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**“Right Based Child Policies in Turkey from European  
Union Perspective”**

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# **RIGHT BASED CHILD POLICIES IN TURKEY FROM EUROPEAN UNION PERSPECTIVE**

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## **Summary:**

In this study it has been explained the development of child rights in Turkey and EU; and argued how must it assess and what kind of way we track in Turkey, when we give European Union as an example. However the foundation of Family and Social Policies Ministry and education reform in 2005 in Turkish Education System are very important development, whenever it is foreseen that determining a comprehensive child policy and protecting child's rights instead of children, when it is considered local differentiations, it will carry to the future.

## **Introduction:**

It is known for centuries that education plays an important role in forming societies. We believe that Turkey has to emphasize and practice right based learning in order to be a developed country. To do this, there are some requirements. To begin with, we must provide an environment; in which children can fulfill their physiological and biological needs, they can use their full potential, and they have rights to choose what is best for them.

## **Children's Rights**

Because of the fact that physical, physiological, biological, and behavioral properties of children differ from adults, they have special rights other than human rights.

## **Children's Rights in EU**

The Universal Declaration of Human Rights is seen as a basis for all international legal standards for children's rights today. There are several conventions and laws that address children's rights around the world. A number of current and historical documents affect those rights, including the 1923 Declaration of the Rights of the Child (Franklin, 2011), drafted by Eglantyne Jebb and her sister Dorothy Buxton in London, England in 1919, endorsed by the League of Nations and adopted by the United Nations in 1946. It later served as the basis for the Convention on the Rights of the Child.

The United Nations' 1989 Convention on the Rights of the Child, or CRC, is the first legally binding international instrument to incorporate the full range of human rights—civil, cultural, economic, political and social rights. Its

implementation is monitored by the Committee on the Rights of the Child. National governments that ratify it commit themselves to protecting and ensuring children's rights, and agree to hold themselves accountable for this commitment before the international community (UNICEF. , 2008) The CRC is the most widely ratified human rights treaty with 190 ratifications. Somalia and the USA are the only two countries which have not ratified the CRC. The CRC is based on four core principles (UNICEF. , 2008) namely the principle of non discrimination, the best interests of the child, the right to life, survival and development, and considering the views of the child in decisions which affect them (according to their age and maturity). The CRC, along with international criminal accountability mechanisms such as the International Criminal Court, the Yugoslavia and Rwanda Tribunals, and the Special Court for Sierra Leone, is said to have significantly increased the profile of children's rights worldwide (Arts, 2006)

### Vienna Declaration and Programme of Action

Vienna Declaration and Programme of Action urges at Section II para 47, all nations to undertake measures to the maximum extent of their available resources, with the support of international cooperation, to achieve the goals in the World Summit Plan of Action. And calls on States to integrate the Convention on the Rights of the Child into their national action plans. By means of these national action plans and through international efforts, particular priority should be placed on reducing infant and maternal mortality rates, reducing malnutrition and illiteracy rates and providing access to safe drinking water and basic education. Whenever so called for, national plans of action should be devised to combat devastating emergencies resulting from natural disasters and armed conflicts and the equally grave problem of children in extreme poverty. Further para 48 urges all states, with the support of international cooperation, to address the acute problem of children under especially difficult circumstances. Exploitation and abuse of children should be actively combated, including by addressing their root causes. Effective measures are required against female infanticide, harmful child labour, sale of children and organs, child prostitution, child pornography, as well as other forms of sexual abuse (Vienna Declaration and Programme of Action). This gave an influence to adoptions of Optional Protocol on the Involvement of Children in Armed Conflict and Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography.

