

**Submission to the Committee on the Rights of the
Child**

93rd Session of the CRC

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**Dialogue with Türkiye in relation to Türkiye's 4th
and 5th periodic report**



**International Association for Human Rights Advocacy Geneva
(IAHRAG)**

14 April 2023

1. The International Association for Human Rights in Geneva (IAHRAG) thanks the Committee on the Rights of the Child (Committee) for its engagement with civil society and for providing this opportunity to be associated in the process of dialogue with Türkiye in relation to Türkiye's 4th and 5th periodic report.

2. IAHRAG has been created in 2017; its purpose is to assist, support, guide and sustain victims of human rights violations in Türkiye. It particularly aims at providing support and guidance to perceived political opponents, such as pro- Kurdish sympathizers, Hizmet/Gülen Movement sympathizers and "KHK people"¹ that are victims of a relentless persecution on the ground of alleged participation to terrorist activities, particularly since the July 2016 coup attempt.

3. IAHRAG already submitted a report (PSWG, [here](#)) in view of the adoption of the list of issues ([CRC/C/TUR/Q/4-5](#)).

4. This report aims at updating the Committee with information related to questions raised in the list of issues. It also aims at providing the Committee with suggestion of concerns to be raised during the dialogue with Türkiye as well as suggestion of recommendations. IAHRAG' current report notably relies on facts and testimonies gathered in the third edition of a 1.713 pages academic report, in Turkish, based on research conducted between 20 July 2019 and 9 September 2019, on victims and relatives of the State of emergency measures in Türkiye (*Social costs of the State of emergency*, prepared by Dr. Bayram Erzurumluoglu, launched at the Turkish Grand National Assembly with the support of HDP Deputy Mr. Omer Faruk Gergerlioglu).² IAHRAG also relies on the fourth edition of this report,³ covering the 4th, 5th and 6th year of the State of emergency.

5. IAHRAG will particularly address the following issues in this report:

- **factors and difficulties impeding the implementation of the Convention;**
- **data collection;**
- **non-discrimination;**
- **birth registration and nationality;**
- **children of incarcerated parents;**
- **children incarcerated with their parents;**
- **adolescents mental health;**
- **children belonging to marginalized groups and in disadvantaged situation;**
- **administration of child justice.**

¹ "KHK people" (KHK means decree-law) is an expression in Türkiye designating the victims of the Decree-laws issued during the State of emergency (2016-2018). **KHK people suffered double pain: first they have been arbitrarily dismissed of their position and later on are still tried for alleged terrorist activities for their link with the Hizmet Movement. KHK people, 5 years after the end of the State of emergency still suffer all kind of discriminations, both in law and in practice:** in one of the latest instances, M.Ç., a dismissed teacher, was denied access with his wife and two children to Government dormitories appropriated for the accommodations of victims of the earthquake on account of being dismissed by a decree-law during the State of emergency. Peoples' Democratic Party (HDP) Deputy Ömer Faruk Gergerlioğlu filed a parliamentary motion with regards to the issue, asking Interior Minister Süleyman Soylu why M.Ç. and his family were not allowed in the KYK dormitory although they were sent there by the Disaster and Emergency Management Authority (AFAD). See [here](#).

² The report can be accessed [here](#).

³ The report can be accessed [here](#).

A. Factors and difficulties impeding the implementation of the Convention

6. There is a well and long established practice of the Committee to raise global factors and difficulties impeding the implementation of the Convention (see for instance [CRC/C/SSD/CO/1](#), [CRC/C/UKR/CO/5-6](#), [CRC/C/ERI/CO/4](#), [CRC/C/YEM/CO/4](#), [CRC/C/GNB/CO/2-4](#), [CRC/C/ISR/CO/2-4](#), [CRC/C/15/Add.3](#), but also the working methods of the Committee).

7. Doing so, the Committee considered various and very political topics including: “*suspension of the National Assembly*”, the “*ineffective implementation of the Constitution*”, “*resulting in the deterioration of the rule of law*” ([CRC/C/ERI/CO/4](#), para. 7); “*current political crisis*” ([CRC/C/GNB/CO/2-4](#), para. 7); “*a long transition period of political instability*” ([CRC/C/GIN/CO/2](#), para. 8); “*the rise of religious extremism*” ([CRC/C/SYR/CO/5](#), para. 4); “*the severe impact of the political and security crisis*” ([CRC/C/CAF/CO/2](#), para. 4); “*the political instability*” ([CRC/C/SOM/CO/1](#), para. 4; [CRC/C/COD/CO/3-5](#), para. 5, [CRC/C/HTI/CO/2-3](#), para. 6, [CRC/C/IRQ/CO/2-4](#), para. 4, [CRC/C/LBR/CO/2-4](#), para. 4); “*the socio-political challenges facing the State party in the aftermath of the 25 January 2011 Revolution and the current interim rule by the Supreme Council of the Armed Forces under which, pending parliamentary and presidential elections, the Parliament has been dissolved and a temporary Constitutional Declaration has replaced the suspended Constitution*” ([CRC/C/EGY/CO/3-4](#), para. 8).

8. The Committee never refrained from addressing political situations and topics in its concluding observations as constitutive of impediments for the implementation of the Convention.

9. IAHRAG kindly requests the Committee to address the long-term consequences of the 2016-2018 state of emergency and the disproportionate answer to the 2016, 15 July coup attempt resulting in the deterioration of the rule of law and still impacting child rights, including right to education, standards of life of children, stigmatization and victimization of children due to their parents’ alleged criminal actions, including right to acquire a nationality.

10. The rule of law and human rights situation had been constantly deteriorating in Türkiye since the attempted coup of July 2016. The botched coup attempt, though never investigated properly, has been utilized by the Government to repeatedly extend the state of emergency until 2018, as well as to intensify the purge of perceived opponents and muzzle the judiciary power. This led the High Commissioner for Human Rights at the time to openly call on the Government not to turn back the clock on human rights, expressing deep concerns over the mass suspension and removal of judges, as well as arbitrary detentions.⁴ Indeed, all in all, 150.348 public servants (teachers, bureaucrats), 4.463 judges and prosecutors, and 6.021 academics were dismissed under State of emergency decrees adopted in the direct aftermath of July 2016. Such a massive process of dismissal had a disproportionate effect on children’s standards of living, them and their parents considered pariah overnight, not even able to find a job in the formal sector (see developments below and in our report submitted for the PSWG, [here](#)).

11. During the state of emergency period, the government, following an express referendum, introduced a constitutional change of regime, from parliamentary to presidential and

⁴ See [here](#).

introduced a constitutional amendment deeply eroding the independence of the judiciary.⁵ The Venice Commission considered that the amendment did not provide “*the necessary checks and balances required to safeguard (the presidential regime as introduced) becoming an authoritarian one*”.⁶

12. The OHCHR Report on the impact of the state of emergency on human rights in Turkey⁷ provides that

“OHCHR notes with concern that the routine extensions of the state of emergency may lead to an enduring system of governing characterized by a large number of arbitrary decisions that profoundly affect the lives of many individuals and families. This situation may therefore have long-lasting implications on the institutional and socio-economic fabric of Turkey”.

13. Since July 2016, Türkiye instituted a pattern of misuse and abuse of its counter-terrorism legal frameworks notably targeting Hizmet Movement sympathizers and pro-Kurdish party supporters. This pattern is translated into widespread arbitrary arrests and detentions on bogus terrorism charges, targeting a large number of groups and persons, among them Hizmet Movement supporters, Kurdish opposition, human rights defenders, lawyers, academics and journalists, notably since the Coup attempt of 15 July 2016, for alleged participation to terrorist activities.⁸ The Special Procedures Mandate holders of the Human Rights Council have repetitively expressed their

⁵ See Commissioner for Human Rights of the Council of Europe’ report “*these concerns have been largely overshadowed by far more serious ones as a result of new constitutional changes introduced in 2017. The Commissioner observes that the new composition of the HSK allows for all the members of the HSK to be appointed either by the President of the Republic or the Parliament, without a procedure guaranteeing the involvement of all political parties and interests. This means that no member of the HSK is elected by their peers, in clear contradiction with European standards which foresee that at least half of the members of judicial councils that are in charge of overseeing the professional conduct of judges and prosecutors (including appointments, promotions, transfers, disciplinary measures and dismissals of judges and public prosecutors) should be elected by judges among their peers from all levels of the judiciary and with respect for pluralism inside the judiciary*”, [here](#), para. 14. Similarly the 2018 OHCHR report mentions that “*the new appointment system for the members of the Council of Judges and Prosecutors (formerly High Council of Judges and Prosecutors), introduced through amendments to the Constitution, does not abide by international standards. (...) Because of the Council’s key role of overseeing the appointment, promotion and dismissal of judges and public prosecutors, the President’s control over it effectively extends to the whole judiciary branch*”, [here](#), para. 121. The Special Rapporteur on independence of judges and lawyers raised similar concerns as to the amendments to article 159 of the Constitution, stating that the changes related to the powers of the Council of Judges and Prosecutors (HSK in Turkish replacing the HSYK) lead the executive to controlling this body and “*thus means getting control over judges and public prosecutors, especially in a country where the dismissal of judges has become frequent and where transfers of judges are a common practice*” (OL TUR 15/2020, [here](#)).

⁶ Venice Commission, *Opinion on the amendments to the Constitution adopted by the Grand National Assembly on 21 January 2017 and to be submitted to a national referendum on 16 April 2018*, CDL-AD(2017)005, para. 130, [here](#).

⁷ March 2018, available [here](#).

⁸ See for instance UA TUR 3/2018 available [here](#). This is constantly echoed by the High Commissioner briefings at the Human Rights Council. See [February 2021, HRC 46, Item 2](#): “*In Turkey, the newly passed Law No. 7262, with the stated aim of preventing financing of weapons of mass destruction, introduces more restrictions and oversight on civil society organisations. Its application – together with the social media bill adopted last July, and other restrictive legislation – could further increase the use of vaguely defined terrorism charges to target and silence perceived critics. Reprisals against people who seek justice and accountability – including for the victims of enforced disappearances – are compounding the erosion of judicial independence and rule of law, and contribute to an increasingly unsafe civic environment. Crackdowns on student-led protests underline the need for greater dialogue with many constituencies. I am also concerned about last week’s raids and mass arrests, including of opposition members, allegedly in connection with terrorism related charges. Any anti-terror operation should*

“very serious concern about what appears to be a pattern of widespread and systematic arbitrary arrests and detentions of persons, including human rights defenders, for peacefully exercising their legitimate human rights to freedom of expression, belief, assembly and association based on national counter-terrorism legislation”⁹.

14. According to the Ministry of Justice data,¹⁰ **1.576.566 investigations** were launched between 2016 - 2020 period on the ground of article 314 (terrorist membership) of the Turkish Penal Code (Türkiye’s population is 84 million).

15. The official statistics released by the Turkish Government¹¹ also show that between 2015-2021, **16.265 minors were on trial for terrorism-related offenses** (see also developments below).

The Use of Terrorism Charges Against Minors in Turkey

Decision	Under 18 males	Under 18 females	Total
Imprisonment sentence	1669	74	1743
Judicial fine	585	20	605
Suspension of a prison sentence	454	44	498
Application of security measures	266	43	309
Other verdict of conviction	628	46	674
Sub total	3602	227	3829
Acquittal	7625	652	8277
Deferment of the announcement of the verdict	3892	267	4159
Sub total	11517	919	12436
TOTAL	15119	1126	16265

16. The State of emergency has also been the occasion to arbitrarily close a large number of NGOs, including those contributing to the rights of the child such as *Gündem Çocuk* (at least 1.410 associations, 109 foundations and 19 trade unions) without any reasoning except that they were “assessed” by the government to be affiliated with, acting in connection with, or having had ties to a terrorist organization.¹² Among these organizations were schools from the Hizmet Movement actively contributing to the right to education of Turkish children. Those schools were operating in clear light and lawfully until the State of emergency. There were about 300 schools in Türkiye back to 2016 and it is estimated that 1.2 millions of Turkish citizens have attended Hizmet Movement schools.

comply with international human rights law, and should not be used to target dissent”; see also [June 2022, HRC 50, Item 2](#): “the trials and prison sentences of activists and political opponents such as Osman Kavala, his seven co-defendants and Canan Kaftancıoğlu are of concern, as they appear to be targeted for their dissenting views”.

⁹ *Ibid.*

¹⁰ See [here](#).

¹¹ General Directorate of Judicial Records and Statistics of the Ministry of Justice of Türkiye (2015-2021), Justice Statistics Publication Archive, [here](#).

¹² 2019 Report of the Commissioner for Human Rights of the Council of Europe, following her visit to Turkey from 1 to 5 July 2019, available [here](#), para. 141.

17. During the State of emergency, the Government published the Decree-law (KHK) 680 (January 6, 2017) whose article 75 provides procedures for the deprivation of nationality for Turkish citizens living outside of Türkiye. The new article 148 of the Constitution (amended during the state of emergency) provides that “*presidential decrees issued during a state of emergency shall not be brought before the Constitutional Court alleging their unconstitutionality as to form or substance*”; as a consequence, nationality deprivation decisions issued during the state of emergency are not susceptible of challenge before courts. As we will discuss below, such a decree had a huge impact on children rights to acquire a nationality since their parents are unable to transfer their nationality.

18. IAHRAG hereby informs the Committee that the Committee on the Elimination of Discrimination against Women (CEDAW) recently adopted its concluding observations (cobs) on the 8th periodic report of Türkiye. The CEDAW considered the general and political context since 2016 such an important topic that it placed the issue in its very first paragraph of concerns ([CEDAW/C/TUR/CO/8](#), para. 8):

“The Committee expresses deep concern about the measures taken by the State party during the two-year state of emergency applied following the 2016 attempted coup against the Government, which ended in principle on 18 July 2018. It is particularly concerned about the impact that the government’s various repressive counter-terrorism measures have had on women’s human rights and the rule of law in the State party. The Committee is also concerned about several measures taken by the State party during the state of emergency that led to the dismissal of thousands of women from their occupations, including civil servants, judges, military personnel, and academics. Finally, the Committee notes with concern that the effect of these measures continues to have a strong negative impact on women’s human rights and the rule of law in the State party today”.

Concerns to be raised at the occasion of the dialogue

19. IAHRAG kindly invites the Committee to raise the following concerns at the occasion of the dialogue and in its cobs:

- (a) the long-term impact of the two-year state of emergency applied following the July 2016 coup attempt, during which the Government introduced deep changes in the legal system through emergency decree-laws and introduced constitutional amendments resulting in a change of regime from a parliamentary one to a presidential one, lacking from the opinion of all experts “*the necessary checks and balances required to safeguard against becoming an authoritarian one*”;¹³
- (b) the various repressive counter-terrorism measures, following the Coup attempt but still implemented, that (i) directly target minors and (ii) had and still have an indiscriminate and long-term impact on families and children, including on the right to acquire a nationality;
- (c) the negative effects of these measures on the implementation of all the rights of the child defined in the Convention and on the rule of law in the Türkiye today.

¹³ Venice Commission, *Opinion on the amendments to the Constitution adopted by the Grand National Assembly on 21 January 2017 and to be submitted to a national referendum on 16 April 2018*, CDL-AD(2017)005, para. 130, [here](#).

B. Data collection

20. The Committee asked Türkiye to provide data related to the rights enshrined in the convention “disaggregated by age, sex, ethnic origin, national origin, geographical location and socioeconomic status” ([CRC/C/TUR/Q/4-5](#), part III, para. 16 to 20). Doing so, the Committee echoed its previous concerns ([CRC/C/TUR/CO/2-3](#)) at the “lack of data disaggregated by gender, geographic location, ethnicity and socio-economic background, which would help to monitor the equal enjoyment of their rights by all children in the State party” (para. 20).

21. In view of the intense discrimination Kurdish, Hizmet Movement sympathizers and KHK victims suffer in the Turkish society and its negative effects on children rights, specific data on Kurdish and Hizmet Movement sympathizers would be relevant to monitor the full implementation of the Convention.

