

TURKEY: THE SITUATION OF KURDISH CHILDREN



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The Kurdish Human Rights Project (KHRP) is an independent, non-political, non-governmental human rights organisation founded and based in London, England. KHRP is a registered charity and is committed to the promotion and protection of the human rights of all persons living with the Kurdish regions, irrespective of race, religion, sex, political persuasion or other belief or opinion. Its supporters include both Kurdish and non-Kurdish people.

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FOREWORD

KHRP is an independent, non-political human rights organisation dedicated to the promotion and protection of the human rights of all persons in the Kurdish regions, irrespective of race, religion, ethnicity, gender or other belief or opinion. With respect to Turkey, the protection legislation affords to some groups is not meted out to others. This report has been prepared to assess the situation of a group vulnerable on two accounts: children marginalised due to their Kurdish identity.

The failure adequately to protect Kurdish children, both in legislation and in its implementation, creates a need for both the Turkish government and the international community to take action. Despite Turkey's ratification of international conventions concerning children and its attempts to harmonise domestic legislation with EU standards, Kurdish children disproportionately face the threat and actualisation of a general disregard for their wellbeing and their inalienable rights.

Kurdish children in general, especially displaced children, suffer inadequate provision of the most basic needs, namely, the suitable provision of housing, health care, basic nutrition, and actual access to education. Vast poverty and the consequences of forced displacement determine the daily environment for many Kurdish children, exposing them to numerous high-risk diseases, limiting their ability to attend school, providing them with less than adequate nutrition, and shelter. In addition, many children are forced into the labour force on the streets or elsewhere and are thus exposed to an array of dangerous environments. Many Kurdish children are believed to suffer from emotional stress and depression. Kurdish children, detained by police, have been subjected to torture or ill-treatment, including sexual torture and psychological abuse.

Kurdish girls, due to the cultural and political atmosphere, are exceptionally vulnerable. Many suffer the effects of isolation after displacement. The frequency of domestic violence, sexual abuse and forced early marriage make the general situation of Kurdish girls precarious and strenuous. Perhaps more significantly, the continued practice of 'honour killings' markedly affects Kurdish girls' ability to interact fully and participate in society to their fullest potential.

KHRP is concerned that Kurdish children in Turkey are not receiving the

fundamental protection that they need to develop to their potential. The Turkish government has not provided adequate research of the situation of Kurdish children and discourages outside organisations from doing so, making it difficult to accurately assess the needs and abuses thereof. KHRP urges the Turkish authorities to evaluate the needs of Kurdish children and provide immediate solutions. Furthermore, KHRP recommends that the international community remind Turkey that ratification of international agreements requires its unilateral protection of Kurdish children. Supporting and developing the potential of the Kurdish population could potentially benefit Turkey as a whole and improve its eligibility for entrance into the European Union.

I. INTRODUCTION

Children require special protections against abuses and to protect their fundamental rights, recognised by various international instruments including the Convention on the Rights of the Child. Assuredly, adequate child protection is a challenge in all countries; however, it is significantly important that protection and encouragement of children's rights occurs at all levels, for they are one of the most vulnerable segments of society. Turkey also faces challenges concerning child protection, specifically relating to economic impoverishment, failings in the legal process, discrimination, and issues relating to housing, nutrition, health, education, child labour, street children, juvenile justice and torture or ill-treatment.

Within the framework of necessary protection for all children, this report looks specifically at the situation of Kurdish children in Turkey. In this context the issues to be considered are the systemic factors that impact children and the implementation of service and protection. It is of critical importance that concerns about the welfare of Kurdish children are brought to and remain in the attention of the international community. Though many children in Turkey need continued protection, Kurdish children, partially due to the armed conflict and to continuing stigma and discrimination are believed to suffer disproportionately. Finally, it should be noted that due to the nature of the Kurdish situation in Turkey (particularly mass internal displacement) and Turkish authorities' policies, accurate information concerning Kurdish children is extremely difficult to obtain. This report has attempted to integrate KHRP information with an accumulation of information gathered from a wide base of international and national human rights bodies.

1.1 History of Kurdish People in Turkey

The social oppression and the forced displacement of the Kurdish population in the southeast of Turkey has a long history. Although the region now called Turkey has complex experience of ethnic diversity, the Kurds, now the largest minority, have frequently been disenfranchised. For the Kurds, the dissolution of

the Ottoman Empire and the creation of the Turkish nation state in 1923 did little to alter their social and political position. During World War I, the Ottomans usurped Kurdish tribal lands and forced mass resettlement.¹ Significantly, the 1923 Treaty of Lausanne, which defined Turkish independence, protected non-Muslim minorities (Armenians, Greeks and Jews); however, the Kurdish people were not mentioned at all. After Turkish independence, Mustafa Kemal Ataturk and his followers (known as Kemalists) attempted to create a homogenous and unified Turkey. This involved the suppression of minority cultures and, in an attempt to integrate and homogenise the population, the mass displacement of the Kurdish peoples. The forced displacement of the Kurds under the Law of Resettlement (1934) briefly slowed during the 1950s. However, armed conflict between the Turkish military and the Kurdistan Workers' Party (PKK) from 1984-1999 renewed the government's forced displacement and cultural oppression policies. It is estimated that between 1984 and 1999, roughly 3 million Kurds were displaced from their villages, approximately 3,000 of the 5,000 Kurdish villages in the southeast of Turkey were partially or completely evacuated and roughly 37,000 people were killed.²

History of Language and Cultural Issues

Turkey's 1924, 1964, and 1982 constitutions declared the state's control over cultural identity. Article 3 of the 1982 constitution states that, "The Turkish State, with its territory and nation, is an indivisible entity. Its language is Turkish." Under the 1964 and 1982 constitutions Kurdish music, culture, and celebrations were banned. Schools, institutions and publication that did not support Ataturk's policy of cultural hegemony were outlawed. Practically, this made Kurdish identity illegal.

Numerous laws and policies have been enforced that target the use of the Kurdish language and the very existence of the Kurdish culture. For example, the Law on Publications Other Than Turkish, passed in 1983, stated that only first official languages of *states* recognised by Turkey could be used for the expression of opinion.³ Thus, the *stateless* Kurds were legally prohibited from speaking their mother tongue, even at home.⁴ This law, among others, provided the Turkish government and military with a legal basis for their discriminatory policies such as the imprisonment of Kurds or their sympathisers, violent oppression, and

policies of displacement.

1.2 The present

It is difficult to obtain official Turkish statistics regarding the Kurdish people. The Kemalists argued that the Kurdish minority were equal partners in the government and thus, need not be awarded special protection under the Treaty of Lausanne. This has served as a justification for the complete exclusion of the Kurdish minority in government policies and statistics. The Turkish government has attempted to limit international access to information concerning the Kurds.⁵ However, the general consensus is that the Kurdish population at present consists of approximately 20% of the total Turkish population. There is some confusion as to what percentage of the Kurds has been displaced over the last twenty years. In March 2004 the Turkish authorities claimed that 352,576 'Turkish citizens in the south east' were evacuated as a result of 'terrorism' in the 1980s and 90s.⁶ KHRP and other NGOs estimated that the number of IDPs could be as high as 3 million. The US Department of State, as well as the Council of Europe, estimates that around 1 million people were displaced.⁷

Despite the recent constitutional changes in Turkey and the history of ethnic violence and oppression, the constitution still does not recognise the Kurdish minority. Thus, Kurds, especially in the southeast and east, who remain vocal about their identity risk public censure, harassment, or prosecution. Kurds who are long-term residents of the western Turkish cities are often integrated into Turkish society. In contrast, more recent Kurdish migrants find assimilation difficult. In many cases they were brutally forced to leave their homes, have little education, and few marketable skills. Recent migrants generally retain a strong sense of culture and village identity. Poverty remains a significant problem among IDPs as well as in the Kurdish regions of the southeast. This will be covered more extensively in the later section.

Recent Changes in Kurdish Policies

Change is slow in coming. Turkey's desire to join the European Union has resulted in a slight redirection of Kurdish-Turkish relations. In addition, the

Kurdish resistance movements have also pressured the Turkish government into policy revisions. In March 2004 the Turkish authorities stated that, “the government continues to attach great importance to the return on a voluntary basis of those who were displaced from their homes.” They also stated that the project launched in 1994, entitled “Back to Village and Rehabilitation Project”, will facilitate the resettlement of IDPs and aims to create a stable and sustainable social and economic infrastructure.⁸ However, many villagers are unable to return villages for fear of uncleared landmines and paramilitary village guards.⁹ In February 2004, regional southeast authorities have continued selectively to deny some Kurds access to their farmland or grazing pastures. Some Kurds were not allowed to return to their villages unless they had signed a document stating that they had previously fled from their homes because of PKK terrorism.¹⁰

Technically, the law prohibiting publications and speech in languages not officially recognised by the Turkish government was abolished in 1991. This alteration of legislation does not appear to have result in substantial change.¹¹ In 2002, Turkey passed legal reforms in an attempt to harmonise Turkish law with EU standards. Though these reforms were an effort to deal with the cultural and linguistic oppression of minorities in Turkey, they were limited in scope and laden with qualifying statements, making them nearly impossible to implement effectively.¹² Despite legislative change, Kurdish can still not be taught in Universities, or broadcast by independent radio or television stations. Currently, broadcasts in the Kurdish language are aired for 35 minutes in total per week, only on the state television network.¹³

Newroz (Kurdish New Year) has historically given cause for violent, often deadly, clashes between Kurds and Turkish military forces and is a significant example of the continued cultural oppression of the Kurdish people.¹⁴ In the last two years there have been significantly less clashes; however, local authorities continue to prohibit the celebrations and arrest persons who participate in them.

In July 2004 the Turkish government amended the article of the Census Law that had been used to prohibit the use of Kurdish names. The government removed the ban on names contrary to ‘national culture’ or ‘customs and traditions’ and instead outlawed names that ‘offend[ed] the public’ and were contrary to ‘moral norms’. In September 2003 the Interior Minister released a report on the new legislation; however, the document indicated that names could not include the use of letters X, W, Q, which are used in the Kurdish alphabet but not in Turkish.

Persons who used Kurdish letters in their children's registered names are, in some cases being prosecuted. There have been numerous complaints that people are being prevented from registering their children under Kurdish names.

In September 2004, the EU commission reported its findings concerning Turkey's application of entry into the EU. After noting the positive legislative changes in Turkey, the report found that, "The security situation in the Southeast has considerably improved since 1999, although there have recently been a number of incidents which resulted in casualties. On the ground, the situation of internally displaced persons remains critical. A number of obstacles, including the village guard system and the absence of basic infrastructure, currently prevent displaced people from returning to their villages."¹⁵

1.3 Economic Overview

The following segment will be an analysis of the current economic and demographic distribution of the population in Turkey, reflecting the situation of the more vulnerable sections of society, including the Kurdish community. Children are understood to be significantly vulnerable to the weight of economic depravity and may disproportionately suffer the effects of poverty.

Demographics

Over the last thirty years, Turkey has experienced significant urbanisation. In 1970, 32% of the Turkish population lived in urban areas. By 1990 nearly 58% of Turkey had undergone urbanisation. In 2004, it was estimated that 76% of the population lived in urban areas.¹⁶ The following areas have the highest population density: Istanbul, Izmir, Ankara, the coastal region between Sinop and Rize in the north, the southeastern area around Diyarbakir, and the southern Mediterranean area around Antakya and Gaziantep. These significantly populated areas differ extensively in their economic development. In comparison with the other areas, the southeast region, surrounding Diyarbakir, remains exceptionally underdeveloped. It should be noted that the demographic redistribution in the last years has resulted in an economic shift. In the past, the Turkish economy was largely based on agriculture. In 2002, agriculture consisted of only 13%

of the GDP, whereas industry (25.4%), manufacturing (16%), and the service sector (61.5%), constituted the bulk of the GDP.¹⁷ The economic shift reflects, among other things, the mass migration of the Kurdish people—87% who were agriculturalist before their displacement in the 1980s and 1990s.¹⁸

The mass displacement of the Kurdish people over the past fifty years, combined with the Turkish authorities' unwillingness to release demographic statistics concerning the Kurds, makes it difficult to ascertain precise demographic data. However, KHRP research indicates that Kurds continue to be primarily located in the southeast region. Kurds that migrated to the periphery of cities and larger villages live in extremely poor conditions.

