

AN ANALYSIS OF POLICIES TOWARDS YOUNG CHILDREN THROUGH A  
CHILD RIGHTS PERSPECTIVE: THE CASE OF TURKEY

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Approval of the Graduate School of Social Sciences

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## **ABSTRACT**

### **AN ANALYSIS OF POLICIES TOWARDS YOUNG CHILDREN THROUGH A CHILD RIGHTS PERSPECTIVE: THE CASE OF TURKEY**

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The aim of this study is to analyze child policies and child rights together and to emphasize the child rights perspective especially in the policies towards young children of preschool age. Children's rights play an important role in social policies targeting children. Child policies and children's rights cannot be considered independent from each other because they are aimed at the same target group and tend towards similar goals. Today, interest in policies towards early childhood period has increased in many welfare states. Nevertheless, it is considered that there is not enough attention on the issue of child rights for this period. The question of 'How can the rights of young children be addressed with social policies?' is discussed in the universal level and the case of Turkey

has been analyzed in this context. Child policies in Turkey generally address children starting from compulsory school age and existing policies are focused on the protection of children. Besides, the policies are usually reactive instead of being proactive. In order to eliminate the gaps identified in the realm of child rights; it has been proposed as a policy to increase early childhood education and care (ECEC) services as a requirement of equal opportunity and the right to care, and to establish an independent institution on the rights of children.

**Keywords:** Child Rights, Child Policies, Early Childhood, Early Childhood Education and Care, ECEC

## ÖZ

### KÜÇÜK ÇOCUKLARA YÖNELİK POLİTİKALARIN ÇOCUK HAKLARI BAKIMINDAN ANALİZİ: TÜRKİYE ÖRNEĞİ

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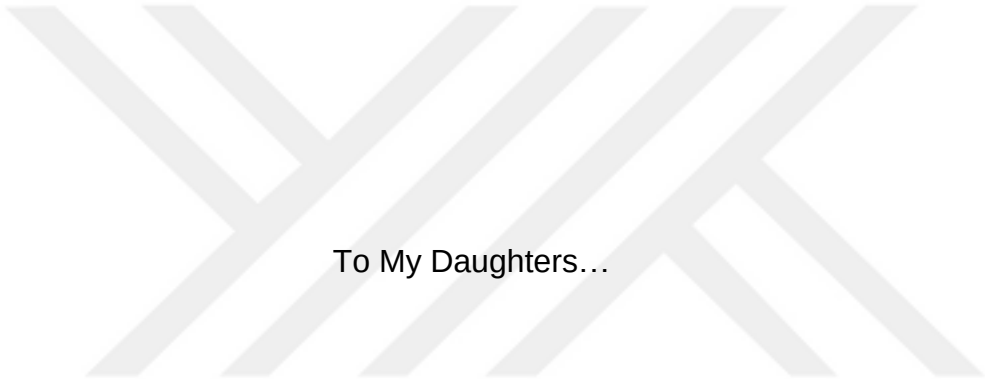
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Bu çalışmanın amacı, çocuk politikaları ile çocuk hakları perspektifini birlikte analiz etmek ve özellikle okulöncesi çağındaki küçük çocuklara yönelik yapılan politikalarda çocuk hakları yaklaşımını ön plana çıkarmaktır. Çocuk hakları, çocuklara yönelik yapılan sosyal politikalar bakımından önemli bir yer teşkil etmektedir. Çocuklara yönelik politikalar ve çocuk hakları aynı hedef gruba yönelik olmaları ve benzer hedeflere yönelmeleri dolayısıyla birbirinden bağımsız düşünülemez. Günümüzde refah devletlerinin pek çoğunda erken çocukluk dönemine yönelik politikalara olan ilgi artmıştır. Buna rağmen bu döneme yönelik çocuk hakları konusuna yeterli ilginin gösterilmediği

değerlendirilmektedir. Erken çocukluk dönemi için çocuk haklarının nasıl yorumlanabileceği ve bu hakların hangi sosyal politikalar ile ele alınabileceği tartışılmış ve Türkiye örneği bu çerçevede ele alınmıştır. Türkiye'deki çocuk politikalarının genellikle okula başladıktan sonraki dönemi ele aldığı ve mevcut politikaların ise koruma odaklı olduğu ve bunun yanı sıra ön alıcı değil reaktif nitelikte olduğu değerlendirilmiştir. Bu alanda tespit edilen eksikliklerin giderilmesi için; fırsat eşitliği ve bakım hakkının gereği olarak erken çocukluk eğitim ve bakımı hizmetlerinin artırılması ve çocuk hakları ile ilgili bağımsız bir kurumun kurulması politika olarak önerilmiştir.

**Anahtar Kelimeler:** Çocuk Hakları, Çocuk Politikaları, Erken Çocukluk Dönemi, Erken Çocukluk Eğitimi ve Bakımı, EÇEB



To My Daughters...

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## LIST OF ABBREVIATIONS

|         |                                                                                        |
|---------|----------------------------------------------------------------------------------------|
| CCT     | Conditional Cash Transfer                                                              |
| ÇİM     | Çocuk İzleme Merkezi-Child Monitoring Center                                           |
| ECEC    | Early Childhood Education and Care                                                     |
| HEYS    | Hizmet Envanteri Yönetim Sistemi/Service Inventory Management System                   |
| ICCPR   | International Covenant on Civil and Political Rights                                   |
| ICESCR  | International Covenant on Economic, Social and Cultural Rights                         |
| KAYSİS  | Elektronik Kamu Bilgi Yönetim Sistemi/ Electronic Public Information Management System |
| MoFLSS  | Ministry of Family, Labor and Social Services                                          |
| MoH     | Ministry of Health                                                                     |
| MoNE    | Ministry of National Education                                                         |
| NGO     | Non-governmental Organization                                                          |
| OECD    | Organisation for Economic Co-operation and Development                                 |
| TÜBİTAK | Scientific and Technological Research Council of Turkey                                |
| TÜİK    | Turkish Statistical Institute                                                          |
| UN      | United Nations                                                                         |

UNCRC United Nations Convention on the Rights of the Child

UNICEF United Nations Children's Fund

YÖK Council of Higher Education



## **CHAPTER 1**

### **INTRODUCTION**

#### **1.1. Background and Introduction**

Welfare states have long been intervening in the lives of children and social policies targeting children have recently come to the fore in almost every state (Bonoli, 2013). Increased research interest in the field of childhood and child development have drawn attention to child policies as well (Kamerman, 2003). Due to some socioeconomic conditions together with new approaches and changes in the perception about children, interest on policies towards young children has increased (Jenson, 2012).

The child rights approach is significant for social policies concerning children. It is a recent approach relative to welfare state study. Although it is based on a legal ground that almost all states respect, its reflection on the welfare state policies are lagging despite wide acceptance it received. Therefore, the objective of this thesis is analyzing child policies on the ground of a rights-based approach. The realization of children's human rights within the welfare state framework deserves attention particularly for young children. It can be argued that rights concerning young children is a neglected or underestimated issue, contrary to the recent emphasis on early childhood period in the welfare state analysis.

The United Nations Convention on the Rights of the Child (UNCRC or the Convention hereafter), adopted in 1989, triggered a wide interest on the child

rights issue. The Convention is the only human rights treaty adopted by almost all states in the world.<sup>1</sup> Although there seems to be a consensus regarding the ratification and recognition of the Convention among State Parties, there is not a clear consensus about the implementation of rights. The demanding aspects of the fulfillment of children's rights are mentioned in the Convention, whereas how to achieve them is left to individual states. In other words, the general framework of 'what to do' is drawn but 'how to do' is mainly the field of social policy.

The most significant characteristic of the Convention is its legally binding character. As it is stated in the preface to the Convention 'childhood is entitled to special care and assistance' and the State Party and consequently government institutions are responsible for maintaining the rights of children in legal terms. The child rights and policies intersect under state intervention since state is both the lawmaker and policymaker and responsible from implementation of policies and protection of rights at the same time. Besides, the rights addressed in the articles of the Convention are also relevant to welfare state policy areas.

Children are generally addressed through policies addressed to their parents, and not regarding their rights, but their 'needs' in the first place (Qvortrup, 2008). Each welfare state may have diverse policy objectives and legacies that prioritize demands and needs of different social groups. The motivation behind the child policies gain importance at this point. If there is not a rights-based approach concerning social policies towards children, their interests and rights can easily be undermined against the interests of adults by adult decision-makers.

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<sup>11</sup> South Sudan became the 195th State party to the Convention in 2015. With Somalia undergoing the process of ratification, the United States is the only State Party that did not ratify the UNCRC.

Citizenship rights have been at the forefront in welfare states until recently. However, citizenship is understood on the ground of adulthood, marginalizing children (Roche, 1999). In his famous work, T.H.Marshall identifies three phases in the path of citizenship rights towards a welfare state formation, that passes through civil rights, political rights and finally social rights. Marshall implies that the formation of welfare state in the twentieth century is “the product of the exercise of the expanded political citizenship of the late nineteenth century” regarding the experience of UK (Pierson,1998, p.22). Hence, reaching a full enjoyment of citizenship rights has strong relationship with democracy and political rights like right to vote. Since children are neither voters nor a politically active social group, their interests or demands do not make a ground of political sanction or motivation for government authorities. A broader perspective based on human rights is needed for guaranteeing the rights and demands of children independent of their citizenship status.

A significant problem in the debate on child rights is addressing all children in a totalizing perspective, overlooking the rights of different groups of children with different needs, as well as young children (Alderson, 2008). In the UNCRC, all individuals under the age of 18 are defined as children, without differentiating amongst stages of childhood. In time, the focus of debate about children’s rights has shifted to the exercise of rights by children themselves (Liebel, 2012; Parkes, 2013). However, the contemporary debate on enabling the participation of children in the making of their own rights is problematic in terms of addressing infants and very young children who lack verbal skills and are highly dependent on adults.

Young children`s limited opportunities to defend their rights causes a serious disadvantage for them. They do not need to be freed from adult oppression or state intervention, instead they need to be taken care to survive and develop healthily. Because of the sensitive situation of young children, ensuring additional policy measures for their protection and care, including protection

from their own families and improper state interventions, is necessary for the fulfillment of their human rights (Berrick et al., 1998).

## **1.2. Research Questions and Their Significance**

This study focuses on welfare policies, especially for young children, in line with the children's rights perspective. The main research questions addressed by this study are defined at two interrelated levels, namely, universal and country levels. The initial research interest of the study in the universal level can be formulated as follows:

- Can policies targeting particularly young children be reconciled with child rights perspective?
- What are the policy areas that should be examined for the fulfillment of rights for young children?

Against this background, the second and main research question of this study concerns the assessment of current social policies targeting young children in Turkey with respect to child rights. Young children refer to the children before the primary school starting age, namely, children between 0-6 ages. The case of Turkey, in other words, is assessed by the insights acquired from the evaluation of the universal level. The research questions adapted for the case of Turkey are:

- Are social policies regarding young children in Turkey designed in a child rights perspective? If not, which realms of child rights have been disregarded?
- What kind of social policies should be implemented for young children in Turkey to promote their enjoyment of rights?

The thesis aims to reconcile the social policies towards young children with the principles of child rights perspective with the aim of assessing policies through a rights-based approach. The study places a specific emphasis on young children particularly based on the assumption that their rights are less

respected and underestimated both in the literature and in government discourse. Differentiating young children, namely children younger than school age, is important since they are more dependent on a caregiver than older children. They are required to be treated in a different way in various fields such as care, health, nutrition and pedagogy. Also, it can be argued that they are more vulnerable in terms of defending themselves against risks and dependent on adults in reaching facilities and claiming their rights.

The two disciplines, social policy and human rights, are dependent especially in terms of their implementation since they tend to operate in the same realms of human life. As a general definition, social policy as a discipline deals with the well-being of people. The human rights approach also aims to enhance welfare of people in the most general sense. Specifically, some human rights, including the right to social security, right to adequate living standards, right to rest and leisure and right to education are directly related to and reflected by social policy goals.

In UNCRC, promoting better living standards and social development is expressed as overarching goals.<sup>2</sup> However, the means to achieve these goals are left to preferences. Which policy to implement, and with which rationale and objective, depends on the choice of countries, because there are wide differences amongst them in terms of their social, cultural and economic conditions. It is important to reconcile two perspectives in order to realize children's rights to the most possible extent. The use of a shared language, defining equivalents and connection points is important to create a strong ground for both social policy making and child rights advocacy. For instance, 'best interest of the child principle' in human rights literature can be highlighted as a complementary notion to the concept of child well-being.

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<sup>2</sup> In the preamble it is stated: "Bearing in mind that the peoples of the United Nations have, in the Charter, reaffirmed their faith in fundamental human rights and in the dignity and worth of the human person, and have determined to promote social progress and better standards of life in larger freedom..."

The questions like 'What is good or the best for children?' or 'How a proper childhood should be?' may have diverse answers according to cultures or conditions as well as research results. Upon its universal consensus and a globalized understanding of childhood it brought about, UNCRC frames the set of goals for reaching child well-being in a comprehensive way. Hence, elaborating on child policies in a broader sense to include new aspects coming from human rights literature seems promising.

Furthermore, social policies have a role of discourse in the construction and reconstruction of childhood (James & James, 2008). When the focus is on policies towards especially young children, concerns about child protection, family policies, maternal employment, regulations about parental leave and day-care are among the first to mention. The rationale behind these policies is hardly declared or aimed at as promoting child rights, but the latter can be realized as a result. For instance, public childcare facilities are not mentioned as a requirement of fulfilling the 'right to care'<sup>3</sup> or 'right to play'<sup>4</sup> of children. Of course, the only stakeholder in maintaining these rights is not the state. However, due to its leading role in producing discourse, mentioning child rights as a policy objective may serve as a comprehensive and fruitful basis even exceeding the expected effects of the social policies. Although the impact of discourse on caregivers or whole society is ambiguous, discourse has a potential to motivate policy makers and create a favorable ecosystem for promoting children's rights.

Putting child rights at the center leads to significant changes in designing social policies since the latter is mainly about determining priorities and allocation of resources. If promoting child rights is targeted in the first place, the well-being of children will be prioritized even though it may conflict with the interests of other agents in the society. As Ms. Fore, the UNICEF chief, expresses it: "The

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<sup>3</sup> See Article 18 and 20 of the UNCRC.

<sup>4</sup> See Article 31 of the UNCRC.

Convention stands at a crossroads between its illustrious past and its future potential. It is up to us to recommit, take decisive steps and hold ourselves accountable."<sup>5</sup> In this respect, even though the content of policies can vary from state to state, it is significant that each State party have an understanding concerning their current situation and what they need to put forward to fill the gaps and avoid violations in terms of maintaining child rights.

For these reasons, a methodological framework will be developed in this study to identify the possible intersection points of child rights and policies towards young children. The principles mentioned in the UNCRC will be used as the standpoint of the framework to reconcile and comprehend welfare state interventions and rights concerning young children. The framework will be used in the assessment of policies related to children especially younger than compulsory school age in Turkey.

Turkey is generally labelled as a developing country internationally and describes itself as a social state which is respectful to human rights in its constitution. The aim of this study is to highlight the gaps between child policies and child rights if any and draw attention of policy makers to the specificity of early childhood period. A final objective of the thesis is to develop policy recommendations where considered to be necessary.

### **1.3. Methodology**

This study aims to examine policies towards young children through a rights-based approach and evaluate child policies in Turkey with respect to child rights. The evaluation will be handled in two levels. Primarily, the concepts about child policies and child rights will be discussed at a universal level without focusing on any welfare state. Secondly, the case of Turkey will be addressed in line with the inferences from universal level discussion.

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<sup>5</sup> <https://news.un.org/en/story/2019/11/1051541>

In the first step of the analysis, child policies and child rights will be discussed in a moral and descriptive way expectedly due to philosophical and ideational nature of the rights-based approach. The UNCRC will be used to reconcile concepts of human rights and social policy regarding young children. For assessing the fulfillment of rights of young children, the concepts to constitute reference points will be deduced from the articles of the Convention. The second level of analysis will stand upon the discussion built in the first part of the analysis. The assessment of child policies in Turkey with respect to child rights will be based on the methodological framework.

Since child rights have various implications cross cutting many aspects of social sciences, an attempt at analyzing and evaluating child rights in its entirety is a passionate goal that exceeds the scope of this study. For instance, child rights can be addressed in relation to human rights, childhood and child development literatures. To be precise, the notion of children having rights will be assumed as given and child rights expressed in the UNCRC will be accepted as a framework reflecting all children's rights in a comprehensive way.

The main area of interest consists of children at their early ages until compulsory school age, namely preschoolers. When the age interval is considered, some rights gain importance while some others are irrelevant to investigate. Therefore, some civil rights and freedoms of children and issues like juvenile crime, child labor, and child participation will not be addressed in this research. Instead, concerns about childcare, education, development, protection and child poverty will be focused more.

For the purpose of designing the research focused on welfare state practices, the policies of government institutions will be placed at the center of the inquiry, and while the crucial role played by other stakeholders such as parents, family, private sector, society as a whole and international community is acknowledged, these will not be the particular focus of this study. According to UNCRC, State Party has the duty of ensuring child rights in addition to the

responsibility of preventing their violations. In legal terms, the State is the guarantor of human rights due to its monopoly power on the law. Hence, the thesis will focus on the role of welfare state interventions in the fulfillment of child rights. The focus of investigation will be directed to the services provided by Turkish government institutions that are responsible for the social policies affecting especially young children.

Different public institutions may have intervention areas affecting lives of children in certain ways. Moreover, they can adapt a child mainstreaming approach in touching children's lives even though they do not have a direct relationship with children in terms of their responsibility area. In Turkey, ministries are the main executive bodies within the current state structure. The most relevant ministries responsible for regulating the realm of child policies and child rights -for especially young children- are Ministry of Family, Labor and Social Services (MoFLSS), Ministry of National Education (MoNE) and Ministry of Health (MoH) in Turkey. Although having limited concern to young children, various departments under the Ministry of Justice, Ministry of Interior, Ministry of Youth and Sports, Ministry of Culture and Tourism have also responsibility areas cross cutting children's rights. Hence, they will also be included to the scope of the inquiry.

There are many sub-units under the ministries that are authorized about child-related issues. Some projects and practices are being held on a temporary basis in cooperation with national and international organizations. However, the focus of this study will be on the permanent services which are designed, held and documented by government departments. In pursuit of not excluding any service related to children, the Service Inventory Management System (HEYS)<sup>6</sup> module, which is an inventory of all services under each unit of

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<sup>6</sup> HEYS is one of the sub-applications of KAYSİS where public services provided to citizens, private sector, non-governmental organizations and other public institutions by public institutions and organizations and all other activities carried out in the institutions are determined at the process level. <https://envanter.kaysis.gov.tr/>

government institutions under Electronic Public Information Management System (KAYSİS)<sup>7</sup> system, will be used. It is an official website under which each state department enters data about services they execute even in the process level. The service inquiry page enables listing services under each state department. By using ‘child’ as a keyword, services under selected ministries will be filtered in order to find child-related ones to determine if they are relevant to child policies in Turkey.

Although it is possible to reach the definitions and explanations of the policies, it is not possible to evaluate their effects by this method. The main interest of the thesis is to examine the compliance between social policies and the child rights approach. In other words, which child policies exist, which policies are in the forefront, which ones are neglected and the understanding behind them are the subjects of the research. Evaluating the impacts and coverage of the policies in detail exceeds the scope of this study. Hence, I will heavily rely on the information I get from my inquiry on government services inventory.

The services determined to be relevant will be investigated with respect to responsible department, specificities of target groups and age interval of beneficiaries. After determining social policies by this method, the information gathered will be shown in tables to be evaluated according to the framework of principles of the UNCRC. Finally, upon inferences made about social policy ecosystem of Turkey, policy recommendations will be developed to promote a rights-based perspective in policies concerning young children.

#### **1.4. Contributions**

One of the most important contributions of this study is highlighting child rights perspective and examining child policies in this context. I believe that human

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<sup>7</sup> KAYSİS is an information management system used to define the organizational structure of public institutions and organizations. It is a system in which the services provided by public institutions and organizations are identified together with the legal basis and defined in electronic environment. Visit <https://cbddo.gov.tr/projeler/kaysis/> for more information.

rights literature and social policy as a discipline have a large intersection set theoretically. However, two disciplines do not seem to be referencing each other frequently in a collaborative way. The attempt of the study to reconcile two realms of literature is significant in this sense.

