



# CHILD PROTECTION SYSTEM in TURKEY

HATİCE KAYNAK

Att. At Law- Mediator

The Board Member of TSPCAN



# Legal Framework

- ▶ Turkey signed UNCRC in 1989 and ratified 1995
- ▶ **Turkish Criminal Code in 2005 :**  
Child sexual abuse , child trafficking specially were enacted
- ▶ **Criminal Procedure Code in 2005 :**  
Child victim rights were accepted (Mandatory free legal aid, support of expert in court session, testifying for only one time, ....)
- ▶ **Turkish Civil Code in 2001 :**  
Limitation of custody , removal of custody
- ▶ **Child Protection Law in 2005 :**  
Main code about child protection
- ▶ **Protection From Violence Law in 2013 :**  
enacts taking protection orders in domestic violence cases

# Context of Child Protection Code

## “a child;

- Who is under 18
- whose physical, mental, emotional, moral, and social development is endangered,
- who is abused or neglected,
- who is a victim of a crime
- Who is in conflict with law



# Reporting system



## Reporting crimes

- **TPC Article 278 :** Anybody seeing a crime has to report it to legal authorities. If not, it has a penalty.
- **TPC Article 279 :** Public staffs are obliged to report crimes when they learn or come up against any evidence.
- **TPC Article 280 :** Health professionals are obliged to report crimes when they encounter with any evidence.
- If they not report, they are sentenced imprisonment for 6 months to 2 years.
- Who has right to refraining from testfying, they don't have to report CAN . ( Wife, husband, blood or affinity relationship, uncapable person, fiancée)



# Reporting needs of protection

CPC Article 6:

- Legal and administrative institutions
- Law enforcements
- Health and education institutions
- NGOs

➔ are obliged to report needs of protection.



**Crimes are reported to legal authorities (police, gendarme, prosecutor) by written reports, phone calls or apply directly.**

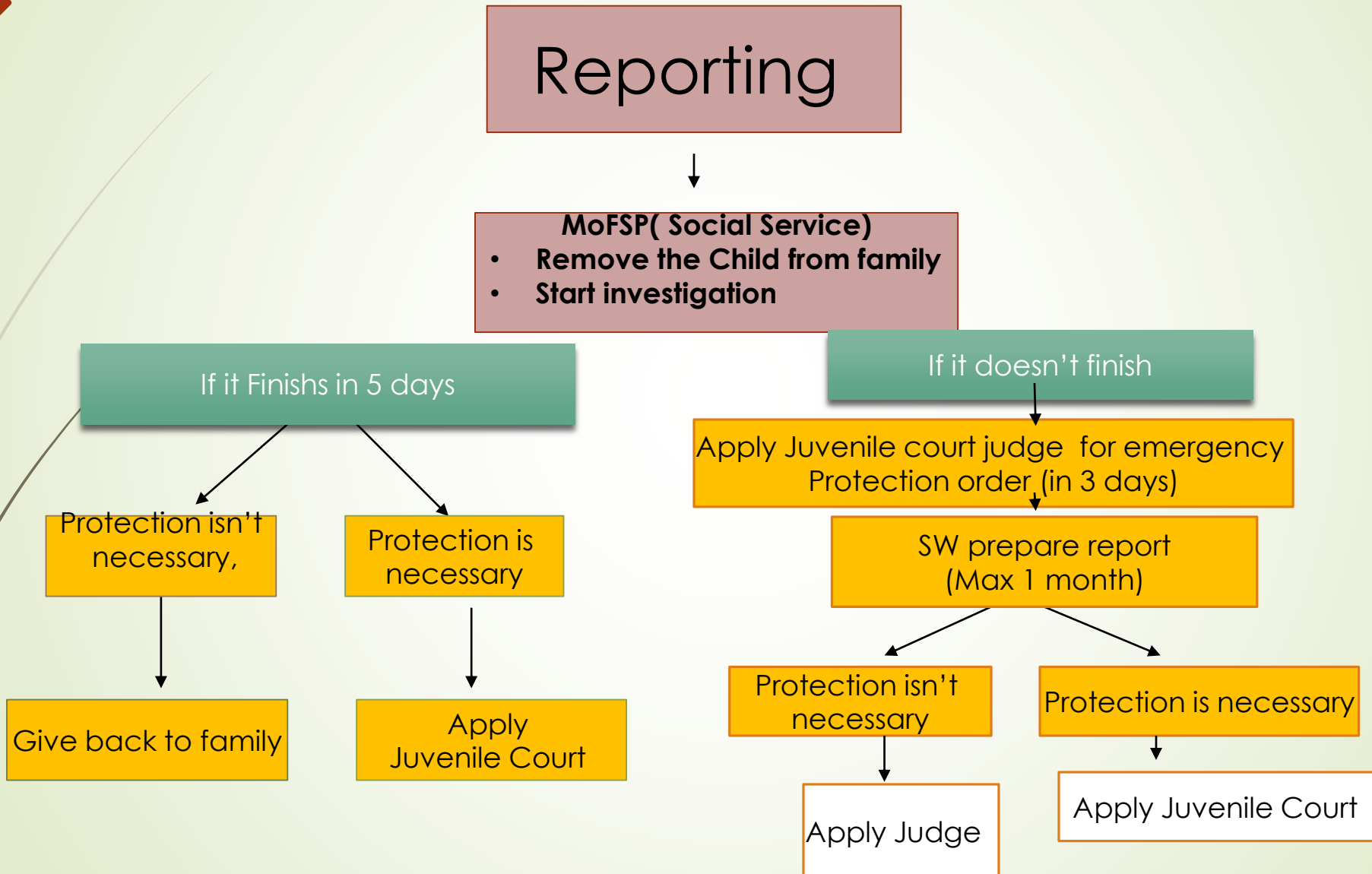
**Protection need is reported to social services by any way ( call hot line, written reports, apply directly)**