Economy

During the last forty years, Turkey has experienced a number of economic crises that resulted in a substantial increase in the national debt. In 1973, Turkey's debt was \$3.3 billion; by 1980 it had risen to \$15.3 billion. In 2002, Turkey's debt was \$134.4 billion. These economic difficulties resulted in wage reduction and a decrease in social service programs. For example, economic reforms instituted by Turgut Ozal in the mid-1980s dramatically limited subsistence farming, which had a considerable affect on Kurds who, during this period, were predominately rural farmers.¹⁹

In 2002, UNICEF estimated that 10.6% of the Turkish population was unemployed.²⁰ World Bank figures indicate that while the number of people of working age increased between 1981 and 1997 by over 3%, total employment only increased 1.5%.²¹ However, in the last year, as a result of IMF funding, Turkey's inflation has fallen to the lowest levels in years and the economy has shown substantial growth.

Renewed economic crisis in 1994 and again in 2000/2001 resulted in rapid inflation, severe banking problems, an increase in domestic public debt, and a 9.5% fall in the GDP. In 2001 the World Bank found that the economic crisis severely affected the poor. In many cases families could not afford to send their children to school. Though mandatory until grade 8 and theoretically free, many schools have a registration fee and dress code requirement that families are unable to meet.²³ More significantly, the World Bank reported that the poorest families often felt the need to resort to child labour. The most impoverished areas cited by the World Bank correspond with areas that a 2002 UNHCR report

indicated had a high density of Internally Displaced Persons (IDPs), most likely Kurds.²⁴

Income Distribution - Effect on the Kurds

Turkey's economy is significantly stratified. There are a number of factors that contribute to the vast economic inequities in the Turkish population. Limited education and employment are responsible for 20-25% of the economic inequity; more significantly, 22% of the economic disparities result from regional location.²⁵ Specifically, it would appear that the southeast region is increasingly falling behind. The many years of armed conflict in the southeast had a devastating effect on the economic situation of the persons living there. The southeast of Turkey is predominately occupied by the Kurds; thus, it would appear that poverty in the southeast disproportionately affects the Kurdish people. An investigation done in 2001 by the *Turkish Probe* found that communities in the Kurdish southeast faced the following issues:

Over 60% of the Kurdish population in the south-east region live below the poverty line compared to approximately 30% in other regions; most of the displaced persons have difficulty adapting in an urban environment in a depressed economical context; no welfare system appears to operate on behalf of destitute internally displaced persons and other vulnerable, unemployed people; systematic destruction of the infrastructure, economic resources, livestock, crops, houses, tractors have made return and resettlement hardly sustainable.²⁶

Kurdish IDP communities also suffer from substantial poverty. Prior to their forced displacement, 87% of IDPs based their substance on agriculture. In 2003, a GOC-DER survey found that the majority of IDPs were unemployed or had no source of steady income. Furthermore, the study found that 66.1% of IDPs surveyed indicated that they had sustained a loss of employment as a result of forced displacement.²⁷ Despite recent repatriation programs initiated by the government,²⁸ the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe reported that the destruction of the infrastructure, crops, houses, and other resources in the southeast has made parts of the region almost uninhabitable.²⁹ In addition, *Info-*

Turk has described, “Villages have been devastated, the land has gone to waste, animals have been slaughtered...Tens of thousands of people have lost their bread-winners in the war, hundreds of thousands of children have not received any education, millions have fled to Istanbul, Izmir and Europe.”³⁰

Effect of Poverty on Kurdish Children

The economic and social difficulties of the wider Kurdish population weigh heavily on Kurdish children. The discriminatory policies of the Turkish government and the armed conflict which resulted in the poverty and mass displacement of the Kurdish people has affected children in many ways. First, the poverty and lack of social funding to the southeast has made competitive education for many Kurds difficult. Secondly severe poverty forces many children to work at very young ages, often in difficult circumstances. Thirdly the Turkish government’s repression of the Kurdish language has affected Kurdish children’s ability fully to engage in the larger culture. Fourthly, the psychological affects of displacement and stratification can have a grave impact on children, especially during developing years. Finally, poverty and the lack of substantial government social funding results in malnutrition and other serious health problems.

II. TURKEY'S INTERNATIONAL OBLIGATIONS

Turkey has ratified the following international human rights conventions and treaties:

The European Convention on Human Rights and Fundamental Freedoms

The European Convention on Human Rights and Fundamental Freedoms (ECHR), adopted in 1953, is based on the Universal Declaration of Human Rights. The ECHR calls upon European nations, "to take the first steps for the collective enforcement of certain of the rights stated in the Universal Declaration."³¹

Turkey ratified the ECHR in 1954 in addition to Protocol 1, which enshrines the right to protection of property, to education, and to free elections.³² In 2003, Protocol 6 was ratified, abolishing the death penalty.³³ However, Turkey has not ratified the following Protocols of the ECHR: Protocol 4 - prohibition of imprisonment for debt, freedom of movement, prohibition of expulsion of nationals, prohibition of collective expulsion of aliens;³⁴ Protocol 7 - procedural safeguards relating to expulsion of aliens, right of appeal in criminal matters, compensation for wrongful conviction, right not to be tried or punished twice, equality between spouses;³⁵ Protocol 13 - the abolition of the death penalty in all cases.³⁶

Significantly, the majority of cases establishing violations of the ECHR and its Protocols by the Turkish government have originated in the Kurdish regions of southeast Turkey.

The European Social Charter

The European Social Charter (ESC) was adopted to complement the ECHR. It further provides protection from discrimination and the protection of the social wellbeing of European citizens.³⁷ This treaty in particular secures the protection of children's rights.³⁸

The following Articles in the ESC specifically refer to children's issues: Article 7 provides for the rights of children and young persons to protection; Article 11 guarantees the right to health; Article 16 addresses the right of the family

to social, legal and economic protection; and Article 17 provides the right of children and young persons to social, legal and economic protection.

Turkey ratified the ESC on 24 November 1989. Upon ratification, it accepted responsibilities under all four Articles mentioned above, with the exception of the Article 7.1 and 2. Article 7.1 states that the minimum employment age for light work is 15. Article 7.2 states that occupations regarded as dangerous or unhealthy require a higher minimum wage.³⁹

Obligations of Accession to the EU

On September 7 2004, the European Union's enlargement commissioner, Günter Verheugen, stated that Turkey should continue to reform its policies concerning the Kurdish minority.⁴⁰ Although Turkey has recently allowed limited Kurdish language broadcasting on state television, the commissioner noted a need for considerable increase in this sector. He also noted that Turkey should increase IDP repatriation programs.⁴¹

In 2003, the European Parliament rejected Turkey's application for several reasons. First, there was concern over the military's "excessive" role. Secondly it found that Turkey had not yet established a constitution that was based on European democratic foundations, with proper respect for human rights and the rights of individuals and minorities. Thirdly the Parliament called for the fair retrial and release of MPs from the former DEP party. It further expressed concern over the treatment of women in detention, particularly Kurdish women, and the imprisonment of political dissenters. Finally it urged Turkey's co-operation with the surrounding nations to develop positive relations and protect the wellbeing of the Kurdish people in the region.⁴²

In September 2004 the European Commission reported that it believed Turkey was ready to begin accession talks with the EU under the condition that it continues its democratisation process and improved the human rights situation. Despite its hesitation, the Commission's report is largely affirming of Turkey's recent legislative changes and the beginning of implementation thereof.⁴³ Accession talks could last until 2019.⁴⁴ Some sources indicate that Turkey's accession into the EU would be positive for the Kurdish situation. Turkey's participation in the EU could theoretically deter discriminatory practices. Turkish accession to the EU, however, indicates that there is significantly decreased potential

for the success of any Kurdish separatist movement.⁴⁵ The *Turkish Daily News* on 11 October 2004 noted, “For Kurds like Mevlut Cetinkaya, the European Union’s green light for Turkish entry is a bittersweet victory, a sign that Turkey is moving toward granting greater Kurdish rights, but only at the insistence of the European Union. Turkish Kurds are hailing the historic EU recommendation to put Turkey on the road for membership, saying the bloc will help guarantee the cultural rights that they hope for and promote economic development in the impoverished overwhelmingly Kurdish southeast.”⁴⁶

2.1 United Nations Conventions

Convention on the Rights of the Child

The Convention on the Rights of the Child (CRC) was written specifically to ensure the legal and actual protection of children. The CRC is unique in history as well as in current politics because it is the only international declaration to be ratified by almost every country in the world and is thus the most globally accepted Declaration to date. This not only signifies the global consensus on the importance of children’s rights but establishes an internationally consensual framework to secure those rights.

The Turkish government on 4 April 1995 ratified CRC and thus has an obligation to protect children living in Turkey, regardless of ethnicity, religion, or sex. However, Turkey stated at the time of ratification that it “reserve[s] the right to interpret and apply the provisions of article 17 [children’s right to have access to information and materials from a diverse source of national and international mass media], 29 [children’s right to education that encourages cultural respect and diversity], and 30 [children’s right to participate in their culture, language and religion] of the United Nations Convention on the Rights of the Child according to the letter and the spirit of the Constitution of the Republic of Turkey and those of the Treaty of Lausanne of 24 July 1923.” After ratification, Turkey was required to submit an implementation report within two years. Upon receipt of the report in 1999, the working group of the Committee on the Rights of the Child requested further information regarding specific concerns. On 8 June

2001, the Committee, after reviewing reports from leading human rights NGOs and the information provided by the Turkish government, stated the following: 1) Turkey's "reservations" may be negatively impacting the rights of children not recognised under the Treaty of Lausanne, particularly Kurdish children; 2) The Commission called attention to the discrepancies between the law and practice of the legal review, particularly focused on the pre-trial detention of children; 3) The Commission suggested that Turkey develop stronger programs to ensure the economic and social protection of children in the most vulnerable circumstance; they specifically mentioned children in the southeast region of Turkey; 4) The report goes on to mention the regional and socio-economic disparities and their grave consequences on the development of children, particularly in the southeast; 5) The report notes with concern the number of displaced Kurdish children, and their lack of substantial housing, health services, and education; 6) Finally, the report found that a significant number of children living in the streets are mainly reliant on NGO assistance, most did not receive government aid.⁴⁷

There are two additional Protocols to the Convention on the Rights of the Child. The first Protocol is entitled the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflicts. In June 2004 Turkey ratified this protocol. The second Protocol is the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography. Turkey ratified this Protocol in 2002.

III. SITUATION OF KURDISH CHILDREN IN TURKEY

Children, as one of the most vulnerable segments of society, are understood disproportionately to bear the weight of poverty, violence, and discrimination. It is because of their innate defencelessness that the international community has energetically developed protection mechanisms for their benefit. It is the government's duty to uphold international conventions that address the development and protection of the mental, physical, and emotional integrity of the child. The Turkish authorities have ratified the international conventions that ensure the rights of the child and are thus obliged to ensure the enactment of their moral and legal obligations.

The political representation of the Kurdish people in Turkey is severely limited. The Turkish Political Party Law makes it nearly impossible for the Kurdish people to establish themselves as a political entity.⁴⁸ Thus, it is extremely difficult for the Kurdish community politically to ensure protection for itself and its children. Their lack of substantial political representation, in conjunction with their oppression has resulted in their extreme vulnerability. Failing economies in the southeast regions further aggravate the economic difficulties for the large number of IDPs in the region and other Kurdish communities.⁴⁹ Displaced Kurdish people are desperate to return to their homes where they might be able to sustain and house themselves. However, few have actually been able to do so.⁵⁰ Armed conflict, destroyed economic infrastructure, deliberate under-investment and widespread poverty, illiteracy and lack of education have left a previously destitute area in dire need.⁵¹ Both the IDPs and the non-IDPs in the southeast of Turkey continue to struggle for sustenance.⁵² Those that migrated to larger cities and towns in the west of the country disproportionately live in the slums and shantytowns in the city outskirts. The situation of the Kurdish people remains critical, especially that of their children. Particularly pressing issues currently affecting Kurdish children include discrimination against girls and returning IDPs, issues of housing for both IDPs and non-IDPs, health and nutrition concerns, access to adequate education and the ability to participate to their fullest potential therein, child labour and effects thereof, unaccompanied children and children living on the streets, and the criminal justice system's interaction with Kurdish children.

