

ŞAKRAN PRISON, Izmir/Turkey



BEING A CHILD OF A POLITICAL PRISONER: THE CASE OF TURKEY

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“As a result of the witch hunt they carried out, they apply the policy of
'the witch's child is also a witch'”
Bayram Erzurumluoğlu¹

¹ Bayram Erzurumluoğlu, Sociologist, Academician, dismissed by State of Emergency Decree Laws. He carried out monitoring and reporting on human rights during State of Emergency periods.

INTRODUCTION

The principle of the rule of law, which forms the basis of international conventions and constitutions, guarantees equality of citizens in judicial processes and the principle of individual criminal responsibility. However, "political justice" practices observed throughout history and in current political applications create deviations from universal legal norms, constructing a societal "duality." This report deeply examines the devastating effects of practices where criminal law is used as a tool of domination, moving away from the ideal of a liberal rule of law, especially on the most vulnerable groups: children of political prisoners, through the example of Turkey.

In the first section, we traced the academic origins of the term "political prisoner" which we used to define the parents of the children who are the subject of our study. In this section, the legal and political origins of concepts such as "political judiciary," "political crime," and "political criminal" will be discussed. Drawing from historical and theoretical frameworks such as the practices during National Socialist Germany and Carl Schmitt's friend-enemy distinction, the concepts of political justice, special courts, and enemy criminal law inherent in arbitrary regimes were analyzed. Through this theoretical ground, we tried to reveal how powers use criminal law as a weapon against groups they position as "enemies."

The second section focuses on the concrete results of these political judicial practices in Turkey. Especially through situations such as the widespread imprisonment of spouses at the same time after the state of emergency (OHAL) period, the risks faced by children of political prisoners are examined under seven main headings in light of expert reports and victim statements: Psychological, Social, Legal difficulties, Difficulties encountered in Educational Life, Security Risks, and Official Bias. This section aims to demonstrate with concrete data that policies based on collective guilt, such as "the witch's child is also a witch," lead to irreparable damages in children's lives, including suicide attempts.

One of the most important issues that drew our attention in this study is the lack of resources. Turkey is the country with the most prisons and prisoners among the member states of the Council of Europe. It ranks high in the world in terms of prisoner density. Despite this, we could not find scientific studies on children of prisoners in library archives and open sources. We tried to benefit from the lines between other sources.

This study aims to demonstrate how judicial processes carried out for political reasons violate the fundamental rights and freedoms of legally innocent children, and to create a basis for awareness for national and international human rights mechanisms.

Finally, we would like to extend our deepest gratitude to Gianluca Costantini, the author of the impressive illustration featured on the cover of this report. We recognize the artist as a voice of the human conscience, who, through his works, takes a firm stand against various human rights violations, regardless of the victim's identity or affiliation. We are grateful for this valuable contribution, which reflects the central theme of our report.

I. Political Judiciary – Political Crime

1. A rough look at world history reveals a direct link between arbitrary regimes and politically motivated punishments. The regime being fascist, communist, authoritarian, or totalitarian plays no role, just as there is no difference between the Inquisition Courts and cases seen in the magnificent buildings of the modern state. The first main characteristic of such regimes is their constant need for an "enemy." The second is the prevalence of a discernible discrimination against this "enemy" in all their disciplines. However, the most effective weapon of oppressive power is always the practice of criminal law. Because every oppressive regime needs a tool to "legitimize" itself².
2. Although the application of criminal law used as a tool of domination by powers has different names in political science and legal science, "political justice" has been generally accepted as a general term. In this context, scientific studies that criticize the German National Socialist period and examine its practices are important. Because these are evaluations that directly address lived facts. On the other hand, Jacobs's "enemy criminal law" concept is also an important theory that allows us to recognize arbitrary regimes.

A. Discrimination: Dual State (Der Doppelstaat)

3. For powers where political justice reigns, society is virtually in two parts. The group against which negative practices operate is usually a small group. The view that most clearly reveals the dual structure of the state comes from Ernst Frankel. In his work on the National Socialist Germany period, Frankel classified the state in a dual form as the Norm State (Normenstaat) and the Preventive State (Maßnahmenstaat). In this study, Frankel primarily aimed to reveal the intervention of politics in law³. The defining characteristic of the Norm State, where rules are clear, rational, reliable, controllable, and applied equally to everyone, is legal certainty. In contrast, in the preventive state where there is no legal certainty, the will of those in political power is decisive. The meaning of rules in written texts can change at any moment here⁴.

² Özlem, Doğan: Hukuk Devletini Sosyal Devlet İçinde Düşünmek (Betrachtung des Rechtsstaates im Sozialstaat), Doğu Batı 13(2000), D. S. 11(9)

³ Eden, Sören. Fraenkels »Doppelstaat« als Rechtsgeschichte. Arbeitsrecht und Politik während der NS-Diktatur, in: Zeithistorische Forschungen/Studies in Contemporary History, Online-Ausgabe, 16 (2019), H. 2, URL: <https://zeithistorische-forschungen.de/2-2019/5726> , s. 281(279), Internet Access Date: 04.10.2025.

⁴ Fraenkel, Ernst. Der Doppelstaat. Mit einem Nachwort von Horst Dreier, hg. von Alexander von Brünneck, 3. Aufl. Hamburg 2012; Franz Neumann, Behemoth. Struktur und Praxis des Nationalsozialismus 1933–1944, neu hg. von Alfons Söllner und Michael Wildt, Hamburg 2018. p.49,50,51

B. Political Judiciary: (Politische Justiz)

4. The most important instrument that enables the arbitrary power patriarchy to come to life has always been the judiciary. In this way, on the one hand, the "dual system" aimed at by the power, and on the other hand, the marginalization of this system, are legitimized. German jurist Otto Kirchheimer, focusing on Nazi-era practices, described the characteristics of "political justice" by drawing from different events and times. According to him, a political trial is a tool of domination for the power it serves, producing crimes from the ordinary public words and actions of the regime's adversary to destroy it;⁵ "in a political trial, everything appears in a different light. The wheels and process mechanisms of justice are set in motion for political goals that transcend the curiosity of the indifferent observer and the interest of those maintaining order in preserving the state order. Here, what happens in the courtroom is given the task of influencing the distribution of political power. This can have two aims: either to destroy existing power positions by fragmenting, undermining, or breaking them, or conversely, to add more power to efforts made to protect these power positions." In his book, Kirchheimer argued that every political regime constantly has enemies, or produces enemies when the time comes⁶.

C. Inseparable part of political justice: Special Courts (Sondergerichtsbarkeit)

5. Judicial officials who carry out political trials do not always have to share the same ideology as the power they serve. The existence of a degenerate judicial system or a judiciary ready to submit is sufficient. Rather than bringing each judge to its own line, the special courts of the powerful are functional in political judicial practices.
6. The special courts (Sondergerichte) activated in 1933 during the Nazi period⁷, the People's Court (Volksgerichtshof) established in 1934⁸, the Independence Courts, Yassıada Courts, State Security Courts in Turkey, and the special courts established by laws after the 2000s for the purpose of conducting political trials, fit this description perfectly. It is possible to understand that these types of courts are a weapon of power from the perspective of the judges who conducted the trials themselves. The People's Court was the first and last instance of judgment for the crime of treason. Its decisions were final and their execution immediate. Roland Freisler, the last president of this Court, said, "The People's Court will always strive

⁵ Kirchheimer, Otto: Politische Justiz, Herausgegeben von Lisa Klingsporn, Merete Peetz und Christine Wilke, Europäische Verlagsanstalt, 2020. p.85

⁶ See Kirchheimer p. 21.