Another contribution of this thesis is its focus on policies in the early childhood period. Today, it is known that early childhood period has very effective and irreversible consequences concerning cognitive and emotional development (Loke & Sherraden, 2009; Kamerman, 1991). Due to early childhood period's critical situation, drawing attention of both social policy makers and human rights defenders to this period is important.

Furthermore, because of the definition of child in the UNCRC, all individuals under 18 years of age are identified as children and the Convention does not differentiate rights and measures for protecting them according to different age and maturity. However, it is possible to argue that some rights like right to care and right to protection have a special importance upon others like freedom of speech or juvenile justice concerning their relevance in the early years. A specific perspective is thus needed to highlight and monitor the rights of young children.

There have been positive developments about child welfare in the last decades among many welfare states<sup>8</sup> (Doek, 2009; Britto, 2012). Moreover, it can be argued that the UNCRC has a positive impact particularly on the institutional level. However, it is necessary to underline the gaps between child rights highlighted in treaties and official policy papers and current situation experienced by children.

Since the research questions are about the relationship between the general logic of welfare state policy and the child rights approach, rather than focusing on a specific field related to children, a comprehensive set of state policies is

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<sup>8</sup> Unicef data webpage e referans verilebilir.

needed for analysis. Therefore, using a digital inventory of current state services is an efficient method for accessing comprehensive and reliable data. Since, no study has found to be using HEYS system as a source of information in the literature before, it can be considered as a contribution as well. Hopefully, the analysis will be beneficial for policy makers to grasp the overall situation and direct new policies to maintain rights of young children in Turkey.

### **1.5. Chapter Outline**

The study is composed of five chapters. Following the Introduction chapter, the second chapter presents the literature review and introduces the key conceptual framework of this study. An overview of the emergence and evolution of child policies will be assessed together with childcare and education policies and child protection policies in the welfare states. Most popular approaches and policy options regarding young children will be discussed. In the second part of the literature review chapter, the human rights perspective will be introduced, and debates in the child rights literature will be summarized.

The current situation in Turkey will be addressed in the third chapter. After presenting an overview of Turkey as a welfare state, State Party interventions will be at the center by referring to national and international documents and available statistical data. Various plans, reports and policy papers together with academic articles on children in Turkey will be addressed in this chapter.

The main body of inquiry takes place in the fourth chapter. Firstly, the chapter will elaborate on the question of why to reconcile human rights perspective with social policies. Secondly, it outlines the main relevant articles and principles of the UNCRC to create a framework for assessing child policies with respect to child rights perspective. Finally, the framework of child rights will be used to assess childcare policies in Turkey. The focus of analysis will be on the selected government institutions due to reasons outlined above.

The last chapter contains concluding remarks and policy recommendations at both universal and country levels. Possible social policy measures for the missing or deficient realms of fulfillment of child rights in Turkey will be outlined based on the findings of the fourth chapter.



## **CHAPTER 2**

### **CONCEPTUAL FRAMEWORK**

#### **2.1. Introduction**

Child policies are social policies towards children aiming at enhancing their well-being and protecting them from harmful effects, in the broader sense (Hendrick, 2003; Berrick, 1998; Whittaker, 2017; Vleminckx, 2001). Welfare state interventions targeting children have a broad policy landscape relating to various realms of social policy issues ranging from social justice and inclusion, education to healthcare. Some of the most prominent child policy topics can be exemplified as family policies affecting children, childcare policies, child development, poverty alleviation, child mortality, child labor, child immigration, adolescents, juvenile crime and protection of children (Douglas, 2010; James & James, 2008; Goddard et al., 2004; Mason, 2005; Bourdillon, 2014). However, the thesis will put the emphasis on childcare and protection policies particularly concerning their significance for young children.

Children's rights constitute a significant aspect of child policies. UNCRC has triggered a wide interest on the issue as becoming the universal trademark of child rights (Liebel, 2012; Butler, 2012; Williams, 2011). The fact that child policies and children's rights are both directed towards the same target group, and that the essence is to ensure the well-being of children, has made these two highly dependent. Due to the binding nature of the Convention, it is not possible to ignore the rights of the child in the making of child policies. In

addition, realizing children's rights cannot be possible without implementing social policies.

The literature review concerning child policies and rights will be addressed separately. An overview of child policies will be developed on recent social policy approaches regarding young children. Considering the specificity of early years in life, policies concerning childcare and child protection will be addressed more than other child policies with a special focus on childcare and education services. Moreover, the evolution of a rights-based approach will be presented together with introducing various debates in the child rights literature.

## **2.2. An Overview of Social Policy Approaches and Practices Regarding Young Children**

Social policies that prioritize child welfare are popular in most welfare states today (Kamerman, 2003; Bonoli, 2013). Although the first policies regarding child welfare date back to nineteenth century and started on the axis of child labor and poverty, child policies have become more focused on education in last decades (Marshall, 1998). Today, policies regarding young children have a wide implementation area ranging from education, employment, healthcare to social inclusion.

Child policies have strong implications for social justice and equality. In this regard, intergenerational transmission of poverty, equal opportunity, poverty alleviation and inclusion of disadvantaged groups in the society can be stated as social policy areas where efficient interventions can be implemented during childhood period. With filling the gaps as earlier as possible, social policy interventions give children a chance for a more equal start in life.<sup>9</sup> Moreover, it

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<sup>9</sup> OECD released a series of Starting Strong reports on this issue starting from 2001. Visit [https://www.oecd-ilibrary.org/education/starting-strong\\_25216031](https://www.oecd-ilibrary.org/education/starting-strong_25216031) for more information.

is not only about material equality but also about seeing respect in the society (Ben-Arieh & Frones, 2007).

The understanding of childhood is now more focused on the education and development of children than ever before. For instance, there has been a main policy change in the UK starting from 1997 that prioritized early childhood education in line with an emphasis on research in policy making. Improving childcare facilities were used as a tool to address issues like child poverty, equal opportunity and reducing social exclusion. Three principles that drive the Ten-Year Childcare Strategy (2004) were as follows:

- The importance of ensuring every child has the best possible start in life;
  - Ensuring that parents, particularly mothers, can work and progress in their careers; and
  - The need for families to choose in balancing work and family life.
- (England Sure Start Report, 2010)

Additionally, reconciliation policies which are social policies that aim to enhance balance between work and family life have effects on young children regarding working parents. Policies like parental leave arrangements, childcare facilities, financial assistance for parents and obligations like breastfeeding rooms are some examples in relation to young children. In this respect, childcare policies constitute a large portion of reconciliation policies. They have a significant role in the employment ecosystem of a country. It is a known fact that there is a close relationship between women's employment and childcare facilities (Bainbridge, Meyers & Waldfogel, 2003). As well as women's entering to workforce triggered an increase in the demand for childcare services, availability of childcare facilities also increases female participation rate in the labor force.<sup>10</sup> Moreover, childcare policies are

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<sup>10</sup> Starting Strong 5, Eduskills OECD.

important for women's empowerment and promotion of gender equality since they can be useful for breaking the traditional gender division of labor.

Besides the policy objectives mentioned above, there are new approaches and trends in the welfare state literature that shape the policies regarding children. In this respect, 'child well-being' has come to the fore as a widely studied concept under the social policy discipline in designing and advocating child policies. It is also frequently used in the UNCRC as a standing point and as a goal to be reached.<sup>11</sup> Well-being is defined as 'one's realization of his/her unique potential with respect to oneself, others and his/her environments through physical, emotional, mental and spiritual development'.<sup>12</sup> So, child well-being as a term implies a perception of childhood in a holistic manner that physical, mental, emotional, and spiritual needs for development of children should be considered together. It is hard to evaluate child well-being since it requires different practices and measures in different ages due to everchanging nature of child development.

Child well-being is a concept widely mentioned in the social policy literature. It is a broad concept that includes material and non- material factors. It is generally defined in relation to improvement of opportunities for children to achieve their unique potential to the most possible extent. The major factors which provides child well-being are stated as an affectionate family environment, decent living standards, protection from violence and abuse, the highest possible standards of health, equal access to education opportunities and the child's own perception of his/her well-being.<sup>13</sup>

Ben-Arieh and Frones (2007) refer to "child's economic conditions, peer relations, political rights, and opportunities for development" as aspects of child

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<sup>11</sup> In the Articles 3,9,17 and 40 'well-being' is used concerning children.

<sup>12</sup> Child Well-Being in Early Years and Women's Employment Policy Paper, UNICEF, 2013

<sup>13</sup> Child Well-Being in Early Years and Women's Employment Policy Paper, UNICEF, 2013

well-being and highlights the importance of social and cultural variations to grasp well-being entirely. As can be understood from various definitions, a holistic approach is needed to ensure well-being of children if it is intended to be a priority area.

Another trend is the 'social investment perspective' that highlights the importance of human capital and targets policies that will add to human capital sooner or later. The significance of this perspective is the focus on early childhood period. As the word 'investment' implies, it may take a long time to reach its benefits. Jenson describes the policy objectives and instruments of this approach and then makes an ideal type definition composed of three dimensions. She assumes that general notion of the perspective is less emphasis on social protection and more on being preventive and proactive. She juxtaposes the policy terms as "increased attention and investment in children, human capital, and making work pay." She identifies three building blocks as; the notion of constant learning including early childhood learning, an orientation to the future, and lastly a link between individual circumstances and the collective well-being. Early childhood education and care (ECEC) is a key policy instrument for this perspective since it adds to human capital and decreases certain risks like poverty and intergenerational disadvantages (Jenson, 2012, p.67).

Child policies have got their big share from this new approach. However, some scholars argue that investing on future rather than investing on today, becoming more prevalent in the political discourse, may be a rhetorical curtain for retrenchment. For instance, state assign itself responsibilities about preventive interventions including education to help people be employed in the future but goes a step back in present when social protection is considered. (Ascoli, 2012) Personal duty of citizens in labor markets are gaining importance as a salient motive rather than states' dedication to full employment as in the golden ages of industrialized welfare states.

It can be argued that certain factors fueled a new approach that focuses on human capital. In relation to the postmodern structure of economy in which services and intellectual rights gained importance as opposed to a shift from industrial production, labor markets became more precarious (Standing, 2012). Considering the structure of current economies, qualifications demanded by new sectors like digital services are ever changing which creates structural unemployment in economic terms. Contemporarily, welfare states are investing more on education and active labor market policies to for the sake of competitiveness.

The perspective is reflected in the agenda of international organizations like OECD and UN organizations. What is interesting about social investment perspective is that the emphasis has shifted from social equality and social justice to advancing human capital for employability even in the social democratic welfare states (Soysal, 2012). The problem with evaluating social policies with reference to future economic growth is that, social spending according to their future return may result in undervaluation of policies for children who will never be employed or produce due to disability or illness.

Coming to practices from perspectives, although policies regarding children can be addressed under various headings, concerning the form of service, whether policies are in cash or in kind, universal or targeted etc. they will be addressed under two broad groups considering the specific interest of this study: childcare (and education policies) and child protection policies. In child rights literature, the rights addressed in the Convention are usually summarized as 3Ps which are provision, protection, and participation rights. (Parkes, 2013). Therefore, the categorization of social policies under two groups as mentioned above fits also the framework of children's rights, with a difference of excluding participation rights for young children.

### **2.2.1. Childcare Policies**

Childcare policies are social policies that are related to care of children in their early years. Childcare is generally used as a word to imply non-maternal care of young children via at home or outside home childcare arrangements.<sup>14</sup> Childcare policies are state interventions to these childcare arrangements including also interventions to parental care. There are a variety of social policy tools to intervene to the realm of childcare. They can be in different forms such as in cash, service provision, awareness raising and regulation. The most prominent childcare policies are cash benefits, birth grants, tax credits for parents, providing public childcare facilities, setting standards for care providers, parental leave arrangements, and assistance for caregivers.

The rationale behind childcare policies is important since they may lead to a tradeoff between interests of different social groups. On one hand, there are needs of parents and demands of employers in relation to the working life. On the other hand, there are concerns about children with respect to their educational and developmental needs. Not only children, parents and employers of parents but also employees of childcare sector and all taxpayers are affected by child policies in certain ways. So, like in the other social policy areas, making childcare policies is a matter of choice among various policies that favor distinct groups, unless there are policy options to make all parties better off without dispute.

There are three main actors in care provision; state, for-profit or nonprofit private sector and family. The share of each one is determined under different country specific contexts. In line with the typology of Esping-Anderson (1990), social-democratic welfare states like Denmark tend to cover a larger share of

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<sup>14</sup> Cambridge dictionary, Collins dictionary, Wikipedia

care provision when compared to conservative welfare states like Germany and liberal ones like the United States of America.

The intensity of public childcare services was varied among welfare states to a great extent until a few decades ago. However, arrangements targeting care of young children have become an integral part of most welfare states recently. Scandinavian countries like Denmark and Sweden were famous as pioneers of well-established public childcare services while it was hard to talk about state-organized services in countries like Britain, the Netherlands and Germany. (Knijn, Kremer, 1997, p.329) Nowadays, the childcare services even in the former service-poor countries which are mentioned above have risen dramatically compared to two or three decades ago. The policy interest in childcare services has changed in the direction to increase service provision, nearly in all welfare states despite slight differences (Bonoli, 2013; Melhuish, Petrogiannis, 2006).

Although the welfare state studies generally focus on service provision, there are new trends and approaches in social policy area when late industrializing countries are considered. The different practices of 'other worlds of welfare' are reflecting their different composition of economic and social structures which lead to different policy options. The tendency towards conditional cash transfer programs (CCTs) instead of universalistic social policies is as a good example of these trends (Lavinas, 2015; Fenwick, 2017; Kamerman & Gabel, 2010). The rationale behind these policies is tying cash benefits to some conditions or obligations for enhancing human capital of recipients who are generally poor people in terms of assets and of human capital. Investing on human capital like school attendance and health check-ups is seen as a means of poverty alleviation. That is why these policies are preferred especially among developing countries, southern welfare states and even in some developed countries.

## **The Evolution of Childcare Policies in the Welfare States**

Care is an important component of contemporary social policy. Social care interventions including childcare have come to the welfare state agenda with certain socio-economic and demographic changes. The rise of women employment, changes in the family composition, decrease in birth rates together with increases in life expectancy and migration are some of the changes that affected social policies regarding care. (Melhuish & Petrogiannis, 2006; Jenson, 2012).

Social care as a concept has been put forward to refer to care “as an activity and set of relations lying at the intersection of state, market and family (and voluntary sector) relations”. (Daly & Lewis, 2000, p.281). Care as a social phenomenon has been elaborated by feminist scholars heavily and features of care relations are identified in many dimensions. It is asserted that care is both paid and unpaid, contractual or not contractual, private or public, formal or informal, cash or service oriented and lastly can be a form of dependence or independence. (Leira, 1992; Knijn&Kremer, 1997; Bettio & Plantenga, 2004)

The approach to gender roles is very significant in shaping care policies. Feminist scholars argue that women are considered as natural domestic caregivers and welfare state arrangements have also contributed to this situation (Knijn & Kremer, 1997) Some scholars focus on the care regime in a country with respect to their relationship with traditional gender roles. It is stated that rationale behind the design of care policies, different forms of assistance, differences among man and women in accessing resources reflect the approach of welfare state to gender. (Daly 1994, Hobson 1994, Lewis 1997)

It is argued that modern welfare states' policy choice about care contributed to gender inequality. Welfare states took the caregiver role of women for granted and shaped the policies according to this perception. If caregiving role of women is a natural phenomenon, there is no need to compensate women for

care provision. But with the changing circumstances and participation of women in the labor markets, the value of care became apparent as a work whether it is paid or unpaid. When the unpaid care work provided by women were extracted from welfare states, there would be a huge lack of welfare apparently.

In general, whether care is seen as a part of citizenship rights or not determines the pattern of care policies. If there is a right-based perception of care, a welfare state is expected to be responsible in the realm of social care instead of leaving care provision to families and to women consequently. In the broader sense, there are two sides of the coin with respect to care provision. Knijn and Kremer distinguishes care as the right of caregivers or of carereceivers (1997, p.328).

The right to time for care and right to receive care are very crucial concepts in this respect. Different policy choices can promote different types of rights in this sense. Some welfare states promote heavily public service provision which can be considered in relation to right to receive care, whereas some promote the right to time for care by parental leave arrangements.

Until not so long ago, care was generally left to family and charity-based organizations. It was not seen as a part of citizenship rights and states were hardly assigning themselves any responsibility regarding social care needs of people. Social rights have come to public agenda very gradually. A shift has occurred from duties to rights and social rights were the last after other rights like civil and political rights came to prominence (T.H.Marshall, 1998).

Bonoli distinguishes three phases regarding the development of childcare in seven European countries. First attempts about institutional childcare dates to nineteenth century and were motivated by two reasons. Providing daycare and proper nutrition to poor children, for making it possible for their poor mothers to work which was a way of poverty alleviation. Second reason was about demands of middle classes with pedagogical and educational concerns. Early

education institutions like pre-schools were opened in some European countries in the end of nineteenth century. Second phase is during post war period that did not trigger much developments as women participation in the workforce was lower. Lastly the takeoff period for women employment began at different times at different countries (Bonoli, 2013).

The rising trend in women employment and shaking of male breadwinner model is seemingly persistent under the contemporary socio-economic changes. This trend also created excess demand for quality childcare. It has become for the welfare states impossible to resist an intervention to the childcare area. Childcare policies together with other active labor market instruments are now popular in most welfare states. Bonoli puts this convergence as follows:

In this account, welfare regime-based differences have lost some of their relevance. As pointed out in several places, this does not mean that differences among regimes are disappearing. On the contrary, they remain substantial. What has changed since the 1980s and the 1990s is the fact that the direction of reform is remarkably similar across welfare regimes. Countries as diverse as Sweden, Germany, and the UK have all, since the early 2000s, clearly emphasized the active approach... (Bonoli, 2013, p. 189)

Welfare state approaches to the childcare issue were initially used to be based on employment. At the end of nineteenth century, mostly due to struggle of trade unions, mothers were liberated from the obligation of work to have the opportunity (in line with the moral obligation) of taking care of their children as a result of introduction of social policies like breadwinner wages and pensions for single mothers. In the postwar period, a variety of policies were resulted in a two-tier care system in welfare states (with their unique differences for sure). On one side, women took care of the family in line with the financial arrangements facilitated by the state, on the other side professional care services developed for care needs exceeding resources of families (Knijn, Kremer, 1997).

Furthermore, ideological approaches to childcare are identified as factors of differences among countries. It is argued that the reason why childcare policies are not prevalent in the US in spite of intensive academic research on the topic is the ideological position that “children under school age are solely the responsibility of the parents, and that the state shall have no role unless the child is at risk.” (Melhuish & Petrogiannis, 2006, 2). In addition to the belief that the responsibility of child rearing belongs to family, which is sacred, ambivalence about working mothers have resulted in an informal and unregulated childcare regime (Allhusen & Clarke-Stewart, 2006).

At present, childcare facilities can be classified under three broad groups according to typology of OECD. These are center-based day-care, family day care and pre-school early education programs. These facilities are designed for different needs of different age groups. Centre-based day-care refers to all types of childcare outside home in licensed centers like nurseries, day care centers, crèches and playschools etc. Family day care is provided at home even at child-minder’s home or at the child’s home. This service is generally chosen for very young children by parents who prefer a homely environment. Pre-school early education programs are designed to prepare children for compulsory education and generally educated staff is employed.

### **Early Childhood Education and Care (ECEC)**

Although the first care facilities for children have been brought up with the participation of women in the labor force, studies in the field of childhood and child development have drawn attention to the gains in this period and thanks to these developments, interest has increased especially towards the policies targeting early childhood period.

Childcare policies are regarded as a part of social care policies in the welfare state literature. However, childcare can be differentiated from other forms of care such as care for elderly or chronically ill people in the sense that it includes pedagogical and educational implications as well. Childcare as being

related to a very specific time in lifetime cannot be differentiated from learning and development processes of children. Thus, childcare means education of children at the same time. That is why 'early childhood education and care' is used as the term referring to care of children until compulsory school age.

There is a rich literature on outcomes of childcare and education settings coming from both research evidence and experiences of countries applying childcare policies for decades now (Heckman & Karapakula, 2019; Felfe & Lalive, 2018; Datta-Gupta & Simonsen, 2010). Although most of the research highlights the benefits of quality childcare, policies to enhance childcare services are not the natural outcome of the acknowledgment of the benefits and demand for them. The availability and accessibility of childcare services are varying among states due to political, economic and cultural differences.

