



ISS/IRC Country Situation

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TURKEY

Reviewed by local contacts

ANALYSIS OF THE SITUATION

NOVEMBER 2021

A. General situation

Turkey, situated in between Europe and the Middle East, is a middle-income country with a population of 83,614,362¹. Of this approximately 25 million are children (0-19 years): 51.3% of child population is boys and 48.7% is girls². In 2020, child population constituted **27.2%** of Turkey's population. 70 to 80% of the population is ethnic Turks, about 12-25% is ethnic Kurds and the remaining is composed of around 45 other ethnic groups³.

Turkey is a unitary State with an administration system organised in a two-tier structure: a central and local government. Administrative regions as such do not exist in Turkey, the geographically largest administrative entities are provinces. The country counts 81 provinces for administrative purposes and each province is divided into districts, with a total of 973 districts⁴.

Turkey has made great strides in social and economic development, with “significant progress through effective social policies on reducing poverty, improving access to basic services and reducing inequalities”⁵. Starting in the year 2000 Turkey greatly increased its social and economic performance by implementing reforms in many policy areas including targeting vulnerable and disadvantaged regions⁶. In 2017, according to TurkStat’s figures, the social protection expenditures rose by 13.7 percent year-on-year reaching to a total of \$104.8 billion and the proportion of the individuals who lived below the poverty threshold was 21.3% in 2019, but this percentage increases up to 27.7% if extended families are taken into consideration⁷. In the year 2020, Turkey was classified as having a very high development index with a rank of 54 out of 189 countries⁸. It also has well-established institutions and extensive public services, especially in health and

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¹ Turkish Statistical Institute, release date: 20 April 2021 [accessed 30 June 2021]. However, according to a local contact, this figure does not include refugee children, which amount to around 1,5 million.

² Combined 4th and 5th Periodic Reports to the CRC: Turkey, [CRC/C/TUR/4-5](#), March 2019, para. 4, p. 4; see also note 1. According to the Turkish Statistical Institute, in the last decades, there have been a decrease in the child population (0-17 age group according to the definition of United Nations): while the child population constituted the 48.5% of the total population in 1970, in 1990 this proportion was 41.8%. Information given also by a local contact.

³ Wikipedia, [Turkey](#) [accessed November 2021].

⁴ Ibid.

⁵ UNICEF, Country Program Document, [E/ICEF/2020/P/L.19](#), July 2020

⁶ The World Bank, [The World Bank in Turkey: Overview](#)

⁷ Turkish Statistical Institute, release date: 20 April 2021 [accessed 30 June 2021]

⁸ Human Development Report 2020, [The Next frontier: Human Development and the Anthropocene](#), p. 343.



education⁹. However, in the past few years growing political tensions and economic vulnerabilities have threatened these developments¹⁰.

An unsuccessful coup attempt was made in July 2016 by a faction of the Turkish Armed Forces¹¹. On the back of a failed coup attempt, Turkey's GDP growth declined to 3.2 percent in 2016¹². Following the coup, a state of emergency was imposed for two years (July 2016-July 2018), during which thousands of people were dismissed or lost their job.¹³ Turkey used to be a parliamentary representative democracy, but a Presidential system was adopted in a referendum in 2017, during the state of emergency. The new system came into effect in 2018, with the presidential election. It gives the President complete control of the executive as the office of the prime minister was abolished. New powers have also been granted to the President who may now "issue decrees, propose the budget, appoint cabinet ministers and high-level bureaucrats without a confidence vote from the parliament, and directly and indirectly appoint the Council of Judges and Prosecutors"¹⁴.

Significant regional, socioeconomic and gender disparities persist, especially in terms of child poverty, child labour, gender discrimination, child marriage, access to education, as well as violence and abuse, particularly for the most vulnerable groups. Therefore, special efforts are still required to uphold the rights of vulnerable groups such as children with disabilities, children without parental care and in contact with the law, children engaged in economic activities, and girls at risk of child marriage. Moreover, the highest number of children is seen to accumulate towards more rural parts of Turkey where children often have limited access to fundamental needs such as nutrition, access to healthcare, education, and protection¹⁵.

Regional dynamics and impacts from the conflicts in the neighbourhood countries are also imposing significant challenges to economic and social aspects. According to the UNHCR figures, Turkey is the world's largest refugee-hosting country. It hosts 3.6 million Syrian refugees who fled the Syrian civil war, including 1.5 million children¹⁶. There are also close to 400,000 registered asylum-seekers and refugees from other countries, about a third of whom are children¹⁷. Only 6% of Syrians under Temporary Protection (SuTP) resides in refugee camps, while the majority are in urban areas. The arrival of Syrians places a strain on social services, but Turkey has shown exemplary openness to Syrians and facilitated their access to critical public services¹⁸. Apart from being a destination country, Turkey is also a transit country. The Turkish government reformed his asylum system in the last 8 years, and it is the largest provider of humanitarian aid to refugees. UNICEF and other agencies deliver aid in the country as well.¹⁹

In 1963, Turkey became an associate member of the European Community; it began accession talks with the EU in 2005. To comply with the political criteria for the EU accession, the Turkish Parliament passed legal reforms to strengthen the human rights protection system to benefit children's rights.

B. Children deprived of their family and alternative care options

Turkey has a broad range of services designed to prevent and address child protection risks and violations, whereas other services are designed to act only after violations occur. Policies to strengthen the protective role of families, accelerate economic development and try to reverse deep-seated inequities²⁰ are in place. The alternative care system

⁹ UNICEF, 2019, [Turkey Annual report](#), p. 5.

¹⁰ See note 7.

¹¹ BBC News, 2016, [Turkey's coup attempt: What do you need to know](#) [accessed: 13 July 2021].

¹² The World Bank, 2018, [Strengthening Social Policy in Turkey](#), p. 2.

¹³ See note 13.

¹⁴ The Brookings Institution, 2019, [Turkey's New Presidential System and a Changing West: Implications for Turkish Foreign Policy and Turkey- West Relations](#), pp. 5-6.

¹⁵ UNICEF, 2018, [Country Office Annual report \(COAR\) - Turkey](#), p. 4. See also Eryurt M. and Koc I., 2013, Child poverty and regional disparities in Turkey, published in *The Turkish journal of paediatrics*.

¹⁶ UNHCR, [Refugees and Asylum Seekers in Turkey](#); OCHA, Reliefweb, 2020, [UNHCR Turkey Operational Update](#).

¹⁷ See note 10, p. 5.

¹⁸ See note 14, p. 3.

¹⁹ See note 10, p. 5. See also UNICEF, 2018, [Turkey Annual Report](#), p. 1

²⁰ Inequalities have been increasing in Turkey for the last 25 years. See <https://data.oecd.org/inequality/income-inequality.htm>. According to the ISS local contact, discrimination is also widespread and instilled in people from childhood through education. See for example, <https://minorityrights.org/wp-content/uploads/2015/10/EN-turkiye-egitim-sisteminde-avirimcilik-24-10-2015.pdf> and <http://hdr.undp.org/en/countries/profiles/TUR>



has gradually progressed towards de-institutionalisation and family-based care.

Considerable investments were also made in expanding the quality and provision of protection services. From being a small component of Turkish system, various new social protection programs have been implemented over the past decade, increasing its importance. More funds have been allocated and the social protection expenditures have regularly risen in the last years (in 2019 it increased of 20.8% compared to the expenditure in 2018)²¹.

