According to the statements made by Minister of Justice Bekir Bozdağ, the number of people subjected to investigations on the grounds of being in contact with the Hizmet Movement is 559,322 in the files completed as of June 14, 2022. <https://www.trthaber.com/haber/gundem/bakan-bozdag-6nci-yargi-paketiyle-stokculara-hapis-cezalari-artacak-687718.html>

<sup>4</sup> [FIS\\_Turkey\\_Individuals+associated+with+the+Gülen+movement\\_June\\_2024+\(2\).pdf \(migri.fi\)](#).

<sup>5</sup> European Commission 2018 Turkey Report, p.8.

<sup>6</sup> <https://tr.solidaritywithothers.com/closed-institutions>

<sup>7</sup> Human Rights Joint Platform, State of Emergency Practices: Updated Status Report - 2018 p. 45. [ihop\\_OHAL\\_raporu\\_17042018.pdf \(reports.org\)](#),

produced after July 15, 2016 on the basis of the State of Emergency Decree Laws is 1,056,000 as of 2018<sup>8</sup> . According to calculations made by lawyer Levent Mazılıgüney based on (TÜİK) data, 1,768,530 people have been charged with terrorism from 2016 until the end of December 2021<sup>9</sup> .

13. In view of the fact that the victims of the decree are subjected to terrorism charges, it is necessary to consider the reality of terrorism in Turkey. As of 12.12.2015, according to Ministry of Justice data, the number of detainees and convicts from all terror groups (PKK, ISIS, DHKP-C, TKML, etc.) is 7,469<sup>10</sup>. The number of PKK members in Turkey, which is internationally recognized as a terrorist organization, was around 2,475 - 2,780 in 2016, 1,835-1,995 in 2017, 1,100 - 1,200 in 2018, according to official data from the Ministry of Interior<sup>11</sup>. This official data also sheds light on the situation of around 2 million people who were subjected to terrorism investigations in the same period according to the criteria introduced by decrees. Accordingly, while these people are not terrorists, they have been declared criminals according to the criminal criteria introduced by the decrees and arbitrarily abandoned to civil and social death. These 1,768,530 people should therefore be broadly recognized as victims of the decrees.
14. Individual applications have been made to the ECHR<sup>12</sup>, the United Nations Human Rights Committee<sup>13</sup>, the United Nations Committee for the Prevention of Torture<sup>14</sup> and the ILO and the United Nations Working Group on Arbitrary Detention<sup>15</sup> regarding the dismissals, detentions and arrests of victims of the Decree. All of these applications have resulted in decisions of violation. To date, there has not been a single decision upholding the Turkish State's practices regarding the emergency decree holders.
15. The ECtHR's judgment in *Yalçınkaya v. Turkey* ruled that the criteria established by the decrees listed under this heading and the charges that have retroactive effect were violated. The decision emphasized that the principle of no crime and punishment without law was violated.

#### 4. Children of Decree Victims

16. The subject of this study is children whose parents are victims of the decree.
17. In September 2017, a workshop entitled "New Generation Terror: Analyzing FETÖ" was held at the Police Academy. Prosecutors who took part in FETÖ/PDY trials and even the presidents of heavy criminal courts were present at the workshop. Following the workshop, a report was published<sup>16</sup>. On page 14 of the report, it is stated: "*We should never forget that we are in a war with FETÖ that will last for several generations, that we have won a part of the war as a*

<sup>8</sup> <https://www.gazeteduvar.com.tr/yazarlar/2020/02/13/yeneroglundan-silahli-teror-orgutu-uyeligi-raporu>

<sup>9</sup> <https://twitter.com/AvLeventism/status/1602245633238237184?s=20&t=arFMGc1b6bsZmbiEgfBHUg> . Internet access date :06.02.2023

<sup>10</sup> <https://www.rudaw.net/turkish/middleeast/turkey/121220151>, <https://www.milliyet.com.tr/gundem/ipek-271-isid-lincezaevinde-2135220>. This number includes people who have been in prison for years.

<sup>11</sup> <https://www.icisleri.gov.tr/kurumlar/icisleri.gov.tr/IcSite/strateji/%C5%9EEREF/Stratejik-Yonetim/Butce-Sunumu.pdf>. Here, the highest numbers from the data provided by the Ministry of Interior are taken. The estimated figures shared by the Ministry are as follows. 2016: 2.475 - 2.780, 2017: 1.835-1.995, 2018: 1.100 - 1.200

<sup>12</sup> Some Precedent Judgments of the ECtHR: <https://www.solidaritywithothers.com/ecthr-judgments>, <https://hudoc.echr.coe.int/eng#%7B%22itemid%22%3A%222001-207680%22%7D>, <https://hudoc.echr.coe.int/eng#%7B%22itemid%22%3A%222001-214483%22%7D>, <https://hudoc.echr.coe.int/fre?i=001-194102%7B%22itemid%22%3A%222001-194102%22%7D>,

<sup>13</sup> UN Human Rights Committee Resolution: UN documents | OTHERS (solidaritywithothers.com)

<sup>14</sup> UN Committee for the Prevention of Torture Resolutions: UN documents | OTHERS (solidaritywithothers.com)

<sup>15</sup> UN Working Group on Arbitrary Detention Sample Resolutions : <https://www.solidaritywithothers.com/un-documents>

<sup>16</sup> [https://www.pa.edu.tr/Upload/editor/files/Yeni%20Nesil%20Ter%C3%B6r\\_FETO\\_014\\_07\\_2019\(1\).pdf](https://www.pa.edu.tr/Upload/editor/files/Yeni%20Nesil%20Ter%C3%B6r_FETO_014_07_2019(1).pdf)

*state and nation, and that the war will continue.*" The group meant by the word "FETÖ" here is actually the victims of the decree. The group victimized by the decrees were defined as terrorists in the "dehumanization" stage, which is one of the stages of genocide, and were "witchified and demonized" by being defined with the word "FETÖ". The part of these statements that is relevant to this report, that is, to the children of the victims of the decree, is the phrase "a war that will last for several generations". The "generation" in this statement refers to the children of the victims of the decree. The children of the victims of the decree are the targets of the "war" described in the report prepared as a result of this workshop. Unfortunately, what has happened and what is happening shows that children are indeed being targeted.

18. The number of children subject to the document is not clearly revealed in any official data. The "Social Costs of the State of Emergency in its 3rd Year Report"<sup>17</sup> prepared by the Justice for Victims Platform and the "Violations under the Force of Law: Violations of the Right to Work and Discrimination Research Report on Decree Victims" prepared by the Right to Life Association addressed different working groups. According to both reports, the average number of children of decree victims is two<sup>18</sup>. In order to determine the number of children, it is necessary to consider the number of decree victims in the narrow and broad sense together. The data that gives this number as a whole is the number of investigations. The number of people subjected to investigations, detentions and arrests based on the decrees is 1,768,530 as of 2021. Accordingly, it can be easily stated that the number of children constitutes a mass of more than 3 million. This number is higher than the population of 50 countries in the world<sup>19</sup>.
19. These children have been subjected to severe discrimination and deprivation of rights by both public bodies and society on the grounds of their parents' status. In the following sections of the report, detailed explanations will be provided on the rights violations these children have been subjected to.