The research has focused on the correlation between education of young children and its outputs in later years. For instance, there is a wide literature on the consequences of ECEC settings. There is research evidence of a positive relationship between ECEC and later income and life skills. In line with the social investment perspective mentioned above, it is well-known that public ECEC services became more prevalent not only in the social democratic but also among conservative and liberal welfare states during last few decades.

Policymakers tend to divide childcare into two periods in general. The first three years from birth, some includes pregnancy period as well and from three years old up until compulsory school age. Kamerman and Gabel (2010) explain the debate of care versus education with respect to these two periods as follows:

The initial focus was on providing care for pre-school-aged children from age 3 to compulsory school entry (5 to 6 to 7 years) but increasingly, the focus has broadened to include preparation for primary school as well as the social and emotional development of children of this age. As the debate regarding policy options for this age was resolved and consensus largely achieved around the provision of both care and education, the focus of the debate changed. Since the 1970s, attention

has focused increasingly on very young children, infants and toddlers, namely children under 3 years of age (Kamerman & Gabel, 2010).

Besides ECEC's being related to educational concerns it is also in strong relationship with child well-being. Furthermore, it is widely accepted that ECEC has certain positive effects on the present and future performance of children in many ways. For this reason, childcare policies and specifically ECEC deserve special attention and these topics have started to attract more attention recently of academics and policy makers as well. In this paper, I will put emphasis on the social policy aspect of ECEC omitting other aspects including education, pedagogy and childhood literature.

Designing quality public ECEC services have many direct or indirect positive effects on child well-being ranging from women empowerment and poverty alleviation to enhancing social justice. According to UNICEF, (Well-Being in Early Years and Women's Employment Policy Paper, 2013) mothers' employment in secure and well-paid jobs contributes to child well-being in several ways. To promote women participation in workforce means empowering women and combating child poverty at the same time.

Not only working mothers benefit from provision of public ECEC services universally, but also non-working mothers from low income groups and their children can also benefit from it. It is important for mothers since they can have spare time for further education or leisure which improves their well-being. It brings about a twofold benefit since mother's well-being as the caregiver is highly correlated to her child's well-being and vice versa. Moreover, it creates decent employment and it is cheaper than other infrastructure public expenditures (Ilkkaracan et al, 2015).

### **2.2.2. Child Protection Policies**

Child protection policies are different from other child policies in the sense that they are ready to be implemented in case of a serious damage to child's well-

being. In general, child protection policies are applied to children at risk, rather than being on a universal basis. Some concerns about child protection are orphanhood, family separation, migration, trafficking, exploitation, abuse, drug use, violence, early marriage, military occupation, harmful traditional practices, child labor and poverty (Bourdillon & Myers, 2013; Douglas, 2010).

The last century is called as 'the century of child' since the understanding about childhood has changed and a literature on childhood and child development has evolved. A great amount of research has been done not only by natural scientists but also by social scientists. Children are now seen as a social group that should be addressed separately in many realms like protection, poverty alleviation and access to healthcare. Most welfare states are allocating more resources for regarding children in need of protection.

Children under state protection due to orphanhood or separated from family due to reasons like child abuse and neglect constitute an integral part of child protection systems of welfare states. Children in need of protection or without company are whether under residential or institutional care. Adoption and foster family practices are extensively used for providing children a stable and homely environment. However, in the UN Guidelines for the Alternative Care of Children, the efforts to maintain children with their families where possible are encouraged in line with the Article 9 of the UNCRC<sup>15</sup>.

In some states, children determined to be maltreated are removed from their families. The protection policies include also recovery services and measures for the survivors of child abuse and neglect, maltreatment and exploitation as well as their parents. For instance, reunification services programs are provided for parents to overcome their parental problems to reunite children (Douglas, 2010).

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<sup>15</sup>It is stated in the article that ; "States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child..."

Child poverty is addressed under child protection measures too. Although there is not a consensus on the definition of child poverty, it is a situation experienced by children even in the most developed countries. For protecting children from the adverse effects of poverty, various policy options are used. Cash benefits, CCTs for improvements regarding education and health conditions and enhancing employability of parents are some of them. International organizations like UNICEF and other charity-based organizations have also initiatives for alleviation of poverty for children.

Other issues concerning to child protection are in general addressed by practices based on regulations, monitoring and auditing. For instance, the issue of child labor is usually highlighted with reference to rules and regulations of International Labor Organization (ILO). International cooperation is needed also for taking measures for preventing child trafficking, drugs and child refugees without company.

## **2.3. The Child Rights Perspective**

### **2.3.1. The Evolution of Human Rights Perspective Concerning Child Rights**

Human rights have played a major role in politics for the last 70 years since the UN's Universal Declaration of Human Rights in 1948. Children's rights are the adapted form of human rights for children. In other words, children's rights consider children as individuals who need special consideration and are designed to secure their human rights. Although there are several regional mechanisms for promotion of human rights, the most important defending mechanism has been United Nations.

After the devastating wars of twentieth century, the importance of protecting human rights became more visible. The Charter of United Nations stated that the way to ensure peace, justice and freedom in the world is recognition of equal and inalienable human rights. Besides, the twin human rights

conventions which are The International Covenant on Civil and Political Rights (ICCPR) and International Covenant on Economic, Social and Cultural Rights (ICESCR) entered into force in order to guarantee fundamental human rights in 1966. As much as contributing to human rights literature and advocacy, the primary goal and outstanding property of these documents are their being legally binding. By signing these conventions, State Parties have shown their will on respecting human rights.

The first Declaration of the Rights of the Child, known as the Geneva Declaration of the Rights of the Child<sup>16</sup>, was adopted by the League of Nations in 1924, and an extended version of it is adopted in 1959 by the United Nations. Since the adoption of UN Declaration of the Rights of the Child in 1959, child rights have stimulated many scholars to address the issue from different angles. The process resulted in the adoption of The United Nations Convention on the Rights of the Child (UNCRC) in 1989 as a human rights treaty that recognizes the civil, economic, social, political and cultural rights of children. UNCRC is the most widely ratified international human rights treaty in history. In the 30th anniversary of the Convention, the only UN country that did not yet ratified it is the United States.

Human rights are by nature not bound to any prerequisite. The ideological necessity of human rights relies upon being a human basically. Fundamental human rights like right to life are not open to negotiation unlike state policies. As Kant says, “human beings are ends in themselves, not just the means to ends”. The meeting point of maintaining human rights and social policies is the institutions. Hannah Arendt who is famous in political philosophy argues that we can only exercise rights through institutions. The recognition of children's rights as human rights is crucial in this respect since institutionalization makes claiming rights easier. In this sense, “the right to be entitled to rights” is an

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<sup>16</sup> It was drafted by Eglantyne Jebb.

important philosophical argument especially addressed for immigrant children's rights (Bhabha, 2009).

It can be argued that the children's rights have gained the most enthusiastic support from national and international NGOs instead of nation states. NGOs like Save the Children and international organizations like UNICEF are highlighting UNCRC through advocacy activities and support children via charity-based initiatives worldwide. There are several non-profit organizations that develop country indexes for measuring the fulfillment of child rights as well.<sup>17</sup>

Although human rights literature seems to have been developed by industrialized countries, human rights perspective includes traces of every civilization and is thus generally accepted. Even though it took a decade to reach a consensus on the draft of the UNCRC, it has received a widespread support rapidly. It is the most widely ratified human rights convention in the world. Besides its acceptance politically and ideologically, to what extent child rights have been influential in shaping the state policies in practice is an open question.

Universal human rights conventions of the UN are divided into two spheres. Social economic and cultural rights were regulated in the ICESCR and civil and political rights were regulated in the ICCPR as separate covenants due to political conjuncture of the time of adoption. No such distinction was made in the realm of children rights in the UNCRC and all persons under the age of 18 have been identified as children. For these two reasons, it is difficult to put forward measures to encompass all stages and all aspects of childhood in the same agreement. However, the UNCRC has been written in a very comprehensive manner to grasp many aspects of child rights. Several rights are the same as those for adults, but they are included in the convention to

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<sup>17</sup> See <https://www.kidsrightsindex.org/> and <https://www.humanium.org/en/rcr/>

emphasize that these rights also apply to children. Freedom of expression, right to a fair trial are examples of this kind. In addition, several rights are specific to children and are included in the Convention as additional rights to protect children.

Besides being quite comprehensive, there is not a sanctions mechanism about the application of the Convention. There is the reporting mechanism between countries and UNCRC Committee regarding the assessment of child rights in the specific country. The country reports are prepared by the State Parties in line with the guidelines released by the UNCRC Committee. The country reports are followed by observation reports by the Committee in reporting cycles in every five years. The committee also works to prepare guidelines on special issues to enhance the true application of the child rights approach.

### **2.3.2. The literature on Child Rights**

The notion of child rights has been triggered a diverse set of debates for scholars. The debates can be divided into two main strands. One branch of the literature focuses on conceptualization, meaning and implications of rights whereas other branch highlights the issues about implementation of them. Some scholars handle the issue from the philosophical point of view and argue whether children can be bearers of rights and what can be those rights. Some scholars address the practical value of the Convention and work on the real changes in the lives of children.

Despite dissimilarities of conceptualization, there is not much space for debate when the early years of childhood is under discussion. Considering early years of childhood, moral, technical and cultural debates like who is a child, what children deserve or need lose their meaning. For instance, there is a consensus about young children's need for care and protection. Besides, care and education of young children can hardly be separated from each other since childcare has strong implications about child development in the early years of

life (Maccoby & Martin, 1983; Bornstein, 2002; Thompson, 2006). That is why some scholars conceptualize care of young children as 'educare'.

It is argued that first ten years of the Convention was a period of euphoria and states have realized how difficult it is to ensure those rights afterwards (Invernizzi & Williams, 2011). Unfortunately, the period of the adoption of UNCRC coincided with the aftermath of the rise of neoliberalism and the retrenchment debates. The economic and financial crises had hard hit the industrialized welfare states after the golden age of 1960s, but it was more distressing for some poor or developing countries to allocate resources for fulfilling even basic child rights like right to health and education. The importance of international assistance for developing countries in order to support their efforts to fulfill the rights of children is also emphasized in the Convention.<sup>18</sup>

Although child rights can be defined from different philosophical positions, Brighouse (2002) states that;

According to the interest theory of rights, the primary function of rights is the protection of fundamental interests. Since children undeniably have fundamental interests that merit protection, it is perfectly sensible to attribute rights, especially welfare rights, to them (Brighouse, 2002, p.31).

Despite a consensus on the efficient but not enough effects of child rights perspective, there are arguments as well. James & James (2005) highlight that despite the universal understanding of childhood which UNCRC has developed, it is also the most debated context within the politics of childhood. Moreover, they argue that the UNCRC is "aspirational rather than practical" (James & James, 2005, p.5).

It can be argued that freedoms gain visibility upon equality with the impact of rise of neoliberalism and in line with this trend the literature seems to be

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<sup>18</sup> See Preface and Article 4 of the UNCRC.

focused on participation rights of children upon rights of protection and development. Some scholars argue that the UNCRC itself is paternalistic and does not help children to be autonomous to enjoy their own rights. Scholars like Thomas attract attention to the difficulty of fulfilling rights as saying:

*Whatever talk there is about responding to children's needs holistically, it seems, therefore, difficult in practice to avoid being selective about which `needs` actually count (Thomas, 2005, p.20).*

Although it is hard to reach a consensus on the definitions of core values and principles of children's rights, the four principles are there to constitute a solid ground for further analyses and evaluation of rights in line with the research going on the childhood and child development literatures.



## CHAPTER 3

### CURRENT SITUATION IN TURKEY

#### 3.1. Introduction

Turkey is a “democratic, secular and *social state governed by the rule of law*, with the notions of public peace, national solidarity and justice, *respecting human rights* according to the Article 2 of its Constitution”. The mention of being a ‘social state’ can be interpreted as having the same meaning to be a welfare state. Besides, Turkey signed many agreements on human rights and children’s rights including UNCRC which means there is a rights-based understanding. However, the extent to which rights are realized and the extent to which they are reflected in social policies will be examined within the scope of this study.

It is important to understand Turkey’s experience as a welfare state since the focus of the study is social policies designed by state institutions. In order to understand the approach to child policy better, it is useful to discuss the nature of and the characteristics of social policies in the context of welfare state analysis. In addition, the current situation regarding young children and their daily life experiences and the role of state institutions regarding their rights are key issues to be addressed.

Since the role of the public sector will be examined in terms of realizing children's rights, it is important to look closely at the institutions in Turkey and to know what kind of policies are directed towards young children. In addition, human rights approach in Turkey regarding institutions, laws and practices relevant to child rights will be covered under a separate heading.

### **3.2. Turkey as a Welfare State**

There is a tendency in the welfare state analysis to group welfare states according to some common features. In his famous typology, Esping-Andersen distinguishes three worlds of welfare capitalism which are conservative, liberal and social-democratic welfare states. Despite a general acceptance of the typology, some scholars argue that there should be another group to include Southern European countries which have various specific differences regarding their welfare state regimes (Leibfreid, 1993; Ferrera, 1996; Arts & Gelissen, 2002). Some scholars assert that Turkey can be included in this additional welfare regime model due to its similarities to well-known examples of the model like Italy, Spain and Greece regarding limited role of the state in social assistance and the dominance of family as a welfare provider (Buğra&Keyder, 2003; Bütün, 2010).

The development of social policies in Turkey has a country specific background. Buğra (2007) mentions two points in the history of social policy environment in Turkey revealing the specificity of Turkish modernization experience. The first one is “very limited responsibility assigned to and assumed by the political authority in the realm of social assistance” which is in contrast with the emphasis put on etatism as a defining feature of the state in the foundation period. The second point is “the order of political and economic priorities in shaping the social policy environment” which was an order that is not compatible with “economic rationality” (Buğra, 2007, p35).

The rationale behind social policies in Turkey can be described as charity based ideologically instead of reflecting a rights-based approach. The main objective of the social policy measures can be identified as “administration of poverty” rather than maintaining social citizenship rights (Buğra, 2007; Gökbayrak, 2009). The state is far from providing social security in a universal basis that people may feel themselves free from market forces or dependent to family relations in cases of turbulent times of their lives.

The female participation rate in the labor force is approximately %34 in Turkey which is the lowest rate amongst OECD countries. The traditional understanding of gendered division of labor and lack of affordable childcare services can be mentioned as factors prevent mothers from working in paid jobs which could also contribute to alleviation of child poverty. The real intention of employment policies regarding women employment is obscure since increasing women employment is addressed in government discourse,<sup>19</sup> but it is hard to talk about comprehensive and inclusive policies that reconcile working and care responsibilities for women.

A change in the structure of labor market seem to be needed to attract women to enter workforce. Employees are suffering from insufficient wages and long working hours. Turkey has the lowest minimum wage with the highest average working hours among OECD countries. Working conditions have important consequences on families and children. Parents working long hours are poor with respect to time to allocate to their children which may affect child development in a negative way.

For instance, the social policies regarding children are centered around protection purposes like protection of alone children or child victims. The policies are not preventive and proactive but rather reactive in nature. The right

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<sup>19</sup> The speech of the Minister of MoFLSS in the sixty-third session of the Commission on the Status of Women in New York.

to protection prevails in childcare policies upon right to development for young children which is contradictory to the spirit of child rights.

### **3.3. An Overview of Young Children in Turkey**

In Turkey, it is hard to talk about a comprehensive social policy approach against young children. There is a policy mix including various forms and coverage concerning young children. Social policies targeting them are usually based on their parents. Some of the most prominent child policies are paid and unpaid parental leave, birth grants, minimum subsistence allowances for employees, CCTs upon education and health conditions, and financial assistance for poverty alleviation.

In Turkey, the answer to the question of ‘who cares children’ is predominantly mothers. Although children are taken care at home by their mothers generally, in some cases grandparents, relatives and nannies are also serving as at home childcare assistants to parents. Enrollment ratio of 0-3-year-olds to ECEC services is at a low level compared to industrialized countries which can be expected as a result of a low women employment ratio. Although there is a slight increase recently, it will not be wrong to say that the traditional perception about the role of women in the family and the lack of social and economic policies to lighten the burden of caregiver role of women for reconciling work and family life contributed to women’s not entering to workforce. Even if women work, having children is a common reason for quitting the working life. Hence, obligations about the family together with the insufficient care facilities resulted in the current situation in the labor force participation rates (Ilkcaracan, 2007; Bütün, 2010). Consequently, childcare policies are in a fragmented nature, instead of being universal.

The availability of early childhood education facilities in Turkey was not a political concern until recently. Public provision of ECEC covers a lower portion

of children compared to other welfare states.<sup>20</sup> The ratio of children having opportunity to attend at least one year of preschool is also lower than primary school attendance rates. Publicly funded or provided services are far behind OECD average.

Considering the typology of OECD, family day care is highly dominant compared to center-based day-care and pre-school early education programs in Turkey. In fact, there is not a clear distinction between center-based day-care and pre-school early education programs. Center-based day-care seems to intersect early education programs since they may also serve until the compulsory school age including preschool ages and provide early education programs. Center-based day-care can be understood as the total of all outside home care facilities including all for profit and nonprofit private providers. There are also several public childcare services for the children before preschool age, but they are very rare. Preschool is generally used to refer the preschool classes under public and private schools which is for one or two years prior to school age. The aim of preschool classes is mainly increasing school readiness of children rather than providing day care.

Relatives are a source of unpaid option of childcare in general. Babysitters are usually local people, while there are also several migrant babysitters who live in the same house with the family. At home childcare provision is generally informal except for formal childminders who have social security. On the other hand, center based childcare providers are generally working in a formal way. The public and private preschools are under the supervision of a ministry. However, the centers of faith-based organizations can be an exception. It is known that there is a significant number of outside home daycare centers

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<sup>20</sup> The total enrollment rate of 3-year-olds is %10 in Turkey, whereas it is %79 for OECD average. [https://read.oecd-ilibrary.org/education/enrolment-rates-in-early-childhood-education-and-care-ecec-and-primary-education-by-age-2005-2010-and-2017\\_fdadc1df-en#page1](https://read.oecd-ilibrary.org/education/enrolment-rates-in-early-childhood-education-and-care-ecec-and-primary-education-by-age-2005-2010-and-2017_fdadc1df-en#page1)

managed by faith-based organizations, but they are out of official supervision and there is not enough formal data on them.

In terms of financing the childcare services, families afford for the expenses to a large extent. There are some projects to support home-based childcare. For faith-based organizations they are more affordable if not free. They are known as nonprofit voluntary services. Buying childcare services from the private sector is out of the reach of most families regarding high costs. Public education and care facilities especially for children under 3 years of age is very limited and financial support from state is minimal. Local government share is also very limited.

Working parents have some problems ranging from the school hours' not being in line with working parents' needs and the commodification of care services due to insufficient public services. Parents tend to find the solution to send their children to private schools and etude centers after school or they are hiring nannies to overcome the mismatch between working and school hours. Lack of amenities for children like playgrounds and recreational areas and a child friendly environment including a child mainstreaming understanding in media are other general problems that can be faced by all parents.

### **3.4. The Public Institutions Responsible for Social Policies Regarding Young Children**

Currently, the Ministry of Family, Labor and Social Services (MoFLSS) is the most relevant government institution regarding social policies affecting children. MoFLSS has a large responsibility area that covers many realms of social policy. In addition to all regulations concerning labor, employment and social security system, MoFLSS is also responsible for family including the status of women in the society, services for elder and disabled people, poverty alleviation, and protection of lone children.

General Directorate of Child Services is the main body under the ministry that is responsible for policies about children. The departments of the directorate deserve special attention since it is the most relevant government unit concerning childcare policies and child rights. The departments which have executive duties regarding young children are;

- The Department of Support Services in Family,
- The Department of Care Services,
- The Department of Child Rights,
- The Department of Education and Community Support Services,
- The Department of Protective and Preventive Services,
- The Department of Social Rehabilitation Services,
- The Department of Research and Development and Project.

Considering duties and activities of the departments, it can be argued that the most highly mentioned function of the Directorate is the taking care of children under state protection. Most of the social projects are designed for children who are taken care in state institutions whether due to orphanage or protection decisions taken by courts according to the Child Protection Law.

The Department of Care Services is responsible for the services concerning care of children in need of protection. The child protection system is composed of three different kinds of institutions. Child Protection First Intervention and Assessment Centers are serving during the initial acceptance of the child in need of protection due to various reasons until the appropriate model of protection is determined. The institutional care services are held through the Child Houses Sites and Child Houses Coordination Centers.