3.1 Discrimination

Non-discrimination, as a principle of international human rights law is considered absolutely fundamental to the maintenance of a democratic society. Specifically, it is protected under: Article 14 of the ECHR, Article 4 of the Framework Convention for the Protection of National Minorities, Article 2 and 26 of the ICCPR, Article 3(1) of the UN Declaration on the Rights of Persons belonging to Minorities (UNDM), Article 2 of the UN Universal Declaration of Human Rights (UDHR), and paragraph 31 of the Copenhagen document prohibiting discrimination.⁵³ Article 10 of the Turkish Constitution states that, 'All individuals are equal without any discrimination before the law, irrespective of language, race, colour, sex, political opinion, philosophical belief, religion and sect, or any such considerations.'⁵⁴ UNICEF found that, "the principles of non-discrimination (art. 2 of the CRC), best interests of the child (art. 3 of the CRC) and respect for the views of the child (art. 12 of the CRC) are not fully reflected in the State party's legislation and administrative and judicial decisions or in policies and practices relevant to children at both national and local levels."⁵⁵ Despite Article 10 of the Turkish Constitution and intended reforms, many human rights organisations have noted that discrimination continues.⁵⁶ Specifically relating to Kurdish children are the following areas of concern: name registration of newborns and girls' societal and legal status, especially in relation to 'honour killings'.

Discrimination: Kurdish Names

Despite legislative changes of late, parents continue to have difficulty in registering their newly born children under Kurdish names. The use of Kurdish names has been banned since the creation of the Turkish Republic. In 2002, the Turkish government reinforced its ban on Kurdish names.⁵⁷ Reportedly, police systematically searched birth certificates and reported children who had Kurdish names. Prosecutors were instructed to annul Kurdish names and replace them with Turkish ones.⁵⁸ Turkish officials deny the existence of a ban; however, at least two separate reports mention such events.⁵⁹ In 2003, the Turkish parliament amended the article that had previously been used to deny Kurds the right to register their children under Kurdish names. The alteration in legislation,

however, was not substantial enough to ensure the thorough implementation of the aforementioned changes.⁶⁰ The continued prohibition of the letters X, W, or Q, which are not used in Turkish but are used in Kurdish, effectively denies parents the opportunity to use Kurdish names. The Gaziantep Court has ruled that the use of X, Q, and W could potentially cause civil unrest and political confusion.⁶¹ Furthermore, the Gendarmerie Commanders and the police are investigating newborn children who are given Kurdish names.⁶² UNICEF notes that circa 25% of all Turkish children are not registered; in specific, they mention that, “these rates are higher in the eastern and south-eastern regions.”⁶³

Discrimination: Girls

Children in general are recognised as an exceptionally vulnerable segment of society; girls are especially vulnerable in certain societies. UNICEF has noted with particular concern, “that the principle of non-discrimination is not fully implemented for children belonging to minorities not recognised under the Treaty of Lausanne of 1923, in particular children of Kurdish origin, children with disabilities, children born out of wedlock, girls, refugee and asylum-seeking children, children who are internally displaced, and children living in the south-eastern region and in rural areas.”⁶⁴ In Turkey, girls face a variety of gender-based human rights violations, especially in the poor regions. Among the most extreme violations are their inability to go to or complete school, physical and sexual violence in the home, often non-consensual early marriage, forced prostitution and other forms of trafficking, and honour killings.

Education

Kurdish girls are often unable to attend school for a number of reasons, including poverty, cultural expectations and limitations, and a lack of suitable education facilities. Communities need to be equipped with educational facilities that are able to deal with the cultural and economic limitations of Kurdish girls to enable them to participate in educational activities. In addition, schools must allow and facilitate learning in the Kurdish language to fully enable all segments of Turkish society access to their potential. The situation demands the attention of the international community and, more specifically, the Turkish government,

as it is its fundamental responsibility to protect the rights of citizens.

Depriving girls of education is, in affect, a form of economic discrimination since such deprivation limits their potential interaction with all areas of employment. Article 28 of CRC reinforces children's basic right to education. In 2001, the Committee on the Rights of the Child noted that in rural areas and in the southeast there was a high drop out rate among girls after third grade.⁶⁵ In 2003 UNICEF found: 640,000 girls in Turkey were not going to school, despite the fact that it is legally compulsory; by age 15, only 77% of women can read and write as opposed to 93% of men; and that books used in schools reinforce gender stereotypes. The *Turkish Daily News* printed an article that found 76.4% of Kurdish females, both women and girls, living in villages in Diyarbakir, Adiyaman, Gaziantep, Mardin, and Sanliurfa, were illiterate. The article went on to note that 23.6% could only read, 6.3% could read and write, 16.6% had finished or were in primary school and only 1% were in or had finished secondary schools.⁶⁶ Another study found a correlation between the Kurdish mothers' education level and that of their daughters. In Diyarbakir and Adana, almost 75% of the mothers were illiterate and over half of their daughters were not attending school or had dropped out during primary school.⁶⁷

A prime example of the plight of Kurdish girls' struggle to receive adequate education is the continuing situation in Sanliurfa, a predominately Kurdish city. *BIA News Centre* has reported that 15,000 girls were not attending school in Sanliurfa. The news article quoted a noteworthy interview of two Kurdish girls in the region,

*Ten-year-old Huriye Ekinci and her sister, 12-year-old Dursun Ekinci, who are not being sent to school by their family, cannot speak a word of Turkish. Dursun Ekinci said in Arabic that she never went to school and always worked in cotton fields. "I collect cotton in someone else's field," she said. Huriye said she would not like to go to school because she is used to living like this. "No one here send their girls to school. We don't know how to speak or write in Turkish," she said. Mehmet Alkan, who translated what the girls said to Turkish, explained that it is considered "disgraceful" to send girls to school in the region.*⁶⁸

Physical and Sexual Violence in the Home

The international community and the Turkish government have a responsibility to protect girls from abuse. Not only would an increase in awareness campaigns benefit the situation of girls, there must also be a substantial increase in shelters and counselling services for victims of violence. However, more crucially, the Turkish government needs to investigate the reason for the continued violence. Studies have shown that communities that experienced systematic violence, especially over a long period of time, sometimes internalise the violence, which contributes to an increase in domestic violence. The Turkish government, as well as Turkish and Kurdish communities, have a responsibility to address the issue of domestic violence in such a way that identifies the root causes and begins to address the core issues; thus, not only dealing with the manifestation of violence but, rather, preventing continued violence.

The Turkish government has recently established Family Consultation Centres in a number of cities; these, however, are not equipped to deal with extreme cases of child abuse or neglect. The Committee on the Rights of the Child expressed concern over the apparent lack of data and resources equipped to deal with domestic violence and abuse, including child sexual abuse and “related virginity tests”. Furthermore, the Committee noted that cases of abuse or neglect are infrequently reported, due in part to societal attitudes towards women and children. If they are reported, police rarely intervene.⁶⁹ The armed conflict of the last two decades has polarised and destroyed family life and the economic situation in the southeast of Turkey. Thus, against this backdrop of institutional violence, family violence has been ignored and has mostly gone unpunished.⁷⁰ Amnesty International estimates that as much as 30-58% of women and girls experience physical violence and 70-98% of women and girls experience other forms of abuse.⁷¹

Early and Non-consensual Marriage

Early and non-consensual marriage of girls continues to be a problem in the southeast of Turkey. There are a number of factors that encourage this practice: the lack of alternative options for women and girls, the insubstantial creation and implementation of laws that act in girls’ defence, the inaccessibility of systems that do exist for their protection, the economic dependence of Kurdish

families on the 'bride price', and laws that encourage rapists to marry their victims. Though there are assuredly other causes, if the government of Turkey seriously implemented strategies that worked to improve the economic situation of Kurdish regions and to ensure the unilateral education of society, there is significant evidence that suggests this could potentially reduce the continued number of under-age non-consensual marriages.

Forced marriage, in contrast to arrange marriage, has been described as, "marriage conducted without the valid consent of both parties and may involve coercion, mental abuse, emotional blackmail, and intense family or social pressure. In the most extreme cases, it may also involve physical violence, abuse, abduction, detention, and murder of the individual concerned."⁷² For example, forced marriage occurs in some cases of rape, particularly that of a virgin minor. The Turkish Criminal Code states that, "anyone who seduces a girl above 15 years of age with the promise of marrying her shall be sentenced to between 6 months and 2 years of imprisonment. If the man marries the woman, the case and the punishment are deferred."⁷³

Studies in the southeast found that 45.7% of married women were not consulted about their marriage or their marriage partner and 50.8% did not consent to marriage. Women who resist marriage are often subjected to violence and risk death. It is important to note that the legal marriage age is 15 for girls, but many marry much younger, especially in the southeast. According to a survey of displaced Kurdish women and girls in the southeast, 36.9% of women were married under the age of 15; 52.4% married a relative; and the vast majority of the marriages were arranged.⁷⁴

Though illegal, polygamy continues, particularly in the southeast among the Kurdish communities where it is estimated that 5% of marriages are polygamous.⁷⁵ Child-brides who are entering a polygamous marriage are especially vulnerable. Second wives are not legally recognised and therefore do not have access to certain protections and rights. The most common reason for polygamy is infertility in the first wife; thus, extremely young virgins are usually chosen as second wives because they are thought more likely to be fertile.

Forced Prostitution and Trafficking

Trafficking of women and girls from Turkey and into Turkey continues to be an issue. Kurdish women and girls are especially vulnerable because of poverty,

lack of education and limited knowledge of Turkish. Though Turkey has ratified Protocol 2 of the CRC, the trafficking and forced prostitution of Turkish women and children, including Kurds, is of such frequency and detriment as to cause international concern.

Legally, prostitutes are required to register with the state, be over 18, be unmarried, and have frequent medical examinations. In addition, the Law of General Hygiene states that brothel workers and prostitutes must carry identification cards at all times indicating their employment and health status.⁷⁶ However, most prostitutes and trafficked women work outside the legal system and thus have no legal protection. They are subjected to police detentions and have little protection from physical and sexual abuse. Of the eight government-run women's shelters, only one provides services to trafficked women and children. The majority of trafficked children comes from outside of Turkey. Significantly, Turkey has not ratified the Trafficking Protocol attached to the Convention Against Transnational Organized Crime.⁷⁷ Article 435 of the Turkish Criminal Code states:

*The incitement of a person aged under 15 carries a minimum prison term of two years and if the perpetrator is the victim's brother or sister, direct blood relative, natural or appointed guardian, teacher, tutor, servant or supervisor, the punishment shall be no less than three years imprisonment. The incitement of a person aged 15-21 shall be punished from six months to two years imprisonment and a fine and if the perpetrator is the victim's brother or sister, direct blood relative, natural or appointed guardian, teacher, tutor, servant or supervisor, the punishment shall be no less than two years imprisonment.*⁷⁸

There are reports of women and children from the rural areas in the southeast and the east being forced into prostitution in the big cities in Turkey. In some instances, families believe that they are selling their child into marriage, but are actually selling them into prostitution. Parents, in especially destitute areas, sometimes feel the need to sell their daughters into prostitution, particularly daughters that will not bring a high bride price. The Directorate General on the Status and Problems of Women stated that women and girls enter into prostitution because of low wages, sexual harassment or violation, and poverty. Furthermore, he found that one third of the prostitutes were forced into

prostitution by husbands, boyfriends or fathers. Most of them were under the age of 18 when they first became prostitutes.