## II- RIGHT VIOLATIONS

### 1. Non-discrimination (ICCPR Art. 2, 3, 6, 25 and 26, UNCRC Art. 2)

20. Bayram Erzurumluoğlu, one of the academics who prepared the Social Costs of the State of Emergency Reports in 2017, 2018 and 2019, said "As a result of the witch hunt they are conducting, they are implementing the policy of 'the child of a witch is also a witch'"<sup>20</sup>. This is an expression that summarizes discriminatory practices.
21. Despite the prohibition in the conventions, children of victims of the decree have been subjected to discrimination in many areas<sup>21</sup>. Examples are listed below.
  - It has been reported that the children of the victims of the decree have been 'blacklisted' by the state and prevented from entering some schools such as military and police academies<sup>22</sup>.

<sup>17</sup> Justice for Victims Platform, Social Costs of the State of Emergency in its 3rd Year Report, [https://www.academia.edu/44609212/3\\_Y%C4%B1l%C4%B1nda\\_OHALin\\_Toplumsal\\_Maliyetleri\\_Raporu\\_Updated](https://www.academia.edu/44609212/3_Y%C4%B1l%C4%B1nda_OHALin_Toplumsal_Maliyetleri_Raporu_Updated)

<sup>18</sup> Life Rights Association, Violations Under the Force of Law: Rights Violations and Discrimination Research Report on Decree Law Victims, [KHK Raporu - Çalışma Hakkı İhlalleri.pdf](https://www.bianet.org/khk_raporu_-_calisma_hakki_ihlalleri.pdf) (bianet.org)

<sup>19</sup> [https://tr.wikipedia.org/wiki/N%C3%BCfuslar%C4%B1na\\_g%C3%B6re\\_%C3%BClkeler\\_listesi](https://tr.wikipedia.org/wiki/N%C3%BCfuslar%C4%B1na_g%C3%B6re_%C3%BClkeler_listesi)

<sup>20</sup> <https://www.gazeteduvar.com.tr/engelli-yakinina-khk-gerekcesiyle-yardim-verilmedi-haber-1507972>

<sup>21</sup> [FIS Turkey Individuals+associated+with+the+Gülen+movement\\_June\\_2024+\(2\).pdf](https://www.migri.fi/FIS_Turkey_Individuals+associated+with+the+Gülen+movement_June_2024+(2).pdf) (migri.fi)

<sup>22</sup> [FIS Turkey Individuals+associated+with+the+Gülen+movement\\_June\\_2024+\(2\).pdf](https://www.migri.fi/FIS_Turkey_Individuals+associated+with+the+Gülen+movement_June_2024+(2).pdf) (migri.fi).

- R veyda Tekg z<sup>23</sup> , a girl with autism, was denied social benefits on the grounds that her father's name was included in the decree<sup>24</sup> .
- Nuref an Ketenci<sup>25</sup> , who was born with Cat Meow Syndrome (Cri du Chat), which is seen in one in 50 thousand people in the world, was expelled from the rehabilitation center where she was educated because her father's name was included in the decrees<sup>26</sup> .
- Many students were denied state scholarships on the grounds that their parents' names were included in the decrees<sup>27</sup> .
- Some of the children of decree victims were discriminated against in schools and given low grades by teachers. It was even reported that a teacher said to a primary school-age child to whom she gave an unfairly low grade, "I am not giving this grade to you, but to your mother."<sup>28</sup> .
- Students of the closed schools were subjected to discrimination and bullying by teachers and students in the new schools they attended<sup>29</sup> .
- The recognition request of the daughters of the Ka maz family<sup>30</sup> , who were abducted from Pakistan and forcibly brought to Turkey, was not accepted and they were prevented from continuing their education<sup>31</sup> . However, for years, the diplomas of thousands of Turkish and foreign children who graduated from these schools have always been recognized.
- Harun Atay n, son of former Police Chief Anadolu Atay n<sup>32</sup> was not admitted to public schools because his father and mother were arrested and imprisoned on the basis of criteria produced by decrees<sup>33</sup> .
- With the decrees, the students of the closed schools were prevented from traveling abroad and passport bans were imposed on them<sup>34</sup> .
- Bursa Municipality did not allocate vehicles for the transportation of the bodies of children who drowned in the sea while leaving the country. The reason given was that the names of their parents were included in the decrees. However, these vehicles are provided free of charge to anyone who requests them<sup>35</sup> .

<sup>23</sup> Information about this person was shared in open sources. It became a hot topic on social media. Therefore, it was included in our report.

<sup>24</sup> <https://boldapp.de/2021/11/12/babasi-khkli-olan-otizmli-ruveydanin-engelli-ayligi-mucadelesi/>

<sup>25</sup> Information about this person was shared in open sources. It became a hot topic on social media. Therefore, it was included in our report.

<sup>26</sup> <https://boldmedya.com/2021/07/25/babasi-khk-ile-kapatilan-kurumda-calisti-diye-egitim-hakki-engellenen-nurefsan-vefat-etti/>

<sup>27</sup> <http://m.haberdar.com/genel/ysk-da-ilk-100-e-giren-ogrenciyi-vakif-universitesi-babasi-khk-li-diye-burslu-kaydetmedi-h211132.html>

<sup>28</sup> 3rd Report on the Social Costs of the State of Emergency, p. 164.

<sup>29</sup> 3rd Year of the State of Emergency's Social Costs Report, June 2020, pp.59, 76, 283.

<sup>30</sup> Information about these individuals was shared in open sources. It became a hot topic on social media. Therefore, it was included in our report.

<sup>31</sup> <https://kronos35.news/tr/pakistanli-yetkililer-sucunuz-yok-biliyoruz-ama-erdogan-cok-baski-yapiyor-dedi/>

<sup>32</sup> Information about these individuals was shared in open sources. It became a hot topic on social media. Therefore, it was included in our report.

<sup>33</sup> <https://kronos35.news/tr/birsen-atayun-anadolu-beyin-gelmeyecegine-inansam-ben-de-yasamak-istemem-tabi-ki-gelecek/>

<sup>34</sup> 3rd Year of the State of Emergency's Social Costs Report, June 2020, p.283.