The Department of Education and Community Support Services is for supporting specifically the children who are under one of the protection models. The main duty of the department is to pay attention to education and future employment opportunities of the children under state protection.

The Department of Support Services in Family is responsible for the execution of the services to support children in need within their families by providing financial and social assistance to their families. Recently, there is a tendency to support children inside their families as soon as it is possible instead of taking care of them under institutional care. As of 2018, 119.537 children are being supported under this model. The number of children who were turned back to their families between 2005 and 2017 is 11.485 which is close to the current number of children under institutional care which is 14.214. Adoption and foster family are other models of child protection under the supervision of the Directorate.<sup>21</sup>

The Board of Protection of Children from Harmful Publications have been regulated to work under the Ministry recently in 2018. The board monitors and audits publications to protect children from harmful effects may come from publications. Besides that, a list of child-friendly books for the children under 6 years old have been published by the General Directorate of Child Services in 2019.<sup>22</sup>

MoFLSS and MoNE have coinciding responsibility areas regarding child and family policies. In addition, they have a pivotal role in the realm of social policy making considering again the specific target age group of this study. MoFLSS is responsible in the realm of social policy making and social services including family and children in addition to regulating the labor markets. On the other hand, education services in the broader sense and preschool education specifically are provided under the provision of MoNE dominantly. However, there is an intersection set of competence between two ministries regarding especially early childhood education and care (ECEC) services for children younger than primary school starting age. MoH is responsible to provide

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<sup>21</sup> The year end data for 2018, reached from <https://www.ailevecalisma.gov.tr/chgm/istatistikler/> in 04.09.2019.

<sup>22</sup> <https://ailevecalisma.gov.tr/chgm/haberler/cocuk-dostu-kitap-listesi-guncellendi/>

healthcare services and has also responsibility about monitorizing child development.

MoNE has the leading role regarding educational concerns including determining the curriculum, setting rules, training teachers and families. Basic education department is responsible for executing preschool education. Although there had been an attempt to lower the school starting age to 60 months as of 2012, which would also lower the preschool age to four, the implementation was not found successful, and the government withdrew the regulation. Currently, compulsory school age starts from 69 months and preschool is available starting from 36 months only if there is vacancy in public preschools. However, most students going to public preschools are at the age of five for one year of preschool is prevalent according to statistics.<sup>23</sup>

Nowadays, mostly referenced policy paper in the area of education is '2023 Education Vision' prepared by MoNE. According to the strategy paper, preschool education for 5-year-olds will be compulsory by the year 2020. When the budget and distribution of resources of the Ministry are considered, there seems to be a decrease in terms of financial resources instead of allocating more resources especially regarding preschool education.<sup>24</sup>

The Ministry of Health is responsible for maintaining healthcare of children. Child mortality (infant and under-five mortality), vaccination, informing and monitoring mothers and pregnant women, monitoring basic health indicators of children are being executed by family medicine system. Currently, health insurance is free and available for all children under the age of 18.

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<sup>23</sup> Starting Strong 5, Eduskills OECD.

<sup>24</sup> The report on administration and finance of Education Reform Initiative (ERG), 2019

There are various committees under the Grand National Assembly of Turkey which are consisted of certain number of deputies working on specific issues. There are two types of committees; 'standing committees' are permanent and they are specialized on a certain issue. On the other hand, 'ad hoc committees' are established temporarily due to obtaining information and giving advice prior to the Plenary debates. Current Committees which have duties concerning children are:

- The Committee on National Education, Culture, Youth and Sports (ad hoc committee)
- The Committee on Health, Family, Employment and Social Matters (ad hoc committee)
- The Committee on Equal Opportunity for Women and Men (standing committee)
- The Committee on Human Rights Inquiry (standing committee)

The committees may have sub-committees to research the issues specifically. A sub-committee named as Sub-committee on Child Rights has been established very recently in July 2019. The efforts of the committee will be seen in the previous days.

### **3.5. An Overview of the Rights of Children in Turkey**

Firstly, Turkey is a state respecting human rights due to its Constitution. The Republic of Turkey is a democratic, secular and *social state governed by the rule of law*, with the notions of public peace, national solidarity and justice, *respecting human rights*" according to Article 2 of the Constitution. The principle of non-discrimination and equality before law are highlighted in the Article 10 of the Turkish Constitution by saying that "Everyone is equal before law without distinction as to language, race, color, sex, political opinion, philosophical belief, religion and sect, or any such grounds" which is in line with the spirit of Article 2 of the UNCRC adding a stronger motivation to take

children into consideration. Moreover, in case of a conflict between domestic and international law about fundamental human rights and freedoms, international law prevails upon domestic law due to the Constitution.

Turkey has ratified many international treaties regarding human rights and child rights. The major relevant Conventions which Turkey is a party to are listed below:

- United Nations the Convention on the Rights of the Child
- Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict
- Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography
- International Covenant on Civil and Political Rights
- International Covenant on Economic, Social and Cultural Rights
- European Convention on Human Rights
- European Convention on Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children
- European Convention on the Exercise of Children's Rights
- The Hague Convention on the Civil Aspects of International Child Abduction
- Optional Protocol to the United Nations Convention against Torture
- Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse
- Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention)

UNCRC is the most popular and significant document of law in the realm of child rights. The Articles of the Convention is legally binding for the ratified states unless they declare a reservation on an article. Turkey put reservations on Articles 17, 29 and 30 by declaring State Party's right to interpret and apply

the provisions of these articles in line with the Constitution of the Republic of Turkey and of the Treaty of Lausanne.

The aim of putting reservation to these articles is mainly to avoid possible complications about Kurdish people living in Turkey. Kurdish people are not recognized as a minority but as equal citizens under the Treaty of Lausanne and the Constitution. On the other hand, Turkey usually faces a widespread criticism about not respecting freedom of expression of especially its Kurdish citizens. The UN Committee on UNCRC strongly recommends and encourages Turkey about the withdrawal of these reservations.

An attempt about priming child rights by the state was the establishment of Child Rights Monitoring and Assessment Board which was founded in 2012 and adopted the National Child Rights Strategy Document in its first meeting. However, there were debates about the adopted policy paper. Some of the child rights advocates asserted that the policy paper was different from the one which was written with the participation of civil society organizations. The debate continued as time passed. The board did not meet again which interrupted the process of application of the document and some civil society members withdrew their support from the Board.<sup>25</sup>

The Strategy and Budget Presidency (the Ministry of Development with its prior name) is responsible for the preparation of the national plans that all government policies should be in accordance with. The government institution prepares national plans for every five years and is responsible in the upper level policy making. In the Eleventh National Plan which covers the years between 2019 and 2023, the main objective concerning children is stated as “to promote child well-being on the basis of children's best interests, to increase the opportunities for them to realize their potential and to reduce

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<sup>25</sup> <http://www.hurriyet.com.tr/egitim/cocuk-vakfi-cocuk-haklari-izleme-ve-degerlendirme-kurulu-ndan-cekildi-24438882>

inequality of opportunities".<sup>26</sup> Early childhood period is addressed under the heading of 'Policies and Measures' as:

*It will be ensured that accessibility and quality of services will be increased with the provision of services for early childhood care, education and development.*

However, in official reports and strategic plans child rights are hardly mentioned as a policy goal or target.

In Turkey, there is not a formal discrimination by state in terms of reaching public goods and services. Mainly, there is not official barriers based on ethnicity, cultural difference, sex or any other kind of discrimination. All children have the right to attend public schools and it is compulsory for primary, secondary and high school education. All children have the right to free access to public hospitals independent of their parents' social security status until the age of 18. For Turkish citizens, there are no eligibility criteria that distorts equality regarding access to education and health. Unfortunately, these are not enough to ensure that all children enjoy their rights equally.

In the Article 28 of UNCRC it is said: "State Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity..." In terms of right to education, all children have a right to start primary school in Turkey. The starting age is 69 months-old by now. The public education is free and compulsory for 12 years (4+4+4) from 2012 onwards. However, pre-school is not yet compulsory or seen as a right to ensure.

The quality of services provided by state is expected to be the same in different locations. States usually allocate resources to overcome developmental disparities among regions. In this respect, east and southeast Anatolia region,

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<sup>26</sup> <http://www.sbb.gov.tr/wp-content/uploads/2019/07/OnbirinciKalkinmaPlani.pdf>

especially rural places, seem to be disadvantaged in terms of equal opportunity. This regional development deficiency has certain effects on children living there. For instance, there are no public ECEC facilities among most villages. Lack of amenities together with a higher probability of child poverty due to demographic differences in rural settlements result in a significant disruption of child well-being.

There are various state institutions and departments individuals can apply when they think their rights are violated. In the realm of child rights specifically, the Ombudsman Institution was established including a deputy ombudsperson for women's and children's rights in 2012. The purpose of the Institution is stated as being "an independent and efficient complaint mechanism regarding the delivery of public services and investigate, research and make recommendations about the conformity of all kinds of actions, acts, attitudes and behaviors of the administration with law and fairness under the respect for human rights".

In the annual report of the ombudsman institution, it is said that the institution plays a significant role in the promotion and protection of child rights since children can directly file an application through a web page prepared for child users since 2018. Moreover, due to a cooperation started in 2015 with MoNE, the information about the Institution was added to curriculum of 4<sup>th</sup> grades and elective courses of secondary schools. Consequently, the institution received many applications from children living in different cities of Turkey.<sup>27</sup>

It is an exclusive right for children that they can achieve a complaint mechanism by themselves. However, it is obvious that the complaint mechanism is for the literate children who have access to internet services. Furthermore, although the applications of children are received from a different

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<sup>27</sup> (Ombudsman 2018 Annual Report)

child-friendly channel, there is not a specific unit dealing with children under the institution when considering the organization scheme.

The table below is produced from the statistics which are reached from official website of The Strategy and Budget Presidency with a view to understanding the current situation regarding children in Turkey.

Table 3-1: Indicators about children in Turkey (Author's own compilation based on the data of The Strategy and Budget Presidency)

| <b>Indicators for health</b>                             | <b>2007</b> | <b>2017</b> |
|----------------------------------------------------------|-------------|-------------|
| Infant mortality rate (per 1000 live births)             | 13,9        | 6,8         |
| Life expectancy at birth                                 | 75,8        | 78          |
| Number of patient beds per 10.000 people                 | 25,2        | 27,9        |
| Number of doctors per 10.000 people                      | 154         | 186         |
| The ratio of quality patient beds                        | 25          | 67,1        |
| <b>Indicators for education</b>                          | <b>2010</b> | <b>2018</b> |
| Gross schooling rate for preschool level (4-5-year-olds) | 38,6        | 57,6        |
| Number of teachers for preschool level                   | 42716       | 84257       |
| Number of students for preschool level                   | 980.654     | 1.501.088   |
| Number of classes for preschool level                    | 45.703      | 78.852      |
| <b>Indicators for culture</b>                            | <b>2008</b> | <b>2018</b> |
| Number of libraries                                      | 1.156       | 1.152       |
| Number of museums                                        | 286         | 445         |
| Number of theaters                                       | 204         | 783         |
| Number of culture centers                                | 70          | 113         |
| <b>Indicators for social protection</b>                  | <b>2007</b> | <b>2017</b> |
| Human Development Index (HDI) value for Turkey           | 0,708       | 0,791       |
| The ratio of social expenditures to GDP (%)              | 14,2        | 16,3        |
| Education                                                | 3,1         | 3,9         |
| Health                                                   | 4,0         | 3,7         |
| Social protection                                        | 7,1         | 8,7         |

The indicators concerning health care services point out improvements in all kinds of indicators especially regarding the decline in the infant mortality rate. There are also improvements with respect to education indicators regarding the increase in the school enrollment level of preschool children. However, considering the class size and student/teacher ratios, there is not a significant improvement.<sup>28</sup>

HDI rank seems to have risen significantly from 0,708 to 0,791 which nearly corresponds to a 10 percent. In terms of government spending, the total expenditure for social policy services including education and social protection have risen whereas there is a decrease in the expenditure for health.

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<sup>28</sup> The class size decreases from approximately 21 to 19.

## **CHAPTER 4**

### **THE ANALYSIS OF CHILD RIGHTS AND POLICIES REGARDING YOUNG CHILDREN**

#### **4.1. Introduction**

The main objective of this study is to elaborate human rights perspective in the area of social policy concerning children in the broader sense. The significance of mainstreaming a rights-based approach in social policy areas considering young children will be discussed intellectually at the beginning. The analysis on the Convention and the assessment of Turkey is conducted under two following sections.

In the first section, a framework will be developed as a methodological tool based on the UNCRC. While evaluating social policies with respect to child rights, there is a need to reconcile them for practical reasons. For instance, for evaluating whether a child policy conveys the general spirit of children's rights, a standing point is needed to base the evaluation on. The framework will be based upon the four principles of the UNCRC, since the Convention is assumed to be reflecting the rights of children in a comprehensive way and the four principles are accepted to be the guidelines. The practical reason using a framework stems from the difficulty of referencing all the relevant Articles of the Convention in the assessment of the social policies concerning young children. In the second section, the framework will be used in the assessment of social policies regarding children in Turkey.

After determining the current child-related services executed by selected ministries relevant to investigate, the evaluation of social policies in Turkey will be centered around the framework composed of four principles and social policy goals to realize them deduced from the Articles of the Convention. While assessing a policy in terms of four principles, social policy goals provides guidance to answer the questions about the policy like whether the principle of best interest of the child has been pursued, whether the rights to survival, development and protection relevant to young children are maintained and what does right to be heard and nondiscrimination imply for young children.

#### **4.2. The Significance of Mainstreaming a Rights-Based Approach in Social Policy Areas Considering Young Children**

The human rights perspective serves as a solid ground for promoting child well-being since it is valued and respected in moral, political and legal terms. The perspective has the potential to bring international organizations, government institutions, non-governmental organizations and society together around the same goal especially concerning inclusion of disadvantaged groups. Therefore, social policy practices based on the understanding of human rights may have a higher chance of success.

Child rights have implications about child welfare and include many dimensions of child well-being. For instance, Article 26 of the Convention recognizes “the right to benefit from social security, including social insurance” for every child. In Article 27, it is said that “State Parties recognize the right of every child to a standard of living adequate for the child’s physical, mental, spiritual, moral and social development.” in line with the definition of child well-being. So, advocating child rights also means advocating higher welfare for all children.

The concepts used in theorizing social realm of life is significant, since the perception created by these concepts affects social structures in certain ways. First, the perception of politicians and policy makers have effects on the design

of the policies. When child rights are expressed more as a primary goal in the policy agenda, fulfillment of child rights would be reflected in the policies as well. Second, it can be argued that the discourse of government authorities and the rationale behind social policies affect perceptions and behaviors of the society as well. Raising awareness in this way may affect children's daily lives in a more effective way than top to bottom policies.

All countries are not welfare states but nearly all countries have ratified the UNCRC. The Convention which constitutes the main advocacy document about child rights, is a legal text. Child well-being or child welfare may not always be the primary policy goal under different country specific conditions. However, mainstreaming child rights can make a change universally. The convention constitutes a legal protection and a moral basis that is essential for the advocacy of child policies not only in the welfare states but also in all the states that has adopted UNCRC.

Furthermore, a rights-based approach has a potential to promote child well-being in a more sustainable way than social policy agendas backed by governments since welfare state policies are prone to political populism. In addition to its legal value, it has a value in the sense that the policy goals highlighted in the Convention keep governments stay in track. Besides, due to reporting mechanism, there is a blaming and shaming effect in the national and international area which may motivate governments to pay attention to promote child policies.

The principles of a rights-based approach help to prevent discrimination against disadvantaged groups. Welfare state policies imply nationality since the targeting mechanism is based on citizenship in general, whereas human rights perspective imply all humanity as being equal in terms of fundamental human rights. It can be argued that the socioeconomic rights especially are mentioned in the national context whereas human rights are mentioned for international matters in general. Citizenship regime may change from state to

state, but human rights constitute a solid ground that is fundamentally recognized. In this sense, this perspective is a cure for contemporary problems like irregular migration and child poverty all around the world.

Social policy is a tool or a mechanism of political bargaining in a way. The demands of politically powerful groups (meaning crowded groups of voters) are expected to be realized more than minorities or non-voters. (reference to power relations theory) In this sense, children can be considered as the weakest social group in the society. They do not have a say regarding demanding their rights despite being a crowded group demographically. The child rights give children their voice. They are not left to mercy of adults or their families if their rights are promoted by state institutions as well as being ensured by the law. (Qvortrup, 2008)

To summarize, the child rights perspective based on the Convention;

- Serves as a moral and legal ground for child well-being
- Provides comprehensive policy objectives for child welfare
- Prevents political authorities to come up with their agendas conflicting with children's rights,
- Keeps welfare states in track, politically sustainable
- Helps avoiding discrimination
- Advocating or mainstreaming rights has a transforming effect for other agents as well

#### **4.3. Reconciling Child Rights Perspective with Social Policies/State Interventions Concerning Young Children**

In this part of the study, a methodological tool will be developed to bring the child rights perspective in line with social policies associated to young children. The assessment of child policies with respect to the Convention requires interpreting the articles of the Convention from the viewpoint of social policy. By reading the Convention through the lens of the social policy and by

reinterpreting its articles in line with the concepts used in the welfare state literature, a theoretical framework will be put forward. In establishing this framework, the four basic principles of the convention which are also highlighted by the UNCRC committee will be used. The principles offer a very brief summary of the guidelines of a child mainstreaming understanding. The four principles are as follows:

- I. Nondiscrimination
- II. Best interests of the child
- III. The right to life, development and protection
- IV. Respect for the views of the child

The four principles carry four dimensions of a child centered human rights perspective. First, all human beings under the age of eighteen are recognized as children and all rights and freedoms are applied to all children all over the world. Nondiscrimination principle entails a universalistic understanding while designing policies. The right to life, development and protection entails healthcare, education, social security, poverty alleviation and can also be correlated to fundamental human rights of life and liberty. The principle of respect for views of child reflects freedom of speech and highlights children's right to participation.

The principle of best interest of the child can be identified as the dimension which is unique to the realm of the rights of children. It reflects an understanding of child mainstreaming in all realms of life. It constitutes standards of policy making in all actions concerning children. Although some specific rights have gained a worldwide popularity, there are 54 articles in the Convention and some provisions do not fit the scope of this study due to the age group of interest. So, for being precise, determining some general concepts that suits the spirit of the Convention is more practical instead of evaluating all provisions one by one. In determining the concepts to evaluate social policies specific to young children, all 54 articles are reinterpreted and summarized as follows:

## **Part 1 of the Convention**

- Article 1, definition of a child
- Article 2, non-discrimination
- Article 3, best interests of the child
- Article 4, measures for the implementation of the rights
- Article 5, respecting the responsibilities, rights and duties of parents
- Article 6, right to life
- Article 7, right to identity
- Article 8, appropriate assistance and protection to reestablishing identity
- Article 9, separation from parents
- Article 10, right to leave any country
- Article 11, combat the illicit transfer and non-return of children abroad
- Articles 12-16, freedom of speech, thought etc.
- Article 17, access to information (via mass media)
- Article 18, assistance to parents, childcare facilities
- Article 19, protection from all forms of violence
- Article 20, protection and alternative care for deprived children by the state
- Article 21, the system of adoption
- Article 22, protection of refugee children
- Article 23, inclusion of children with disabilities
- Article 25, the right to be informed about treatment etc.
- Article 26, the right to social security
- Article 27, the right to adequate standard of living
- Article 28, the right to education
- Article 29, objectives of education
- Article 30, the rights of minorities to enjoy their own culture, religion and language

- Article 31, the right of the child to rest, leisure and play
- Article 32, protection from economic exploitation (child labor)
- Article 33, protection from drugs
- Article 34, protection from sexual exploitation and sexual abuse
- Article 35, prevention of abduction, sale and trafficking of children
- Article 36, protection from all other forms of exploitation
- Article 37, in case of arrest, detention or imprisonment of a child
- Article 38, in case of armed conflicts
- Article 39, recovery of child victims of any kind
- Article 40, in case of alleged as, accused of, or recognized as having infringed the penal law
- Article 41, prevalence of the conducive law

## **Part 2 of the Convention**

- Article 42, making the Convention widely known
- Article 43, establishment of the Committee
- Article 44, reporting mechanism
- Article 45, cooperation between international organizations

## **Part 3 of the Convention**

Articles 46-54, technical issues like ratification, accession, amendments and reservations about the Convention.