Concerns to be raised at the occasion of the dialogue

22. IAHRAG kindly invites the Committee to raise the following concern at the occasion of the dialogue and in its cobs:

the lack of data disaggregated by gender, geographic location, ethnicity and socio-economic background (including Kurdish, Hizmet Movement and KHK victims’ children), which would help to monitor the equal enjoyment of their rights by all children in the State party.

C. Non-discrimination

23. The Committee expressed in its 2012 cobs ([CRC/C/TUR/CO/2-3](#)) its concerns that “that the principle of non-discrimination is not fully implemented for children belonging to minorities not recognized under the Treaty of Lausanne of 1923, in particular children of Kurdish origin; children with disabilities; girls; refugee and asylum-seeking children; and children living in the Eastern and Southeastern regions and in rural areas” (para. 28).

24. Eleven years will separate the second and third cobs with the 2023 fourth and fifth cobs of the Committee. The situation has deeply evolved, unfortunately leading to the emergence of new discriminated groups. Hizmet Movement sympathizers and KHK victims, in view of the intense legal and social persecution they face since 2016, should be considered at least as a marginalized group and their children should be considered as children in marginalized and disadvantaged situation.

25. Such a terminology is largely used by the Committee referring to a broad range of children: “Roma children” ([CRC/C/UKR/CO/5-6](#), para. 14), “children with no legal identity” ([CRC/C/ZMB/CO/5-7](#), para. 18), “children of African descent” ([CRC/C/CAN/CO/5-6](#), para. 17), “children from minority clans” ([CRC/C/SOM/CO/1](#), para. 24), “Roma, Sinti and Caminanti children; children born to unmarried parents” ([CRC/C/ITA/CO/5-6](#), para. 15), “children suspected of association with Boko Haram” ([CRC/C/CMR/CO/3-5](#), para. 14), “children from low-income families” ([CRC/C/MNG/CO/5](#), para. 15), “sans papiers children” ([CRC/CHR/CO/2-4](#), para. 24), “Lyuli children” ([CRC/C/KGZ/CO/3-4](#)), “Muhamasheen children” ([CRC/C/YEM/CO/4](#)).

26. In the paragraphs below (para. 72 and f.), “*Children belonging to minority or marginalized groups and in disadvantaged situation*”, IAHRAG will expose in more details what was already advanced in its PSWG submission ([here](#)): the fact that there is harsh stigmatization and discrimination faced by children due to their parent’s opinion or social position (Hizmet Movement sympathizers, KHK victims) with deep social and, economic and psychological impact on the children.

Concerns to be raised at the occasion of the dialogue and the concluding observations

27. IAHRAG kindly invites the Committee to update the concerns raised in its 2012 cobs adding express references to:

the discrimination, against children in marginalized and disadvantaged situations, including Hizmet Movement sympathizers’ and KHK victims’ children, which for them results both from the law and the practice of State authorities.

D. Birth registration and nationality

28. IAHRAG already raised in its PSWG submission ([here](#), paras. 18 to 20) the Decree Law 680 (KHK 680) adopted on January 6, 2017 establishing a procedure for depriving of nationality Turkish citizens living outside of Türkiye, and thus without any judicial oversight or right to appeal the decision. Article 75 indeed provides that

“In cases where investigation or prosecution has been carried out on the grounds of the crimes stated in the Turkish Penal Code dated 26/9/2004 and numbered 302, 309, 310, 311, 312, 313, 314 and 315 of the Turkish Penal Code, citizens who cannot be reached because of not being in the country shall be notified to the Ministry for the revocation of their citizenship within one month after investigation by the public prosecutor or by the court during the proceedings. In the event that they do not return to the country within three months despite the announcement made in the Official Gazette by the Ministry of Interior, the Turkish citizenship of these persons may be deprived by the proposal of the Ministry and the decision of the Council of Ministers”.

New article 148 of the Constitution, amended in 2017 during the State of emergency, provides that “*presidential decrees issued during a state of emergency shall not be brought before the Constitutional Court alleging their unconstitutionality as to form or substance*”.

29. IAHRAG brings to the attention of the Committee the Joint Submission from the Institute of Statelessness and Inclusion and the European Network on Statelessness for the latest 2020 Universal Periodic Review of Türkiye ([here](#)). The two organizations mentioned that

“Further to the issuance of Decree 680, the Turkish Ministry of Justice declared that it would issue a “return home” Gazette Notice naming those who were overseas and being investigated for the crimes outlined. On 5 June 2017, a “return home” notice published in the Official Gazette contained the names of 130 individuals who were issued summons to return to Turkey and present themselves for criminal investigation. Recipients of the notice were given three months to surrender themselves for investigation. On 10 September 2017, a second return home “Gazette Notice” was issued by the Turkish Government, threatening 99 Turkish citizens in exile with the stripping of their citizenship. ISI will aim to further update its information on the impact of Decree 680,

beyond 2017. However, it is evident that those deprived of citizenship will not be able to return to their country and may not be able to leave their country of residence. Those who have no second nationality risk being rendered stateless. They will rely on international protection under the 1954 Convention Relating to the Status of Stateless Persons, the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol or subsidiary protection under other mechanisms. Those who do not receive any international protection will be particularly vulnerable. **In addition to the risk of being arbitrarily deprived of nationality, parents are likely to be unable to transfer nationality to their children, potentially resulting in the denial of the child's right to acquire a nationality under Article 7 of the Convention on the Rights of the Child**” (para. 20, 21 and 22).

30. In addition to the Decree law 680, IAHRAG would like to bring to the knowledge of the Committee the **widespread arbitrary Turkish consular practices against Hizmet Movement sympathizers, real or alleged, resulting in: (a) cancellations and confiscation of passports, including of children; and (b) refusal register births and to provide IDs or passport to children born to Turkish citizens abroad.** The Institute of Statelessness and Inclusion and the European Network on Statelessness UPR report mentioned

“Being denied consular assistance and services results in individuals being denied access to other rights, including the right to birth registration, to obtain documents and to enter your own country. Those denied consular services do not have access to legal recourse due to a lack of due process standards” (para. 24).

31. Although the full extent of these actions and exact numbers are unknown, the Institute of Statelessness and Inclusion and the European Network on Statelessness UPR report mentioned: **(a) 76 cases of refusal for issuing IDs or passports for children; (b) 696 cases of cancelling adult/child passports; and (c) 19 cases of confiscation of passports.**

32. IAHRAG has been informed that these practices were particularly important in Nigeria (about 168 cases), South Africa (about 200 cases), Tajikistan (about 600 cases), Azerbaijan (about 1200 cases), Kyrgyzstan (about 380 cases). **Those cases of cancellation of passports or refusal of consular services have a deep impact on children, potentially making them stateless.** At least, among the most relevant cases, we know that: (a) in Nigeria, **22 Turkish babies** born in Nigeria after the 2016 July Coup attempt were denied birth registration and passports and IDs; (b) in **Afghanistan, 6 Turkish babies** are stateless because of refusal to register the birth and to issue passports and IDs since the parents worked in Hizmet Movement affiliated schools; (c) **seven Turkish babies** became unidentified/stateless as their passport and ID procedures were not made by the Turkish consulate in **Indonesia** and for two children the passports were not renewed during the year 2017 in Indonesia; (d) **three Turkish babies** became “unidentified” because their passport and ID card transactions were not carried out by the Turkish embassy authorities in the **Philippines** in 2018; and (e) **three Turkish infants in the same year were refused to obtain their passport and ID in Myanmar** and the passports of the children of 3 families have not been renewed despite the fact that their passports expired.

33. In addition, measures targeting Turkish citizens in Türkiye have been taken. Minister of Interior Süleyman Soylu said: “234,419 passports have been cancelled within the scope of *FETO*¹⁴ investigations.”¹⁵ **The cancellation of passports is not limited to people who have**

¹⁴ Derogatory terminology used by the Turkish government to designate the Hizmet Movement.

¹⁵ See [here](#), statement on 12 December 2017.

undergone judicial or administrative investigations, and the law adopted following the decree¹⁶ allowed for the cancellation of passports of people who are allegedly related to the Gülen Movement and their family members, especially their spouses and children. The Constitutional Court on July 24, 2019 (decision E. 2016/205, K.2019/63) annulled the regulation that allowed the government to cancel the passports of the spouses and children. The judgment was not published until October 31, 2019. In the meantime the parliament passed a law (Law no. 7188, October 24, 2019) with the same effect as the annulled regulation. As a result, the Constitutional Court's annulment did not help to improve the situation. On 3 June 2021, the Constitutional Court issued a new decision (E.2019/114, K. 2021/36) and again on 24 June 2021 (E.2018/81, K.2021/45). As a consequence, the cancellation of a passport will only be possible by a judicial decision. Both judgments entered into force. **Meanwhile it is however reported that the Ministry of Interior continues to withdraw passports in disrespect of the decision of the Constitutional Court.**

Concerns to be raised at the occasion of the dialogue and the concluding observations

34. IAHRAG kindly invites the Committee to raise the following concerns at the occasion of the dialogue and in its cobs:

- (a) Decree-law 680 allowing the deprivation of nationality of Turkish citizens living abroad, suspected on alleged terrorist activities, resulting in parents likely to be unable to transfer their Turkish nationality to their children, resulting in the denial of the child's right to acquire a nationality;
- (b) The ongoing practice of confiscation and cancellation of passports, including the ones of children;
- (c) The arbitrary denial of consular services for Turkish citizens living abroad associated with the Hizmet Movement, including the refusal to register births and to deliver passports and IDs to children resulting in stateless of children.

E. Children of incarcerated parents

i. Systematic practice of deprivation of both parents from the children due to arbitrary detention

35. In IAHRAG PSWG report for Türkiye ([here](#)), we raised that “*the Turkish government uses the separation of children from parents accused of terrorist activities, both arbitrarily detained, as a widespread and systematic practice to force them to confess their past peaceful and lawful relationships and to punish them, de facto going against the best interests of the child*” (para. 22).

36. IAHRAG hereby brings to the knowledge of the Committee testimonies extracted (and translated by us) from the very serious and academic report *Social costs of the State of emergency* (third edition, prepared by Dr. Bayram Erzurumluoglu, launched at the Turkish Grand National Assembly with the support of HDP Deputy Omer Faruk Gergerlioglu).¹⁷

37. The testimonies gathered are the results of an academic survey conducted **among 3.104 persons from 81 provinces of Türkiye and 201 Turkish people exiled in 33 countries.**

¹⁶ Article 5 of the Law 6749 on the Adoption of the Decree-Law on the Measures Taken Under the State of Emergency, October 18, 2016.

¹⁷ The report can be accessed [here](#).

38. IAHRAG selected: (a) a list of testimonies of persons who were in custody and forced to confess through physical and psychological torture (a common threat perpetrated was to send the children to an orphanage/care institution); **this supports IAHRAG' previous statement that the practice is not incidental but systematic and the result of a government will**; (b) a list of testimonies of parents who have been separated of their children; and (c) a list of testimonies of children who have been separated from both parents.

a) Selection of testimonies on threats perpetrated by police and judiciary authorities on Hizmet Movement sympathizers to send their children to care institutions/orphanage

"First of all, I was detained on 7 November 2016 with the testimony of a secret witness at the lodgings of ... Main Jet Base Command. They gave me very little food and water during 8 days of detention. For 3 hours they physically tortured me to make me confess. They threatened me by issuing a fake document signed by the prosecutor saying "We will also detain your wife". They said, "We will give your children to an orphanage". All of this took place without a lawyer in a room without a camera, which they called a preliminary interview"

"We have your wife too, so..." "Your children will grow up in an orphanage".

"Without a lawyer, the police took me to a room without a camera, which they called a pre-interview, where they physically assaulted and swore. They hit my neck, punched my heart 3 times and squeezed my balls. They told me that if I didn't confess, they would take my wife into custody and torture her too. They showed me a fake detention document signed by the prosecutor with my wife's name and surname. They said they would give my children to an orphanage. I did whatever they wished with that fear, I made up most of the things, they wrote most of the statements themselves and I signed them. Then I told it to the lawyer who came and he intimidated me by saying that if you change it, you will be arrested. But I corrected it in court and then I was arrested"

"The prosecutor told me that I was a very dangerous terrorist and that if I didn't talk I would never see my children again. He said he'd have me sacked from teaching immediately"

"I was subjected to psychological pressure both during my first statement at the prosecutor's office and later by the investigation prosecutor who came to the prison. I was threatened with the future of my child"

"The police insulted me by saying that if I didn't confess, my wife would be arrested and my children would be taken to an orphanage and that I would not be released from prison for life"

"The police told me: "You will never see your child again, no one will listen to you, we are the judge and the prosecutor here, come give a statement as we say, sign the statement, go home, if you go against us we will keep you here for 14 days (that was the length of detention at that time). When I said I would not accept, they said, "We will beat you here, no one can take you away from us"

"My husband was under custody. The police chief said something like "Your husband is not talking, at least tell me what you know, otherwise your kids will be sent to a child protection organisation" in order to scare me"

"If you don't confess, you will never see your children again and you will be arrested"

"Speak or you'll never see your child again"

“Either you tell everything yourself or a very painful process awaits you with that child,” he said, referring to my one and half year-old child”.

“I was put under pressure with the statements “You cannot see your children grow up””.

“I was pressurized by being told that I would never see my children again. I witnessed physical torture”.

“There are also reports about your wife. If you don't tell what you know, you know what will happen. Think about your children. If their mother is also arrested, your children will grow up in a child protection institution with the information that their parents are terrorists.”

“I was pregnant when I was detained. The police officers pressurized me by saying that if I did not confess, my husband and I would be arrested and they would take my child away from me”.

“I was told that if I didn't give a name, if I didn't confess, I would be arrested like my husband and my children would be taken to an orphanage if no one took care of them”.

“You were used, son,” the prosecutor said, “repent, save yourself.” He put the list of union members in front of me. “Tell me that these names are also involved in this, and I will let you go,” the prosecutor said. ‘Don't push me. I'll keep you in custody for 30 days in that filthy environment. I will arrest your wife. The state will take away your children,’ the prosecutor said”.

“The police and the prosecutor put such pressure on me: ‘Forget about your husband. There is no salvation for him. If you tell what you know, you will continue your duty. You will stand by your child. Otherwise, your child will be taken away from you.’ They said, ‘We will place the child in an orphanage. We will also change his name. You will never see him again’”.

“Almost all of the friends we stayed in the same ward were forced to confess. A former bailiff was threatened by the prosecutor saying ‘I will arrest your wife and send your child to an orphanage’”.

“They threatened a friend of mine saying, ‘We will arrest your wife too. We will give your children to the Child Protection Agency’”.

b) Selection of testimonies of parents/situation of parents who have been separated of their children

“When my husband was arrested, they carried out an operation against the wives of prisoners and many of us were arrested again on absurd charges. My children were left in the middle. Our families chose not to take care of them. A close relative of mine adopted the children and came to my house and took care of them. In the meantime, the children stayed with a neighbor I didn't know and had never seen for a day. By the way, my youngest child had a fever of 40 degrees when I was taken into custody. They showed no mercy... I have experienced so much more pain that I can't even bear to write about it”.

“My husband was wanted at the time I was detained. They threatened me not to show my children and to arrest me if I did not tell them where my husband was. As a matter of fact, I was arrested”.

“A child whose parents were arrested was not given to other family members and was sent to a shelter. Then somehow he was taken from the shelter by his grandfather. During this time, the 2-year-old child had different psychological problems. He displayed irritable and aggressive behavior. He never ate. Another family's middle school boy was ostracized by his

classmates. They shouted "Your father is a traitor" because his father was under arrest and the boy attempted suicide".