⁷ For the law establishing the court, see. Reichsgesetzblatt I, S. 136 – Excerpt; Ordinance of the Reich Government on the Establishment of Special Courts of March 21, 1933

⁸ For the law establishing the court, see. Reichsgesetzblatt 47, S. 341 – Excerpt; Law on the Amendment of Provisions of Criminal Law and Criminal Procedure of April 24, 1934

to judge in the way that He, (who is my) Führer, would have judged this case." Freisler saw special courts as a tool of war. According to him, these courts were "the armored units of criminal justice" and should intervene "with lightning speed" against treason (!)⁹.

7. When Şükrü Bey, who was tried in the Izmir Independence Court, wanted to benefit from legal assistance, the President of the Court, Ali Bey, replied: "Independence Courts do not fall for the acrobatics of lawyers. Our court has no hierarchy. The nation is waiting for a decision. Say whatever you have to say clearly. We don't have time to spend with lawyers."¹⁰. Even more dramatically, in the defense on the merits, Halis Turgut and İsmail Canbulat, who had previously been sentenced to 10 years of hard labor, were this time sentenced to death upon their objections¹¹.

D. Unlimited Jurisdiction

8. The duties and powers of courts that have turned into political instruments are almost unlimited. This boundlessness does not only mean the violation of the principle of legality. It also takes away everything the targeted "other" possesses. Family members, including youth and children, are punished more than the defendant in the courtroom. Because the goal of political courts is to "destroy" the enemy¹². Freisler, the president of the Nazi People's Court, while accusing the Scholl siblings, who distributed brochures aimed at adopting a stance against the Nazi regime, of treason, stated in his decision¹³ that he saw them as "ready to cooperate with the enemy" and their actions as "raising the dagger and stabbing it in the back of the front."¹⁴.

E. "Enemy" and Enemy Criminal Law

9. Kirchheimer's contemporary, Carl Schmitt, an ardent supporter of National Socialism, and his friend-enemy distinction¹⁵ not only legitimized the practices of that period but also served as an inspiration for later periods.
10. The emergence of violent terrorist acts, in particular, led to the search for legal means of struggle in a relatively democratic world. In this context, German

⁹ Klaus, Detlev Godau-Schüttke, Information on Schleswig-Holstein Contemporary History, Issue 35 (1999), p. 42(41)

¹⁰ Aybars Ergün; İstiklal Mahkemeleri 1920-1927, Cumhuriyet Kitapları, enlarged revised edition, November 2024, p.614.

¹¹ Alkan, Ahmet Turan: İstiklal Mahkemeleri, Alternatif Üniversite 1992. p.37

¹² Dinçer, Hülya. Anatomy of a Political Case: Academics for Peace Case/Trial as a Display of Sovereignty and the Inversion of Truth, Mülkiye Dergisi 48-2(2024), 403-434. p. 403(413).

¹³ For the latest brochure, see: Vinke, Herman, Das kurze Leben der Sophie Scholl, Ravenserbürger Buchverlag, Band 54254, 2005 p. 159; For all brochures, see: Scholl, Inge, Die Weise Rose, S.Fischer Verlage, Frankfurt, p. 95 ff Luis, Greco, Feindstrafrecht, Verlag: Nomos, Band 47, 1. Auflage, 2010, S. 95 ff

¹⁴ Scholl, I., S. 141 et seq.

¹⁵ Schmitt, Carl. The Concept of the Political/Synoptic Presentation of the Texts, Duncker & Humblot · Berlin, 2018 S. 55-245/On behalf of the Carl-Schmitt-Gesellschaft, edited by Marco Walter. pp. 76,78,106

criminal law and legal philosophy professor Günter Jakobs first published an article in 1985. In his article titled "Criminalization of Violations of Legally Protected Values" ("Kriminalisierung von Rechtsgüterverletzungen"), Jakobs essentially addressed the measures taken in Germany to combat terrorism¹⁶. The article interpreted the punishability of preparatory acts under Article 30 of the German Criminal Code (StGB). The author stated that criminal law should clearly divide criminals into two classes, classifying them as "enemy" / "non-person in law" (Feind" /"Unperson")¹⁷ and "citizen" (Bürger). He continued to interpret this concept in his later articles and writings¹⁸.

11. In Jakobs's concept, the criminal trial procedure is essentially only for the "citizen." Those behind the bench communicate with the "citizen" and leave none of his demands unanswered. He is an "individual" for society and the state, and as a "defendant," he is the subject of the criminal trial. Since it is clear which article of the criminal code imputes which crime, he can easily defend himself. Above all, his punishment depends on his "degree of guilt," even if he has committed the defined crime. The purpose of punishing the 'citizen' whose crime is revealed and punished is the "reintegration of the offender into society" and the "protection of social values"¹⁹. One of the most criticized aspects of Jakobs's theory is its focus on the perpetrator rather than the act as the main element of the crime. The concept of "criminal" in his evaluation gives way to the concept of "dangerous"²⁰.
12. In contrast, the enemy is positioned as a "source of danger" and an "enemy of (protected) legal values"²¹. According to Jakobs, unlike citizens, the enemy does not possess "a minimal cognitive guarantee of their own behavior." Due to the

¹⁶ Jakobs, Günther, Zeitschrift für die gesamte Strafrechtswissenschaft, (ZStW 97 (1985) Heft 4, S. 751-785

¹⁷ Roxin, Claus – Greco, Luís. Strafrecht Allgemeiner Teil, Band I, 5. completely revised edition, 2020, p. 108.

¹⁸ Sometimes he expressed the words "friend" and "enemy" even more broadly with different expressions. For example, "perpetrator as enemy of the protected legal good" ("Täters als Rechtsgutsfeind") or "perpetrator as citizen" ("Täters als Bürger"), Jakobs, ZStW 97 (1985) Heft 4, S. 753; Jakobs, ZStW 97 (1985) Heft 4, S. 784; for more detailed information on the development and history of the concept, see. Vormbaum, Thomas. Das Feindstrafrecht und seine Kritik, in (Kritik des Feindstrafrechts, herausgegeben von Thomas Vormbaum unter Mitarbeit von Martin Asholt, Lit Verlag, Berlin, 2009, Einleitung, p. VIII, XXX; additionally see. Barisch, Kai Thorsten, Die Bekämpfung des internationalen Terrorismus durch § 129b StGB, Strafrechtliche Abhandlungen, Neue Folge · Band 212, Duncker & Humblot · Berlin, S. 95, 98; Jakobs, Günter, Bürgerstrafrecht und Feindstrafrecht, Onlinezeitschrift für höchstrichterliche Rechtsprechung im Strafrecht (früher: HRR-Strafrecht) HRRS - (3/2004), pp. 89,93 et seq.; Roxin – Greco, S. 109

¹⁹ See. Barisch, KT. , S. 98

²⁰ Işık, Göksu. Applications of enemy criminal law in Turkish and French law, YÜHFD Volume: XVI Issue:2 (2019) (online: <https://dergipark.org.tr/tr/download/article-file/2150094> Internet Access Date: 18.10.2025), FSTFR, S. 243

²¹ Jakobs, Günther.(1985), Zeitschrift für die gesamte Strafrechtswissenschaft, ZStW 97 (1985) Heft 4, S. 753.

absence of the principle of reciprocity in behavior²², according to Jakobs, a legal relationship cannot be established with the enemy. Perhaps this distinction can best be summarized by the statement: "Enemy criminal law optimizes the protection of legal values, while civil criminal law optimizes spheres of freedom." The execution system aims not at the rehabilitation of the "enemy" but at their destruction.

13. Jakobs clearly stated that this phenomenon "can only be justified in exceptional, extraordinary circumstances, and in any case, it can only occur in a liberal rule of law"²³. Furthermore, in the discussions conducted within the framework of this theory, Jakobs also expressed a desire for a constitution that would make enemy criminal law impossible²⁴. However, the course of history has not witnessed a liberal rule of law consistent with this concept. Contrary to the author's desire, it is possible to encounter many arbitrary administrations that realize this theory both in the past and at present. Because the sine qua non of Jakobs's theory, and the lifeblood of arbitrary administrations, is the "enemy."