After summarizing the articles, some selected articles are evaluated to be related to young children in a direct way and assign responsibility to the State Party. The table below shows articles of UNCRC that are mostly relevant and applicable to the young children and their reinterpretation as 'social policy goals' regarding to maintain them in the context of welfare state. The logical relationship between the articles and principles are shown in the table by quoting the associated parts of the Articles in the UNCRC. The discussion on

relating the principles to social policy goals associated to welfare state analysis will be explained separately according to each principle following the table.

Table 4-1: The relevant Articles of the UNCRC associated to principles and social policy goals concerning young children.

| Article number in the UNCRC | Key words and statements from the article                                                                                                  | Principle/principles associated to article/articles | Social policy goals                         |
|-----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|---------------------------------------------|
| Article 2                   | ...respect and ensure the rights...without discrimination                                                                                  | Non-discrimination                                  | Equal opportunity                           |
|                             | ...take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment...                | Non-discrimination                                  | Positive discrimination                     |
| Article 3                   | ...the best interests of the child...                                                                                                      | Best interests of the child                         | Right to care<br>Right to protection        |
|                             | ...such protection and care as is necessary for his or her well-being...                                                                   | Right to life, development and protection           |                                             |
| Article 6                   | ...right to life.<br>...the survival and development of the child.                                                                         | Right to life, development and protection           | Right to life<br>Right to development       |
| Article 7<br>Article 8      | ...right from birth to a name, the right to acquire a nationality...the right to know and be cared for by his or her parents.              | Right to life, development and protection           | Right to identity                           |
| Article 17                  | ...access to information and material...<br>...protection of the child from information and material injurious to his or her well-being... | Right to life, development and protection           | Right to development<br>Right to protection |
| Article 18                  | ...appropriate assistance to parents...the development of institutions, facilities and services for the care of children                   | Best interests of the child                         | Right to care<br>Assistance to caregivers   |

Table 4-1: The relevant Articles of the UNCRC associated to principles and social policy goals concerning young children.

| Article number in the UNCRC | Key words and statements from the article                                                                                                                                                                                                                                                      | Principle/principles associated to article/articles                          | Social policy goals                                                |
|-----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|--------------------------------------------------------------------|
| Article 19                  | ...all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence...                                                                                                                                          | Right to life, development and protection                                    | Right to protection                                                |
|                             | ...the establishment of social programmes to provide necessary support for the child and for those who have the care of the child...                                                                                                                                                           | Respect for the views of the child                                           | Availability of complaint mechanisms<br>Awareness of the community |
| Article 20                  | A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.<br>... ensure alternative care for such a child... | Best interests of the child<br><br>Right to life, development and protection | Right to care<br><br>Right to protection                           |
| Article 23                  | ...States Parties recognize the right of the disabled child to special care...                                                                                                                                                                                                                 | Non-discrimination                                                           | Positive discrimination                                            |
| Article 24                  | ...right of access to such health care services...                                                                                                                                                                                                                                             | Right to life, development and protection                                    | Right to health                                                    |
| Article 26                  | ...for every child the right to benefit from social security, including social insurance                                                                                                                                                                                                       | Right to life, development and protection                                    | Right to protection<br>Right to social security                    |
| Article 27                  | ...the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral, and social development.                                                                                                                                                       | Right to life, development and protection                                    | Child development<br><br>Assistance to caregivers                  |

Table 4-1: The relevant Articles of the UNCRC associated to principles and social policy goals concerning young children.

| Article number in the UNCRC | Key words and statements from the article                                                                                                                               | Principle/principles associated to article/articles | Social policy goals                          |
|-----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|----------------------------------------------|
|                             | ...assist parents and others responsible for the child to implement this right...                                                                                       | Best interests of the child                         |                                              |
| Article 28                  | ...the right of the child to education...on the basis of equal opportunity...                                                                                           | Right to life, development and protection           | Right to education                           |
| Article 29                  | ...the education of the child shall be directed to: the development of the child's personality, talents and mental and physical abilities to their fullest potential... | Right to life, development and protection           | Right to education<br>Right to development   |
| Article 30                  | ...to enjoy his or her own culture, to profess and practice his or her own religion, or to use his or her own language.                                                 | Nondiscrimination                                   | Equal opportunity<br>Positive discrimination |
| Article 31                  | ...the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child...                                     | Right to life, development and protection           | Right to play                                |
|                             | ...shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.                                      | Nondiscrimination                                   | Equal opportunity                            |
| Article 36                  | State Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.                                        | Right to life, development and protection           | Right to protection                          |
| Article 42                  | State Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active                                                 | Respect for the views of the child                  | Awareness of the community                   |

Table 4-1: The relevant Articles of the UNCRC associated to principles and social policy goals concerning young children.

| Article number in the UNCRC | Key words and statements from the article | Principle/principles associated to article/articles | Social policy goals |
|-----------------------------|-------------------------------------------|-----------------------------------------------------|---------------------|
|                             | means, to adults and children alike.      |                                                     |                     |

Notes: 1. The articles about protection of children from violence, abuse, exploitation, armed conflict, detention etc. are aggregated under the Articles 19 and 36 associated to the principle of the right to life, development and protection, hence are not included in the table separately.

2. The articles about the technical implementation of the Convention -starting from article 43- are not mentioned in this table as well. The articles about fundamental freedoms are omitted since they are more valid in the later years of childhood, not considered to be relevant for the extent of this study which is limited to young children.

3. The selection of Articles and their representation under principles and concepts reflects the Author's point of view. The Articles are legally binding, whereas other objections are commentary.

#### 4.3.1 Non-Discrimination Principle

Non-discrimination principle with respect to child rights means ensuring rights to all children regardless of any kind of difference like a child's race, ethnicity, language, sex, family status or background, and disability. The Article 2 of the UNCRC is the standpoint of non-discrimination principle and it includes two paragraphs. In the first paragraph it is stated that "State Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind..." (UNCRC, Article no:2, Paragraph no:1) to emphasize the responsibility of state not to discriminate.

In the second paragraph of Article 2, the Convention gives the State Party the responsibility of taking "...all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members." This part gives the State the duty of making necessary interventions to protect children from discrimination or punishment due to their family situation.

There are two kinds of duties of the State regarding non-discrimination principle. The first one is simply not discriminating any children while ensuring their rights. Having equal access to a public service or equality in front of law can be examples of non-discrimination in practice. In this sense, non-discrimination has strong implications about equality. The second aspect of non-discrimination is related to prevention of children from discrimination which means -besides not discriminating- taking necessary measures to promote non-discrimination. This aspect can be understood in relation to equity. When equality is not enough for ensuring non-discrimination, additional measures should be taken to ensure equity.

The first provision of the Article is a 'negative responsibility' because it does not imply an intervention, while the second one is a 'positive responsibility' since it implies intervention. Two aspects complement each other to reach a perfect state of non-discrimination. Hence, I will elaborate on two aspects of non-discrimination under two subtitles which are equal opportunity and positive discrimination.

I will rely on the term equal opportunity for assessing the negative responsibility of state since the concept can be understood with respect to accessibility of amenities and quality of services as well as availability of material means. Even though children have access to similar services, the service one receives may be in poorer quality. If the conditions provided by

state is distinctly poor in certain localities compared to others, then it can be speculated that there is discrimination against the people living there.

Positive discrimination is a concept that is used for equity measures which support children in the way they need most to overcome their disadvantages compared to their peers. Although state seems to stand in equal distance to all citizens and children, there can be some exemptions and positive discrimination to include disadvantaged social groups. Poverty, coming from a migrant family, speaking a foreign language, cultural differences, and disability are some cases that additional measures are required to achieve full realization of children's potential.

Sometimes two or more disadvantages come together that families and children become more vulnerable unless they are assisted. For instance, a disabled child having a poor family faces the risk of being excluded more than others in the society. When the family is incapable of supporting their children against certain risks, the State should be there to intervene. This is not only a moral obligation, but a duty of the state due to the Convention. In the Article 23, it is stated that "States Parties recognize the right of the disabled child to special care".

#### **4.3.2. Best Interest of the Child Principle**

Article 3 is highlighted as the primary source of the principle due to the expression that "the best interests of the child shall be a primary consideration". The notions of 'best interests of the child' and 'well-being' are mentioned under the same article. It is stated that "such protection and care as is necessary for his or her well-being". In the Article 27 of UNCRC, "the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development" is recognized. The article reminds the definition of the concept of child well-being even though it is not stated in the exact same way.

In the Articles 27 and 18, it is pointed out that parents have the primary responsibility for the child's development by concerning best interests of the child. State Parties shall take appropriate measures to assist parents in accordance with national conditions and within their means. Assistance to caregivers is mentioned as saying that "State Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities" in the Article 18.

In the second and third paragraph of the Article 18 the responsibility of the state to maintain availability of childcare facilities is stated as follows:

...shall ensure the development of institutions, facilities and services for the care of children. State Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from childcare services and facilities for which they are eligible.

Moreover, the importance of competent supervision regarding institutions, services and facilities are mentioned in the Article 3.

Best interest of the child principle is highlighted with the responsibility of the state to provide care alternatives and assistance to parents, when it is necessary, in a manner considering child well-being. In this respect, right to care represents the rights of the children without company and children in need of protection who the State is responsible for the provision of care. It is stated in the Article 20 in the following way:

A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State. States Parties shall in accordance with their national laws ensure alternative care for such a child.

Assistance to parents represent provision of childcare facilities to parents such as public service provision to assist especially working parents as it is stated in the Article 18 as:

States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children. States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible.

#### **4.3.3. Right to Life, Development and Protection Principle**

The rights to life, development and protection are expressed together under one principle since it is hard to discriminate them regarding the uniqueness of childhood period. Right to life and protection are realms that state interventions are considered to be required only when the family of children fails to maintain them. However, there is much to do in terms of social policies concerning the development of children. The right to development shall be the primary concern especially for children under the school age. State shall employ specific policies by assisting parents and supervising childcare institutions to promote child development proactively.

The right to education is one of the most highlighted rights of the children that most states implement policies toward making education more inclusive. The Articles 28 and 29 of the Convention point out the right to education and the objectives of education respectively. Besides being a child right, right to education is a fundamental human right which is stated in many other human rights treaties. The first time it was mentioned was in the Universal Declaration of Human Rights in 1948 as saying “education shall be free, at least in the elementary and fundamental stages” and it has been highlighted since then including the ICESCR and ICCPR. (Parkes, 2013, p.123) Moreover, in the European Convention on Human Rights 1950, it is stated in the Article 2 that “no person shall be denied the right to education”.

Article 29 is about the aims of education and mainly development of children. The objectives of the education are enumerated with respect to development of various abilities which is in line with the child well-being approach. The first

paragraph of the article consisting of 5 provisions is like a definition or a summary of the right to development. It can be argued that putting more emphasis on the right to development compared to right to education will not be wrong considering the preschool ages of children.

Although specific concerns about protecting children are addressed under several articles, the general implications concerning implementation of the protection rights is stated in the Article 19 as:

States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

Right to identity is another fundamental right about ensuring best interest of the child principle regarding its relation to fulfilling other rights. If a child is not entitled to a name and nationality from birth, his or her rights will be at risk. Without a name and without a proper official recognition, children will not be identified as citizens enabling them to achieve certain services from any state.

For example, UNICEF highlights the right to be recognized as a person before the law as a prerequisite and reminds that in legal protection proof of age is needed to help prevent children from underage recruitment into the armed forces, child labor and child marriage etc.<sup>29</sup>

#### **4.3.4. Respect for Views of the Child Principle**

Article 12 constitutes the standpoint of the principle of respecting the views of children. It is stated in the first part of the Article that:

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<sup>29</sup> Visit <https://data.unicef.org/resources/birth-registration-for-every-child-by-2030> for more information.

State Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

In the literature this article is generally mentioned as the right of the child to be heard. All children who are capable of forming their own views have the right to express them and also have a right for their views to be given 'due weight' even for young children. Children are not a homogeneous group and age and maturity are set as criteria for giving appropriate weight to their views. (Parkes, 2013, p.267) Since the scope of this study is narrowed to very young children, the right of young children to be heard can be identified upon concerns about the attitude of adults against young children instead of children's freedom of expression. Hence, for young children, the principle of respect for the views of children can be presented in relation to the awareness of their parents and community since they are heavily dependent on their parents and lack the maturity to claim their rights through appropriate institutional mechanisms.

The attitude of parents and other people towards children, an encouraging family environment, caregivers' knowledge about their behaviors' effects on children, cultural traditions concerning child rearing, availability of coral punishment are matters that can be addressed through raising awareness in the society. If people are not aware that the ideas of children deserve respect and recognition due to their right to be heard, they are not expected to give attention to thoughts and choices of children. In this regard, the perception about children in the society is important. State institutions may have a role in shaping this perception by informative activities such as education programs or awareness campaigns.

Table 4-2: The framework offered by this thesis for the assessment of social policies in terms of child rights (particularly for young children)

|                           |                                   |                                                  |                                   |
|---------------------------|-----------------------------------|--------------------------------------------------|-----------------------------------|
| <b>Non-discrimination</b> | <b>Best interest of the child</b> | <b>Right to life, development and protection</b> | <b>Respect for views of child</b> |
|---------------------------|-----------------------------------|--------------------------------------------------|-----------------------------------|

|                                                                                                          |                                                                                                       |                                                                                                                                                                                                                                                                                     |                                                                                |
|----------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>• Equal opportunity</li> <li>• Positive discrimination</li> </ul> | <ul style="list-style-type: none"> <li>• Right to care</li> <li>• Assistance to caregivers</li> </ul> | <ul style="list-style-type: none"> <li>• Right to life</li> <li>• Right to health</li> <li>• Right to education</li> <li>• Right to development</li> <li>• Right to play</li> <li>• Right to protection</li> <li>• Right to social security</li> <li>• Right to identity</li> </ul> | <ul style="list-style-type: none"> <li>• Awareness of the community</li> </ul> |
|----------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|

The framework, composed of four main principles and subtitles under each principle, is a reinterpretation of the Convention by considering especially young children. It is a summary of the spirit of the Convention adapted to represent the rights of young children in a more direct way. Principles are like the core values that should be applied to each intervention regarding children in the widest meaning. The subtitles deduced from the relevant articles of the Convention represent the specific policy areas to promote the realization of that principle. Additionally, the subtitles can be referred one by one as realms of welfare state interventions to be assessed with respect to child rights. They serve as a guiding list of social policy objectives to make sure relevant rights for young children are covered in accordance with child rights principles.

#### **4.4. Using the Child Rights Approach for Analyzing Social Policies Towards Young Children in Turkey**

The UNCRC, as being the main standpoint of child rights perspective so far in the national and international arena, addresses many human rights adapted according to specificities of children. State institutions in the national level - with international cooperation where needed- are responsible from the implementation of the rights encoded in the Convention.

State institutions in Turkey are going through a transformation period due to changes in the government system after the referendum which took place in 2017. The former two ministries, The Ministry of Labor and Social Security and the Ministry of Family and Social Policy were merged under the name of the Ministry of Family, Labor and Social Services (MoFLSS) within the new

structure of government administration. Although three ministries, MoFLSS, MoNE and MoH are more active considering child-related issues, in order to ensure covering all relevant services about children, the services provided by ministries below will be under investigation. They are<sup>30</sup>:

- Ministry of Family, Labor and Social Services
- Ministry of National Education
- Ministry of Health
- Ministry of Justice
- Ministry of Interior
- Ministry of Youth and Sports
- Ministry of Culture and Tourism

The ministries have various government departments and affiliate institutions under the scope of their authorities. I address services given by ministries omitting other government agencies due to their dominant role in the execution of public services. I utilized HEYS module under KAYSİS system which is an official website that serves as a web-based government inventory of all services under each government unit.

By searching all services under selected ministries one by one and filtering according to the word ‘child’<sup>31</sup>, I prepared tables matching the services targeting children with four principles of the UNCRC. The services are categorized under each government unit and policy names for services are determined in accordance with the objective of the services deduced from the explanation of the service. Furthermore, the age interval and target group of services are included in my investigation. A positive sign will be available under

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<sup>30</sup> The ministries which are not included in this study are the ministries of Trade, Foreign Affairs, Agriculture and Forestry, Energy and Natural Resources, Environment and Urbanization, Transport and Infrastructure, Treasury and Finance, Industry and Technology, and National Defence.

<sup>31</sup> I searched for the word ‘çocuk’ which means child in Turkish. There is not a convenient word in Turkish for narrowing the search only to young children.

the most relevant principle or principles enhanced in relation to the policy areas determined in the previous section.

Pursuant to Law No. 5018, all government institutions are responsible for informing the public about their services due to providing a transparent and accountable administration.<sup>32</sup> In line with the initiative of the digital transformation of the state, all the activities of government institutions carried out at the administrative level are recorded in the data system under the coordination of one of the four Presidency agencies (Avaner & Fedai, 2019). So, there are reasons to rely on the HEYS<sup>33</sup> system as a comprehensive representation of current state policies within the scope of KAYSİS project. The definition of the services, laws and regulations related to the services, the field in which the service is delivered and whether it is initiated on request or automatically are among the information provided in the system. It is possible to find traces of all policies in this inventory whether it is cash transfers, audit or regulation and public service. Therefore, it provides a good opportunity to review government services without skipping any services.

There are some points to highlight before moving to analysis of tables. First, while filtering the services under selected ministries, I have omitted some services containing the word 'child' in the explanation, because they associate to administrative processes rather than providing service. Secondly, if an age group is not specified in the explanation of service and unless it is known otherwise, I presented the age group as 0-18 in the table. Besides, if the word child addresses a person older than age of 18, I have omitted those services as well since they cannot be named as child policies.

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<sup>32</sup> Public financial management and control law adopted in 10/12/2003.

<sup>33</sup> For more information you can visit the website of Presidency Digital Transformation Office at <https://cbddo.gov.tr/dijital-donusum/>

Table 4-3: Directorate General of Child Services under MoFLSS

| GOV. UNIT                                              | POLICY                                                                      | NON-DISCR. | BEST INTEREST | RIGHT TO LIFE | RESPECT FOR THE VIEWS | AGE RANGE | TARGET GROUP                   |
|--------------------------------------------------------|-----------------------------------------------------------------------------|------------|---------------|---------------|-----------------------|-----------|--------------------------------|
| Department of Homestay Support Services                | Foster family                                                               |            | +             | +             |                       | 0-18      | Children in need of protection |
|                                                        | Adoption                                                                    |            | +             | +             |                       | 1-18      | Children in need of protection |
| Department of Education and Community Support Services | Following the school success of the children under institutional protection |            | +             | +             |                       | 0-18      | Children in need of protection |
| Department of Care Services                            | Care services for the children under institutional protection               |            |               | +             |                       | 0-18      | Children in need of protection |
| Department of Social Rehabilitation Services           | Child support centers for children dragged into crime                       |            |               | +             | +                     | 0-18      | Children dragged into crime    |
| Department of Child Rights                             | Awareness raising for child rights                                          |            |               |               | +                     |           | Community                      |
|                                                        | 20 November, Child Forum                                                    |            |               |               | +                     |           | Community                      |
|                                                        | World Girl Day                                                              |            |               |               | +                     |           | Community                      |

The general directorate of child services is important as it is the government agency that is responsible for coordination of children's rights.<sup>34</sup> The way the institution works and the policy areas it focuses on provides insights as to its approach to children's rights. For example, when the duties of the education and community support services department are examined in line

<sup>34</sup> In the reports sent to the Committee on the Rights of the Child, it is stated as the institution responsible for coordination.

with the explanation of the service in the HEYS system, it is understood that the education here refers to the education of children under institutional care<sup>35</sup>. The care services department provides care for only children under institutional care. The department of social rehabilitation services provides support for crime-driven children. So, the main service area of the directorate seems to be focused on the children under state protection in practice.

When the services provided by Department of Child Rights are considered, it can be summarized as raising public awareness about children's rights. For this, the date of the adoption of the UNCRC and the International Day of Girls are celebrated. However, a study or information on the impact analysis or accessibility of these events could not be accessed when the annual report of the institution was reviewed in the previous chapter.

In terms of the administrative and executive activities carried out by the Directorate General of Child Services in general, it is remarkable that the institution carries out service-oriented policies. Cash transfers are not the policy instruments used. Moreover, the institution's policies on child protection appear to be related to the care of children protected by a Court decision. In other words, as a child protection regime, there is a reactive approach based on court decisions. Proactive policies have not been designed to improve the protection of all children. Another important point is that there is no age discrimination in the provision of services. In other words, special measures to protect young children have not been taken into consideration.