The institutions responsible for the protection of children and alternative care are the **Ministry of Justice (MoJ)** and the newly **Ministry of Family and Social Services (MoFSS)**. Caseworkers (most of them are social workers) are in charge of assessing a child's and his or her family's situation (e.g. socio-economically and psychological well-being). The process is mostly undertaken by the Ministry of Family, but the protection order is given by the MoJ according to the social inquiry reports. The Eleventh **National Development Plan (2019-2023)**, the first development plan prepared under the new Presidential system, was adopted in July 2019. The plan has an inclusive approach, covering all sections of the society including children, youth, women, disabled people, and elderly who require special policies. Amongst objectives set forth for children are especially the following: reduce the intergenerational transmission of poverty and increase equality of opportunity; develop and expand family-oriented services for children in need of protection; and promote trainings, awareness raising activities to strengthen and expand the foster care service model. In addition, psycho-social support services will be expanded in line with the needs of children and parents and specific attention is given to unaccompanied children and children under international and temporary protection²². However, according to the European Commission²³, there is an urgent need to increase complementarity and cooperation between social assistance and social services for children. It also notes that despite the indicator on foster care in the National Development Plan, no concrete activity is defined for foster care²⁴.

UNICEF has been working in close collaboration with the MoFSS to reform the childcare and protection system for Turkish and refugee unaccompanied and separated children (UASC), support vulnerable families through targeted assistance and strengthen the quality and provision of family-based alternative care for those children in need²⁵. Government agencies have also received financial supports from the EU for projects to improve children's rights in Turkey. Last year, a new project, whose objective is to improve the standards of the social service for children and to combat child labour in the best interest of the child has been launched²⁶.

Family support and prevention of unnecessary family-child separations

Turkish culture is very family oriented and there is a strong belief that persons should maintain ties with their relatives and care for the parents and the elders into their old age. In line with this, unless it is contrary to the best interests of the child, it is policy in Turkey to provide psycho-social and economic assistance to families to prevent unnecessary family separations²⁷. In fact, when mothers and fathers cannot fulfil their responsibilities towards their children due to economic reasons (and hence apply for institutional care), families are supported with social and economic assistance. Yet, the main reasons for family separation remain: socio-economic insufficiency, physical and violence and emotional abuse of the family followed by divorce²⁸. The General Directorate of the Child Services of the MoFSS has, since 2015, provided the **Social and Economic Support Service (SED)**²⁹. Under SED, the amount of assistance to

²¹ Turkish Statistical Institute, release date: 1 December 2020 [accessed 30 June 2021].

²² Presidency of the Republic of Turkey, Eleventh National Development Plan (2019-2023), July 2019, p. 156-159.

²³ European Commission, 2021, Commission Staff Working Document, Economic Reform Programme of Turkey (2012-2023), Commission Assessment, p. 31.

²⁴ Ibid.

²⁵ See note 10, p. 12 and 23.

²⁶ Turkish Ministry of Foreign Affairs, Directorate for EU affairs, 2020, Supporting Children's rights in Turkey.

²⁷ See note 2, para 123, p. 18. According to a local contact, there are five types of injunctions as set forth by the Child Protection Law n. 3595/2005: 1. Counselling injunction; 2. Education injunction; 3. Care injunction; 4. Accommodation injunction; 5. Health injunction. These injunctions are implemented in some cases when the children are with the family or in some cases placed in alternative care. The **counselling injunction** includes training and psychosocial support for parents about child care. The **education injunction** covers the special follow-up of the child's school attendance. The **care injunction** covers the protection of the child and the care of the child under the supervision of the state in alternative care. **Accommodation injunction** covers the provision of shelter for people with children or pregnant women. The **health injunction** covers the child's access to health services and their follow-up. During the implementation of injunctions the Ministry of Education, the Ministry of Health, the Ministry of Justice, and the Ministry of Labour share responsibilities with the MoFSS.

²⁸ Turkey Annex to State Party Report 4-5, March 2019, INT CRC ADR TUK 34609 E. See also Association for Solidarity with Children leaving Malatya Residential Care Institutes, 2021, "Hold on to life", p. 8-9.

²⁹ See <https://www.resmigazete.gov.tr/eskiler/2015/03/20150303-3.htm>. For the Handbook on SED, see

<https://www.ailevecalism.gov.tr/uploads/chgm/uploads/pages/yayinlar/sed-hizmetini-yuruten-idarecilere-ve-meslek-elemanlarina-yonelik-el-kitabi-yeni.pdf> (available only in Turkish).



families varies by age and educational level of the child. SED assistance comprises one year or longer benefits. Families who receive the SED assistance are visited on a six-months basis. This visit is to assess whether the assistance is used for the child and whether the family environment is appropriate for the child's psychological well-being. This support provided to Turkish families started to be offered to immigrants who had been under temporary protection since June of 2016³⁰. The number of children benefiting from this service in the period 2003-2016 has increased about ten times³¹. By the end of December 2017, 161 163 children had benefited from the SED³².

The government has also underpinned several programmes to support and enhance parental skills, minimise family problems and stress on the significance of family. Under the **Family Education Programme (FEP)**, the MoFSS has organised several trainings across the country to raise awareness on children and family related issues. Since the beginning of this programme (2013), 8 354 trainers have been trained and 706 361 adults have participated to at least one public training on these subjects³³. The programme "Family Education Course Programme (for families with children of 0–18 ages)" was developed by Ministry of National Education (MoNE) with the aim of developing parental skills of individuals responsible for childcare, primarily disadvantaged parents and children under risk due to their socio-economic conditions, providing them a healthy and positive family environment, and supporting development and education of children³⁴.

Another social assistance programme for disadvantaged Turkish children is the **Conditional Cash Transfer for Education (CCTE)** programme. This programme has been implemented by the MoFSS since 2003 and was extended to refugee families in June 2017. The programme aims to encourage enrolment and improve school attendance of children. It also includes important child protection component that should ensure the identification and assessment of the most vulnerable children and their referral to complementary child protection services, as required. The coverage of this programme has been further extended in recent years³⁵.

As part of its commitment to better reach the poorest and most vulnerable families and address the challenges they face in a comprehensive manner, Turkey started the **Family Social Support Program (ASDEP)**³⁶ as a pilot experience to introduce a case management approach to the management and delivery of social services. ASDEP aims to develop and coordinate integrated service models – provided by MoFSS and other public agencies and organisations – with the objective of ensuring that families are self-sufficient and capable of access services and solving problems, with the ultimate goal of reducing poverty and deprivation³⁷. A key element of the ASDEP model of intervention is tracking families' progress in achieving results agreed in the family plan. In 2019, UNICEF supported the mobilisation of additional ASDEP teams in the fifteen provinces with the largest refugee populations by recruiting 86 case workers and interpreters. These teams assessed 9,395 children (of whom 1,243 were identified as high-risk) and 917 referred to specialist services³⁸.

Regarding family **reintegration**, the law establishes that when the reasons behind the alternative care measure disappear, the protection decision is removed, and the child is to return to the biological family. Psychosocial support can be provided to the family with the help of counselling measure³⁹. However, in practice, problems are observed during the reintegration of the child to the family such as unthorough evaluations on reintegration; insufficient number

³⁰ Refugees Association, 2017, [What is the Social and Economic Support Service \(SED\)](#) [accessed in July 2021].