F. Child rights violations in political judicial practice

14. All political trials primarily target disadvantaged groups. Among these, children and young people always take the first place. Children are seen as potential criminals because of their parents. As will be concretized in the following section, the burden of their parents is placed on these children. The system forces them to live in the past. Starting from school age, at all stages, data related to their parents that entered state records in the past confront them. These children are forced to live in the past whether they want to or not. However, the state has settled accounts with the "parent" it considers an enemy and even aims for the child not to be like him. But official practices work exactly the opposite. "Official Bias" revealed by scientists in their research follows them step by step. Therefore, being a child of a political prisoner will necessitate living with lifelong stigmatization.

²² Jakobs, Günter. Bürgerstrafrecht und Feindstrafrecht, Onlinezeitschrift für höchstrichterliche Rechtsprechung im Strafrecht (früher: HRR-Strafrecht) HRRS - (3/2004), S.92

²³ Jakobs, ZStW 97 (1985) Heft 4, S. 784

²⁴ Luis, Greco. Feindstrafrecht, Verlag: Nomos, Band 47, 1. Auflage, 2010, S.14

II. The Situation of Children of Political Prisoners in Turkey

A. Children Covered by the Report

15. The subject of the report is the children of individuals detained or arrested with political motivation, as defined in the first section. This study specifically focuses on children under 18 years of age.
16. Globally, the general approach to parental imprisonment is that one of the parents is in prison. In Turkey, however, the situation has become even more severe, with spouses being imprisoned at the same time. Words used to describe the situation of the children left behind in this case include devastation, shock, and disaster.
17. The simultaneous imprisonment of parents has become widespread since the state of emergency (OHAL) began in July 2016. One of the most important observations describing the situation was made by Zeid Ra'ad Al Hussein, the United Nations High Commissioner for Human Rights, in 2018. In his briefing on a report evaluating OHAL practices on March 20, 2018, Hussein stated: "One of the most alarming findings is reports of how Turkish authorities could detain 100 women who were pregnant or had recently given birth, mostly on the grounds of their 'association' with their husbands suspected of links to terrorist organizations. Some were detained with their 2 children, some were violently separated from their children. This is not only disproportionate, but utterly cruel and certainly not about making the country safer."²⁵.
18. In response to a parliamentary question by MP Ömer Faruk Gergerlioğlu on the matter, the Ministry of Justice officially announced that as of October 2024, 498 couples were simultaneously in prison on political charges²⁶. As seen, the number, stated as 100 in 2018, reached 498 by 2024. It would be reasonable to state that this number is increasing day by day in Turkey, where prison occupancy rates are rising every day.
19. The most striking example of children whose mother and father are simultaneously in prison is the children referred to as the Quintuplets. These children also have an older sister. In 2019, father Abdulkadir Arslan was sentenced to 9 years and mother

²⁵ https://www.ohchr.org/sites/default/files/Documents/Countries/TR/2018-03-19_Second_OHCHR_Turkey_Report_Turkish.docx , Internet Access Date: 18.10.2025.

²⁶ <https://velev.news/gundem/498-anne-baba-tutuklu-var-706-cocuk-anneleriyle-birlikte-cezaevinde/>. Internet Access Date: 04.10.2025.

Nurcan Arslan, a housewife, to 6 years and 3 months in prison, on the grounds of their alleged connections to the Gülen Movement²⁷. Appeal and cassation processes are ongoing, but faced with the threat of imprisonment, they want to leave the country, but they have travel bans. In October 2023, they are caught while trying to leave the country illegally. Both the mother and father are arrested. At the time of the incident, the quintuplets were 7 years old, and their older sister was 13²⁸. Despite the ongoing judicial process and the presumption of innocence, neither the mother nor the father are released. Their grandmother has to take care of these children. Their grandmother has repeatedly stated on social media that she is old, the children are young and have health problems, the children need their parents, and one of the parents should be released. Indeed, since the children are quintuplets, each has separate and serious health problems. Despite the efforts of national and international individuals and institutions, they are not released. In July 2025, the Supreme Court of Appeals issues a reversal decision, but the Arslan couple is still not released²⁹.

20. The situation of the Arslan couple and their children was just one example; at least 498 parents similar to this example are simultaneously in prison for political reasons, while their children are outside.

B. Risks Faced by Children of Political Prisoners

21. Many studies have been conducted worldwide on children whose parents, or one of them, are in prison. These studies have particularly focused on prisoners categorized as "ordinary criminals." There are even websites and libraries dedicated to gathering such studies³⁰. These resources extensively discuss the risks and difficulties faced by children of prisoners.
22. Since our study focuses on "political crimes," it was necessary to address the risks and difficulties from different perspectives. According to our findings, the definition of a parent as a "political criminal" also makes their children targets of arbitrary political practices. The "depersonalization" and "dehumanization" of the

²⁷ The accusations directed at the Arslan Couple are as follows: In Nurcan Arslan's file, ByLock usage, the existence of a Bank Asya account which was a legal bank at the relevant date, working in a private school closed by KHK between 2014-2016; for father Abdulkadir Arslan, organizing religious talks and meetings, collecting aid between 2007-2008 and 2012, working in a private school closed by KHK between 2012-2014, ByLock usage and having a Bank Asya account. Regarding all these allegations, the Grand Chamber of the European Court of Human Rights has a precedent decision dated September 26, 2023, in the Yalçınkaya&Turkey case, concerning the violation of the principle of Legality of Crime and Punishment regulated in Article 7 of the European Convention on Human Rights.

²⁸ <https://serbestiyet.com/featured/ozel-haber-turkiyenin-ucuncu-besizlerinin-anne-ve-babasi-kacma-suphesi-nedeniyle-tutuklandi-144436/> Internet Access Date: 04.10.2025.

²⁹ <https://www.patreon.com/posts/yargitay-anne-133219171> Internet Access Date: 04.10.2025.

³⁰ <https://childrenofprisoners.eu/resources/recommended-reading/bibliography/> Internet Access Date: 08.10.2025.

interlocutor, which constitute the "moral intent" of genocide and crimes against humanity, have suddenly achieved something legally and morally impossible, making children accomplices in their parents' "crimes(!)." The concept of "collective guilt," explicitly prohibited by international conventions and constitutions, has been legitimized from a political perspective. This situation has caused irreparable harm to children.

23. The risks and difficulties listed below are compiled from these studies.

1. Psychological Difficulties: Trauma, Anxiety Disorders, Emotional Problems

24. A parent's imprisonment can lead to traumatic stress reactions in children³¹. During this process, children struggle to cope with feelings of separation, confusion, and loss; as a result, feelings of sadness, anxiety, and hopelessness can develop³². The sudden absence of a parent shakes the child's sense of security and negatively affects attachment processes³³.

25. The process of parental imprisonment usually begins with police raids on homes. Even if the person is apprehended elsewhere, the police may search the home to obtain evidence³⁴. This constitutes one of the most important starting points for the trauma process in children. This trauma also creates a fear of the police and gendarmerie in children. Each stage of a parent's arrest, conviction, and release is seen as a major stress point for children³⁵.

26. Studies conducted since ancient times have put forward theories that these children are more prone to mental health problems. Findings obtained through standardized and structured questionnaires and scales used within the scope of the COPING Project³⁶ confirmed that children of prisoners are at a higher risk of mental health problems compared to the general child population³⁷.

³¹ Children of Imprisoned Parents, European Perspectives on Good Practice, Children of Prisoners Europe, 2014, p. 17

Children of Imprisoned Parents, p. 45.³²

³³ Erbay, A. (2020). Psychological Effects of Child Penal Institutions. Aydın İnsan ve Toplum Dergisi. https://aydininsanvetoplum.aydin.edu.tr/wp-content/uploads/2020/04/ait_v3i1002.pdf

³⁴ COPING: Children of Prisoners, Interventions and Mitigations to Strengthen Mental Health Location: Germany, Romania, Sweden and the UK, p. 2, https://health.ec.europa.eu/system/files/2019-09/ev_20190514_co09_en_0.pdf Internet Access Date: 12.10.2025.