<sup>35</sup> <https://kronos35.news/tr/bursada-baskan-skandali-egede-olen-bebeklere-cenaze-arabasi-vermedi/>

## 2. Right to liberty and security of person (Article 9 ICCPR, Article 37 UNCRC)

22. Among the children subject to the report are children whose right to liberty and security of person has been violated.
23. On 7 May 2024, upon the instruction of the Istanbul Chief Public Prosecutor's Office, the Istanbul Police Smuggling Department organized a police operation and detained nearly 40 people, mostly young university students. The gross violations of rights, especially against children, during this investigation process are quite striking.
24. The public was informed about this issue by MP Ömer Faruk Gergerlioğlu<sup>36</sup> and statements were made about the violations of rights. It was addressed in the report published by Solidarity With Others in July 2024 titled "The Deadly Threat to Human Rights: Turkey's Definition of Terror"<sup>37</sup> published by Solidarity With Others in July 2024. The trial process started, the confidentiality of the investigation file was lifted and the indictment of the investigation was obtained by our Association Crossborder Jurists<sup>38</sup>. The indictment is numbered 2023/276683 Investigation, 2024/32583 Esas of Istanbul Chief Public Prosecutor's Office.
25. In the light of the official information and documents mentioned below, explanations will be made about the violations of rights.
26. First of all, it should be noted that the target of this investigation is children whose parents are affiliated with the Hizmet Movement. In the entire indictment, no terrorist offense, terrorist act or any other criminal offense is presented. Physical surveillance has been conducted on children whose parents are in prison, their social relations have been defined as a crime, and almost everyone with social connections has been named as a suspect and made the subject of the indictment. This situation is very worrying.
27. In this operation, 14 children aged between 13 and 17 were actually detained by the Children's Branch Directorate. *Although the police documents describe the operation as 'information gathering', this obscures the reality. The issues that reveal that the operation was a de facto detention are listed as follows.*
  - a. The compulsory summoning of witnesses is regulated in Articles 45 and 60 of the Code of Criminal Procedure. As can be understood from these regulations, the person to be heard as a witness must first be called by invitation. If he/she fails to appear, the "court" may issue a compulsion order against the witness. According to the Code of Criminal Procedure, the Prosecutor has no power to compel a person to appear as a witness. The authority to force a child to be brought in by the police and have his/her testimony taken by the police is clearly an arbitrary overstepping of legal boundaries.
  - b. *At around 05:00 in the morning, the police raided the homes of the children who were to be interviewed. The children were forcibly taken from their homes.*
  - c. *The two brothers were taken from the same house and transported to the police station in different vehicles under high security.*
  - d. *As part of the detention procedure, a medical report was obtained from the hospital under police control.*
  - e. *Actions were taken against the children, such as a report on taking them under custody, a report on notifying their relatives, and an order not to allow them to see a lawyer. None of these procedures can be applied to witnesses.*

<sup>36</sup> <https://x.com/gergerliogluof/status/1790443087728128276> E.T. 27.08.2024

<sup>37</sup> [https://tr.solidaritywithothers.com/files/ugd/b886b2\\_63952de2d3b041df8925ebd4105be909.pdf](https://tr.solidaritywithothers.com/files/ugd/b886b2_63952de2d3b041df8925ebd4105be909.pdf) E.T.: 27.08.2024

<sup>38</sup> You can access this document in UYAP Information System from <http://vatandas.uyap.gov.tr> with ZT0PaLJ - Himax+v - UBE9lms - WXhfKc=.

- f. The children who were detained at 05:00 in the morning were released at 21:45 in the evening and handed over to their relatives. In other words, the detention process lasted 16 hours.
  - g. The children were not allowed to see a lawyer, and the police also kept a police report.
28. As can be seen, the procedure is not the forcible bringing of a witness. The children were subjected to the procedure for the arrest and detention of suspects in the Code of Criminal Procedure. The investigative powers in the Code of Criminal Procedure have been arbitrarily violated against human/child rights. This is clearly an arbitrary violation of personal liberty.
29. In addition to the incidents listed above, there were violations of the right to liberty and security of person against children during the reporting period.
- The UN Working Group on Arbitrary Detention found that the children of the Kaçmaz family were arbitrarily deprived of their liberty. Like them, dozens of children abducted from other countries have been detained and imprisoned together with their parents<sup>39</sup>.
  - 62 military students in grades 9, 10, 11 and 12 at Kuleli Military High School were arrested as part of the coup attempt investigation<sup>40</sup>. Many other minors studying at military high schools and military academies were also arrested.

### **3. Prohibition of Torture and Cruel, Inhuman or Degrading Treatment or Punishment - (ICCPR arts. 2, 7, 9, 10, 12 and 14)**

30. Among the children subject to the report are those who have been subjected to torture.
31. The children detained on May 7, 2024 were also subjected to torture.
32. One of the children who was tortured explained his situation as follows: "10-15 police officers came. My sister and I were taken in different vehicles. They started interrogating me in the car about the operation and my mother. I said, "Am I being interrogated?" When we got there, there were many young women. We were subjected to psychological violence. They didn't give us food until the evening. Our families tried to bring food in. During the interrogation they shouted a lot, they wrote down things we didn't say. While we were waiting to be interrogated, a female officer stood over us as the police passed by: "They will make you vomit blood inside." She said, "We didn't understand why we were there until we were interrogated, we were not informed."
33. As can be seen, girls under the age of 18 were forcibly taken from their homes, detained for 16 hours and subjected to threats, intimidation and pressure in order to make statements against themselves or others.
34. An investigation file was later separated against one of the children who was arbitrarily detained and forced by the police to make a statement against himself or someone else through torture. This child is being investigated separately for the same incident as a "child dragged into crime".
35. Examples of other practices related to torture are given below.
- On July 15, 2016, military school students who had nothing to do with the events that took place during the shady coup attempt were tortured while in custody<sup>41</sup>.
  - The children of the Kaçmaz family abducted from Pakistan, who were under 18 years of age at the time of the incident, were tortured. The United Nations Working Group

<sup>39</sup> <https://tr.solidaritywithothers.com/illegal-deportations-extraditions>

<sup>40</sup> <https://www.odatv4.com/guncel/62-kuleli-askeri-lisesi-ogrencisine-tutuklama-2007161200-97710>

<sup>41</sup> First-hand information was given in the "Blue Bus" Documentary on the subject: <https://youtu.be/7KXe48msKiw>

on Arbitrary Detention has issued a decision of violation regarding this torture practice<sup>42</sup>.

- Elif İstif was detained by the police on the grounds that she was over 18 years old, even though she was under 18 and had stated her condition. She was detained for 9 days. During this time, she was interrogated under the name of interview, without the presence of a lawyer, and subjected to pressure and torture. The lawyer assigned by the Bar Association refused to attend his defense. When there was a break during the interrogation in court, the police officers came to him and said "You will be punished, are you ready to be arrested?" and continued their pressure there as well. After he was released from the court, a police officer uncuffed him and threatened him by saying "Don't worry, you will be taken again when you turn 18"<sup>43</sup>.
- When Erdem Can was 17 years old, his father was detained in Turkey on the grounds that he had links to the Hizmet Movement, based on criteria introduced by the emergency decrees. In other words, he is the child of a decree law. While in detention, he was tortured. He describes the torture he was subjected to as follows: "I was detained for 14 hours. They made me lie on the ground, insulted and swore at me, and handcuffed me."<sup>44</sup>.