³¹ See C. Bolgun, E. Ayguler, M. C. Ayalp, [An analysis of the social and economic support services of the Ministry of Family and Social Policies in Turkey](#), in IJOESS, January 2019, Vol. 9, issue: 33. According to the authors, although there has been an increase in the number of children benefiting from the SED, the service actually reaches out very few when the number of poor children is taken into account.

³² See note 2, para 126, p. 18.

³³ See note 2, para 115, p. 17.

³⁴ See note 2, para 116, p. 17. Besides, programmes to support reintegration of women out of work due to birth (such as "Supporting Registered Employment of Women Through Home-Based Childcare Services Project") and grandmothers taking care of their grandchildren have also been implemented.

³⁵ In 2019, the child protection component of this programme reached 18,844 children (Turkish and refugee children), of whom 1,654 were referred to specialised services. Particularly with regard to refugee children, the CCTE reached 562,016 children by December 2019, compared to 410,740 in December 2018. Of all refugee children in school, 80% benefit from CCTE35. See note 10, p. 31-32 and Turkish MoFSP and World Bank, 2017, [Turkeys integrated social assistance system.pdf](#).

³⁶ There is no regulation of any other legal document on this. In the 2019 activity report of the Ministry, it says at page 69 that the ASDEP is operational since 2017. Information provided by a local contact. See http://www.sp.gov.tr/upload/xSPRaport/files/pijZ2+ACSHB_2019_Faaliyet_Raporu.pdf

³⁷ The World Bank, 2018, [Strengthening Social Policy in Turkey](#), p. 4.

³⁸ See note 10, p. 24.

³⁹ See note 29.



of social workers for the caseload⁴⁰. Aside from the lack of support to the child in such situations, it also is worth mentioning that there is no psychological support nor follow-up available to foster carers either, when the child returns to his/her family of origin⁴¹.

Alternative care options

According to UNICEF⁴², Turkey continued to make significant progress on alternatives for children deprived of parental care and towards de-institutionalisation. Focus is put on family reunification (birth families or extended families) and if not possible then foster care is given priority. According to the data of the MoFSS, in 2020 the number of children in institutional care was 13 524 whereas the total number of foster families was 6 481. The number of children cared by foster parents was 7 864. In the same year, the number of adopted children was 493⁴³.

Child protection services in Turkey can be divided in **foster care**, **residential care** (with various types of child centres) and **adoption**. Although available figures show a slight decrease of the number of children living in residential care over recent years, the latter remains the prevalent measure for children supported by government protection services. In spite of minimum standards being in force, UNICEF acknowledges that the following remain areas of concern: an effective legal guardianship system, a best interests determination mechanism, and alternatives to residential care for unaccompanied migrant and refugee children and options for children with their detained families during irregular migration⁴⁴.

Lastly, a Family Information System was also recently created to collect information about children under protection and care. The system collects information such as application date for the child, reason of application, arrival and admission date of the child to the institution, measures, educational background, etc.⁴⁵.

Foster care

For children who cannot reunite with their birth families and who have not been declared adoptable for various reasons, foster family service is provided. Foster care by relatives is considered in the first place.

The first foster care system aiming at replacing institutions was established with the **2012 Fostering and Children Act**. The regulation required training and certification of foster families and it divides the foster care model into four categories (see below). According to the foster family legislation, any Turkish citizen between the ages of 25–65 and with an elementary school education and a regular income may apply to become a foster parent or a “Protective Family” (*Koruyucu Aile*), regardless of their marital status or presence of children of their own. All foster families receive a fostering stipend that covers the costs of the fostered child, including health, clothing expenditures, educational expenses including public college fees and quotas for scholarships in private schools. Foster family stipends are determined according to the rates of highest civil servant pensions, with variance allowed according to the age of the children and their educational expenses, ranging from about 750 to 1350 Turkish Lira. Health care for the children and social security payments for foster parents are included in the incentives that seek to remove the financial burdens of foster families⁴⁶.

As mentioned, there are four models of foster care: long-term foster care; short-term foster care; kinship care, and specialised foster care. In practice, long-term foster care is the one implemented mostly⁴⁷. Moreover, according to a local contact, it seems that the foster care system is used by persons who wish to adopt the child. This is made possible given that a foster carer is given priority when considering the adoption of the child.

In the last decade, efforts have been made to develop foster care services by means of carrying out informative activities (such as TV programmes) and media campaigns about foster families. The Ministry of Family has launched a

⁴⁰ Information provided by a local contact.

⁴¹ Ibid.

⁴² UNICEF, Turkey, [2018 Annual Report](#), p. 5.

⁴³ [Turkish Statistical Institute](#), release date: 20 April 2021 [accessed 30 June 2021]

⁴⁴ See note 38, p. 5.

⁴⁵ See note 2, para 135, p. 19.

⁴⁶ Ellis B.A., 2021, [Norm Localization and Contestation: The Politics of Foster Children in Turkey](#), in *Genealogy*, 5:25, p. 16.

⁴⁷ Information provided by a local contact. He also confirmed that most of fostered children are not eligible for reintegration.



media campaign called the Ambassadors of the Hearts with support from the Directorate of Religious Affairs, conducting 1 850 meetings in 81 provinces and this year (2021), the 30 June was declared “Foster Family Day”⁴⁸.

The foster system has grown from fewer than 100 families in 2012 to 7 259 children residing with 5 289 foster families just seven years later, according to the MoFSS (2019)⁴⁹. UNICEF has been provided further technical support for the development of a short-term foster care system to prevent institutionalisation of children, including the training of 85 service providers for the training of foster families⁵⁰. As observed, although the total number of foster families has grown significantly, it is still low per capita in major cities such as Istanbul (796), Izmir (432) and Ankara (472)⁵¹. Even with supportive legislation, extensive economic incentives to foster families, and political investment in advocacy campaigns, the number of children cared for in foster families only represents one-quarter of the total number of children in the State child protection system⁵². In addition, UNICEF acknowledges that regarding migrant and refugee children, children with disabilities and other children with specific needs, there is limited availability of specialised foster care⁵³.

Residential care

Children who cannot benefit from family-based services are placed, as a last resort, in apartment-type children’s homes and children houses sites. The latter are organised as close to a family environment as possible (see below). The Turkish government has put efforts in reducing and changing from big care facilities to smaller structures. For example, since June 2017, Turkey does not have dormitory type institutions anymore⁵⁴.

Violence in residential settings is, sadly, a common feature of the Turkish system as reported by ECPAT⁵⁵. These institutions are in fact not open to public scrutiny or independent monitoring. Every year several violent incidences are reported in the media. In some cases, the reports revealed that the care providers are not adequately trained nor are they qualified in social work; in other instances, some of the violent incidences may amount to ill treatment⁵⁶.

As explained by a local contact, the home care model is currently being implemented, and residential care is mainly divided into: Child support Centres, Child’s Houses, Child’s Houses Complexes/Sevgi Evleri⁵⁷.

- **Child Support Centres (çodem)**, temporarily provide care and protection services to children identified to need psycho-social support as a result of being in conflict with the law, being victim of crime or being in street situation and for whom a care measure or protection order has been issued. They aim to meet the basic needs of children, define their physical, emotional, psychological, and social needs and carry out necessary interventions, including reintegration into their families or with relatives or prepare them for other service models. They also house orphaned children⁵⁸.
- **Children’s House (çocuk evleri)** is an individual house that is not part of a complex, bigger structure offering apartment-style accommodation for older children (aged 0 to 18 years). Between 5–8 children stay together in flats or private houses in central areas, regions with appropriate social, physical and cultural structures (e.g. schools and hospitals)⁵⁹.