"The wife of a friend of ours has been in prison for 3 years and her husband has been in and out of prison, but when his sentence was upheld, husband and wife are in Bünvan prison. 3 boys, the oldest of whom is 21-22 years old, have 90% mental disability reports. The 2nd child is going to high school, but due to the situation of his parents, he is not very interested in school. The 3rd child is in the 2nd grade of primary school this year. He grows up longing for his mother when he needs her the most. The 70-year-old grandmother is trying to take care of her grandchildren. They do not have any financial problems, but the emotional problems are increasing exponentially".

"The middle-school aged children lived alone at home for 2 years. The children, who were ranked first in Turkey, ranked 290,000th in the university exam. They had to deal with police officers and bailiffs who kept coming to the house, their psychology deteriorated and they still cannot receive treatment".

"I gave birth prematurely as a result of my husband's administrative dismissal. My children were ostracised by their friends and had to change schools. I was constantly ostracised, insulted and threatened at the institution where I worked as a civil servant. Two years later, due to the arrest warrant issued against my husband, I and my children were followed by the police. Our passports were cancelled. The university where my brother worked as a lecturer was closed down. As a doctor, he could not find a job anywhere he applied for, and in order to find a job, he legally travelled abroad with his own passport. However, **shortly after he left, his wife was dismissed and arrested, and 4 children were left without a mother or father, with their grandparents struggling with various diseases. They suffered from various physical and psychological problems. **My cousin, who is a judge, and her husband, who is a prosecutor, were detained on the morning of 16 July 2016 in ... on charges of participating in the coup, forcing them to leave their 1.5 year old baby at home.** (Their family lives 1480 km away in ... and the police did not even allow them to entrust the baby to someone). My cousin learnt that she was pregnant in prison and suffered various illnesses"**.

c) Selection of testimonies of children who have been separated from their parents due to arbitrary detention

"My father went to prison when I was 14 years old. My mother continued to work as a teacher. When I was 15 years old, my mother was also taken to prison and I was left alone with my two younger siblings (one was 9 and one was 11 at the time) and my disabled grandmother. We lived like this for about 1.5 years. I was the mother, father and sister of the house. I was going to the 11th grade at the time and while I had always received appreciation certificates at school in my life, that year I received no more. Naturally, both school and home did not work together. I had to mature early and become a mother and father to my siblings".

"At the age of 16, the whole burden of the house fell on me. Only my grandmother had a pension. Our house was rented. Thanks to our relatives, they supported us, but it was very difficult to suddenly become destitute. **My father's absence was tolerable to some extent, but my life collapsed when I was in my teens due to my mother's absence"**.

d) Assessment of the situation

39. IAHRAG invites the Committee to acknowledge, in view of the numerous existing testimonies, that the practice of separating both parents from their children is the result of a systematic and deliberate policy that is in contradiction with the best interests of the child. The Turkish Parliament debated a bill in June 2021 to improve the law on executions of the

criminal sentences. One of the articles aimed at postponing prison sentences of mothers with children under 15 whose husbands are also in prison. The amendment would have allowed the reunion of 3.000 mothers with their children. However, this specific amendment was rejected. The case of Hatice Şahnaz, a former nursery worker, is particularly striking and reveals the arbitrariness due to the absence of clear and certain legal framework: her sentence was suspended by the Court of Cassation after giving birth in prison, but she was arrested again when her baby was 18 months old.¹⁸

40. The Committee has a constant approach that

“the best interests of the child be taken into account as a primary consideration when sentencing parents, avoiding, as far as possible, sentences for parents which lead to their being separated from their children. It also recommends that the State party give due consideration to the child’s best interests when deciding whether the child should live with his or her incarcerated parent. In doing so, due consideration to the overall conditions of the prison context and the particular need for parent-child contact during early childhood should be taken into full account, with the option of judicial review. The Committee further recommends that the State party ensure that incarcerated parents are guaranteed systematic contact with their children and the Child Development Unit, including in cases of adoption, and that children of incarcerated parents who do not reside in institutional care are provided with sufficient psychological treatment and social support” (CRC/C/MUS/CO/3-5, see also [CRC/C/IND/CO/3-4](#)).

41. The best interests of the child is not taken into consideration in Türkiye when sentencing both parents for being Hizmet Movement supporters, a fortiori when the condemnations are arbitrary and in contradiction with the non-retroactivity of criminal law principle (the UN Human Rights Committee indeed recently found¹⁹ that the detention of Ms. Alakus, Hizmet Movement supporter, was not only in violation of article 9 of the Covenant on civil and political rights - arbitrary detention - but also of article 15 - non-retroactivity of criminal law – confirming that being a supporter of the Hizmet Movement, in absence of personal and concrete evidence of involvement in criminal activity, cannot in itself be considered as a crime).

42. IAHRAG hereby informs the Committee that **children left alone without their parents and with relatives can be exposed to serious negligence, including leading to death**. The case of the young Nur Elif T., 6 years old became viral: she and her brother and sister (9 and 12) were left to the hands of their aunt, grandmother, and uncle. They were hospitalized due to malnutrition in the Eskişehir province. **Nur Elif T., 6 years old, did not survive. This is a very serious state-induced human rights violation.**²⁰

ii. Arbitrary detention of parents of critically sick children

43. IAHRAG hereby informs you of the peculiar situation of kids suffering critical illness whom, mother, father or both parents are arbitrary detained. In our PSWG report ([here](#), para. 23 and 24), we brought 2 cases: (a) the case of H.D., 12 years old, was diagnosed with T-cell acute lymphoblastic leukemia (T-ALL). H.D. got a marrow transplant that is a very painful and challenging process and he needed attentive care during this treatment. His 70-year-old grandmother was trying to take care of him as both of his parents were imprisoned on terrorism

¹⁸ See [here](#).

¹⁹ See *Mukadder Alakuş v. Türkiye*, 3736/2020, [here](#).

²⁰ See [here](#).

charges; she however also had health problems due to his age. Authorities were aware of the situation and a huge public campaign was launched to ensure that at least one of HD's parents could benefit from special release measures to ensure that the young boy receives the care, affection, and treatment that his state required. The authorities did however turn a blind eye to this campaign; and (b) the case of M.Y., whose spouse is already incarcerated, arrested on August 18, 2021 leaving the children in the care of the grandparents, the 8 years old boy suffering from epilepsy.

44. The Committee had to know recently of a tragic case, through its individual petitions mechanism: the one of 6-year-old Yusuf Kerim Sayın, whose mother Gülten Sayın has been arbitrary detained for bogus terrorism charges (use of ByLock chat application, possessing a Bank Asya account, joining a Hizmet Movement gathering).²¹

45. Yusuf Kerim Sayın, under treatment for a critically advanced stage cancer in October 2022 has been separated from his mother since December 16, 2022, Gülten Sayın having been condemned to serve a prison sentence due to her link with the Hizmet Movement (case very similar to the one of Ms. Alakus, recent decision of the Human Rights Committee). IAHRAG invites the Committee to take note of the Stockholm Center for Freedom July 2020 report, *Turkey's post-coup purge makes no exception for children*,²² providing 9 other cases of children critically ill and separated from their parents.

46. IAHRAG hereby welcomes the recent adoption (March 28, 2023) of the new law on the delay of execution of sentences for mother of sick children: a new provision to the Law No. 5275 on the Execution of Criminal and Security Measures had been added with the title "*article on the suspension of the execution of the sentence of the female convict due to the illness of her child*". It aims at suspending the execution of the sentences of female convicts sentenced to less than 10 years imprisonment and who have children under the age of 18 who are in need of care due to disability or who are suffering from a serious illness (the law allows for a delay of up to 1 year under certain obligations, and the delay can be extended for another 2 years in 6-month periods). **However, this law only targets mothers and leave behind fathers of critically ill-children.**

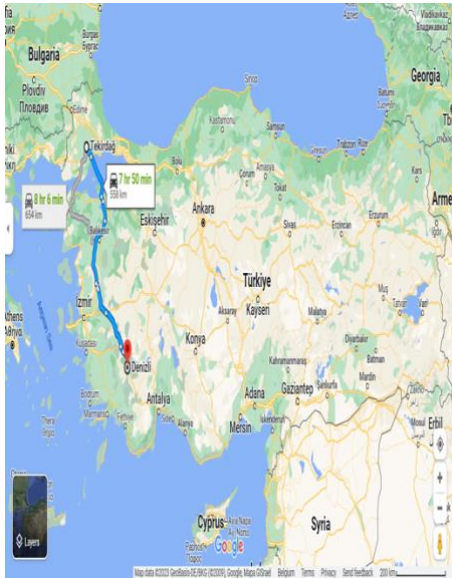
iii. Transfers in remote facilities and denial to transfers in closest facilities in violation of the right to maintain contact with their parents

47. IAHRAG hereby informs the Committee of the arbitrary and punitive practice to transfer Hizmet Movement prisoners to remote detention places *de facto* infringing upon the rights to regular visits for children of incarcerated parents. **Visiting rights of the child should be taken into account when a parent is sentenced or transferred between prisons.** IAHRAG

²¹ The Human Rights Committee (*Mukadder Alakus v. Türkiye*, 3736/2020, July 26, 2022) recently found that "*the mere use or download of a means of encrypted communication or [holding a] bank account cannot indicate, in itself, evidence of membership of an illegal armed organisation, unless supported by other evidence*" (para. 10.6). The Committee confirmed that the Turkish mass practice to go after Hizmet Movement supporters for actions that occurred before July 2016, that were and still are lawful activities protected by the Covenant, does violate the principle of non-retroactivity of criminal law (when not supported by any other evidence of criminal activity). It therefore concluded to the arbitrariness of Ms. Alakus' detention and asked for her release.

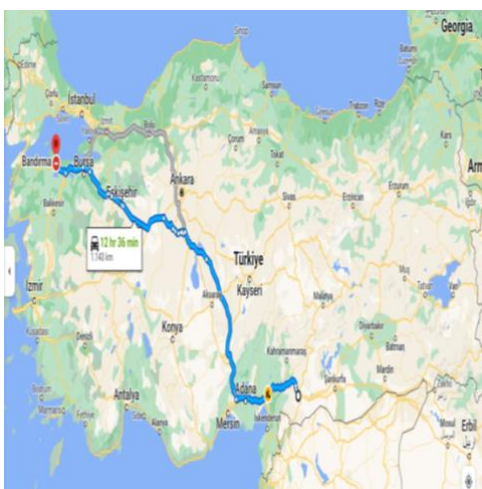
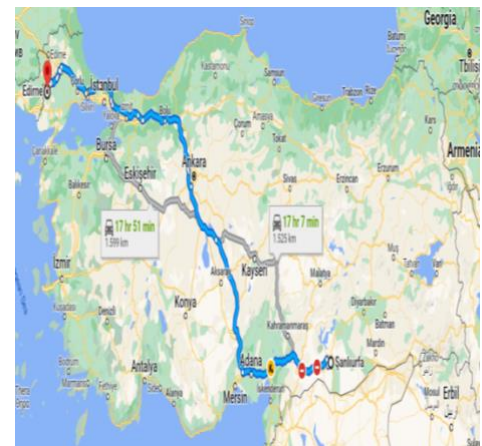
²² Available [here](#).

compiled a selection of a few testimonies and situations of parents transferred to remote places of detention.

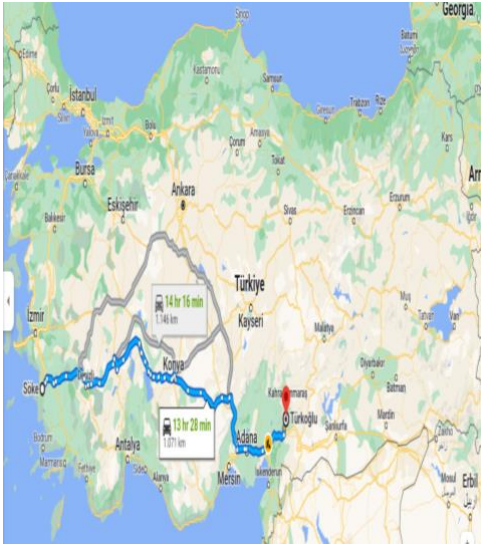


“I am Erkam Özkaya from Tekirdağ T-2 Prison, my family resides in Denizli. The youngest of my 4 children is 7 years old, I have not seen him for a long time (31 months in November 2021), so he could not remember me when he came to visit. My 10-year-old daughter did not speak at all during the visit, she only cried. I have been here for 45 months (as of March 2022). I have written continuous and regular petitions to the relevant institutions for transfer to Denizli. Most of them were either left unanswered (as of November 2021) or rejected (as of March 2022). Moreover, my father, who takes care of my family, is both elderly and 62% disabled. I cannot talk to my family on the phone because of the illnesses I have suffered here and now because of the hearing loss I have suffered” ([here](#)) **(7 hours 50 minutes travel from home to prison).**

“My wife Hacer Hanife Turmak and I were detained in 2018 in Şanlıurfa and taken to Manisa, then we were arrested together. My wife was arrested together with the child (Hilmi Turmak). She was released after a period of imprisonment and was tried without arrest. She was sentenced to 7 years and 6 months. In the meantime, our child turned 6 years old (as of March 2023). We were finally able to transfer my wife Hacer to Erzincan prison. Now we are applying to the authorities for her transfer from Erzincan to Şanlıurfa, but we cannot get an answer” ([here](#)) **(17 hours 7 minutes travel from home to prison).**

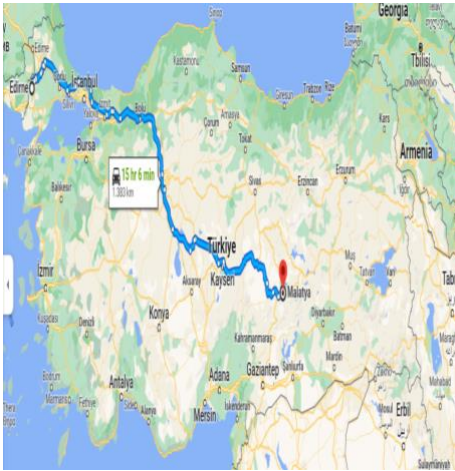
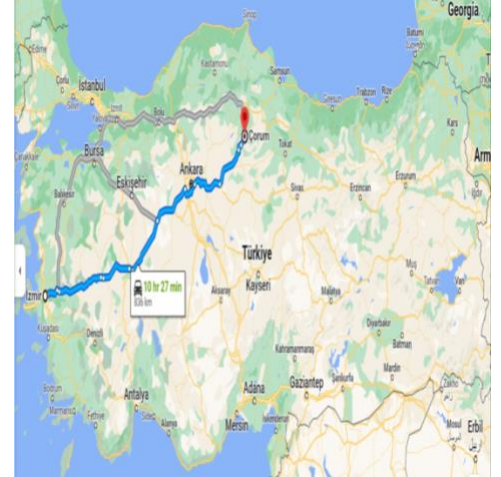


Sabiha Bağrıyanık: “We live in Gaziantep. My husband Mehmet Bağrıyanık is in Bandırma Prison. Although the ombudsman made a recommendation for his transfer to Antep or nearby provinces, the Ministry of Justice and torments us by not taking any steps” ([here](#)) **(12 hours 35 minutes travel from home to prison).**



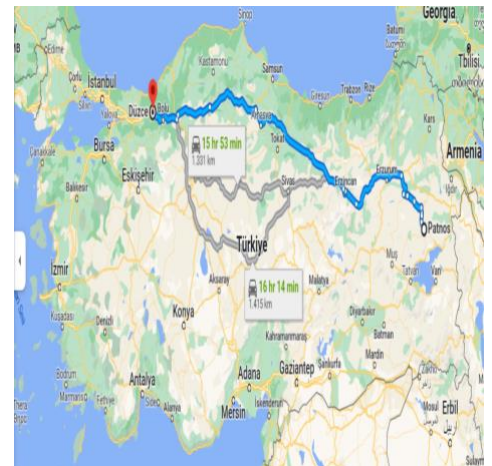
“My husband Sinan Biçer was sentenced to 7.5 years in prison. We live in Söke, Aydın. My teenage son doesn't want to talk to anyone. My daughter cries every night. He is detained 18 hours away in Kahramanmaraş Türkoğlu prison. It is difficult for us, especially his children, to visit him. The problem of transfer is not solved despite our petitions” ([here](#)) (13 hours 28 minutes travel from home to prison).

