



**ASSOCIATION FOR SOLIDARITY WITH CHILDREN
LEAVING MALATYA RESIDENTIAL CARE INSTITUTES**

HOLD ON TO LIFE

***RIGHTS VIOLATIONS OF
CHILDREN DURING AND
AFTER INSTITUTIONAL CARE***

**MALATYA YADER
2021**



Hold on to Life

Rights Violations of Children During and After Institutional Care

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Association For Solidarity With Children Leaving Malatya Residential Care Institutes MALATYA YADER

Association For Solidarity With Children Leaving Malatya Residential Care Institutes was established in 2012 to improve the quality of life of children and young people who remain under state protection, as well as to create policies and contribute to policy formation in the field of social services.

During the eight-year process since its establishment, the association has carried out many rights-based activities dedicated to sustainable development goals. In order to facilitate their integration into life, the association has enabled children and young people who are/were under state protection to come together with their elders who once were growing up under state protection and whom they could see as role models and who are successful in business and social life. These meetings have increased the self-confidence of children and young people and encouraged higher education. In addition, university trips have served the same purpose.

The association has also performed various projects in order for children and young people to learn about their rights and has visited pilot schools in its region and explained their rights based on the UN Convention on the Rights of the Child and given various trainings to young people about their rights with regard to business life. The association is also engaged in lobbying and advocacy activities on the rights of children and young people who are / were under state protection.

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DEDICATED TO THOSE SELF-GIVING THAT SOW THE SEEDS OF HOPE FOR THE FUTURE AND TO THE BLOOMING SEEDLINGS

LET LIFE BE EASY FOR THEM...



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ABSTRACT

Each child's self-realization and living an equal, free and dignified life are under the responsibility of the states which are parties to the United Nations Convention on the Rights of the Child (UNCRC). This commitment calls for the implementation of the child protection systems and adoption of special measures in the event of a threat to a child's living and growing without discrimination, participating in decisions about him/ her and ensuring of his / her best interest. One of the areas where special measures are needed is the children who are deprived of or at risk of being deprived of parental care and therefore who are in need of alternative care.

Under the scope of the monitoring study "**Hold on to Life**", 74 court decisions were examined regarding the cases filed by 51 children whose protection decisions were lifted by a court order without being of full age while under state protection specifically for the right to employment after becoming of full age. Decisions were made in 25 separate provinces, 42 of which were from Administrative Courts, 4 of which were from District Administrative Courts, 2 of which were from Courts of First Instance, 3 of which were from Family Courts, 3 of which were from Juvenile Courts, 5 of which were from Council of State and 15 of which were from Court of Cassation. The main assessment in decisions was that incomplete and defective social review reports were forwarded to the court for the children who were not adequately monitored and evaluated during and after the care and the courts lifted the protection with unilateral decisions like notaries. In addition, failures in monitoring and evaluation practices during and after care, as well as in the personnel system and justice mechanism, have been highlighted.

As a result of the evaluation of the decisions, the following remarks were made about persons for whom the protection was lifted by a court decision without becoming of full age while they were still under state protection;

- * Reasons for protection have been ignored,
- * Individual plans have not been made for after-care and children were not ready for the process and post-care monitoring activities have not been performed,
- * Unilateral, incomplete and defective social review reports have been prepared while lifting protection decisions in the process of returning children to families,
- * Personnel mistakes have been effective in the preparation of incomplete, defective and baseless social review reports,
- * There is not enough effort for establishing a prevention mechanism for being "runaway", which is cited as a justification for lifting protection decisions, and creating organizations suitable for children,
- * A child-friendly justice system does not work,
- * Decisions about children were made solely by examining the file,
- * The children are not given the right to express their views freely on all matters of interest to them,
- * In judicial or administrative prosecution, the children are not listened to directly or through a representative
- * The staff and professionals working with children do not have the necessary competence
- * The children are deprived of their right to special protection and assistance provided by the state.

The identified problems indicate the need to review and strengthen legislation, organization and practices in accordance with Article 20 of the UNCRC on alternative care of children deprived of parental care, Article 25 on regular assessment of decisions and institutions providing alternative care and the Main Principles of Alternative Child Care adopted at the UN General Assembly. In this context, the recommendations developed to address the main problems in the context of the right to employment, to eliminate rights violations and to strengthen the practice, practitioners and legislation in order to contribute to the creation of a **holistic and rights-based child protection system** are as follows.

Recommendations on Strengthening the Legislation

- * For children who are deprived of or in danger of being deprived of parental care, the Main Principles of Alternative Child Care, created as a requirement of the UNCRC and adopted by the UN General Assembly, should be integrated into the law and relevant regulations should be made.
- * The Circular No. 2012/15 of the General Directorate of Children's Services on lifting the protection decisions of children who become runaway by leaving the orphanage without permission or not returning to the orphanage at the end of the leave should be urgently abolished until the mentioned changes are made.

Recommendations for the Social Review Reports

- * Social Review reports, which provide the basis for an assessment of the need for child protection, should be prepared adequately and competently, taking into account the benefit of the child. Review reports should be

examined by an independent expert committee in important decisions that will affect the life of the child (such as lifting the protection decision). Social review reports should be prepared by taking into account the economic, social and psychological status of the family members of the child who will be handed over by lifting the protection decision as well as the reasons for the child's protection and the educational status of the child, the balance of benefit and harm that will arise from his return to the family, and opinion of the child.

Recommendations for Monitoring and Evaluation During and After Care

- * It is necessary to increase the function of monitoring and evaluation of children who are under protection and for whom the protection has been lifted. It is important that the Directive on Minimum Standards Monitoring and Evaluation Program of the General Directorate of Children's Services is revised and implemented in accordance with the best interest of the child through various inspection mechanisms.
- * The decisions set out in the Guidelines on Alternative Child Care adopted at the UN General Assembly should be harmonised with the relevant legal regulations and an effective implementation process should be introduced together with non-governmental organizations.
- * It is important that the Directive on Minimum Standards Monitoring and Evaluation Program is reviewed in accordance with the best interest of the child and the UN Guidelines on Alternative Child Care and that implementation is followed through various inspection mechanisms.
- * The monitoring and evaluation after care should be reported by the organization in 3 month periods by contacting 3 children at least a year. In addition, continuous support should be provided for work, social life and family life, and after-care monitoring units should be established in each province.
- * As stated in Article 55 of the Main Principles of Alternative Child Care adopted at the UN General Assembly; all organizations and individuals responsible for providing alternative care to children should be regularly monitored and examined by the competent authority. To this end, certain criteria should be developed to assess the professionalism and suitability of care providers and to ensure their accreditation, monitoring and observation.
- * Full participation of non-governmental organizations, especially organizations, institutions and associations engaged in promoting and protecting children's rights, should be ensured in the monitoring process. In particular, cooperation with NGOs established by young people who remained under state protection should be developed.
- * Parents of children who remained under state protection should also be contacted and given financial, social and psychological support.
- * In order to remove negative public perceptions and instill self-confidence and support in children, the organization should maintain contact with people and role models who remained under state protection.

Recommendations on Personnel Practices

- * The personnel regime should be planned and operated separately from the traditional government personnel policy.
- * All stakeholders working with children should be informed about laws, regulations and practices.
- * All personnel working for and with children should have adequate professional training and receive constant education on children's rights. The content of these trainings, the expertise of the trainers and the evaluation of the training should also be monitored by independent experts and commissions.
- * For personnel who will work in children's services, it is necessary to review the personnel law and the personal system based on the best interest of the child. The recruitment policy and personnel legislation should be applied according to these reviews.

Recommendations on Juvenile Justice System

- * A separate space should be opened for children under state protection with the juvenile justice system. The practice and practitioners should be strengthened in fulfilling the requirements of the child's right to participate.
- * An individual who remains under the care and protection of the state must be supported by legal aid in court processes. Every child has their own life story. Awareness-raising projects and activities should be carried out with the cooperation of the Ministry of Justice, The Bar Association and related NGOs.
- * In addition to social review reports prepared by organizations, the courts should conduct independent research and listen to the counterparty, and the Guideline of the Committee of Ministers of the Council of Europe on Child-Friendly Justice should be observed at every stage of the courts.

The study "Hold on to Life" has been prepared in order to put forward solutions for preventing the repeat of identified rights violations.

INTRODUCTION

Like all states which are parties to the United Nations Convention on the Rights of the Child (UNCRC) Turkey has made a commitment for a child's living and growing without discrimination, participating in decisions about him/her and ensuring of his / her best interest. Ensuring, protecting and developing the rights of each child for self-realization and being able are under the guarantee of this commitment.

The state fulfills its obligations regarding children through all the actors around the child, especially the parents and caregivers of the child, and takes special measures for each child in case these actors fail to fulfill their responsibilities regarding the child. One of the areas where special precautions should be taken are children who are deprived or at risk of being deprived of parental care and need alternative care.

There are many reasons why a child may be deprived of or at risk of being deprived of parental care. Loss of parents, abandonment, natural or man-made disasters, violence, health problems, economic, social and cultural reasons are just a few of them. In these cases, it should be ensured that the child is included in the child protection system, lives and develops without discriminatory treatment like his/her peers and participates in decisions about him/her and that his/her best interests are protected. The general principle in meeting the need for alternative care is to support the child in a family environment or try to create similar environments, if possible.

In line with this approach, families with economic deprivation in Turkey are provided with social and economic support to ensure that the child stays with their own family, and foster families and adoption are supported for children who cannot stay with their own families.⁽¹⁾ In cases where this is not possible, the child is taken under institutional care. With the child-oriented changes made in recent years, large physical buildings and ward-type buildings where many children are accommodated have been transformed into children's houses and children's sites, which are residential social service units much closer to the family environment.⁽²⁾

When there is any suspicion that a child needs protection, a social study report (SSR) is prepared by the Ministry of Family, Labor and Social Services. The SSR is a document that includes the situation of the child and the measures to be taken, and enables a "protection order" to be issued for the child in the competent court at the discretion of the judge.

If it is assumed in the SSRs prepared for the child who is taken into care and protection of the state that the child can maintain his/ her healthy development with the family if he / she is supported, the homestay care and supervision model is applied with the help of social and economic support (SES) which is a service model in which the family is supported socially and economically. If this model is not suitable, foster family and adoption model is preferred among other family-oriented care models suitable for the best interest of the child. However, if any of the family-oriented care models are not suitable, one of the institutional care service models suitable for the child is preferred such as children's homes, child support centers or children's sites.

Under the title of "after-care support" of the Guidelines on the Alternative Child Care adopted in the United Nations General Assembly, it is mentioned that children should be financially independent, create their own income and be supported for integration with the society after care.

For the purpose of ensuring that children have a job or profession so that they can be self-sufficient after care, integrate with society, hold on to life, improve their quality of life and become useful people to society, a regulation has been made for employment of the children who have been taken under protection by the Law on Social Services no 2828 or remained in social services until they became of full age, were placed in foster care, or sent to their family with aids in kind and cash, and who are in need of protection within public institutions. This regulation has been made for ensuring that children have a job or profession so that they can be self-sufficient after care, integrate with society, hold on to life, improve their quality of life and become useful people to society.⁽³⁾

The main purpose of the approaches and regulations outlined above is to create positive changes in the lives of children in need of protection and to prevent violations of rights. However, the situations faced by children, who

(1)Ministry of Family and Social Policies, (2017). Report of the Workshop for Evaluating the Protective and Preventive Policies for Children in Turkey, p.5

(2)Ministry of Family, Labor and Social Services, (2017). Transformation in Ward-Type Dormitories Completed. December 27, 2017

(3)Erbay E., Altındağ Ö., Çelik M. A. (2018). Quality of Life of Employed in Public Institutions and Organizations within the Scope of Social Services Law: Ankara Province Case. Turkey Social Studies Journal. Year: 22, Issue: 3, December 2018, s.848.

have been given a protection order or have been lifted, both until the age of 18 and in their later life, indicate that there are certain problems in the system. In addition, no study has been found in the literature review on the development and transformation in the lives of children for whom a protection decision has been taken and subsequently lifted on the grounds that "the need for protection has disappeared".

This study focused on court decisions filed upon rejection by the organization of employment requests regulated by law of individuals who were identified to be in need of protection and entered into the child protection system and whose protection was lifted for various reasons after a period of time under state care and protection and the problems that children experienced after lifting of the protection, the preparation and supporting of children after care and the attitudes and decisions of the courts were tried to be made visible.

Children should feel valued at every stage of their lives.
This is more valuable than anything we can provide for them.



METHOD

This study with regard to the children deprived of parental care focuses on; (1) evaluation of the practices of “protection decisions” taken for protection needs and lifted subsequently in accordance with national and international documents on the children's rights and (2) how lifting of the protection affects the life of the child after he or she becomes of full age. For this purpose, this study focused on court decisions filed upon rejection of employment requests regulated by the Law on Social Services no 2828 of individuals whose protection was lifted before they become of full age.

The mentioned court decisions were obtained from the case files pursued within the scope of legal support given in line with the foundation purpose of the Association as well as other associations established in many provinces for children who are under state protection,⁽⁴⁾ and from the announcements shared in social media platforms⁽⁵⁾ and documents shared in public spheres. As a result of the screening work that lasted for about 6 months, 74 court decisions were determined regarding the cases filed by 51 children after they become of full age who had been under state protection and whose protection were lifted by court decision.

Desk study of the decisions made by the Regional Administrative Court (4), the Administrative Court (42), the Court of First Instance (2), the Family Court (3), the Juvenile Court (3), the Council of State (5) and the Supreme Court (15) was supported by the works of the Association and by references and examples from the **life experiences** of children, who were under the protection of the state, and whose protection orders were lifted then. The confidentiality of personal information and data was taken as basis by the working team⁽⁶⁾ that came together to examine court decisions, and the main issues to be examined in court decisions were determined with the guidance of the consultants.⁽⁷⁾ These headings are (1) Basic information, (2) Information on the decision and (3) Rights violations identified in the decisions.

Limitations of the Study

The study was conducted on court decisions that were accessible and deemed appropriate for the scope of the study, and the findings and evaluation were evaluated based on these decisions.⁽⁸⁾ Therefore, documents subject to these court decisions (social review reports prepared for children and court decisions that provided protection of children etc.) are excluded from the scope because they required access to each case file separately and there was not enough resources and time in this regard and thus these documents were evaluated only to the extent they were mentioned in the decisions.

Although face-to-face and extensive meetings were planned with the relevant actors for access to court decisions during the study's data collection process, remote access or narrow-participation meetings were organized due to the Covid19 pandemic.

(4)Non-governmental organizations supporting us within the scope of the study (in alphabetical order): Fraternal Association of Children Leaving Ağrı Orphanages, Fraternal Association of Children Leaving Ankara Orphanages, Fraternal Association of Children Leaving Bingöl Orphanages, Eastern Anatolia Large Family Federation, Fraternal Association of Children Leaving Erzurum Orphanages, Fraternal Association of Children Leaving Eskişehir Orphanages, Fraternal Association of Children Leaving Gaziantep Orphanages, İstanbul Foster Family Association, Fraternal Association of Children Leaving Konya Orphanages, Qualified Education and Science Workers Union, Fraternal Association of Children Leaving Muş Orphanages, Orphanages Youth Education Culture and Solidarity Association Headquarters, Fraternal Association of Children Leaving Yozgat Orphanages, Orphanage Associations Aegean Region Power Union Platform, Confederation of Orphanage Association

(5)Social media platforms where data is collected within the scope of the study:

The Platform for Orphanage Children, whose Protection Order has been Lifted, <https://www.facebook.com/groups/946707998806391/>

Orphanage Associations Aegean Region Power Union Platform, <https://www.facebook.com/groups/408973189743806/>

S.H.Ç.E.K Orphanage Fraternity, <https://www.facebook.com/groups/351417818269301/media>

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(8)UN Convention on the Rights of Children, Main Principles of Alternative Child Care (UN General Assembly 64/142) Directive on the Minimum Standards Monitoring and Evaluation Program (ASPB, 13.03.2013, Issue: 97151114-869-326)

CONCEPTUAL AND LEGAL FRAME

Ensuring, protecting and developing the child's human rights creates opportunities for the child to realize himself or herself and be able. Focusing on the human rights of the child requires a special approach. Because, in systems that are still built by adults, the fact that children are at a special stage of their development, cannot resort to legal remedies in case of violation of their rights, face important problems in benefiting from the judicial system to protect their rights, and generally have limited access to organizations that protect their rights, make them more vulnerable to human rights violations. In addition, the fact that children do not have voting rights and their views are rarely taken into account, and their inability to play a meaningful role in the political process that determines the attitude of governments on human rights put them in a more passive position (ICC, 2008).

The idea and struggle for human rights and social conventions formed in connection with this led to the protection of the rights of children and to make it binding on the responsible parties. As a result of the efforts that started to meet the urgent needs of children in countries suffering from wars, 1924 and 1959 Declarations on Children's Rights were published by the United Nations. These declarations pointed out that the rights they declared were universally accepted, and ensured the preparation of the United Nations Convention on the Rights of the Child (CRC) dated 1989, which defined the obligations related to the rights of the child and specified the commitment that the states must fulfill the mentioned obligations. Additional protocols, guidelines, concluding observations and general comments of the Committee on the Rights of the Child, etc. have been created in order to strengthen the approach and mechanisms specific to each child's uniqueness and status in line with the development of the grounds formed by the Convention and the attitude towards the rights of the child.

One of the areas where special measures are needed is the children who are deprived of or at risk of being deprived of parental care and therefore who are in need of alternative care.

Alternative Care⁽⁹⁾

These are care methods that take care of the child, who is deprived of or at risk of being deprived of parental care, to live and grow without discrimination, to participate in decisions about himself or herself, and his or her best interests are ensured.

Alternative care environments;

- (I) Relative Care: formal or informal care of the child by the extended family or close friends of the family known to the child;
- (II) Foster family care: situations where children are placed in the home environment by the competent authority for alternative care, in a family other than the child's own family, selected, designated, approved and supervised to provide such care;
- (II) Family-based or other family-like forms of care;
- (IV) Resident care: care provided in a non-family environment, such as safe locations for emergency care, transit centers and all other short and long-term resident care facilities, including group houses;
- (V) Independent supervised living arrangements for children

Below are some basic information on the documents including CRC which defines the framework related to the children and specifically the children who are deprived of or at risk of being deprived of parental care and Main Principles of Alternative Child Care, which defines the concepts of alternative care and institution care as well as certain national basic documents that define the child protection system in Turkey and the child in need of protection in accordance with the Constitution.

I. International and National Basic Documents

Convention on the Rights of the Child

The CRC reveals the willingness of the member state to protect, develop and realize children's rights. It aims to ensure, protect and develop that every child live with dignity, respect, equality and freedom and realize themselves in full manner. Protection of children's right to life and ensuring the development of children (Article 6), non-discrimination between children (Article 2), giving importance and priority to the best interests of children (Article 3) and children's participation (Article 12) are the basic principles of the convention and are the umbrella rights that

the United Nations Committee on the Rights of the Child has been using for a while. Apart from the umbrella rights, the convention includes basic areas regarding the definition of the child, civil rights and freedoms, basic health and well-being, family environment and alternative care, education, leisure and cultural activities, special protection measures and measures regarding the implementation of the Convention (ICC, 2008).

The Convention, adopted by United Nations General Assembly Resolution no 44/25 on November 20, 1989 and opened for signature and participation, was signed by Turkey on September 14, 1990 and ratified with caution on December 9, 1994. Ratification Law No. 4058 was published in the Official Gazette No. 22138 on December 11, 1994. The Convention entered into force on May 4, 1995 for Turkey.⁽¹⁰⁾

The Convention basically contains two articles regarding the situation of children without parental care (Articles 20 and 25), provided that all other articles apply. The articles stating that every child who is temporarily and permanently deprived of the family environment or is not accepted to be left in this environment for his/ her own benefit has the right to special protection and assistance from the state and should be protected and cared for by the competent authorities and the child who has been given a protection for the purposes of physical or mental treatment has the right to periodically review the treatment he / she has received and all other conditions related to his / her placement are as follows:

Article 20

1. *Every child who is temporarily and permanently deprived of the family environment or is not accepted to be left in this environment for his/ her own benefit has the right to special protection and assistance from the state.*
2. *Member States shall provide appropriate care for a child in this situation, in accordance with their national law.*
3. *This type of care includes, among all others, foster care, custody in Islamic Law, adoption, or, if necessary, placement in appropriate institutions for childcare. When considering solutions, due attention shall be paid to the care of continuity of the child's growing and to the child's ethnic, religious, cultural and linguistic identity.*

Article 20 of the CRC relates to the children who are temporarily or permanently deprived of the means to live with their families. This deprivation can be due to causes such as death, abandonment, or displacement, as well as as a result of the state deciding that separation from the family is in the best interests of the child. These children are entitled to "special protection and assistance". In the phrase "right to special protection and assistance", the word "right" emphasizes the state's obligation to a child who cannot be grown by his or her parents. In this direction, the chain of responsibility directly pointed out by the article is the state institutions and departments related to social work and welfare, as well as social workers, foster families and adopters of a child.⁽¹¹⁾

The Children Rights Committee's (CRC) guidance on implementation recommendations recalls that, with Article 20, States must ensure that, in all cases, there are arrangements to provide care for children who are or are at risk of losing parental care. It draws attention to the fact that placement of children "in appropriate institutions" for care (although not explicitly stated) is the next remedy after the foster family.