⁴⁸ Directorate General of Children’s Services, 2021, *Foster Families met at the “Foster Family Day” at the Presidency* [accessed 13 July 2021].

⁴⁹ See note 2; note 6 & note 27, in particular sheet 22 (services provided to children deprived of parental care).

⁵⁰ See note 10, p. 12 & 23.

⁵¹ See note 42, p. 7.

⁵² Ibid.

⁵³ See note 6, para 14, p. 5.

⁵⁴ See note 6, para 131, p. 18.

⁵⁵ ECPAT International, 2020, *ECPAT Country Overview: Turkey*, p. 4.

⁵⁶ Information provided by a local contact. Besides, the same local recalls that violence is quite widespread also among families by referring to a 2014 evaluation report on SED according to which 10% of all children/families receiving SED experienced violence at home. See <https://www.ailevecalisma.gov.tr/uploads/chgm/uploads/pages/yayinlar/sosyal-ve-ekonomik-destek-hizmetlerinin-degerlendirilmesi-projesi-arastirma-sonuc-raporu.pdf>, p 104-106 (available only in Turkish).

⁵⁷ *Sevgi Evleri* is a nursery concept developed by the MoFSS. Any Sevgi Evleri is located in an apartment in a city centre. Its aim is to prevent the child’s social isolation by living within the society. See C. Bolgun, E. Ayguler, M. C. Ayalp, *An analysis of the social and economic support services of the Ministry of Family and Social Policies in Turkey*, January 2019. However, according to a local contact, “Sevgi evleri” and “yetiştirme yurdu” are older terminologies that are currently not used anymore.

⁵⁸ Daily Sabah, August 2020, *Turkish Government helps children in foster care to find future careers* [accessed 12 July 2021].

⁵⁹ Tekindal M., Ozden S. A., 2016, *Child Protection System in Turkey. In Foster care, Childhood and Parenting in Contemporary Europe*, p. 22.



- **Child's Houses Complexes (*çocuk evleri sitesi*)** are structures with more than a house, located a little further outside the city, offering home-style care most approximating a family life, and benefit from equal educational opportunities as from early childhood like other children. These complexes may consist of up to 10-12 apartments and allow for a maximum of 12 children (aged 0 to 18 years) who stay in rooms for three persons that are adapted to the development needs of children proper for their age⁶⁰.

As of December 2017, 1 195 child homes, 108 Child Houses Sites and 65 Child Support Centres have been operating throughout the country. Additionally, according to the last periodic report submitted by Turkey to the CRC (2019), there were a total of 14 189 children placed in institutional care⁶¹.

For each child placed in residential care, an individual implementation plan is prepared. It involves comprehensive targets based on the need of each child and is periodically revised. Reports are also submitted to a court at each quarter⁶². Various mentorship services are offered to the resident children until they complete university education or reach the age of majority to provide support in relation to risks and problems that they may face after leaving the residential care service. In addition, these children are also accorded the right to be employed in public institutions (see below)⁶³.

In its latest Concluding Observation (2012), the Committee on the Rights of the Child (CRC) expressed concerns about the high numbers of children remaining in institutions with inadequate conditions, limited staff capacity, inadequate educational support or recreational activities, and thus it recommended to providing more qualified professionals and effectively monitoring the conditions of such children⁶⁴. In response to the above, Turkey adopted in 2014 "*International Standards on Childcare*" developed by Save the Children Alliance and implemented by alternative care institutions under the name of "*Minimum Standards for Children Deprived of Parental Care*"⁶⁵.

According to UNICEF, compliance with quality assurance mechanisms in MoFSS residential facilities for children without parental care was strengthened through the implementation of self-assessment standards in 172 facilities. Further, guidelines and training modules were developed for the Child Development Programme, with the aim of increasing the quality of care in residential facilities for all children, including unaccompanied and separated children (UASC). This programme reached 2 688 children (20% of all children in residential care) and was supposed to be further scaled up in 2020⁶⁶. MoFSS and UNICEF also collaborated in the development of the ANKA programme, a psychosocial support and life skills development programme for children in residential care. In 2018, the programme was adapted to respond to the specific needs of UASC accommodated in 10 of the Ministry's child support centres. Training programme and reference materials were developed, and 193 frontline workers were subsequently trained⁶⁷.

Leaving care

As for the **leaving care**, Turkey has established a Post-Care Guidance, Monitoring and Assessment Commission with the aim of monitoring, supporting and providing counselling to individuals whose care measures have terminated. If the child or young adult approves, a social service professional is assigned to monitor and provide guidance to the young person for a year⁶⁸. In 2020, the Turkish government announced the intention of supporting children living in residential care to shape their future by offering occupational consultation services. The services aim to guide children, aged 13-18, towards developing their skills and developing a life project. It primarily covers children who have dropped out of school or cannot attend for personal reasons. The services, for children living in Child Support Centres and Children's Houses, will be provided by the Ministry's employment agency, İŞKUR, the country's main employment

⁶⁰ Ibid.

⁶¹ See note 2 (CRC/C/TUR/4-5), para. 131, p. 18.

⁶² See note 2 (CRC/C/TUR/4-5), para 133, p. 19.

⁶³ *Turkey's Sustainable Development Goals*, 2nd VNR, 2019, "Strong grounds towards Common Goals". See also Directorate General of Child Services, 2021, *News: 890 Young under State Protection Appointed to Public Institutions and Organisations* [accessed 13 July 2021].

⁶⁴ Committee on the Rights of the Child, July 2012, Concluding Observations on the second periodic report of Turkey, CRC/C/TUR/CO/2-3, p. 10-11.

⁶⁵ See note 2 (CRC/C/TUR/4-5), para. 16, p. 5. See also UNICEF, 2014, [NATIONAL MINIMUM STANDARDS FOR CHILDREN WITHOUT PARENTAL CARE](#).

⁶⁶ See note 10, p. 12.

⁶⁷ See note 10.

⁶⁸ See note 2, para 134, p. 18.



agency. İŞKUR consultants would be paired with children and young adult to take into account their skills and interests to help them choose a path of education and eventual career⁶⁹.

Specific groups of children

With regard to **refugee children**, Turkey's response is based on a comprehensive legal framework, in particular the Law on Foreigners and International Protection (2013) and the Temporary Protection Regulation (2014). UNHCR and the MoFSS work closely to implement the national policy to include refugees in social protection mechanisms. In 2020, UNHCR⁷⁰ focused on strengthening the capacity of social service centres (SSCs), child institutions as well as counselling and rehabilitation. Meanwhile, UNICEF has also provided trainings to staff to identify and assess to refugee children in youth centres located in 25 provinces based on a new partnership with the MoYS⁷¹. However, several reports show that refugee children continue to face challenges in terms of material deprivation, limited access to services, and that refugee families experience high levels of poverty⁷². The 2019 Annual Programme of the Presidency has indeed acknowledged the need to increase and diversify the services provided to refugee children and young people in several areas and highlights the need for more programmes to develop their life skills and enhance social cohesion⁷³.

