

Alternative care in Turkey

Amman, November 8, 2016

Legal framework in Turkey

Child Protection Law 5395/2005 Applies to every child in the country - no reference to nationality or legal status

✓ **Definition of “Child”**

Person below 18 years old even if attained maturity at an earlier age

✓ **Child in need of protection**

Child whose physical, mental, moral, social and emotional development and personal security is under risk, child who is subject to exploitation, negligence or a victim of crime

✓ **Best interest of the child**

Best interest of the child in any action with regards to child, administrative and judicial and participation of the child in decisions concerning her/himself

Child Protection Law 5395/2005

- Administrative and judicial authorities,
- Law enforcement forces,
- Health and education institutions,
- NGOs

are under obligation to report any child in need of protection, including children in need of alternative care arrangement to the Ministry of Family and Social Policy (MoFSP)

Protective and supportive measures are taken with the request of MoFSP and Public Prosecutor by the judge

- When a child protection issue is referred to the MoFSP, MoFSP has the obligation to assess the case
- MoFSP requests urgent protection order from the court pursuant to Article 9 of Child Protection Law
- Court takes protective or supportive measures pursuant to Article 5 of Child Protection Law.
- Before issuance of measures by the Court, a social investigation is conducted by MoFSP



Alternative care arrangements for UASC under CP Law & Law on Social Services

- Foster family care
- Children's houses
- Sevgi evleri (affection home)
- Institutional care
- Rehabilitation centers (child support centers)



Law on Foreigners and International Protection 6458/2013

- Article 3: definition of UAC
- Article 66: Procedures for UAC under international protection
- Best interest principle
- Refers to Child Protection Law 5395/2005
- Institutional care, foster care or care to be provided by extended family members
- Those who complete 16 years of age can be placed to reception centers if conditions are convenient to accommodate the child
- Siblings to be kept together
- Article 75: child friendly RSD procedures



Temporary Protection regulation October 2014

- **Art 23 (4):** *Principally, unaccompanied children shall be accommodated in coordination with the Ministry of Family and Social Policies. However, when appropriate conditions are met, unaccompanied children may be accommodated in cooperation with AFAD in separate areas of the temporary accommodation centres under the control and responsibility of the Ministry of Family and Social Policies.*
- **Art 48 (2):** *The best interest of the child shall be observed in all proceedings related to children and provisions of the relevant legislation shall be implemented*



MoFSP Directive on Unaccompanied Children, October 2015

- ▶ **Scope:** Covers international protection applicant, refugee children and children under temporary protection
 - ▶ Identification of protection needs by MoFSP
 - ▶ Taking necessary measures (protective or supportive) by MoFSP
 - ▶ Removing the measures taken if needed by MoFSP
- ▶ **Principles:**
 - ▶ *Care can be provided by a family of the child's own nationality **
 - ▶ Primarily family based care options to be explored
 - ▶ If the child is taken under institutional care, he/she would be primarily placed to specialized institutions



Foster family regulation 28497/2013

- **Art. 8: Eligibility for foster family**
 - Foster family shall be a Turkish citizen or a long term resident in Turkey
 - Between ages of 25-65
 - Having attained at least primary education
 - Has a regular income

- Foster family regulation also involves kinship care



Challenges

- Formal family based alternative care mainly available for Turkish children
- Institutionalization most common option for alternative care arrangement for unaccompanied refugee children in Turkey
- Number of UAC vs. capacity of institutions
- Directive on foster care regulation for Syrian children
- Informal family based care common within Syrian refugee community – remains unreported
- Challenges in implementation of MoFSP directive on UASC vs. Foster care regulation
- Implementation differs between geographical locations



Thank you!