Mehmet Meleş has been held in solitary confinement in Çorum Prison since 2020 December (as of 1 November 2022). His wife Ayşe Meleş is being held in Şakran Prison. Although Mehmet wrote a petition for transfer to İzmir, he was not transferred to where his children are. His children are cared for by relatives ([here](#)) (10 hours 27 minutes travel from home to prison).

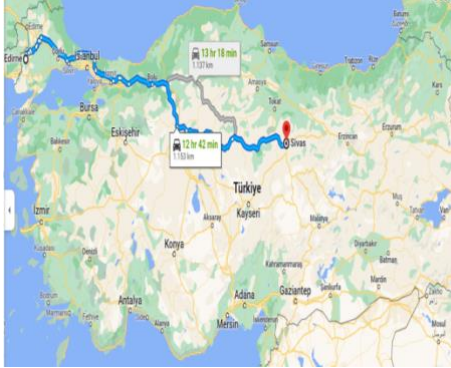


The husband of arrested Suzan Dolanbay, mother of 3 children, says: *“We are miserable. My wife should at least be transferred from Edirne Prison to Malatya Prison, I am miserable here as a father with my children. It takes us 2 days to go to Edirne Prison for a 30-minute visit once a month. At least my wife should be transferred to Malatya Prison so that our visits will be easier” ([here](#)) (15 hours 6 minutes travel from home to prison).*

Ethem Güllüce, who has been imprisoned in Patnos Prison for 4.9 years as of 3 September 2022, is not transferred to Duzce Prison close to his family despite their petitions. His wife Esra Güllüce has to suffer on the roads to take her son Mithat Talha, who has ALD and is in need of a bone marrow transplant, to see his father. Ethem Güllüce is actually a veterinarian and was dismissed in 2016. He was detained with his wife in November 2017 while working at a chicken dealer. Mithat Talha (9) contracted the fatal ALD disease after his father was arrested. Father and son met for

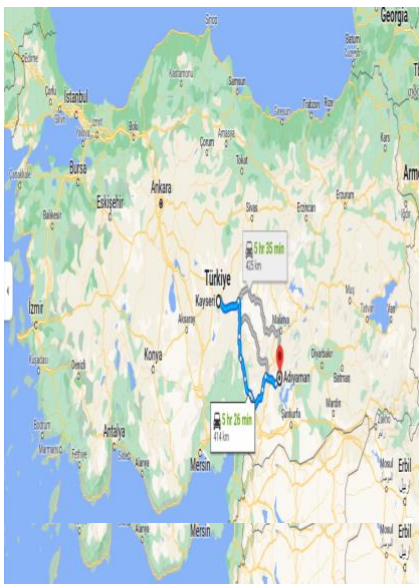
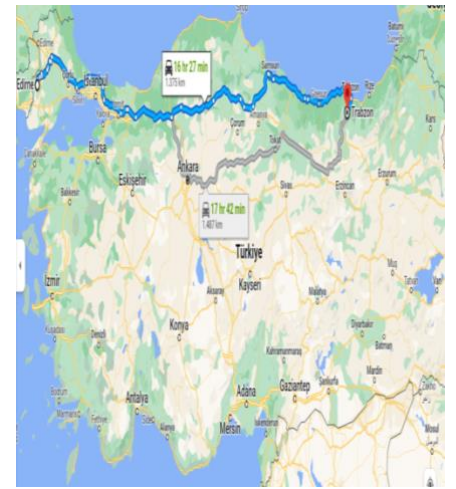


the first time after 28 months on 8 June 2022 ([here](#)) **(15 hours 53 minutes travel from home to prison).**



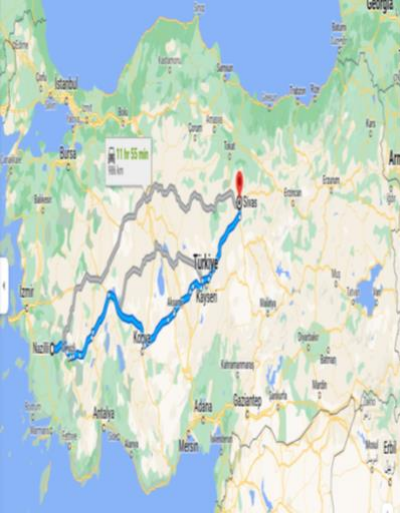
Züleyha Uluçay is a woman prisoner with breast cancer and 68% disability in a very difficult situation. While her husband was imprisoned in Sivas Prison, she was in Edirne Prison where she contracted cancer. Then her husband was released and for a long time Zuleyha demanded to be transferred to Sivas prison. Finally, she was transferred to Kayseri Bunyan Prison under very bad conditions without water or food. She has oedema in her left arm and cannot withstand long journeys. The family and their children are experiencing a very hard family tragedy ([here](#)) **(12 hours 42 minutes travel from home to prison).**

Esra Yeşil's husband: *“We reside in Trabzon. My wife is in Edirne. Either house arrest should be imposed or she should be transferred to Trabzon Prison. We are in a very difficult situation, we have two small children”* ([here](#)) **(16 hours 27 minutes travel from home to prison).**



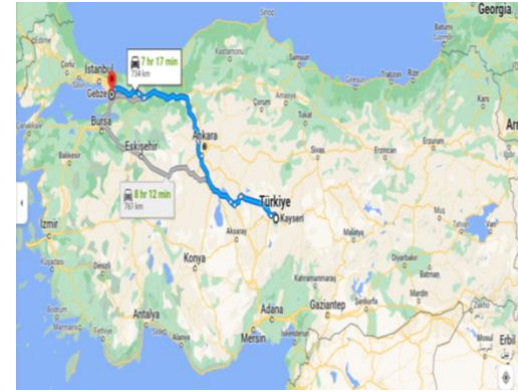
“I am Ünzile Köşker from Kayseri Women's Closed Prison. My husband has been convicted for four and a half years and I for fifteen months. He is in Kahramanmaraş prison. We have three children. My eldest daughter is studying in Samsun and my two children are with my parents in my hometown Adıyaman. My children cannot come to my closed visits anyway, and they have come to my open visits two or three times for fifteen months. But my little daughter could not come at all. I have not been able to hug my little girl for fifteen months. Since the pandemic restrictions have ended and visits have resumed as normal, our weekly twenty-minute phone call was fixed at ten minutes for once a week. I can use all ten minutes with a single number during the day, so I have to call my children every two weeks because they are in different cities. I am trying to fit my whole life, my longing for my children and my worries into ten minutes once a week. I can tolerate my longing for my family and the victimisation I have experienced due to the kilometres of distance, even if my children cannot come to see me when they are with their father. I have asked three times to be transferred to places close to my hometown. Although I wrote to the places designated by the Ministry of Justice as open for transfer, I was not transferred. My husband was not given a reduced sentence for good conduct. Each member of a family is in different places... My family is shattered. As a prisoner

who has forgotten how to ask for freedom, I struggle only to protect the integrity of my family. I only want to go to my hometown to hug my children” ([here](#)) **(5 hours 35 minutes travel from home of her youngest child to her prison).**

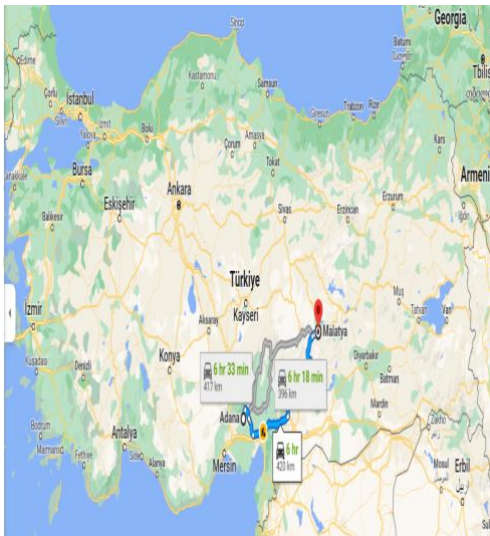


Çiğdem Çelik wrote a letter to HDP MP Gergerlioglu: “My children are in Nazilli and my husband and I are in Sivas Prison. My daughters have not been able to come for 22 months due to financial and moral difficulties, my daughter wrote us a letter saying “I am so excited to see my mother on the phone, I forgot her real face.” What a pain is this ? ” ([here](#)) **(11 hours 55 minutes travel from home of her youngest child to her prison).**

Ayşegül KIRTAÇ: “My husband and children cannot always come from Gebze to visit me in prison, a 10-hour journey. The last time they travelled, they almost died because of the snow. I am willing to sleep on the ground in Gebze, as long as I can be transferred” ([here](#)) **(7 hours 17 minutes travel from home of her youngest child to her prison).**



Muzaffer Özyurt's wife's petition to the Ministry of Justice: “My husband MUZAFFER ÖZYURT has been imprisoned in Kayseri T Type Closed Prison No 2, ward B-4 for 34 months. Without any request and without any justification, he was transferred to Malatya Akçadağ T Type closed prison during the pandemic period when the danger of the epidemic was at its peak. I and my 2 sons reside in Adana-Seyhan. While we could go to Kayseri for a visit in 4 hours before, we now had to go for a visit in 6 hours. We are very worn out both financially and morally. While even those who request a transfer in such a risky period are not transferred due to the epidemic, the transfer of my wife to a place further away from her family without her request is completely arbitrary and deliberate. As the Ministry of Justice, I demand that the necessary investigation be carried out regarding Kayseri Bünyan Closed Prison and that my husband be transferred to a place closer to his family (Adana and its surroundings)” ([here](#)) **(6 hours 18 minutes travel from home of her youngest child to her prison).**



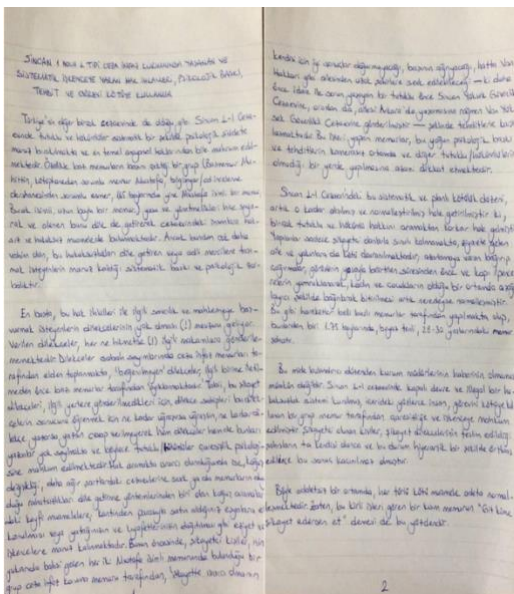
“It's been 3 years, we have been through so many things that I don't know which one is heavier, which one is more hurtful. Our primary problem is trying to make sure that our children come

out of these events with less damage. Long journeys because my husband is detained in another city... Long waits... The humiliation of the officials, the pat-down searches were shameful... My children practically grew up on the road. They travelled hundreds of kilometres to see their father for 40 minutes” (third edition of the report on *Social costs of the State of emergency* - prepared by Dr. Bayram Erzurumluoglu, launched at the Turkish Grand National Assembly with the support of HDP Deputy Omer Faruk Gergerlioglu).²³

“...My husband fell ill in prison and was treated in hospital for close to 3 weeks. He changed 3 prisons, which meant 3 different cities, 3 different prison types, 3 different prison rules. Unfortunately, we were not notified of any transfer. Because of this, we could not meet with the 3 children when we were going to have our first open meeting. We had travelled by bus for 18 hours, and I had called the prison beforehand and had it confirmed. “Is there an open visitation?” Should I complain for the wasted journey, the torment I endured with 3 children, the inability to visit my husband, or the financial hardship we suffered because we were expelled? On the morning of the day we got off the bus, they transferred my husband and his friends to another location...” (third edition, report on *Social costs of the State of emergency* - prepared by Dr. Bayram Erzurumluoglu, launched at the Turkish Grand National Assembly with the support of HDP Deputy Omer Faruk Gergerlioglu).²⁴

48. Those are only few testimonies around hundred thousands, IAHRAG reminding the Committee that Türkiye is the Council of Europe’s State with the highest number of prisoners sentenced for alleged terrorist activities with 13,3% of the carceral population composed of prisoners sentenced on the ground of anti-terror legislation, precisely 30.555 prisoners.²⁵

49. **The transfers to remote facilities or denial to transfer to closest facilities are in reality a deliberate practice and punishment targeting in particular Hizmet Movement sympathizers and pro-Kurdish sympathizers.** In an anonymous letter from a detainee (just below), IAHRAG learnt that transfer to remote places is one of the forms of threats and persecution on those above mentioned groups.



“... First and foremost, there is the issue of the disappearance of the petitions of those who want to apply to the prosecutor's office and the court regarding these violations of rights. The petitions are somehow not sent to the relevant authorities. The petitions are collected by the correctional officers by hand during the morning roll-calls, and the 'disliked' petitions are 'weeded out' by some officers before being forwarded to the relevant unit. Of course, since these petitions of complaint are not sent to the relevant departments, no matter how hard the petitioners try to find out the outcome of these petitions, no matter how many petitions they write, they are not answered and both the petitions and the people who write them are ignored, thus condemning the prisoners/detainees to the psychology of helplessness. When they insist on claiming their rights, they are subjected to arbitrary

treatment during ward searches, which are one of the methods of changing their wards,

²³ The report can be accessed [here](#).

²⁴ The report can be accessed [here](#).

²⁵ See the Council of Europe, SPACE I – 2021, updated 6 April 2022, [here](#), p. 51.

transferring them to prisons with harsher conditions, or expressing their discomfort with the officers; they are subjected to torture and torment such as confiscation of items purchased from the canteen or distribution of their beds and clothes. Prior to this, complainants are threatened by a group of prison guards, including the two officers named Mustafa mentioned above, that **'persisting in the complaint will not result in good consequences for the complainant, that he will get a headache, and that he may even be transferred to cities far away from his family and children, such as Van or Hakkari (travel distance 15h26 minutes) - a prisoner who had previously had problems with the administration was first sent to Sincan High Security Prison and then to Van High Security Prison, although his family lives in Ankara.** The officers who carry out these tasks pay utmost attention to the fact that these intense psychological pressures and threats are carried out without cameras and in a place where there are no other detainees/inmates”.

50. According to Law No. 5275 on the Execution of Sentences, a prisoner must be sent to the prisons in the city where his family lives if he/she requests so. **The remote transfers and denials to transfers in closest facilities are thus illegal and are the outcome of an intense persecution of Hizmet Movement sympathizers and pro-Kurdish sympathizers that have a deep impact on children’s rights.**

51. IAHRAG hereby recalls the Committee’s follow-up report to his Day of General Discussion on “Children of incarcerated parents”, 30 September 2011 ([here](#)), recommending

*“State parties to take into account the right of the child to visit their parent(s) whenever a parent is sentenced and incarcerated. **In doing so, the State party should seek, wherever possible, to situate the incarcerated parent at a facility close to his/her child to facilitate the child’s right to visit and contact the parent.** Where the incarceration location results in significant distance and/or related travel and subsistence costs, States parties are urged to facilitate and/or subsidise travel and other costs related to the visit”* (para. 40).²⁶

52. In addition, there are regular testimonies of parents arbitrarily denied the right to receive visit from this children. This is the case for instance of Rukiye Tutar from Gebze Prison: *“I have a 19 month-old baby that I could not see for 2 months. My parents are elderly and cannot come from İzmir. After every visit, we are experiencing a family tragedy. I was sent from Gebze Prison to Akhisar. My family was going to bring me my 3-year-old daughter. My baby waited for hours, but they didn't give her to me without any reason. I wrote to the prison management many times, but they refused. They even said, 'Let her complain wherever she wants'”* (January 2023).²⁷

iv. Treatment of children during visits of incarcerated parents

53. IAHRAG hereby informs the Committee that relatives, including children, of Hizmet Movement detainees experience various forms of ill-treatment during visits to their incarcerated parents: insults, discrimination, contempt... However, **the most significant ill-treatment results in unlawful naked strip-searches, including on children.**

²⁶ Available [here](#).