As to **unaccompanied refugee and migrant children**, there is no updated information on the number of unaccompanied children in Turkey. The vast majority of unaccompanied children applying for international protection in Turkey seem however to originate from Afghanistan⁷⁴. In an effort to close down temporary accommodation centres, Turkish legislation clearly states that the detention of children is forbidden even during administrative proceedings, and that children are to be referred to childcare facilities managed by the MoFSS. However, it has been noted that there is still a tendency for them not to be taken into the care of those facilities, despite the recent legislative amendment⁷⁵. According to the Turkish Civil Code, all children placed under State care must be assigned a guardian, especially children who are not accompanied by their parents. Relatives are appointed as guardians as a priority. As a rule, a guardian is appointed for 2 years, and thereafter may be reappointed for two more terms.

Comments of the ISS/IRC

During the last 10 years, Turkey has carried out significant changes and improvements towards the support of family-centred policies and the de-institutionalisation of children deprived of their families. The results of eliminating large scale institutions and the contemporary orientation towards family-based settings is to be applauded. ISS/IRC also welcomes the efforts made to comply with the CRC Committee's latest Concluding Observations in 2012, by introducing standards on child care and a Self-Assessment Guide to enhance the quality of alternative care. While this Self-Assessment Guide is a positive step, it would be important to couple such tools with regular State monitoring.

As a first general comment, it is worth mentioning that according to a local source, the legislative Turkish framework is scattered, intricate and lack of clarity in terms of harmonised applicable norms, roles and responsibilities of competent authorities, etc.

Regarding alternative care options, ISS/IRC congratulates Turkey for introducing and enhancing a foster care system that provides support to foster families and encourages more and more persons to commit long-term to caring for a child deprived of parental care. Proof of this is that there are only few cases of children with repetitive foster care placements. However, the current political and legislative framework on foster care seems to exclusively reflect the needs and rights of foster caregivers, while foster children and their biological families appear to be increasingly invisible in this evolving system. Biological parents must face long bureaucratic procedures with intense legal requirements in order to reunify with their child. This stands in great contrast to the ease for candidates to apply for foster care. In addition, it seems that foster families consider their relationship with the child as being of permanent

⁶⁹ Daily Sabah, August 2020, [Turkish Government helps children in foster care to find future careers](#) [accessed 9 July 2021]

⁷⁰ UNHCR, 2020, [Turkey Operational Highlights](#), p. 4: in 2020, in 23 provinces, 74 SSCs, three provincial directorates of MoFSS, four child support centres and one child home complex were supported with staff, vehicles and material.

⁷¹ UNICEF, 2018, [Annual Report](#), p. 11.

⁷² Asylum Information Database (AIDA), 2020, [Country Report: Turkey](#), p. 106

⁷³ See note 22.

⁷⁴ See note 22, p. 63-64.

⁷⁵ See note 65, p. 63.



nature. Only few children have been reintegrated into their biological families, as confirmed by a local contact. In this regard, not only ISS/IRC recommends putting more efforts in clarifying the temporary role of foster families and in supporting and accompanying the reintegration of children into their biological families; but also it encourages to integrate and implement the main principles of the 2009 UN Guidelines into the law and the relevant regulations. To this aim, ISS/IRC advises to introduce an effective monitoring and enforcement process of the measures taken; to train and evaluate the professional and ethical compliance of caregivers; to develop appropriate criteria for their accreditation and monitoring; and to establish a monitoring and evaluation after care process as well as aftercare monitoring unites in the provinces.

It would be advisable a revision of the criteria for becoming a foster parent, as at the present time there are no government restrictions, including those related to foster parents' age. More efforts should also be made to maintain and encourage the relationship with the biological family while the children are with foster families.

Furthermore, due to the lack of disaggregated data by age, gender, ethnicity, level of poverty, geographical region, etc., existing data do not allow to capture a real picture of the alternative care system in Turkey and the situation of children in care. It is hence impossible to ascertain how many family separations and care placements could have been avoided and whether existing prevention measures are effective. Furthermore, as confirmed by a local source, there is a lack of information on the actual quality of care provided as well as incidents of violence committed against children in care. This makes it very difficult to tackle the nature and scale of violence experienced by children and young adults in alternative care.

C. Adoption

***Nota Bene:** Turkey is a contracting State to the 1993 Hague Convention since 1st of September 2004. Turkey is both a receiving country and a country of origin. Since February 3rd 2016, Turkey has suspended intercountry adoptions given the small number of adoptable children⁷⁶. Before that date, intercountry adoptions were rare and adoptable children were generally older or were special needs children⁷⁷.*

Adoptions in Turkey are governed by the Civil Code (articles 305-320), the Statute entitled "Execution of Interventions Regarding Adoption" based on Council of Ministers Decision N° 2009/14729 (known as the Adoption Statute), the Code of Conduct for the Implementation of Mediation Services on Adoption of Children, and The Hague Convention on Intercountry Adoption.

THEMES	INFORMATION
CENTRAL/ COMPETENT AUTHORITY	<p>Ministry of Family and Social Services - General Directorate of Child Services Department of Support Within Family Address:</p> <p>ESKİŞEHİR YOLU SÖĞÜTÖZÜ MAHALLESİ 2177 SOKAK NO:10/A KAT:10 Pk:06510 Çankaya/ANKARA TURKEY Telephone: + 90 312 705 50 59 / 51 09 / 53 58 Fax: + 90 312 705 50 60 Website: www.ailevecalisma.gov.tr Email: aydeshd@ailevecalisma.gov.tr; evlatedinme.chgm@ailevecalisma.gov.tr; cocukhizmetleri@ailevecalisma.gov.tr Contact person: General Director Orhan KOÇ</p>

⁷⁶ MAI, *Adoption en Turquie*; Office Fédéral de la Justice OFJ, *Adoption Turquie*.

⁷⁷ US Department of State, Bureau of Consular Affairs, *Turkey Intercountry Adoption Information*.



	<p>NB: The Ministry of Family and Social Services - General Directorate of Child Services functions also as "Intermediary Authority" for national adoptions as per "Regulation on Execution of Intermediation Activities regarding Adoption of Minors" that entered into force on 15.03.2009.</p> <p><i>Sources: HCCH Authorities; HCCH country profile: Turkey (2020)</i></p>
FULL/ SIMPLE ADOPTION	<p>Full adoption - an adopted child has the same rights as a biological child of the adoptive parents, including the rights related to inheritance.</p> <p><i>Sources: Turkish Civil Code, art. 314; Adoption Statute, art. 9.</i></p>
SUBSIDIARITY PRINCIPLE	<p>All children who are available for adoption benefit immediately from domestic adoption services. They are placed in a queue/waiting list and particularities such as age, gender, medical situation of minor, siblings, demand for adoption of his/her sibling together with them are taken into consideration when specifying the queue/waiting list. Between 2012 and 2018, 4 490 children have benefited from adoption.</p> <p>Intercountry adoption is only possible if there is no possibility of placing the child in Turkey and if the adoption is in the best interests of the child.</p> <p><i>Sources: Code of Conduct for the Implementation of Mediation Services on Adoption of Children (Decree No: 2009/14729), art. 16; CRC/C/TUR/4-5</i></p>
CHILD ADOPTABILITY	<p>Children eligible for adoption in Turkey belong to either one of the following three groups:</p> <ol style="list-style-type: none"> i. Children abandoned generally soon after birth by their families and placed into institutions due to failure of reaching their family during the investigation carried out by the security forces. Children are generally born out of wedlock. ii. Children for whom the option of being adopted is made by a judge followed by the consent of their parents pursuant to art. 309 of the Civil Code. iii. Pursuant to art. 311-312 of the Civil Code, the judge can defer from the consent of parents, when the latter are not able to fulfil their obligation towards the child or when the child has not been looked after by his/her family for a long time. <p>Moreover:</p> <ul style="list-style-type: none"> ▪ An adopted child must have a minimum of 18 years less than his or her adoptive parent. ▪ Adoption must be in the interest of the child and should not cause prejudice, in an unequitable sense, to the other children of the prospective adoptive parent(s). ▪ If the child reaches 18 years after the adoption request, the provisions applying to children continue to apply to him or her if the conditions were previously fulfilled. <p><i>Sources: Turkish civil code art 11, 305, 308-315; Code of Conduct for the Implementation of Mediation Services on adoption of children, art. 4 US Library of Congress, Adoption Law: Turkey</i></p>
PROSPECTIVE ADOPTIVE PARENTS	<ul style="list-style-type: none"> ▪ A person must be at least 35 years old or be in a continuing marriage for at least five years. ▪ Married persons who have both at least 35 years old or are married for at least 5 years can only adopt jointly. An exception exists which permits married individuals of at least 30 years old to adopt alone if their husband or wife does not permanently have a capacity of discernment, if he or she has been of unknown whereabouts for at least 2 years, and if a decision of justice determined that the couple did not live together for at least 2 years and that it is impossible for this reason to adopt jointly. ▪ Where spouses have been married for at least two years or the one wishing to adopt reached the age of 30, is allowed to adopt the other's child. ▪ Spouses must each fill out and submit the application.