³⁵ COPING, p. 2.

³⁶ The COPING Project (Children of Prisoners, Interventions and Mitigations to Strengthen Mental Health) is a comprehensive research supported by the European Union, conducted in four countries (United Kingdom, Germany, Sweden, and Romania); it examined the psychological resilience, coping strategies, and mental health risks of children with incarcerated parents through standardized scales and qualitative interviews. https://health.ec.europa.eu/system/files/2019-09/ev_20190514_co09_en_0.pdf

³⁷ Children of Imprisoned Parents, p. 43.

27. Research conducted in England revealed that almost one-third (30%) of children of prisoners experienced significant mental health problems, compared to 10% of children in the general population. Approximately two-thirds (63%) of partners of prisoners in Northern Ireland stated that their children did not adapt well to their parents' imprisonment³⁸.
28. When the father is imprisoned, children usually remain under the mother's care, while in cases of maternal imprisonment, children are suddenly left without a caregiver and sometimes may be distributed among different caregivers. Due to this situation, problematic behaviors were found to be more common in cases where the mother was imprisoned³⁹.
29. Most children do not have sufficient information about imprisonment. The non-imprisoned parent (usually the mother) cannot give full, accurate, and clear answers. In this situation, the child obtains information about the imprisoned parent from the outside world, and this information can often have a traumatic effect on the child⁴⁰.
30. Due to young children's inability to understand prison, children may identify themselves with that place during visits. There is even information in the sources that an 8-year-old girl became afraid that she would also be imprisoned when her father was handcuffed during a visit⁴¹.
31. The resilience of prisoners' children may depend on the type of their parents' crime and punishment⁴². Indeed, when the situation is considered from the perspective of children of political prisoners, a dire picture emerges. According to the "Social Costs of the State of Emergency in its 3rd Year Report" prepared by the Justice for Victims Platform, 71% of the children of people who were dismissed from their professions, subjected to investigations, detained, or arrested during the OHAL period were found to be in need of psychological support⁴³.
32. In studies conducted in Turkey, individuals interviewed made the following statements on this issue:
- *"(My sibling's) youngest of 3 children started having psychological problems. The middle and oldest also started having learning difficulties. They failed a grade two years in a row. They wanted to expel the middle one from school and did not renew his registration. The youngest is in the 2nd*

³⁸ Nancy Loucks, Prison Without Bars: Needs, support, and good practice for work with Prisoners' Families, 2024, p.6. <https://www.familiesoutside.org.uk/content/uploads/2011/02/PrisonWithoutBars.pdf> Internet Access Date: 12.10.2025.

³⁹ Loucks N., p. 5.

⁴⁰ Loucks N., p. 7.

⁴¹ Loucks N., p. 7.

⁴² Children of Imprisoned Parents, p. 45.

⁴³ 3rd Year OHAL's Social Costs Report, Justice for Victims Platform p. XXXV.

*grade of primary school. They did not want to admit him to school because he started having psychological problems. Their grandmother was taking care of them, but she also passed away, so they were left alone. Their mother was sentenced to 8 years and 6 months, and their father to 7 years and 6 months in prison."*⁴⁴

- *"We have 2 children, and my husband has been in detention for 16 months. My son was 3 years old when we started getting pedagogical support. He couldn't accept being separated from his father. He experienced serious difficulties because it was a role model age. Now my 6-year-old daughter is also receiving support. I am too. Our family integrity has been disrupted. They can't bear to leave their father behind the glass."*⁴⁵
- *"My 14-year-old daughter uses antidepressants. My son has many failing grades in high school despite being successful in middle school."*⁴⁶
- *"My nephew, who was 5 years old when his father went inside, is now 8 years old. At first, we used to say his father worked there, but he doesn't believe it anymore. While we thought he didn't understand anything, the child developed tics from stress. He suddenly started fainting. Doctors stated that there was nothing wrong with him and that his pain threshold was low. However, the professor we went to, after various tests, stated that it was 'epilepsy.' They left a lifelong mark on my nephew. First and foremost, they stole the children's lives."*⁴⁷
- *"My child was 4 years old when his father was arrested, he is now 7 years old and has moved to the 2nd grade. He sometimes has crying fits. He has HSP, which are rashes that appear especially on the legs. Although the doctor says it's not psychological, whenever he says he misses his father very much, the disease attacks. In the long run, it can affect his kidneys and cause intestinal obstruction. His older siblings' academic performance has dropped. Despite being very successful, their success has dropped significantly since their father's arrest. His older sister, who is studying at university, failed a class. She is actually a very successful child. The others don't want to go to school."*⁴⁸

2. Social Difficulties: Stigmatization, Social Exclusion, Peer Bullying

33. Children with imprisoned parents have to cope with many social difficulties. They are not only deprived of their parents but also exposed to bullying, economic

⁴⁴ 3rd Year OHAL's Social Costs Report, p. 163.

⁴⁵ 3rd Year OHAL's Social Costs Report, p. 163.

⁴⁶ 3rd Year OHAL's Social Costs Report, p. 163.

⁴⁷ 3rd Year OHAL's Social Costs Report, p. 163.

⁴⁸ 3rd Year OHAL's Social Costs Report, p. 163.

hardship, stigmatization, social exclusion, and shame⁴⁹. Yet, these children have committed no crime and, despite the many difficulties they face, are not seen as a separate group from their parents⁵⁰. This situation is particularly evident in children of parents imprisoned for political reasons. Bayram Erzurumluoğlu expressed this situation as follows: "As a result of the witch hunt they carried out, they apply the policy of 'the witch's child is also a witch'."

34. Stigmatization becomes one of the most powerful external factors shaping a child's identity; social exclusion directly affects a child's developmental, emotional, and cognitive capacity. The main emotion of stigmatization is shame. Stigmatization can lead to negative mental health effects related to status loss and discrimination. Stigmatization and felt shame negatively affect children's confidence in telling their friends or teachers at school that their parents are imprisoned, and this situation increases the need for secrecy, hiding, and invisibility⁵¹.

35. Peer bullying is one of the most severe traumatic experiences faced by the children who are the subject of our study. The perception of the imprisoned parent as a "criminal" leads to the child's exclusion and ridicule in their social environment. This situation can cause the child to withdraw from school and disengage from the education system⁵².

36. In studies conducted in Turkey, individuals interviewed made the following statements on this issue:

- *"September 2016 was a difficult time for us, but even more difficult was my son starting 1st grade. His friends told my son, 'Your father is a terrorist.' We didn't know how to explain it, and my son started stuttering, his speech deteriorated."*⁵³
- *"My nephews were pressured by their school friends, saying 'Your father is a terrorist' while their father was in prison. The children experienced severe trauma... even though they missed their father, they no longer wanted to go to prison."*⁵⁴
- *"While I was a police officer (special operations) who fought against terrorism for years, I was declared a terrorist overnight. Most of the people around me didn't want to meet me, they cut off contact. Their children didn't*

⁴⁹ Loucks N. p.2.

⁵⁰ Children of Imprisoned Parents, p. 4.

⁵¹ Children of Imprisoned Parents, p. 45. COPING, p. 2.

⁵² Murray, J., & Farrington, D. P. (2008). The effects of parental imprisonment on children. In M. Tonry (Ed.), Crime and justice: A review of research (Vol. 37, pp. 133-206). Chicago, IL: University of Chicago Press. p.175.

⁵³ 3rd Year OHAL's Social Costs Report p. 79.

⁵⁴ 3rd Year OHAL's Social Costs Report p. 176.