### Enforcement

A variety of enforcement organizations and mechanisms exist to ensure children's rights. They include the Child Rights Caucus for the United Nations General Assembly Special Session on Children. It was set up to promote full implementation and compliance with the Convention on the Rights of the Child, and to ensure that child rights were given priority during the UN General Assembly Special Session on Children and its Preparatory process. The United Nations Human Rights Council was created "with the hope that it could be more objective, credible and efficient in denouncing human rights violations

worldwide than the highly politicized Commission on Human Rights." The NGO Group for the Convention on the Rights of the Child is a coalition of international non-governmental organisations originally formed in 1983 to facilitate the implementation of the United Nations Convention on the Rights of the Child.

Many countries around the world have children's rights ombudspersons or children's commissioners whose official, governmental duty is to represent the interests of the public by investigating and addressing complaints reported by individual citizens regarding children's rights. Children's ombudspersons can also work for a corporation, a newspaper, an NGO, or even for the general public.

### **Children's Rights in Turkey:**

The Turkish state formally recognized children's rights in 1928 when its President, Mustafa Kemal Atatürk, signed the Geneva Declaration on the Rights of the Child, four years after the document was drafted. The Geneva Declaration was the first widely recognized international rights statement to specifically address children. Atatürk was anxious to include his nation's approval of the child-centered "rights" specified in the document as a sign of Turkey's participation in the international arena of sovereign states. Though Turkey would not be accepted to the League of Nations for another three years, this symbolic pronouncement underscored, both at home and abroad, the sovereignty and legitimacy of the new nation-state. Atatürk and early republican reformers were also responding to the needs of post-war reconstruction (the very reason the Geneva Convention was drafted and accepted by the League of Nations for broader Europe) and to the challenges of coping with many refugees, widows and orphaned children in the 1920s. (Edmonds & Fernekes, 1996). Officially children held great promise of being a new generation that would embrace republican ideals and projects. They would be the inheritors of the new republic and as such needed to be protected and nurtured. In practice the state did little (or could do little) to redress child poverty in the early republic. The United Nations Universal Convention on the Rights of the Child (CRC), which was drafted in 1989 and has been ratified by all but two member countries to the United Nations, heralded a new era of activism and global awareness of children's rights as human rights. This latest version of the declaration is the culmination of some eighty years of international work on the issue of children's rights. It differs from previous statements in that it is a binding instrument and not only a moral declaration. Global children's rights activists and the United Nations considered this more interventionist approach necessary to ensuring greater progress in children's rights initiatives worldwide.

The Turkish state and children's rights advocates (from both national and international organizations) supported signing the CRC soon after it was completed in 1989. Following the World Summit on Children in 1990, President Demirel signed the Convention. Over the next four years children's rights advocates lobbied Turkey's parliamentary body, the Grand National Assembly, to ratify the Convention.

While Turkey's national income has grown, opportunities are not evenly spread among the population. There are significant inequalities in terms of material well-being and levels of education. Gender inequality is very marked. Social safety nets are limited. Some public services are relatively undeveloped while others are uneven in coverage and quality. Human rights are not always well understood and respected. All of these circumstances have serious – and sometimes dramatic – consequences for Turkey's girls and boys:

*Poverty:* Up to a quarter of children are living in relative poverty, and many more may be at risk in the event of an economic downturn. Poverty is higher among children than among adults. Children with relatively under-educated parents are most likely to be poor. Girls and boys experiencing material poverty are also the most likely to experience other physical and social deprivations and risks such as malnutrition, poor health, child labour, school non-attendance, lack of Internet access or leisure and socialisation opportunities, violence or family separation, and even death or injury due to natural disasters. The effects of poverty on children have been shown to last throughout their lives and go on to affect their own children.

*Nutrition:* Despite improvements in child nutrition, 10% of Turkey's children are stunted, meaning that they are of low height for their age and at risk of further health and development problems. Micronutrient deficiencies are also significant. Breastfeeding is widespread but rarely exclusive for the first six months of life.

*Child labour:* Some of the worst forms of child labour continue to be observed in Turkey, depriving children of their rights to health and development, putting them at risk and compromising their futures. Girls and boys continue to engage in migratory seasonal agricultural labour, to work on the streets and to perform repetitive and/or dangerous tasks in small enterprises in industry and services.