It can be said that the institution is successful in providing different care alternatives considering the services for the children in need of protection temporarily and children under state protection. There are various care alternatives such as adoption, foster family, assistance with the family and

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<sup>35</sup> Institutional care refers to the care of children under state protection in state institutions.

institutional care in homely settings like child houses sites.<sup>36</sup> In this respect, the principle of the best interests of the child is observed to be prevailed in these policies. However, it can be argued that protection comes to the forefront in terms of child's right to life, development and protection and no measures are taken in terms of development.

Table 4-4: Directorate General of Social Assistance under MoFLSS

| GOV. UNIT                                                 | POLICY                                  | NON-DISCR. | BEST INTEREST | RIGHT TO LIFE | RESPECT FOR THE VIEWS | AGE RANGE                             | TARGET GROUP                                                          |
|-----------------------------------------------------------|-----------------------------------------|------------|---------------|---------------|-----------------------|---------------------------------------|-----------------------------------------------------------------------|
| Department of Family Assistance                           | Meeting basic needs of families in need |            |               | +             |                       | Primary and secondary school children | Families in need                                                      |
| Department of Assistance for Disabled and Senior Citizens | Cash transfers                          | +          |               | +             |                       | -                                     | Disabled people                                                       |
| Department of Health and Regular Assistance               | CCT for education                       |            |               | +             |                       | 6+                                    | People without social insurance                                       |
|                                                           | CCT for health                          |            |               | +             |                       | 0-6                                   | People without social insurance                                       |
|                                                           | Cash transfers                          |            |               | +             |                       | 0-18                                  | Orphans                                                               |
|                                                           | Cash transfers                          |            |               | +             |                       | 0-18                                  | The children of soldiers, people in need and without social insurance |

As for the services provided by the General Directorate of Social Assistance, it is seen that cash transfers are generally used as a policy tool. In terms of

<sup>36</sup> In recent years, an important change in institutional care has been adopted to support children as much as possible with their families. A policy change was made for the children who were not eligible to live with their families and institutional care has started to be provided in different settings close to the home environment.

beneficiaries, conditional cash transfers (CCTs) are used and special policies are provided for people with disabilities. Therefore, positive discrimination is considered as the main rationale behind the services provided by this unit, mainly focusing on disadvantaged children. Conditional health care benefit is provided for maintaining fundamental healthcare for children, especially between zero and six years of ages. This can be attributed to the international policy agenda on decreasing the rate of under-five mortality rate.<sup>37</sup>

Table 4-5: Directorate General of Family and Community Services under MoFLSS

| GOV. UNIT                                                   | POLICY                        | NON-DISCR. | BEST INTEREST | RIGHT TO LIFE | RESPECT FOR THE VIEWS | AGE RANGE | TARGET GROUP      |
|-------------------------------------------------------------|-------------------------------|------------|---------------|---------------|-----------------------|-----------|-------------------|
| Department of Family Education, Family Consultancy Services | Family education program      |            |               |               | +                     | 0-18      | All families      |
|                                                             | Family and Divorce Counseling |            |               |               | +                     | 0-18      | Divorced families |

Family education and counseling for divorced families are services provided by the Directorate General of Family and Community Services. Addressing family as the unit for community services can be seen as a reflection of a familialistic approach. There is not a special emphasis on children themselves. However, these policies can be used as tools to raise awareness about children's rights. So, they are considered to be beneficial for the children's right to be heard.

<sup>37</sup> For more information UNICEF webpage can be visited.

Table 4-6: Directorate General of Special Education and Guidance Services under MoNE

| GOV. UNIT                                          | POLICY                                                       | NON-DISCR. | BEST INTEREST | RIGHT TO LIFE | RESPECT FOR THE VIEWS | AGE RANGE           | TARGET GROUP                                      |
|----------------------------------------------------|--------------------------------------------------------------|------------|---------------|---------------|-----------------------|---------------------|---------------------------------------------------|
| Department of Special Education and Main-streaming | Inclusive Education                                          | +          |               |               |                       | Above preschool age |                                                   |
|                                                    | Home Care                                                    | +          |               |               |                       | Above preschool age | Individuals in need of private education          |
|                                                    | Placement to Boarding School                                 | +          |               |               |                       | School age          | Students with Hearing and Orthopedic Disability   |
| Department of Developing Talented                  | Science & Art Centers                                        |            |               | +             |                       | Above preschool age | Talented students                                 |
|                                                    | Support Training Room                                        |            |               | +             |                       | Above preschool age | Talented students                                 |
| Department of Guidance Services                    | Guidance and Research Center (RAM) Psychosocial Protection   |            | +             |               |                       | Above preschool age | Children in need of psychosocial protection       |
|                                                    | Psychosocial Protection, Prevention and Intervention Service |            | +             |               |                       | Above preschool age | Children in need of psychosocial protection       |
| Department of R&D and Project                      | Guidance and Special Education Services for Syrians          | +          |               |               |                       | School age          | Syrian children under temporary protection status |

MoNE is the state institution responsible for all aspects of education throughout the country, including children's education. The services provided for the education of children usually start from the age of compulsory education. Besides, pre-school education is not compulsory in Turkey.

Furthermore, MoNE has a responsibility only concerning preschool classes affiliated to it excluding kindergartens under the supervision of the MoFLSS.

Considering the target age of the services provided by the Directorate General of Special Education and Guidance Services, they start from primary school age. In other words, no support mechanism has been designed for preschool periods for children with special needs. The services of the General Directorate are mostly in the form of service provision. Science and Art Centers accept students evaluated to be talented by the second year of primary school. It can be concluded that inclusive measures have been taken for children in need of special education in terms of preventing discrimination. However, these measures need to be enlarged by taking into account the needs of young children and their families.

Table 4-7: General Directorate of Private Education Institutions under MoNE

| GOV. UNIT                                                      | POLICY                                                                                      | NON-DISCR. | BEST INTEREST | RIGHT TO LIFE | RESPECT FOR THE VIEWS | AGE RANGE | TARGET GROUP    |
|----------------------------------------------------------------|---------------------------------------------------------------------------------------------|------------|---------------|---------------|-----------------------|-----------|-----------------|
| Directorate of Non-formal Education and Accommodation Services | Covering the expenses of those receiving support and education in Special Education Schools | +          | +             | +             |                       | -         | Disabled people |

The General Directorate of Private Education Institutions provides financial assistance to private institutions that provide educational support for people with disabilities which can be assessed under positive discrimination. It can also be considered in the realm of best interest due to providing assistance and alternative care for parents. Besides, it reflects fulfilling right to education and right to development for disabled children. The age range for eligibility in reaching the services is not mentioned regarding the service.

Table 4-8: General Directorate of Basic Education under MoNE

| GOV. UNIT                                                      | POLICY                                                       | NON-DISCR. | BEST INTEREST | RIGHT TO LIFE | RESPECT FOR THE VIEWS | AGE RANGE                               | TARGET GROUP         |
|----------------------------------------------------------------|--------------------------------------------------------------|------------|---------------|---------------|-----------------------|-----------------------------------------|----------------------|
| Development of Educational Environments and Learning Processes | Primary Education Institutions                               |            |               | +             |                       | Preschool, primary and secondary school | Students             |
|                                                                | Collecting data                                              |            |               |               | +                     | Preschool, primary and secondary school | Students and parents |
| Directorate of Monitoring and Evaluation                       | Evaluation of materials                                      |            |               | +             |                       | Preschool, primary and secondary school | Students             |
|                                                                | Monitoring and evaluation of students' academic achievements |            |               | +             |                       | Preschool, primary and secondary school | Students             |
| Directorate of Dormitories and Hostels                         | Regional secondary schools or pensions                       |            | +             | +             |                       | Secondary school age                    | Students             |

General Directorate of Basic Education can be considered as the most relevant department under MoNE due to its responsibility area concerning development of young children in general. Although preschool education is mentioned together with primary education, they are again addressing young children only to the extent to their attendance to preschools. There are not comprehensive policies to address the development of children who do not attend to any official education setting.

Table 4-9: Board of Education and Training

| GOV. UNIT                                | POLICY                                          | NON-DISCR. | BEST INTEREST | RIGHT TO LIFE | RESPECT FOR THE VIEWS | AGE RANGE        | TARGET GROUP         |
|------------------------------------------|-------------------------------------------------|------------|---------------|---------------|-----------------------|------------------|----------------------|
| Directorate of Educational Policies      | R & D Activities Related to Education           |            |               | +             |                       | Above school age | Students             |
| Directorate of Monitoring and Evaluation | Making Interview About Curriculum and Materials |            |               |               | +                     | Above school age | Students and parents |

|                                                 |                                                          |   |  |  |  |                  |                  |
|-------------------------------------------------|----------------------------------------------------------|---|--|--|--|------------------|------------------|
| Directorate of Textbooks and Teaching Materials | Examination and Evaluation of Minority Schools Textbooks | + |  |  |  | Above school age | Minority Schools |
|-------------------------------------------------|----------------------------------------------------------|---|--|--|--|------------------|------------------|

The Board of Education and Training is responsible for conducting research and development activities related to education which is evaluated in terms of being related to the right to development. Making interview about curriculum and materials with students and families is important regarding the right to be heard. Studies on minority schools have also been evaluated in relation to the nondiscrimination principle.

Table 4-10: The Ministry of Health

| GOV. UNIT                               | POLICY                                                          | NON-DISCR. | BEST INTEREST | RIGHT TO LIFE | RESPECT FOR THE VIEWS | AGE RANGE | TARGET GROUP               |
|-----------------------------------------|-----------------------------------------------------------------|------------|---------------|---------------|-----------------------|-----------|----------------------------|
| Directorate General of Public Health    | Baby-Child-Adolescent Monitoring Program                        |            |               | +             | +                     | 0-18      | Children, community        |
| Directorate General of Public Health    | Prevention of Vitamin D Deficiency in Infants                   |            |               | +             |                       | 0-1       | Infants                    |
| Directorate General of Public Health    | Coordination in Establishment of Child Monitoring Centers (ÇİM) |            |               | +             |                       | 0-18      | For victims of child abuse |
| Directorate General of Public Health    | Control of products containing volatile addictive substance     |            |               | +             |                       | 0-18      | Children                   |
| Directorate General of Health Promotion | Preparation of Educational Materials for Children's Health      |            |               | +             | +                     | 0-18      | Children                   |

Table 4-10: The Ministry of Health

| GOV. UNIT                            | POLICY                                                                        | NON-DISCR. | BEST INTEREST | RIGHT TO LIFE | RESPECT FOR THE VIEWS | AGE RANGE | TARGET GROUP                      |
|--------------------------------------|-------------------------------------------------------------------------------|------------|---------------|---------------|-----------------------|-----------|-----------------------------------|
| Directorate General of Public Health | Providing Onsite Health Care                                                  |            |               | +             |                       | 0-18      | Children under institutional care |
| Directorate General of Public Health | Collecting Data on Stillbirth, Infant Mortality and 1-4 year-old child deaths |            |               | +             |                       | 0-4       | Children                          |

Baby-Child-Adolescent Monitoring Program provides monitoring and targets supervision as well as raising awareness for parents. MoH has a coordination responsibility regarding the establishment of Child Monitoring Centers (ÇİM) which targets support for the victims of child abuse and neglect. Preparation of educational materials for children's health is considered to be significant with respect to both respect for the views of child since it can be used as a tool to raise awareness of parents and right to life, development and protection as well.

Table 4-11: The Ministry of Justice

| GOV. UNIT                                            | POLICY                                                                                      | NON-DISCR. | BEST INTEREST | RIGHT TO LIFE | RESPECT FOR THE VIEWS                     | AGE RANGE | TARGET GROUP                 |
|------------------------------------------------------|---------------------------------------------------------------------------------------------|------------|---------------|---------------|-------------------------------------------|-----------|------------------------------|
| Directorate General for Prisons and Detention Houses | Permission for Research and Thesis Studies on Child Prisoners in penal institutions         |            |               |               | +                                         | 12-18     | Child Prisoners              |
|                                                      | Education and Psycho-Social Assistance Service for Children in Penal Institutions           |            |               | +             |                                           | 12-18     | Child Prisoners              |
|                                                      | Organization of activities for child prisoners in penal institutions                        |            |               | +             |                                           | 12-18     | Child Prisoners              |
|                                                      | Informing Children Released from the Penal Institution about Their Education and Assistance |            |               | +             |                                           | 12-18     | Child Prisoners              |
| General Directorate of Law Affairs                   | Working on Regulating Women's Rights and Child Law                                          |            |               |               | +creating knowledge and data on the issue | 0-18      | Children                     |
| Institution of Forensic Medicine                     | Preparing Report on the Inspection of Child Pornography                                     |            |               | +             |                                           | 0-18      | Victims of Child Pornography |

Although services under the Ministry of Justice address children between the ages 12 to 18 regarding the issue of juvenile crime, giving permission for

research and thesis studies on child prisoners in penal institutions and working on regulating women's rights and child law are considered to be creating knowledge and data on child rights.

Table 4-12: The Ministry of Interior

| GOV. UNIT                                                 | POLICY                                                                                | NON-DISCR. | BEST INTEREST | RIGHT TO LIFE | RESPECT FOR THE VIEWS | AGE RANGE | TARGET GROUP |
|-----------------------------------------------------------|---------------------------------------------------------------------------------------|------------|---------------|---------------|-----------------------|-----------|--------------|
| General Directorate of Population and Citizenship Affairs | Registration of Birth Events to the Central Population Administration System (MERNIS) |            |               | +             |                       | 0-18      | Children     |
|                                                           | Registration of Founded Children and Mentally Handicapped Persons                     |            |               | +             |                       | 0-18      | Children     |
| General Directorate of Security                           | Protection and Security of Children Arrived / Brought to the Security Unit            |            |               | +             |                       | 0-18      | Children     |
|                                                           | Missing Person Inquiry                                                                |            |               | +             |                       | 0-18      | Children     |
|                                                           | Taking Preventive Measure Decision for Those Who are at Risk of Violence              |            |               | +             |                       | 0-18      | Children     |
| Gendarme                                                  | Taking Preventive Measure Decision for Those Who are at Risk of Violence              |            |               | +             |                       | 0-18      | Children     |
|                                                           | Protection and Security of Children Arrived / Brought to the Security Unit            |            |               | +             |                       | 0-18      | Children     |

The ministry of Interior is responsible for the birth registration and providing temporary protection to children in need of protection. General Directorate of Security is responsible in urban places whereas Gendarme is responsible in rural locations for providing security for all people including children. Any specific measure for handling the security of young children is not mentioned under service explanations.

Table 4-13: The Ministry of Culture and Tourism

| GOV. UNIT                                                                  | POLICY                                                        | NON-DISCR. | BEST INTEREST | RIGHT TO LIFE | RESPECT FOR THE VIEWS | AGE RANGE                                             | TARGET GROUP |
|----------------------------------------------------------------------------|---------------------------------------------------------------|------------|---------------|---------------|-----------------------|-------------------------------------------------------|--------------|
| General Directorate of Libraries and Publications                          | Children's library                                            |            |               | +             |                       | 0-18                                                  | Children     |
| General Directorate of Fine Arts, Department of Music and Performing Arts. | Financial support for Children's Play Theaters                |            |               | +             |                       | 0-18                                                  | Children     |
| Strategy development department                                            | GENÇDES Financial support for Art Works                       |            |               | +             |                       | 14-18<br>For being eligible to take financial support | Children     |
| Presidency for Turks Abroad and Related Communities                        | Educational Cooperation and Capacity Building Program (EİKGP) | +          |               | +             |                       | Above preschool age                                   | Students     |

Table 4-14: The Ministry of Youth and Sports

| GOV. UNIT | POLICY                   | NON-DISCR. | BEST INTEREST | RIGHT TO LIFE | RESPECT FOR THE VIEWS | AGE RANGE                              | TARGET GROUP                                        |
|-----------|--------------------------|------------|---------------|---------------|-----------------------|----------------------------------------|-----------------------------------------------------|
|           | Training Senior Athletes |            |               | +             |                       | Children at the age of starting sports | Children interested in being a professional athlete |
|           | Basketball in Dead End   |            |               | +             |                       | 0-18                                   | Children                                            |

Table 4-14: The Ministry of Youth and Sports

| GOV. UNIT | POLICY          | NON-DISCR. | BEST INTEREST | RIGHT TO LIFE | RESPECT FOR THE VIEWS | AGE RANGE | TARGET GROUP |
|-----------|-----------------|------------|---------------|---------------|-----------------------|-----------|--------------|
|           | Streets Project |            |               |               |                       |           |              |

The Ministry of Culture and Tourism and The Ministry of Youth and Sports have been assigned minor roles which can be considered as related to development of young children. It can be argued that they address the issue on the administrative basis rather than providing a comprehensive understanding to address the developmental needs of young children.

### General Implications

When the tables associated to services of the departments under ministries MoFLSS and MoNE are examined, a specific target group addressing preschool children is not seen in general. In terms of education and development of the children under preschool age, there is not a universal policy. The MoFLSS intervenes for the children in need of protection predominantly. The rights of young children across the country concerning their developmental needs are not mentioned under both relevant ministries.

The fragmented structure of government units and social policies leads to a problem of multi-centered administration regarding policies towards young children. The measures for protection of children are regulated under MoFLSS and Ministry of Interior whereas policies concerning education are under the responsibility of MoNE starting from children's entering to school. However, MoNE does not have any mission regarding education or development of children before the school age. MoFLSS is not addressing developmental needs of young children as well.

It can be argued that the policies for young children put the emphasis on the right to protection rather than right to development. The right to development

is a missing chain for children younger than preschool age in Turkey. To summarize:

- Young children are not mentioned separately, they are not seen as a specific target group
- The right to development is not addressed under both ministries which have direct responsibility
- MoFLSS policies are protection biased however the measures are reactive, not proactive
- MoNE policies are predominantly school based
- Health policies are relatively comprehensive
- Ministries other than MoFLSS, MoNE and MoH do not handle awareness raising activities
- Ministry of Youth and Sports does not address children younger than professional sport age
- Ministry of Interior intervenes in cases of children are at risk
- There are several policies for including children with special needs, disabled and minorities

## CHAPTER 5

### CONCLUSION

Despite the recent emphasis on early childhood period regarding the improvements in service provision in most welfare states, it can be argued that rights concerning young children is a neglected or underestimated issue. The main aim of this study is to highlight child rights in the realm of social policy. The idea that people, and children particularly, have inalienable and indivisible rights is a widely agreed notion and has a widely accepted legal ground. Despite being agreed upon ideally, child rights need to be addressed in terms of turning visions into implementations.<sup>38</sup> Although there are various agents having responsibility in implementing rights of children, it can be argued that the most effective measures are expected to be taken by states at the first place (Article 4).

The main idea behind welfare states is also about people having rights. People have economic rights, social rights, cultural rights, property rights and many other rights that are guaranteed by the state institutions. The notion of people having rights give them some privileges that is hard to obtain in personal ways. For instance, if many people did not think that people have a right to freedom of speech, it would be hard for minority groups to demand their rights conflicting with dominant political views. Similarly, when child policies are based on child rights, even the most disadvantaged children would have access to facilities to ensure their rights regardless of social, economic and physical status.

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<sup>38</sup>With reference to the name of the book: "Human rights of children: From visions to implementation." (2011).

Social policies are expressed more in the rhetoric of welfare states while human rights are perceived to be more of a universal nature that is redundant to emphasize in the national context. However, legally, protecting human rights to the maximum extent possible is the responsibility of every state that signed human rights treaties. Besides, guaranteeing human rights can be asserted as necessary for a state to gain legitimacy whether it is identified as a welfare state or not.

It is easy to understand why politicians and government institutions highlight the social policies they implement, instead of talking about human rights that are fulfilled. If a good or service is given as a right, it does not make people feel grateful to the authority that gives it. However, if it is declared as a government policy, then it is something that should be appreciated. By nature, fulfilling rights might not be a popular rhetoric in politics, but it can be among academics studying on social science.

According to a rights-based approach, human rights are inalienable and indivisible. A holistic approach to human rights should be adopted for the welfare of all people. It cannot be argued that some rights are superior to others. A country that respects human rights cannot ignore children's rights. At the same time, a country that claims to care about children's rights cannot ignore human rights. In a country where human rights are being violated, the full fulfillment of children's rights is unthinkable. So, being a welfare state, which recognizes human rights, requires both respecting human rights and the rights of children.