*play with my children, they would say things like 'your father is a terrorist.' I stayed in prison for a year, and my assets were seized."*⁵⁵

3. Difficulties Encountered in Educational Life

37. The children who are the subject of our report face multi-layered difficulties in their educational lives. These difficulties primarily include a noticeable decline in school performance, exposure to peer bullying, and discriminatory attitudes from teachers. Parental imprisonment disrupts a child's psychological balance, and this situation affects their educational success. Especially school-aged children may exhibit a decline in academic achievement, attention deficit, and behavioral problems due to parental separation and experienced traumas⁵⁶.
38. Children of imprisoned parents face serious disadvantages in their educational lives. Some studies in America have revealed this situation. A study by Stanton (1980)⁵⁷ found that 70% of children of imprisoned mothers performed below the class average academically; this rate was 17% for children of mothers on probation/judicial control. Similarly, another study by Trice and Brewster (2004)⁵⁸ revealed that 45% of children of imprisoned mothers experienced academic failure and 36% dropped out of school entirely. These data show that parental imprisonment poses serious risks for children's educational process in terms of both success and continuity. These disruptions in education can negatively affect children's long-term development and social integration⁵⁹.
39. Being a child of a political prisoner can sometimes deeply affect one's educational life, resulting in the complete deprivation of educational rights. In Turkey, H. Atayün, the son of former Police Chief Anadolu Atayün, who was actively involved in corruption investigations before 2014, was not admitted to public schools on the grounds that his father and mother were imprisoned with political criteria generated by KHKs (Decree Laws)⁶⁰.
40. In studies conducted in Turkey, individuals interviewed made the following statements on this issue:

⁵⁵ 3rd Year OHAL's Social Costs Report p. 356.

⁵⁶ T.C. Ministry of National Education (2018). *Psychology of Detainees and Convicts*. Ankara p.111.

⁵⁷ Stanton, Ann M. 1980. *When Mothers Go to Jail*. Lexington, MA: Lexington Books. Information about this study was taken from Murray, Farrington (2008).

⁵⁸ Trice, Ashton D., and Joanne Brewster. 2004. "The Effects of Maternal Incarceration on Adolescent Children." *Journal of Police and Criminal Psychology*. Information about this book and study was taken from Murray, Farrington (2008).

⁵⁹ Murray, J., & Farrington, D. P. (2008) taken from p.159.

⁶⁰ Turkey Child Rights Report (The "KHK" Children- The Little Victims of Turkey's State of Emergency Laws), Crossborder Jurists, September 2022, <https://www.crossborderjurists.org/turkey-child-rights-report-the-khk-children-the-little-victims-of-turkeys-state-of-emergency-laws/> Internet Access Date: 14.10.2025

- *"An incident that happened to my neighbor's son, who was dismissed with a KHK and arrested, hurt me a lot. My neighbor's son, who was extremely successful in his education before the unfortunate events, was given a low grade by his religious culture teacher. The child said that the teacher told him, 'I'm giving this grade to your mother, not to you.'"*⁶¹
- *"My children, aged 9 and 11, who go to school, were accused by other children of the same age, saying 'Your father has been dismissed, your father is a terrorist.' I believe these children were manipulated by someone. My child's teacher targeted my child to other students in the class by saying 'No one should talk to him.' We complained about the situation to the school administrators. The principal and vice-principal were indifferent and uncaring. They did not care."*⁶²
- *"The children lived alone at home for exactly 2 years, and the children who achieved top ranks in Turkey in university entrance exams ranked 290,000th. They had to deal with police officers and bailiffs constantly coming to the house, their psychology deteriorated, and they still cannot receive treatment."*⁶³
- *"The children experienced psychological and financial difficulties, fell behind in their lessons, and experienced failures. They were very upset at school, being called 'FETÖ member.'"*⁶⁴
- *"My eldest daughter developed school phobia and is also very afraid of being without her mother."*⁶⁵
- *"My child, who is in 1st grade of high school, did not want to go to school. His friends made fun of him, and he developed stress-related sores on his head. We shaved his head twice and used medication. My 4-year-old son stopped talking and is now 6.5 years old and cannot speak. All of them can have crying fits at the slightest incident."*⁶⁶

4. Family Relations: Blaming Parents, Physical and Emotional Detachment

41. Children of individuals imprisoned for political reasons experience deep conflicts and detachments in family relationships. The weakening of the bond due to physical distance leads to the child developing accusatory attitudes towards their

⁶¹ Bericht über die sozialen Kosten des Ausnahmezustands im 3. Jahr, p. 164.

⁶² Bericht über die sozialen Kosten des Ausnahmezustands im 3. Jahr, p. 1022.

⁶³ Bericht über die sozialen Kosten des Ausnahmezustands im 3. Jahr, p. 169.

⁶⁴ Bericht über die sozialen Kosten des Ausnahmezustands im 3. Jahr, p. 169.

⁶⁵ Bericht über die sozialen Kosten des Ausnahmezustands im 3. Jahr, p. 173.

⁶⁶ Bericht über die sozialen Kosten des Ausnahmezustands im 3. Jahr, p. 173.

parents and emotional detachment. Parental imprisonment can be perceived by the child as both a form of abandonment and a source of social shame. Especially maternal imprisonment not only disrupts the mother-child relationship but also impairs the child's emotional development⁶⁷. Young children may begin to mistake their caregivers (usually grandmothers) for their real mothers, which can lead to confusion about their identities⁶⁸. Particularly in Turkey, during the period since July 15, 2016, it has been observed that children, even at a young age, abandon their parents' religions and beliefs and clash with them.

42. Another devastating effect of parental imprisonment is the breakdown of the family. The situation sometimes becomes so severe that siblings may also be forced to separate. Siblings are placed with different caregivers, and in this case, the siblings naturally do not have the right to choose their caregivers.

43. In a case study conducted in America, 12-year-old Angela told other children that her mother had died when her mother was arrested; because she was ashamed that her mother was in prison and stated that she hated both her and everyone else⁶⁹.

44. In studies conducted in Turkey, individuals interviewed made the following statements on this issue:

- *"My brother is the father of 3 daughters. His children are 2, 7, and 9 years old. The older one is quite unhappy and misses their father very much. The youngest is only 2 years old and has only seen her father from visit to visit for 2 years, so she has no concept of a father. We are very sad."*⁷⁰
- *"Because our mother is in prison, my little brother says, 'Mom is not coming. I don't want her anymore.'"*⁷¹
- *"His father doesn't know and doesn't accept him because his father went to prison 3 months after the child was born."*⁷²
- *"He doesn't want to hear his father's name, he thinks he was abandoned."*⁷³
- *"He didn't go to prison, but still, my son, who is currently preparing for university and finished school with first and second honors, experienced a drop in his grades. Although he tries not to show it to us, he is sad. He also*

⁶⁷ Loucks N. p.6.

⁶⁸ Barbara Bloom, David Steinhart, Why Punish The Children? A Reappraisal of the Children of Incarcerated Mothers in Americas. NACC, 1993 p. 35.

⁶⁹ Bloom and Steinhart, p.17.

⁷⁰ 3rd Year OHAL's Social Costs Report, p. 165.

⁷¹ 3rd Year OHAL's Social Costs Report, p. 165.

⁷² 3rd Year OHAL's Social Costs Report, p. 167.

⁷³ 3rd Year OHAL's Social Costs Report, p. 168.

*reacted to his father a few times, saying, 'What did you do? Why are we in this situation? It's all your fault.'"*⁷⁴

- *"My cousin's five-year-old son is experiencing psychological problems, his father is in prison, he was very attached to his father. Another cousin's son started smoking and drinking, he moved away from religion, saying, 'If these (the oppressors) are religious, I am not.' There are deists in the family."*⁷⁵
- *"My son started to hate his father, who was arrested. Because he thought that he had abandoned us and that's why he didn't come. We went to a pedagogue for months and finally overcame this problem."*⁷⁶
- *"My daughter, who is now 16 years old, was psychologically very affected during this process. She changed her faith. As a mother and father, we feel very helpless. She is receiving psychiatric and psychological treatment. This process also played with our children's future and beliefs."*⁷⁷

5. Economic Difficulties: Loss of Income, Poverty, Problems in Accessing Basic Needs

45. Imprisonment is a traumatic experience for the rest of the family and carries enormous emotional and financial costs⁷⁸. Imprisonment creates and exacerbates poverty⁷⁹. The impact of parental imprisonment constitutes a significant economic penalty for the family⁸⁰. Family impoverishment is considered a mechanism that leads to the formation of antisocial behaviors in children⁸¹.