Once a child has been sold or forced into prostitution, it is extremely difficult to escape. Security or police officers guard brothels. Practically, this ensures that there is no physical means by which to escape. There appears to be a debt bondage system that ties prostitutes to their pimps. Further, in larger society prostitutes are ostracised, creating difficulties for children who have engaged in prostitution.

'Honour Killings' and Rape

Turkish legislation and the implementation thereof does not seem to effectively prevent all communities from engaging in 'honour killings', it is therefore necessary that increased energy be put into the issue⁷⁹. Notably, legal prohibition and prosecution is not, by itself, adequate. The continued education of Kurdish communities, the provision of shelters and services to women and girls, and the securing of accessible and immediate action units aimed at protecting women and girls from violence are also necessary elements of the eradication of 'honour killings'. Both the Kurdish and the Turkish cultures are deeply entrenched with the concept of honour, especially as it relates to women and girls. In practice the concept of 'honour' has been degraded to such a degree that it is used as a justification for a wide spectrum of violent crimes against women. Women can be locked in their homes, ostracised and murdered for being victims of rape⁸⁰.

In September of 2004 Turkey passed Penal Code reforms. Under the new penal code there are stiffer penalties for 'honour killings', there is no longer reduced sentences for rapists who marry their victims, and mothers who murder children born out of wedlock. However, despite the encouraging Penal Code reforms, women's groups continue to express concern about the actual implementation of these reforms. For example, the legal marriage age for girls is still 15, but, especially in the southeast and the rural areas, it is not uncommon for girls to marry as young as 13.

The term 'honour killing' is used to define a situation in which a girl or woman is killed, usually by her family or community, for alleged misconduct with an unrelated man. Victims are often between the ages of 12 and 20. In 2003, there were at least 5 documented cases of 'honour killings' in Turkey⁸¹ though

it is believed that many more may occur but are not thoroughly investigated by the police. One NGO noted, “no one knows the death toll from honour killings in Turkey, but experts estimate about 30 to 70 women are murdered annually, mostly in the Kurdish southeast. Scores of other women take their own lives under pressure of fear of attack.”⁸² The World Organisation Against Torture (OMCT) report to the Committee Against Torture indicated that the number of women killed by the families annually might be above 200⁸³. Police see themselves as peacemakers in the family context and rarely intervene on behalf of the women or girls. Police and courts do not usually provide shelter or protection to women and girls who are at risk of being killed by their families or partners. Though a few shelters exist, they are extremely limited and women and girls have difficulty accessing them when needed⁸⁴. There are numerous reasons that ‘honour killings’ continue to be a problem in the southeast. In the absence of a positive political and economic environment, many Kurds in the Southeast cling to their tribal rituals, which include the absolute authority of the clan leaders.

Another factor in the complex climate of the southeast is the desperate economic situation of many Kurds. Young virgin brides can command a large dowry price. In the destitute southeast, income generated from dowry is a significant force in the economy. Children are often required to act as executioners because they face less jail time if caught. Tribal authorities that sentence the victim to death and the minor to enact a murder rarely face penalties.

It should, however, be noted that many Kurdish communities do not practice ‘honour killings’ and are in fact disturbed by the continuance of the practice. Kurdish Media has published an article after the alleged ‘honour killing’ of Fadime Sahindal in 2002 in Sweden which stated, “At the same time as one admits that the murder of Fadime was a result of the notion of honour, one can also underline the fact that an overpowering majority of Kurds cannot relate to this notion of honour, since Kurdish culture is not homogeneous. And like all other cultures it is in a process of constant change.”⁸⁵

Penal Code reforms are slowly being felt. As for-stated, the new reforms call for stricter punishment for perpetrators of ‘honour killings.’ The legislative change is, albeit minimally, affecting sentencing. In March of 2004, a court in a southeast city sentenced nine family members to jail for their role in a 14-year-old girl’s death. She had become pregnant as a result of an incestuous rape⁸⁶. In February 2004, the State Religious Affairs authority nationally publicised a

sermon condemning 'honour killings', stating that they were a sin against God.

3.2 Housing

The right to housing has been included in a number of instrumental international documents, including the UN Declaration of Human Rights.⁸⁷ A child's right to housing is seen as an integral part of a child's right to develop to its fullest potential and to experience an emotionally and physically secure childhood. Specifically, CRC Article 27 states,

(1) States Parties recognize the right of every child to a standard of living adequate for the children's physical, mental, spiritual, moral, and social development...

(3) States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.⁸⁸

The ECS Article 16 states,

With a view to ensuring the necessary conditions for the full development of the family, which is a fundamental unit of society, the Contracting Parties undertake to promote the economic, legal and social protection of family life by such means as social and family benefits, fiscal arrangements, provision of family housing, benefits for the newly married, and other appropriate means.⁸⁹

Housing- Internally Displaced Persons (IDPs)

As a result of the armed conflict, as many as 3 million people were forced to flee their homes, predominantly Kurds. The Immigrants Association for Social Cooperation and Culture Study found that 96.6% of IDPs suffered loss

due to forced eviction or house demolition, 72.4% of IDPs noted personal property loss, and 88.4% of IDPs had their houses destroyed or were forced to evacuate.⁹⁰ Significantly, 78% of Kurdish IDPs prior to displacement resided in detached village houses. After displacement, 57% of IDPs lived in the slums.⁹¹ The government failed to provide adequate temporary housing to alleviate the immediate distress of the IDPs in the 1980s and 90s. Thus, scores of displaced people relocated in southeast cities, such as Diyarbakir and Batman, not only vastly increasing their populations but also adding stress to already failing economic and social systems. Most Turkish cities now have a ring of impoverished slum dwellings on their outskirts.

Displacement also changed the number of persons inhabiting a single residence. Prior to evacuation 38.2% of the Kurdish population shared their house with another family; however, after displacement 72.2% of families co-habitated with another family.⁹² Those that did not move to the slums often crowded into relative's houses in the cities, sometimes as many as thirty people resided in accommodations intended for single families.

Living conditions in the slums and over-crowded cities encourages the growth of poverty, disease and unemployment. Lack of water, heat resources, and proper sanitation facilities turn common, treatable illness into wide spread, sometimes deadly epidemics. There have been minimal municipal efforts to relieve the poverty of housing situations in the city slums. A Göç-Der study found that IDP communities, particularly those living in the slums, entertained a number of serious problems with their accommodation:

- (1) 58.4% have difficulty accessing both drinking water and water used for every day tasks, 20.3% do not have access to water in their residences;
- (2) 69.0% had sewage problems in their residence, 27% of the sample population do not have a W.C in their house, 8.1% have an outside W.C., and, significantly, 37.2% do not have access to a toilet in the near vicinity of their house;
- (3) 63.4% have difficulty with their electricity, 19.5% do not have electricity at all;
- (4) 32.4% experience problems relating to rubbish;
- (5) 42.2% have insufficient heating facilities, 97.3% do not have central heating in their homes, 80.2% heat their houses with wood,

*sticks and twigs, 11.1% heat their accommodations with coal or electricity.*⁹³

In addition to the aforementioned issues, the living conditions in the slums bares heavily on the physiological and emotional health of the communities:

- (1) *Absence of playgrounds, experienced by 51%*
- (2) *Absence of green belts, experienced by 53.8%*
- (3) *Lack of associations, experienced by 51.4%*
- (4) *Muddiness of roads, experienced by 72.3%*
- (5) *Communication problems, experienced by 28.7%*
- (6) *Public improvement problems, experienced by 59.4%*
- (7) *Transportation problems, experienced by 37.5%*
- (8) *Lack of shops, experienced by 22.6%*⁹⁴

It is believed that most Kurdish IDPs would gladly return to their villages. The government has initiated a repatriation project titled “Back to Village and Rehabilitation Project” which is intended to “facilitate return and resettlement as well as the creation of minimum social and economic infrastructure and sustainable living standards and more rational provision of public services... also... to increase productivity of the people concerned as well as their educational level.”⁹⁵ Reportedly, the Turkish government has spent 72.5 million dollars on infrastructure development and repatriation programs in the southeast.⁹⁶ The Turkish authorities stated that, as of December 2003, the “Back to Village and Rehabilitation Project” has aided the return of more then 25% of the total 300,000 they believe to have been displaced.⁹⁷

However, a number of significant deterrents limits the IDPs’ actual ability to return to their villages. The armed conflict has resulted in the destruction of both home and property for the vast majority of IDPs. Thus, return is economically difficult for many displaced Kurds. Secondly, though some persons have been given permission to return to their villages, they have been denied access to their grazing and farming lands, making sustenance difficult.⁹⁸ The Turkish government paramilitaries and security forces continue to forcibly obstruct Kurdish return. Though highly publicised, there is strong indication that the ‘Village Return and Rehabilitation Project’ is purposefully slow and selective in its aid. In the last 5 years twelve model villages have been created. These villages

most likely have a history of village guard membership.⁹⁹

The desperate housing situation of the displaced families has an awesome impact on children. The Committee on the Rights of the Child has stated, “The Committee express its concern at the high number of internally displaced children in Turkey, who were forced to leave their homes... in the 1990s owing to the high level of violence in the south-east region. The Committee is also concerned about their limited access to housing, health services and education.”¹⁰⁰ The primary concerns are those relating to sanitation facilities, access to adequate heating, safety of shelter and sustainability and consistency of dwelling location. The sanitation facilities in the slums and shantytowns are deplorable in the extreme. The lack of heating facilities, insufficient water, and inadequate treatment of waste water encourage the spread of contagious diseases such as typhoid, dysentery, jaundice, lung tuberculosis, and malaria, especially among children. The slum villages were built quickly and are not stable structures. Evidence of their structural vulnerability can be seen by the vast damage caused by the 2001 earthquake in the IDP village. Thus, lack of substantial housing structures exposes children to a range of vulnerabilities, including collapse, weather, disease carrying rodents, and intruders. Dislocation and transient housing situations can cause trauma and result in Post-Traumatic Stress Disorder, potentially hindering a child’s physical and mental development.¹⁰¹

Housing - non-IDPs

Kurdish communities that were not displaced by the armed conflict still suffered the affects of the conflict and the poverty in the southeast. It is of exceptional importance to consider that an estimated 60% of persons living in the southeast are below the poverty line.¹⁰² Kurds who did not suffer forced eviction still felt the economic and social affects of the conflict. The destruction of crops, livestock and other venues of sustenance has made parts of the southeast now uninhabitable.¹⁰³ The European Committee on Social Rights noted that housing situations for low-income people is extremely critical, particularly in the southeast. They further noted “financial and other measures launched to develop housing construction for low income people have often failed to reach their objective.”¹⁰⁴

Children in the southeast are deeply affected by economic poverty and inadequate housing situations. Housing conditions in the southeast do not

always include heating instalments, adequate sanitation services, and are vulnerable to collapse in the event of an earthquake. There is high number of children institutionalised as a result of their parents' poverty and inhabitable living situations, which is directly related to the lack of social funding and government housing service in the southeast.¹⁰⁵ These institutions are, in some cases, in bad physical condition, thereby unable to provide substantial shelter for children.¹⁰⁶

3.3 Nutrition and Health

Article 24 of the CRC states,

*States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.*¹⁰⁷

Considering Turkey's ratification of Article 24 of the CRC, Turkey should be attempting to establish health care services that ensure the complete and total protection of children, especially those in exceptionally vulnerable economic or physical circumstances.