	<ul style="list-style-type: none"> ▪ The fact that an adoptive parent dies or loses its capacity of discernment after the adoption request does not constitute an obstacle to adoption for the other adoptive parent, as long as other conditions are not affected. ▪ An unmarried person is permitted to adopt singly if he or she is at least 35 years old. ▪ There must be at least 18 years' difference between the adopting person and the adopted child. <p><i>Sources:</i> Turkish civil code art 305-307, 315; Code of Conduct for the Implementation of Mediation Services on adoption of children, art. 4; US Department of State, Bureau of Consular Affairs, Turkey Intercountry Adoption Information</p>
CONSENTS	<p>Child Only the consent of the child with capacity of discernment should be given. A child under guardianship, whether or not they have a capacity of discernment, cannot be adopted without the authorisation of the guardianship authorities.</p> <p>Parents Consent of the birth parents of the child is necessary. Such consent must be given by oral or written declaration to the guardianship authority of the parents' or child's domicile or temporary residence and must be recorded. Such consent is valid even if the name(s) of the adoptive parent(s) has(have) not been indicated at the moment of consent or has(have) not yet been determined.</p> <p>Consent to adoption may not be given until at least six weeks after the birth of the child. It may be revoked within six weeks of having been received. Where consent, having been revoked, is given again, it is then final.</p> <p>The consent of a parent may be dispensed with if the identity of the parent(s) is unknown, if he or she has been of unknown whereabouts for some time, or permanently lack capacity of discernment, if he or she has not sufficiently fulfilled his or her obligations towards the child.</p> <p>When the child is placed in foster care with a view to subsequent adoption and the consent of one parent is missing, the tribunal of the place of domicile of the child will decide whether to dispense with such consent at the request of an adoption agency or of an adoptive parent, and as a rule before the child is placed with his or her adoptive parents. If the missing consent of one of the parents is not sought after because they have not fulfilled their obligations towards the child, the decision of the tribunal in this regard will be communicated to them in writing. In all other cases, the decision is made at the time of the adoption.</p> <p><i>Sources:</i> Turkish Civil Code art 308-312; Code of Conduct for the Implementation of Mediation Services on adoption of children, art. 4; HCCH Country Profile: Turkey (2020)</p>
PROCEDURE	<p>Domestic adoption: There are two ways for filing for adoption in Turkey. The individuals or the couples (spouses) who would like to adopt a child could apply to provincial offices of Social Services in person (and together in case of spouses) and in writing for determination of a suitable child or the applicant(s) could also apply directly to the child's parents or his/her legal guardian. This process will be supervised by Social Services.</p> <p>Intercountry adoption: Turkish citizens living abroad as well as foreign citizens can apply to the relevant institution in their country of residence (in accordance with the 1993 HC). Applications for intercountry adoptions are made according to article 5 of the Code of Conduct for the Implementation of Mediation Services on adoption of children.</p> <p>Required documents to apply for adoption are the following:</p> <ol style="list-style-type: none"> 1. Copy of the civil registry record obtained from the Directorate of Civil Registration to certify the applicant's civil status;

	<ol style="list-style-type: none"> 2. Criminal records of the applicants and family members living with the applicant(s); 3. Documents presenting the applicant’s assets, income and social security status; 4. Document presenting the applicant’s educational background; 5. Health report issued by an authorized commission of doctors showing that the applicant neither have physical, mental, psychological disability, contagious or chronic disease nor is addicted to alcohol or drugs: 6. Certificate of residency (domestic adoption); 7. Residence permit for foreign and Turkish citizens living abroad (intercountry adoption); 8. Document proving that the receiving country allowed or shall allow the minor to enter and reside in the country permanently (intercountry adoption). <p>The documents should be submitted no later than two months after the start of the application.</p> <p>Social services will visit the applicant(s) at their residence six months after the documents have been delivered and will initiate a social research investigation within a minimum of 5 interviews. A comprehensive social inquiry report will be prepared after the interviews with the applicants by requesting several documents, by evaluating personality, education, cultural features, financial situation and medical situations of clients and, if any, of other people they live with. The inquiry will also include the relationships of family members towards each other and their social sphere, their view of adoption, their approaches to care, raising, educating, their expectations from the child, and the characteristics of the child they wish to adopt.</p> <p>In the case of intercountry adoption, the Central Authority requests the receiving State to prepare a file including information about the applicant(s). The information needed includes the identity, eligibility, and suitability to adopt, background, family and medical history, social environment, reasons for adoption, ability to undertake an intercountry adoption, as well as the characteristics of the children for whom they would be qualified to care and the documents that proves this information.</p> <p>The applicant(s) will find out after the inquiry if their application was approved. In the case of intercountry adoption, after approval and if there is no inconvenience of placing the child with PAPs, the file is queued with the domestic applications. Turkish citizens, who reside abroad, and Turkish citizens by birth but who lost citizenship by obtaining renunciation permission from the Ministry of Internal Affairs, as well as persons who has cultural connection and common language are prioritised in the queue.</p> <p style="text-align: right;"><i>Sources:</i> Adoption Statute, art 5, 6, 7, 16; Turkish Civil Code art 315; Code of Conduct for the Implementation of Mediation Services on adoption of children, art. 5-7; ADMD Law Office Istanbul Turkey, Adoption of children in Turkey</p>
<p>MATCHING</p>	<p>Once the administrative process (described in the previous section) is completed, the families are contacted and invited to Turkey to meet the children eligible to be adopted. Should the family decide on a child, the legal adoption procedure begins with the signature of a care contract.</p> <p>Matching process is performed by Provincial Management of the city which the child lives in, and it is under audit of Central Organization of Ministry of Family and Social Policies.</p> <p>Regarding the timeframe given to PAPs to decide whether to accept a match or not, no specified timeframe is mentioned.</p> <p style="text-align: right;"><i>Sources:</i> HCCH Country Profile: Turkey (2020); Code of Conduct for the Implementation of Mediation Services on adoption of children, art. 10; Law Office Yalcin & Toygar, Family article : Intercountry adoption in Turkey within the scope of international conventions and national law</p>