²⁷ Available [here](#).

54. Deputy Ömer Faruk Gergerlioğlu, prominent human rights defender, raised the claims in the Turkish Parliament about the widespread practice of strip-searches in Turkey’s prisons and detention centers.²⁸ A social media campaign was launched to raise awareness about increasing reports of sexual violence in prisons towards inmates, detainees and also relatives of inmates. Many people have stood against sexual harassment and unlawful strip-searches on social media. “Don’t stay silent against strip-search” was broadly shared with the Turkish hashtag “#CiplakAramayaSessizKalma” on Twitter by women and activists who were subjected to harassment in prisons or detention centers. **This practice unfortunately also affects children when visiting their incarcerated parents.**

- (1) The mother of an underage girl, who wants to remain anonymous, said she and her daughter were subjected to a strip-search while visiting her husband in Amasya E-Type Prison, in a letter to Peoples’ Democratic Party (HDP) deputy Ömer Faruk Gergerlioğlu;²⁹
- (2) Nagehan Yüksel was subjected to a strip-search on August 4 2022 in Eskişehir Prison, while Ferda Öztürk was strip-searched along with her two children, aged 10 and 15 months, on November 7 during a visit to an inmate in Ankara’s Sincan Prison;³⁰
- (3) A 5-year-old boy subjected to strip-search during prison visit. According to a letter written by an inmate’s spouse to Ömer Faruk Gergerlioğlu who is a deputy of the Turkish Parliament, a 5-year-old boy was subjected to a strip search during a prison visit in Turkey’s Samsun province. The women, in the letter, said that the 5-year-old did not want to visit his father again after the strip search;³¹
- (4) Pınar Şana, 11-year-old-girl, lives with spina bifida illness, 95 % disabled. Her mother shared their experience of strip-search *via* a video published on December 18, 2020. According to statement of Pınar’s mother, her disabled seven-year-old daughter was subjected to strip-search and forced to take off her clothes when they were visiting the girl’s jailed father in Samsun province’s Bafra Closed Prison in 2018. **Due to her illness, she wore diapers. During the visit her father in the prison, she was being forced to take off her diapers as well. For a 7-year-old disabled child, it was a very traumatic moment to encounter this practice;**³²
- (5) Songül Akkurt explained: *“When my husband was arrested, we were staying in Izmir. In order to visit my husband with my 5-month-old son, I used to get on the bus at 2 a.m. in those cold temperatures, and I would be there at 6 a.m. I used to queue for the visit at 7 a.m. **The visit was at 11 a.m. At first, they made me take off my baby's clothes and everything in that cold. I only put his coat on him. Beanies, scarves, hats, blankets were forbidden. The child was cold, we had a hard time. They searched us down to our underwear. There were times when they opened my hygiene pads and looked inside. We were already going through 3-4 searches and x-rays. My daughter did not want to come to visit her father for this reason. My daughter has very thick hair. Every time they made her let her hair down in case they hid something in her bun. That's why she didn't want to come. In fact, the daughter of a friend of mine cut her hair short for this reason. The child was so depressed. Muzaffer Said had a developmental disorder during this period. He***

²⁸ Available [here](#).

²⁹ Available [here](#).

³⁰ Available [here](#).

³¹ Available [here](#).

³² Available [here](#).

neither gained weight nor grew taller. The doctor said the reason was psychological. He's 6 years old, but he's very thin. They think he is 4 years old".³³

55. The testimonies of misbehavior from prison guards are particularly important in the Ankara Sincan Prison. A mother explained that she was visiting her husband with her three-year-old child. At the end of the visit, the father gave a chocolate bar to the kid as a regular routine. Leaving the visit, the child was eating the chocolate when a guard in his 50s took the bar and threw it on the floor. The child started crying saying *'that's my father's chocolate'*. The mother could not hold back her tears and said *"God damn you"* to the guard. The guard started shouting she could file a report under Article 301 and took the chocolate and threw it in the bin.³⁴ Here below are also a few testimonies extracted from the 3rd edition of the *Social costs of the State of emergency* report

"It's been 3 years, we have been through so many things that I don't know which one is heavier, which one is more hurtful. Our primary problem is trying to make sure that our children come out of these events with less damage. Long journeys because my husband is detained in another city... Long waits... The humiliation of the officials, the pat-down searches were shameful... My children practically grew up on the road. They travelled hundreds of kilometres to see their father for 40 minutes"

"My nephews were bullied by schoolmates while their father was in prison, saying, "Your father is a terrorist." The children suffered severe trauma. 15 hours away from their city... I took them to prison many times. They were overwhelmed by the searches in prison and they didn't want to go to prison anymore, even though they missed their father."

"I and my children were harassed while being searched in prisons."

56. Türkiye should ensure that all prison staff are trained on and monitored on the dignified treatment of children during their visit to their parent.

Concerns to be raised at the occasion of the dialogue and the concluding observations

57. IAHRAG kindly invites the Committee to raise the following concerns at the occasion of the dialogue and in its cobs:

- (a) Deliberate policy of separation of Hizmet Movement's sympathizers children from their parents due to the massive arbitrary detentions of both parents on bogus terrorism charges as recognized by the United Nations Working Group on Arbitrary Detentions³⁵ and Human Rights Committee that is adversely affecting the child's quality of life in every way;

³³ Third edition, report on *Social costs of the State of emergency*.

³⁴ Available [here](#).

³⁵ The WGAD, in 21 opinions issued between June 2017 and March 2022 on allegations of arbitrary detentions in Türkiye consistently concluded that the detentions of Hizmet Movement supporters had no legal basis whatsoever and deplored the widespread practice of 'guilt-by-association' in Türkiye. Alettin Duman, Tamer Tibik, [A/HRC/WGAD/2022/8](#); Osman Karaca, [A/HRC/WGAD/2020/84](#); Ahmet Dinçer Sakaoğlu, [A/HRC/WGAD/2020/67](#); Levent Kart, [A/HRC/WGAD/2020/66](#); Nermin Yasar, [A/HRC/WGAD/2020/74](#); Arif Komiş, Ülkü Komiş and four minors, [A/HRC/WGAD/2020/51](#); Kahraman Demirez, Mustafa Erdem, Hasan Hüseyin Günakan, Yusuf Karabina, Osman Karakaya and Cihan Özkan, [A/HRC/WGAD/2020/47](#); Faruk Serdar Köse, [A/HRC/WGAD/2020/30](#); Akif Oruc, [A/HRC/WGAD/2020/29](#) / Abdulmatip Kurt, [A/HRC/WGAD/2020/2](#); Ercan Demir, [A/HRC/WGAD/2019/79](#); Melike Göksan, Mehmet Fatih Göksan, [A/HRC/WGAD/2019/53](#); Mustafa Ceyhan, [A/HRC/WGAD/2019/10](#); Hamza Yaman, [A/HRC/WGAD/2018/78](#); Muharrem Gençtürk, [A/HRC/WGAD/2018/44](#); Ahmet Caliskan, [A/HRC/WGAD/2018/43](#); Mestan Yayman, [A/HRC/WGAD/2018/42](#);

- (b) Situation of critically ill children of Hizmet Movement sympathizers who are separated from their mother/father due to incarceration in contradiction with the best interests of the child;
- (c) Credible allegations of children of Hizmet Movement sympathizers deliberately deprived of their right to visit due to denial of transfers to closest facilities or arbitrary transfers to remote facilities in contradiction with the best interests of the child;
- (d) Credible allegations that children are subject to contempt and degrading treatment when visiting their incarcerated parents, in particular strip-searches.

F. Treatment of children incarcerated with their parents

58. As of March 2022, the Ministry of Justice of Türkiye indicates **there are 2.076 children in prisons (with detained or condemned mothers)**.³⁶ The rate of women incarcerated in Türkiye had tripled since July 2016. In our previous PSWG report ([here](#)) IAHRAG mentioned the global inadequacy of prison conditions for the detention of babies and children and lack of adequate health care for mothers and babies. This report aims at providing the Committee with diverse testimonies from women who had witnessed the harsh conditions of mothers and babies incarcerated (most women testifying fled the country).

Selection of cases and testimonies

Saide İnanç, a Kurdish singer (also a German citizen), who is known by the stage name of Hozan Canê, was detained on June 21, 2018 and arrested by a court six days later on charges that included membership in the outlawed Kurdistan Workers' Party (PKK) and insulting Turkish President Recep Tayyip Erdoğan and Atatürk. She was detained in Edirne prison and sent to a ward with 20 women from the Hizmet Movement. The singer explained that what affected her the most psychologically in prison was seeing the poor condition of a 15-day-old baby who was being taken care of without baby formula, diapers or cream to treat rashes. She described her experience:

"Then I heard a child's voice. I looked around, I said, "Is there a child here?"; "Yes", they said, "There is a child here". I said, "How old is it?" They said, "It hasn't finished its 15 days yet." I was like, "Is the child here too?" They said, "This woman here has just given birth. Come and look at the child." A teacher inmate said, "No, don't let her see the child now." I didn't know the child was in that state. "Don't let him see it tonight, she's exhausted. Lay her on the bed, give her bread if there is any, otherwise there is nothing we can do." The next day the baby cried. I said, "Can I see the baby?" They said, "Are you sure, do you want to see it?" I said, "Let me see it, it's crying, my heart aches." I saw the baby, oh my God, what is this... It was like the flesh of the was cooked. I said, "Who is the terrorist, who is the oppressor, just see this baby." After seeing that child, I started vomiting. The baby had a thin cloth on him, I really said, "Is this really the baby now?" They said, "Unfortunately, the child was born here." The mother's body was still black, they showed me. I was tortured so many times, but no bullet in the world pierced my body as much as that child's torture. All the flesh under the child's legs had been removed. They didn't give him milk, diapers, cream, or water to wash him. Come on, you torture adults, that baby was neither born a PKK member nor a FETÖ

Mesut Kaçmaz, Meral Kaçmaz and two minors, [A/HRC/WGAD/2018/11](#); 10 individuals associated with the newspaper *Cumhuriyet*, [A/HRC/WGAD/2017/41](#); Kursat Çevik, [A/HRC/WGAD/2017/38](#); Rebii Metin Görgeç, [A/HRC/WGAD/2017/1](#).

³⁶ Turkish Ministry of Justice, [here](#).

member, he was an angel. That child still comes to my dreams, my psychology is disturbed, I am still receiving treatment. When I see a child, I see that child."³⁷

Yiğit, the 20-month-old son of Hatice Kaya, a mother of 2 children, who is imprisoned in Edirne Closed Prison, was able to withstand the harsh conditions of the prison for 5 days. Father Işık Kaya: *"Hygiene is zero, nutrition is very bad. When I saw my son, his face was red and his body was flaky."*³⁸

10-month-old baby Bahar, who was in Edirne Prison with her mother Büşra Çulha, was suffering from malnutrition. Her mother's orders from the prison canteen are not supplied. Their ward is not heated. There are 16 people in a ward for 14 people, baby Bahar cannot find a playground.³⁹

18-month-old Saime, who has been in Ankara Sincan Prison with her mother since 21 January, has not been given diapers for 10 days. Mother Yasemin Melizci, who told her family about the situation during a phone call on 19 October, said, *"Saime hasn't been given diapers for 10 days, I'm having troubles because of that."* Her husband Kasım Melizci is also in prison. Öznur Çakar, aunt of baby Saime, who was arrested when her daughter was seven months old and spent 9 months in Konya Ereğli Prison, said that she also experienced the same situation. Stating that they were deprived of even nappies in prison because they were arrested during the State of Emergency (SoE) period, Çakar said, *"No actions were taken then because there was a SoE. So it still continues... He had the right to use 3-4 diapers a day. You cannot exceed more. The guard told me, 'It is the problem of your child, not mine'."*⁴⁰

Elif Yalçın : *"I'm a breastfeeding prisoner with a 20-month-old baby. When 23 people stay in a place for 10 people, my son can't stay with me all the time, and when I take him into prison with me, he can't find a playground. When my baby was at dinner, he asked for another meatball, there was no meatball, we cried together, even if it was house arrest, my imprisonment should end"*.⁴¹

Nurhan Erdal Bahadır's two-month-old baby named Muaz has a serious heart disease called aortic coarctation, which can be defined as narrowing of the aortic vessels, and it is impossible to treat the baby in prison conditions. He had been in prison with his mother when he was 60 days old. In spite of various lawyers' requests to release his mum, from whom he depended, they stayed in prison for 13 months.⁴²

Aynur Gazioğlu was sentenced to 10 days in solitary confinement with her 2-year-old baby in Tekirdağ Closed Prison.⁴³

Baby Arin went in prison when she was 3.5 months old. She had been in solitary confinement with her mum. Mardin Execution Judicature rejected the application of her mother, who applied for probation to prevent her asthmatic baby from staying in the dire conditions of prison, on the grounds of 'solitary confinement'. She has severe asthma and bronchitis... She chokes even when she sucks his mother's milk and drinks water from a bottle. Her mother holds her in her

³⁷ Testimony available [here](#). For the video see [here](#).

³⁸ Available [here](#).

³⁹ Available [here](#).

⁴⁰ Available [here](#).

⁴¹ Available [here](#).

⁴² Available [here](#).

⁴³ Available [here](#).

arms all night because she cannot breathe at night. When she went to the hospital infirmary with congested lungs and a fever of 39.5, she was sent back with the words "It's hot, that's why", she fainted because the prescribed medicines did not help her asthma and bronchitis, and the ventilation device that his father had borrowed money to buy for the prison was no longer enough for her to breathe because it was too small. Her body is covered in sores due to the heat, thirst and the poor conditions of the prison. Her father could not even bring rash cream inside.⁴⁴

There are often insects in the food served. There are 10 people in a ward for 7 people. Hot water is provided only 2 days a week for 3 hours between 6 and 9 pm. Mothers with babies are helpless, the floors and the environment are very cold, babies cannot ever heal from the diseases. As there are no carpets on the floors, the rooms are very unfavourable for the development of the babies and for them to play. Babies are not provided with nappies in the appropriate size, they are victimised by being told to make do with different size nappies. Foods and nappies suitable for feeding babies are not provided and cannot be obtained from the canteen. Families are not allowed to bring diapers and food suitable for babies from outside. The ward is damp and both babies and adults often get sick. Even if those who are sick are referred to hospital, they are not taken to the hospital with the excuse of being busy. In addition, due to the renovations that have been going on for 3 weeks, prisoners and babies are not allowed to go out for air (Bandirma M Type Women's Prison).⁴⁵

Situation in Kırşehir Prison: 15 to 20 people in 5-person dormitories. Access to a lawyer is extremely limited. Lawyers were detained for defending prisoners. All meetings between lawyers and prisoners are audio and video recorded. Where there is no camera, a guard accompanies them. The right to use the library is only valid for books that support the AKP as defined by the prison administration. Children staying with their mothers are kept in prison under very difficult conditions and exposed to infections. These children do not have the right to go outside for fresh air and are kept in very bad conditions inside.⁴⁶

On 12 May 2017, Merve Kol was arrested based on witness statements and the allegation of using Bylock, and spent 5 months in Denizli T Type Prison with her daughter, who was 2.5 years old at the time. She said: *"I thought she would be treated differently because she was a child, but she got her share of what was done to me. They never gave her a toy, a colouring book, a pencil, a story book. I wrote petitions every day to the inner canteen, outer canteen, prison directorate, sociologist, psychologist, wherever I knew where I could write. I asked for my child's needs, but I could not reach anyone in any way. My daughter was sick. They didn't take her to the doctor at first. The child was having a hard time breathing. I said will you take responsibility if something happens, then they took her out. When the doctor found out that her medication was not given, he said it was urgent, why didn't you give it to her? Then he gave me a syringe to make salt water and spray it into his nose. I said they don't give salt, the canteen didn't have any. They gave me a pinch of salt because the doctor said to give it. Hot water was not given for a few months. We had 5-litre water bottles lined up in the sun. We warmed them up a little and took a shower. We washed the child with it. We were trying to produce toys for the child to play with, but they were collected during searches. We wanted to make a doll for my daughter. A friend of ours had a prayer rug. One of these thin ones. We were slowly pulling a thread from there. One of our sisters had a needle. There was one needle for 20 people. Our sister nurse had taken fibre out of her own pillow. She found white socks from a friend. She sewed a doll for my daughter with these. My daughter loved that doll very*

⁴⁴ Available [here](#).