The meeting point of maintaining human rights and social policies is the institutions. Hannah Arendt argues that we can only exercise rights through institutions. In this sense, national and international institutions have a key role to strengthen the rights of children. This study argues that the most effective and fastest way to promote child rights is to mainstream it in the welfare state literature. The government institutions have a major role in terms of discourse

and policy making and have the tools for making a real change in the lives of children.

It can be argued that there is a spillover effect among welfare states in terms of social policies. The literature on welfare state analysis shapes the policies in the long run. For instance, welfare states started to increase their expenditure on early childhood education due to a shift towards the social investment perspective. However, the excessive stress on making policies according to future benefits can be harmful for some disadvantaged groups like children with serious health problems. The child rights perspective is a more convenient understanding to guarantee the rights of all children in many aspects.

The four principles of UNCRC reflects the spirit of rights of children in general, but more specificity is needed in analyzing policies especially regarding early years of childhood. The child rights are hard to comprehend with tens of provisions. Moreover, some of the provisions are not associated to young children. I have summarized 54 provisions of the UNCRC under four core principles of the Convention and attached 13 widely referenced realms of the welfare state study under the principles. The categorization listed in Table 4-2 makes it easy to evaluate the child policies with respect to child rights. Also, it is a list to check the relevant dimensions or implications to be considered while deciding on a policy about young children.

### **5.1. Concluding Remarks Regarding Child Policies in Turkey**

In Turkey, there is a policy mix that implements various kinds of social policy tools in a modest way regarding young children. There are examples of cash benefits, CCTs, public and private service provision kinds of policies, however their effectiveness and sufficiency can be debated particularly concerning their rate of coverage. The examination of current social policy interventions has shown that most of them are designed for targeting the most disadvantaged

groups such as children in need of protection, facing poverty, and those with disabilities. There is no comprehensive approach to address well-being of young children via measures to maintain a universal coverage.

Another characteristic of the child policies in Turkey is not being based on research and collection of data about young children is very limited. In order to have an understanding about child well-being in line with the best interests of the child principle, there is a need to monitor and evaluate children. In Turkey, it is hard to say that there is enough data about social, cognitive or emotional outcomes of preschool children. There are evaluation polls for parents, however not on self-evaluation of children, or data that enables to evaluate future outcomes in children's lives.

There are a significant number of children living in rural places where they may be experiencing poor quality services in terms of education, health and other amenities. For instance, the right to play is not mentioned in any government documents although the importance of play in learning process of young children is a well-known fact. When we consider the findings of the research, the developmental needs specific to early years in life are not mentioned and reflected in the social policies.

The realm of regulation is fragmented considering social policies affecting the lives of young children. For instance, two ministries have cross cutting responsibility in regulating preschool childcare institutions. The crèches and kindergartens can be either under the supervision of MoFLSS or MoNE. Two ministries have different rules and regulations even in relation to the children in the same age. MoNE has a role only in supervising preschools and creches which are registered under MoNE. It does not assign any responsibility regarding education and development of children who are under compulsory school age and not attending any kind of institutional care and education.

## **5.2. Policy Recommendations for Child Policies in Turkey**

Monitoring rights of children in a comprehensive way is not an easy task through separate mechanisms. The responsibilities to ensure specific conditions of maintaining child rights have been identified under different departments of distinct institutions. Some violations of children's rights can be individualistic whereas some violations might result from structural problems and result in collective negative effects on children. However, the policies are designed to be reactive instead of being proactive and policy interventions are mostly designed for protection measures.

It can be argued that the regulatory responsibility of the welfare state is underestimated. The components of the realm of regulation can be stated as monitoring and evaluation of the application of current policies, supervision of the set standards, evaluation of the policy outcomes, and directing necessary research and development regarding making new social policies. There is a need for an independent institution to follow child rights in all dimensions with the aim of preventing different kinds of violations.

An independent institution to assess the well-being situation of children in all dimensions can be useful for the process of setting standards and making new policies. In addition to contributing to policy making, efforts for awareness raising and advocacy, gathering relevant information, cooperation between institutions, supervising child victims, preparation of expert reports in specific issues can be identified as possible duties of an independent body.

The establishment of an institutional body for the protection, assessment and coordination of ensuring child rights by taking all appropriate legislative, administrative, social and educational measures can be inferred from the Article 19 of the UNCRC. The second provision of the Article is as follows:

Such protective measures should, as appropriate include effective procedures for the establishment of social programs to provide necessary support for the child and for those who have the care of the

child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

The institutional mechanism described in the Convention may be considered as being like anti-discrimination institutions established in European Union countries. An independent institution for monitoring and reporting the rights of children, supervising policy makers and caregivers in line with the human rights law, and giving support to children and their families in case of human rights violations by advocating child rights against all parties including other state institutions.

The adoption of an understanding of child mainstreaming throughout all state institutions including public discourse and implementation of social policies shall be introduced by government. Raising awareness is very crucial as an essential part of ensuring the fulfillment of the rights of children. The ways for raising awareness can be ; awareness campaigns using mass media, making local events in the collaboration of institutions, educating and supervising parents by using the infrastructure of established institutions like Community Health Centers, adding matters of child rights to curriculum of various school levels, encouraging research by authorities of scholarship like TUBITAK, YOK and gathering data by TUIK.

The other strand of policies to promote child rights in Turkey should be focusing on increasing childcare facilities. It can be managed in two ways, the first one is by increasing public ECEC provision and the other option is by cash transfers for private provision. Cash transfers can be in the form of direct financial support to parents for buying childcare facilities from private sector services or by providing subsidized private childcare services.

Turkey have the lowest rates of preschool attendance regarding ages 3,4 and 5 among OECD countries. Furthermore, the average years of attendance of pre-primary students of socioeconomically disadvantaged schools is far from

being close to OECD average. There is even no data concerning childcare under the age of three. The research on 'rate of returns to schooling' highlights that children experiencing socio-economic disadvantage in the society benefit from ECEC more. In Turkey, the access of children living in the comparatively underdeveloped regions to ECEC services is very limited which violates the principles of non-discrimination and best interests of the child.

Allocating more resources is required apparently at the first place to provide accessibility of childcare services. It must be stated that tax rates are lower in Turkey compared to developed countries who spend a larger amount of financial resources to childcare services like public ECEC provision. If the share of government expenditure is difficult to increase, then the best way of financing social policies can be by making changes in the overall tax system. Increasing tax revenues by tax justice, tax exemptions for childcare providers, allocating specific taxes for education, encouraging taxpayers to pay their taxes in the form of supplying support for childcare services can be ways to consider for creating additional financial resources.

The child policies are not only about child rights. The rights of parents concerning childcare are also at stake. The provision of childcare given by their parents is not a paid work, but it is still a kind of labor. The society is free rider in terms of mothers' labor of child rearing (Budig, 2001). The people who have care responsibilities should also have opportunity to choose between right to time for care and right to work. They shall also be free to sell their own labor since they are full citizens who may produce as well as they pay taxes at least due to their consumption.

Parents -whether they work in paid jobs or not- deserve to take advantage of public services provided by the state. Cash transfers does not always meet the childcare needs of families if the only available option for childcare is of poor quality. The availability of affordable quality childcare facilities shall be

guaranteed for liberating families when choosing between taking care themselves or taking assistance if they choose to return to their jobs.

To conclude, I believe that there is a need for mainstreaming child rights especially in the realms of social policy (i.e.in the national level). My first recommendation as a feasible policy option is foundation of an independent national institution for raising awareness for a rights-based approach and promoting child rights multidimensionally. Secondly, Turkey should consider making quality public ECEC accessible for especially children living in socioeconomically disadvantaged families and regions, if providing it as an opportunity for all children seems improbably by now. It is a significant way of enhancing child rights concerning the positive effects on child well-being and protection of children from the severe effects of poverty and discrimination.

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## APPENDICES

### APPENDIX A: TÜRKÇE ÖZET / TURKISH SUMMARY

#### KÜÇÜK ÇOCUKLARA YÖNELİK POLİTİKALARIN ÇOCUK HAKLARI BAKIMINDAN ANALİZİ: TÜRKİYE ÖRNEĞİ

##### Giriş

Refah devletleri uzun zamandır çocuklara yönelik müdahaleler yapıyor ve son zamanlarda hemen hemen her devlette çocukları hedef alan sosyal politikalar ön plana çıkmaya başlamıştır (Bonoli, 2013). Çocukluk ve çocuk gelişimi alanındaki araştırmalara olan ilginin artmasıyla birlikte de çocuk politikaları da daha çok dikkat çekmiştir (Kamerman, 2003). Bazı sosyoekonomik koşullar, yeni yaklaşımlar ve çocuklar hakkındaki algıdaki değişiklikler nedeniyle, özellikle küçük çocuklara yönelik politikalara ilgi artmıştır (Jenson, 2012).

Çocuk hakları yaklaşımı, çocuklarla ilgili sosyal politikalar için oldukça önemli bir yaklaşımdır. Refah devleti ile ilgili literatür göz önüne alındığında görece yeni bir yaklaşımdır. 1989'da kabul edilen Birleşmiş Milletler Çocuk Hakları Sözleşmesi (bundan sonra UNCRC veya Sözleşme), çocuk hakları konusuna büyük bir ilgi uyandırmıştır. Sözleşme, dünyadaki hemen hemen bütün devletler tarafından kabul edilen tek insan hakları sözleşmesidir. Sözleşmenin ülkeler tarafından onaylanması ve tanınması konusunda bir fikir birliği görülmekle birlikte, hakların uygulanması konusunda net bir fikir birliği bulunmamaktadır.

Neredeyse bütün devletlerin saygı duyduğu yasal bir zemine dayandırılmasına rağmen, refah devleti politikalarına yansımaları gecikmeli olmaktadır. Çocuk haklarının yerine getirilmesi Sözleşme’de belirtilirken, bunlara nasıl ulaşılabileceği tek tek devletlere bırakılmıştır. Başka bir deyişle, ‘ne yapmalı’ genel çerçevesi çizilir, ancak ‘nasıl yapılır’ sorusunun cevabı esas olarak sosyal politikanın alanına girmektedir. Dolayısıyla, bu tezin amacı, hak temelli bir yaklaşım ile çocuk politikalarını analiz etmektir. Refah devleti çerçevesinde çocukların insan haklarının hayata geçirilmesi özellikle küçük çocuklar için dikkat çekilmesi gereken bir konu olarak değerlendirilmiştir. Son dönemlerdeki Refah devleti analizinde erken çocukluk dönemine yapılan vurgunun aksine, çocuk hakları söz konusu olduğunda ise küçük çocuklarla ilgili hakların ihmal edilmiş olduğu söylenebilir.

Sözleşme’nin en önemli özelliği yasal olarak bağlayıcı niteliğidir. Sözleşme’nin önsözünde belirtildiği gibi “çocuklar özel bakım ve yardım alma hakkına sahiptir ” ve Taraf Devlet, dolayısıyla da devlet kurumları, çocukların haklarını korumakla yasal olarak yükümlüdür. Çocuk hakları ve politikaları devlet müdahalesi altında kesişmektedir çünkü devlet hem kanun yapıcı hem de politika yapıcı konumunda olduğundan, aynı zamanda hem politikaların uygulanmasından ve hem de hakların korunmasından sorumludur. Ayrıca, Sözleşme maddelerinde belirtilen haklar, refah devleti politika alanları ile de yakından ilgilidir.

Çocuklar genellikle aile odaklı politikalar çerçevesinde ve haklarını gerçekleştirmeye yönelik olarak değil, fakat ilk etapta “ihtiyaçları” ile ele alınmaktadır (Qvortrup, 2008). Her refah devleti, farklı sosyal grupların talep ve ihtiyaçlarına öncelik veren çeşitli politika hedeflerine ve miraslarına sahip olabilir. Çocuk politikalarının ardındaki motivasyon bu noktada önem kazanmaktadır. Çocuklara yönelik sosyal politikalarla ilgili hak temelli bir yaklaşım yoksa, onların çıkarları ve hakları, yetişkin karar vericiler tarafından yetişkinlerin çıkarlarına karşı kolayca gözden çıkarılabilir.

Küçük çocukların haklarını savunmak için yetişkinlere ve daha büyük çocuklara nazaran çok daha sınırlı imkanlarının olması onlar için ciddi bir dezavantaja neden olur. Son zamanlarda çocuk hakları literatüründe sıkça tartışılan bir konu olarak yetişkin baskısından veya devlet müdahalesinden kurtulmaları gerekmez, bunun aksine hayatta kalmak ve sağlıklı bir şekilde gelişmek için özenli bir bakıma ve ilgiye ihtiyaç duyarlar. Küçük çocukların hassas durumları nedeniyle, kendi ailelerinden korunma ve uygun olmayan devlet müdahaleleri de dahil olmak üzere, korunma ve bakımları için çocuk hakları bağlamında ek politika önlemlerinin alınması gerekmektedir (Berrick ve ark., 1998).

### **Araştırma Soruları**

Bu çalışma, çocuk hakları perspektifi doğrultusunda özellikle küçük çocuklar için refah politikalarına odaklanmaktadır. Ele alınacak esas araştırma soruları evrensel ve ülke düzeyi olmak üzere birbiriyle ilişkili iki düzeyde tanımlanmıştır. Çalışmanın evrensel düzeyde ilk araştırma odağı şu şekilde formüle edilebilir:

- Özellikle küçük çocukları hedefleyen politikalar çocuk hakları perspektifiyle uzlaştırılabilir mi?
- Küçük çocukların haklarının yerine getirilmesi için incelenmesi gereken politika alanları nelerdir?

Bu çerçevede, bu çalışmanın ikinci ve ana araştırma sorusu, Türkiye'deki küçük çocukları hedef alan mevcut sosyal politikaların çocuk hakları açısından değerlendirilmesi ile ilgilidir. Küçük çocuklar, ilkokula başlama yaşından önceki çocuklara, yani 0-6 yaş arası çocuklara atıfta bulunur. Türkiye örneğine uyarlanmış araştırma soruları şunlardır:

- Türkiye'deki küçük çocuklara yönelik sosyal politikalar çocuk hakları perspektifinde tasarlanıyor mu? Değilse, hangi çocuk hakları alanları göz ardı edilmiştir?
- Türkiye'deki küçük çocukların haklarından yararlanabilmeleri için ne tür sosyal politikalar uygulanmalıdır?

UNCRC'de daha iyi yaşam standartları ve sosyal kalkınmanın desteklenmesi, genel hedefler olarak ifade edilmektedir. Ancak, bu hedeflere ulaşmanın yolları tercihlere bırakılmıştır. Hangi politikanın nasıl uygulanacağı, ülke seçimine bağlıdır, çünkü ülkeler arasında sosyal, kültürel ve ekonomik koşulları bakımından gözardı edilemeyecek farklılıklar bulunmaktadır. Çocuk haklarını mümkün olan en üst seviyede gerçekleştirmek için çocuk hakları perspektifi ile ülkelerin uyguladığı çocuk politikalarının uzlaştırılması önem arz etmektedir. Ortak bir dilin kullanılmasının ve bağlantı noktalarının tanımlanmasının hem sosyal politika oluşturma ve hem de çocuk hakları savunuculuğu için güçlü bir zemin oluşturmak açısından önemli olduğu değerlendirilmektedir. Örneğin, çocuk hakları literatüründeki “çocuğun üstün yararı” ilkesi, çocuk refahı kavramını tamamlayıcı bir kavram olarak vurgulanabilir.

"Çocuklar için iyi veya en iyi olan nedir?", "Çocuğun üstün yararı neyi gerektirmektedir?" ve "Uygun bir çocukluk nasıl olmalı?" gibi sorular, çocukluk ve çocuk gelişimi alanlarında yapılan araştırmaların yanı sıra, kültürlere veya koşullara göre farklı yanıtlara sahip olabilir. Beraberinde getirdiği küresel bir çocukluk anlayışı ve evrensel mutabakat üzerine, UNCRC çocuk refahına ulaşmak için gerekli olan bir dizi hedefi kapsamlı bir şekilde ortaya koymuştur. Dolayısıyla, çocuk politikalarını insan hakları literatüründen gelen yeni anlayışı da kapsayacak şekilde yeniden ele almak faydalı olacaktır.

Bu nedenlerden dolayı, bu çalışmada küçük çocuklara yönelik çocuk hakları ve politikaların kesişme noktalarını belirlemek için metodolojik bir çerçeve geliştirilecektir. UNCRC'de belirtilen ilkeler, refah devleti müdahalelerini ve küçük çocuklara ilişkin hakları uzlaştırma konusunda, çocuk haklarının özünü temsil etmesi açısından bir dayanak noktası olarak kullanılacaktır. Bu ilkelerden yola çıkılarak elde edilen metodolojik çerçeve, Türkiye'de zorunlu okul çağından daha küçük çocuklarla ilgili politikaların değerlendirilmesinde kullanılacaktır.

Türkiye genellikle uluslararası düzeyde gelişmekte olan bir ülke olarak tanımlanmakta ve kendisini anayasasında “insan haklarına saygılı bir sosyal

devlet” olarak tanımlamaktadır. Bu çalışmanın amacı, varsa çocuk politikaları ve çocuk hakları arasındaki boşlukları vurgulamak ve politika yapıcılarının dikkatini erken çocukluk döneminin özgüllüğüne çekmektir. Tezin son amacı, gerekli görülmesi halinde politika önerileri geliştirmektir.

## **Metodoloji**

Analizin ilk adımında, çocuklara yönelik politikalarla ve çocuk haklarının kesişim alanını belirlemek amacıyla, hak temelli yaklaşım betimleyici bir şekilde tartışılacaktır. UNCRC, küçük çocuklarla ilgili insan hakları ve sosyal politika kavramlarını uzlaştırmak için kullanılacaktır. Küçük çocukların haklarının yerine getirilip getirilmediğini değerlendirmek için referans noktaları oluşturacak kavramlar Sözleşme maddelerinden çıkarılacaktır. İkinci analiz düzeyi olan ülke düzeyindeki değerlendirme, analizin ilk bölümünde yapılan evrensel düzeydeki tartışmaya dayanacaktır. Türkiye’de çocuk politikalarının çocuk hakları açısından değerlendirilmesi bu temelde incelenecektir.

Çocuk haklarının sosyal bilimlerin birçok yönüyle yakından ilgili çeşitli sonuçları olduğu için, çocuk haklarını bütünüyle analiz etme ve değerlendirme girişimi bu çalışmanın kapsamını aşan tutkulu bir hedeftir. Örneğin, çocuk hakları, insan hakları, çocukluk ve çocuk gelişimi literatürü çerçevesinde veya kavramsal ve felsefi düzeyde ele alınabilir. Ancak çalışmanın kapsamını sınırlamak adına, çocukların hak sahibi olması kavramı verili bir değer olarak kabul edilecek ve UNCRC’de ifade edilen çocuk hakları tüm çocuk haklarını kapsamlı bir şekilde yansıtan bir çerçeve olarak varsayılacaktır.

Çalışma esas olarak, zorunlu okul çağına kadar olan erken yaşlarda, yani okul öncesi dönemindeki çocuklarla ilgilidir. Yaş aralığı düşünüldüğünde, bazı haklar daha çok ön plana çıkarken, bazıları araştırma açısından daha ilgisiz görülmüştür. Bu nedenle, çocukların katılımına yönelik bazı sivil hak ve özgürlükleri ile çocuk suçları ve çocuk işçiliği gibi konular bu araştırmada ele alınmayacaktır. Bunun yerine, çocuk bakımı, eğitim, gelişim, koruma ve çocuk yoksulluğu ile ilgili endişeler daha fazla ön planda tutulacaktır.

Araştırmanın refah devleti uygulamalarına odaklanması dolayısıyla, devlet kurumlarının politikaları soruşturmanın merkezine yerleştirilecek ve ebeveynler, aile, özel sektör ve bir bütün olarak toplum gibi diğer paydaşların oynadığı önemli rol ve uluslararası toplum bu çalışmadaki tartışmanın dışında tutulacaktır. UNCRC'ye göre, Taraf Devlet, çocuk hakları ihlallerini önleme sorumluluğunun yanı sıra çocuk haklarını sağlamakla da yükümlüdür. Yasal açıdan Devlet, yasa üzerindeki tekel gücü nedeniyle insan haklarının garantörü pozisyonundadır. Dolayısıyla tez, refah devleti müdahalelerinin çocuk haklarının yerine getirilmesindeki rolüne odaklanacaktır. Soruşturmanın odak noktası, özellikle küçük çocukları etkileyen sosyal politikalardan sorumlu Türk devlet kurumları tarafından sunulan hizmetlere yönlendirilecektir.