46. In addition to the decrease in income, an increase in expenses is also observed. The most important items in this regard are the prisoner's individual expenses in prison and visitation costs. As is known, the daily food costs of convicts in prison are collected from them. In Turkish practice, expenses other than lighting, such as television, refrigerator, and water heater, are covered by the prisoners.

47. One of the most important expense items for prisoner families is visitation costs. This constitutes a very heavy burden for poor and middle-class families. Let's take

⁷⁴ 3rd Year OHAL's Social Costs Report, p. 172.

⁷⁵ 3rd Year OHAL's Social Costs Report, p. 173.

⁷⁶ 3rd Year OHAL's Social Costs Report, p. 174.

⁷⁷ 3rd Year OHAL's Social Costs Report, p. 175.

⁷⁸ Loucks N. p. 1.

⁷⁹ Children of Imprisoned Parents, Editors: Peter Scharff-Smith and Lucy Gampell, The Danish Institute for Human Rights, European Network for Children of Imprisoned Parents, University of Ulster and Bambinisenzasbarre 2011, p. 18.

⁸⁰ Children of Imprisoned Parents, p. 18.

⁸¹ Children of Imprisoned Parents, p. 11.

the example of Selahattin Demirtaş⁸². Demirtaş is imprisoned in Edirne. His wife and two daughters live in Diyarbakır. The distance between the two cities is 1,687 km. A one-way bus ticket from Diyarbakır to Istanbul, as of October 2025 when this report was written, is 1500 TL. The distance between Istanbul and Edirne is 550 TL. According to this calculation, the round-trip travel cost for a family of three alone is 6,150 TL. A prisoner has the right to 3 closed and 1 open visit per month. In this case, if the family exercises their legal visitation rights, 4 visits will take place. In this situation, the travel cost alone amounts to 24,600 TL. Ms. Demirtaş is a teacher and her monthly salary is around 53,665 TL⁸³. In this case, the money spent only on visits constitutes approximately half of the family's income.

48. In studies conducted in Turkey, one person interviewed made the following statement:

*"My husband has been in prison for 3 years, (760 km distance, 10 hours travel time) ... in prison (We live in Ankara and have 3 children. I am unemployed, our financial situation is bad, we live on family aid. We can only visit my husband once every 4 months because our financial situation does not allow it. Despite my husband's repeated requests for transfer to be closer to us, they are rejected. I cannot meet my children's needs. I pay my health insurance myself. It was not accepted."*⁸⁴

49. An important expense item is also child care services provided by the arrested parent. If one of the parents is imprisoned, the other will have to work. In this case, extra payments will be made for the care of young children, such as a caregiver or a daycare⁸⁵.

50. The financial effects of parental imprisonment on the child can be concretized as follows. Children's living standards decrease, they cannot turn to popular brands in their clothes, they cannot follow current technology, they feel their poverty among their peers with old belongings and devices. Impoverishment is also felt in the social sphere, children cannot participate in group activities such as school trips. The child's pocket money decreases, they cannot buy what they want from the school canteen⁸⁶.

⁸² Selahattin Demirtaş (b. 1973): Kurdish politician, lawyer, and writer. Former co-chairman and deputy of the Peoples' Democratic Party (HDP). He was a candidate in the 2014 and 2018 Turkish Presidential elections. He has been held in pre-trial detention since November 4, 2016, on charges such as "membership in an armed terrorist organization" and "propagandizing for a terrorist organization." Some of his conviction decisions and the continuation of his detention have been subject to violation decisions by the European Court of Human Rights (ECtHR). Despite the ECtHR's violation decisions, he has not been released.

⁸³ <https://www.eleman.net/meslek/ogretmen/maas> Internet Access Date 12.10.2025

⁸⁴ 3rd Year OHAL's Social Costs Report, p. 191.

⁸⁵ Children of Imprisoned Parents, p. 19.

⁸⁶ Children of Imprisoned Parents, p. 19.

6. Legal Difficulties: Visitation Rights, Custody Problems

51. One of the most significant problems for children of political or ordinary criminal prisoners is visitation. They cannot reach their parents whenever they want. However, in all international texts and constitutions regulating children's rights, the "best interests of the child" is determined as the priority issue. In all administrative and judicial decisions and procedures, the "best interests of the child" should be taken into account. Despite this, when it comes to criminal law and prisons, children are never among the issues that can be considered. The criteria are simple and clear: prison occupancy rates; if the prisoner is political, placement in a high-security prison.
52. If we consider the issue specifically in Turkey, Turkey is a large country. Due to its geographical structure, transportation possibilities are difficult. Journeys are long, arduous, and dangerous. The population density is also not homogeneous. Therefore, large prisons in sparsely populated areas are not filled with local prisoners, while those in large cities are always at full capacity. In this case, transfers come to the agenda, and prisoners can be transferred to cities hundreds of kilometers away from their families. This situation fundamentally shakes family unity. The more dire situation is when both spouses are in prison at the same time. Often, spouses are placed in prisons in different cities because there are not women's prisons everywhere. The women's sections of large prisons, especially in big cities, are always full. In this case, the family is torn apart.
53. Especially for political prisoners, prison visits are subject to very strict rules. Interaction, touching, holding one's child in one's lap are often limited or completely forbidden. Children cannot understand why their imprisoned parents are not allowed to stand up and play with them during visits, and this causes emotional distress. Visits can be boring for children⁸⁷.
54. Research conducted in England observed symptoms of stress in children before and after visits, such as irritability, excessive silence, excessive excitement, sadness, or withdrawal⁸⁸. One of the most important reasons for this is the anxiety of going through very strict controls. Especially for visitors of those imprisoned for political crimes, the strictest rules are applied in this regard. Children are subjected to touching and very detailed searches. Often, control with X-ray devices is not considered sufficient.
55. In field studies conducted in Turkey, a participant made the following statement:

"My nephews were pressured by their school friends, saying 'Your father is a terrorist' while their father was in prison. The children experienced severe

⁸⁷ Loucks N, p.8.

⁸⁸ Loucks N, p.16.

*trauma. Their father was in a prison 15 hours away from their city, I took them many times. They were exhausted from the searches in prison and no longer wanted to go to prison even though they missed their father."*⁸⁹

56. Custody problems, on the other hand, arise from the uncertainty of child care and supervision responsibilities after arrest. Uncertainties during the detention process prevent future plans from being made for children and important decisions from being taken. The possibility that the mother or father may be released at any moment is an uncertainty, and this uncertainty makes things difficult. Since custody rights continue during detention, a power of attorney is required for all procedures related to children. This is a major problem, especially for those in prisons in distant cities.

7. Security Risk: Being Drawn into Crime, Harm and Self-Harm

57. Children of individuals imprisoned for political reasons face not only psychological, social, or economic but also serious security risks. These risks include both harms that may come from the external environment and harms that the child may inflict on themselves. Especially suicidal tendencies constitute a threat among these children that cannot be ignored.

58. One of the first issues to be addressed under this heading is the possibility of children being drawn into crime. This situation poses a serious risk both for the future of children and for society. Many studies have been conducted in America on the relationship between early involvement in crime and parental imprisonment. These studies have broadly found a significant relationship between parental imprisonment and children's early involvement in crime⁹⁰. It has been revealed that children whose mothers are imprisoned are more likely to be drawn into crime than children whose fathers are imprisoned⁹¹. While a relationship between involvement in crime and parental imprisonment can be established in boys, a significant relationship could not be established in girls' involvement in crime⁹².