⁴⁵ Available [here](#).

⁴⁶ Available [here](#).

much, she never left it behind. We were making beds and swings out of rubbish bags. During a search, they took the child's doll away again because it was forbidden to produce. No matter how much we begged, they didn't listen. I mean, she was tiny, but they would search her badly too. I can't say this for all of them, but one guard in particular used to shout a lot during searches. They didn't think that she was a child. They didn't fulfil her needs either. I feel very sorry for her. When she sees some officers, she cowers against the wall and walks in fear, I see that a lot".⁴⁷

Öznur Çakar spent 9 months in the women's ward of Konya Ereğli Prison with her child. She explained: *"If you are staying in prison with your child, the most difficult issue is definitely food. You can never find food suitable for a baby. When you request additional food, they bring baby food, but they bring it in vain because there is no cooker to cook it. There is also no baby spoon. The spoon they gave us was too big and even we adults couldn't use it, how can we feed the baby? If your child gets sick and something urgent happens, it is very difficult to go to the hospital. You try to do something completely with your own means. Once you realise this, you try very hard not to catch a germ or a cold. There were 23 people in a very small ward (capacity is 9 people) and there are bunk beds everywhere. When I first entered the ward, I was shocked to see a 3-storey bunk bed. Some of the ends of that bunk cut and it is made of iron. Children can have many accidents. The floor is pure concrete and it is forbidden to lay anything. Sometimes we used to spread blankets, but if the guards saw them, they would take the blanket and shout 'How dare you spread the state's blanket on the floor'. There were also dormitories upstairs and the stairs were very dangerous for children. The iron railings were not designed for children and if the children were a bit mobile, they could fall from there. Where can a child in prison use as a playground? Sometimes insects would come out of the manhole cover in the garden and the children loved to play with these insects. Children who cannot play are constantly crying. If the children in your own ward are silent, the sound of crying comes from the next ward. The sound of children crying never stops. No child can sleep in a place where there is the sound of the iron sound coming from the door and the door grate that is opened to give documents and food during the day. The sound that occurs when the guards slam the door handle hard when opening the iron door makes a big echo in the ward and the children wake up crying with this sound 4-5 times a day. After their release, Bahar (here daughter) developed a fear of loud noises".⁴⁸*

59. The third edition, report on *Social costs of the State of emergency* also provides an important number of testimonies:

"A 4-year-old boy woke up after his mum went down for roll call and died after falling down the stairs from the 3rd floor."

"My brother's wife was imprisoned with her 2-month-old baby."

"Some friends who had just given birth didn't want to keep their babies with them, so they had to express their milk in the sink".

"We were having trouble getting the baby supplies."

"I was in my second month in prison. My ward mate's wife was in prison and she sent a letter. There was a photograph of a baby in the letter. The baby and its mother had been arrested about 5 months ago and the baby was 4 months old in the photo."

⁴⁷ Available [here](#).

⁴⁸ Available [here](#).

“Some time before I was imprisoned, a woman in the next ward who was pregnant with twins and who was taken into custody on FETÖ charges, shouted at night that she had miscarried her twins and that the inmates and detainees in that ward could not sleep because of her shouting.”

“I was pregnant and there was a risk of miscarriage, I was sent from one city to another city, I had a bleeding due to travelling. It happened again another time. A woman who was 8 months pregnant came to the next ward, she had diabetes, she couldn't eat the food. There were three children in my ward. Their mothers had spread the blankets they bought from the canteen on the floor to create a homely atmosphere. They could only walk around in that area without shoes. It was already small.”

“I heard that a former woman judge was brought back to the cell the day after her miscarriage.”

“There are cases I witnessed not in prison but in detention. I saw a woman who had just given birth being kept separated from her child, and I saw her crying all the time because she could not breastfeed her baby.”

*“During our stay in prison, we stayed with a 4.5-month-old baby for 6.5 months, a 22-month-old baby for 6 months, a 4.5-year-old child for 2 months and a 3-year-old child for 1 month. Due to the crowded and unhygienic conditions, the children were not allowed access to antipyretic syrups and medicines, especially at night. **There were many times when babies were taken to the emergency room at night without their mothers, despite our objections. Mothers were handcuffed in front of children taken to the doctor with their mothers.**”*

“There are many mothers in prison with their children. The sound of their children crying still rings in my ears.”

*“My wife and I were imprisoned in the same prison. In fact, my wife was detained and arrested on the day she came to the prison to see me and to tell me that she was pregnant. My wife was not given the medication she used due to her constant illness. Since she was pregnant and had a miscarriage before, I stated that I was worried about loss of life due to risky pregnancy, but the petition was not taken by the prison administration. The loss of life that my wife and I stated in our petition was realised and **we lost our baby in prison under the ill-treatment and torture** of those responsible for the ill-treatment and torture that would not even be inflicted on an animal, after being tortured in handcuffs in the hospital. Later, my wife was released after submitting her health reports to the court.”*

*“I was in the same ward with Ömer, who was in prison when he was only 4 months old. No toys were allowed inside, even 1 lira wet wipes were not given. **A 6-month-old baby was given food for 1-2 year old children and the child could not consume it. He was eating the same black lentils we ate.** He was extremely afraid of the guards and was not allowed to go to the hospital with his mother when he was sick.”*

“In the ward where I was staying, there was a 6-month-old baby who was arrested with his mother when he was 3 months old. He was told that his mother would not be allowed to buy nappies and that he had to use sheets. He was not given wet wipes to clean his diaper for a long time. He had nowhere to crawl around. He was staying with 16-17 people in a ward for 4 people.”

“Prisons are definitely a terrible place for mothers and babies. A baby belongs with its mother, but neither of them belongs in prison. One day an academic mother was brought to our ward with her 8-month-old baby. This child's first birthday was celebrated in the ward and this baby had to walk without being able to crawl. We did not allow him to crawl because the floor was

concrete, and his armpits were hurting because we were constantly holding him under his arms. In addition, the sun's rays could not reach the courtyard of the ward because the walls were high. As the father was also in prison, the mother gave the baby to the grandmother during open visits. After 2 days, the child was taken to his father's open visit, then brought back and handed back to the mother. When the grandmother took the child, she took the child to the doctor and found vitamin deficiencies, especially vitamin D deficiency. They told us that the doctor marveled "do you never take this child out into the light of day". **This child, together with his mother, was in prison for more than a year. During my stay, the only animals this child saw and knew were the birds that landed in the courtyard or flew in the sky as seen from the courtyard and the cockroaches in the prison.** If his mother was a murderer or a maniac and was harming the society, I could understand her being imprisoned, but this treatment of an angelic person for no reason and in violation of the law is inhuman. In the following period, a friend in our ward took his 2-year-old daughter who was staying with her mother. **Despite all the care of the mother, the child fell off the bunk bed and had a concussion. Similarly, I heard that the 8-month-old baby I mentioned above fell twice and was hospitalised in another prison to which he was later transferred, where conditions were much worse. His mother was trying to lay things everywhere and put soft pillows to prevent him from falling and getting hurt in the ward.** It is easy to write here, but only those who have stayed there can understand that this is a very difficult thing to do in a prison room with metal and concrete everywhere. Later, a woman who came to our ward from detention took her 1-year-old daughter with her, whom she had been separated from for 15 days. The child was suddenly traumatised by being separated from her mother for so long and would wake up screaming at night and cry for half an hour before she could calm down. (We thought it was traumatic because her mother said she had never been like this before). When that child woke up at night and started screaming, his mother didn't know what to do, if he stayed in the room, the people in the room couldn't sleep, if he went out into the corridor, the whole ward would wake up. The rooms were very narrow, she had to go out. She was very embarrassed thinking that she was disturbing people. Another example I can give is about a friend I met in detention. When she was detained, she had just learnt that she was pregnant. She was a very young, small, newly married friend. She spent 8 months in prison. During her defence in court, she talked about what she had experienced during this period. As a person who was pregnant for the first time, **when she went to her first doctor's check-up for the baby, she said that everyone looked at her when she was handcuffed and accompanied by gendarmes, and that the medical staff insulted her by calling her a terrorist because she was under arrest, and that they did not want to examine her.** After this incident, she stated that she never went to the doctor again. It is very cruel to put a person through this, without an offence, at a time in his life when he needs support the most. In fact, while this friend was sitting in the defendant's chairs during our 3-day court process, he had to frequently take leave and enter and exit the courtroom through hundreds of people, and he had contractions due to extreme stress. She had to be taken to hospital by ambulance. There were not many small children in my ward, but women with children (not necessarily under 6 months of age) should be careful not to be imprisoned unless absolutely necessary. A friend who had been in prison for more than 1 year was heard shouting the names of her children through the ward windows at night.”

“The wife of the person detained in my ward was also detained in the women's section of the same prison. She was pregnant when she was arrested and gave birth in prison. She was not released after the birth. She was only released at her hearing in May 2018.”

“When the birth of baby Murat was troubled, they brought his mother to the ward and kept the newborn baby in the hospital separately from the mother for 6 days. The mother's milk was pumped into the sink. There were 3 babies, a pregnant woman and 3 children who came from

time to time in our ward. There were serious problems especially in terms of nutrition. All of the mothers were under arrest. All but one of them were released. Ayşe came when she was 5,5 pregnant. Azra baby is still inside, it will be 3 years.”

“If I remember correctly, there was a lady who was 4 months pregnant, she was arrested. When she had to go for a routine doctor's check-up for baby monitoring, she could not be examined the first time and had to be taken back to the same environment in the same humiliating way. 2 other women had children aged 1,5 years. For months the children tried to play in the cold concrete courtyard. They often got sick and tried to make a home with their mothers on 1 bed.”

“A mother who left her 3-month-old twins outside was forced to express her milk for a year because she was not given the opportunity to breastfeed her children.”

Assessment of the situation

60. Imprisoning pregnant women and women with babies less than 6 months old is against the Turkish Constitution and the Law on the Execution of Sentences and Security Measures (Article 16 of Law No. 5275). In spite of the existence of this law, IAHRAG continues receiving information about: women delivering babies while handcuffed; immediately separated from their babies right after giving birth; breastfeeding mothers denied access to proper nutritious food; child in overcrowded prison denied access to proper food and healthcare; child in prison denied access to proper education facilities. The situation particularly targets children of pro-Kurdish or Hizmet Movement mothers.

61. IAHRAG also hereby recalls the 2018 OHCHR report⁴⁹:

“OHCHR documented at least 50 cases of women who had given birth just prior to or just after being detained or arrested. (...) NGOs brought to the attention of OHCHR at least six cases of women who were detained while they were visiting their spouses in prison. They were either detained together with their children or violently separated from them. OHCHR has received reports of medical doctors and nurses fighting to prevent the police from handcuffing women in hospitals during or immediately after giving birth. It received a report concerning the detention of a woman who was shackled by her legs immediately after her miscarriage. OHCHR also collected evidence of a woman who gave birth by caesarean section and was arrested hours later at high risk to her and baby's health. OHCHR received credible reports that babies were held in inadequate conditions with their mothers, a situation which may constitute ill-treatment. A relative of a woman imprisoned in South-East Turkey told OHCHR: “My daughter has been jailed for a year on a made-up charge of support to terrorism. With her is her 13 month-old infant who has anaemia and a lung disease that requires him to spend a lot of time in fresh air, which is impossible in prison.” In another case, the mother of a prematurely born baby was removed from hospital after giving birth and taken to a prison 660 kilometers away, despite medical reports that the health of her baby, who could not be moved from the hospital incubator, was at risk unless breastfed by the mother. Mothers and children exposed to such practices face serious risks of health complications, stunting and even death. Their situation may amount to torture, cruel, inhuman or degrading treatment. Due to stress, many women report being mentally unwell and unable to breastfeed or to look after their children who are

⁴⁹ Report on the impact of the state of emergency on human rights in Turkey, March 2018, available [here](#).

imprisoned with them. OHCHR recalls that, according to the Bangkok Rules, the State should ensure that children held with their imprisoned mothers are never treated as prisoners, and that the environment in which children are detained is as close as possible to conditions outside prisons. A comprehensive individual assessment for each child should be made considering the best interests of the child, and non-custodial measures should be preferred for pregnant women and those with dependent children”.

Concerns to be raised at the occasion of the dialogue and the concluding observations

62. Noting that the Committee had in the past raised concerns for specific groups of children in prison (see [CRC/IRN/CO/3-4](#), “*the Committee is concerned that children, in particular Baha’i children, living with their mothers in prison have reportedly developed medical problems due to poor living conditions that they are subjected to in prisons*”), IAHRAG kindly invites the Committee to raise in particular the situation of Hizmet Movement children in prison and to raise the following concerns at the occasion of the dialogue and in its cobs:

- (a) The inadequacy of living conditions of babies and children in detention facilities (particularly in prison) with their mothers, associated with the Hizmet Movement, in relation to their physical, mental, moral and social development, in particular inappropriate nutrition, health care hygiene and accommodation;
- (b) Lactating mothers are having difficulties in providing proper nutrition for their infants owing to the poor quality of food provided in the detention facilities;
- (c) The lack of consideration of the best interests of the child and the discriminatory application of the Law on the Execution of Sentences and Security Measures (Article 16 of Law No. 5275) which allows the right to suspension of execution of sentences for pregnant women and women with babies less than 6 months.

G. Adolescents mental health

63. The 4th edition of the *Social costs of the State of emergency* report provides statistics as to the situation of children of victims of the State of emergency (Hizmet Movement supporters, real or alleged). Based on the results, **almost 60% of the children had experienced psychology deterioration.**

How were the children of the victims of the State of Emergency/Emergency Decrees affected by the unlawfulness their families were exposed to?

	%
Their Children's Psychology Deteriorated	58.79
Failed in their lessons	26.84
Their children had to attend a worse school	25.11
Forced to Separate from Their Children Because Their Families Disintegrated	5.45
Children could not attend school	4.14
Children's Education Scholarships / Loans withdrawn	1.74
Experienced Other Negativities	5.78
Children are not yet aware / conscious of the situation because of their young age	2.81
They hid the situation from the children. Did not tell them	0.44

64. In view of the intense stigmatization and discrimination faced by children of Hizmet Movement supporters, a large number of them do experience harsh depression including leading to suicide. The 3rd edition of the *Social costs of the State of emergency* report mentions at least one testimony in that sense

“Three of my friends' children attempted suicide, especially during adolescence after their father went to prison. Their grades dropped a lot.”