#### **4. Enforced disappearances and abductions (ICCPR Articles 6, 9 and 12)**

36. Children have also been victims of abductions and disappearances since July 15, 2016, the date of the periodic review.

37. Below is a case study of these actions.

38. On September 17, 2017, the entire Kaçmaz family was abducted from Pakistan and disappeared. The family disappeared for 17 days in an unknown place. The family was secretly abducted and brought to Turkey even though the Pakistani state courts had banned the Kaçmaz family from leaving the country. Although there is an extradition treaty between Turkey and Pakistan, this procedure was not followed. The family was prevented from seeking other legal remedies. During the abduction, disappearance, transfer to Turkey and subsequent detention in Turkey, the family members were subjected to torture and ill-treatment. The children of the Kaçmaz family, who were under the age of 18 at the time of the incident, were also subjected to torture and ill-treatment. The United Nations Working Group on Arbitrary Detention issued a decision of violation regarding this torture practice<sup>45</sup>.

#### **5. Right to a Fair Trial (Article 14 ICCPR, Article 40 UNCRC)**

39. Another area where violations of children's rights are experienced is the right to a fair trial.

40. On May 7, 2024, the children, who were subjected to arbitrary treatment by the police, supposedly as "witnesses" but in reality as "suspects", were not allowed to meet with the lawyers sent by their families. A record of this was also kept. One of these children was separated from the case file and a new investigation was initiated due to his underage status.

<sup>42</sup> <https://www.crossborderjurists.org/turkey-child-rights-report-the-khk-children-the-little-victims-of-turkeys-state-of-emergency-laws/> , [https://tr.solidaritywithothers.com/\\_files/ugd/b886b2\\_7e541d3e9ddd4ab18cf6fef13b52f5bc.pdf](https://tr.solidaritywithothers.com/_files/ugd/b886b2_7e541d3e9ddd4ab18cf6fef13b52f5bc.pdf)

<sup>43</sup> <https://www.crossborderjurists.org/turkey-child-rights-report-the-khk-children-the-little-victims-of-turkeys-state-of-emergency-laws/>

<sup>44</sup> <https://www.crossborderjurists.org/turkey-child-rights-report-the-khk-children-the-little-victims-of-turkeys-state-of-emergency-laws/>

<sup>45</sup> <https://www.crossborderjurists.org/turkey-child-rights-report-the-khk-children-the-little-victims-of-turkeys-state-of-emergency-laws/> , [https://tr.solidaritywithothers.com/\\_files/ugd/b886b2\\_7e541d3e9ddd4ab18cf6fef13b52f5bc.pdf](https://tr.solidaritywithothers.com/_files/ugd/b886b2_7e541d3e9ddd4ab18cf6fef13b52f5bc.pdf)

41. As of July 15, 2016, hundreds of military high school and military academy students between the ages of 14-18 were detained, tortured and arrested<sup>46</sup>.
42. Hundreds of children were detained and arrested after the age of 18 on charges of membership of an armed terrorist organization on the grounds that they had been in contact with people connected to the Hizmet Movement when they were 12-13 years old, that they had received education in schools and dershanes connected to the Hizmet Movement. At that time, as of the date of the report, the ministers who governed the country and members of all parties with groups in the parliament were in closer contact with the Hizmet Movement than these children. The Hizmet Movement was given awards by politicians and public officials who ruled the state at the time. In other words, the Hizmet Movement was completely legal and legitimate. Like hundreds of thousands of other people, these children were arrested on the basis of retrospectively created criminal assumptions.
43. These children were accused of having been called from a payphone years ago. The prosecutors did not put forward anything that should have been put forward as an element of crime, such as who called, what was said, what was said, and the children were asked to prove that they were innocent. In other words, both a retrospective crime was created and the burden of proof was shifted<sup>47</sup>.
44. The right of detained children to meet with their lawyers in detention and in prison has been restricted.
45. Children were deprived of rights such as visits, letters, access to libraries and social activities during their imprisonment<sup>48</sup>.
46. Many principles of the juvenile justice system, such as detention being a last resort, alternative methods to detention, ensuring and increasing contact with family and relatives, have not been implemented.

## **6. Freedom of Movement (Art. 12 ICCPR)**

47. One of the violated rights of children subject to this document is the freedom of movement.
48. During the reporting period, children of families affected by the decree were also banned from freedom of movement. This ban even led to the deaths of children.
49. Ahmet Burhan Ataç (9) and Furkan Dizdar (12)<sup>49</sup> are two children with cancer. Ahmet Burhan Ataç can be treated in Germany and Furkan Dizdar in Cuba. However, both children are denied passports. They are prevented from traveling abroad. Ahmet Burhan Ataç can go to Germany after his disease progresses too far, but he cannot overcome his disease due to the delay. Furkan Dizdar, on the other hand, cannot go abroad in any way and dies<sup>50</sup>.
50. Families of victims of the decree cannot obtain passports as they are banned from leaving the country. They have to leave the country illegally to escape torture and arbitrary arrest. During this process, 17 children drowned in the Evros River and the Aegean Sea. In these deaths, some families lost their entire members<sup>51</sup>.

<sup>46</sup> <https://www.crossborderjurists.org/turkey-child-rights-report-the-khk-children-the-little-victims-of-turkeys-state-of-emergency-laws/>

<sup>47</sup> <https://www.crossborderjurists.org/turkey-child-rights-report-the-khk-children-the-little-victims-of-turkeys-state-of-emergency-laws/>

<sup>48</sup> [https://tr.solidaritywithothers.com/\\_files/ugd/b886b2\\_d1428ddeaa3b4832b95dfae421cdce9b.pdf](https://tr.solidaritywithothers.com/_files/ugd/b886b2_d1428ddeaa3b4832b95dfae421cdce9b.pdf),  
[https://tr.solidaritywithothers.com/\\_files/ugd/b886b2\\_f17fdcf178da4ebe908d57d6cec6bea3.pdf](https://tr.solidaritywithothers.com/_files/ugd/b886b2_f17fdcf178da4ebe908d57d6cec6bea3.pdf)

<sup>49</sup> Information about these individuals was shared in open sources. It became a hot topic on social media. Therefore, it was included in our report.