Article 25

The Signatory States recognize that a child who has been taken by the competent authorities under a placement measure for the purposes of protection and care or for the purpose of physical or mental treatment has the right to periodically review his/her treatment and all other conditions related to his/her placement.

Article 25 of the CRC requires regular monitoring of the conditions and practices of children who are placed by the authorities in certain institutions for protection, care or health treatment. This includes children deprived of their family environment (Article 20), refugee children (Article 22), disabled (Article 23), adopted children (Article 21), sick or mentally ill children (Article 24), rehabilitated children (Article 39), those in boarding schools (Article 28), those who are deprived of their liberty (Article 37), those who are in prison with their parents, etc.

Article 25 represents one of the most important rights of the children specified in the Convention, and provides guarantees against abuse of children in institutions where they are placed by the state for protection, care or health care. In addition, the Implementation Recommendations of the Children Rights Committee (CRC) points out that the Article 25 creates "serious potential to promote enforceable legal rights and guarantees". Accordingly, the regulations on "periodic review of behaviors and practices", high standards, goals and detailed practices for all officers engaged in works related to children in institutions, and the rights of children such as having their own voices heard state that it will be guaranteed to be in contact with the outside world and apply effective complaint remedies.

(10) Main Principles of Alternative Child Care (UN General Assembly) Session 64, 2010 (See. Annex 1) <https://www.unicef.org/turkey/%C3%A7ocuk-haklar%C4%B1na-dair-s%C3%B6zle%C5%9Fme>

(11) UNICEF (2020). Convention Implementation Handbook on the Rights of the Children. https://www.unicef.org/turkey/media/2321/file/TURmedia_Uygulama%20Elkitab%C4%B1na-dair.pdf

Guidelines for Alternative Child Care

The Principles for the Alternative Care of Children to contribute to the development of international documents and mechanisms related to the protection and welfare of children who are deprived of parental care or are at risk of deprivation were determined at the 65th General Assembly of the United Nations. The main targets of the principles are as follows;

- a) To support efforts to keep children in their families and return them to their families, or, if this is not achieved, to find other appropriate and temporary solutions, including adoption and the Kafala System in Islamic Law;
- b) When seeking such temporary solutions, or when these are not possible or in the best interests of the child, ensure that the most appropriate alternative forms of care are identified and provided under the conditions that promote the child's full and harmonious development;
- c) To assist and encourage governments to better implement their responsibilities and obligations in this regard by considering the current economic, social and cultural conditions in each country; and
- d) To guide the policies, decisions and activities of those concerned with social protection and the well-being of children in both the public and private sectors, including the civil society.

The relevant decision consists of the titles; (1) **objectives**, in addition to this, (2) **general principles and perspective**; and (3) **the scope of the guidelines** in which the approach to the child and family, and the measures encouraging alternative care and implementation; (4) **preventing the need for alternative care**; (5) **the framework of care provided**; (6) **determination of the most appropriate care** including the subheadings of promoting parental care, preventing separation from the family, promoting family reintegration; (7) **providing alternative care**, which includes subheadings of policies, legal responsibility for the child, established care, supervision and monitoring, aftercare support; (8) **providing care for children outside the country of their usual place of residence**, which includes the subheadings of care and placement of the child abroad, providing care for a child currently abroad; (9) **emergency care** with the subheadings of implementation of the existing guidelines, care arrangements, monitoring and family reintegration (See Annex 1).

The basic approach of the principles is highlighted in paragraph 14. Accordingly, removal of a child from the family's care environment is defined as a measure that should be applied as a **"last resort"**.

If the child is deprived of parental care or is at risk of deprivation, the conditions for providing alternative care are defined in paragraphs 80-100 of the decision under the heading **"general conditions applicable to any formal alternative care arrangement"**.

The requirements for the **"settled care"** option under alternative care are defined in paragraphs 123- 127 of the decision.

The requirements for institutions and organizations related to providing care to have a transparent and accountable structure and to be open to monitoring and auditing are defined in paragraphs 128-130 of the decision under the heading of **"supervision and monitoring"**.

Requirements for the preparation and implementation of aftercare support process are defined in paragraphs 131-136 of the decision under the heading **"aftercare support"**. The aforementioned requirements draw attention to the need for children who are under state's care and protection to prepare their aftercare life preparation plans well in advance while they are still under care, and to support children after care in terms of social, legal and health issues and to have a profession.

Constitution⁽¹²⁾

It is stipulated in the Article 10 of the Constitution, that the measures to be taken for children cannot be deemed against the principle of equality before the law. This naturally includes the measures to be taken for children who are or are at risk of being deprived of parental care.

Article 10 - *Everyone is equal before the law without distinction as to language, race, colour, sex, political opinion, philosophical belief, religion and sect, or any such grounds. Men and women have equal rights. The State has the obligation to ensure that this equality exists in practice. Measures taken for this purpose shall not be interpreted as contrary to the principle of equality.*

(12)<https://www.mevzuat.gov.tr/mevzuat?MevzuatNo=2709&MevzuatTur=1&MevzuatTertip=5>

*Measures to be taken for children, the elderly, disabled people, widows and orphans of martyrs as well as for the invalid and veterans shall not be considered as violation of the principle of equality.
No privilege shall be granted to any individual, family, group or class.
State organs and administrative authorities are obliged to act in compliance with the principle of equality before the law in all their proceedings.*

In the Article 41, it is stipulated that every child has the right to benefit from protection and care, to establish and maintain personal and direct contact with his/her parents, unless clearly contrary to his/her best interests, and that the child protection system is a constitutional right.

Article 41 - *The family is the foundation of Turkish society and is based on equality between spouses. The State shall take the necessary measures and establish the necessary organization to protect peace and welfare of the family, especially mother and children, and to ensure the instruction of family planning and its practice. Every child has the right to protection and care and the right to have and maintain a personal and direct relation with his/her mother and father unless it is contrary to his/her high interests. The State shall take measures for the protection of the children against all kinds of abuse and violence.*

The Article 90 of the Constitution provides the framework for international conventions and defines that the international conventions that are duly put into effect have the force of law. Thus, conventions such as CRC, to which Turkey is a party, have become the domestic legal documents.

Article 90 - *The ratification of treaties concluded with foreign states and international organisations on behalf of the Republic of Turkey shall be subject to adoption by the Grand National Assembly of Turkey by a law approving the ratification. Agreements regulating economic, commercial or technical relations, and covering a period of no more than one year, may be put into effect through promulgation, provided they do not entail any financial commitment by the State, and provided they do not interfere with the status of individuals or with the property rights of Turks abroad. In such cases, these agreements shall be brought to the knowledge of the Grand National Assembly of Turkey within two months of their promulgation. Implementation agreements based on an international treaty, and economic, commercial, technical, or administrative agreements, which are concluded depending on the authorization as stated in the law, shall not require approval of the Grand National Assembly of Turkey. However, economic, commercial agreements or agreements relating to the rights of individuals concluded under the provision of this paragraph shall not be put into effect unless promulgated. Agreements resulting in amendments to Turkish laws shall be subject to the provisions of the first paragraph. International agreements duly put into effect have the force of law. No appeal to the Constitutional Court shall be made with regard to these agreements, on the grounds that they are unconstitutional. (Sentence added on 7/5/2004; 5170/7) In the case of a conflict between international agreements, duly put into effect, concerning fundamental rights and freedoms and the laws due to differences in provisions on the same matter, the provisions of international agreements shall prevail.*

Child Protection Law⁽¹³⁾

The framework law related to the child protection system in Turkey is the Child Protection Law No. 5395 entered into force with the amendment made in 2005. The law defines the child as "any individual that has not yet completed age eighteen, regardless of whether they have reached full legal age earlier", and broadens the definition by referring to the need to take special measures regarding the situation of children.

Article 3- (1) *For the purposes of this Law, the terms used herein shall have the following meanings:*
a) Child (Juvenile): any individual that has not yet completed age eighteen, regardless of whether they have reached full legal age earlier; Within this scope:
1. Child in need of protection: Any child whose physical, mental, moral, social or emotional development and personal safety is in danger, who are neglected or abused, or who are victims of crime,
2. Child pushed to crime: Any child about whom an investigation or prosecution is carried out on the allegation that he/she has committed an act which is defined as a crime in the Laws, or any child about whom a security measure has been decided due to an act he/she has committed...

The law and the relevant regulation also include provisions regarding determination and implementation of **protective and supportive measures to** be taken in the areas of consultancy, education, care, health and accommodation to ensure that the child is protected primarily in his/her family environment.

(14)<https://www.mevzuat.gov.tr/MevzuatMetin/1.5.5395.pdf>

Article 5- (1) *Protective and supportive measures are measures to be taken in terms of consulting, education, care, health and shelter, for the purpose of protecting the child within his/her own family environment before all else. These measures are as follows:*

a) Consultancy measure, is a measure oriented to providing guidance on child rearing to those who are responsible for the care of the child, and guidance to children on solving problems related to their education and development;

b) Education/training measure, is a measure oriented to ensure that the child attends an education institution as a day-student or boarding student, attends a vocational training course or arts & crafts course, or is deployed with a master of profession or at a workplace belonging to the public or private sector for the purpose of acquiring a job or a profession,

c) Care measure, is a measure to make governmental or private care centre services or foster family services available for the child or place the child under the care of such institutions, in the event that the person responsible for the care of the child fails to fulfil his/her care duties due to any reason,

d) Health measure, is a measure to ensure necessary temporary or continuous medical care and rehabilitation for treatment and protection of the child's physical and physiological health, and treatment and therapy for children who use addictive substances,

e) Shelter measure is a measure to provide a suitable shelter for those who have children but do not have a place to live, or to pregnant women whose lives are in danger.

(2) The identification and address information of those about whom a shelter measure as defined in paragraph 1 subparagraph (e) is being implemented shall be kept confidential if they so demand.

(3) If it is established that the child is not under any danger, or if it is understood that, although the juvenile is in danger, such danger can be eliminated by supporting the juvenile's parent or guardian or the person who is responsible for the child's care, then the child shall be delivered to these persons. For the purposes of this paragraph, one of the measures specified in paragraph one can also be decided with regard to the child.

Social Services Law

The Social Services Law No. 2828 regulates the principles of care and protection, from determining the child in need of protection, taking it under the protection of the state, training, acquiring a professional, integrating it with social life and exercising the right to employment.⁽¹⁴⁾

The Article 21 of the Law rules determination and examination of the need for protection and the Article 22 of the Law rules the decision of protection.

Article 21 - *The institution is in charge for identifying and examining families, children, disabled and elderly people in need of protection, care, assistance, and other persons in need of social services.*

Local governors, health institutions and village headmen, general law enforcement officers and municipal police officers are responsible for announcing these persons to the Institution and cooperating with the Authority regarding the examination.

Article 22 - *The necessary decision on measure regarding the social service organizations established by the Institution as per the provisions of the Law to care and grow the children in need of protection until they reach the full legal age shall be taken by the authorized courts as per the Child Protection Law dated 3/7/2005 and numbered 5395. The documents required for this decision are prepared by the Institution and sent to the relevant court.*

Children about whom it is seen obliged to take immediate protection measures shall be taken under care by obtaining the approval of the local administrative authority in the institutions established according to this Law or in the family home until the court decision is taken.

The child can be delivered to the family with the approval of the local administrative authority, if it is concluded that there is no need to take the child under protection immediately in accordance with Article 9 of the Law No. 5395 and there is no harm in delivering him/her to the family in the report to be prepared by the social service organizations as a result of the examination of the child.

The Article 24 of the Law includes the provisions about **duration and removal of the protection decision**, and the Article 25 includes provisions about education and training of children in need of protection or allowing them to have professions.

Article 24 - *The protection decision generally continues until the child is of age. However, this decision may be removed by the court upon the recommendation of the Authority officials, in case the conditions leading to the protection decision no longer exist, or it may be decided to continue after the child's age, provided that the consent of the child is obtained. The continuation of the protection decision after adulthood depends on the following conditions.*

a) Of the children who have completed the age of 18 and in need of protection, the protection decision can be extended;

1. Up to the age of 20 for those who continue their secondary education,

(14)<https://www.mevzuat.gov.tr/mevzuat?MevzuatNo=2828&MevzuatTur=1&MevzuatTertip=5>

2. Up to the age of 25 for those continuing higher education.

b) Protection decisions may be extended until the age of 20 in order to ensure that children over the age of 18 who do not attend education become self-sufficient by having a job or a profession.

However, girls whose decision of protection are cancelled and are unable to survive alone are protected by the Institution. These children may also be provided to work in the services of the Agency, provided that the subsistence, boarding and allowances for labor are covered by the Institution.

c) The decision of protection on the children who are in need of constant care and incapable of working due to their physical, mental and mental disabilities is extended.

The continuation of the relations of the children whose protection decision is cancelled with the Institution shall be allowed to continue. These children are assisted by the Institution to the extent possible, when necessary.

Article 25 - Education and training of school-age children in need of protection is carried out in schools belonging to the Ministry of National Education and other public institutions.

Children who do not have the opportunity to attend school for any reason are employed in public and private workplaces for a fee and become a professional. The amount of the wages of children employed in this way determined by the dormitory administrations is given to them as allowance. The remaining amount is deposited into the account opened in the name of the child at national banks within ten days following the beginning of the month. The starting time and amount of the child's wage are determined between the dormitory administration and the employer according to local customs and current values. Matters on this subject are determined by a regulation.

Education and training of children who need special education and protection are carried out in official and private education institutions affiliated to the Ministry of National Education. Education of disabled children in need of protection is planned together with the Ministry of National Education.

For Children Deprived of Parental Care: Minimum Standards List

The Ministry of Family and Social Policies, General Directorate of Child Services, prepared the "Minimum Standards Monitoring and Evaluation Program" in order to record the compliance of the services provided in the care units with the minimum standards, to facilitate the measurement, monitoring and evaluation of the progress and the Directive on the Implementation of the Minimum Standards Monitoring and Evaluation Program was published (MoFSP, 13.03.2013, Number: 97151114-869-326). The list of minimum standards is presented in Annex 2.

In this context; the "Strengthening Internal Control in Child Care Services and Creating a Self-Assessment System Project" was carried out under the coordination of the General Directorate of Child Services, the technical support of UNICEF and the consultancy of the Internal Audit Department of the Ministry. As a result of the project, an Implementation Guide on the "Self-Assessment" system, which is a tool for the managers working in the field of care services to evaluate their own services in line with the determined quality indicators, was created.

The system audit of the "Minimum Standards in Child Care Institutions" process included in the Internal Audit Program of 2020 has been completed and has been put into operation with the approval of the Ministry, dated 17.07.2020 and numbered 05.

Employment in Public Institutions and Organizations within the Scope of Social Services Law⁽¹⁵⁾

In accordance with the Law No. 3413⁽¹⁶⁾ and the Additional Article 1 added to the Social Services Law No. 2828, protection/care measure was taken for them and those who benefit from the service models provided by the institution until the age of majority were employed in Public Institutions and Organizations as worker or civil servant in 1988. In accordance with the Law No. 3413, which was accepted on 25.02.1988 and published in the Official Gazette dated 02.03.1988 and numbered 19742, and the Additional Article 1 added to the Social Services Law No. 2828, it was stipulated that Public Institutions and Organizations will set aside one-thousandth of the free cadres at the beginning of each year, regardless of their status, for children who are cared for and protected by the Ministry of Health and Social Aid General Directorate of Social Services and Child Protection Agency until they reach the age of majority, in the entrance exams to be held among these children.

(15) Erbay, E., Altındağ Ö., Çelik M. A. (2018). Quality of Life of Those Employed in Public Institutions and Organizations within the Scope of Social Services Law: Case of Ankara Province. Turkey Social Research Journal, 22:3:845-874

<https://dergipark.org.tr/en/download/article-file/592508>

(16) <https://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d22/c043/b061/tbmm220430610123.pdf>

Those who want to benefit from this article, from the date they turn 18, have to apply to Public Institutions and Organizations (Abrogated) through the General Directorate of Social Services and Child Protection Agency (Law No. 3413, 1988: Article 1).

Regarding the amount of staff to be allocated by public institutions and organizations, a new regulation was made that at least one right holder is employed in public institutions and organizations even if the total number of free positions and positions is less than one thousand, and more children in need of protection have been employed with the Law No.6518 amending the Annex 1 article of the Social Services Law No. 2828 (Law No. 6518, 2014: Article 20/a).

In addition, according to Article 4 of the Regulation on Placement of Children in Need of Protection, which entered into force after being published in the Official Gazette dated 02.03.1995 and numbered 22218, "Every year, public institutions and organizations have to notify the Institution the number of free cadres, the number of children in need of protection, qualifications sought in candidates, the date and place of the exam, regardless of their status, and has to make an appointment among those who are successful in the entrance exams to be held among the children in need of protection notified by the Institution to these positions".

In the Regulation on Amendment to the Regulation on the Use of Employment Right Recognized under the Social Services Law published in the Official Gazette dated 12.6.2014 and numbered 29028, the definition of beneficiary was changed.⁽¹⁷⁾

"Beneficiary: Those who benefit from the social service models of the Ministry of Family, Labor and Social Services for no less than two years, including the intermittent periods of benefit, have been taken for protection or care measures in accordance with the Social Services Law No. 2828 or the Child Protection Law No. 5395 dated 3/7/2005; it is the person who continues to benefit from these services as of the date of majority, and applies to the Ministry within five years from the date on which the protection or care measure or conservation approval expires."

II. Alternative Care and Care Measures in Child Protection System in Turkey

The alternative care models for children who are faced with the risk of having deprived or are deprived of parental care in Turkey, are applied by taking decision about the child protection and care measures regulation. The social examination report prepared in line with the protection decision taken about the child, is applied with the help of social and economic support (SIA), which is a service model that supports the family socially and economically, if it predicts that the child can continue his/her healthy development if he/she is supported with the family, a family care and supervision model . If this model is not suitable, foster family and adoption model based on family-oriented care, which is one of the alternative care models suitable for the best interest of the child, is preferred. However, if any of the family-oriented care models are not suitable, the child is placed in one of the appropriate institutional care (established care) models of children's homes, child support centers or children's homes.

Care measure is one of the measures implemented for **children in need of protection**, including children who are deprived or are at risk of deprivation of parental care. It can be applied alone as well as in conjunction with other measures defined in the law, such as counseling, education, health and accommodation.

Protection decision

Judicial and administrative authorities initiate the progress by accepting the news in the press and media as a notice and without waiting for an official announcement from law enforcement officials, health and education institutions or notification to the Child Services Directorate of the Ministry of Family, Labor and Social Services about the child in need of protection, the persons responsible for the child's care to personally apply for the child's protection. In addition, when children in need of protection are noticed, an emergency protection order can be made by the court, either ex officio by the prosecutor or by the Provincial Directorate of MoFSP, in line with the urgency of the child's situation, of the authority receiving the notification (CPL Article 9). The emergency protection order is a temporary decision. As a result of the application / notifications made for the emergency protection order or the protection order, the provincial directorate of the child should clarify the background of the child, whether there is a mother and father, the socio-economic status of the family and the environment, the place where he lived up to that time, close relatives and neighbor relations ⁽¹⁸⁾. The court has the authority to determine

⁽¹⁷⁾<https://www.resmigazete.gov.tr/eskiler/2018/11/20181120-6.htm>

⁽¹⁸⁾Regulation on Identification of Children in Need of Protection, Taking and Abolishing Examination and Protection Decisions

whether the child is in need of protection and the measure to be applied (CPL Article 7; Social Service Law Article 22). The MoFSP Provincial Directorate, the public prosecutor or the persons responsible for the child's mother, father, guardian or caretaker may request from the court to determine the child's need for protection and to implement a measure, and the court may initiate this investigation ex officio (Article 7 of the CPL). In addition, the expert assigned to carry out an investigation regarding the child during the criminal investigation or prosecution (such as the physician examining, interviewing psychologist, psychiatrist, forensic expert) may request the court to apply a measure against the child if he/she deems it necessary (Article 66/3 of the Code of Criminal Procedure). The decision for protection of the child is made by the juvenile court where there is a juvenile court, by the family court where this court is not available, and by the civil court of first instance if there is no family court (CPL Provisional Article).⁽¹⁹⁾

Implementation of Care Measure

Care measure, is a measure to make governmental or private care centre services or foster family services available for the child or place the child under the care of such institutions, in the event that the person responsible for the care of the child fails to fulfil his/her care duties due to any reason (CPL Article 5). Care measure is applied in social service institutions and relevant institutions of local governments. The responsibility to carry out the care measures rests with the MoFLSS (CPL Art. 45).