The Turkish national expenditure on health between 1992 and 2001 was 3% of their total budget. The European Committee of Social Rights noted the following areas of concern:

1) The results achieved by Turkey in the field of health are significantly worse than in many other countries with a comparable income level; 2) Turkey's infant mortality rate is considerably higher than that of the other Contracting Parties; though they noted that the infant mortality rate has been decreasing; 3) the number of available hospital beds per 1,000 persons is notably low; in the southeast and other rural areas there is approximately 1 hospital available to every 1,000 people; 4) There is also a lack of doctors in certain areas of Turkey, most significantly in the rural areas of the

southeast and the slums surrounding a number of the larger cities; 5) in conclusion the Committee found that, “the manifestly inadequate budget for health care and the inadequacy of equipment and health personnel do not guarantee access for the population, notably children, to health care of a satisfactory quality in the whole country.”¹⁰⁸

The Committee on the Rights of the Child found that: children with disabilities are frequently institutionalised, usually without specialised health care staff to attend their needs, though the Committee acknowledged improvements in health legislation, they stated, “the Committee is nevertheless concerned that the situation with regard to maternal, child and reproductive health is still poor and that there are great disparities between geographic regions and socio-economic classes... in particular... infant, child and maternal mortality rates and malnutrition rates are particularly high in rural areas of the south-eastern region and in poor urban areas... immunisation rates are particularly low in the eastern region.”

IDP communities are vulnerable not only to disease but are also susceptible to malnutrition, starvation, and psychological issues. In fact, one survey found that 78.9% of displaced Kurds suffered nutritional deficiencies on a regular basis.¹¹⁰ Limited access to adequate health care results from the lack of health and social insurance, economic difficulties, cultural and linguistic barriers, and traditional/religious traditions. The poor health of internally displaced persons arises from the poor infrastructure, non-hygienic living situations, malnutrition, the emotional pressure of the situation, fear, and anxiety stemming from living in an alien environment.¹¹¹ Malnutrition and poor living environments results in the spread of communicable disease such as typhoid, para-typhoid, trachoma, brucellosis and amoebic dysentery, which have reached endemic proportion in IDP neighbourhoods.¹¹² One survey found that: 33.8% of IDP communities had typhoid-paratyphoid, 1.4% had dysentery, 6.4% had jaundice, 9.8% had lung tuberculosis and 26.3% had malaria. There are very few health services available for IDPs. There are very few health services available for IDPs. Hospitals that do offer services are under staffed, have limited room, and little or no free medications.¹¹³ A statistical survey carried out by Göç-Der found that 82.4% of IDPs felt that they had acquired health problems after their displacement.¹¹⁴

Significantly, children are often the last to be fed and are physically more susceptible to disease. As noted in the previous paragraph, studies conducted in

IDP communities have noted with dismay the high number of children that die under the age of 5, suffer malnutrition, contract disease, and suffer the depravity of adequate health care.¹¹⁵ It is estimated that 21.6% of displaced Kurdish children die before the age of 5.¹¹⁶ Many children in IDP communities do not have access to vaccinations,¹¹⁷ especially communities in the southeast and east of Turkey. A Göç-Der study found that only 31.7% of Kurdish children between the ages of 0 and 5 have had all of the appropriate vaccination.¹¹⁸ Furthermore, the increased use of drugs, the high number of teenage pregnancies, and the contraction of STDs make the situation of youth precarious.¹¹⁹

Of equal importance, the researchers are finding with increasing gravity the emotional and mental health conditions of IDPs, especially women and children, have been adversely affected by dislocation and the living conditions of slums and shantytowns.¹²⁰ Research indicates that 79.9% of IDPs have psychological problems after their forced displacement.¹²¹ Many women and children experience the following symptoms, “headaches, sleeping disorders and extreme timidity... frequent recollection of the traumatic event, its re-enactment in daily life or in dreams, the shunning of people... emotions recalling the traumatic experience, and alienation.”¹²² Other psychological affects of dislocation and violence on women and children include emotional disconnection, desire for seclusion, nervousness and abruptness.¹²³ There is a high level of suicide among women and girls who have been forced to migrate.¹²⁴ The *Turkish Daily News* has reported, “There are no social activities for young girls who immigrated from the southeast to big cities. For them, life is limited within the walls of their houses and they feel the pressure of strict traditions that limit their lives.”¹²⁵ Furthermore, it seems that there maybe a significant connection between the cultural and emotional alienation that displaced women and girls feel and the high number of suicides within this population sector.¹²⁶ Though boys have more opportunities for social engagement, they are also impacted by the physiological trauma of their abrupt displacement and their cultural alienation. Young boys often develop alcohol and drug addictions.¹²⁷ Some research indicates that there is a connection between the youth involvement in violent gangs and the detrimental impact of experiencing displacement and witnessing violence.¹²⁸

3.4 Education

The CRC states explicitly that States Parties are obliged to provide and ensure adequate access to education for all children,

CRC Article 28 states,

*States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular: (a) Make primary education compulsory and available free for all.*¹²⁹

CRC Article 29 states

*States Parties agree that the education of the child shall be directed to... (c) The development of respect for the child's parents, his or her own cultural identity, language and values of the country in which the child is living, the country from which he or she may originate, and for civilisations different from his or her own; (d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national, and religious groups and persons of indigenous origin.*¹³⁰

ESC Article 7 - The Right of Children and Young Persons to Protection

*With a view to ensuring the effective exercise of the right of children and young persons to protection, the Contracting parties undertake... (3) To provide that persons who are still subject to compulsory education shall not be employed in such work as would deprive them of the full benefit of their education.*¹³¹

The Committee on the Rights of Child affirmed Turkey's increased funding for education for children; however, they expressed concern that vulnerable groups of children did not adequately benefit from the increases in budget.¹³²

Primary education for all children in Turkey is free and compulsory;¹³³

however, there is a noteworthy lack of education and/or completed education among Kurdish children. The major contributing factors after migration are as follows: 75.4% of children are limited by poverty, 6.7% are unable to go to school because they are working, 5.4% do not have access to schools, 3.6% are limited because of their gender, 1.2% experience cultural and linguistic difficulties at school, 3.1% cited family pressures after migration as a contributing factor, and 1.2% could not afford educational expenses.¹³⁴ For persons who were not displaced or before dislocation the following are reasons for limited education: for 36% of Kurdish children inability to speak mother tongue was a limiting factor, 30% felt limited by their inability to speak Turkish, 9.2% of children were unable to work and go to school simultaneously, 6.4% experienced abuse at school because of their ethnicity, 5.6% did not have access to a school, 2.5% were unable to afford education.¹³⁵

Displaced families are frequently forced to discontinue their children's education because of economic depravity. The cost of books and school clothing are too extravagant for many families. In addition, many displaced families' survival depends on the income of their children.¹³⁶ One resident of Diyarbakir said, 'Education is gradually getting lost. People who leave their villages can't make the least use of the education they had. Not being able to adjust in their new residences, migrants discontinue their education and fall into ignorance.'¹³⁷ Both IDP and non-IDP Kurds face the same issue of educational depravity because of poverty. Though education in Turkey is free, the cost of books, notebooks and other school related expenses restrict the poorest. The Committee on the Rights of the Child noted that the following are of special concern in Turkey, especially in the rural areas, "the high drop-out rates among girls after the third grade...the decline in the quality of education and the insufficiently participatory teaching methods; the lack of trained personnel and insufficient infrastructure, especially classrooms, in particular in large metropolitan areas and in the south-east."¹³⁸

3.5 Child Labour

The issue of child labour in Turkey remains a pivotal point of humanitarian attention. Recently, the Turkish authorities have significantly altered the legislation concerning child labour and seem to be working toward the general

improvement of relevant issues. The first and most comprehensive Turkish legislation addressed to issues of child protection was the Law on General Health Protection (1930), which includes a section, titled “Protection of Children”. This law specified 12 as the legal age to begin working, and limited the hours that children between 12 and 16 could work. In 1940, the “Regulations on Hard and Dangerous Work” (1940) was passed under the Labour Law, which prohibited exposing youth under the age of 18 to employment that could potentially prove harmful to their health or threaten their life. Subsequent labour legislation includes: the ratification of various ILO Agreements, the prohibition of children under the age of 15 working, except in “certain circumstances”,¹³⁹ under 18 children can not work underground, under water, or during nights¹⁴⁰, and children working under the age of 18 must undergo frequent medical examinations.¹⁴¹ Under the Apprenticeship and Occupational Training Law, an apprenticeship may begin at age 15, although there are exceptional cases when children under 15 begin apprenticeships.¹⁴² Children who work on the streets are not specifically covered in the above legislation. However, they are protected by Article 50 of the Turkish Constitution, which states, “No one shall be required to perform work unsuited to his age, gender or capacity. Minors, women and persons with physical or mental disabilities shall enjoy special protection with regard to working conditions.”¹⁴³

Turkey has ratified numerous international conventions that address child labour. All of ILO’s conventions have been ratified by Turkey, including those with a child labour focus. Child labour has been said to have been decreased 4% since the ratification of the ILO conventions. Turkey has signed the Protocols of the Convention on the Rights of the Child that address the trafficking of children, child pornography, and child prostitution. They ratified the Convention on the Exercise of Children’s Rights.¹⁴⁴

However, despite the extensive international legislation ratified by Turkey, the actual situation remains slightly ambiguous. NGO estimates of the number of children working differ significantly from that of the Turkish authorities. The following issues have arisen among displaced persons in the southeastern cities: “[there is an] increasing number of street children in cities in south-eastern Turkey as a result of displacement and migration; children are also expected to work to contribute to their family incomes.”¹⁴⁵ Both NGOs and the ILO noted the considerable increase of children in southeastern cities, largely resulting from rural to urban migration and displacement of southeastern villages.

Significantly, the vast majority of children from poor families start work on completion of primary school, though some begin before. Families consider the child's income fundamental to their survival. Employers regard such children as a cheap and largely unprotected labour force.¹⁴⁶ Children forced into early labour can suffer physically and emotionally. The Human Rights Foundation of Turkey states that, "The physical developments of these children are behind that of their peers. Likewise, their areas of interest and the way they respond to the events are considerably different than that of their peers. They have to work in order to contribute to their family incomes. This, on the one hand, prevents them from acting like other children and the demising attitudes displayed by their environments compel them to see themselves as adults. Since they encounter many difficulties in their daily lives, they have many psychosocial problems."¹⁴⁷

The Turkish authorities have revised some of the legislation concerned with child labour and have ratified relevant international conventions. However, research suggests that certain segments of the Turkish youth continue to engage in hazardous and/or underage labour activities. Notably, significant numbers of displaced Kurdish children work under the legal age of employment.¹⁴⁸ It remains difficult to analyse thoroughly the situation of child labour because there is a lack of consistent information. In addition, in general Kurdish youth's involvement in under age employment has received very little attention and less concrete research. The Turkish state does not recognise constitutionally the Kurdish population living in Turkey, thus has not delved into the issues of child labour relating to this segment of society.

3.6 Street Children

Like most other cruces of the Kurdish issues, there is insubstantial accurate documentation from government sources. Thus, research concerning Kurdish street children is obliged to relay heavily on outside sources. Inherently, this speaks to the disproportionate lack of appropriate energy engaged on behalf of the Kurdish children, notably even those in the most vulnerable circumstances, by the Turkish authorities. This, in and of itself, suggests the extremity of the situation.