<sup>50</sup> <https://www.crossborderjurists.org/turkey-child-rights-report-the-khk-children-the-little-victims-of-turkeys-state-of-emergency-laws/>

<sup>51</sup> <https://www.crossborderjurists.org/turkey-child-rights-report-the-khk-children-the-little-victims-of-turkeys-state-of-emergency-laws/>

## 7. The Best Interest of the Child (UNCRC Art. 3)

51. One of the most important principles violated is the principle of the Best Interest of the Child.
52. The parents of the children subject to this report were *arbitrarily*<sup>52</sup> detained and arrested. Many children were deprived of both their mother and father at the same time. The highest level reaction on this issue came from the UN High Commissioner for Human Rights. High Commissioner Zeid Ra'ad Al Hussein published a report in March 2018 on Turkey's situation under the state of emergency. "One of the most worrying findings of the report," he described in his introductory remarks, "are reports of how the Turkish authorities were able to detain 100 women who were pregnant or had just given birth, often on the grounds of 'associations' with their husbands suspected of links to terrorist organizations. Some were detained with their children, some violently separated from their children. This is not only disproportionate, it is utterly cruel and certainly not about making the country safer," said<sup>53</sup>.
53. Below are a few examples of rights violations.
- Many children between the ages of 0-6 had to enter prison with their mothers<sup>54</sup>. The number of these children reached 780 in 2019<sup>55</sup>. Many basic and compulsory needs of children in prison with their mothers, such as nutrition, shelter, access to open air, access to playgrounds and swimming pools, toys, contact with soil, kindergarten, access to a pediatrician, and contact with pets, have not been and still are not met.
  - Ahmet Burhan Ataç, 8 years old, who was ill and needed treatment abroad,<sup>56</sup> was not allowed to travel abroad with his mother<sup>57</sup>. These delays led to the progression of the disease and his death.
  - The children's parents were held in prisons hundreds of kilometers away from them. Their requests for transfer to a closer prison were rejected. Children's ties with their parents have been damaged<sup>58</sup>.
  - Some children who had to visit their parents far away from where they lived in difficult conditions died due to traffic accidents<sup>59</sup>.
  - Children who are terminally ill and being treated in hospital are not allowed to meet their parents, who are victims of the decree, even in their last moments<sup>60</sup>. With social media campaigns and public pressure, some of them get the chance to meet. Selman Çalışkan, Kübra Kazan are just two examples<sup>61</sup>. But Ömer Faruk Turan, who has autism and heart disease, died before he could see his father in his last moments<sup>62</sup>.

<sup>52</sup> There are many precedent decisions of the United Nations Working Group on Arbitrary Detention and the European Court of Human Rights, examples of which are given above, that these detentions and arrests are arbitrary.

<sup>53</sup> [https://www.ohchr.org/sites/default/files/Documents/Countries/TR/2018-03-19\\_Second\\_OHCHR\\_Turkey\\_Report\\_Turkish.docx](https://www.ohchr.org/sites/default/files/Documents/Countries/TR/2018-03-19_Second_OHCHR_Turkey_Report_Turkish.docx)

<sup>54</sup> [https://tr.solidaritywithothers.com/\\_files/ugd/b886b2\\_f17fdcf178da4ebe908d57d6cec6bea3.pdf](https://tr.solidaritywithothers.com/_files/ugd/b886b2_f17fdcf178da4ebe908d57d6cec6bea3.pdf)

<sup>55</sup> [https://www.solidaritywithothers.com/\\_files/ugd/b886b2\\_d1428ddeaa3b4832b95dfae421cdce9b.pdf](https://www.solidaritywithothers.com/_files/ugd/b886b2_d1428ddeaa3b4832b95dfae421cdce9b.pdf)

<sup>56</sup> Information about this person was shared in open sources. It became a hot topic on social media. Therefore, it was included in our report.

<sup>57</sup> <https://www.tr724.com/pasaportu-verilmeyen-zekiye-atac-ne-olur-bu-cocugu-olum-mahkum-etmeyin/#:~:text=Babas%C4%B1%20cezaevinde%20olan%20ve%20kanser,verilmedi%C4%9Fi%20i%C3%A7in%20yurt%20d%C4%B1%C5%9F%C4%B1na%20%C3%A7%C4%B1kam%C4%B1yor.>

<sup>58</sup> <https://boldmedya.com/2022/01/11/hak-ihlali-khkli-ali-osman-kayan-iki-yildir-cocuklarini-goremiyor/>

<sup>59</sup> <https://boldmedya.com/2019/01/02/surgun-tutuklularin-aileleri-gorus-yolu-olum-yolu/>

<sup>60</sup> <https://gazetedavul.com/gundem/6-yasindaki-selman-hayatini-kaybettiler-4784.html>, <https://www.tr724.com/kubra-cennet-kusu-oldu/>

<sup>61</sup> Information about these individuals was shared in open sources. It became a hot topic on social media. Therefore, it was included in our report.

<sup>62</sup> <https://boldmedya.com/2021/12/01/babasi-tutuklu-olan-kalp-hastasi-otizmli-omer-faruk-hayatini-kaybettiler/>

## 8. Right to Life (Article 6 of the ICCPR, Article 6 of the UNCRC)

54. The right to life is undoubtedly the most serious violation of rights that the children subject to the report have been subjected to. According to the information reflected in open sources, 63 children in the target group of the report died in this process<sup>63</sup>.
55. One of the leading causes of death is suicide. The 3rd Anniversary of the State of Emergency Social Costs Report provides some data on this issue. The report makes striking assessments on suicide rates among families of victims of the decree. The report states, *"The crude death and suicide rates among victims and their families are much higher than Turkey's average, and this situation seems to have emerged as a result of the social genocide policies to which they were subjected, rather than being coincidental. Because according to TurkStat data, Turkey's "crude suicide rate" is around ~4 per 100,000, while the rate of relatives of SoE victims who are reported to have died by suicide is around ~1%. This rate means that, according to the most tolerant calculations, the suicide rate among the families of decree victims is 30-35 times higher than the suicide rate in the general population. On the other hand, according to TURKSTAT mortality statistics, while the "crude mortality rate" in Turkey is around ~5.5% per thousand, the families of victims of the state of emergency stated that the rate among themselves is 9.3%, which means that, according to the most tolerant calculations, the mortality rate among the families of decree victims is at least 2 times higher than the crude mortality rate in Turkey."* These data mean that the victims of the decree were abandoned, dragged and directed to biological death in parallel to civil and social death.
56. The report also reveals that a significant number of children of decree victims have increased suicidal tendencies. Many interviewees stated that they had seriously considered suicide<sup>64</sup>, that they had given up suicide because of the victimization of their children left behind<sup>65</sup>, that children aged 12, 13, 14 had attempted suicide<sup>66</sup>.
57. The Finnish Immigration Service reported that 22 children committed suicide<sup>67</sup>.
58. Below are two examples of open source cases of children who died by suicide.
- 16-year-old Bahadır Odabaşı<sup>68</sup>, whose father had been imprisoned for 4 years, died by suicide<sup>69</sup>.
  - High school student Büşra Nur Meşeci's<sup>70</sup> Father is dismissed from his job and arrested. She could not bear the stress and ended her life by committing suicide<sup>71</sup>.
59. Another cause of death is death due to unmet or delayed treatment needs. Ahmet Burhan Ataç and Furkan Dizdar, about whom information was provided earlier in the report, are two of these<sup>72</sup>.