The necessary decision on measure regarding the social service organizations established by the Institution as per the provisions of the Law to care and grow the children in need of protection until they reach the full legal age shall be taken by the authorized courts (SSL No. 2828 Art. 22)

Rescission and Amendment of the Protection Decision

The protection decision generally continues until the child is of age. The implementation of the measure ends automatically after the age of 18, without the need for a separate decision. However, the judge may decide to continue the implementation of the measure for a certain period of time in order for the child to continue his/her education and training, with his consent (Article 7/6 of CPL, Article 12 of the ÇKKKDTY).

Supervisory officers, guardian of the child, those who are in charge of his/her care and supervision, representatives of the person and organization that fulfilled the cautionary decision, and the public prosecutor may request the annulment, change or extension of the duration of the protection decision. The judge or the court may, upon the request of these persons or ex officio, examine the results of the measure applied to the child, extend, change or abolish its duration (ÇKKKDTY Article 10).

This decision may be removed by the court upon the recommendation of the Authority officials, in case the conditions leading to the protection decision no longer exist, or it may be decided to continue after the child's age, provided that the consent of the child is obtained. The continuation of the relations of the children whose protection decision is cancelled with the Institution shall be allowed to continue. These children are assisted by the institution as much as possible when necessary (SSL No. 2828, Article 24).

Legal Remedies Against Protective and Supportive Measure Decisions

It is open to appeal against the decisions taken by the juvenile judge regarding the measures specified in the CPL. The objection is made to the nearest juvenile court in accordance with the provisions of the CMK regarding the objection. The decision of the authority upon appeal is final. The appeal does not stop the execution of the decision.



(19) https://www.unicef.org/turkey/media/4701/file/SOSYAL%20%C3%87ALI%C5%9EMA%20G%C3%96REVL%C4%B0LER%C4%B0%20C4%B0%C3%87%C4%B0N%20E%C4%9E%C4%B0T%C4%B0M%20K%C4%B0TABI%20_%20Kas%C4%B1m%202013.pdf sf 114

EVALUATION

The findings and evaluations of the lawsuits filed as a result of the rejection of the demands of children whose protection decision was recessed while the protection of the state before they become fully legal age regarding the employment regulation specified in the Social Services Law No. 2828. These findings are grouped under three headings. These are (1) Basic Information, (2) Information on the decision and (3) Violations of the rights identified in the decisions.

1. Basic Information

Of the children whose protection decision was revoked in the investigated cases, 22 were girls and 29 were boys (n=51). According to the information available from the files, the youngest of the children on whom a protection decision was taken is 3 years old and the oldest is 15 years old. The youngest of the children whose protection decision is revoked is 11 and the oldest is 18 years old. The average age of children when the protection decision is taken is 8.63, and the removal of the protection decision is 15.76 (n=46).

The period of care for children whose protection decisions are revoked in the case files is shortest 1 year and longest 12 years. The average time children spend in the care period is 7.17 years (n=46).

Within the scope of the study, the case files in 25 provinces were accessed. These are Diyarbakır (6), İstanbul (6), Malatya (5), Konya (4), Ankara (3), Antalya (3), İzmir (3), Afyon (2), Balıkesir (2), Eskişehir (2), Bitlis (1), Bursa (1), Çanakkale (1), Erzurum (1), Kayseri (1), Mersin (1), Ordu (1), Sakarya (1), Sivas (1), Tokat (1), Trabzon (1), Tunceli (1), Van (1), Yozgat (1) and Zonguldak (1).

41 of the courts (80.4%) to decide on the lawsuits filed as a result of the rejection of the demands of the children regarding the employment regulation specified in the Social Services Law No. 2828 were heard at administrative courts, 4 in regional administrative courts (7.84%), 3 in family court (5.88%), and 1 in juvenile court (1.96%) (n=51).

90.19% of the cases (46 cases) were won, 1.9% (1 case) was partially won, and 7.84% (4 cases) were lost. The main basis of the decision results is 17.64% (9 decisions) out of 82.35% basis (42 decisions) procedural (n=51).

In line with the information retrieved from the case files, the range of years in which protection decisions were revoked is 1986-2018 (n=49). 20 of the protection decisions were revoked after 2005 when the Child Protection Law entered into force in Turkey for strengthening the child protection system and 6 of them were revoked after 2013 when the Minimum Standards Monitoring Program entered into force.

Information on the sex of the children whose protection decision was revoked in the files examined, the age range during their care period, the province they were in, the court where the lawsuit was heard after they reached legal age, the basis and the result of the decision are presented in Annex 3.

2. Information on the Decision

It is observed that the process regarding the decisions mainly begins with the abolition of protection decisions not being notified to the child and his/her family. Subsequently, the reasons that started the process include the effect of the social examination reports prepared about the child, the request of parents or caregivers to take care of the child instead of the institutional care, the arrangement of in-kind cash assistance instead of institutional care, the child's being on the run in the care institution, personnel fault, post-care support and monitoring, and exceeding the application period.

In line with the information obtained from the case files, the year in which court decisions are made is 2007-2020 (n=49). All of the decisions were made after 2005 when the Child Protection Law entered into force in Turkey for strengthening the child protection system and 39 were made after 2013 when the Minimum Standards Monitoring Program entered into force. It is seen that all of 4 adverse decisions were made after 2013.

In addition to the uniqueness of each case, the determination of the general and common principles regarding the cases is that the fact that the plaintiff does not benefit from social service models until the age of majority will not eliminate the responsibility of the administration and it is essential that they are monitored even after the protection decision is removed and supported to the extent possible.

Information on the starting point of the decision process, background information, evaluation of the decision summary, decision date and outcome are given in Annex 4.

In addition to the uniqueness of each case, the process of seeking remedies for the employment requests of the individuals whose protection decision is abolished before the age of majority has been appealed to the higher court, progresses as follows:

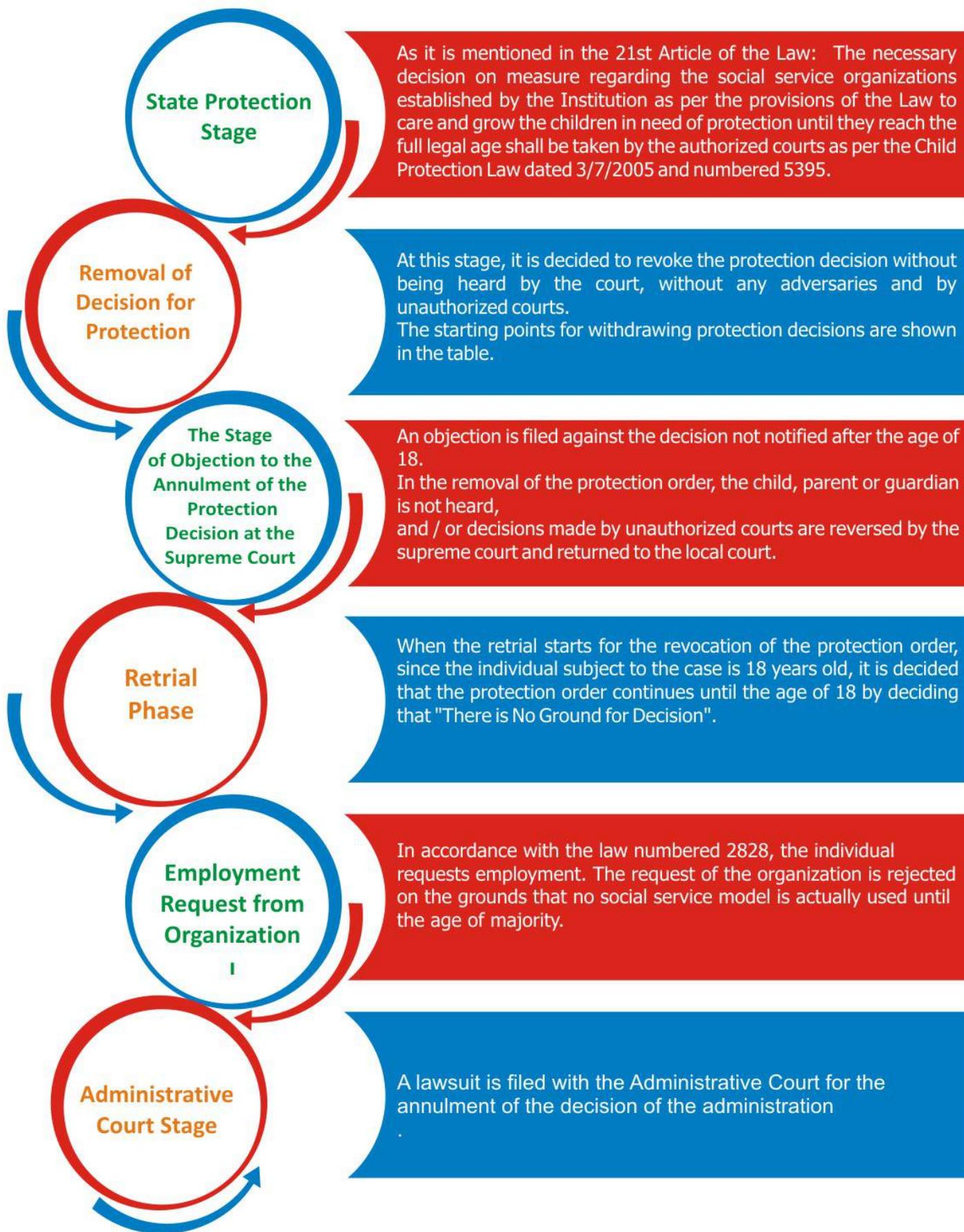
- Taking the child under state's protection
- Revocation of the Protection Decision
- The Stage of Objection to the Revocation of the Protection Decision at the Supreme Court
- Re judgement
- Employment Request from Organization
- Administrative Court

Appeals to the Supreme Court and the summaries of the decisions regarding the removal of the protection decision from the said cases (upon failure to notify the protection decision removal cases) are presented in Annex 5. In the relevant decisions, the scheme of seeking rights process from the organization for the employment requests of the individuals whose protection decision was removed before the age of majority is attached



Rights Seeking Processes for Employment Requests from the Organization of the Individuals whose Protection Decisions were removed Before the Legal Age

Process of the Examined Decisions (No 1-3-5-6-8-9-10-34-37-38-40-43-45-46)



(3) Violations of Rights Detected in the Decisions

The court decisions, which are the subject of the legal struggle of 51 individuals whose demands were rejected upon the rejection of the employment demand of children under state care and protection, point to many violations of rights in the process. Although 46 of the courts were concluded in favor, 1 partially in favor and 4 adversely, it is observed that the decisions were far from compensating the rights violations of the individuals as children.

It was observed that the child or the guardian was not heard in almost all of the decision-making processes, therefore, in decisions made about the child, the **right to participate** was ignored and in most cases the decision was not notified (CRC Article 12). It has been observed that children and/or their legal representatives cannot benefit from the procedural obligations of being shown as a party in the case files and to be informed of the case, in an extremely important trial process such as the annulment of the protection decisions taken against them and the consequences will have very definite effects.

Case 5: *We see it in the decision Nr. 2019/XXXX of Antalya 1. Administrative Court that, the protection decision of a girl aged 17, who was under state protection at the ages of 12-17, was removed on the grounds that she left the dormitory without permission by the local court in 2011, upon the request of the organization.*

As a result of the objection made in 2017 to the decision to revoke the protection decision; Supreme Court 2. Legal Department said, "The decision of the local court is reversed long after the child has reached the age of age, on the grounds that it was decided to abolish the protection decision as a result of the examination on the file, without notifying the legal representative of the child."

As in the case of Case 5, the annulment of the protection decision for the child who left the dormitory without permission while under 18 is in contradiction with the best interests of the child. In addition, the fact that the court decided on the file without hearing the child or his/her legal guardian shows that the child's right to be heard was violated by not giving the opportunity to be heard either directly or through a representative or an appropriate authority in any judicial or administrative proceedings affecting the child.

In most of the decisions, it is seen that the local courts made a unilateral notary decision over the file according to the social examination reports prepared by the administration, and that a holistic and rights-based protection and justice system could not be operated for the child entering the protection process. The most important finding determined in the decisions of the Supreme Court, Council of State and Administrative Courts in line with the period of application and the period of application, the effect of social examination reports prepared about the child but open to questioning, and the demand of parents or caregivers to take care of the child instead of institutional care, the transition to only in-kind cash assistance arrangement, the child being in a leak in the care institution, personnel fault, post-care support and monitoring, is that the best **interests** of the **child were not** observed during **the** abolition of the **child** 's protection decisions (CRC Article 3).

The manner in which care and protection decisions are revoked is of great importance for the benefit of the child. In the applications made to the court for the revocation of the protection decision with the social examination report prepared by the institutions, the courts do not make an additional investigation that the reason for the child's protection has been eliminated and the child or his/her legal heir does not listen to the child or his/her legal heir, showing that an integrated child protection system cannot be structured.

In the Guide on Child-friendly Justice of the Council of Europe, Committee of Ministers; it is said that "the right of all children to be informed of their rights, to provide appropriate ways for children to access justice, and to be consulted and heard in the proceedings in which they are involved or that will affect them should be respected and respected".⁽²⁰⁾

Of the appeals made to the Supreme Court against care and protection decisions abolished by the courts, all of the fifteen decisions examined were quashed in favor of the child. The common point of these decisions is exemplified below.

Case 9: *"Giving a protection decision about a child, requests to revoke a protection decision are important not only for the rights of the child, but also for the obligations it brings and the consequences it will cause. For the explained reason, the case should be directed to the legal representative of the children (parents or guardian), the evidence should be collected if they show it, and the request should be examined and decided in*

(20)Guide on Child-Friendly Justice, Council of Europe - Committee of Ministers, p. 17

their presence, while it was not correct to make a written decision on the paper without an adversary, and it required reversal (the Supreme Court 2. Legal Offices) "

As seen in the decisions of the Supreme Court, the child did not apply to the opinion of the local courts on the most vital issue that concerns him/her, and he/she did not listen to his/her parents and guardians and made a decision on the file. The decisions taken in this way means the best interests of the child, respect for the opinion of the child, child-friendly justice practice, the right of the child to be protected from all kinds of abuse and maltreatment, the right of the child to receive special protection and assistance, the right to review all conditions related to the child at regular intervals (Articles 3, 12, 19, 20, 25, 26, 27, and 28 of the CRC).

As can be followed from the explanations and determinations of the cases presented both in the previous and under this section, one of the biggest reasons for the removal of the protection decision for children is that the child leaves the institution without permission and / or is in the status of runner (Case 3, 5, 6, 18, 28, 31, 39, 40, 41, 47, 48, 49) and the events experienced after returning to the family with the request of the parents caused irreversible negativity in the lives of the children. Some of the problems experienced are becoming vulnerable to violence (Case 22), interruption of education (Case 12), conflict with the law (Case 23), and early marriage (Case 15, 19).

"After I turned 18, I was expelled from the dormitory on the grounds that I was of age. I had no place to go. Once I was hungry in the streets. The year I left the dormitory, I stole to eat and was caught and convicted. During the trial, they gave me a lawyer but did not support me. Today I am 41 years old and my crime, which I had to commit when I was at the age of 18, has always come before me (2020)."⁽²¹⁾

Case 23 *"After reaching the age of 18, that is, after leaving the state protection as a minor, he/she starts to stay on the streets (1997) because he/she does not have a family to go and he/she was convicted of theft in 1998, in less than a year. Due to this crime, he/she cannot benefit from the employment right granted by law. He/she requests the return of his/her rights from the court. One of the most important conditions for a person's divested rights to be returned is not to commit a new crime and to form an opinion in the court that he/she continues his/her life in a "good way". Due to the fulfillment of all return conditions, the court's satisfaction rights are returned. After this decision, he/she applies to the organization for the right to employment and is appointed to an institution. The appointed institution does not allow him/her to start his/her duty despite the fact that the divested rights has been returned. A lawsuit is filed with the Administrative Court for this issue. The court finds the institution justified and rejects the case (2015/Ankara 13. Administrative Court). The decision is appealed and overturned by the Council of State and returned to the court. (2019/XXX Council of State 12. Office) The process continues."*

In the evaluations made for protection decisions or the annulment of the decisions, the suspicion of whether the social investigation and the prepared social examination reports are prepared sufficiently and competently has gained importance. In fact, the social investigation reports show that the following negative situations occurred; resettlement with the grandmother for 4 months in return for in-kind cash assistance (Case 1), abolition of the protection decision as a result of leaving the dormitory by going with the father (Case 6), returning 5 children under protection in a family of 10 children (Case 9), interruption of the education of the child due to handing over to the mother (Case 12), Early and forced marriage as a result of the abolition of the measure as a result of the in-kind cash assistance request of the stepmother and the child taken under protection due to violence from his/her stepmother (Case 15), emergency protection for the child who was delivered to his/her aunt in return for cash assistance (Case 26), the fact that the protection decision for one of the two sisters was revoked on the grounds that the family's financial situation had improved, and then the court ruled that the financial situation did not improve (Case 34).

Case 1 *"A boy aged 4-14 who was under state protection loses his/her father at the age of three, and the child is taken under state protection. When the child reaches the age of 14, the social examination report and the protection decision are revoked and delivered to his/her 62-year-old grandmother in cash in kind. This assistance continues for 4 months. After the unilateral abolished protection decision, we see in the court decision that the child, who was a successful student at the time he/she went to school, did not attend school after leaving the dormitory and started to work as a child. (2011/XXX - Afyonkarahisar Family Court)"*

Case 15 *"It concerns a girl aged 7-17 who is under state protection intermittently. The girl loses her mother at the age of 1.5. Her father is getting married again. She is taken under state protection at the age of 7 upon the notice of her neighbors due to the violence of her stepmother. Upon the submission of the social investigation report to the court, which was prepared by her stepmother to revoke the protection decision of the 17-year-old girl and to give in-kind cash support, the court reveals the protection decision by examining*

(21)t is the expression of the person who filed the case and is a member of our association, within his permission.

the file and handing it over to the stepmother. In the same year, she got married at the age of 17 and had a child in 2012. When her spouse is sentenced to 15 years in prison for a criminal offense, she applies for a job pursuant to the Social Services Law No. 2828. The case has emerged with the examination of the administrative court decision opened upon the rejection of the job application. (2015/XXX Diyarbakir 2. Administrative Court).

In the example of Case 15, the reason for the protection of the child points to the violence caused by the stepmother. However, as a result of the social examination report prepared and the decision given by the courts, as stated in Articles 3, 12, 20, 25 and 28 of the CRC, the best interests of the child, respect for the opinion of the child, child-friendly justice practice, special protection and protection of the child, the right to receive assistance, the right to periodically review all conditions regarding the child and the right to education are observed to be violated.

During the applications, problems arising from the non-integrated structure of the protection system and the competence and equipment of the practitioners were also encountered. The following are among these; the removal of the protection decision while the child is in the institution (Case 32, 36), the lack of monitoring in the process of providing in-kind cash support (Case 12), not calculating the age of the child's protection decision (Case 11), not providing guidance service on post-care matters (especially about the employment process) (Case 19), the rejection of the employment request while the protection decision was not revoked (Case 33), the termination of the support after the age of majority and the lack of measures to be exposed to the risks (Case 23), the employment application after the in-kind cash support, the decision of rejection (Case 35) and the victimization of the right owner due to the incomplete understanding of the right to employment by the practitioners (Case 42, 44). The most striking case among the problems experienced is the fact that the child did not benefit from any social service model until he/she reached the age of majority, even though he/she had a protection decision (Case 14).

Case 19: *"A girl aged 5-14 under state protection is handed over to him/her guardian at the age of 14 in return for in-kind cash assistance. The child is forced to get married at the age of 15. The organization, which is obliged to monitor, determines that the child was married 2 years later when the child was 17 years old and revokes the protection decision on the grounds that the child was of age without any further action due to the marriage. The child stated that in the lawsuit filed due to the rejection of the employment request granted to him/her by the law, he/she was not provided with guidance and counseling services. (2017/XXX- Eskişehir Administrative Court)"*

When the relevant court decision is examined within the example of the case, it is seen that the child was reported to the police by being treated as an illegal act on the grounds that the child could not be reached. The organization could not reach the child between the ages of 14-17. The child was forced to get married at the age of 15, and the organization was able to detect this when the child was 17 years old. The protection decision was revoked when the child was 17 years old, as he/she was of the age of majority by marriage. Therefore, by failing to review all the conditions regarding the child at regular intervals and to monitor effectively, by violating the 25th article of the contract, the way for the child to be brought to age at an early age has been paved.