PROBATIONARY PERIOD	<p>To initiate the one-year period, a ‘Child Care Contract’ must be signed between the PAPs and the Director of Social Services and Child Protection Agency in the related city. The Director of Social Services and Child Protection is the legal guardian of the child and remains the legal guardian until the adoption process is finalised.</p> <p>Domestic adoption: adoption can only be finalised if the PAP(s) has looked after and educated the child for at least 1 year. Moreover, the adoption must be in the best interests of the child and must not inequitably harm the interests of other children of the adoptive parent(s).</p> <p>Intercountry adoption: According to art. 17 of the Code of Conduct, the “child care contract” is signed by the competent authority that has to supervise and monitor the one-year probatory period. During the one-year probatory period, the prospective adoptive family is not granted legal custody, and although Turkish law allows for a prospective adoptive child to leave Turkey (after prior notice to the Social Services and by authorisation of it) PAPs are expected to remain in Turkey until the probatory period is over and the adoption is finalised.</p> <p>The relationship between the applicant(s) and the child is monitored and reported on every quarter of a year. After the end of the probationary period, the social services will inform the applicant(s) of the need to file a claim with the court within a two-months period to obtain the court judgment and complete the adoption process. Provincial directorate shall withdraw the child when adoptive parents do not apply to court to get an adoption decree in two months since the written notification date without a valid excuse.</p> <p style="text-align: right;"><i>Sources: Turkish Civil Code art 305; US Department of State; Law Office Yalcin & Toygar, Family article : Intercountry adoption in Turkey within the scope of international conventions and national law; Code of Conduct for the Implementation of Mediation Services on adoption of children, art. 4, 11-13, 17</i></p>
ADOPTION DECISION	<p>Adoption decision is given by Family Courts.</p> <p>Regarding the choice of court, the parties must apply to a specialised domestic court at their place of domicile (or of one of the two parents in case of joint adoption) or to the civil court of first instance if there is no specialised court in the province where they live. The adoption relationship may also be established by the recognition of a foreign adoption decision by a Turkish court in accordance with the Law on Private International Law and Procedure (LPILP), which codifies Turkish conflict of laws rules.</p> <p>The judge will issue the decision on the basis of the report submitted by social services on the relationship between the applicant(s) and the child.</p> <p>The decision is taken after in-depth examination of all the necessary contexts and conditions, the hearing of the adoptive parent(s) and of the adoptive child, and, if necessary, of experts. The examination needs to particularly focus on the following: personality and health of the adoptive parent(s), mutual relationships, economic situation, capacities of the adoptive parent(s) to educate the child, the motives for adoption, evolution of the family relationship, the evolutions of all the other relationships relative to the care of the child, as well as the views and attitudes of the other children of the adoptive parent(s).</p> <p>The provincial Social Services agency is to notify the applicant(s) in writing if the adoption application has been rejected; the rejected applicant(s) has/have fifteen days from the date of notification to appeal the proceedings to the provincial agency.</p> <p style="text-align: right;"><i>Sources: Turkish Civil Code, art 315-316; Adoption Statute, art. 9.</i></p>
REGISTRATION	<p>By operation of article 29 of law no 5490 of 25/4/2006 on civil registration services, the court shall convey the adoption decree to the local registry office in 10 days. Adoption shall be registered to family registry and record of adoptee is conveyed to adoptive family registry.</p>



	<p>Provincial directorate shall enclose the identity register copy obtained from the identity sharing system or registry office to adoption file and shall dispatch the document relating to completion of adoption in ten days at the latest.</p> <p><i>Source: Code of Conduct for the Implementation of Mediation Services on adoption of children, art. 14.</i></p>
ADOPTION EFFECTS	<p>Rights</p> <ul style="list-style-type: none"> ▪ The adoptive parent(s) bear the rights and duties of birth parent(s). ▪ An adopted child has the same rights as a biological child of the adoptive parent(s), including the rights relative to inheritance. <p>Name</p> <ul style="list-style-type: none"> ▪ The adopted child takes the family name of the adoptive parent(s). The adoptive parent can give a new first name to the child. In the case of children without capacity of discernment adopted by a married couple, the first name of the adoptive parents will be added to their birth certificate. <p>Nationality</p> <p>Turkish children who are adopted abroad are not always permitted to retain their Turkish nationality.</p> <p>A foreign child adopted by Turkish citizens may acquire Turkish citizenship upon application if the adoptee was a child according to the law of the adoptee's country (<i>lex patriae</i>) on the date of the finalisation of the adoption and does not present a threat to national security and public order.</p> <p><i>Sources: Turkish Civil Code art 314; Law on Turkish Citizenship, art. 7</i></p>
POST-ADOPTION FOLLOW-UP	<p>Post-adoption reports must be written. Counselling is provided only upon demand of adoptees and adoptive families.</p> <p>According to the website of the MAI (French Central authority), there are no specific rules related to the post-adoption.</p> <p><i>Sources: HCCH Country Profile: Turkey (2020); HCCH Questionnaire on the Practical Operation of the 1993 Adoption Convention, Prel. Doc. 3 of February 2020 for the Special Commission meeting in 2021;</i></p>
SEARCH OF ORIGINS	<p>The authority responsible for preserving information concerning the child's origins is the Ministry of Family and Social Services.</p> <p>Turkey permits access to information concerning the child's origins and/or information concerning the adoption to the child, his/her adoptive parent(s) and birth family. Information given to the adoptive parent(s) and the birth family can be limited if it is in the best interest of the child. A distinction is made between identifying and non-identifying information. Only when a child seeks to learn his/her origin, identifying information can be given.</p> <p>DNA testing is allowed to search for origins.</p> <p>In case birth families seek information about the adoption of their child, the request and contact information of birth family is kept in the adoption folder and if the child requests information about his/her family, this information is provided to child.</p> <p><i>Sources: HCCH Country Profile: Turkey (2020); HCCH Questionnaire on the Practical Operation of the 1993 Adoption Convention, Prel. Doc. 3 of February 2020 for the Special Commission meeting in 2021</i></p>
ADOPTION ACCREDITED BODIES (AAB)	<p>Turkey does not have adoption bodies nor authorised foreign accredited bodies.</p> <p><i>Sources: HCCH Country Profile: Turkey, as receiving state (2020); HCCH Country Profile: Turkey, as state of origin (2020); MAI: Turkey</i></p>