59. Harms directed at children whose parents are in prison are generally seen in the form of peer bullying. Peers from the class, school, or neighborhood can associate their parents' crimes with the child and stigmatize them as criminals. Verbal abuse, teasing, insults, and even physical assaults can occur. Another type of attack is attacks made through social media. If the child's imprisoned father is a

⁸⁹ 3rd Year OHAL's Social Costs Report p. 176.

⁹⁰ Parental Incarceration, Development, and Well-Being: A Developmental Systematic Review, 10.02.2023, <https://pmc.ncbi.nlm.nih.gov/articles/PMC9967200/> Internet Access Date: 17.10.2025

⁹¹ Martin, Eric, Hidden Consequences: The Impact of Incarceration on Dependent Children, 01.03.20217, <https://nij.ojp.gov/topics/articles/hidden-consequences-impact-incarceration-dependent-children> , Internet Access Date: 17.10.2025

⁹² Parental Incarceration, Development, and Well-Being: A Developmental Systematic Review

well-known person, or if the incident in which his name is mentioned frequently appears in the media, the child may be exposed to lynching-like comments or attacks from people they do not know. In a study conducted in Turkey on the relatives of people who were dismissed from their professions and arrested for political reasons, a woman whose husband had been in prison for 27 months for political reasons stated that her child, who was in 3rd grade of primary school, was frequently beaten by his classmates, and when asked why, the child explained, "My father is not here! They can beat me. If my father was here, they couldn't."⁹³

60. Another type of danger to children comes from justice system employees. Incidents such as a police officer throwing a child's personal belongings or underwear around during a house search where a parent is detained have been reported to cause children to feel guilty or humiliated⁹⁴. Similarly, the intense and intrusive security procedures during prison visits can create a similar effect⁹⁵. In a study conducted in Turkey, a traumatic situation was mentioned where a girl child, who went to visit her parent in prison for political reasons, was violently hit in her genitals after a search at the prison entrance, causing the child to be unable to recover for a long time⁹⁶.

61. The most severe form of children's self-harm is suicide attempts. Especially when a parent is accused for political reasons, life can become completely unbearable for children. The reasons for this, as explained so far, are peer bullying, social media bullying, discrimination by teachers at school, and the intense, discrimination-based, and parent-targeting statements of politicians in positions of state administration. Detention, arrest, and conviction processes cause severe traumas and stress accumulation in children. This situation can lead to irreparable consequences, especially for adolescents. In the diary of Ayşe D., the daughter of a father imprisoned for political reasons who committed suicide by jumping on train tracks in Izmir on July 6, 2023, there are traces related to this issue. The diary states that during middle school, when her father was dismissed from his profession, subjected to investigations and arrest, her school friends teased her by calling her "FETÖ member," harassed her, and bullied her⁹⁷.

62. The report "Social Costs of the State of Emergency in its 3rd Year" included the following finding: "The deadly effect of the OHAL on victims and their families has reached such a level that even 10-11 year old children can be driven to suicide due to the traumas created by the OHAL. Narratives about even 10-11 year old children

⁹³ 3rd Year OHAL's Social Costs Report, p. 170.

⁹⁴ Children of Imprisoned Parents, p. 67.

⁹⁵ Children of Imprisoned Parents, p. 200.

⁹⁶ 3rd Year OHAL's Social Costs Report, p. 47.

⁹⁷ Sevinç Özarlan, "The letter of 18-year-old Ayşe who committed suicide after meeting her KHK-dismissed father", <https://www.patreon.com/posts/khkli-babasiyla-86799633> Internet Access Date: 15.10.2025.

starting to commit suicide are available in our 3-year research data."⁹⁸. The same report also included the following statements from victims and their relatives:

- *"After his father went to prison, especially during adolescence, 3 of my friends' children attempted suicide. Their grades dropped significantly."*⁹⁹
- *"My relative's daughter was preparing for university entrance exams and her performance was negatively affected, her other daughter was young and felt lonely in life, her son attempted suicide and is receiving treatment, her parents are struggling with serious illnesses, her husband became disillusioned with life and stayed at home."*¹⁰⁰
- *"Because of my father, who was tried in detention, everyone around us turned their backs on us, they didn't even call us on the phone, they treated us like lepers. My father's salary was cut, my mother started going to cleaning jobs, my brother dropped out of school. We live in fear for our safety, there is no guarantee that they won't take us tomorrow. Our psychology has deteriorated, I often think about committing suicide but I can't bring myself to do it to my mother."*¹⁰¹

8. Official Bias: Threat of Being Seen as a Potential Criminal

63. Family members of imprisoned individuals, especially children, are defined as the hidden victims of imprisonment. In this respect, they are indirectly victims of a crime to which they were not a party. Moreover, they are seen as perpetrators and associated with the perpetrator. Therefore, while crime victims receive more or less support from public institutions and voluntary organizations in all developed countries, relatives of prisoners are deprived of this support and cannot benefit from existing public and social protection mechanisms¹⁰². Especially children of individuals imprisoned for political reasons are additionally seen as potential "threats." Indeed, studies conducted in America have shown that children of prisoners may be exposed to "Official Bias" compared to their peers due to their parents' criminal history, and therefore, in the event of an accusation, their risk of being tried or convicted may be higher¹⁰³. The result of institutional bias is "Collective Guilt." Collective guilt is prohibited in all national laws and international conventions on human rights.

64. Traces of collective guilt, which include the children and subsequent generations of families facing political accusations in Turkey, have been found in official

⁹⁸ 3rd Year OHAL's Social Costs Report, p. 162.

⁹⁹ 3rd Year OHAL's Social Costs Report, p. 173.

¹⁰⁰ 3rd Year OHAL's Social Costs Report, p. 173.

¹⁰¹ 3rd Year OHAL's Social Costs Report, p. 175.

¹⁰² Eric M.

¹⁰³ Murray J., Farrington D. P., p. 176.

documents. A workshop was organized by the Police Academy in February 2017. Participants in the workshop included judges and public prosecutors who were actively involved in the trials at that time. A report was published as a result of the workshop. The report included the following statement, which also concerns the children that are the subject of our study: "We must never forget that we are in a 'war' with FETÖ that will last for several generations, that we, as a state and a nation, have won a part of the war, and that the war will continue"¹⁰⁴.

65. As emphasized in our explanations regarding political crimes in the first section, individuals are often accused not with concrete actions but with assumptions. These assumptions manifest themselves as ordinary activities in daily life being considered crimes "based on discrimination." These assumptions also target children. Especially children with a more assertive and social personality, who attend university, actively use social media, and interact with friends and the outside world, can be caught in this assumption radar and become targets of accusations.
66. In Turkey, the trials known as the "Girls' Case" are the most concrete example of Official Bias and the "Collective Guilt" it creates. This case concerns the children of people who were dismissed from their jobs and arrested with OHAL KHKs (Decree Laws) on the grounds of their alleged connections to the Gülen Movement. The focus of the trial is 15 girls aged between 13-17. Many illegalities were experienced during the investigation and trial process. For example, 15 girls were taken into custody by house raid in the early hours of the morning and brought to the police station and were not allowed to meet with any lawyer or parent. In the statement made by law enforcement officers, it was stated that these children were given the status of witnesses and their information would be sought. However, it is legally not possible for a minor child whose statement will be taken as a "witness" to be forcibly taken from home by house raid and subjected to detention procedures. These children were kept under police control for 16 hours, attempts were made to take their statements without a lawyer, and they were subjected to severe threats. In the indictment, 39 people in the social circle of these 17 girls were accused. Some are parents, some are relatives, some are adult university students. All accusations are related to activities with these children. Actions such as having iftar dinner together during Ramadan, bringing food packages to their homes, having picnics with these children, bowling or going to the cinema together, teaching children, and making family visits together were considered crimes. All these ordinary activities were used as justification for the accusation of "being a member of a terrorist organization." The indictment did not define a terrorist act, nor did it contain any other actions that could be considered