As set out in paragraphs 131 and 136 of the UN Guidelines on Alternative Care of Children, the documentation of the cases show that there have been problems regarding the child to acquire social and life skills, self-sufficiency and full integration into society, supported by participation in the life of the local community, during and after care, to provide appropriate care for the child and access to social, legal and health services.

In the Paragraph 131 of the UN Guidelines on Alternative Care for Children, it is stated that "to ensure appropriate care and / or follow-up of the child, they should aim to prepare children to be self-sufficient and fully integrated into society, systematically through the acquisition of social and life skills, especially supported by participation in the life of the local community, throughout the care period". In addition, in the Paragraph 136, it is stated that "Access to social, legal and health services should be provided to young people in the post-care period after care, with appropriate financial support".

According to Article 24 of the Social Services Law No. 2828, "The continuation of the relations of the children whose protection decision has been taken is ensured. These children are assisted by the institution as much as possible when necessary." As per this provision, within the Paragraph 136 of the UN Guidelines on Alternative Care for Children, young people who leave care and after care should be given access to social, legal and health services, as well as financial support.

Adolescents who leave alternative care need support in preparing for their new lives, finding employment, housing and psychological support, best of all, participating in rehabilitation with their families if it suits their

interests, and accessing aftercare services in accordance with the provisions of the UN's alternative childcare manual.⁽²²⁾

In the alternative care period, the child's right to receive special protection and assistance as stated in Article 20 of the CRC and the right to review all the conditions regarding the child at regular intervals as stated in Article 25 were violated and he/she had irreparable negative consequences in his/her life. With the violation of the right to protection, after care planning was not carried out, integration into the society was not ensured, aftercare was not monitored and the right to participate in social life was violated.

It is stated that the plaintiff's failure to benefit from social service models until the age of majority will not remove the care and supervision obligation of the administration and the negative consequences of this situation cannot be attributed to the plaintiff (2020/XX Antalya 5. Administrative Court).

In many decisions of the lawsuits filed in order to benefit from the employment regulation recognized by the law for individuals whose protection decision was revoked under the protection of the state; the child will be vulnerable to external dangers with the abolition of the state protection and care order taken to protect the child from external dangers without adequate review by the courts, if there is no post-protection planning. In order to hold on to life, he/she should be watched for a while and supported when necessary. This is the right of the child to live and develop, as well as the most natural protection right.

The fact that the child does not benefit from social service models until the age of majority does not eliminate the responsibility of the administration for care and supervision. It is essential that he/she is monitored and supported to the extent possible even after the protection decision is revoked (2017/XXX Diyarbakır 1. Administrative Court).

In addition to the uniqueness of each case, the determination of the general and common principles regarding the cases is that the plaintiff's failure to fully benefit from the social service models until the age of majority will not remove the responsibility of the administration of care and supervision, and it is essential that they are monitored and supported to the extent possible even after the protection decision is revoked.

In addition, in accordance with the information accessed from the case file, 20 of the protection decision removals, all the court decisions related to the employment application were given after the entry into force of the Law on Child Protection in terms of strengthening the child protection system in Turkey in 2005. Six of the protection decision removals and 39 of the court decisions on employment applications were made after 2013, when the Monitoring Program on Minimum Standards came into effect. It is seen that all of the adverse decisions (4 decisions) were made after 2013 (Tables 1 and 2). In this context, it is especially necessary to evaluate whether the decisions made against them are taken in line with the requirements of the CCC and the Monitoring Program on Minimum Standards.

Basic Problems Encountered in Decisions and Basic Evaluations on Rights Violations are given in Annex 6.

In summary, in the evaluation of the decisions, about the persons who are under the protection of the state and whose protection decision has been removed by court decision before they are of age, it has been seen that;

- * The reasons for protection were ignored,
- * The individual plans were not made for aftercare, children were not ready and aftercare monitoring activities were not carried out,
- * Unilateral incomplete and flawed social examination reports were prepared while the protection decisions in the process of returning children to the family were abolished,
- * The preparation was incomplete, there were defective and unfounded social investigation reports and personnel errors in the process,
- * There were insufficient efforts to prevent the situation of being "illegal" from the institution, which is shown as the reason for the annulment of protection decisions, or to establish appropriate institutions for children,
- * Child-friendly justice system did not work,
- * Decisions regarding children were taken under judgment by examining the file,
- * The right of the child to express his/her views freely on all matters that concern him/her were not recognized,

- * In the judicial or administrative proceedings affecting the child, the children were not given the opportunity to be heard either directly or through a representative,
- * Competence of staff and professionals working with children was insufficient,
- * The child was denied to be given special protection and assistance provided by the state.

The Problems identified point out the necessity of review and strengthening the legislation, organization and practices, article 20 of the UN CRC on alternative care for children who are deprived of parental care, article 25 on the regular evaluation of care giving institutions and care decision, and the Principles for the Alternative Care of Children by the UN General Assembly.

CONCLUSION AND RECOMMENDATIONS

Court decisions on cases point to the need for the development of a holistic and rights-based child protection system that takes into account the best interests of every child, and to revise and strengthen legal regulations that threaten the interests of practitioners and children. As a matter of fact, the problems that children experienced after the protection decision was revoked started to be the cause and effect of each other and grew continuously.

In the cases examined, the main areas have been determined as the main source of the diversified problems. These are the adequacy and competence of the social examination reports that form the basis of court decisions, the lack of monitoring and evaluation studies, the competence of professionals dealing with children, and the occurrence of situations that cause the child to lose his/her or him/her rights in the justice mechanism. However, both national and international documents emphasize that giving a protection decision about a child or withdrawing a protection decision for any reason whatsoever should be addressed both until the age of the child and the changes in his/her later life, as well as with the obligations it imposes on the administration.

It should not be forgotten that a violation of the rights of a child will cause irreparable consequences in his/her life!

In this context, regarding the right to employment, below are the recommendations developed to strengthen the legislation, practices and practitioners **and** create a **holistic and rights-based** child policy and to eliminate the basic problems experienced in the child protection system, and violations of rights.

Recommendations on Strengthening the Legislation

- * In terms of children who are deprived of parental care or who are at risk of being deprived, the Guidelines on Alternative Child Care, which were created as a requirement of the CRC and decided by the UN General Assembly, should be enacted and relevant regulations should be made.
- * Until these changes are made, the circular numbered 2012/15 of the General Directorate of Child Services regarding the abolition of the protection decisions of children who leave the dormitory without permission or who do not return to the dormitory at the end of the leave period should be removed immediately.

Recommendations for the Process of Social Review Reports

- * Social investigation reports, which provide the basis for the assessment of children's protection needs, should be prepared adequately and competently, taking into account the best interests of the child. For important decisions that may affect the life of the child (such as the abolition of a protection decision...), examination reports should be reviewed by an independent expert panel. Social examination reports should be prepared by taking into account the economic, social and psychological conditions of the family members of the child, whose protection decision will be revoked and handed over to the family, taking into account the reasons for the child's protection, as well as the balance of benefits and losses that will arise from the child's return to the family, and by taking the opinion of the child.

Recommendations Regarding the Monitoring and Evaluation Process During and After Care

- * The function of monitoring and evaluation activities of both children under protection decision and children whose protection decision has been revoked should be increased. It is important to review the Directive on the Implementation of the General Directorate of Child Services, Minimum Standards Monitoring and

- * Evaluation Program, in line with the principle of the best interests of the child, and to monitor its implementation through various inspection mechanisms.
- * It is necessary to harmonize the decisions stated in the Guide on the Alternative Care of Children adopted by the UN General Assembly with the relevant legal regulations and to enter an effective implementation process together with the NGOs.
- * It is important to review the Directive on the Implementation of the Program within the scope of the best interests of the child and the UN Guidelines on Alternative Care for Children and follow up its implementation through various control mechanisms.
- * Monitoring and evaluation after care should be reported by the institution in 3-month intervals by contacting the child for at least 3 years. In addition, continuous support should be provided for business, social and family life issues, and aftercare monitoring units should be established in the provinces.
- * As stated in the Decision Nr. 55 of the Principles Regarding the Alternative Care of Children adopted by the UN General Assembly, it should be ensured that all institutions and individuals charged with providing alternative care to children are regularly monitored and examined by the competent authority. To this end, it should assess the professional and ethical compliance of caregivers and develop appropriate criteria for their accreditation, monitoring and observation.
- * The full participation of non-governmental organizations, especially those trying to promote and protect children's rights, in the monitoring process should be ensured. Collaborations with NGOs established by young people who remain under state protection should be developed.
- * Financial, social and psychological support should also be provided in communication with the parents of children who remain under state protection.
- * The organization should maintain contact with people and role models who remain under the protection of the state in order to remove negative perceptions in the public and instill self-confidence and support in children.

Recommendations about the Personnel Practices

- * The personnel practices should be planned and operated separately from traditional state personnel policy.
It is required to inform and raise awareness of all stakeholders working with children regarding the necessity of laws, regulations and practices.
- * All staff working for and with children should have adequate professional training and continuing education on children's rights. The content of these trainings, the expertise of the trainers and the evaluation of the training should also be followed by independent experts and commissions.
- * For personnel who will work in child services, a personnel law and personal system should be arranged based on the best interests of the child. According to the new law, personnel recruitment policy and personnel legislation should be implemented.

Recommendations on the Justice System for the Children

- * A separate place should be given to children under state protection in the works of the juvenile justice system. Implementation and enforcement should be strengthened in fulfilling the requirements of the child's right to participate.
- * An individual who remains under the care and protection of the state should be supported with legal aid in court proceedings. Every child has a unique life story. Awareness raising projects and activities should be carried out in cooperation with the Ministry of Justice, the Bar Association and related NGOs.
- * Courts should carry out independent research and listen to the other side in addition to the social investigation reports prepared by the institutions, and Guidelines on Child-Friendly Justice of the Council of Europe's Committee of Ministers should be observed at all stages of the courts.

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General Assembly

Dağıtım: Genel
24 Şubat 2010

Altmış dördüncü oturum
Gündem Maddesi 64

Resolution adopted by the General Assembly
[on the report of the Third Committee (A/64/434)]

64/142. Guidelines for the Alternative Care of Children

The General Assembly,

Reaffirming the Universal Declaration of Human Rights⁽²³⁾ and the Convention on the Rights of the Child,⁽²⁴⁾ and celebrating the twentieth anniversary of the Convention in 2009,

Reaffirming also all previous resolutions on the rights of the child of the Human Rights Council, the Commission on Human Rights and the General Assembly, the most recent being Council resolutions 7/29 of 28 March 2008,⁽²⁵⁾ 9/13 of 24 September 2008⁽²⁶⁾ and 10/8 of 26 March 2009⁵ and Assembly resolution 63/241 of 24 December 2008,

Considering that the Guidelines for the Alternative Care of Children, the text of which is annexed to the present resolution, set out desirable orientations for policy and practice with the intention of enhancing the implementation of the Convention on the Rights of the Child and of relevant provisions of other international instruments regarding the protection and well-being of children deprived of parental care or who are at risk of being so,

1. Welcomes the Guidelines for the Alternative Care of Children, as contained in the annex to the present resolution, as a set of orientations to help to inform policy and practice;

2. Encourages States to take the Guidelines into account and to bring them to the attention of the relevant executive, legislative and judiciary bodies of government, human rights defenders and lawyers, the media and the public in general;

3. Requests the Secretary-General, within existing resources, to take steps to disseminate the Guidelines in all the official languages of the United Nations, including by transmitting them to all Member States, regional commissions and relevant intergovernmental and non-governmental organizations.

65th plenary meeting 18 December 2009

* Reissued for technical reasons on 13 April 2010

(23) Resolution 217 A (III).

(24) United Nations, Treaty Series, vol. 1577, No. 27531.

(25) See Official Records of the General Assembly, Sixty-third Session, Supplement No. 53 (A/63/53), chap. II.

(26) Ibid., Supplement No. 53A (A/63/53/Add.1), chap. I.

(27) Ibid., Sixty-fourth Session, Supplement No. 53 (A/64/53), chap. II, sect. A.

Guidelines for the Alternative Care of Children.

Purpose

1. The present Guidelines are intended to enhance the implementation of the Convention on the Rights of the Child² and of relevant provisions of other international instruments regarding the protection and well-being of children who are deprived of parental care or who are at risk of being so.

2. Against the background of these international instruments and taking account of the developing body of knowledge and experience in this sphere, the Guidelines set out desirable orientations for policy and practice. They are designed for wide dissemination among all sectors directly or indirectly concerned with issues relating to alternative care, and seek in particular:

(a) To support efforts to keep children in, or return them to, the care of their family or, failing this, to find another appropriate and permanent solution, including adoption and kafala of Islamic law;

(b) To ensure that, while such permanent solutions are being sought, or in cases where they are not possible or are not in the best interests of the child, the most suitable forms of alternative care are identified and provided, under conditions that promote the child's full and harmonious development;

(c) To assist and encourage Governments to better implement their responsibilities and obligations in these respects, bearing in mind the economic, social and cultural conditions prevailing in each State; and

(d) To guide policies, decisions and activities of all concerned with social protection and child welfare in both the public and the private sectors, including civil society.

II. General principles and perspectives

A. The child and the family

3. The family being the fundamental group of society and the natural environment for the growth, well-being and protection of children, efforts should primarily be directed to enabling the child to remain in or return to the care of his/her parents, or when appropriate, other close family members. The State should ensure that families have access to forms of support in the caregiving role.

4. Every child and young person should live in a supportive, protective and caring environment that promotes his/her full potential. Children with inadequate or no parental care are at special risk of being denied such a nurturing environment.

5. Where the child's own family is unable, even with appropriate support, to provide adequate care for the child, or abandons or relinquishes the child, the State is responsible for protecting the rights of the child and ensuring appropriate alternative care, with or through competent local authorities and duly authorized civil society organizations. It is the role of the State, through its competent authorities, to ensure the supervision of the safety, well-being and development of any child placed in alternative care and the regular review of the appropriateness of the care arrangement provided.

6. All decisions, initiatives and approaches falling within the scope of the present Guidelines should be made on a case-by-case basis, with a view, notably, to ensuring the child's safety and security, and must be grounded in the best interests and rights of the child concerned, in conformity with the principle of non-discrimination and taking due account of the gender perspective. They should respect fully the child's right to be consulted and to have his/her views duly taken into account in accordance with his/her evolving capacities, and on the basis of his/her access to all necessary information. Every effort should be made to enable such consultation and information provision to be carried out in the child's preferred language.

7. In applying the present Guidelines, determination of the best interests of the child shall be designed to identify courses of action for children deprived of parental care, or at risk of being so, that are best suited to satisfying their needs and rights, taking into account the full and personal development of their rights in their family, social and cultural environment and their status as subjects of rights, both at the time of the determination and in the longer term. The determination process should take account of, inter alia, the right of the child to be heard and to have his/her views taken into account in accordance with his/her age and maturity.

8. States should develop and implement comprehensive child welfare and protection policies within the framework of their overall social and human development policy, with attention to the improvement of existing alternative care provision, reflecting the principles contained in the present Guidelines.

9. As part of efforts to prevent the separation of children from their parents, States should seek to ensure appropriate and culturally sensitive measures:

(a) To support family caregiving environments whose capacities are limited by factors such as disability, drug and alcohol misuse, discrimination against families with indigenous or minority backgrounds, and living in armed conflict regions or under foreign occupation;

(b) To provide appropriate care and protection for vulnerable children, such as child victims of abuse and exploitation, abandoned children, children living on the street, children born out of wedlock, unaccompanied and separated children, internally displaced and refugee children, children of migrant workers, children of asylum-seekers, or children living with or affected by HIV/AIDS and other serious illnesses.

10. Special efforts should be made to tackle discrimination on the basis of any status of the child or parents, including poverty, ethnicity, religion, sex, mental and physical disability, HIV/AIDS or other serious illnesses, whether physical or mental, birth out of wedlock, and socio-economic stigma, and all other statuses and circumstances that can give rise to relinquishment, abandonment and/or removal of a child.

B. Alternative care

11. All decisions concerning alternative care should take full account of the desirability, in principle, of maintaining the child as close as possible to his/her habitual place of residence, in order to facilitate contact and potential reintegration with his/her family and to minimize disruption of his/her educational, cultural and social life.

12. Decisions regarding children in alternative care, including those in informal care, should have due regard for the importance of ensuring children a stable home and of meeting their basic need for safe and continuous attachment to their caregivers, with permanency generally being a key goal.

13. Children must be treated with dignity and respect at all times and must benefit from effective protection from abuse, neglect and all forms of exploitation, whether on the part of care providers, peers or third parties, in whatever care setting they may find themselves.

14. Removal of a child from the care of the family should be seen as a measure of last resort and should, whenever possible, be temporary and for the shortest possible duration. Removal decisions should be regularly reviewed and the child's return to parental care, once the original causes of removal have been resolved or have disappeared, should be in the best interests of the child, in keeping with the assessment foreseen in paragraph 49 below.

15. Financial and material poverty, or conditions directly and uniquely imputable to such poverty, should never be the only justification for the removal of a child from parental care, for receiving a child into alternative care, or for preventing his/her reintegration, but should be seen as a signal for the need to provide appropriate support to the family.

16. Attention must be paid to promoting and safeguarding all other rights of special pertinence to the situation of children without parental care, including, but not limited to, access to education, health and other basic services, the right to identity, freedom of religion or belief, language and protection of property and inheritance rights.

17. Siblings with existing bonds should in principle not be separated by placements in alternative care unless there is a clear risk of abuse or other justification in the best interests of the child. In any case, every effort should be made to enable siblings to maintain contact with each other, unless this is against their wishes or interests.

18. Recognizing that, in most countries, the majority of children without parental care are looked after informally by relatives or others, States should seek to devise appropriate means, consistent with the present Guidelines, to ensure their welfare and protection while in such informal care arrangements, with due respect for cultural, economic, gender and religious differences and practices that do not conflict with the rights and best interests of the child.

19. No child should be without the support and protection of a legal guardian or other recognized responsible adult or competent public body at any time.

20. The provision of alternative care should never be undertaken with a prime purpose of furthering the political, religious or economic goals of the providers.

21. The use of residential care should be limited to cases where such a setting is specifically appropriate, necessary and constructive for the individual child concerned and in his/her best interests.

22. In accordance with the predominant opinion of experts, alternative care for young children, especially those under the age of 3 years, should be provided in family-based settings. Exceptions to this principle may be warranted in order to prevent the separation of siblings and in cases where the placement is of an emergency nature or is for a predetermined and very limited duration, with planned family reintegration or other appropriate long-term care solution as its outcome.

23. While recognizing that residential care facilities and family-based care complement each other in meeting the needs of children, where large residential care facilities (institutions) remain, alternatives should be developed in the context of an overall deinstitutionalization strategy, with precise goals and objectives, which will allow for their progressive elimination. To this end, States should establish care standards to ensure the quality and conditions that are conducive to the child's development, such as individualized and small-group care, and should evaluate existing facilities against these standards. Decisions regarding the establishment of, or permission to establish, new residential care facilities, whether public or private, should take full account of this deinstitutionalization objective and strategy.

Measures to promote application

24. States should, to the maximum extent of their available resources and, where appropriate, within the framework of development cooperation, allocate human and financial resources to ensure the optimal and progressive implementation of the present Guidelines throughout their respective territories in a timely manner. States should facilitate active cooperation among all relevant authorities and the mainstreaming of child and family welfare issues within all ministries directly or indirectly concerned.

25. States are responsible for determining any need for, and requesting, international cooperation in implementing the present Guidelines. Such requests should be given due consideration and should receive a favourable response wherever possible and appropriate. The enhanced implementation of the present Guidelines should figure in development cooperation programmes. When providing assistance to a State, foreign entities should abstain from any initiative inconsistent with the Guidelines.

26. Nothing in the present Guidelines should be interpreted as encouraging or condoning lower standards than those that may exist in given States, including in their legislation. Similarly, competent authorities, professional organizations and others are encouraged to develop national or professionally specific guidelines that build upon the letter and spirit of the present Guidelines.

III. Scope of the Guidelines

27. The present Guidelines apply to the appropriate use and conditions of alternative formal care for all persons under the age of 18 years, unless, under the law applicable to the child, majority is attained earlier. Only where indicated do the Guidelines also apply to informal care settings, having due regard for both the important role played by the extended family and the community and the obligations of States for all children not in the care of their parents or legal and customary caregivers, as set out in the Convention on the Rights of the Child.²

28. Principles in the present Guidelines are also applicable, as appropriate, to young persons already in alternative care and who need continuing care or support for a transitional period after reaching the age of majority under applicable law.