The principal Turkish laws applicable to the plight of child labour do not

cover children working in the street.¹⁴⁹ As aforementioned, Article 50 of the Constitution indirectly acts in protection of children who work in the streets. In conjunction with Article 90 of the Turkish Constitution, which states, “International agreements duly put into effect carry the force of law. No appeal to the Constitutional Court can be made with regards to these agreements on the ground that they are unconstitutional”¹⁵⁰, international conventions, especially the Convention on the Rights of the Child, secure the protection of children who live and/or work on the streets. Children without parents and children living and/or working in the streets, legally defined in Turkey as ‘children in need of protection’, are under the responsibility of the General Directorate of Social Services and Child Protection (SHCEK). In 2001 there were 76 child centres and 97 dormitories available to such children.¹⁵¹ The Child Protection Division of the police force is most notably engaged with children on the streets. A number of police officers interviewed by the ILO remarked that they feel hopeless in their effort to benefit street children.¹⁵²

Rural to urban migration has amounted in a substantial increase of street children. Secondly, 98% of street children have been internally displaced, mostly from the southeastern regions. Furthermore, 35% of children living/working in the streets do not have identity cards, thus affecting their ability to access certain social benefits and further indicating that they were most likely displaced from the rural Kurdish communities.¹⁵³

ILO researched the nature and conditions of child living/ working on the streets of Diyarbakir, Adana, and Istanbul. In all three cities, above 88% of street children were male, ranging in age from seven to seventeen. ILO’s study believed that the explanation for the disproportionately large number of male street children was, in part, “stemming also from the agrarian economic structure, recent migrant families tend to attach more economic than psychological value to their children. Traditionally sons are in charge of the family property, bear the family surname and provide for older members of the family whereas girls will leave and join another family.” This report also found that the majority of children who work on the street either used to attend school or continue to do so. In fact only 13% of their research group had never attended school.¹⁵⁴ In contrast, the *Turkish Daily News* noted that 40.7% of Internally Displaced children who live/work on the streets do not go to school.¹⁵⁵

Research indicates that a majority of children who work on the streets actually return home to parents, usually residing in the slums. However, there are groups

of older gangs of children who sleep in the streets, are involved in theft and drug use and are generally feared by the younger children. Most children who live/work on the streets are engaged in activities such as selling lottery tickets, selling stationery, cleaning windshields, working in graveyards, selling books, and flowers. There are, however, those that become involved with more dangerous occupations such as theft or scavenging (garbage picking). There seems to be a natural progression from selling to scavenging, due mostly to the substantial increase in profitability. Public health experts believe that children who are working/ living in the dumps are exposed to a wide range of high-risk disease.¹⁵⁶ Though there are a few centres, they are considerably understaffed and there is a lack of psychiatrists.

Children who live/ work on the streets do not receive adequate care or nutrition. Most of the children interviewed did not have a balanced diet and skipped meals. Scavenger children received the lowest nutrition, frequently sustaining themselves from scraps of food found in the garbage dump. Furthermore, 72% of the children interviewed experience considerable fatigue, due in part to long hours of standing, heavy carrying, extensive walking, and enduring extreme weather conditions. Children working/ living in the streets were also suffering from psychological fatigue, resulting from the constant fear, anxiety, and insecurity of the working conditions.¹⁵⁷

The Committee on the Rights of the Child stated, “While noting that a number of centres have been established, with the collaboration of non-governmental organisations, to provide counselling, training and rehabilitation services for children living in the streets, the Committee nevertheless expresses its concern at the significant number of such children and notes that assistance is generally only provided to them by non-governmental organisations.”¹⁵⁸

3.7 Juvenile Justice

The United Nations Rules for the Protection of Juveniles Deprived of their Liberty (the Beijing Rules) states, “The juvenile justice system should uphold the rights and safety and promote the physical and mental well-being of juvenile. Imprisonment should be used as a last resort.”¹⁵⁹ Furthermore, Article 40.1 of the CRC declares,

States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's assuming a constructive role in society.¹⁶⁰

The Beijing Rules as well as the CRC clearly define the child's right to a fair trial, counsel, rehabilitative correctional facilities, and the most restorative actions possible. Turkey, as a state party to both conventions, thus has a legal and moral obligation to ensure the absolute best possible treatment for children in the juvenile justice system. However, the actualisation of the CRC and the Beijing rules is not absolutely evident in Turkey's Juvenile proceedings. The careful examination of Turkey's juvenile laws, situations of Kurdish youth arrest, pre-trial detention dealings, trial proceedings, sentencing, and the condition of detention centres reveal, despite Turkey's slow attempts at reform, considerable inadequacies.

It should, however, be noted that recent changes to the Turkish legislation is a positive step towards the eradication of torture or ill-treatment and inappropriate treatment of minors. In 2002, Turkey adopted the following reforms:

- *Detainees shall be informed of the reason for the apprehension;*
- *They will have the right to remain silent and to make use of legal counsel*
- *They will be allowed to inform a relative or another person about their detention;*
- *They will have the right to be examined by a doctor without police presence;*
- *Detainees cannot be held in custody for more than seven days without the decision of a judge;*
- *They may meet their lawyer only upon extension of custody period;*
- *The lawyer had the right to examine the file and the preparatory documents;¹⁶¹*

More recent legislation alterations include an article added to the Code of Criminal Procedure specific addressing the importance of allegations of torture. Investigations and allegations of torture and ill-treatment are to be considered urgent cases and shall be debated promptly and without long periods of adjournment. Article 6 of the Law on Formation, Duties and Trial Methods of Juvenile Courts was amended to increase the age limit of juveniles from 15 to 18. The article now reads, "Cases regarding crimes committed by children younger than 18 and debated by general courts are debated by juvenile courts."¹⁶²

A child's right to a fair trial and to be protected against cruel, inhuman, degrading treatment by any members of the judicial system is ensured in the Turkish Constitution, the Penal Code and the Criminal Procedure of Law. The Law on Juvenile Courts and the Regulation on Apprehension, Police Custody, and Interrogation directly governs the systems and conducts of courts and personnel in their dealings with juveniles. Despite recent legislative improvements, alleged ill-treatment of juveniles at varying levels of the justice system indicates that the Turkish system is not ideal. Specifically, the fault seems to be significantly located in the implementation of juvenile justice, rather than with the actual legislation.¹⁶³ Due to the armed conflict in the southeast of Turkey, the Turkish authorities defined certain areas, notably the southeast, as a 'civil state emergency', which allowed the officials to take extreme action. Under the 'emergency' laws children who were thought to have connection to the PKK were detained, interrogated, and tried under the Anti-Terror Law.¹⁶⁴ Since 1999, the number of child detentions for the supposed purpose of terrorism control has lessened. However, it has been replaced by increased allegations of the torture or ill-treatment of detained street children by police. Specifically, there has been a significant rise in the alleged police misconduct and abuse of formerly displaced street children accused and detained on charges of petty theft in southeastern cities.¹⁶⁵ The Special Rapporteur on Torture, after his evaluation of Turkey, stated, "Torture and similar ill-treatment are still a common occurrence in Turkey, and can be expected to remain so, as long as main recommendations of the Special Rapporteur, as well as the CPT, especially in respect of prolonged incommunicado detention, continue to be ignored."¹⁶⁶

Evidence suggests that Kurdish children are more likely to experience torture, wrongful detention and ill-treatment than Turkish children. In fact, the World Organization Against Torture strongly believe that discrimination one of the root causes of the failing justice systems, "Failure to investigate and prosecute

those suspected of killings, torture and other mistreatment seems to occur when the victims are Turkish citizens of Kurdish ethnic origin and is not a geographic problem, indicating discrimination on the grounds of race, language and/or association with a national minority.”¹⁶⁷

Though there are numerous stories of Kurdish detention and torture, many of which have been established by the European Convention on Human Rights, for the point of illustration, only a few have been chosen.

*On 16 August 1999, Paban Cadyroolu (14 years old) was beaten and kicked to death by a police officer in Van. Eight witnesses reported that they were detained and tortured to procure exculpatory statements for the police officer involved. The boy's father reported that the director of the Public Order Branch of Van Police Headquarters tried to persuade him not to make an official complaint.*¹⁶⁸

*On 8 January [2001], a demonstration protesting against the threat of isolation and torture in Turkey's new “F-Type” prisons took place in the Kurdish town of Viransehir...some 28 children (all boys), ranging from the ages of 12 or under to 18, were held and questioned without the presence of lawyers. It would appear that the majority-if not all- of the children came from families who were internally displaced. Furthermore, many of the children were not attending school, were illiterate, and could not understand Turkish, the language in which they were questioned and in which their confessions were drafted...all the children were placed together in a cell measuring three meters by three meters. They were held for 48 hours without access to a lawyer. There was no bed or bedding, no toilet and no washbasin. They were taken to the toilet twice or three times in 48 hours. The children were given nothing to eat during the 48 hours that they were held, and were only allowed to drink water when they were taken to the toilet. They were also handcuffed for lengthy periods...*¹⁶⁹

More than 1,300 students have been detained by police – often while trying to present the signed petitions [requesting course in University on the Kurdish Language] to the rectors of the universities they attend. According to human-rights activists, more than 200 students have been accused of violating anti-terrorist laws. Often the formal charge is

supporting an illegal organization; in this case the Kurdistan Workers' Party... Mistreatment of students in police custody appears to have been widespread, especially outside the largest city, Istanbul. Many complain of having been blindfolded during questioning, and of being hit by police demanding that they admit they were following the orders of the PKK... Mursel Sargut, a 19-year-old literature student at Istanbul University who was arrested last November 30, was tortured while in police custody. He was allegedly stripped and sprayed with pressurized water and raped with a nightstick by police after he refused to "confess" to being a member of the PKK.¹⁷⁰

...ON 12 April [2003] when a group of students in Ankara participated in a demonstration against a summit of the North Atlantic Treaty Organization, planned for late June, which –although peaceful- did not have official permission. Riot police officers reportedly used disproportionate force to disperse and detain the protestors including by punching and kicking them. Beatings of 71 detained students reportedly continued at the Ankara Police Headquarters. When they were taken to the court the next day, the students were again reportedly ill treated by police officers in and outside the courthouse in front of witnesses. On the request of the prosecutor the judge presiding over the students' case ignored the complaints of ill-treatment made by the students and their lawyers and they were instead charged under Law No. 2911. The authorities rejected a complaint lodged by 24 students to the Ankara State Prosecutor regarding their ill treatment, deciding not to prosecute on 3 May.¹⁷¹

IV. CONCLUSION

The increased attention directed at children's issues, both nationally and internationally, indicates a possible shift in Turkey's attitude toward children. Of foremost significance, the following trends in Turkish legislation and political attitudes hopefully indicate a new direction for Turkish authorities. The Turkish authorities have proclaimed a 'zero-tolerance' policy on torture. There has been, over the last ten years, an increased awareness of the severity of the plight of IDPs in Turkey, especially that of children. The Turkish authorities have condemned 'honour killings' and occasionally bring perpetrators to justice; there has been a significant increase in the number and the services of women's shelters in Turkey. The Turkish authorities have lifted the absolute ban on the use of Kurdish in Turkey, allowing very restricted broadcasting on a state network. Recent legislation reform packages have modernised the Turkish constitution considerably, thus, creating a legal framework to provide Turkish citizens a space to articulating and fight for the security their universal rights.

However, KHRP continues to be concerned about the vast inadequacies of human rights protection mechanisms for the Kurdish children of Turkey. Specifically, KHRP urges the Turkish authorities to carry human rights protection one step further. The increased amount of Turkish legislation that is in line with EU standards is encouraging, but it is not enough. KHRP is not convinced that Kurdish children are being given the attention and the protection that is morally and legally due them. The actual protection of all children in Turkey, specifically Kurdish children, is has not yet been achieved. Kurdish children continue to be limited by their access to basic services such as health, food, housing, education and security. In addition, Kurdish children disproportionately suffer from issues of discrimination and oppression. It is the Turkish government's absolute duty to ensure, at the least, the protection of basic rights for children, regardless of ethnicity, gender, religion, or race.

Children are believed to require exceptional protection and actions because they are extremely vulnerable. It is the international, national, and local communities' duty to work towards the unilateral protection of children. It is fundamental to the situation of Kurdish children that the Turkish government, the international community, the Kurdish communities and the Turkish

communities embark on a join effort to ensure that all children are protected.

APPENDIX 1

Conventions Signed, Ratified or Acceded to by Turkey

In addition to the Declaration of Human Rights and the Convention on the Rights of the Child, there are a number of other UN conventions that concern human rights. They are all written in the spirit of the Declaration of Human Rights. The following is a list of the conventions and Turkey's status of ratification as of 9 June 2004:

- (1) The International Convention on Economic, Social and Cultural Rights – Ratified on 23 Dec. 2003,
- (2) The International Convention on Civil and Political Rights – Ratified on 23 Dec. 2003,
- (3) The Optional Protocol to the International Covenant on Civil and Political Rights- not ratified,
- (4) The Second Optional Protocol to the International Covenant on Civil and Political Rights, aimed at abolishing the death penalty- not ratified,
- (5) The International Convention on the Elimination of All Forms of Racial Discrimination- ratified on 16 Oct. 2002,
- (6) The Convention on the Elimination of All Forms of Discrimination against Women- accession on 19 Jan 1986,
- (7) The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women- ratified on 29 Jan 2003,
- (8) The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families- signed on 13 January 1999.