<sup>63</sup> [Violations of the right to life | OTHERS \(solidaritywithothers.com\)](https://solidaritywithothers.com/violations-of-the-right-to-life/)

<sup>64</sup> 3. Yılında OHAL'nin Toplumsal Maliyetleri Raporu p. 58, 76, 78, 79, 84, 87, 92, 164, 187, 201, 204, 231, 243, 282, 288 etc. ....

<sup>65</sup> 3rd Year of the State of Emergency's Social Costs Report p. 47, 74, etc... .

<sup>66</sup> <https://ahvalnews.com/tr/khk/khkler-yuzunden-intihar-eden-10-12-yasinda-cocuklar>, 3. Yılında OHAL'nin Toplumsal Maliyetleri Raporu p. 162, 165, 167, 173, 175, 178, 178, 234 etc.... .

<sup>67</sup> FIS\_Turkey\_Individuals+associated+with+the+Gülen+movement\_June\_2024+(2).pdf (migri.fi) Access Date : 07.09.2024

<sup>68</sup> Information about this person was shared in open sources. It became a hot topic on social media. Therefore, it was included in our report.

<sup>69</sup> <https://boldmedya.com/2022/01/14/psikolojisi-bozulan-tutuklu-khkli-ogretmenin-16-yasindaki-oglu-intihar-etti/>

<sup>70</sup> Information about this person was shared in open sources. It became a hot topic on social media. Therefore, it was included in our report.

<sup>71</sup> <https://bitenhayatlar.com/busra-nur-meseci/>

<sup>72</sup> Information about these individuals was shared in open sources. It became a hot topic on social media. Therefore, it was included in our report.

60. Another cause of death of children subject to the report is deaths on the way to visitation. The parents of these children who are victims of the decree are detained in prisons hundreds of kilometers away from them. They have to travel every week for open visits and once a month for closed visits. Unfortunately, many children die in traffic accidents during these journeys.
61. Some of the children of the families of the victims of the decrees also lost their lives on the escape routes. People were forced to flee the country due to the decrees denying them the right to live in Turkey, the threat of torture, and the threat of arrest. In the vast majority of these escapes, all family members left the country together. This is because the passports of all family members have been canceled by decrees and there is no hope that they will ever be reissued. That is why no one wants to leave their children behind on that dangerous journey. On the way from Turkey to Greece, one must cross either the Evros River or the Aegean Sea. Both routes carry serious life-threatening dangers. Unfortunately, sometimes the risks have materialized and deaths have occurred on the crossing routes. According to open sources, 17 children have lost their lives in this way.
62. Another cause of death of children of victims of the Decree is suicide with the parent. Eyüp Öztürk (17) is 99% disabled. He has cerebral palsy. During the process, his father, a decree victim, was dismissed from his job and arrested. His parents are divorced. Unable to cope with the stress of the process, the mother Seher Baş first killed her son Eyüp Öztürk with a shotgun and then committed suicide with the same shotgun<sup>73</sup>.
63. One of the most common causes of infant mortality that most severely traumatizes the families of the victims of the Decree is miscarriages of children due to the traumas caused by torture, the severity of detention and prison conditions and the psychological pressures<sup>74</sup>.

## **9. The Right to Privacy (Article 16 of the UNCRC)**

64. The right to privacy encompasses respect for family life, the inviolability of housing and the protection of all forms of communication. This protection applies to individuals and the state.
65. There are serious violations in this area for children, who are the subject of this report.
66. On May 7, 2024, there was an investigation into the operation carried out on May 7, 2024, which also involved serious violations of rights. Information on the investigation can be found in the section on torture and right to privacy.
- The children, who were not identified as suspects during the investigation, were forcibly detained by the police at 05:00 in the morning.
  - The telephone conversations of the children with their parents were listened to.
  - Although there was no evidence of any crime, a physical surveillance warrant was issued against the children and they were followed by the police day and night.

## **10. Rights of Adopted Children (UNCRC Art.21)**

67. The Convention also sets out basic principles on adoption. This issue has been specifically regulated as it is of great importance for children. Article 21 of the Convention regulates this issue.
68. During the state of emergency, a new group of victimized children was created, which is the subject of this report. While these children were in foster care, they were victimized when these families were suddenly deemed terrorists on arbitrary grounds. Children were forcibly separated from people who were declared criminals based on arguments produced by state of emergency decrees.

<sup>73</sup> <https://www.sozcu.com.tr/2018/gundem/anne-engelli-ogluunu-oldurup-intihar-etti-2224153/>

<sup>74</sup> <https://www.crossborderjurists.org/turkey-child-rights-report-the-khk-children-the-little-victims-of-turkeys-state-of-emergency-laws/>. Information about these individuals was shared in open sources. It became a hot topic on social media. Therefore, it was included in our report.

69. With a letter dated August 23, 2016, the Ministry of Family and Social Policies sent a circular to 81 provinces with an urgent code and ordered to conduct research on families providing foster care and adoption services<sup>75</sup>. The Ministry circular is dated 19/08/2016 and is on "Measures to be taken within the scope of Fethullah Terrorist Organization (FETÖ/PDY)". The circular ordered the investigation of foster families and to take back children from those who are deemed to have links with the Hizmet Movement. Accordingly, only children were forcibly taken from families who had been prosecuted for being members of the Hizmet Movement<sup>76</sup>.
70. This process was carried out by the state itself in violation of the obligations imposed by the convention. The Minister of Family at the time even had the indiscretion to share with journalists the fact that 9 children were taken from families under the state of emergency decrees as a great success.<sup>77</sup>

## 11. Rights of Children with Disabilities (UNCRC Art.23)

71. Children with disabilities mentioned in the report have also faced significant violations of their rights in this regard.
72. Many parents of disabled and handicapped children have been dismissed by decree and have had their financial assistance cut off by the state on the grounds of arrest. They have been expelled from educational and rehabilitation institutions.
73. Examples reflected in open sources are listed below.
- R veyda Tekg z<sup>78</sup> is a child with "very severe special needs" according to medical reports. Like all other disabled children in the country, R veyda was receiving social assistance from the state. During the state of emergency, this aid was cut. Mother Nazire Tekg z's applications were always rejected. After a while, the disability pension, which was required by law, was also canceled. The written response to Ms. Tekg z's application to the Prime Ministry Communication Center (BIMER) in 2017 stated that "the Social Assistance and Solidarity Foundation cannot provide assistance to citizens who have been prosecuted, dismissed, suspended or arrested within the scope of FET /PDY terrorist organization activities". As can be seen, legal aid to a severely disabled child was canceled on the grounds that a parent was dismissed from his job by decree.
  - Burcu Aktař<sup>79</sup> is a girl with 70% Down syndrome. Her care allowance was cut off because her father was dismissed by decree<sup>80</sup>.
  - Yakup Ali  etin<sup>81</sup> 94% disabled. When he was 15 years old his father was arrested. His father Ey p  etin takes care of all his care. He also received special training in caring for his child. Ey p  etin was dismissed from his job by decree and arrested. He has no one to take care of the child, especially in times of crisis. The child is thus left to die<sup>82</sup>.