29. For the purposes of the present Guidelines, and subject, notably, to the exceptions listed in paragraph 30 below, the following definitions shall apply:

(a) Children without parental care: all children not in the overnight care of at least one of their parents, for whatever reason and under whatever circumstances. Children without parental care who are outside their country of habitual residence or victims of emergency situations may be designated as:

(I) "Unaccompanied" if they are not cared for by another relative or an adult who by law or custom is responsible for doing so; or

(II) "Separated" if they are separated from a previous legal or customary primary caregiver, but who may nevertheless be accompanied by another relative;

(b) Alternative care may take the form of:

(I) Informal care: any private arrangement provided in a family environment, whereby the child is looked after on an ongoing or indefinite basis by relatives or friends (informal kinship care) or by others in their individual capacity, at the initiative of the child, his/her parents or other person without this arrangement having been ordered by an administrative or judicial authority or a duly accredited body;

(II) Formal care: all care provided in a family environment which has been ordered by a competent administrative body or judicial authority, and all care provided in a residential environment, including in private facilities, whether or not as a result of administrative or judicial measures;

(c) With respect to the environment where it is provided, alternative care may be:

(I) Kinship care: family-based care within the child's extended family or with close friends of the family known to the child, whether formal or informal in nature;

(II) Foster care: situations where children are placed by a competent authority for the purpose of alternative care in the domestic environment of a family other than the children's own family that has been selected, qualified, approved and supervised for providing such care;

(III) Other forms of family-based or family-like care placements;

(IV) Residential care: care provided in any non-family-based group setting, such as places of safety for emergency care, transit centres in emergency situations, and all other short- and long-term residential care facilities, including group homes;

(V) Supervised independent living arrangements for children;

(d) With respect to those responsible for alternative care:

(I) Agencies are the public or private bodies and services that organize alternative care for children;

(II) Facilities are the individual public or private establishments that provide residential care for children.

30. The scope of alternative care as foreseen in the present Guidelines does not extend, however, to: **(a)** Persons under the age of 18 years who are deprived of their liberty by decision of a judicial or administrative authority as a result of being alleged as, accused of or recognized as having infringed the law, and whose situation is covered by the United Nations Standard Minimum Rules for the Administration of Juvenile Justice⁶ and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty;⁽²⁹⁾

(b) Care by adoptive parents from the moment the child concerned is effectively placed in their custody pursuant to a final adoption order, as of which moment, for the purposes of the present Guidelines, the child is considered to be in parental care. The Guidelines are, however, applicable to pre-adoption or probationary placement of a child with the prospective adoptive parents, as far as they are compatible with requirements governing such placements as stipulated in other relevant international instruments;

(c) Informal arrangements whereby a child voluntarily stays with relatives or friends for recreational purposes and reasons not connected with the parents' general inability or unwillingness to provide adequate care.

31. Competent authorities and others concerned are also encouraged to make use of the present Guidelines, as applicable, at boarding schools, hospitals, centres for children with mental and physical disabilities or other special needs, camps, the workplace and other places which may be responsible for the care of children.

IV. Preventing the need for alternative care

A. Promoting parental care

32. States should pursue policies that ensure support for families in meeting their responsibilities towards the child and promote the right of the child to have a relationship with both parents. These policies should address the root causes of child abandonment, relinquishment and separation of the child from his/her family by ensuring, inter alia, the right to birth registration, and access to adequate housing and to basic health, education and social welfare services, as well as by promoting measures to combat poverty, discrimination, marginalization, stigmatization, violence, child maltreatment and sexual abuse, and substance abuse.

33. States should develop and implement consistent and mutually reinforcing family-oriented policies designed to promote and strengthen parents' ability to care for their children.

34. States should implement effective measures to prevent child abandonment, relinquishment and separation of the child from his/her family. Social policies and programmes should, inter alia, empower families with attitudes, skills, capacities and tools to enable them to provide adequately for the protection, care and development of their children. The complementary capacities of the State and civil society, including non-governmental and community-based organizations, religious leaders and the media should be engaged to this end. These social protection measures should include:

(a) Family strengthening services, such as parenting courses and sessions, the promotion of positive parent-child relationships, conflict resolution skills, opportunities for employment and income generation and, where required, social assistance;

(b) Supportive social services, such as day care, mediation and conciliation services, substance abuse treatment, financial assistance, and services for parents and children with disabilities. Such services, preferably of an integrated and non-intrusive nature, should be directly accessible at the community level and should actively involve the participation of families as partners, combining their resources with those of the community and the carer;

(c) Youth policies aiming at empowering youth to face positively the challenges of everyday life, including when they decide to leave the parental home, and preparing future parents to make informed decisions regarding their sexual and reproductive health and to fulfil their responsibilities in this respect.

35. Various complementary methods and techniques should be used for family support, varying throughout the process of support, such as home visits, group meetings with other families, case conferences and securing commitments by the family concerned. They should be directed towards both facilitating intrafamilial relationships and promoting the family's integration within its community.

36. Special attention should be paid, in accordance with local laws, to the provision and promotion of support and care services for single and adolescent parents and their children, whether or not born out of wedlock. States should ensure that adolescent parents retain all rights inherent to their status both as parents and as children, including access to all appropriate services for their own development, allowances to which parents are entitled, and their inheritance rights. Measures should be adopted to ensure the protection of pregnant adolescents and to guarantee that they do not interrupt their studies. Efforts should also be made to reduce the stigma attached to single and adolescent parenthood.

37. Support and services should be available to siblings who have lost their parents or caregivers and choose to remain together in their household, to the extent that the eldest sibling is both willing and deemed capable of

acting as the household head. States should ensure, including through the appointment of a legal guardian, a recognized responsible adult or, where appropriate, a public body legally mandated to act as guardian, as stipulated in paragraph 19 above, that such households benefit from mandatory protection from all forms of exploitation and abuse, and supervision and support on the part of the local community and its competent services, such as social workers, with particular concern for the children's health, housing, education and inheritance rights. Special attention should be given to ensuring that the head of such a household retains all rights inherent to his/her child status, including access to education and leisure, in addition to his/her rights as a household head.

38. States should ensure opportunities for day care, including all-day schooling, and respite care which would enable parents better to cope with their overall responsibilities towards the family, including additional responsibilities inherent in caring for children with special needs.

Preventing family separation

39. Proper criteria based on sound professional principles should be developed and consistently applied for assessing the child's and the family's situation, including the family's actual and potential capacity to care for the child, in cases where the competent authority or agency has reasonable grounds to believe that the well-being of the child is at risk.

40. Decisions regarding removal or reintegration should be based on this assessment and should be made by suitably qualified and trained professionals, on behalf of or authorized by a competent authority, in full consultation with all concerned and bearing in mind the need to plan for the child's future.

41. States are encouraged to adopt measures for the integral protection and guarantee of rights during pregnancy, birth and the breastfeeding period, in order to ensure conditions of dignity and equality for the adequate development of the pregnancy and the care of the child. Therefore, support programmes should be provided to future mothers and fathers, particularly adolescent parents, who have difficulty exercising their parental responsibilities. Such programmes should aim at empowering mothers and fathers to exercise their parental responsibilities in conditions of dignity and at avoiding their being induced to surrender their child because of their vulnerability.

42. When a child is relinquished or abandoned, States should ensure that this may take place in conditions of confidentiality and safety for the child, respecting his/her right to access information on his/her origins where appropriate and possible under the law of the State.

43. States should formulate clear policies to address situations where a child has been abandoned anonymously, which indicate whether and how family tracing should be undertaken and reunification or placement within the extended family pursued. Policies should also allow for timely decision-making on the child's eligibility for permanent family placement and for arranging such placements expeditiously.

44. When a public or private agency or facility is approached by a parent or legal guardian wishing to relinquish a child permanently, the State should ensure that the family receives counselling and social support to encourage and enable them to continue to care for the child. If this fails, a social worker or other appropriate professional assessment should be undertaken to determine whether there are other family members who wish to take permanent responsibility for the child, and whether such arrangements would be in the best interests of the child. Where such arrangements are not possible or are not in the best interests of the child, efforts should be made to find a permanent family placement within a reasonable period.

45. When a public or private agency or facility is approached by a parent or caregiver wishing to place a child in care for a short or indefinite period, the State should ensure the availability of counselling and social support to encourage and enable him or her to continue to care for the child. A child should be admitted to alternative care only when such efforts have been exhausted and acceptable and justified reasons for entry into care exist.

46. Specific training should be provided to teachers and others working with children in order to help them to identify situations of abuse, neglect, exploitation or risk of abandonment and to refer such situations to competent bodies.

47. Any decision to remove a child against the will of his/her parents must be made by competent authorities, in accordance with applicable law and procedures and subject to judicial review, the parents being assured the right of appeal and access to appropriate legal representation.

48. When the child's sole or main carer may be the subject of deprivation of liberty as a result of preventive detention or sentencing decisions, non-custodial remand measures and sentences should be taken in appropriate cases wherever possible, the best interests of the child being given due consideration. States should take into account the best interests of the child when deciding whether to remove children born in prison and children living in prison with a parent. The removal of such children should be treated in the same way as other instances where separation is considered. Best efforts should be made to ensure that children remaining in custody with their parent benefit from adequate care and protection, while guaranteeing their own status as free individuals and access to activities in the community.

B. Promoting family reintegration

49. In order to prepare and support the child and the family for his/her possible return to the family, his/her situation should be assessed by a duly designated individual or team with access to multidisciplinary advice, in consultation with the different actors involved (the child, the family, the alternative caregiver), so as to decide whether the reintegration of the child in the family is possible and in the best interests of the child, which steps this would involve and under whose supervision.

50. The aims of the reintegration and the family's and alternative caregiver's principal tasks in this respect should be set out in writing and agreed on by all concerned.

51. Regular and appropriate contact between the child and his/her family specifically for the purpose of reintegration should be developed, supported and monitored by the competent body.

52. Once decided, the reintegration of the child in his/her family should be designed as a gradual and supervised process, accompanied by follow-up and support measures that take account of the child's age, needs and evolving capacities, as well as the cause of the separation.

V. Framework of care provision

53. In order to meet the specific psychoemotional, social and other needs of each child without parental care, States should take all necessary measures to ensure that the legislative, policy and financial conditions exist to provide for adequate alternative care options, with priority to family- and community-based solutions.

54. States should ensure the availability of a range of alternative care options, consistent with the general principles of the present Guidelines, for emergency, short-term and long-term care.

55. States should ensure that all entities and individuals engaged in the provision of alternative care for children receive due authorization to do so from a competent authority and are subject to regular monitoring and review by the latter in keeping with the present Guidelines. To this end, these authorities should develop appropriate criteria for assessing the professional and ethical fitness of care providers and for their accreditation, monitoring and supervision.

56. With regard to informal care arrangements for the child, whether within the extended family, with friends or with other parties, States should, where appropriate, encourage such carers to notify the competent authorities accordingly so that they and the child may receive any necessary financial and other support that would promote the child's welfare and protection. Where possible and appropriate, States should encourage and enable informal caregivers, with the consent of the child and parents concerned, to formalize the care arrangement after a suitable lapse of time, to the extent that the arrangement has proved to be in the best interests of the child to date and is expected to continue in the foreseeable future.

VI. Determination of the most appropriate form of care

57. Decision-making on alternative care in the best interests of the child should take place through a judicial, administrative or other adequate and recognized procedure, with legal safeguards, including, where appropriate, legal representation on behalf of children in any legal proceedings. It should be based on rigorous assessment, planning and review, through established structures and mechanisms, and should be carried out on a case-by-case basis, by suitably qualified professionals in a multidisciplinary team, wherever possible. It should involve full consultation at all stages with the child, according to his/her evolving capacities, and with his/her parents or legal guardians. To this end, all concerned should be provided with the necessary information on which to base their opinion. States should make every effort to provide adequate resources and channels for the training and recognition of the professionals responsible for determining the best form of care so as to facilitate compliance with these provisions.

58. Assessment should be carried out expeditiously, thoroughly and carefully. It should take into account the child's immediate safety and well-being, as well as his/her longer-term care and development, and should cover the child's personal and developmental characteristics, ethnic, cultural, linguistic and religious background, family and social environment, medical history and any special needs.

59. The resulting initial and review reports should be used as essential tools for planning decisions from the time of their acceptance by the competent authorities onwards, with a view to, inter alia, avoiding undue disruption and contradictory decisions.

60. Frequent changes in care setting are detrimental to the child's development and ability to form attachments, and should be avoided. Short-term placements should aim at enabling an appropriate permanent solution to be arranged. Permanency for the child should be secured without undue delay through reintegration in his/her nuclear or extended family or, if this is not possible, in an alternative stable family setting or, where paragraph 21 above applies, in stable and appropriate residential care.

61. Planning for care provision and permanency should be carried out from the earliest possible time, ideally before the child enters care, taking into account the immediate and longer-term advantages and disadvantages of each option considered, and should comprise short- and long-term propositions.

62. Planning for care provision and permanency should be based on, notably, the nature and quality of the child's attachment to his/her family, the family's capacity to safeguard the child's well-being and harmonious development, the child's need or desire to feel part of a family, the desirability of the child remaining within his/her community and country, the child's cultural, linguistic and religious background, and the child's relationships with siblings, with a view to avoiding their separation.

63. The plan should clearly state, *inter alia*, the goals of the placement and the measures to achieve them.

64. The child and his/her parents or legal guardians should be fully informed about the alternative care options available, the implications of each option and their rights and obligations in the matter.

65. The preparation, enforcement and evaluation of a protective measure for a child should be carried out, to the greatest extent possible, with the participation of his/her parents or legal guardians and potential foster carers and caregivers, with respect to his/her particular needs, convictions and special wishes. At the request of the child, parents or legal guardians, other important persons in the child's life may also be consulted in any decision-making process, at the discretion of the competent authority.

66. States should ensure that any child who has been placed in alternative care by a properly constituted court, tribunal or administrative or other competent body, as well as his/her parents or others with parental responsibility, are given the opportunity to make representations on the placement decision before a court, are informed of their rights to make such representations and are assisted in doing so.

67. States should ensure the right of any child who has been placed in temporary care to regular and thorough review – preferably at least every three months – of the appropriateness of his/her care and treatment, taking into account, notably, his/her personal development and any changing needs, developments in his/her family environment, and the adequacy and necessity of the current placement in these circumstances. The review should be carried out by duly qualified and authorized persons, and should fully involve the child and all relevant persons in the child's life.

68. The child should be prepared for all changes of care settings resulting from the planning and review processes.

VII. Provision of alternative care

A. Policies

69. It is a responsibility of the State or appropriate level of government to ensure the development and implementation of coordinated policies regarding formal and informal care for all children who are without parental care. Such policies should be based on sound information and statistical data. They should define a process for determining who has responsibility for a child, taking into account the role of the child's parents or principal caregivers in his/her protection, care and development. Presumptive responsibility, unless shown to be otherwise, is with the child's parents or principal caregivers.

70. All State entities involved in the referral of, and assistance to, children without parental care, in cooperation with civil society, should adopt policies and procedures which favour information-sharing and networking between agencies and individuals in order to ensure effective care, aftercare and protection for these children. The location and/or design of the agency responsible for the oversight of alternative care should be established so as to maximize its accessibility to those who require the services provided.

71. Special attention should be paid to the quality of alternative care provision, both in residential and in family-based care, in particular with regard to the professional skills, selection, training and supervision of carers. Their role and functions should be clearly defined and clarified with respect to those of the child's parents or legal guardians.

72. In each country, the competent authorities should draw up a document setting out the rights of children in alternative care in keeping with the present Guidelines. Children in alternative care should be enabled to understand fully the rules, regulations and objectives of the care setting and their rights and obligations therein.

73. All alternative care provision should be based on a written statement of the provider's aims and objectives in providing the service and the nature of the provider's responsibilities to the child that reflects the standards set by the Convention on the Rights of the Child,² the present Guidelines and applicable law.

All providers should be appropriately qualified or approved in accordance with legal requirements to provide alternative care services.

74. A regulatory framework should be established to ensure a standard process for the referral or admission of a child to an alternative care setting.

75. Cultural and religious practices regarding the provision of alternative care, including those related to gender perspectives, should be respected and promoted to the extent that they can be shown to be consistent with the

rights and best interests of the children. The process of considering whether such practices should be promoted should be carried out in a broadly participatory way, involving the cultural and religious leaders concerned, professionals and those caring for children without parental care, parents and other relevant stakeholders, as well as the children themselves.

1. Informal care

76. With a view to ensuring that appropriate conditions of care are met in informal care provided by individuals or families, States should recognize the role played by this type of care and take adequate measures to support its optimal provision on the basis of an assessment of which particular settings may require special assistance or oversight.

77. Competent authorities should, where appropriate, encourage informal carers to notify the care arrangement and should seek to ensure their access to all available services and benefits likely to assist them in discharging their duty to care for and protect the child.

78. The State should recognize the de facto responsibility of informal carers for the child.

79. States should devise special and appropriate measures designed to protect children in informal care from abuse, neglect, child labour and all other forms of exploitation, with particular attention to informal care provided by non-relatives, or by relatives previously unknown to the children or living far from the children's habitual place of residence.

2. General conditions applying to all forms of formal alternative care arrangements

80. The transfer of a child into alternative care should be carried out with the utmost sensitivity and in a child-friendly manner, in particular involving specially trained and, in principle, non-uniformed personnel.

81. When a child is placed in alternative care, contact with his/her family, as well as with other persons close to him or her, such as friends, neighbours and previous carers, should be encouraged and facilitated, in keeping with the child's protection and best interests. The child should have access to information on the situation of his/her family members in the absence of contact with them.

82. States should pay special attention to ensuring that children in alternative care because of parental imprisonment or prolonged hospitalization have the opportunity to maintain contact with their parents and receive any necessary counselling and support in that regard.

83. Carers should ensure that children receive adequate amounts of wholesome and nutritious food in accordance with local dietary habits and relevant dietary standards, as well as with the children's religious beliefs. Appropriate nutritional supplementation should also be provided when necessary.

84. Carers should promote the health of the children for whom they are responsible and make arrangements to ensure that medical care, counselling and support are made available as required.

85. Children should have access to formal, non-formal and vocational education in accordance with their rights, to the maximum extent possible in educational facilities in the local community.

86. Carers should ensure that the right of every child, including children with disabilities, living with or affected by HIV/AIDS or having any other special needs, to develop through play and leisure activities is respected and that opportunities for such activities are created within and outside the care setting. Contact with the children and others in the local community should be encouraged and facilitated.

87. The specific safety, health, nutritional, developmental and other needs of babies and young children, including those with special needs, should be catered for in all care settings, including ensuring their ongoing attachment to a specific carer.

88. Children should be allowed to satisfy the needs of their religious and spiritual life, including by receiving visits from a qualified representative of their religion, and to freely decide whether or not to participate in religious services, religious education or counselling. The child's own religious background should be respected, and no child should be encouraged or persuaded to change his/her religion or belief during a care placement.

89. All adults responsible for children should respect and promote the right to privacy, including appropriate facilities for hygiene and sanitary needs, respecting gender differences and interaction, and adequate, secure and accessible storage space for personal possessions.

90. Carers should understand the importance of their role in developing positive, safe and nurturing relationships with children, and should be able to do so.

91. Accommodation in all alternative care settings should meet the requirements of health and safety.

92. States must ensure through their competent authorities that accommodation provided to children in alternative care, and their supervision in such placements, enable them to be effectively protected against abuse. Particular attention needs to be paid to the age, maturity and degree of vulnerability of each child in determining his/her living arrangements. Measures aimed at protecting children in care should be in conformity with the law and should not involve unreasonable constraints on their liberty and conduct in comparison with children of similar age in their community.

93. All alternative care settings should provide adequate protection to children from abduction, trafficking, sale and all other forms of exploitation. Any consequent constraints on their liberty and conduct should be no more than are strictly necessary to ensure their effective protection from such acts.

94. All carers should promote and encourage children and young people to develop and exercise informed choices, taking account of acceptable risks and the child's age, and according to his/her evolving capacities.

95. States, agencies and facilities, schools and other community services should take appropriate measures to ensure that children in alternative care are not stigmatized during or after their placement. This should include efforts to minimize the identification of children as being looked after in an alternative care setting.

96. All disciplinary measures and behaviour management constituting torture, cruel, inhuman or degrading treatment, including closed or solitary confinement or any other forms of physical or psychological violence that are likely to compromise the physical or mental health of the child, must be strictly prohibited in conformity with international human rights law. States must take all necessary measures to prevent such practices and ensure that they are punishable by law. Restriction of contact with members of the child's family and other persons of special importance to the child should never be used as a sanction.