*Participation in education:* Some children, especially girls, drop out of primary school or do not attend regularly for reasons like poverty and/or child labour, conservative social norms, domestic responsibilities, low expectations or adaptation problems. The recent lowering of the school starting age to 60 months and the division of primary education into two phases may increase non-participation via late starting, lack of school readiness or failure to make the transition between the phases. In secondary education, there are significant inter-regional, urban-rural, socioeconomic and gender discrepancies in enrolment, and non-attendance is common, for reasons which include the need for children to earn income or work in the home, and discouragement.

*Quality of education:* Tests and observation suggest that a high proportion of school children fail to realise their full potential. Problems range from the impact of multi-choice examinations and cramming schools to the lack of a child-centred approach and child participation. There are wide disparities from place to place and school to school in the quality of education and the educational environment.

*Emerging health issues:* While the public health system has been largely successful in addressing infant and child mortality and communicable diseases, the new family medicine system has limited ability to monitor and prevent development delays, accidents, injuries, nutrition problems, non-communicable diseases and mental health within a holistic approach.

*Children without parental care:* In spite of a policy of deinstitutionalisation and family support, concern continues to be expressed from time to time about the quality of care provided for children whose parents have died or are unable, unwilling or unfit to look after them.

*Violence:* Most boys and girls encounter some form of violence, abuse, exploitation or neglect, depending partly on their age, sex and social background. Violence may be perpetrated by adults or other children at home, in and around school, or in the community. Sexual abuse, particularly for girls, is rightly a cause of public concern. These problems have not yet been fully acknowledged or addressed.

*Children in contact with the law:* Despite much reform, the treatment of children who come into contact with the law is still often out of line with international standards. Many children are tried in adult courts. Long periods of pre-trial detention are common. Conditions in detention are sometimes very poor. Child victims can still face secondary victimisation.

*Adolescent health:* Adolescents' knowledge of reproductive health appears to be very limited, partly due to social taboos. Young people may also be in need of more information and services with respect to other health issues and risks, such as drug addiction.

*Youth engagement and participation:* Adolescents and young people are often not well understood and trusted by parents or society. Children are not brought up to express opinions or take decisions for themselves and as young people they may be severely discouraged from doing so. Opportunities for personal and social development, leisure, sport and information can be insufficient. For reasons associated with tradition, the activities of adolescent girls are restricted to varying degrees in all parts of society.

*Early and forced marriage:* There is a persistent and largely-unaddressed problem of early and forced marriage among teenage girls. This infringes their reproductive health rights, paves the way for risky fertility practices like early childbirth and multiple pregnancies, causes them to withdraw from education and begin to labour as housewives before they are physically, emotionally and socially mature, exposes them to domestic violence, and exacerbates the cycle of poverty.

*Honour crimes:* Cases of honour killings and forced suicides continue to be reported in some sections of society. The victims are usually young women – and

sometimes adolescent girls - who are deemed to have damaged their family's "honour" by infringing highly conservative standards for female public behaviour.

*Between school and work:* For many young people, the transition from school to work is a difficult and drawn-out period. At any one time, about 30% of young people in Turkey are neither in work nor in school. This is a very high proportion by international standards. The ratio is highest among girls, many of whom leave school early and/or never join the workforce at all.

*Birth registration:* There is evidence that some children still miss out on birth registration, which is the gateway to all children's and citizen's rights, for the first few years of their lives - or longer in some cases.

*Disaster preparedness and the environment:* Besides environmental degradation and climate change, housing and infrastructure are extremely vulnerable to earthquakes and floods – a major risk for children and young people.

(UNICEF, 2012).

### **Solution:**

In Turkey, it is required to implement a National Child Policy to improve children's rights issues. For this purpose, firstly there has to be an authorized establishment.