**Child abuse and exploitation is investigated primarily by law enforcement and justice system.**

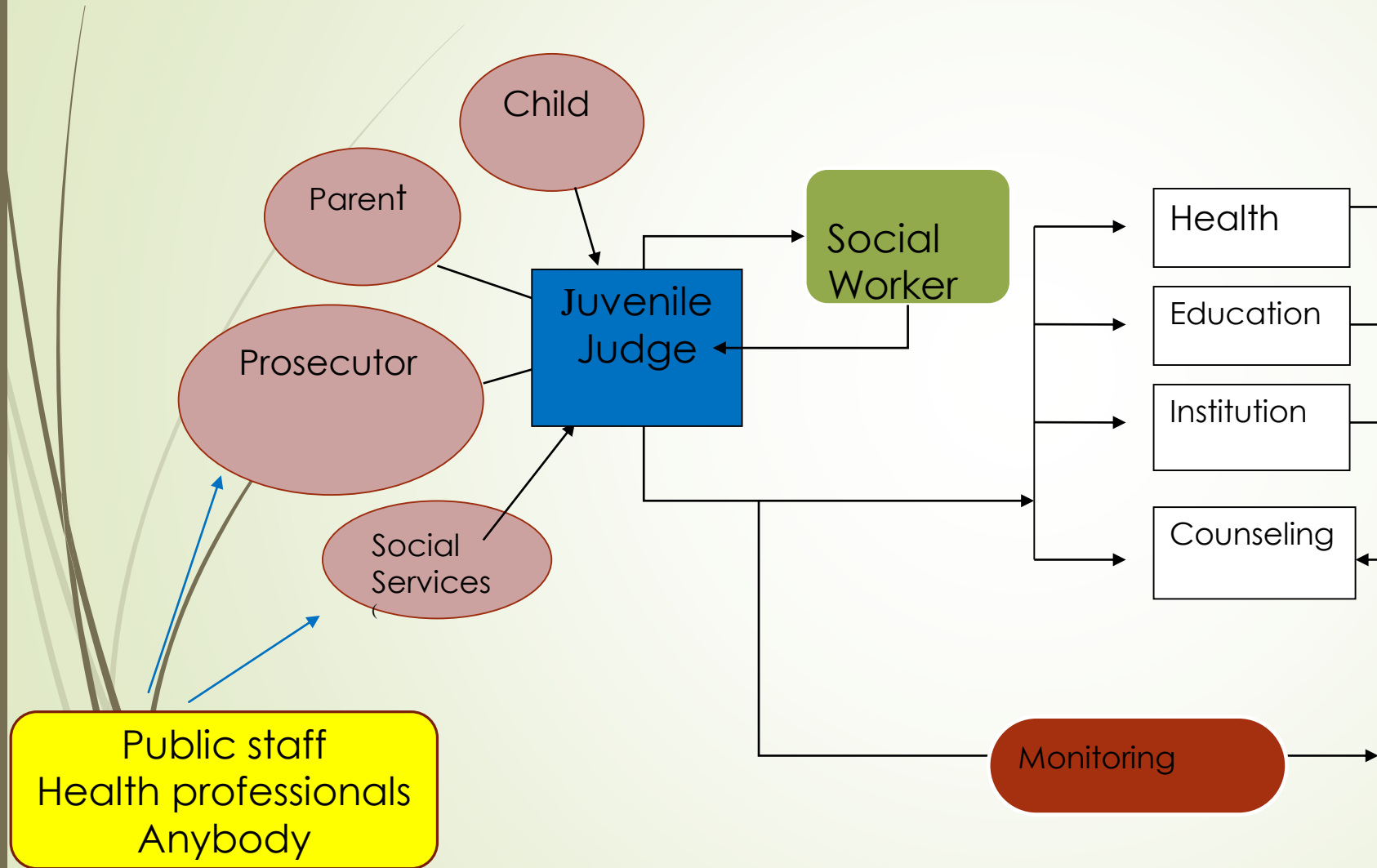
**Child neglect is investigated by social services.**