<p>SANCTIONS IN CASE OF IRREGULARITIES</p>	<ul style="list-style-type: none"> ▪ If consent was not requested by the tribunal without a legal reason, the persons who should have given consent can request that the judge annuls the adoption order, unless the interests of the child would not be aggrieved by the decision. ▪ If the decision is deficient because of a deficiency in one of the fundamental aspects of the adoption, the prosecutor of the Republic as well as other people concerned can request that a judge annuls the adoption order, unless the deficiencies are addressed or if the interests of the child would be aggrieved by this motion. ▪ The statute of limitation in case of irregularities and request to annul the adoption order is of one year from the knowledge of the motive for complaint. It stops to run 5 years after the adoption. <p style="text-align: right;"><i>Sources: Turkish Civil Code art 318, 319; CRC/C/OPSA/TUR/1</i></p>																												
<p>ADOPTION COSTS</p>	<p>Costs are not regulated by law.</p> <p>Contributions and/or donations to be paid to a State of origin in order to engage in intercountry adoption with that State are not permitted.</p> <p style="text-align: right;"><i>Source: HCCH Country Profile: Turkey (2020)</i></p>																												
<p>STATISTICS</p>	<p>Domestic adoptions</p> <p><i>Figure 2. The Number of Children who benefited from adoption services by years</i></p> <table border="1"> <thead> <tr> <th>Year</th> <th>Number of Children</th> </tr> </thead> <tbody> <tr><td>2003</td><td>425</td></tr> <tr><td>2004</td><td>460</td></tr> <tr><td>2005</td><td>620</td></tr> <tr><td>2006</td><td>565</td></tr> <tr><td>2007</td><td>478</td></tr> <tr><td>2008</td><td>492</td></tr> <tr><td>2009</td><td>570</td></tr> <tr><td>2010</td><td>538</td></tr> <tr><td>2011</td><td>570</td></tr> <tr><td>2012</td><td>613</td></tr> <tr><td>2013</td><td>765</td></tr> <tr><td>2014</td><td>824</td></tr> <tr><td>2015</td><td>869</td></tr> </tbody> </table> <p>According to UNICEF Turkey's Annual Report (2018), at the end of 2017, there were 16 171 adopted children in Turkey. It is however unclear if this figure relates to domestic and/or intercountry adoptions.</p> <p style="text-align: right;"><i>Sources: Tekindal M., Ozden S. A., 2016, Child Protection System in Turkey. In Foster care, Childhood and Parenting in Contemporary Europe; UNICEF Turkey, 2018 Annual Report</i></p>	Year	Number of Children	2003	425	2004	460	2005	620	2006	565	2007	478	2008	492	2009	570	2010	538	2011	570	2012	613	2013	765	2014	824	2015	869
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Comments of the ISS/IRC

ISS/IRC welcomes the entry into force - since the 1st of September 2004 - of the 1993 Hague Convention in Turkey.

ISS/IRC also commends the country for the measures adopted to campaign for the message that children without parental care should grow up in a family environment, which is at the basis for the development of global foster care and adoption systems. In this way Turkey abides by the principle of double subsidiarity, thus promoting domestic adoption. The 2016 suspension of intercountry adoption should also be read in this sense.



However, the following aspects should be considered to fully respect the rights of children without parental care and for whom adoption may be a suitable solution based on thorough best interests' assessments. If compared to the foster care legislation, the adoption system in Turkey stands in stark contrast to the flexibility of the foster care legislation. The requirements for adoptive families are highly restrictive in age, marital status, and economic requirements. This, coupled with a lengthy bureaucratic process, tend to deter adoptions as showed by the adoption figures if compared to those of fostered children. In comparison, the bureaucratic process to become foster parents in the new system has been designed to be comparatively rapid (a few months) and relatively easy, with online options through the e-government digital system. This explains also why foster care placements tend to become permanent solutions. Hence the State should introduce further measures to render domestic adoptions more accessible to the wider public as they provide a permanent family solution for concerned children.

Moreover, ISS/IRC raises concerns about the possibility offered to applicants to enter into direct contact with the child's parents or his/her legal guardian. This practice raises serious child rights concerns in light of international standards: it is not clear how key safeguards such as his/her adoptability, obtaining of his/her consent, preparation to adoption, are ensured and hence whether such adoptions are based on the best interests of the child. Other general areas of concerns in the Turkish adoption proceedings are: 1) the lack of the preparation of the child for their adoptions, the adoptive parents and biological parents, essential to make sure that all the parties involved are able to understand the consequences of an adoption in order to avoid future disruptions; and 2) the post-adoption system as it seems that specific rules in this regard are lacking.

LEGISLATION

A. International Instruments

INTERNATIONAL INSTRUMENTS	Signature (S) / Ratification (R) / Accession (A) / In Force (F)	Website
United Nations Convention on the Rights of the Child (1989)	14 September 1990 (S) 9 December 1994 (R) 27 January 1995 (F)	http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtidsg_no=IV-11&chapter=4&lang=en
Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2000)	8 September 2000 (S) 12 August 2002 (R)	http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtidsg_no=IV-11-c&chapter=4&lang=en
Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption (1993)	5 December 2001 (S) 27 May 2004 (R) 1 September 2004 (F)	http://www.hcch.net/index_en.php?act=conventions.status&cid=69
Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children (1996)	7 October 2016 (S) & (R) 1 February 2017 (F)	http://www.hcch.net/index_en.php?act=conventions.status&cid=70

B. Regional instruments



REGIONAL INSTRUMENTS	Signature (F) / Ratification (R) / Accession (A) / In Force (F)	Website
Council of Europe Convention on Contact concerning Children of 2003 (n° 192)	-	http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=192&CM=8&DF=6/26/2006&CL=ENG

C. Country legislation

LAW/REGULATION	Web Site
Constitution of the Republic of Turkey, adopted in 1982 (with subsequent amendments)	https://global.tbmm.gov.tr/docs/constitution_en.pdf
Law on Turkish Citizenship of 2009 (LTC)	http://www.lawsturkey.com/law/turkish-citizenship-law-5901
Turkish Civil Code	https://perma.cc/KYJ7-FSGC (in Turkish only) http://www.lawsturkey.com/law/turkish-civil-code-4721 (only first book)
Social Services Law (No:2828)	
Child Protection Law (No: 5395)	http://www.lawsturkey.com/law/juvenile-protection-law-5395
Law No: 6458	-
Fostering and Children Act 2012	-
Execution of Interventions Regarding Adoption' based on Council of Ministers Decision No. 2009/14729, known as Adoption Statute	-
"Regulation on Execution of Intermediation Activities regarding Adoption of Minors"	-
Code of Conduct for the Implementation of Mediation Services on adoption of children, Decree No: 2009/14729	Available at ISS/IRC in English

APPENDICES

A. Documents in the framework of the Committee on the Rights of the Child

Convention on the Rights of the Child

- Concluding Observations of the Committee on the Rights of the Child: Turkey, [CRC/C/TUR/CO/2-3](#), July 2012
- 4-5 Periodic Report on the country: Turkey, [CRC/C/TUR/4-5](#), March 2019
- Turkey Annex to State party Report 4-5: Turkey, [INC_ADR_TUR_34609_E](#), March 2019



Optional Protocol to the Convention on the Rights of the Child on the sale of children child prostitution and child pornography

- Concluding Observations of the Committee on the Rights of the Child: Turkey, [CRC/C/OPSC/TUR/CO/1](#), June 2006
- Periodic Report on the country: Turkey, [CRC/C/OPSA/TUR/1](#), August 2005

Source: Committee on the Rights of the Child – including documents related to former sessions of the Committee:
https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Countries.aspx?CountryCode=TUR&Lang=EN

B. Other sources of information

- ❖ **UNICEF Turkey**
<https://www.unicef.org/turkey/en/about-us>
General information on the situation of children and the activities of UNICEF in the country.
- ❖ **Hague Conference on Private International Law**
<https://assets.hcch.net/docs/1de659c5-1796-4c11-bc1d-9611a92d7e09.pdf>
<https://assets.hcch.net/docs/687b652b-d25f-4d69-a300-f539fddd4f8c.pdf>
Country Profile on intercountry adoption