¹⁰⁴ Yeni Nesil Terör FETÖ'nün Analizi (Analysis of the New Generation of Terrorism: FETÖ), Presidency of the Police Academy, p. 17.

a crime. In Turkey, MP Ömer Faruk Gergerlioğlu followed this issue and announced the illegalities to the whole world. It was met with great reaction from the international community. Observers representing many international institutions and organizations attended the case. Nacho Sanchez Amor, the European Parliament's Rapporteur for Turkey, made a speech at the 81st European Union – Turkey Joint Parliamentary Committee Meeting on November 27, 2024. In his speech, stating that there was no progress on justice and fundamental rights in Turkey, he addressed Turkish authorities and politicians, saying, "You have reached such a low level in democratic standards that it is not possible to make it worse." Amor strongly criticized the Girls' Case by saying, "You are trying 14-year-old girls for terrorism. In courts, your judges ask a girl why she went to study with her neighbor and see this as a terrorist activity." Rebecca Cataldi, director of the International Center for Religion & Diplomacy, was among those who attended the hearing on February 18, 2025, as an observer. She presented her observations regarding the case to the United States Congress. Cataldi stated that the case was opened with a terrorism accusation, but during the hearing, the judge did not ask any questions about terrorism or violent acts, and the defendants were asked questions such as "Did you study math together, did you go for tea, who was your roommate, why did you spend so much time with this person, why did someone pay your rent," and that this situation indicated that the case was not about terrorism but rather that a peaceful religious movement was not being allowed to exist in the country¹⁰⁵.

C. As a Separate Heading: Children Staying in Prison with Their Mothers

67. The problem of children staying in prison with their mothers has been an issue on Turkey's agenda for many years. The mistakes in the system and structural problems have been raised many times. It remains on the agenda because there has been no improvement. Here, we want to address the impact of political parental imprisonment on children staying with their mothers.
68. Legally, in Turkey, a maximum of two children up to the age of 6 can stay in prison with their mothers at the same time. The practice of housing children up to the age of 6 brings with it many problems for child development. Six years spent disconnected from real life, unable to interact with soil, plants, animals, and often even other children, and with strict prohibitions that the child cannot understand. In this situation, a child's most important 6 years of development are spent in prison. The helplessness of families, the absence of anyone to care for the

¹⁰⁵ https://tr.wikipedia.org/wiki/K%C4%B1z_%C3%87ocuklar%C4%B1_Davas%C4%B1 Internet Access
Date: 14.10.2025

children, and the failure of state institutions to produce solutions force these children to grow up in prison and prepare for life in prison.

69. The fact that the mother with whom the child stays is in prison for a political crime is also a reason for discrimination for the child. We will explain this proposition with the following sub-propositions.

- *If the mother had not been accused for political reasons, this child would not have had to grow up in prison:*

According to Article 16/4 of the Law on the Execution of Penalties and Security Measures, the execution of sentences for pregnant women and women who have not passed 1 year and 6 months after birth is deferred. This regulation concerns women whose conviction has completed the legal process and whose guilt has been legally finalized. While this is the situation for convicts, when considering the situation of pregnant or newly delivered women who are under investigation or trial and under the protection of the "presumption of innocence," they should either not be arrested at all or should be immediately released¹⁰⁶. Despite this, if a woman is accused for political reasons, these legal rules and fundamental principles of law can be ignored by judges and prosecutors. Since these arrests cause public outrage, they are heavily criticized on social media¹⁰⁷. When it comes to children, no comparison can be debated, but in this situation, the following comparison frequently comes to the agenda: "If this mother's crime had been an ordinary crime, this child would not have been born in prison, this child would not have gone to prison with her mother." We have included numerical data confirming this proposition in this report. While the United Nations High Commissioner for Human Rights stated in 2018 that the number of spouses simultaneously imprisoned for political reasons was 100, according to the Ministry of Justice's data for October 2024, the number has reached 498.

- *The child of a political prisoner is also political. Therefore, they are subjected to the same discriminatory practices.*

Another important issue faced by children staying with their mothers is the fact that the child's life in prison is subject to the mother. It is a known fact that political prisoners are subject to a stricter execution regime in every

¹⁰⁶ Turkey Prisons Report, Solidarity with Others, 2021, p. 53.

¹⁰⁷ A sharing made by former European Commissioner for Turkey, Rebecca Harms, on this issue is just one of them: <https://x.com/RebHarms/status/1971831909803348385> Internet Access Date: 18.10.2025. For the drawings of the famous cartoonist Gianluca Constatini on this subject: <https://www.channeldraw.org/2022/05/27/sakran-prison-izmir-turkey/>, for more: <https://www.crossborderjurists.org/paint-exhibition/> Internet Access Date: 18.10.2025.

sense compared to ordinary prisoners. These children are also subjected to the same strict execution regime. Children observe the bad and harsh practices their mothers are subjected to day by day, and they spend their first 6 years with these practices. Their personalities, characters, and subconscious are shaped accordingly.

70. It is a more common practice for political prisoners to be held in prisons in cities far from their families than for ordinary prisoners. Similarly, if a husband and wife are in prison at the same time for political crimes, the spouses are housed in different prisons. In these cases, the children's ties with their families are seriously damaged.

CONCLUSION AND RECOMMENDATIONS

The theoretical and empirical findings of this article have clearly demonstrated that in regimes where criminal law practice has become a political tool of domination, children of political prisoners are the invisible victims who pay the heaviest price. Theoretical concepts such as Carl Schmitt's "friend-enemy" distinction and Jakobs's "enemy criminal law" prove that political judicial practices in Turkey operate as an apparatus targeting not individuals but groups defined as "the other," exceeding the principle of legality. As seen in the "Girls' Case" example, the criminalization of even ordinary social actions as "terrorist activity" reveals how the judiciary has transformed into an Official Bias mechanism and how the principle of collective guilt has been placed above the law.

In the Turkish example, the problems faced by children of political prisoners are not limited to the difficulties brought by parental absence; they have transformed into multi-dimensional human rights violations such as traumatic detention processes, social stigmatization, peer bullying, educational failure, poverty, and most importantly, security risks leading to suicide attempts. Practices such as the simultaneous imprisonment of spouses have compounded the devastation by depriving children of their primary caregivers and have even been described as "cruel" by international human rights bodies.

In conclusion, the situation of children of political prisoners in Turkey is the most concrete evidence that the principle of individual criminal responsibility is systematically violated and that criminal law is used as a tool of social discipline. These children, regardless of their parents' actions, are seen as potential "threats" or "criminals," and this situation deprives them of their fundamental rights to life, education, and development. The urgent steps that must be taken to eliminate this grave situation are as follows:

1. **Return to the Principles of the Rule of Law:** Political judicial practices must be immediately ended; practices such as criminal judgeships of peace or special authorized heavy penal courts, which are traces of enemy criminal law, must be abolished.
2. **Absolute Application of the Principle of Individual Criminal Responsibility:** No child should be stigmatized, discriminated against, or punished due to their parents' actions.
3. **Child-Centered Solutions:** The principle of the best interests of the child must be prioritized. Especially in cases where both parents are imprisoned at the same time, alternative methods of criminal execution (house arrest, judicial control, etc.) must be immediately applied, taking into account the best interests of the child.

4. **Psychosocial Support and Protection:** Anti-stigmatization, inclusive education policies must be developed for these children, and urgent psychological support mechanisms must be provided by the state.

Turkey must abandon these practices that mortgage the future of these children and fulfill its obligation to be a rule of law state in accordance with its national and international commitments. Otherwise, the trauma created on this generation will continue to deeply shake society's future sense of peace and justice.