<sup>75</sup><https://www.trthaber.com/haber/turkiye/bakan-betul-sayan-kayadan-feto-genelgesi-267695.html>

<sup>76</sup><https://tr.euronews.com/2019/04/19/khk-koruyucu-ailenin-hayatini-degistirdi-ihrac-edilince-evlat-edindikleri-cocuk-ellerinden>

<sup>77</sup><https://www.milliyet.com.tr/gundem/feto-cu-ailelerden-9-cocuk-geri-alindi-2386248>.

<sup>78</sup> Information about this child was shared in open sources. It became a hot topic on social media. Therefore, it was included in our report.

<sup>79</sup> Information about this child was shared in open sources. It became a hot topic on social media. This is why it was included in our report.

<sup>80</sup> [Burcu, 70 percent disabled, denied care salary because her father is a member of a state of emergency decree - Tr724](#)

<sup>81</sup> Information about this person was shared in open sources. It became a hot topic on social media. Therefore, it was included in our report.

<sup>82</sup> <https://www.boldmedya.com/2021/12/21/agir-zihinsel-engelli-ve-otizmli-yakup-alinin-babasini-tutukladilar/>

- Nalan Dilber is 7 years old and has Down syndrome. Her mother, Nuran Dilber, was dismissed from her job by decree and is in prison<sup>83</sup>. Nalan Dilber cannot bear the longing for her mother, so she packs a bag and tries to escape from home to go to the prison where her mother is<sup>84</sup>.

## **12. Right to Health and Health Care (UNCRC Art.24) , Right to Social Security (UNCRC Art.26)**

74. The children subject to the report have been deprived of their rights in these areas, as in other areas highlighted in this report.
75. In the 3rd Year Social Costs of the State of Emergency Report, 71% of the children of families who were dismissed from their jobs by decrees were found to be in need of medical and psychological support. On the other hand, 16% of these children do not have health insurance and therefore cannot receive medical/psychological support<sup>85</sup>. Some of these children have been afflicted with chronic diseases that will affect the rest of their lives<sup>86</sup>.
76. Violations of rights that children are exposed to
- The green cards of the families subject to the report, including children, are canceled. The green card is an opportunity for poor families to receive free treatment at state health institutions. Families and their children who are victims of the Decree are forced to pay significant amounts of money for all kinds of medical needs, from the mildest ailments to the most severe<sup>87</sup>.
  - Nurefşan Ketenci<sup>88</sup> suffers from Cat Meow Syndrome (Cri du Chat), a disease that affects one in 50 thousand people. Because her father was dismissed from his job by decree, Nurefşan was expelled from the rehabilitation center where she was studying<sup>89</sup>.
  - MP Ömer Faruk Gergerlioğlu shared that a person who was dismissed from his job by decree told him the following: "The day before the coup, a disabled baby was born. When my husband was suspended in September, we moved in with his family. While I was in the hospital with my baby, I received an order that all our health rights were taken away. I asked for help from the district governor's office, but I was repeatedly dismissed. All I wanted was for them to provide general health insurance for my baby, but they did not. My baby did not receive the necessary treatment and died in June 2017."<sup>90</sup>
77. Another issue that constitutes a violation of Article 24 of the Convention on the Rights of the Child is the practices faced by pregnant women and infant mortality. In the 3rd Report on the Social Costs of the State of Emergency in its 3rd Year, this issue has also been identified. "According to TurkStat infant mortality statistics, the crude 'infant mortality rate', which refers to the number of infant deaths per thousand live births, is around ~10 per thousand in Turkey. However, among the families of victims of the state of emergency, the rate of 'miscarriage / death of infants due to stress during pregnancy' was reported to be 5.4%. Again, according to the most tolerant calculations, this rate means that the "infant mortality rate" among the

<sup>83</sup> Information about these individuals was shared in open sources. It became a hot topic on social media. Therefore, it was included in our report.

<sup>84</sup> <http://sevincozarslan.blogspot.com/2020/02/down-sendromlu-nalan-evden-kacp.html>

<sup>85</sup> 3rd Year of the State of Emergency's Social Costs Report p. xxxvi

<sup>86</sup> 3rd Year of the State of Emergency's Social Costs Report p. 163.

<sup>87</sup> [Green card of the name with a state of emergency decree also canceled | Güncel \(haber3.com\)](#)

<sup>88</sup> Information about this person was shared in open sources. It became a hot topic on social media. Therefore, it was included in our report.

<sup>89</sup> <https://boldmedya.com/2021/07/25/babasi-khk-ile-kapatilan-kurumda-calisti-diye-egitim-hakki-engellenen-nurefsan-vefat-etti/>

<sup>90</sup> [People with emergency decrees in Turkey: They treat us like plague - DW - 20.09.2019](#)

families of victims of the state of emergency is at least 2 times higher than the Turkey average<sup>91</sup> ."

78. A few examples of the incidents are given below.

- Nurhayat Yıldız<sup>92</sup> , pregnant with twins, is arbitrarily arrested and put in prison. She was not given a bed in prison. She had to sleep on the floor in front of the toilet. She experiences extreme stress. She is not provided with the necessary nutrition and medical support. She is not followed up. That is why she miscarries<sup>93</sup> .
- Gülden Aşık<sup>94</sup> , is arrested even though she is pregnant. While in prison, her 7-week-old baby dies in the womb. The baby is surgically removed<sup>95</sup> .
- Hanife Çiftçi<sup>96</sup> is detained while pregnant. Due to the severe conditions of detention, she started to bleed. Although she insisted on reporting her condition, no medical intervention was given. She was arrested in this state. She was not given the necessary intervention in prison either. When her condition worsened, the baby died in the womb<sup>97</sup> .
- Büşra Atalay, who became pregnant through in vitro fertilization (IVF) and is in a sensitive period,<sup>98</sup> is detained by the police at the hospital and her statement is wanted to be taken. The stress of the situation triggered premature labor. In this state, she was taken from hospital to hospital and their baby died<sup>99</sup> .
- Detained unlawfully and arbitrarily, 8-week pregnant E.U. miscarries and loses her baby due to stress<sup>100</sup> .
- Yasemin Atik<sup>101</sup> is an educator. When she learns that she is being investigated on the grounds of criteria introduced by the state of emergency decrees, she hides in a house. However, she is pregnant. She does not want to give birth in prison and give birth to her child in prison. She has to give birth at home without being able to go to a hospital, which is risky for her and the baby's life<sup>102</sup> .

### 13. Right to Education (Article 13 ICCPR, Article 28 UNCRC)

79. The right to education is one of the most fundamental human rights enshrined in all texts on human rights. Undoubtedly, the importance of this right increases even more when children are concerned.