97. Use of force and restraints of whatever nature should not be authorized unless strictly necessary for safeguarding the child's or others' physical or psychological integrity, in conformity with the law and in a reasonable and proportionate manner and with respect for the fundamental rights of the child. Restraint by means of drugs and medication should be based on therapeutic needs and should never be employed without evaluation and prescription by a specialist.

98. Children in care should be offered access to a person of trust in whom they may confide in total confidentiality. This person should be designated by the competent authority with the agreement of the child concerned. The child should be informed that legal or ethical standards may require breaching confidentiality under certain circumstances.

99. Children in care should have access to a known, effective and impartial mechanism whereby they can notify complaints or concerns regarding their treatment or conditions of placement. Such mechanisms should include initial consultation, feedback, implementation and further consultation. Young people with previous care experience should be involved in this process, due weight being given to their opinions. This process should be conducted by competent persons trained to work with children and young people.

100. To promote the child's sense of self-identity, a life story book comprising appropriate information, pictures, personal objects and mementoes regarding each step of the child's life should be maintained with the child's participation and made available to the child throughout his/her life.

B. Legal responsibility for the child

101. In situations where the child's parents are absent or are incapable of making day-to-day decisions in the best interests of the child, and the child's placement in alternative care has been ordered or authorized by a competent administrative body or judicial authority, a designated individual or competent entity should be vested with the legal right and responsibility to make such decisions in the place of parents, in full consultation with the child. States should ensure that a mechanism is in place for designating such an individual or entity.

102. Such legal responsibility should be attributed by the competent authorities and be supervised directly by them or through formally accredited entities, including non-governmental organizations. Accountability for the actions of the individual or entity concerned should lie with the designating body.

103. Persons exercising such legal responsibility should be reputable individuals with relevant knowledge of children's issues, an ability to work directly with children and an understanding of any special and cultural needs of the children to be entrusted to them. They should receive appropriate training and professional support in this regard. They should be in a position to make independent and impartial decisions that are in the best interests of the children concerned and that promote and safeguard each child's welfare.

104. The role and specific responsibilities of the designated person or entity should include:

(a) Ensuring that the rights of the child are protected and, in particular, that the child has appropriate care, accommodation, health-care provision, developmental opportunities, psychosocial support, education and language support;

(b) Ensuring that the child has access to legal and other representation where necessary, consulting with the child so that the child's views are taken into account by decision-making authorities, and advising and keeping the

child informed of his/her rights;

- (c) Contributing to the identification of a stable solution in the best interests of the child;
- (d) Providing a link between the child and various organizations that may provide services to the child;
- (e) Assisting the child in family tracing;
- (f) Ensuring that, if repatriation or family reunification is carried out, it is done in the best interests of the child;
- (g) Helping the child to keep in touch with his/her family, when appropriate.

1. Agencies and facilities responsible for formal care

105. Legislation should stipulate that all agencies and facilities must be registered and authorized to operate by social welfare services or another competent authority, and that failure to comply with such legislation constitutes an offence punishable by law. Authorization should be granted and be regularly reviewed by the competent authorities on the basis of standard criteria covering, at a minimum, the agency's or facility's objectives, functioning, staff recruitment and qualifications, conditions of care and financial resources and management.

106. All agencies and facilities should have written policy and practice statements, consistent with the present Guidelines, setting out clearly their aims, policies, methods and the standards applied for the recruitment, monitoring, supervision and evaluation of qualified and suitable carers to ensure that those aims are met.

107. All agencies and facilities should develop a staff code of conduct, consistent with the present Guidelines, that defines the role of each professional and of the carers in particular and includes clear reporting procedures on allegations of misconduct by any team member.

108. The forms of financing care provision should never be such as to encourage a child's unnecessary placement or prolonged stay in care arrangements organized or provided by an agency or facility.

109. Comprehensive and up-to-date records should be maintained regarding the administration of alternative care services, including detailed files on all children in their care, staff employed and financial transactions.

110. The records on children in care should be complete, up to date, confidential and secure, and should include information on their admission and departure and the form, content and details of the care placement of each child, together with any appropriate identity documents and other personal information. Information on the child's family should be included in the child's file as well as in the reports based on regular evaluations. This record should follow the child throughout the alternative care period and be consulted by duly authorized professionals responsible for his/her current care.

111. The above-mentioned records could be made available to the child, as well as to the parents or guardians, within the limits of the child's right to privacy and confidentiality, as appropriate. Appropriate counselling should be provided before, during and after consultation of the record.

112. All alternative care services should have a clear policy on maintaining the confidentiality of information pertaining to each child, which all carers are aware of and adhere to.

113. As a matter of good practice, all agencies and facilities should systematically ensure that, prior to employment, carers and other staff in direct contact with children undergo an appropriate and comprehensive assessment of their suitability to work with children.

114. Conditions of work, including remuneration, for carers employed by agencies and facilities should be such as to maximize motivation, job satisfaction and continuity, and hence their disposition to fulfil their role in the most appropriate and effective manner.

115. Training should be provided to all carers on the rights of children without parental care and on the specific vulnerability of children, in particularly difficult situations, such as emergency placements or placements outside their area of habitual residence. Cultural, social, gender and religious sensitization should also be assured. States should also provide adequate resources and channels for the recognition of these professionals in order to favour the implementation of these provisions.

116. Training in dealing appropriately with challenging behaviour, including conflict resolution techniques and means to prevent acts of harm or self-harm, should be provided to all care staff employed by agencies and facilities.

117. Agencies and facilities should ensure that, wherever appropriate, carers are prepared to respond to children with special needs, notably those living with HIV/AIDS or other chronic physical or mental illnesses, and children with physical or mental disabilities.

2. Foster care

118. The competent authority or agency should devise a system, and should train concerned staff accordingly, to assess and match the needs of the child with the abilities and resources of potential foster carers and to prepare all concerned for the placement.

119. A pool of accredited foster carers should be identified in each locality who can provide children with care and protection while maintaining ties to family, community and cultural group.

120. Special preparation, support and counselling services for foster carers should be developed and made available to carers at regular intervals, before, during and after the placement.

121. Carers should have, within fostering agencies and other systems involved with children without parental care, the opportunity to make their voice heard and to influence policy.

122. Encouragement should be given to the establishment of associations of foster carers that can provide important mutual support and contribute to practice and policy development.

C. Residential care

123. Facilities providing residential care should be small and be organized around the rights and needs of the child, in a setting as close as possible to a family or small group situation. Their objective should generally be to provide temporary care and to contribute actively to the child's family reintegration or, if this is not possible, to secure his/her stable care in an alternative family setting, including through adoption or kafala of Islamic law, where appropriate.

124. Measures should be taken so that, where necessary and appropriate, a child solely in need of protection and alternative care may be accommodated separately from children who are subject to the criminal justice system.

125. The competent national or local authority should establish rigorous screening procedures to ensure that only appropriate admissions to such facilities are made.

126. States should ensure that there are sufficient carers in residential care settings to allow individualized attention and to give the child, where appropriate, the opportunity to bond with a specific carer. Carers should also be deployed within the care setting in such a way as to implement effectively its aims and objectives and ensure child protection.

127. Laws, policies and regulations should prohibit the recruitment and solicitation of children for placement in residential care by agencies, facilities or individuals

D. Inspection and monitoring

128. Agencies, facilities and professionals involved in care provision should be accountable to a specific public authority, which should ensure, inter alia, frequent inspections comprising both scheduled and unannounced visits, involving discussion with and observation of the staff and the children.

129. To the extent possible and appropriate, inspection functions should include a component of training and capacity-building for care providers.

130. States should be encouraged to ensure that an independent monitoring mechanism is in place, with due consideration for the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).⁽³⁰⁾ The monitoring mechanism should be easily accessible to children, parents and those responsible for children without parental care. The functions of the monitoring mechanism should include:

(a) Consulting in conditions of privacy with children in all forms of alternative care, visiting the care settings in which they live and undertaking investigations into any alleged situation of violation of children's rights in those settings, on complaint or on its own initiative;

(b) Recommending relevant policies to appropriate authorities with the aim of improving the treatment of children deprived of parental care and ensuring that it is in keeping with the preponderance of research findings on child protection, health, development and care;

(c) Submitting proposals and observations concerning draft legislation;

(d) Contributing independently to the reporting process under the Convention on the Rights of the Child,² including to periodic State party reports to the Committee on the Rights of the Child with regard to the implementation of the present Guidelines.

E. Support for aftercare

131. Agencies and facilities should have a clear policy and should carry out agreed procedures relating to the planned and unplanned conclusion of their work with children to ensure appropriate aftercare and/or follow-up. Throughout the period of care, they should systematically aim at preparing children to assume self-reliance and to integrate fully in the community, notably through the acquisition of social and life skills, which are fostered by participation in the life of the local community.

132. The process of transition from care to aftercare should take into consideration children's gender, age,

(30)Resolution 48/134, annex.

maturity and particular circumstances and include counselling and support, notably to avoid exploitation. Children leaving care should be encouraged to take part in the planning of aftercare life. Children with special needs, such as disabilities, should benefit from an appropriate support system, ensuring, inter alia, avoidance of unnecessary institutionalization. Both the public and the private sectors should be encouraged, including through incentives, to employ children from different care services, particularly children with special needs.

133. Special efforts should be made to allocate to each child, whenever possible, a specialized person who can facilitate his/her independence when leaving care.

134. Aftercare should be prepared as early as possible in the placement and, in any case, well before the child leaves the care setting.

135. Ongoing educational and vocational training opportunities should be imparted as part of life skills education to young people leaving care in order to help them to become financially independent and generate their own income.

136. Access to social, legal and health services, together with appropriate financial support, should also be provided to young people leaving care and during aftercare.

VIII. Care provision for children outside their country of habitual residence

A. Placement of a child for care abroad

137. The present Guidelines should apply to all public and private entities and all persons involved in arrangements for a child to be sent for care to a country other than his/her country of habitual residence, whether for medical treatment, temporary hosting, respite care or any other reason.

138. States concerned should ensure that a designated body has responsibility for determining specific standards to be met regarding, in particular, the criteria for selecting carers in the host country and the quality of care and follow-up, as well as for supervising and monitoring the operation of such schemes.

139. To ensure appropriate international cooperation and child protection in such situations, States are encouraged to ratify or accede to the Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in respect of Parental Responsibility and Measures for the Protection of Children, of 19 October 1996.⁽³¹⁾

B. Provision of care for a child already abroad

140. The present Guidelines, as well as other relevant international provisions, should apply to all public and private entities and all persons involved in arrangements for a child needing care while in a country other than his/her country of habitual residence, for whatever reason.

141. Unaccompanied or separated children already abroad should, in principle, enjoy the same level of protection and care as national children in the country concerned.

142. In determining appropriate care provision, the diversity and disparity of unaccompanied or separated children (such as ethnic and migratory background or cultural and religious diversity) should be taken into consideration on a case-by-case basis.

143. Unaccompanied or separated children, including those who arrive irregularly in a country, should not, in principle, be deprived of their liberty solely for having breached any law governing access to and stay within the territory.

144. Child victims of trafficking should neither be detained in police custody nor subjected to penalties for their involvement under compulsion in unlawful activities.

145. As soon as an unaccompanied child is identified, States are strongly encouraged to appoint a guardian or, where necessary, representation by an organization responsible for his/her care and well-being to accompany the child throughout the status determination and decision-making process.

146. As soon as an unaccompanied or separated child is taken into care, all reasonable efforts should be made to trace his/her family and re-establish family ties, when this is in the best interests of the child and would not endanger those involved.

147. In order to assist in planning the future of an unaccompanied or separated child in a manner that best protects his/her rights, relevant State and social service authorities should make all reasonable efforts to procure documentation and information in order to conduct an assessment of the child's risk and social and family conditions in his/her country of habitual residence.

148. Unaccompanied or separated children must not be returned to their country of habitual residence:

(a) If, following the risk and security assessment, there are reasons to believe that the child's safety and security are in danger;

⁽³¹⁾United Nations, Treaty Series, vol. 2204, No. 39130

(b) Unless, prior to the return, a suitable caregiver, such as a parent, other relative, other adult caretaker, a Government agency or an authorized agency or facility in the country of origin, has agreed and is able to take responsibility for the child and provide him or her with appropriate care and protection;

(c) If, for other reasons, it is not in the best interests of the child, according to the assessment of the competent authorities.

149. With the above aims in mind, cooperation among States, regions, local authorities and civil society associations should be promoted, strengthened and enhanced.

150. The effective involvement of consular services or, failing that, legal representatives of the country of origin should be foreseen, when this is in the best interests of the child and would not endanger the child or his/her family.

151. Those responsible for the welfare of an unaccompanied or separated child should facilitate regular communication between the child and his/her family, except where this is against the child's wishes or is demonstrably not in his/her best interests.

152. Placement with a view to adoption or kafala of Islamic law should not be considered a suitable initial option for an unaccompanied or separated child. States are encouraged to consider this option only after efforts to determine the location of his/her parents, extended family or habitual carers have been exhausted.

IX Care in emergency situations

A. Application of the Guidelines

153. The present Guidelines should continue to apply in situations of emergency arising from natural and man-made disasters, including international and non-international armed conflicts, as well as foreign occupation. Individuals and organizations wishing to work on behalf of children without parental care in emergency situations are strongly encouraged to operate in accordance with the Guidelines.

154. In such circumstances, the State or de facto authorities in the region concerned, the international community and all local, national, foreign and international agencies providing or intending to provide child-focused services should pay special attention:

(a) To ensure that all entities and persons involved in responding to unaccompanied or separated children are sufficiently experienced, trained, resourceful and equipped to do so in an appropriate manner

(b) To develop, as necessary, temporary and long-term family-based care;

(c) To use residential care only as a temporary measure until family-based care can be developed;

(d) To prohibit the establishment of new residential facilities structured to provide simultaneous care to large groups of children on a permanent or long-term basis;

(e) To prevent the cross-border displacement of children, except under the circumstances described in paragraph 160 below;

(f) To make cooperation with family tracing and reintegration efforts mandatory.

Preventing separation

155. Organizations and authorities should make every effort to prevent the separation of children from their parents or primary caregivers, unless the best interests of the child so require, and ensure that their actions do not inadvertently encourage family separation by providing services and benefits to children alone rather than to families.

156. Separation initiated by the child's parents or other primary caregivers should be prevented by:

(a) Ensuring that all households have access to basic food and medical supplies and other services, including education;

(b) Limiting the development of residential care options and restricting their use to those situations where it is absolutely necessary.

B. Care arrangements

157. Communities should be assisted in playing an active role in monitoring and responding to care and protection issues facing children in their local context.

158. Care within a child's own community, including fostering, should be encouraged, as it provides continuity in socialization and development.

159. As unaccompanied or separated children may be at heightened risk of abuse and exploitation, monitoring and specific support to carers should be foreseen to ensure their protection.

160. Children in emergency situations should not be moved to a country other than that of their habitual residence for alternative care except temporarily for compelling health, medical or safety reasons. In that case, this should be as close as possible to their home, they should be accompanied by a parent or caregiver known to them, and a clear return plan should be established.

161. Should family reintegration prove impossible within an appropriate period or be deemed contrary to the best interests of the child, stable and definitive solutions, such as adoption or kafala of Islamic law, should be envisaged; failing this, other long-term options should be considered, such as foster care or appropriate residential care, including group homes and other supervised living arrangements.

C. Tracing and family reintegration

162. Identifying, registering and documenting unaccompanied or separated children are priorities in any emergency and should be carried out as quickly as possible.

163. Registration activities should be conducted by or under the direct supervision of State authorities and explicitly mandated entities with responsibility for and experience in this task.

164. The confidential nature of the information collected should be respected and systems put in place for safe forwarding and storage of information. Information should only be shared among duly mandated agencies for the purpose of tracing, family reintegration and care.

165. All those engaged in tracing family members or primary legal or customary caregivers should operate within a coordinated system, using standardized forms and mutually compatible procedures, wherever possible. They should ensure that the child and others concerned would not be endangered by their actions.

166. The validity of relationships and the confirmation of the willingness of the child and family members to be reunited must be verified for every child. No action should be taken that may hinder eventual family reintegration, such as adoption, change of name or movement to places far from the family's likely location, until all tracing efforts have been exhausted.

167. Appropriate records of any placement of a child should be made and kept in a safe and secure manner so that reunification can be facilitated in the future.

Annex 2. Minimum Standards List for Children Deprived of Parental Care (Turkey Adaptation)

1. Vocational Practice

- Standard 1.1: Objectives and Goals
- Standard 1.2: Child Protection Policy
- Standard 1.3: Child Protection Application
- Standard 1.4: Referral to Service and Acceptance
- Standard 1.5: Service and Improvement Applications Planning
- Standard 1.6: Reviewing the Service and Improvement Implementation Plan
- Standard 1.7: Improvement (Rehabilitation), Care Process and After

2. Personal Care

- Standard 2.1: Nutrition
- Standard 2.2: Health
- Standard 2.3: Game and Entertainment / Recreation Activities
- Standard 2.4: Respect for Children's Privacy
- Standard 2.5: Making a Choice
- Standard 2.6: Reputation and Dignity
- Standard 2.7: Relationships and Attachment
- Standard 2.8: Children's sense of identity
- Standard 2.9: Control and Enforcement for Children
- Standard 2.10: Making the Children's Voice Heard
- Standard 2.11: Education
- Standard 2.12: Babies and Toddlers

3. Staff

- Standard 3.1: Recruitment and Selection
- Standard 3.2: Consultancy (Supervision) and Support
- Standard 3.3: Assignment
- Standard 3.4: Development and Training of Staff

4. Resources

- Standard 4.1: Location and Environment
- Standard 4.2: Accommodation Conditions

5. Management

- Standard 5.1: Records
- Standard 5.2: Privacy
- Standard 5.3: Role of Managers

Annex 3. Gender, Age Range during the Care Period, their City, the Court where the Lawsuit is Filed after they reach the Lawful Age, the Basis of Decision and Outcomes Table of the Children whose Protection Order is Revoked

Gender, Age Range during the Care Period, their City, the Court where the Lawsuit is Filed after they reach the Lawful Age, the Basis of Decision and Outcomes Table of the Children whose Protection Order is Revoked

No	Gender of the Child	Duration of the Protection Decision	Date of Rescission or Leaving the Institution	Province	The court that makes the decision on the employment regulation	Basis for the Decision	Result
1	Boy	4-14	1998	Afyon	Afyon Family Court	Duly	Won
2	Girl	8-15	2010	Ankara	Ankara 7. Adm. Court	Duly	Won
3	Boy	8-17	1996	Ankara	Ankara 9. Adm. Court	Basis	Won
4	Boy	11-16	1995	Ankara	Ankara 3. Adm. Court	Duly	Won
5	Girl	12-17	2011	Antalya	Antalya 1. Adm. Court	Basis	Won
6	Boy	8-16	1988	Antalya	Antalya 3. Adm. Court	Basis	Won
7	Girl	4-16	1995	Antalya	Antalya 5. Adm. Court	Duly	Won
8	Boy	9-15	1992	Balıkesir	State Council 10. Dept.	Basis	Won
9	Boy	12-15	2012	Bitlis	Van 3. Adm. Court	Basis	Won
10	Boy	5-17	1996	Bursa	Bursa Child. Court	Duly	Won
11	Boy	5-14	1986	Çanakkale	Çanakkale Adm. Court.	Basis	Won
12	Girl	5-15	2013	Diyarbakır	Diyarbakır 1. Adm. Court	Basis	Won
13	Boy	12-17	2012	Diyarbakır	Diyarbakır 1. Adm. Court	Basis	Won
14	Girl	11-18	2009	Diyarbakır	Ankara 6. Adm. Court	Basis	Won
15	Girl	7-17	2011	Diyarbakır	Diyarbakır 2. Adm. Court	Basis	Won
16	Girl	9-14	2012	Diyarbakır	Diyarbakır 1. Adm. Court	Basis	Won
17	Girl	10-12	2012	Diyarbakır	Diyarbakır 1. Adm. Court	Basis	Won
18	Boy	8-18	2004	Erzurum	Erzurum Adm. Court.	Basis	Won
19	Girl	5-14	2002	Eskişehir	Eskişehir 1. Adm. Court	Basis	Partially
20	Girl	7-15	2014	İstanbul	İstanbul 14. Adm. Court	Basis	Lost
21	Boy	3-17	2009	İstanbul	İstanbul 13. Adm. Court	Basis	Won
22	Boy	11-16	2014	İstanbul	İstanbul 3. Adm. Court	Basis	Won
23	Boy	7-18	1998	İstanbul	İstanbul 13. Adm. Court	Basis	Lost
24	Boy	9-15	1995	İstanbul	İstanbul 9. Adm. Court	Duly	Won
25	Boy	-	1995	İzmir	State Council 12. Dept.	Basis	Won
26	Girl	7-18	2012	İzmir	İzmir 1. Adm. Court	Basis	Won
27	Girl	7-17	1995	İzmir	İzmir 6. Adm. Court	Duly	Won
28	Girl	14-17	2009	Kayseri	Ankara 12. Reg. Adm. Court.	Basis	Won
29	Boy	8-16	2017	Konya	Konya 1. Adm. Court	Basis	Won
30	Boy	9-16	1996	Konya	Konya Reg. Adm. Court.	Duly	Won