ENDNOTES

- ¹ David McDowell, *A modern History of the Kurds*, I.B. Tauris, 1996, pp. 105-6.
- ² Kurdish Human Rights Project, Yildiz and Hughes, *Internally Displaced Persons: The Kurds in Turkey*, London: September 2003, pp. 13.
- ³ Constitution of Turkey, Law No. 2932, 19 November 1983.
- ⁴ Kurdish Human Rights Project, Yildiz and Fryer, *The Kurds: Culture and Language Rights*, London: August 2004, pp. 32.
- ⁵ Kurdish Human Rights Project, Yildiz and Fryer, *The Kurds: Culture and Language Rights*, London: August 2004, pp. 44-46.
- ⁶ Permanent Mission of Turkey to the United Nations, Geneva, *Information provided to the NRC from the Permanent Mission of Turkey to the United Nations, Geneva concerning Internally Displaced Persons (IDPs) and "Back to Village and Rehabilitation" Project*, 18 March 2004.
- ⁷ U.S. Department of State, *Country Reports on Human Rights Practices – Turkey*, 31 March 2003; Commission on Security and Cooperation in Europe, *Hearing: Internally Displaced Persons in the Caucasus Region and Southeastern Anatolia*, 10 June 2003.
- ⁸ Permanent Mission of Turkey to the United Nations, Geneva, *Information provided to the NRC from the Permanent Mission of Turkey to the United Nations, Geneva concerning Internally Displaced Persons (IDPs) and "Back to Village and Rehabilitation" Project*, 18 March 2004.
- ⁹ KHRP assisted cases of *Yoyler v Turkey* (No. 26973/95, 24 July 2003), *Ipek v Turkey* (No. 25760/94, 17 February 2004).
- ¹⁰ *Ibid.*
- ¹¹ Kurdish Human Rights Project, *Fact Finding Mission: Turkey*, 2004.
- ¹² Global IDP Project, *Despite Legislative Reforms, There is Insufficient Implementation of 2002 Reforms, 2002-2003*.
- ¹³ Kurdish Human Rights Project, *Fact Finding Mission: Turkey*, 2004.
- ¹⁴ Kurdish Human Rights Project, Yildiz and Fryer, *The Kurds: Culture and Language Rights*, London: August 2004, pp. 42.
- ¹⁵ Commission of European Communities, *Communication from the Commission to the Council and the European Parliament: Recommendation of the European Commission on Turkey's Progress towards Accession*. COM (2004) 656 final, 6 September 2004.
- ¹⁶ World Bank Turkey Overview: <http://www.worldbank.org.tr/WBSITE/EXTERNAL/COUNTRIES/ECAEXT/TURKEYEXTN/0,menuPK:361722~pagePK:141132~piPK:141107~theSitePK:361712,00.html>.
- ¹⁷ World Bank, *Turkey at a Glance*: <http://www.worldbank.org> [accessed: 21/1/04]
- ¹⁸ Human Rights Association of Turkey and the World Organisation Against Torture, *House Demolitions and Forced Evictions Perpetrated by the Turkish Security Forces: A Form of Cruel, Inhuman or Degrading Treatment or Punishment Against the Kurdish Population*, notes presented to the Committee against Torture by OMCT and HRA, May 2003 [Internet].
- ¹⁹ Human Rights Association of Turkey and the World Organisation Against Torture, *House Demolitions and Forced Evictions Perpetrated by the Turkish Security Forces: A Form of Cruel, Inhuman or Degrading Treatment or Punishment Against the Kurdish Population*, notes presented to

the Committee against Torture by OMCT and HRA, May 2003 [Internet].

²⁰ UNICEF *The Situation of Children and Women in Turkey* op cit p.10

²¹ *ibid* p iii

²³ Kurdish Human Rights Project, *Fact Finding Mission: Turkey*, 2004.

²⁴ World Bank report, *Project Turkey-Social Risk Mitigation Project*, 18 July, 2001; UNHRC, *Global Report 2002 UNHRC*, 2002: <http://www.unhcr.ch/cgi-bin/texis/vtx/home?page=search>.

²⁵ World Bank, *Turkey – Economic Reforms*.

²⁶ *Turkish Probe*, Mustafa Sonmez, “*The Story of Eastern and Southeastern Turkey*,” 15 July 2001.

²⁷ Human Rights Association of Turkey and the World Organisation Against Torture, *House Demolitions and Forced Evictions Perpetrated by the Turkish Security Forces: A Form of Cruel, Inhuman or Degrading Treatment or Punishment Against the Kurdish Population*, notes presented to the Committee against Torture by OMCT and HRA, May 2003 [Internet].

²⁸ Permanent Mission of Turkey to the UN, Geneva, *Info provided to the NRC from the Permanent Mission of Turkey to the UN, Geneva concerning internally displaced persons and ‘Back to Village’ programs*, 18 March 2004.

²⁹ Council of Europe, Parliamentary Assembly, Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe, *Turkey: Explanatory memorandum by the co-reporters, Mrs. Mady Delvaux-Stehres and Mr. Luc Van den Brande*, March 2004 [Internet].

³⁰ *Info-Turk*, “*No Real Improvement in Living Conditions for Kurds*,” June 2002 [Internet].

³¹ ECHR declaration

³² ECHR Protocol 1 CETS 009

³³ ECHR Protocol 6 CETS 114

³⁴ ECHR Protocol 4 CETS 046

³⁵ ECHR Protocol 7 CETS 117

³⁶ ECHR Protocol 13 CETS 187

³⁷ Preamble of the ESC

³⁸ Council of Europe, *Children’s Rights Under the European Social Charter*, Available from: http://www.coe.int/T/E/Human_Rights/Esc/1_News/Childrens_rights_fact_sheet.asp [Accessed: 26/2/2004]

³⁹ European Social Charter, European Committee of Social Rights, *Conclusion XVII-1 (Turkey)*, access at: http://www.coe.int/T/E/Human_Rights/Esc/4_Reporting_procedure/2_Recent_Conclusions/1_By_State/Social_Charter/XVII-1/CONCLUSIONS%20XVII-1%20Turkey.pdf

⁴⁰ Simon Jeffery, *EU Pushes Turkey on Kurdish Rights*, *The Guardian*, Sept. 7, 2004 [Internet]

⁴¹ *Ibid*.

⁴² Report on Turkey’s Application for Membership of the European Union (COM (2002) 700-C5-014/2003-2000/2014 (COS)

⁴³ Commission of European Communities, *Communication from the Commission to the Council and the European Parliament: Recommendation of the European Commission on Turkey’s Progress towards Accession*. COM (2004) 656 final, 6 September 2004.

⁴⁴ Gow, David. “EU Puts Turkey on the Long Road to Accession.” *The Guardian Unlimited*, 7 October 2004.

⁴⁵ Meixler, Louis. “Kurds Hail EU Green Light for Turkey.” *Turkish Daily News*, 11 October 2004.

⁴⁶ *Ibid.*

⁴⁷ Committee on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child: Turkey*. 09/07/2001; CRC/C/15/Add.152.

⁴⁸ United Kingdom Home Office, Country Information and Policy Unit, *Country Assessment Turkey*, April 2001 [Internet].

⁴⁹ Council of Europe, *Humanitarian Situation of the Displaced Kurdish Population in Turkey* (Doc. 9391), 22 March 2002 [Internet].

⁵⁰ Human Rights Watch, *Turkey: Displaced and Disregarded, Turkey's Failing Village Return Program*, 30 October 2002 [Internet].

⁵¹ Council of Europe, *Humanitarian Situation of the Displaced Kurdish Population in Turkey* (Doc. 9391), 22 March 2002 [Internet].

⁵² *Ibid.*

⁵³ Minority Rights Group International, *Minorities in Turkey: Submission to the European Union and the Government of Turkey*, July 2004.

⁵⁴ The Constitution of the Republic of Turkey, as amended in 2001, Article 10 [English Version]

⁵⁵ Committee on the Rights of the Child, Twenty seventh session, Consideration of Reports Submitted by States Parties Under Article 44 of the Convention, *Concluding Observations of the Committee on the Rights of the Child: Turkey*, 9 July, 2001.

⁵⁶ Committee on the Rights of the Child, Twenty seventh session, Consideration of Reports Submitted by States Parties Under Article 44 of the Convention, *Concluding Observations of the Committee on the Rights of the Child: Turkey*, 9 July, 2001; Minority Rights Group International, *Minorities in Turkey: Submission to the European Union and the Government of Turkey*, July 2004.

⁵⁷ Kurdistan Observer, *Nameless Kurds of Turkey*, By Richard Boudreaux [available online at: <http://home.cogeco.ca/~observer/3-2-03-nameless-Kurds.html>]

⁵⁸ *Ibid*

⁵⁹ Kurdistan Observer, *Nameless Kurds of Turkey*, By Richard Boudreaux [available on line at: <http://home.cogeco.ca/~observer/3-2-03-nameless-Kurds.html>]; United Nations, Commission on Human Rights; Contemporary Lawyers Association; Promotion and Protection of Human Rights, Aliemiri 1. Sok. De. Er apt. 1 Blok, Fifty-fifth session, Kat: 1 No: 2 Diyarbakir r/Turkey, Working group of Minorities

⁶⁰ US DOS 25, Sect. 5, February 2004.

⁶¹ United Nations, Commission on Human Rights; Contemporary Lawyers Association; Promotion and Protection of Human Rights, Turkey, Working group of Minorities

⁶² *Ibid*

⁶³ Committee on the Rights of the Child, Twenty seventh session, Consideration of Reports Submitted by States Parties Under Article 44 of the Convention, *Concluding Observations of the Committee on the Rights of the Child: Turkey*, 9 July, 2001.

⁶⁴ Committee on the Rights of the Child, Twenty seventh session, Consideration of Reports Submitted by States Parties Under Article 44 of the Convention, *Concluding Observations of the Committee on the Rights of the Child: Turkey*, 9 July, 2001.

⁶⁵ *Ibid.*

⁶⁶ Turkish Daily News, by Gul Demir, *Women are part of the Southeastern Landscape*, 5 April 2001 [Internet].

⁶⁷ ILO, *Street Children in Turkey*, 2001

⁶⁸ BIA News Centre, Gul SAN, *15 Thousand Girls Don't Go to School*, 29 September 2004.

⁶⁹ Committee on the Rights of the Child, Twenty seventh session, Consideration of Reports Submitted by States Parties Under Article 44 of the Convention, *Concluding Observations of the Committee on the Rights of the Child: Turkey*, 9 July, 2001.

⁷⁰ Amnesty International, *Turkey: Women Confronting Family Violence*, AI Index: EUR 44/023/2004 (Public), New Service No: 131, 2 June 2004.

⁷¹ Amnesty International's Secretary General, *Turkey: Memorandum to the Turkish Prime Minister on the occasion of the visit to Turkey of a delegation led by Irene Khan*, February 2004.

⁷² Amnesty International, *Turkey: Women Confronting Family Violence*, AI Index: EUR 44/023/2004 (Public), New Service No: 131, 2 June 2004.

⁷³ Article 423(1) Turkish Criminal Code

⁷⁴ *Turkish Daily News*, Gul Demir, "Women are Part of the South-eastern Landscape", 5 April 2001, [Internet].

⁷⁵ A report to the Committee against Torture, 2003: http://www.ihf-hr.org/viewbinary/viewdocument.php?doc_id-2073

⁷⁶ A report to the Committee against Torture, 2003; http://www.ihf-hr.org/viewbinary/viewdocument.php?doc_id-2073

⁷⁷ OMCT, *Violence Against Women in Turkey: A report to the Committee against Torture*, 2003

⁷⁸ Turkish Criminal Code, Article 435

⁷⁹ Article 5 of 'The Charter for the Rights and Freedoms of Women in the Kurdish Regions and Diaspora' launched by the Kurdish Women's Project and KHRP in June 2004, recommends that penal, civil and other sanctions in domestic legislation punish and redress acts of violence against women by for example considering Honour Killings as murder.