# Emergency Protection Order



# Procedure of Protection Order





# Courts in Juvenile Justice System

- Child (Juvenile) Courts
- Child Criminal Courts ( In 39 provinces)
- Family Courts
- Criminal Courts



# Decisions that can be made by a child court:

## ➤ Protective measures :

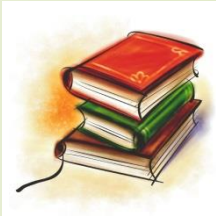
➤ **Counseling/Guidance measures:** Helping caretakers with parenting issues and guiding children to resolve their educational and developmental issues.

➤ **Education measures:** Ensuring the child continues education in a school or via vocational courses/apprenticeship at various facilities.

➤ **Health measures:** Providing all medical preventive or treatment care and rehabilitation as well as addiction treatment for any family member.

➤ **Care measures:** Placing a child in foster or public/private institutional care when a child's caretakers are unable or unsafe.

➤ **Housing measures:** Providing housing to persons with children and pregnant women whose lives are in danger or who have no place to live.





# Care Measure

- ▶ **Care measure is one of the last resorts. Courts and SWs prefer to protect children in/with family/ with relatives**
- ▶ **But if it is necessary, children are removed from their home.**
- ▶ **Temporary or permanent placement does not require family consent.**
- ▶ **First places are generally institutions.**
- ▶ **Foster care is not common in Turkey but new policy aims to promote foster care and solution in/with family.**

Parents have visiting rights without harm to child.

## May 2014 ( MoFSP)


| <b>Children that are protected out of Institution</b> |              |
|---|--------------|
| Number of children given back to family               | 10.187       |
| Number of Adopted Children                            | 13.273       |
| Number of children Supported in family                | 49.745       |
| Number of children in Foster Care                     | 3656         |
| <b>Total</b>  | <b>79625</b> |

| <b>Children that are protected in Institution</b>      |              |
|--|--------------|
| Number of Children in ordinary institutions            | 11395        |
| Refugee/ asyleem seeker/ uncomponied chidren           | 70           |
| The care and Social Rehabilitation Centers             | 828          |
| The Protection, Care and Social Rehabilitation Centers | 188          |
| <b>TOTAL</b>   | <b>12481</b> |

# Treatment and counselling

Child Protection Centers in Universities, Child Advocacy Centers (Ministry of Health) , Social Services, School Counselling Services





# Decisions that can be made by court besides protection orders

- ▶ Parental rights, custody, alimony, child support and personal relationship/visitation rights decisions.
- ▶ Ordering protective measures such as family counseling, parental education, medical and/or mental health evaluation and treatment, to be provided while the child remains with his/her family if possible.
- ▶ If not, temporary foster care and institutional out-of-home placement are alternatives.
- ▶ If these measures fail, limiting or eliminating parental rights and/or subjecting caretakers to criminal punishment are also options



# Parents Participation

- ▶ If parents refuse participation,  
courts can sentence parents
- ▶ can replace child  
can suspend or limited custody/visiting rihgt

After protection order giving back the family is monitored b social services .



# Strengths and weaknesses of system

- ▶ Legal system amendment protects best interest of child.
- ▶ Number of Child Advocacy centers are getting increase.
- ▶ Number of trained Professionals are getting increase.
  
- ▶ Generally Criminal system, protection system and treatment system don't work in harmony and collaboration.
- ▶ Number of the foster care families not enough.
- ▶ If abusers are out of the family, protection system may not aware of the children.
- ▶ We don't have enough parenting skills programs.





# Strengths and challenges of system

## Strengths

- ▶ Child Welfare reform ongoing
- ▶ Juvenile Justice Reform ongoing
- ▶ Ongoing trainings of Justice system professionals;
- ▶ Multi-sectoral cooperation in place
- ▶ Low rates of children living in state- run institution;
- ▶ Basic child care services are in place
- ▶ Good cooperation between Government and CSOs.



*Thank You!*

e-mail: [haticekaynak@gmail.com](mailto:haticekaynak@gmail.com)