80. The children subject to the report have also experienced serious victimization in this regard. Their right to education was taken away from them and they were subjected to discrimination and pressure during education. Some children could not bear the situation, and left formal education and had to continue distance education. Some teachers at schools discriminated

<sup>91</sup> 3rd Anniversary of the State of Emergency's Social Costs Report p. 162.

<sup>92</sup> Information about this person was shared in open sources. It became a hot topic on social media. Therefore, it was included in our report.

<sup>93</sup> <https://boldmedya.com/2019/09/12/irfan-buna-dokunma-doktor-ikisi-de-olmus-dedi-sok-oldum/> ,

<sup>94</sup> Information about this person was shared in open sources. It became a hot topic on social media. Therefore, it was included in our report.

<sup>95</sup> <http://sevincozarslan.blogspot.com/2019/06/bebegini-kaybeden-tutuklu-anne-benim.html>

<sup>96</sup> Information about this person was shared in open sources. It became a hot topic on social media. Therefore, it was included in our report.

<sup>97</sup> <https://bitenhayatlar.com/isimsiz-melek-hanife-cifteinin-bebegi/>

<sup>98</sup> Information about this person was shared in open sources. It became a hot topic on social media. Therefore, it was included in our report.

<sup>99</sup> <https://bitenhayatlar.com/isimsiz-melek-anne-busra-atalayin-bebegi/>

<sup>100</sup> <https://www.milliyet.com.tr/gundem/bylock-suphesi-hayatini-karartti-2697755>

<sup>101</sup> Information about this person was shared in open sources. It became a hot topic on social media. Therefore, it was included in our report.

<sup>102</sup> <http://sevincozarslan.blogspot.com/2019/06/musambann-uzerinde-yaptg-dogumu-anlatt.html>

against these children. They lowered their grades and accused their parents when asked. Children from closed military and private schools were bullied by other students in the schools they attended.

81. A few examples of violative practices in this regard are given below.

- Harun Atayün, son of former Police Chief Anadolu Atayün<sup>103</sup> was not admitted to public schools because his father and mother were arrested and imprisoned on the basis of criteria produced by decrees<sup>104</sup>.
- A student who won a place at the National Defense University was denied admission because his relatives were dismissed by decree<sup>105</sup>.
- Nurefşan Ketenci<sup>106</sup>, who was born with Cat Meow Syndrome (Cri du Chat), which is seen in one in 50 thousand people in the world, was expelled from the rehabilitation center on the grounds that his father was dismissed from his job by decree<sup>107</sup>.
- Many students were denied state scholarships because their parents were dismissed by decree<sup>108</sup>.
- Some children were discriminated against in schools on the grounds of their parents and given low grades by teachers. It was even reported that a teacher said to a primary school child, to whom she had given an unfairly low grade, "I am not giving this grade to you, I am giving it to your mother"<sup>109</sup>.
- Students of closed military high schools are banned from entering good science and social sciences high schools<sup>110</sup>.
- Students of the closed schools were subjected to discrimination and bullying by teachers and students in the new schools they attended<sup>111</sup>.
- Students from closed schools have faced obstacles in having their education from their old schools recognized in the new school<sup>112</sup>.
- The daughters of the Kaçmaz family<sup>113</sup> who were abducted from Pakistan and forcibly brought to Turkey were denied recognition and prevented from continuing their education<sup>114</sup>. However, the diplomas of thousands of people who have graduated from those schools over the years have always been recognized.
- Students of closed private schools were not accepted by public schools in some cities. Therefore, students living in those cities had to enroll in very expensive private schools<sup>115</sup>.

<sup>103</sup> Information about these individuals has been shared in open sources. It became a hot topic on social media. Therefore, it was included in our report.

<sup>104</sup> <https://kronos35.news/tr/birsen-atayun-anadolu-beyin-gelmeyecegine-inansam-ben-de-yasamak-istemem-tabi-ki-gelecek/>

<sup>105</sup> <https://www.gazeteduvar.com.tr/gundem/2020/02/20/akrabasi-khkli-diye-universiteye-alinmayan-ogrenci-davayi-kazandi>

<sup>106</sup> Information about this child was shared in open sources. It became a hot topic on social media. Therefore, it was included in our report.

<sup>107</sup> <https://boldmedya.com/2021/07/25/babasi-khk-ile-kapatilan-kurumda-calisti-diye-egitim-hakki-engellenen-nurefsan-vefat-etti/>

<sup>108</sup> <http://m.haberdar.com/genel/ysk-da-ilk-100-e-giren-ogrenciyi-vakif-universitesi-babasi-khk-li-diye-burslu-kaydetmedi-h211132.html>

<sup>109</sup> 3rd Year of the State of Emergency's Social Costs Report, June 2020, 164.

<sup>110</sup> 3rd Year of the State of Emergency's Social Costs Report, June 2020, p.283.

<sup>111</sup> 3rd Year of the State of Emergency's Social Costs Report, June 2020, pp.59, 76, 283.

<sup>112</sup> 3rd Year of the State of Emergency's Social Costs Report, June 2020, p.283.

<sup>113</sup> Information about these individuals has been shared in open sources. It became a hot topic on social media. Therefore, it was included in our report.

<sup>114</sup> <https://kronos35.news/tr/pakistanli-yetkililer-sucunuz-yok-biliyoruz-ama-erdogan-cok-baski-yapiyor-dedi/>

<sup>115</sup> 3rd Year of the State of Emergency's Social Costs Report, June 2020, p.283.

## **The Human Rights Committee Should Recommend That The Turkish Government**

The findings of this shadow report shed light on human rights violations against a group of up to 3 million children in Turkey, especially since the 2016 coup attempt.

A discriminatory approach toward these children, particularly from public institutions and organizations, has been identified and must come to an end.

The principle of the best interests of the child is applicable and binding for the children discussed in this report, as it is for every child. It has been determined that both administrative and judicial authorities do not prioritize the best interests of these children in their decisions and procedures. Documented evidence shows that this neglect has resulted in the death of some children, their development of psychiatric illnesses, and the breakup of their families. Administrative and judicial authorities should prioritize the best interests of the children discussed in the report in their decisions and procedures, and necessary measures should be taken in this regard.

There is clear evidence that almost all the rights of the children discussed in the report under the ICCPR and the Convention on the Rights of the Child have been violated. This situation must come to an end. Measures ensuring the fundamental rights and freedoms of these children must be strengthened.

These children are being presumed to be "potential criminals" based on their parents' political status and the charges against them. Investigations are initiated against them without any suspicion of a crime, and legal guarantees are arbitrarily violated. These practices must be stopped. Torture and ill-treatment practices have been alleged in the investigations conducted against the children discussed in this report (most recently in May 2024).

Concrete facts supporting these allegations are included in our report. Torture and ill-treatment of children are unacceptable. It must not be repeated. Those responsible for this torture and ill-treatment must be prosecuted.