Annex 3. Gender, Age Range during the Care Period, their City, the Court where the Lawsuit is Filed after they reach the Lawful Age, the Basis of Decision and Outcomes Table of the Children whose Protection Order is Revoked

Gender, Age Range during the Care Period, their City, the Court where the Lawsuit is Filed after they reach the Lawful Age, the Basis of Decision and Outcomes Table of the Children whose Protection Order is Revoked

No	Gender of the Child	Duration of the Protection Decision	Date of Rescission or Leaving the Institution	Province	The court that makes the decision on the employment regulation	Basis for the Decision	Result
31	Girl	7-18	2011	Konya	Konya 2. Adm. Court	Basis	Won
32	Boy	7-18	1995	Malatya	Malatya 1. Family Court	Basis	Won
33	Girl	7-11	2006	Malatya	Malatya Adm. Court.	Basis	Won
34	Girl	7-16	1991	Malatya	Malatya Adm. Court.	Basis	Won
35	Girl	12-14	2012	Malatya	Malatya Adm. Court.	Basis	Lost
36	Boy	12-18	1995	Malatya	Malatya 2. Family Court	Basis	Won
37	Boy	10-14	1995	Mersin	Mersin 1. Adm. Court	Basis	Won
38	Boy	-	1994	Ordu	Ankara 16. Adm. Court	Basis	Won
39	Boy	-		Sakarya	İstanbul Reg. Adm. Court.	Basis	Won
40	Boy	12-16	1991	Tokat	Tokat Adm. Court.	Basis	Won
41	Girl	11-18	2018	Trabzon	Trabzon Adm. Court.	Basis	Won
42	Girl	8-18	2003	Tunceli	Erzincan Adm. Court.	Basis	Won
43	Girl	8-15	2000	Van	Van Adm. Court.	Basis	Won
44	Boy	-		Yozgat	Ankara 3. Adm. Court	Basis	Won
45	Boy	-	1993	Zonguldak	Zonguldak Reg. Adm. Court.	Basis	Won
46	Boy	15-17	1994	Afyon	State Council 10. Dept.	Basis	Won
47	Boy	11-16	2014	Eskişehir	Eskişehir 2. Adm. Court	Duly	Won
48	Girl	14-15	2004	İstanbul	İstanbul 10. Adm. Court	Basis	Won
49	Boy	6-12	1992	Balıkesir	Balıkesir 1. Adm. Court	Basis	Won
50	Girl	12-15	1993	Konya	Konya 2. Adm. Court	Basis	Won
51	Boy	3-12	1987	Sivas	Ankara 1. Adm. Court	Basis	Lost

Annex 4. Table of Starting Point of the Decision Process, Background Information, Decision Summary and Evaluation, Decision Date and Results

Table of Starting Point of the Decision Process, Background Information, Evaluation of the Decision Summary, Decision Date and Results					
No	The starting point of the process	Background Information	Decision Summary and Evaluation	Decision Date	Result
1	Cash Assistance and No Notification	1- Stays in the dormitory between the ages of (4-14). 2- 14 years old, 62 years old grandmother is delivered cash assistance. However, the cash assistance is cut after 4 months. 3 - After this unilateral decision, the plaintiff stated in his statement that he/she was a successful student during his schooling period, could not attend school after leaving the dormitory and started working as a child.	1 - In 1998, the protection decision was annulled by the Civil Court of First Instance. 2 - The lawsuit deemed not final due to the fact that the decision was not notified in 2009 is appealed to the Supreme Court. The Supreme Court overturns the decision on the grounds that the court, where the protection order was revoked, was unauthorized and the judge gave a written decision without listening to either party. 3 - The overturned decision is heard in the Family Court. The court points out that there is no room for a decision since the child is of age at the time of the trial. Thus, the protection order of the child is considered to have continued until the age of 18	2011	Won
2	Parental Request and No Notification	1-Her father is writing a petition for her daughter's protection decision to be revoked and the girl to be given to him. The plaintiff's protection order was annulled in 2008 after this request was approved as a result of the social investigation made on his petition. However, the decision is not notified. 2- In 2019, the decision is appealed and the appeal is rejected. As of this date, the decision is final. She had turned 18 long before the date the decision was finalized. 3- After reaching full age, she demands employment. She opens lawsuit at the administrative court upon the refusal by the organization on the grounds that she does not stay in the institution until she is of age.	In the Administrative Court Decision; Since the plaintiff or his legal representative is not notified of the decision, the plaintiff who is not given the opportunity to appeal this decision and its possible legal consequences will only make a judgment as of 2019 upon the objection, concluding that the plaintiff's protection decision remains valid until the age of 18 , and further Since it is clear that not benefiting from the service models will not remove the care and supervision obligation of the administration , there is no compliance with the law in the process of rejection of the plaintiff's application.	2020	Won
3	Escape Status	1 - The protection decision is removed on the grounds that he/she left the institution without permission and his/her mother did not bring the child. 3- After reaching full age, she demands employment. He/she opens lawsuit at the administrative court upon the refusal by the organization on the grounds that he/she does not stay in the institution until he/she is of age.	1 - In 1996, the protection decision was annulled by the Civil Court of First Instance. 2 - The lawsuit deemed not final due to the fact that the decision was not notified in 2006 is appealed to the Supreme Court. The Supreme Court overturns the decision on the grounds that the court, where the protection order was revoked, was unauthorized and the judge gave a written decision without listening to either party. 3 - With the decision of the Supreme Court, the Administrative Court decides that the plaintiff is under protection until the age of 18	2009	Won
4	Social Review Report and No Notification	1 - In 1995, the protection decision was annulled by the Civil Court of First Instance. 2- During and after the abolition of the protection order, no notification is made by the court and the decision is made without an adversary. 3- After reaching full age, she demands employment. She opens lawsuit at the administrative court upon the refusal by the organization on the grounds that she does not stay in the institution until she is of age. 3 - The court file where the protection order has been revoked is requested from the relevant court, but the information is given that the file has been destroyed.	In the Administrative Court decision; since the decision to remove protection is not notified to the plaintiff or its legal representative, this decision and its possible legal consequences will not make a judgment on the plaintiff, who is not allowed to appeal, and it is concluded that the plaintiff's protection decision remains valid until the age of 18 and the plaintiff's social service models until the age of 18 because it is clear that the lack of use will not remove the care and supervision obligation of the administration , there was no requirement in the process of rejection of the plaintiff's application, and the decision was made on FAVOR.	2020	Won
5	Escape Status	1 - The decision of protection was removed by leaving the dormitory without permission. 2- During and after the abolition of the protection order, no notification is made by the court and the decision is made without an adversary. 3- After reaching full age, she demands employment. He/she opens lawsuit at the administrative court upon the refusal by the organization on the grounds that he/she does not stay in the institution until he/she is of age.	1 - In 2011, the protection decision was annulled by the Family Court. 2 - The lawsuit deemed not final due to the fact that the decision was not notified in 2006 is appealed to the Supreme Court. The Supreme Court overturns the decision on the grounds that a written decision was made in writing with incomplete adversary and examination to revoke the protection decision. 3 - The overturned decision was heard again at the Family Court. The court says that there is no room for a decision because the child is of legal age as of the date of the trial. Thus, the protection order of the child is considered to have continued until the age of 18. 4 - With the decision of the Supreme Court, the Administrative Court decides that the plaintiff is under protection until the age of 18	2019	Won

6	Social Review Report and No Notification	<p>1 - As a result of the lawsuit filed by Antalya Provincial Directorate of Social Services. In accordance with the social examination report prepared in 1988, the protection order was revoked on the grounds that they went to his/her father and left the dormitory.</p> <p>2- During and after the abolition of the protection order, no notification is made by the court and the decision is made without an adversary.</p> <p>3- After reaching full age, she demands employment. She opens lawsuit at the administrative court upon the refusal by the organization on the grounds that she does not stay in the institution until she is of age.</p>	<p>1 - In 1998, the protection order was annulled by the Magistrates' Court.</p> <p>2 - The lawsuit deemed not final due to the fact that the decision was not notified in 2006 is appealed to the Supreme Court.</p> <p>The Supreme Court overturns the decision on the grounds that the court, where the protection order was revoked, was unauthorized and the judge gave a written decision without listening to either party.</p> <p>3 - The overturned decision is heard in the Juvenile Court. The court says that there is no room for a decision because the child is of legal age as of the date of the trial. Thus, the protection order of the child is considered to have continued until the age of 18.</p> <p>4 - With the decision of the Supreme Court, the Administrative Court decides that the plaintiff is under protection until the age of 18</p>	2018	Won
7	Social Review Report and No Notification	<p>1 - In line with the social investigation report prepared in 1994, the court unilaterally abolished the protection order in 1995 by the court.</p> <p>2- During and after the abolition of the protection order, no notification is made by the court and the decision is made without an adversary.</p> <p>3- After reaching full age, she demands employment. She opens lawsuit at the administrative court upon the refusal by the organization on the grounds that she does not stay in the institution until she is of age.</p>	<p>In the Administrative Court's decision; upon the establishment request by the competent court, the plaintiff or his legal representative was not shown an adversary, the plaintiff would not be aware of the relevant decision, in this context, the plaintiff should be accepted that the protection order was valid until the age of 18 on the other hand, the plaintiff did not benefit from social service models until the age of 18 on the other hand, the administration will not remove the care and supervision obligation and this situation cannot be a valid and sufficient reason for the rejection of the plaintiff's application within the five-year application period introduced by Law No. 7103, and the decision was made on FAVOR since it must be accepted that the negative consequences of this situation cannot be imposed on the plaintiff, there is no compliance with the legislation and the law in the process in question..</p>	2020	Won
8	Parental Request and No Notification	<p>The child, who has been taken under state protection, is under protection for 7 years, after the application of his/her father, the protection order is lifted and delivered to his/her family. The child is applying for the right to employment. The organization refuses. Applying to the administrative court. The application is denied. Appealing to the Council of State The Council of State overturns the decision of the administrative court by stating that the child is under protection until the age of majority since the Supreme Court has a decision to overturn the protection order.</p>	<p>1 - In 1992, the protection decision was annulled by the Civil Court of First Instance.</p> <p>2 - The lawsuit deemed not final due to the fact that the decision was not notified in 2016 is appealed to the Supreme Court.</p> <p>The Supreme Court overturns the decision on the grounds that the court where the protection order was revoked is unauthorized.</p> <p>3 - The overturned decision is being heard at the Civil Court of First Instance again. The court says that there is no room for a decision because the child is of legal age as of the date of the trial. Thus, the protection order of the child is considered to have continued until the age of 18.</p> <p>4 - The Administrative Court rejects the decision of the plaintiff regarding the right to employment. However, the appeal made to the Council of State overturns the decision of the administrative court by concluding that "the fact that the plaintiff did not actually benefit from social service models until the age of majority would not remove the care and supervision obligation of the administration and that the plaintiff's application could not be rejected and that this situation could not be imposed on the plaintiff.</p>	2020	Won
9	Social Review Report and No Notification	<p>1 - Because of the loss of their mother in 2006, 6 out of 10 siblings are placed in a state dormitory after a protection order is taken in 2009.</p> <p>2 - Upon the request of the evaluation of the children's return to the family with the Social Examination Report, the court decided to abolish the protection order and deliver the children to their families as a result of the examination made over the file in 2012.</p> <p>3 - This decision has been appealed by the Father.</p>	<p>1 - In 2012, the protection decision was annulled by the Civil Court of First Instance.</p> <p>2 - The lawsuit deemed not final due to the fact that the decision was not notified in 2006 is appealed to the Supreme Court. The Supreme Court overturns the decision on the grounds that the judge gave a written decision without listening to either party.</p> <p>3 - The overturned decision is being heard at the Civil Court of First Instance again. The court annulled the previously concluded decision and orders the continuation of the protection order for the children.</p> <p>4. With the decision of the Supreme Court, the Administrative Court decides that the plaintiff is under protection until the age of 18</p>		Won

10	Parental Request and No Notification	<p>1- Upon the petition given by the mother, the protection order is revoked.</p> <p>2- During and after the abolition of the protection order, no notification is made by the court and the decision is made without an adversary.</p> <p>3- After reaching full age, she demands employment. She opens lawsuit at the administrative court upon the refusal by the organization on the grounds that she does not stay in the institution until she is of age.</p>	<p>1 - In 1996, the protection decision was annulled by the Civil Court of First Instance.</p> <p>2 - The lawsuit deemed not final due to the fact that the decision was not notified in 2015 is appealed to the Supreme Court.</p> <p>The Supreme Court overturns the decision on the grounds that the judge gave a written decision without listening to either party.</p> <p>3 - The overturned decision is heard in the Juvenile Court. The court says that there is no room for a decision because the child is of legal age as of the date of the trial. Thus, the protection order of the child is considered to have continued until the age of 18.</p>	2015	Won
11	Staff Error	<p>1 - He/she goes to his family on leave in 1986. Meanwhile, although the child is 17 years old, he writes a petition stating that he is of legal age by writing a petition, and the child is dismissed only at the request of the child, by making the necessary calculations by the Organization and without investigating whether the child is of age or not.</p> <p>2- After reaching full age, he/she demands employment. She opens lawsuit at the administrative court upon the refusal by the organization on the grounds that she does not stay in the institution until she is of age.</p>	<p>In the Administrative Court Decision; decision was made in FAVOR, since it was understood that there are no defects to be attributed to the plaintiff due to this erroneous transaction based on the application made by the plaintiff, considering that he/she is of legal age, the defendant administration has to make a procedure about the application by making the necessary calculations and investigating whether the plaintiff is of age or not, but this situation was established in line with the request, and the rights granted by the Statute for the future benefit of the plaintiff are taken from the plaintiff.</p>	2010	Won
12	Social Review Report	<p>The child, whose mother and father was separated when he/she was 1 - 6 months old, was given custody to his mother, but was put under state protection in 2003 due to the lack of good financial situation of his mother, the protection order is lifted in line with the 2007 social examination report.</p> <p>2 - It is taken under protection again with a court decision in 2008.</p> <p>3 - In 2013, the child declares that they do not want to stay in the dormitory (he declares that the child was expelled from the dormitory) and the protection order is revoked as a result of the social examination report and is delivered to the mother in return for in-kind cash assistance.</p>	<p>Based on the UN Convention on the Rights of the Child in the decision of the Administrative Court; decision was given on FAVOR since it was understood that the protection order was abolished in accordance with the provisions of the law numbered 2828 and that he was given to his family on the condition that he was given a cash payment, considering the purpose of the legal regulation Stating that the abolition of the decision will not remove the surveillance obligation of the State, it is also due to the realization of the condition of cash aid, which is one of the service models as a result of the petition declaring that they do not want to stay in the dormitory by annulling the decision to protect the plaintiff and the appropriate social investigation report.</p>	2017	Won
13	Social Review Report	<p>1 - In the social examination report prepared in 2012 (as written in the court decision), the court is requested to abolish the care protection measure on the grounds that the children do not want to stay in the dormitory and they want to live in the village with their families.</p> <p>2 - Children are given cash assistance.</p>	<p>In the Administrative Court Decision; decision was given on FAVOR by considering that the abolition of the protection decision decision on the plaintiff will not abolish the surveillance obligation of the State, it is essential that they are monitored and supported to the extent possible even after the protection decision is revoked, and that they benefit from the Social and Economic Support Service, which was added to the Law No.2828 on Social Services and Child Protection Agency Law No. 3413 since it is concluded that the Form (A) document must be issued on behalf of the plaintiff in accordance with the provisions of Annex 1 and the provisions of the Regulation on Placement of Children in Need of Protection and there is no compliance with the law in the contrary action.</p>	2017	Won
14	Staff Error	<p>A protection decision is taken for her 1 - 11 years old. However, it is understood from the court decision that any of the social service models specified in the law numbered 2828 and required by the protection decision were not benefited</p>	<p>In the Administrative Court Decision; decision was given on FAVOR on the grounds that the protection decision on the plaintiff continues and the fact that he/she did not benefit from the social service models until he/she reached the age of age would not eliminate the care and supervision obligation of the administration, that the plaintiff's application could not be rejected and the negative consequences of this practice could not be attributed to the plaintiff.</p>	2018	Won
15	Social Review Report	<p>1 - The child, for whom a protection decision was taken on the grounds that he/she was subjected to violence by his/her stepmother, is then handed over to his/her stepmother in return for cash assistance in 2011 and the injunction against him/her is revoked upon his/her stepmother's request.</p> <p>2 - After the Social Examination Report, it was understood that cash assistance was given to the stepmother responsible for the child's care.</p> <p>3 - The year the child was handed over to his/her stepmother, his/her wife, who was married as a child, was later sentenced to 15 years in prison for drugs, and the child became a victim with one child.</p> <p>4 - After reaching full age, he/she demands employment. She opens lawsuit at the administrative court upon the refusal by the organization on the grounds that she does not stay in the institution until she is of age.</p>	<p>Referring to the UN Convention on the Rights of the Child in the decision of the Administrative Court; decision was given on FAVOR in view of the fact that it was understood that the plaintiff was given to his/her family on the condition that the protection profit was removed at the request of his/her stepmother and cash aid was given, the removal of the protection measure against the plaintiff would not remove the surveillance obligation of the State, which is one of the service models, due to the fulfillment of the condition of granting aid, it has been concluded that the Form (A) document must be issued on behalf of the plaintiff in accordance with the provisions of Annex I article added to the Law No.2828 on Social Services and Child Protection Institution Law No.3413 and the Regulation on Placement of Children in Need of Protection.</p>	2015	Won
16	Social Review Report	<p>1 - In the social examination report prepared in 2012 (as written in the court decision), the court is requested to abolish the care protection measure on the grounds that the children do not want to stay in</p>	<p>In the Administrative Court Decision; decision was given on FAVOR by considering that the abolition of the protection decision decision on the plaintiff will not abolish the surveillance obligation of the State, it is essential that they are monitored and supported to the extent possible even after the</p>	2018	Won