⁸⁰ Amnesty International, *Turkey: Women Confronting Family Violence*, AI Index: EUR 44/023/2004 (Public), New Service 131, 2 June 2004.

⁸¹ Human Rights Association, *Human Rights Violations in Turkey Summary Table*, April 2003: <http://www.ihd.org.tr/report/summary/nisan2003.html>.

⁸² Kurdish Women's Action Against Honour Killings, *Honour Killings Tarnish Turkey's Rights Drive*, by Ayla Jean Yackley, 28 April 2004.

⁸³ OMCT, *Violence against Women in Turkey: A Report to the Committee against Torture*, 2003.

⁸⁴ Amnesty International, *Turkey: Women Confronting Family Violence*, AI Index: EUR 44/023/2004 (Public), New Service No: 131, 2 June 2004.

⁸⁵ Kurdish Media, Idris Ahmedi, *Honour Killing Seen from a Feminist Perspective and a Non-essentialist View of Culture*, 5 Feb. 2002.

⁸⁶ Kurdish Women's Action Against Honour Killings, *Honour Killings Tarnish Turkey's Rights Drive*, by Ayla Jean Yackley, 28 April 2004.

⁸⁷ United Nations Declaration of Human Rights, Art. 25

⁸⁸ CRC Art. 27

⁸⁹ ESC Art. 16

⁹⁰ Human Rights Association of Turkey, *House Demolitions and Forced evictions Perpetrated by the Turkish Security Forces: A Form of Cruel, Inhuman, or Degrading Treatment of Punishment Against the Kurdish Population*, Notes presented to the Committee against Torture by OMCT

and HRA, May 2003

⁹¹ Compilation of the Information Available in the Global IDP Database of the Norwegian Refugee Council, *Profile of Internal Displacement: Turkey*, October 2002: http://www.ecoi.net/pub/ds164_02347tur.pdf

⁹² Compilation of the Information Available in the Global IDP Database of the Norwegian Refugee Council, *Profile of Internal Displacement: Turkey*, October 2002, http://www.ecoi.net/pub/ds164_02347tur.pdf

⁹³ *Ibid.*

⁹⁴ *Ibid*

⁹⁵ Permanent Mission of Turkey to the U.N., Geneva 18 March 2004, *Information provided to the NRC from the Permanent Mission of Turkey to the UN, Geneva, Concerning Internally Displaced Persons and 'Back to Village Project'*, March 2004

⁹⁶ *Ibid.*

⁹⁷ *Ibid.*

⁹⁸ Human Right Watch, 30 October 2002

⁹⁹ Human Rights Watch, *Feasibility Study Leaves Questions Unanswered*: <http://www.hrw.org/reports/2002/turkey/Turkey100>

¹⁰⁰ Committee on the Rights of the Child, 8 June 2001

¹⁰¹ Gaziantep University Medical faculty Psychiatry Department Associate Professor Doctor Aytekin, *Post-traumatic Stress Disorders and Other Psychological Problems Resulting from Internal Migration in the Southeast*, Master's Thesis.

¹⁰² *Turkish Probe*, Mustafa Sonmez, *The Story of Eastern and South-eastern Turkey*, 15 July 2001; UK Home Office, April 2001, para. 7.27

¹⁰³ Info-Turk, "No Real Improvement in Living Conditions for Kurds", June 2002 [Internet].

¹⁰⁴ European Social Charter, European Committee of Social rights Conclusions XVII-1 (Turkey), 2003

¹⁰⁵ Committee on the Rights of the Child, Twenty seventh session, Consideration of Reports Submitted by States Parties Under Article 44 of the Convention, *Concluding Observations of the Committee on the Rights of the Child: Turkey*, 9 July, 2001.

¹⁰⁶ Committee on the Rights of the Child, Twenty seventh session, Consideration of Reports Submitted by States Parties Under Article 44 of the Convention, *Concluding Observations of the Committee on the Rights of the Child: Turkey*, 9 July, 2001.

¹⁰⁷ CRC Article 24

¹⁰⁸ European Committee of Social Rights, *Conclusions XV-2* (Turkey)

¹¹⁰ Goc-Der, report on *Turkey*, 2002

¹¹¹ Goc-Der, report on *Turkey*, 2002, p. 79-II

¹¹² COE, 22 March 2002

¹¹³ HRW, 30 October 2002

¹¹⁴ Immigrants' Association for Social Cooperation and Culture (Goc-Der), *The Research and Solution Report on the Socio-Economic and Socio-Cultural Conditions of the Kurdish Citizens Living in the Turkish Republic who are Forcibly Displaced due to Armed-conflict and Tension Politics; the Problems They Encountered due to Migration and their Tendencies to Return back to the Villages*, 2002.

- ¹¹⁵ Committee on the Rights of the Child, Twenty seventh session, Consideration of Reports Submitted by States Parties Under Article 44 of the Convention, *Concluding Observations of the Committee on the Rights of the Child: Turkey*, 9 July, 2001.
- ¹¹⁶ Immigrants' Association for Social Cooperation and Culture (Goc-Der), *The Research and Solution Report on the Socio-Economic and Socio-Cultural Conditions of the Kurdish Citizens Living in the Turkish Republic who are Forcibly Displaced due to Armed-conflict and Tension Politics; the Problems They Encountered due to Migration and their Tendencies to Return back to the Villages*, 2002.
- ¹¹⁷ USAID, *Country Health Statistical Report: Turkey*, March 2004
- ¹¹⁸ Immigrants' Association for Social Cooperation and Culture (Goc-Der), *The Research and Solution Report on the Socio-Economic and Socio-Cultural Conditions of the Kurdish Citizens Living in the Turkish Republic who are Forcibly Displaced due to Armed-conflict and Tension Politics; the Problems They Encountered due to Migration and their Tendencies to Return back to the Villages*, 2002.
- ¹¹⁹ Committee on the Rights of the Child, Twenty seventh session, Consideration of Reports Submitted by States Parties Under Article 44 of the Convention, *Concluding Observations of the Committee on the Rights of the Child: Turkey*, 9 July, 2001.
- ¹²⁰ Turkish Daily News, 5 April 2001
- ¹²¹ Immigrants' Association for Social Cooperation and Culture (Goc-Der), *The Research and Solution Report on the Socio-Economic and Socio-Cultural Conditions of the Kurdish Citizens Living in the Turkish Republic who are Forcibly Displaced due to Armed-conflict and Tension Politics; the Problems They Encountered due to Migration and their Tendencies to Return back to the Villages*, 2002.
- ¹²² Turkish Daily News, 5 April 2001
- ¹²³ *Ibid.*
- ¹²⁴ Human Rights Foundation of Turkey, March 2001
- ¹²⁵ Turkish Daily News, 13 March 2001
- ¹²⁶ *Ibid.*
- ¹²⁷ Turkish Daily News, 5 April 2001
- ¹²⁸ ILO, *Street Children in Turkey*, 2001.
- ¹²⁹ CRC Art. 28
- ¹³⁰ CRC Art. 29
- ¹³¹ ESC Art. 7
- ¹³² Committee on the Rights of the Child, Twenty seventh session, Consideration of Reports Submitted by States Parties Under Article 44 of the Convention, *Concluding Observations of the Committee on the Rights of the Child: Turkey*, 9 July, 2001.
- ¹³³ Turkey's Addendum Report to the Committee on the Rights of the Child, 7 July 1999 CRC/C/51/Add.4: p.21.105
- ¹³⁴ Goc-der, report on *Turkey*, 2002, p.14-15-III
- ¹³⁵ Goc-Der, report on *Turkey*, 2002, pp. 22-23-III
- ¹³⁶ Human Rights Watch, *Turkey: Displaced and Disregarded; Turkey's Failing Village Return Program*, 30 October 2002.

¹³⁷ U.S. Committee for Refugees, *The Wall of Denial: Internal Displacement in Turkey*, (Washington D.C.), 1999.

¹³⁸ Committee on the Rights of the Child, Twenty seventh session, Consideration of Reports Submitted by States Parties Under Article 44 of the Convention, *Concluding Observations of the Committee on the Rights of the Child: Turkey*, 9 July, 2001.

¹³⁹ Turkish Labour Law, Article 67

¹⁴⁰ *Ibid.*

¹⁴¹ Fisek Institute Science and Action Foundation for Child Labour, *Turkish Laws on Working Children*, <http://www.fisel.org/e020.php>.

¹⁴² *Ibid.*

¹⁴³ Turkish Constitution Article 50.

¹⁴⁴ Turkey Statement, H.E. Hasan Gemici, Minister of State of the Republic of Turkey, on the occasion of the Special Session of the General Assembly on Children, New York, 9 May 2002.

¹⁴⁵ Global IDP Database, *Profile of Internal Displacement: Turkey*, Compilation of the information available in the Global IDP database of the Norwegian Refugee Council, 5 April 2004

¹⁴⁶ *Project of the Rehabilitation of Children Working in Streets in Diyarbakir*; <http://www.gap.gov.tr/English/Dergi/D7131999/sokakc.html>.

¹⁴⁷ Human Rights Foundation of Turkey, March 2001, section.2

¹⁴⁸ *Ibid.*

¹⁴⁹ ILO, *Street Children*, 2001

¹⁵⁰ Turkish Constitution, Article 90

¹⁵¹ ILO, *Street Children*, 2001

¹⁵² *Ibid.*

¹⁵³ Human Rights Foundation of Turkey, March 2001, sect. 2.

¹⁵⁴ ILO, *Street Children*, 2001.

¹⁵⁵ Turkish Daily News, 7 August 2001.

¹⁵⁶ ILO, *Street Children*, 2001.

¹⁵⁷ *Ibid.*

¹⁵⁸ Committee on the Rights of the Child, Twenty seventh session, Consideration of Reports Submitted by States Parties Under Article 44 of the Convention, *Concluding Observations of the Committee on the Rights of the Child: Turkey*, 9 July, 2001.

¹⁵⁹ United Nations Rules for the Protection of Juveniles Deprived of their Liberty; *Resolution 45/113; 68th Plenary Meeting*, 14 December 1990.

¹⁶⁰ CRC Article 40

¹⁶¹ Enlargement, *Turkey adopts Regulations to Implement Pro-EU Legislation*, 26 Sept. 2002; <http://www.eur.../1924220-517?tag=1&204&OIDN=1503960&-home=hom>

¹⁶² Turkish Press, *Cicek: Turkey has Taken an Important Step on the Way to E.U.*; 22 Sept. 2004.

¹⁶³ The World Organisation against Torture; *'Rights of the Child in Turkey'*; Committee on the Rights on the Child: 27th session, Geneva 2001; Report Concerning the Application of the Rights of the Child by Turkey.

¹⁶⁴ *Ibid.*

¹⁶⁵ Report of the Special Rapporteur on Torture: Sir Nigel Rodley, Visit by the Special Rapporteur to Turkey, E/CN.4/1999/61/Add.1, 27 January 1999, para. 17.

¹⁶⁶ Report of the Special Rapporteur on Torture, Sir Nigel Rodley, E/CN.4/2001/66, 25 January 2001, para. 1139. 9

¹⁶⁷ The World Organisation against Torture; '*Rights of the Child in Turkey*'; Committee on the Rights on the Child: 27th session, Geneva 2001; Report Concerning the Application of the Rights of the Child by Turkey.

¹⁶⁸ *Ibid.*

¹⁶⁹ Kurdish Human Rights Project, *The Viransehir Children: The Trail of 13 Kurdish Children in Diyarbakir State Security Court*, Kurdish Human Rights Project, London: January 2002

¹⁷⁰ Chronicle of Higher Education, Bollag, Burton. *In Turkey, Kurds are arrested for trying to study their own language*, 16 July 2002.

¹⁷¹ Amnesty International, *Europe and Central Asia; Summary of Amnesty International's Concerns in the Region*, 1 September 2004.