65. 16-year-old B.O. father Nurettin Odabaşı, a teacher, was dismissed and arrested 4 years ago for alleged links to the Gülen movement. B.O., whose psychology deteriorated due to the situation of his father in Elazığ Prison, left home on the night of January 13, 2022 saying "I'm going out". The body of 16-year-old B.O., who was not heard from until the morning, was found in the morning in an apartment building. According to camera recordings, B.O. committed suicide by jumping from the 10th floor of the building at the time he said "I'm going out of the house".⁵⁰

66. In Denizli, Pamukkale University student M. P., whose father was dismissed from civil service and mother from nursing with a state of emergency decree, committed suicide in front of his friends by jumping from the 4th floor of Pamukkale University's Faculty of Education. He just had turned 18 and was undergoing psychological treatment.⁵¹

67. M.K.S., a student at Ağaoğlu High School, whose father was a soldier, who was dismissed by a decree law after the 2016 coup attempt and who had been in prison for a long time for alleged links to the Gülen movement, committed suicide by shooting himself in the head with a rifle at home because of depression in Usak province.⁵²

68. Deputy Ömer Faruk publicly stated that

“B.O. is the latest suicide case, but he's not the only one. If authorities don't put a stop to this social marginalization, I'm afraid we'll hear about more suicides. Families pay the price of the purge process, spouses, children and even grandparents are subject to social exclusion”⁵³.

69. The 4th edition of the *Social costs of the State of emergency* report states that

“The rates of death and suicide among the people subjected to the emergency decree and their families are higher than the average in Turkey, which cannot be a coincidence. In the aforementioned context, in addition to individuals, mothers, fathers and children who committed suicide due to deep depression in the genocidal environment they were subjected to, there are even examples of mothers or fathers who first killed their own children and then committed suicide themselves”.

⁵⁰ See [here](#)

⁵¹ See [here](#)

⁵² See [here](#)

⁵³ See the link for the interview [here](#).

70. Türkiye gives absolutely no attention or means to tackle the mental health issue of Hizmet Movement sympathizers' children. Türkiye should at least undertake a global survey on this issue.

Concerns to be raised at the occasion of the dialogue and the concluding observations

71. IAHRAG kindly invites the Committee to raise the following concerns at the occasion of the dialogue and in its cobs:

- (a) The growing number of children who are assessed to have mental health problems due to the stigmatization they face because of their parents opinions or social status, in particular Hizmet Movement sympathizers children;
- (b) The reported cases of suicides or suicide attempts committed by Hizmet Movement sympathizers children due to the stigmatization they suffer.

H. Children belonging to minorities or marginalized groups and in disadvantaged situation

72. As exposed in paragraph 24 of this report, the Committee had qualified children as belonging to marginalized groups or in disadvantaged situation in various cases: “Roma children” ([CRC/C/UKR/CO/5-6](#), para. 14), “children with no legal identity” ([CRC/C/ZMB/CO/5-7](#), para. 18), “children of African descent” ([CRC/C/CAN/CO/5-6](#), para. 17), “children from minority clans” ([CRC/C/SOM/CO/1](#), para. 24), “Roma, Sinti and Caminanti children; children born to unmarried parents” ([CRC/C/ITA/CO/5-6](#), para. 15), “children suspected of association with Boko Haram” ([CRC/C/CMR/CO/3-5](#), para. 14), “children from low-income families” ([CRC/C/MNG/CO/5](#), para. 15), “*sans papiers* children” ([CRC/CHR/CO/2-4](#), para. 24), “Lyuli children” ([CRC/C/KGZ/CO/3-4](#)), “Muhamasheen children” ([CRC/C/YEM/CO/4](#)).

73. This section of the report aims at demonstrating, notably through various testimonies and data that Hizmet Movement sympathizers and KHK victims face since July 2016 an intense legal and social persecution that negatively impact the child's quality of life in every way: **there is indeed *de facto* stigmatization and discrimination faced by children due to their parents' opinions or social status. This is all the truest in a context of daily hate speech against Hizmet Movement sympathizers.** For instance, Hüseyin Adalan, a columnist for the pro-government Milat and Yenisöz newspapers, has tweeted that **killing people affiliated with Hizmet movement is a “religious obligation for the Turkish state”**.⁵⁴ It is very regular to witness hate speech tweets against Hizmet Movement sympathizers: for instance, when Hizmet Movement children died drowning in the Evros River or the Aegean Sea, seeking to flee persecution, it is very common to read comments such as **“these children would have grown up to be terrorists anyway, it is good that they died”**, “they must have sunk the boat themselves to play the victims”.⁵⁵

74. IAHRAG, for its litigation activities, had developed a report (available [here](#)) on the 6 most sold newspapers in Türkiye gathering all cover pages with direct mentions to the Hizmet Movement (from August 13, 2022 to November 31st, 2022): this shows that there is not one single week without absurd accusations against Hizmet Movement sympathizers. **More than six years after the July coup attempt, for which Hizmet Movement sympathizers are deemed responsible, the obsession on Hizmet Movement sympathizers is still very much**

⁵⁴ See [here](#).

⁵⁵ See [here](#).

was arrested, his mother was detained and his house and school changed. They took away the smiles on children's faces, their success at school, their joy of life”.

“My 7-year-old eldest son was traumatised every time we went to see my husband, leaving after 40 minutes. Every time we had to take him out of his arms, he kept asking why he didn't come. **Nail biting and irritability have started to show up to a great extent. He cries every night while sleeping and wants to sleep with his father's t-shirts.** My little son had just turned 1 year old when his father was arrested, now he is 4 years old and has no concept of father. He asks "Is this my father?" to every soldier picture he sees. I have been taking antidepressants for 2 years. We took shelter in a room in my mother's house”.

“**My brother was 13 years old when my father was arrested and he is still severely psychologically disturbed.** My mum suffers from panic attacks. We had to move from one city to another. I have suffered a lot while I was studying. After all, even the financial difficulties we suffered were not a problem, but the children being left without a mother or a father is the most severe trauma we have experienced. My dear father is still in prison for no offence. We have been coming and going to the prison, which is the last place we would think of, for more than 3 years”.

“We have 2 children and my husband has been arrested for 16 months. **When my son was 3 years old, we started to receive pedagogue support,** he could not accept being separated from his father, he had serious problems because he was at the role model age. Now my 6-year-old daughter is also receiving support and so am I. Our family integrity has broken down and they cannot bear to leave their fathers behind the glass. After open visits, I tear them away from their fathers crying.”

“My nephew, who was 5 years old when his father went in, is now 8 years old. At first we told him that his father was working there, but now he doesn't believe it. While we thought that he did not understand anything, **the child developed tics due to stress.** Suddenly he started to faint. Doctors stated that there was nothing wrong with him and that his pain threshold was low”.

“**My children think that every stranger they see is a policeman and run away from them crying, fearing that they will arrest their parents again”.**

“**The children's psychology is broken. They do not feel safe. They have problems making friends, they isolate themselves from the social environment. Introversion, anxiety disorder, lack of self-confidence, stress.** Unfortunately, it is quite common in these children. Anger management is another problem that these children experience. Children are afraid of losing their other parent. There are sometimes inconsistencies in their behaviour towards their detained parents. There are also problems such as speech retardation, stuttering, nightmares and developmental delay”.

“I have 2 children, one of them was born while his father was in detention, he doesn't know his father, the other one is extremely weak and **expresses himself by crying all the time”.**

“**The youngest of my three brothers started to have psychological problems, the middle one and the oldest one started to have educational problems,** they failed 2 years in a row, they wanted to expel the middle one from school, then they did not renew his enrolment, the youngest one is in the second grade of primary school. They didn't want to take him to school because of psychological problems. Their grandmother was taking care of them, but she passed away and they became orphans. They sentenced their mother to 8 years and 6 months and their father to 7 years and 6 months.”

“A 7-year-old boy was afraid of the police because of the frequent police visits to the house. He didn't talk much and kept to himself in case they asked him where his father was”.

*“Each family member is receiving psychological treatment. **Children panic anytime they don't see mom or dad at home and start crying and asking around. They live in constant fear that their parents will die.** When they talk to their friends, they find it difficult to speak for fear that the subject will come up. They don't want to go to school because they don't know what to say when their teachers ask about their parents”.*

“There was fear and uneasiness in children when they were separated from their parents, especially the fear of losing their parents, children never wanted to leave their parents' side. There are also irritable aggressive attitudes and sudden emotional changes in children. 5-6 year old children have problems such as "night wetting", "inability to speak fluently", "difficulty in expressing themselves" due to the distress experienced by the parents, while their development was normal before”.

*“His father is in prison. The child sees his father as a stranger... **His mental disorders are obvious... Nutrition and adaptation problems... Fear of police and soldiers.**”*

“Three of my friends' children attempted suicide, especially during adolescence after their father went to prison. His grades dropped a lot.”

“My child suffered psychological distress. Chronic fatigue, no interest in anything, constantly wanting to sleep, etc”.

*“The middle-school aged children lived alone at home for 2 years. The children, who were ranked first in Turkey, ranked 290,000th in the university exam. **They had to deal with police officers and bailiffs who kept coming to the house, their psychology deteriorated and they still cannot receive treatment”.***

“Our child has a constant fear of abandonment.”

Selection of cases and testimonies related to bullying of children⁵⁹

*“My child, who was in the first grade of high school, did not want to go to school. **His friends made fun of him and he got stress-related injuries on his head.** Twice we shaved his head and used drugs. My 4-year-old son stopped speaking and is now 6.5 years old, still cannot speak. All of them can go into crying fits at the slightest incident.”*

“My daughter was afraid that her friends would hear that her father was in prison and this made her make the wrong friends. Her grades dropped and now her hand is shaking and the doctor says it is psychological. My son was in the 8th grade this year and he has not been able to recover since his father left and he has not been able to get a place because he got a low score in the exam. There is a great anger in him and he cannot experience his feelings because he suppresses himself.”

*“In front of my 1st grade child, my neighbour shouted **"Traitors, I won't let you live here"** in the crowd of people going to work and school in the morning. He insulted me. My child went to school crying for 2 weeks. I didn't want to go out. Even now, I feel like someone will do this behaviour in public at any moment. We could not give pocket money to our child who went to high school. From morning until 5 pm, he stayed with a packet of biscuits. He ate them when he was hungry, to suppress his hunger.”*

⁵⁹ Testimonies extracted from the third edition of the report on *Social costs of the State of emergency*.

*“Since the social environment of most of them has changed, they have difficulties in adaptation and as a result, their school achievement declines. 7- 8 year old children's drawings depict detention centres, guards, judges, handcuffs, police officers, etc. **They are bullied by their schoolmates. Our neighbour's 3-year-old daughter tells her mother that "her imprisoned father will never come back and that her mother should get married and bring a new father home".**”*

*“Another family's middle school boy was ostracized by his classmates. **They shouted "Your father is a traitor" because his father was under arrest and the boy attempted suicide.**”*

*“**They hid the fact that their fathers were arrested at school to avoid social pressure.**”*

*“The children had a lot of psychological and financial difficulties, they fell behind and failed in their classes. **They bullied them at school, calling them FETÖ members.**”*

*“**My nephews were bullied by schoolmates while their father was in prison, saying, "Your father is a terrorist." The children suffered severe trauma. 15 hours away from their city... I took them to prison many times. They were overwhelmed by the searches in prison and they didn't want to go to prison anymore, even though they missed their father.**”*

*“**My children were prevented by other children in the housing complex where we lived, saying, "If your father is a member of the state of emergency decree, you can't come in." We decided to go back to our hometown after we had to pack our belongings.**”*

*“While I was a police officer (special operations) who fought against terrorism for years, I was declared a terrorist overnight. Most people around me did not want to meet me. They cut off all greetings. **Their children did not play with my children. They were saying that your father is a terrorist, etc.** I spent 1 year in prison, my assets were cautioned, which one of them can I count, etc.”*

Ostracization⁶⁰

*“A friend of mine told me, **"These FETO members were instructed by their Sisters to get pregnant, to create victimization..."** Now I'm sure he thinks I got pregnant with the directive. For those who think so, to explain in detail, most of us are people between the ages of 25-35. It's normal for us to be pregnant. Moreover, people do not know how many years they will be detained, and it is very normal for them to want to have a child before the baby-making age passes. No directives needed, just a simple math calculation. Anyway, that's it. My pregnancy was terrifying. “Are they going to raid the house?” “Will they arrest my husband?” “Will he be fired?” .*

*“**People didn't even want to call us, including our families. They thought that if they contacted us, they would have problems too. My circle of neighbors and friends also stopped coming and going. Even my neighbors who knew that I was Alevi, left-wing and still living by these values did not come. In fact, my neighbor, who comes to my house all the time yelled at me in public “You traitors, I will not let you live around here anymore. You will be gone.”** My 7-year-old son cried, he didn't want to go to school. I convinced him and sent him, but he went to school crying for 2 weeks, I didn't want to go out”.*

*“My wife I were suspended from our jobs, my husband was dismissed later and spent 1 year in prison. As of 20 July 2016, there was a passport ban (I still have it). In this process, **my children were affected by the social exclusion and being treated as terrorists. Grocery store said to my***

⁶⁰ Testimonies extracted from the third edition of the report on *Social costs of the State of emergency*.

kids "No bread for you!", the neighbor turned his back and his children said to our kids, "My mother doesn't want me to play with you".

*"My husband was put in prison following his detention. **The base commander of that period confiscated my vehicle entry card with an unlawful order.** My house was a lodging house, but since I didn't have a card, they asked me to get a guest vehicle card every time I entered and left. In addition, all the soldiers at the gate, ranks and non-ranks, were rude. Thus, even before the Decree Laws were issued, they tried to force us out of our lodgings with a policy of intimidation. I had to take my child out from the daycare center because it was difficult for me to get in and out by car. (He was going to the military's daycare center, which was also in the housing area.) **We couldn't even go down to the playground, and my next-door neighbor stopped even saying hello because my husband was in prison. They didn't let us breathe in the lodging house.** The person in charge of these games was the ... Base Commander. Even when I was moving the lodging house, he had men follow me in a vehicle. He did not hesitate to put all kinds of psychological pressure on a woman and a child".*

*"When my husband was dismissed, I was forced to resign from the organization I was working for. **I then applied for other jobs, but due to my husband's dismissal, I was not hired at another institution, even though I took and passed all the exams.** I found a job at a foreign company, but I could not work at that job either because I was also banned from leaving the country. Family and relatives did not meet with us because "our phones might be tapped". **We were ostracized by our friends. We had a child during this period. Since we had no health insurance, we had to rely on the support of friends and relatives"**.*

*"I felt like a leprosy patient, first of all, everyone runs away from you, they stop greeting you. You are deleted and blocked from social media. People you have known for years don't recognize you at all. No one calls or asks. You are excluded. It is as if you are not the son of this country but the curse. **Your husband is in prison, no salary, no income. With 2 small children, you take refuge in the state and go to the district governorship, family social assistance and ask for help and you are rejected.** You are put in the grave alive. **You knock on the doors for a job, but no one answers out of fear.** You suffer from psychological depressions and then various diseases, and your existing disease, which has been sleeping for years, comes to life. Your best friend becomes your pillow that you wet with tears until the morning".*

*"Wherever we applied for a job, the decree came in front of us. **We were told that you cannot benefit from social aid, your petitions are not even processed.** My landlord sold the house I was living in, the buyers were police officers and **they said "we will have problems because of you, get out".** Although I had a contract, I left within a month, I could not find a house in winter, my belongings stayed with neighbors and in the warehouse, no one gave me a house because I honestly told my situation. I looked for a house for 6 months, I stayed with my family and neighbors. I went through all these hardships just to visit my husband once a week. My child still thinks that we will be boarding wherever she goes, she was 4 years old, and every house she saw, she would say "Can we have it? I found a house". I gave birth without my husband and he found out 21 days later when he called. They didn't let me call him".*

*"Another relative of mine, a computer engineer, was also dismissed and arrested in his 30s. They were living in a different city from their family. **His wife and 2 small children were evicted by their landlord. Their belongings were left in the streets. His wife could not find a job. They were left helpless for months. My relative was ostracized by his other siblings. He was called a "terrorist".** They did not take care of my relative's wife and children. **They prevented those***

who tried to help. They prevented his parents from meeting my relative, his wife and children and helping them for 2 years”.