Farklı kamu kurumlarının sorumluluk alanı içerisinde çocukların yaşamlarını bir şekilde etkileyen müdahale alanları bulunabilir. Dahası, kamu kurumları, sorumluluk alanlarına göre çocuklarla doğrudan bir ilişkisi olmamasına rağmen, çocukların hakları yaklaşımını çocukların yaşamlarına dokunacak her alanda uygulayabilirler. Türkiye'de bakanlıklar, mevcut devlet yapısındaki ana yürütme organlarıdır. Çocuk politikaları ve çocuk haklarının düzenlenmesinden sorumlu olan en ilgili bakanlıklar -özellikle küçük çocuklar için- Türkiye'deki Aile, Çalışma ve Sosyal Hizmetler Bakanlığı (MoFLSS), Millî Eğitim Bakanlığı (MEB) ve Sağlık Bakanlığı'dır (SB). Küçük çocuklara yönelik sınırlı bir yetki alanları olmasına rağmen, Adalet Bakanlığı, İçişleri Bakanlığı, Gençlik ve Spor Bakanlığı, Kültür ve Turizm Bakanlığı bünyesindeki çeşitli departmanların da çocuk hakları ile kesişen sorumluluk alanları vardır. Dolayısıyla, bu bakanlıklar araştırmanın kapsamına dahil edilecektir.

Çocuklarla ilgili herhangi bir hizmeti ya da politikayı gözden kaçırmamak için, Elektronik Kamu Bilgi Yönetim Sistemi (KAYSİS) kapsamında devlet kurumlarının her birimi altındaki tüm hizmetlerin bir envanteri olan Hizmet Envanter Yönetim Sistemi (HEYS) modülü kullanılacaktır. Bu modül, her devlet dairesinin idari süreçler dahil olmak üzere yürüttükleri hizmetler hakkında verilerin görülebildiği resmi bir web sitesidir. Hizmet sorgulama sayfası, her bir

devlet departmanı altındaki hizmetlerin listelenmesini sağlar. Türkiye'deki çocuk politikalarıyla ilgili olup olmadıklarını belirlemek üzere seçilen bakanlıkların hizmetleri 'Çocuk' kelimesi anahtar kelime olarak kullanılarak filtrelenecek ve ilgili olduğu değerlendirilen hizmetler listelenecektir.

Çocuklarla ilgili tek bir politika alanına odaklanmak yerine, hükümet politikalarının altındaki genel mantığın çocuk hakları yaklaşımı ile arasındaki ilişkiyi araştırmak için, politikaları geniş bir açıdan ele almaya ihtiyaç vardır. Bu açıdan bakıldığında, tüm hizmetleri kapsayan digital bir envanterden yararlanmak, mümkün olduğunca kapsamlı ve güvenilir bilgiye erişmek için verimli bir kaynak oluşturmuştur.

İç denetim kanunu gereği bütün devlet kurumları stratejik planları ve yıllık faaliyet raporları ile verdikleri hizmetler konusunda kamuoyunu bilgilendirmekle görevlidirler. Hizmetlerin dijital dönüşümün çerçevesinde 2011 yılından beri kurumlarda Yönetimsel açıdan yürütülen bütün faaliyetler veri sistemine işlenmektedir. Sisteme girilen hizmetlerin ilgili olduğu yönetmelik ve kanunlar, hizmetin sunuş şekli, hangi alanda verildiği, kendiliğinden mi yoksa talep üzerine mi başlatıldığı da sunulan bilgiler arasındadır. İster nakit transferler ister düzenleme ve denetim ya da kamu hizmeti olsun, bütün politikaların izlerini bu envanterde bulmak mümkündür. Dolayısıyla herhangi bir hizmeti gözden kaçırmadan bütünlük içerisinde incelemek için bir imkân sunmaktadır.

Ancak, politikaların tanımlarına ve açıklamalarına ulaşmak mümkün olsa da etkilerini bu yöntemle değerlendirmek mümkün değildir. Bu tezin amacı sosyal politikalar ile çocuk hakları perspektifini karşılaştırmak olduğundan, daha çok çocuk politikalarının varlığı, hangi politikaların ön planda olduğu, hangilerinin ihmal edildiği ve arkalarındaki düşünce araştırmaya konu edilmiştir. Uygulanan politikaların çocuk haklarını gerçekleştirmedeki etkileri başka bir araştırma konusudur.

## Bulgular

Çocuk Hizmetleri Genel Müdürlüğü Türkiye’de çocuk hakları ile ilgili sorumluluk sahibi olan hükümet birimi olduğundan önem arz etmektedir. Birleşmiş Milletler Çocuk Hakları Komitesi’ne gönderilen raporlarda koordinasyondan sorumlu kurum olarak belirtilmiştir. Kurumun altındaki departmanlara bakacak olursak Kurumun işleyiş tarzı ve odaklandığı politika alanları, Türkiye’deki çocuk haklarına yaklaşım konusunda fikir verecektir. Mesela eğitim ve toplum destek hizmetleri departmanının görevlerini inceleyecek olursak aslında buradaki eğitim ile kurumsal bakım altındaki çocukların eğitiminin kastedildiği anlaşılır. Bakım servisleri departmanı ise yine kurumsal bakım altındaki çocukların bakımı hizmetlerini yürütmektedir. Sosyal rehabilitasyon hizmetleri departmanı suça sürüklenmiş çocukların desteklenmesi için hizmet vermektedir. Çocuk hakları departmanının yürüttüğü hizmetler ise çocuk hakları hakkında toplumda farkındalık yaratmak olarak özetlenebilir.

Çocuk Hizmetleri Genel Müdürlüğü’nün yürüttüğü yönetsel ve yürütme ile ilgili faaliyetleri değerlendirecek olursak kurumun hizmet odaklı politikalar yürüttüğü göze çarpmaktadır. Nakit transferler sık kullanılan politika araçları arasında yer almamıştır. Ayrıca, kurumun çocukların korunması ile ilgili politikalarının ağırlıklı olarak bir Mahkeme kararıyla koruma altına alınan çocukların bakımı ile ilgili olduğu görülmektedir. Yani çocuk koruması rejimi olarak mahkeme kararlarına dayalı reaktif bir yaklaşım söz konusudur. Bütün çocukların korunmasını iyileştirecek şekilde ön alıcı politikalar dizayn edilmemiştir. Önemli olan bir diğer husus ise, hizmetlerin sunumunda yaş ayrımının yapılmamasıdır. Yani küçük çocukları korumaya yönelik özel tedbirler göz önünde bulundurulmamıştır.

Kurumun bakıma muhtaç çocuklara yönelik hizmetleri incelendiğinde farklı bakım alternatifleri sunmak açısından başarılı olduğu söylenebilir. Bu açıdan çocuğun üstün yararı ilkesi gözetilmiştir. Çocuğun yaşam hakkı gelişim hakkı ve koruma hakkı açısından korumanın ön plana çıktığı, gelişim

açısından ise herhangi bir önlem alınmadığı görülmektedir. Son yıllarda kurumsal bakımla ilgili önemli bir değişiklik yapılarak çocukların mümkün olduğunca ailelerinin yanında desteklenmesi benimsenmiştir. Ailesinin yanında kalması uygun olmayan ve mahkeme kararıyla koruma altına alınan çocuklar için de bir politika değişikliği yapılarak evdeki bakım ortamına yakın ortamlarda verilmeye başlanmıştır.

Sosyal Yardımlar Genel Müdürlüğü'nün verdiği hizmetler incelenince, genelde nakit transferlerin politika aracı olarak kullanıldığı görülmüştür. Yararlanıcılar açısından incelenirse toplumdaki dezavantajlı grupları hedeflediği görülür. Bir politika aracı olarak şartlı yardımların da kullanıldığı görülebilir. Ayrıca, engelli bireyler için özel politikalar sunulmaktadır. Dolayısıyla bir pozitif ayrımcılıktan söz edilebilir. Çocukların sağlık bakımlarının yapılması için özellikle sıfır ile altı yaş arasına şartlı sağlık yardımı verilmektedir. Bu politika da ülkemizde beş yaş altı çocuk ölümlerinin azaltılması konusunda faydalıdır.

Aile yardımları departmanının verdiği aile eğitimi ve boşanmış aileler için danışmanlık çocuk hakları konusunda aileleri bilinçlendirmek için kullanılabilir. Çocukların iyi olma halini iyileştirecek bir yaklaşım olarak değerlendirilebilir. Ancak çocuk yine aile üzerinden değerlendirilmiş ve ayrı bir sosyal grup olarak düşünülerek politika geliştirilmemiştir.

Millî Eğitim Bakanlığı çocukların eğitimi dahil ülke genelinde verilen eğitimden bütün yönleriyle sorumlu devlet kurumudur. Çocukların eğitimi ile ilgili yürütülen hizmetler genelde zorunlu eğitim çağından itibaren başlamaktadır. Okul öncesi eğitimi Türkiye'de zorunlu değildir. Bazı bağımsız ana okullarında ve ilkokulların bünyesinde açılan okul öncesi sınıflar bulunmakla birlikte, bunun dışındaki aile ile ilgili bakanlığın denetimindeki ana okulları ve kreşler Millî Eğitim Bakanlığı'nın sorumluluk alanına girmez. Bu bakanlık bünyesindeki Özel Eğitim ve Rehberlik Hizmetleri Genel Müdürlüğü'nün verdiği hizmetleri inceleyecek olursak yaş aralığının ilkokul çağındaki çocuklardan başladığını görürüz. Mesela engelli bireylerin okul öncesi dönemleri için bir destek mekanizması dizayn edilmemiştir. Üstün yetenekli çocukların eğitimine destek

amacıyla Bilim Sanat Merkezleri hizmet vermektedir. Bilim Sanat Merkezleri ilkokul ikinci sınıftan itibaren öğrenci almaktadır. Özel eğitime ihtiyacı olan çocuklar için kapsayıcı önlemlerin alınmış olması ayrımcılığın önlenmesi açısından önemli görülmüştür. Fakat bu önlemlerin küçük çocukların ve ailelerin ihtiyaçlarını göz önünde bulundurarak kapsama alanlarının genişletilmesi gerekmektedir. Genel müdürlüğün hizmetleri daha çok hizmet sunumu şeklindedir. Düzenleme ve denetleme ve bunun yanısıra farkındalık artırma hizmetlerine rastlanmamıştır.

Özel Eğitim Kurumları Genel Müdürlüğü, engelli bireylere yönelik eğitim desteği sağlayan özel kurumlara nakit desteğinde bulunmaktadır. Bu da pozitif ayrımcılık altında değerlendirilebilir. Talim ve terbiye kurulu eğitimle ilgili araştırma geliştirme faaliyetleri yapmaktan sorumludur. Müfredat ve eğitim materyalleri hakkında öğrencilerin ve ailelerin görüşlerini alması çocukların katılım hakkının yerine getirilmesi açısından önemlidir. Azınlık okulları ile ilgili çalışmalar da ayrımcılığın önlenmesi prensibiyle ilgili olarak olumlu değerlendirilmiştir.

## **Sonuç**

Çoğu refah devletinde erken çocukluk dönemiyle ilgili hizmet sunumundaki iyileşmelere rağmen, küçük çocuklarla ilgili hakların ihmal edilmiş veya hafife alınmış bir konu olduğu söylenebilir. Bu çalışmanın temel amacı, sosyal politika alanında çocuk haklarını vurgulamaktır. İnsanların ve özellikle çocukların devredilemez ve bölünemez haklara sahip olduğu fikri, geniş çapta kabul görmüş bir kavramdır ve yaygın olarak kabul gören bir yasal zemine sahiptir. İdeal olarak üzerinde mutabık kalınmasına rağmen, vizyonların uygulamalara dönüştürülmesi açısından çocuk haklarının ele alınması gerekmektedir. Çocuk haklarının uygulanmasında sorumluluk sahibi çeşitli aktörler olmasına rağmen, en etkili önlemlerin ilk etapta devletler tarafından alınması beklenebilir (Madde 4).

Sosyal politikalar refah devletlerinin söylemlerinde daha fazla ifade edilirken, insan hakları daha çok uluslararası bağlamda vurgulanan bir kavram olarak ön plana çıkmaktadır. Ancak, yasal olarak, insan haklarını mümkün olan en üst düzeyde korumak, insan hakları antlaşmalarını imzalayan her devletin sorumluluğundadır. Ayrıca, bir devletin refah devleti olarak tanımlanıp tanımlanmamasından bağımsız olarak da meşruiyet kazanması için insan haklarını güvence altına alması gerektiği iddia edilebilir.

Politikacıların ve devlet kurumlarının, insan haklarının yerine getirilmesi hakkında vurgu yapmak yerine, neden uyguladıkları sosyal politikaları ön plana çıkardıklarını anlamak kolaydır. Bir mal veya hizmet bir hak olarak verilirse, insanlara bunu veren otoriteye minnettarlık gerektirmez. Ancak, bir hükümet politikası olarak ilan edilirse, politik olarak takdir edilmesi gereken bir anlam ifade eder. Doğası gereği, hakların yerine getirilmesi politikada popüler bir retorik olmayabilir, ancak sosyal bilimler üzerine çalışan akademisyenler arasında olması beklenebilir.

UNCRC'nin dört ilkesi genel olarak çocukların haklarının ruhunu yansıtmaktadır, ancak özellikle çocukluğun ilk yıllarına ilişkin politikaların analizinde daha fazla özgüllüğe ihtiyaç vardır. Çocuk haklarını onlarca hükümle kavramak zordur. Ayrıca, bazı hükümler küçük çocuklarla ilgili değildir. UNCRC'nin 54 hükmünü Sözleşmenin dört temel ilkesi altında özetledim ve refah devleti çalışmasının yaygın olarak kullanılan 13 kavramını ilkelere ekledim. Tablo 4-2'de listelenen sınıflandırma, çocuk politikalarının çocuk hakları açısından metodolojik olarak değerlendirilmesini kolaylaştırmaktadır. Ayrıca, küçük çocuklar hakkında bir politikaya karar verirken dikkate alınması gereken ilgili boyutları veya sonuçları kontrol etmek için kullanılabilecek bir kontrol listesidir.

Türkiye'de, küçük çocuklarla ilgili olarak çeşitli sosyal politika araçlarını mütevazı bir şekilde uygulayan bir politika karışımı bulunmaktadır. Nakit yardımlar, şartlı nakit yardımları, kamu ve özel sektör eliyle hizmet sunumu türlerinde politika örnekleri vardır, ancak bunların etkililiği ve yeterliliği özellikle

kapsama oranları ile ilgili olarak tartışılabilir. Mevcut sosyal politika müdahalelerinin incelenmesiyle, bunların çoğunun korunmaya muhtaç çocuklar, yoksullukla karşı karşıya olan ve engelli olanlar gibi en dezavantajlı grupları hedeflemek için tasarlandığı görülmüştür. Küçük çocukların refahını içinde bulunduğu sosyal, ekonomik ve fiziksel durumdan bağımsız olarak korumak için, kapsamlı önlemleri içeren bir yaklaşım yoktur.

Türkiye'deki çocuk politikalarının bir diğer özelliği de küçük çocuklar hakkındaki politikaların, araştırmaya ve verilerin toplanmasına dayanmamasıdır. Çocuk refahı hakkında, çocuğun üstün yararına uygun bir anlayışa sahip olmak için, çocuklarla ilgili izleme ve değerlendirme ihtiyacı vardır. Türkiye'de okul öncesi çocuklara yönelik uygulamaların çocuklar üzerindeki sosyal, bilişsel veya duygusal sonuçları hakkında yeterli veri olduğunu söylemek zordur.

### **Politika Önerileri**

Refah devletinin düzenleyici ve denetleyici sorumluluğunun hafife alındığı söylenebilir. Düzenleme alanının bileşenleri; mevcut politikaların uygulanmasının izlenmesi ve değerlendirilmesi, belirlenen standartların denetlenmesi, politika sonuçlarının değerlendirilmesi ve yeni sosyal politikaların belirlenmesi ile ilgili gerekli araştırma ve geliştirmenin yönlendirilmesi olarak ifade edilebilir.

Çocukların refah durumunu ve haklarını değerlendirmek için bağımsız bir kurum, standartları belirleme ve yeni politikalar oluşturma sürecinde yararlı olabilir. Politika yapımına katkıda bulunmanın yanı sıra, farkındalık yaratma ve savunuculuk faaliyetleri, ailelere hukuki danışmanlık verme, ilgili bilgileri toplama, kurumlar arası iş birliği ve belirli konularda uzman raporlarının hazırlanması bağımsız bir organın olası görevleri olarak tanımlanabilir. Farklı ihlallerin önlenmesi amacıyla bağımsız bir kurumun çocuk haklarını her boyutta takip etmesi gerekli görülmektedir.

Hükümet söylemleri ve sosyal politikaların uygulanması da dahil olmak üzere tüm devlet kurumlarında “çocuk anaakımlaştırma” anlayışının benimsenmesi yararlı olacaktır. Çocuk haklarının yerine getirilmesini sağlamanın önemli bir yolu olarak farkındalık yaratmak çok önemlidir. Farkındalık yaratmanın yolları; kitle iletişim araçlarını kullanan bilinçlendirme kampanyaları, kurumların iş birliğinde yerel etkinlikler yapmak, Aile Sağlığı Merkezleri gibi yerleşik kurumların altyapısını kullanarak ebeveynleri eğitmek ve denetlemek, çeşitli okul düzeylerinin müfredatına çocuk hakları konularını eklemek, akademisyenler için bu konulardaki araştırmaları teşvik etmek ve son olarak da veri toplamaya dayalı bir politika anlayışı olarak sayılabilir.

Çocuk politikaları sadece çocuk haklarıyla ilgili değildir. Ebeveynlerin çocuk bakımı ile ilgili hakları da söz konusudur. Ebeveynler tarafından verilen çocuk bakımı hizmeti ücretli bir iş değildir, ancak yine de bir çeşit iştir ve toplum, ailelerin verdiği çocuk yetiştirme emeğinin faydalanıcısı olması açısından bu konuda katkı sunmalıdır. Bakım sorumlulukları olan kişiler ayrıca, bakım verme ve çalışma hakkı arasında seçim yapma olanağına sahip olmalıdır.

Bu bağlamda; Türkiye’de çocuk ve insan haklarını desteklemeye yönelik diğer politikalar çocuk bakım olanaklarının artırılmasına odaklanmalıdır. Bu konuda iki şekilde politika yürütülebilir; ilki kamu erken çocuk eğitimi ve bakımı hizmetlerinin daha çok çocuğa ulaştırılması, diğer seçenek ise ailelerin özel sektörden bu hizmeti satın alabilmesi için nakit transferleridir. Nakit transferleri, özel sektör hizmetlerinden çocuk bakım tesisleri satın almak veya sübvansiyonlu özel çocuk bakım hizmetleri sağlayarak ebeveynlere doğrudan finansal destek şeklinde olabilir.

## APPENDIX B: TEZ İZİN FORMU / THESIS PERMISSION FORM

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☐

### YAZARIN / AUTHOR

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**Bölümü / Department** : Sosyal Politika

**TEZİN ADI / TITLE OF THE THESIS (İngilizce / English)** : AN ANALYSIS OF POLICIES TOWARDS YOUNG CHILDREN THROUGH A CHILD RIGHTS PERSPECTIVE: THE CASE OF TURKEY

**TEZİN TÜRÜ / DEGREE:** Yüksek Lisans / Master ☒ Doktora / PhD

1. **Tezin tamamı dünya çapında erişime açılacaktır.** / Release the entire work immediately for access worldwide. ☒
2. **Tez iki yıl süreyle erişime kapalı olacaktır.** / Secure the entire work for patent and/or proprietary purposes for a period of **two years**. \* ☐
3. **Tez altı ay süreyle erişime kapalı olacaktır.** / Secure the entire work for period of **six months**. \* ☐

*\* Enstitü Yönetim Kurulu kararının basılı kopyası tezle birlikte kütüphaneye teslim edilecektir.*

*A copy of the decision of the Institute Administrative Committee will be delivered to the library together with the printed thesis.*

**Yazarın imzası / Signature** .....

**Tarih / Date**