*“I gave birth prematurely as a result of my husband's administrative dismissal. **My children were ostracised by their friends and had to change schools. I was constantly ostracised, insulted and threatened at the institution where I worked as a civil servant. Two years later, due to the arrest warrant issued against my husband, I and my children were followed by the police. Our passports were cancelled”.***

“I have been unemployed for three years. When I apply for a job, the employer, seeing that I am 42 years old, dismisses me without finding out that I am a member of the state of emergency decree. It is really hard to find a job at this age. I have no friends left in my circle. None of my teacher friends called me to wish me well. I was completely left to civilian death, my psychology is broken. I feel like a useless and diseased tumour in society. Even if they don't say it to my face in the family, I am seen as a useless man sitting idle at home. Even my wife's attitude has changed. One of my children is a 40 per cent disabled child diagnosed with atypical autism. Apart from him, I have 2 other children. If you have 3 children going to school, it is really hard to afford it financially”.

*“We were subjected to genocide in Turkey. **We were isolated. We have no contact with anyone. The psychology of the children deteriorated. Children were subjected to bullying and peer pressure at school.** Every day we lived in Turkey was like hell. When there is no legal security, life becomes hell. I didn't want to rot in prisons, I didn't want to give the oppressor an opportunity, I didn't want to experience that pleasure. I don't believe in even a shred of law in Turkey”.*

Discrimination in obtaining social benefits⁶¹

*“After my husband was arrested, I heard that the district governor's office provided aid to the children of detainees and I applied. **But they said, "We cannot provide aid to those arrested during the State of Emergency". I went to the Ministry of Family, but they said, "We don't give aid, but you can still apply for it". My child has a voice problem, but I cannot take him to hospital because university hospitals do not take care of us. The treatment was there. My husband also has sleep apnoea and Hashimoto's thyroid disease. But forensic medicine gave the report that he can stay in prison”.***

*“I was arrested, then dismissed, my and my family's passports were confiscated and cancelled, **even my child's disability pension was cut off.** On the 16th month, my indictment came. In the 19th month, I was released. The court of appeal overturned my sentence because it found it unlawful. I was tried again and received the same sentence. Then there was a police raid on my house...”*

*“**The state cut our salary overnight. Our social security was taken away from us. No aid organization, private or state institution, including parties, provided material and moral assistance.** When we went to the district governor's office, the ministry of family and social policies, it was said, **"There is no help to FETO members."** We could not sell our assets for months and close our debts. We were ostracized by society. I took refuge with my family with my two children. My children could not get used to the change of social environment and school. I used antidepressants for a long time. I can't find a job. We had financial difficulties. Only my family helped.”*

⁶¹ Testimonies extracted from the third edition of the report on *Social costs of the State of emergency*.

“Our health insurance was cut. They usurped my husband's 20 years of labor with a decree law. My eldest son won university entrance exam but we couldn't send him because of lack of money. They also stole the future of our children. With our family of 5, we are trying to establish the order they destroyed. We have 2 more children in high school. We have difficulty in educating them”

“They didn't let my daughter take exams at her school, they pulled her out of class. They cost my little girl three years. My other little girl stays away from her friends and does not want to talk to anyone much. I went to get help from the ministry and they said that they would come and talk to my child and find out whether she was happy or not and decide accordingly, if my child was unhappy, they said that they would take her away from me and place her in a dormitory. I walked away from there without looking back out of fear. I and my children were harassed while being searched in prisons.”

*“First my licences were cancelled, I was unemployed for two years, then a warrant was issued against me. I had to flee from my country of origin. My family is not given passports in Turkey. We paid taxes to the state for years and my wife and **children were not even given social assistance.**”*

77. Situations when benefits for children are cut off from families are unfortunately quite number. Canan A. is the mother of a 5-year-old child with autism, her husband is in prison. She applied for social benefits and explained

“I applied to the Provincial Social Welfare Center in Merkezefendi with my report. A committee came to my house 10 days after my application and told me that the furniture at my house did not match my statement. They called me three weeks later and informed me that the committee convened for and I had to present document indicating whether I and my husband were arrested and had any deposit accounts at government or private banks. I learnt that no applicant families were asked such a document. I was dismissed by a decree and my husband is arrested. We do not have any assets, I do not have any income, I make a living by doing day labor and with the support of my family. I was receiving an aid of 480 lira for a year (approx. 80 dollar). It was cut in July. My request for home care wage that I made on July 18, 2019 has been rejected. If my husband is guilty, he is paying for his crime. But what is my son's fault?”⁶²

78. The fourth edition of the report on *Social costs of the State of emergency* also mentions that:

- (a) *Some of the victims of the Decree Laws who have gifted children stated that "although their children were successful in BİLSEM exams, they could not go to BİLSEM centres". The BİLSEM exam is organised by the Ministry of National Education, General Directorate of Special Education and Guidance Services in order to identify the potential of gifted children. One victim's statement in this regard is as follows: "When my daughter was studying at a public school, she won the written/practical exam for gifted students as the only student from that school and was to receive education after the 3rd grade. But they directly eliminated her in the interview".*
- (b) *In order to deny scholarships to the student children of families targeted by the Decree laws, when they applied for "dormitories" or "scholarships", they were asked to provide "a letter of undertaking stating that no terrorist investigation or expulsion proceedings have been carried out against any of their descendants";*

⁶² Available [here](#).

- thus, either their applications were prevented or, if they applied, they were still denied scholarships on the grounds that they had "made a false statement".*
- (c) *Incidents of athletes who were dismissed from or not allowed to join sports teams despite being very good athletes, because their parents were victims of the state of emergency decrees, were reported by the families of the victims. Such incidents have been perpetrated by sports team officials, either due to suggestions from government officials or out of concern that they would be targeted by the political power.*
- (d) *In order to achieve the objectives of the Law on Encouraging Social Assistance and Solidarity, as of 15 May 2015, all Turkish citizens and blue card holders were entitled to a one-off birth allowance payment of 300 TL for their first child born alive, 400 TL for their second child and 600 TL for their third and subsequent children. The right of families with Statutory Decree Laws to benefit from this opportunity has been usurped. In addition, within the framework of the "Multiple Birth Assistance Programme", victim families of the Decree Laws were not allowed to benefit from the cash assistance of 150 TL per month for each surviving child (two or more) aged 0-24 months, provided that they receive the vaccinations included in the Childhood Vaccination Calendar of the Ministry of Health in due time, in order to meet the nutritional and self-care needs of needy households with children born with multiple births. The practical result of the usurpation of such aids is the economic death and starvation of citizens.*
- (e) *Those who were dismissed from the public sector and subjected to the genocide practice automatically had their general health insurance (GHI) services terminated. Therefore, they were also prevented from receiving health services. Although all income channels were blocked, when the victims applied for general health insurance, they were somehow forced to pay the GHI premium, which was impossible for most of the victims to pay. In this method, not only the target persons themselves, but also their spouses and children were deprived of their right to treatment and condemned to death. The statement of a relative of a victim about her child is as follows "My child had a stomach ulcer and it became chronic due to lack of treatment".*

Serious economic difficulties

79. All Hizmet Movement supporters who were dismissed/arrested following the July 2016 coup attempt do testify about serious economic difficulties due to the inability to find a job (strong stigmatization in the Turkish society as demonstrated from the testimonies above). The third edition of the report on *Social costs of the State of emergency* assess that the unemployment rate among the victims of the emergency decrees is 46%. **The majority of those who are employed are working without insurance and/or in low-paying jobs. The situation has a huge impact on the standard of living and social protection of children and increase the risk of children living in poverty or at risk of poverty.**

80. The level of institutional hate against Hizmet Movement sympathizers who have been dismissed is so high that even providing a small amount of money or food to widows, children or single mothers of the Movement (with the husband in jail) is considered a crime of "rearming a terrorist group". For instance, on June 12, 2022, the Bartın Chief Public Prosecutor's office launched an investigation that led to the police raid a warehouse in the Gölbucak neighborhood and discovered sugar, oil, vegetables, allegedly used to meet the needs of families of people expelled from public service in 2016, or who were in prison due to alleged links with the Hizmet Movement or who were just released. 37 people were arrested on terrorism charges for helping

families of the Hizmet Movement. The pro-government media, using the footage leaked by the police, reported this ridiculous (and shameful) event under the name of “FETÖ’s food storage” as if a massive counter-terrorism operation was conducted against the most violent terrorist organization of the world.

Adoptive and foster families separated from their child due to decree law

81. On August 23, 2016, the Minister of Family and Social Policies, Betül Sayan Kaya, issued a circular aiming at taking measures against private education, health institutions, private student dormitories, foundation higher education institutions etc, related to the Hizmet Movement. With the circular, **it was requested that the proceedings of the children in the families who are included in the Ministry’s service models such as foster families, adoption, socio-economic support and who are in families that are known to have been prosecuted within the scope of the alleged FETÖ/PDY armed coup attempt be carried out urgently.**⁶³

82. As a result, and although IAHRAG does not have the exact number of related cases, it is known that adoptive and foster families related to the Hizmet Movement were separated from their child. Families tend to remain silent as they keep hope to be reunited again with their child.

83. The third edition of the report on *Social costs of the State of emergency* at least provides one testimony:

“The child they adopted were taken away from them. The court rejected their request for about 2 years. Currently, they can only see their child on weekends, and even that is subject to the court’s decision. The court process is still ongoing, and the child has become withdrawn during this time. Already excluded from society, the child has suffered another blow by being taken away from their acquired family. They cannot live a normal family life, spending weekdays in an orphanage dormitory and weekends with their family.”

84. A couple, who wants to remain anonymous, also testified with Euronews about their situation. They explained that 11 months after the father dismissal by decree law, two experts assigned by the government informed them that the child would be taken away within 2 days because of the dismissal by decree law. He tried to explain that he was not even under investigation or prosecution but the expert said “*we are under orders; we have to do it. We don’t want to do it but we do it*”. He said that when the expert came to pick up the child, the expert himself started to cry. He explained

*“They made my child experience motherless and fatherless for the second time. I lied to him saying “I will come and you up from here!” The child who was not yet 4 years old asked me ‘what’s going on Dad?’ he said ‘Dad don’t cry’ Yes we were not a biological family, but he was born from our hearts. We had a mourning. It wasn’t death but it was like death. I always think ‘what is he doing? How is he doing’ I see him a lot in my dreams running and hugging me calling me dad.”*⁶⁴

Concerns to be raised at the occasion of the dialogue and the concluding observations

85. IAHRAG kindly invites the Committee to raise the following concerns at the occasion of the dialogue and in its cobs:

⁶³ See [here](#).

⁶⁴ Available [here](#).

- (a) The stigmatization and discrimination faced by children from the Hizmet Movement due to their parent’s opinion and social status, in particular the bullying they suffer from at school;
- (b) The important rate of children of Hizmet Movement supporters who suffer traumas and psychological disorders due to their parents’ situation (dismissals, arrests);
- (c) The disturbing and credible allegations that Hizmet Movement supporters are impeded, if not denied, in their processes to obtain basic social benefits, including for disabled children;
- (d) The number of children of the Hizmet Movement living in poverty or at risk of poverty due to the social and institutional inability of their parents to obtain a job in the formal sector;
- (e) The arbitrary separation of children from their adoptive or foster families due to their ties with the Hizmet Movement in total contradiction with the best interests of the child.

I. Administration of child justice

86. As already mentioned in para. 14 of this report, **between 2015-2021, 16.265 minors were on trial for terrorism-related offenses.** In our PSWG report ([here](#)), IAHRAG brought the cases of young people, charged for their ties with the Hizmet Movement, who were minor at the time of the alleged crimes (para. 32 and f.). The report particularly focused on the case of police and military schools’ students (whom schools have been closed by decree laws), estimating that on average 2.650 students have been investigated or prosecuted for alleged ties with the Hizmet Movement while they were minors at the moment of the alleged crimes.

The Use of Terrorism Charges Against Minors in Turkey

Decision	Under 18 males	Under 18 females	Total
Imprisonment sentence	1669	74	1743
Judicial fine	585	20	605
Suspension of a prison sentence	454	44	498
Application of security measures	266	43	309
Other verdict of conviction	628	46	674
Sub total	3602	227	3829
Acquittal	7625	652	8277
Deferment of the announcement of the verdict	3892	267	4159
Sub total	11517	919	12436
TOTAL	15119	1126	16265

87. The third edition of the report on *Social costs of the State of emergency* at least provides one testimony:

“My friends were dismissed from their jobs with the State of Emergency Decree and then arrested. The children of my relatives who were students at Military Schools and Police Academy could not do the profession they loved because their institutions were closed down. Then they arrested these children as terrorists.”

88. In the previous PSWG report ([here](#)), we brought to the attention of the Committee the anonymous testimony of M.D.:

*“I started my education in military high school in 2014. I was a 2nd grade student at the military high school at the age of 16 when the July 15, 2016 coup attempt took place. After the coup attempt, our school was closed and I continued my education at a civilian high school equivalent to the former one. In 2022 I was taken into custody and detained within the scope of the investigation opened against me on the charge of membership in an armed terrorist organization. After 2 months of detention, I was released at the first hearing. However, at the moment, my trial continues. **2 witness statements are the only grounds for the accusation of crime against me. In these witness statements, it is claimed that I attended the meetings organized by the structure considered as an armed terrorist organization in Turkey between 2014-2015. In this case, all proceedings are carried out on the grounds that I attended the meetings in 2014-2015, (which means, when I was 14-15 years old) of the organization that was determined to be a terrorist organization only in 2017 by Supreme Court's decisions:** an indictment was filed against me and the trial continues on this allegation. At no stage in the trial was it taken into account that the allegations made against me took place when I was a minor. All of the alleged actions are evaluated as if they took place when I was a child. In this case, I will be sentenced to imprisonment from 7 and a half years to 15 years, according to article 314 of the Turkish Penal Code and the 1st paragraph of the 5th article of the Anti-Terror Law. However, even if the alleged offenses had really taken place, the sentence should have been reduced, as I was a minor on the date of the crime, in view of Article 31 the Turkish Penal Code. It is obvious that the judicial authorities have waited until I become major to start the proceedings.”*

89. IAHRAG hereby recalls the latest General Comment n°24 of the Committee on *Children's rights in juvenile justice* ([here](#))

*“In the light of the fact that many States parties have recently strengthened and/or expanded their criminal law provisions to prevent and combat terrorism, the Committee recommends that States parties ensure **that these changes do not result in retroactive or unintended punishment of children** (para. 52) State parties should ensure that all children charged, regardless of the gravity or the context, are dealt with in terms of articles 37 and 40 of the CRC, and in line with this general comment (para. 112).”*

90. We already mentioned above the recent Alakus decision from the Human Rights Committee (*Mukadder Alakus v. Türkiye*, 3736/2020, July 26, 2022 available [here](#), para. 10.6) in which the Committee confirmed what all international experts and mechanisms had been saying since 2016: **activities with the Hizmet Movement were perfectly legal before 2016 and any condemnation grounded only into these legal activities protected by the Covenant (attending a Hizmet Movement meeting, sending children to Hizmet Movement schools, possessing a Bank Asya account, etc...) is contrary to the principle of non-retroactivity of the law, if not supported by real concrete evidence of terrorist activities. The Committee consequently found the detention of Ms. Alakus arbitrary and asked for her release.**

91. All charges against minors, or young adults that were minor at the time of commission of alleged crimes, based on ties with the Hizmet Movement are as such contrary to the non-retroactivity principle of criminal law also encapsulated in article 40 (2) (b) of the Convention on the Rights of the Child. Any detention of children resulting from these charges shall then be

considered as arbitrary, in contradiction with article 37 (b) of the Convention on the Rights of the Child.

Concerns to be raised at the occasion of the dialogue and the concluding observations

92. IAHRAG kindly invites the Committee to raise the following concerns at the occasion of the dialogue and in its cobs:

- (a) The high number of children under 18 years detained or prosecuted under anti-terrorism laws;
- (b) That children under 18 years, or young adults who were under 18 years at the time of commission of alleged crimes, are prosecuted and sentenced for alleged ties with the Hizmet Movement in contradiction with the principle of non-retroactivity of criminal law.