		<p>the dormitory and they want to live in the village with their families.</p> <p>2 - Children are given cash assistance.</p> <p>3- After reaching full age, she demands employment. She opens lawsuit at the administrative court upon the refusal by the organization on the grounds that she does not stay in the institution until she is of age.</p>	<p>protection decision is revoked, and that they benefit from Social and Economic Support Service, Since it has been concluded that the Form (A) document must be issued on behalf of the plaintiff in accordance with the provisions of Annex 1 and the provisions of the Regulation on Placement of Children in Need of Protection, there is no compliance with the law in the contrary action.</p>		
17	Cash Assistance	<p>1 - Within the scope of the "return home project", the child is delivered to his/her uncle in return for in-kind cash assistance.</p> <p>Long-term financial aid is provided to his/her aunt until the age of 2- 19.</p> <p>3- After reaching full age, she demands employment. She opens lawsuit at the administrative court upon the refusal by the organization on the grounds that she does not stay in the institution until she is of age.</p>	<p>In the Administrative Court Decision; decision was given on FAVOR by considering that the state will not abolish the surveillance obligation with the annulment of the protection decision on the rights of children in need of protection and it is essential that they are supported to the extent possible even after the abolition of the protection decision, the plaintiff's social and economic policy until the age of majority and for 1 year (until graduation from high school) even if the care measure is revoked before the age of majority and that the support service was benefited from, while it was necessary to issue a Form (A) document about the plaintiff who fulfilled the conditions specified in the above-mentioned legislation, it was concluded that there was no compliance with the law in the transaction subject to the case established in the opposite direction.</p>	2019	Won
18	Escape Status	<p>1 - In 2004, him/her mother went to him/her on leave. He/she states that when he/she returned to the institution long after the end of his/her leave period, he/she had a problem due to his/her stepfather's unwillingness.</p> <p>2 - In 2004, he/she goes back to his/her mother on leave and does not return to the institution. The organization then reports to the police department.</p> <p>3- In 2006, the child was dismissed due to the age of majority and illegal practice.</p> <p>4 - (The plaintiff's own statement is about the plaintiff as if the bus ticket was supplied by the employee of the institution and sent back to Istanbul, to his/her mother, but he/she did not come back to the institution even though he/she went to his/her mother on leave and had to be delivered to the institution, that the organization has reported a loss.</p>	<p>In the Administrative Court Decision; decision was given on FAVOR by considering that the protection decision about the plaintiff was not revoked by a court decision, that the protection decision remained valid until the age of 18, that the plaintiff left the establishment without permission and did not actually stay in the establishment until the age of majority; since the administration will not remove the care and supervision obligation, it has been concluded that the plaintiff's application cannot be rejected and the negative consequences of this situation cannot be attributed to the plaintiff, and therefore, there is no compliance with the law in the process of rejection of the application made for issuing a form (A) document on behalf of the plaintiff.</p>		Won
19	Cash Assistance and Fugitive Child Application	<p>When he/she is 1 - 14 years old, he/she is handed over to his/her brother in return for cash assistance. The boy is 15 years old and forced to marriage by his parents in 2000. After the organization learnt that he was married in 2002, he was dismissed before the protection decision was revoked because he was of age.</p> <p>2 - Therefore, his/her employment request was rejected on the grounds that he/she did not remain under the protection of the state until the age of 18 and did not demand employment within the period.</p> <p>3 - The plaintiff states that he/she is notified of his/her employment right late, as he/she is not provided with guidance and counseling at the court.</p>	<p>In the case subject to the case; decision was given on FAVOR on the grounds that, in 1999, for the plaintiff, who was given to his/her brother for cash aid in kind while under protection, on the grounds that he/she was not reached by the defendant administration on the grounds that he/she was not contacted by the defendant administration on 27.03.2001, although the illegal child transaction was initiated on 27.03.2001, for the removal of the protection decision on the grounds that the conditions causing the protection decision were removed, that no application was made to the court, that the plaintiff was married when he/she was 15 years old on 17.10.2000, and that he/she was dismissed from the Institution on 21.03.2002 after the Institution learnt that he/she was married. However, the plaintiff's claim for compensation is denied.</p>	2017	Partially
20	Parental Request and Cash Assistance	<p>1 - Before the plaintiff is of age, the mother stated that she wanted to take the plaintiff with him/her and requested the removal of the protection decision given by the competent court and upon the positive opinion in the examination report, the plaintiff's 1-year cash assistance was delivered to her mother on 17/06/2014.</p> <p>2- After reaching full age, he/she demands employment. She opens lawsuit at the administrative court upon the refusal by the organization on the grounds that she does not stay in the institution until she is of age.</p>	<p>The protection decision was revoked before the age of majority and the case was REJECTED (not received until the age of majority) for receiving 1 year cash assistance.</p> <p>As a result of not reaching the age of 18 as of 14/09/2015, when the 1-year cash assistance, which is one of the social service models, ended, a decision is made against the grounds that he/she did not benefit from social service models until he/she reached the age of majority.</p>	2020	Lost
21	Cash Assistance	<p>1 - He/she was placed with him/her family by providing in-kind and cash aid.</p> <p>2- After reaching full age, he/she demands employment. She opens lawsuit at the administrative court upon the refusal by the organization on the grounds that she does not stay in the institution until she is of age.</p>	<p>In the Administrative Court Decision; Since it is understood that the plaintiff has been placed next to his/her family while he/she is in need of protection and at the same time he/she is in need of protection, the plaintiff's application to take advantage of his/her employment right is not accepted on the grounds that the protection decision has been revoked before he/she is of age, and in line with the judgment decision, decision was given on FAVOR by stating that there is no compliance with the law in the subject transaction, which was established on the basis of the fact that he/she lost his/her right to work in public institutions within the scope of the relevant Regulation.</p>	2017	Won
22	Cash Assistance	<p>1 - He/she was placed with him/her family by providing in-kind and cash aid.</p> <p>2- After reaching full age, he/she demands employment. She opens lawsuit at the administrative</p>	<p>In the Administrative Court Decision; although the provision of protection and care until the age of majority is stipulated in the relevant article of the law, it is decided to be protected with an expanding interpretation in the statute to demonstrate the implementation of the law, and it is stipulated that children who</p>	2019	Won

		court upon the refusal by the organization on the grounds that she does not stay in the institution until she is of age.	are placed with their families with in-kind and cash assistance can also benefit and this situation was not sought to continue until the age of majority. In this case; decision was given on FAVOR since it is understood that the plaintiff has been given a protection decision before and his/her family was placed next to him/her while he/she was in need of protection , so that the plaintiff fulfills the conditions required in the provisions of the relevant statute, there is no compliance with the law in the proceeding, which was established on the grounds that the protection decision was revoked before the age of majority.		
23	Post Care Monitoring	After the age of 1 - 18, the protection and care decision ends due to the age of majority. 2 - There is no monitoring activity after care. 3 - The plaintiff, who has no place to stay and starts to live on the street, steals at the age of 18 and is sentenced to 8 months. 4 - He/she is appointed by the institution to the institution of higher education loans and dormitories in 2015. Although the plaintiff has been returned the divested rights by the court, the institution to which the child was appointed does not make him/her start his/her duty on the grounds that he/she committed a disgraceful crime. 5 - He/she sues in the administrative court in 2015	1 - In 2015, the administrative court rejects the case. 2 - An appeal is sent to the Council of State in 2016. In the decision of the Council of State, in 2019, the decision of the administrative court is overturned on the grounds that, in the case subject to the case, the deprivation of rights due to the convictions of the plaintiff was eliminated with the decision to return the satisfied rights received before the date the proceedings were established, the defendant administration exercised its discretionary power to place the plaintiff as a civil servant, in this case the staffing and the need for it was fixed, and that the case regarding the plaintiff's non-appointment is not in compliance with the law. 3 - The case is waiting for a retrial in the Administrative Court.	2015	Lost/Continues.
24	Parental Request and No Notification	1 - With the petition given by the mother, the social examination report prepared about the child and the protection decision is revoked. However, the decision is not notified. There is no document that he/she was handed over to his/her mother. 2 - After reaching full age, he/she demands employment. She opens lawsuit at the administrative court upon the refusal by the organization on the grounds that she does not stay in the institution until she is of age.	In the Administrative Court Decision, it is said that there can be no mention of a decision that would constitute a judgment for the plaintiff. Although it was decided to revoke the protection decision against the plaintiff before the age of majority, the said decision was notified to the plaintiff or his/her legal representative, and there is no information or document stating that the plaintiff was handed over to his/her mother before he/she turned 18, therefore; Decision was given on FAVOR on the grounds that the plaintiff's protection decision remains valid until the age of 18.	2019	Won
25	Cash Assistance	1 - Upon the application of the family with the request that their children be given to them, the protection decision is revoked and given to their family on the condition that they receive cash aid in kind. 2 - When the employment request from the organization is rejected, he/she applies to the administrative court. When the administrative court rejects the case, he/she applies to the Council of State, which is a higher court.	The Council of State overturns the decision, by considering the purpose of the legal regulation in question, as it was understood that the plaintiff's family, upon the application of the plaintiff's family with the request of giving their children to them, on the grounds that he/she was given the protection decision with the condition of cash aid in kind, and that the protection decision was revoked, the state would not abolish the surveillance obligation , which is one of the service models and that the rejection of the job application of the plaintiff is not in compliance with the law on the grounds that the protection decision has been revoked due to the realization of the condition of cash aid.	2015	Won
26	Social Review Report	1 - The child taken under protection in 2001 starts to stay with his/her aunt in 2006 with a certificate. 2 - The institution abolishes the child's protection decision in 2008. 3 - However, in 2012, an emergency protection decision is issued by the Juvenile Court and she remains in the BSRM Child Protection First Response Unit. 4 - After reaching full age, he/she demands employment. She opens lawsuit at the administrative court upon the refusal by the organization on the grounds that she does not stay in the institution until she is of age.	In the Administrative Court Decision; decision was given on FAVOR on the grounds that there is no compliance with the law in the subject transaction since it was concluded that the plaintiff was actually within the scope of protection as of the date of age of majority according to the provisions of the Social Services Law numbered 2828, the lawsuit regarding the rejection of the application filed with the request of issuing a form (A) document in its name pursuant to the provision of the additional article I added to the Social Services Law numbered 2828 by the Law numbered 3413.	2020	Won
27	Parental Request and No Notification	1 - Upon the request of the father of the child, who was taken under state protection after a protection decision was issued in 1985, the institution revoked the protection decision by court decision. 2 - During and after the abolition of the protection order, no notification is made by the court and the decision is made without an adversary. 3 - After reaching full age, she demands employment. She opens lawsuit at the administrative court upon the refusal by the organization on the grounds that she does not stay in the institution until she is of age.	In the Administrative Court Decision; decision was given on FAVOR on the grounds that there is no compliance with the law in the proceedings established in the opposite direction whereas it could not be revealed whether the decision to revoke the protection decision dated 1995 is final or not; It is concluded that the protection decision about the plaintiff continues its existence in the legal realm until the applicant is the age of majority, and considering that the aim of the Annex 1 of the Social Services Law numbered 2828 with the Law numbered 3413 is to reintegrate the children in need of protection into the society and to create the opportunity for children who have completed the age of 18 and the Form-A document must be issued on behalf of the plaintiff in accordance with the Law no. 3413.	2016	Won

28	Escape Status	<p>1 - In 2009, when he/she was 17 years old, he/she is on the run because he/she left the institution without permission and did not return.</p> <p>2- He/she applies to the organization for employment and files a lawsuit when the organization rejects him/her because of his/her age left by leaving the service model without permission.</p>	<p>In the Administrative Court Decision; decision was given on FAVOR on the grounds that, in this case, although there is no document stating that the protection decision given to the plaintiff has been revoked, it is alleged by the defendant administration that the child left the dormitory without permission, but that the plaintiff's protection decision preserved its existence until the age of 18, and the plaintiff did not benefit from social service models until the age of 18. Since the administration will not remove the care and supervision obligation, it is concluded that the plaintiff's application cannot be rejected and that the negative consequences of this situation cannot be attributed to the plaintiff.</p>	2018	Won
29	Cash Assistance	<p>1 - He/she was placed with him/her family by providing in-kind and cash aid.</p> <p>2- After reaching full age, he/she demands employment. She opens lawsuit at the administrative court upon the refusal by the organization on the grounds that she does not stay in the institution until she is of age.</p>	<p>Referring to the UN Convention on the Rights of the Child in the decision of the Administrative Court; decision was given on FAVOR on the grounds that, in view of the fact that the plaintiff was given to his/her family on the condition that the protection decision was revoked on the request of the plaintiff and cash assistance was given to the claimant, considering the purpose of the legal regulation in question, the abolition of the protection decision on the plaintiff would not remove the obligation of the state to observe, which is one of the service models. As it is concluded that a Form (A) document should be issued on behalf of the plaintiff, in accordance with the provisions of Annex 1 of the Social Services and Child Protection Institution Law no. 3413 and the provisions of the Regulation on the Placement of Children in Need of Protection, it is stated that there is no compliance with the law in the transaction subject to the contrary lawsuit.</p>	2020	Won
30	Social Review Report and No Notification	<p>1 - With the Social Examination Report prepared by the organization on the grounds that the family and socio-economic situation of the plaintiff's father has improved, the protection decision is requested to be revoked. The protection decision is revoked by the court.</p> <p>2 - In the plaintiff's statement; declares that the protection decision has been revoked without his/her consent and permission.</p>	<p>In the Administrative Court Decision; decision was given on FAVOR on the grounds that the decision mentioned by the competent court, a decision was made without showing the plaintiff or legal representative as an adversary, the plaintiff could not be aware of the relevant decision or the nature of the decision, that no information and document was submitted regarding the notification of this decision to the plaintiff or his/her legal representative, therefore the validity of the protection decision until the plaintiff's 18 years of age, the fact that the plaintiff does not benefit from social service models until the age of 18 will not remove the care and supervision obligation of the administration and this situation cannot be a valid and sufficient reason for the application made by the plaintiff within the five-year application period brought by Law No. 7103, and considering the negative consequences of this situation.</p>	2020	Won
31	Escape Status	<p>1 - After his/her father killed his/her mother and entered prison as a result of a family quarrel, his/her aunt cared for the plaintiff and his/her siblings for two years. Since he/she cannot take care of the children any longer, a protection decision is taken at the request of his/her aunt.</p> <p>2 - The child, who was taken under the protection of the state with a court decision in 2000, fled from the dormitory where he/she was under protection in 2011 and did not return afterwards, and is excluded from the institution records because he/she was of age as of 2011 and was on the run without a court decision taken to revoke the protection decision.</p>	<p>In the Administrative Court decision; it was considered that the plaintiff will not abolish the State's obligation to care and custody in accordance with the Social State principle, which takes the existence of a protection decision from the Constitution for children who become in need of care for various reasons at a young age, as there is no information and document stating that the said protection was abolished by court decision, therefore; It has been concluded that there is no compliance with the law in the transaction subject to the lawsuit, which is established that the Form-A document cannot be issued, and the decision was made on FAVOR accordingly.</p>	2020	Won
32	Staff Error and No Notification	<p>1 - The plaintiff is abolished at the age of 17 during his/her actual stay in the state protection and stays in the establishment until he/she reaches the age of 18 without a protection decision.</p> <p>2 - He/she is requesting employment. The organization rejects him/her on the grounds that it he/she did not stay in the organization until the age of 18.</p> <p>3 - A lawsuit is filed to determine that he/she stayed in the establishment until the age of 18.</p>	<p>1 - It was determined from the examination of the file that it was decided to revoke the protection decision given as a result of the examination on the file without involving the parent or guardian in the case .</p> <p>2 - The decision was given on FAVOR on the grounds that the protection decision given in the absence of the plaintiff or his/her legal representative was revoked as a result of the examination on the file, but that the plaintiff still remained in the male orphanage under the social services directorate until the age of majority.</p>	2011	Won
33	Cash Assistance	<p>1 - Since 2006, it has been delivered to him/her sister in return for cash assistance within the scope of the Ministry's Return to Family Project.</p> <p>2 - He/she requests employment from the organization; the organization refuses.</p> <p>3 - There is no document in the establishment file of the plaintiff showing that the protection decision has been revoked.</p> <p>4- RECEIVED LEGAL ASSISTANCE during the court</p>	<p>In the Administrative Court Decision; decision was given on FAVOR on the grounds that, because plaintiff's decision to protect removed as indicated by the defendant administration of conservation decisions are made about the plaintiff plaintiff's 18 years of age that remains valid until it finishes, the plaintiff's minor until a social service model is the fact that benefit from the management of the care and supervision obligation to eliminate, this situation can not be ascribed to the plaintiff and these cannot be grounds to reject the application.</p>	2020	Won

34	Social Review Report and No Notification	<p>1 - The organization lifts the protection decision for only one of the 2 sisters through the court with the social investigation report that the economic situation of the family has improved.</p> <p>2 - The revocation of the protection decision was given for financial reasons. It means that his/her condition has improved. However, other sibling of the client continued to stay in the dormitory. If his/her financial situation were good, his/her brother should also have been removed from the dormitory and his/her protection decision should have been revoked.</p> <p>3 - Contrary to the social review report, he/she decides that the family's financial situation has not improved during the court process.</p>	<p>1 - In 1991, the protection decision was annulled by the Magistrates' Court.</p> <p>2 - The lawsuit deemed not final due to the fact that the decision was not notified in 2006 is appealed to the Supreme Court. The Supreme Court overturns the decision on the grounds that the court, where the protection decision was revoked, was unauthorized and the judge gave a written decision without listening to either party.</p> <p>3. With the decision of the Supreme Court, the Administrative Court decides that the plaintiff is under protection until the age of 18.</p>	2018	Won
35	Parental Request and Cash Assistance	<p>It is taken under protection with a court decision on 01.11.2010. A social examination report is prepared in order that the care and protection decision taken upon the application made by his/her mother to the institution on 26.11.2010 is removed and delivered to his/her grandfather with long-term cash assistance. Based on this report, the defendant administration requests the Court to revoke the protection decision taken against the plaintiff. Malatya Juvenile Court decided to revoke the protection decision on 08.10.2012 and give his/her custody to the grandfather.</p>	<p>In the Administrative Court decision; the court REJECTS the case by saying that there is no contravention of the law, on the grounds that, although social economic support was provided to the plaintiff's grandfather until he/she was of age, it is understood that the protection decision against the plaintiff was abolished and delivered to his/her grandfather before he/she was of age, and it was not possible to issue a Form A document for the reason that he/she lost the conditions to benefit from the provisions of Annex 1 of Law No. 2828.</p>	2020	Lost
36	Staff Error and No Notification	<p>1 - The plaintiff is abolished at the age of 17 during his/her actual stay in the state protection and stays in the establishment until he/she reaches the age of 18 without a protection decision.</p> <p>2 - He/she is requesting employment. The organization rejects him/her on the grounds that it he/she did not stay in the organization until the age of 18.</p> <p>3 - A lawsuit is filed to determine that he/she stayed in the establishment until the age of 18.</p>	<p>In the decision of the Administrative Court, decision was given on FAVOR on the grounds that the protection decision of the plaintiff or his/her legal representative in his/her absence was revoked as a result of the examination of the file, but the plaintiff continued to actually stay in the male orphanage under the social services directorate, in the determination of this situation, the plaintiff's employment conditions in accordance with the law no 3413.</p>	2011	Won
37	Parental Request and No Notification	<p>1- Upon the request of the father of the child, who was taken under state protection after a protection decision was issued in 1995, the institution revokes the protection decision by a court decision.</p> <p>2- During and after the abolition of the protection order, no notification is made by the court and the decision is made without an adversary.</p> <p>3- After reaching full age, she demands employment. She opens lawsuit at the administrative court upon the refusal by the organization on the grounds that she does not stay in the institution until she is of age.</p>	<p>1 - In 1995, the protection decision was annulled by the Civil Court of First Instance.</p> <p>2 - The lawsuit deemed not final due to the fact that the decision was not notified in 2010 is appealed to the Supreme Court. The Supreme Court overturns the decision on the grounds that the court, where the protection decision was revoked, was unauthorized and the judge gave a written decision without listening to either party.</p> <p>3 - The overturned decision is heard in the Family Court. The court says that there is no room for a decision because the child is of legal age as of the date of the trial. Thus, the protection decision of the child is considered to have continued until the age of 18.</p> <p>4 - With the decision of the Supreme Court, the Administrative Court decides that the plaintiff is under protection until the age of 18.</p>	2017	Won
38	Social Review Report and No Notification	<p>1- The two brothers, whose protection decisions were revoked and not notified, are filing a lawsuit together.</p> <p>2- During and after the abolition of the protection order, no notification is made by the court and the decision is made without an adversary.</p> <p>3- After reaching full age, she demands employment. She opens lawsuit at the administrative court upon the refusal by the organization on the grounds that she does not stay in the institution until she is of age.</p>	<p>1 - In 1994, the protection decision was annulled by the Civil Court of First Instance.</p> <p>2 - The lawsuit deemed not final due to the fact that the decision was not notified in 2004 is appealed to the Supreme Court. The Supreme Court overturns the decision on the grounds that the court made a written decision without hearing both sides.</p> <p>3. The Administrative Court makes a decision based on the decision of the Supreme Court.</p>	2007	Won
39	Escape Status	<p>1 - The plaintiff left the organization without permission and was on the run.</p> <p>3- After reaching full age, he/she demands employment. She opens lawsuit at the administrative court upon the refusal by the organization on the grounds that she does not stay in the institution until she is of age.</p>	<p>In the Administrative Court; the decision was given on favor on the grounds that the plaintiff was not raised in a family environment that could take care of and take care of him, so it is not possible for him to be expected to behave like his peers and to fully disclose his responsibilities; Considering the general profile of children who are taken under protection and claimed by the state, they are more likely to behave impulsively than children raised with their parents; It is one of the responsibilities of the society to protect those who live in this way and to ensure their attachment to life, therefore, the state has serious obligations to ensure this, and also the protection order against the plaintiff has not been lifted by a court decision until the date of majority and the plaintiff has left the establishment without permission and did not actually stay in the establishment until the age of majority. It does not relieve the administration's maintenance and supervision obligation; these are not grounds for rejection of the plaintiff's application and it is impossible to attribute the adverse consequences of this situation to the plaintiff; furthermore, no information or document can be submitted by the defendant administration on this matter and the action subject</p>	2019	Won

			to the action is not legal.		
40	Escape Status	<p>1 - If he/she does not return to the institution after a one-month leave, the protection decision is revoked by a court decision.</p> <p>2 - During and after the abolition of the protection order, no notification is made by the court and the decision is made without an adversary.</p> <p>3 - After reaching full age, he/she demands employment. She opens lawsuit at the administrative court upon the refusal by the organization on the grounds that she does not stay in the institution until she is of age.</p>	<p>1 - In 1991, the protection decision was annulled by the Magistrates' Court.</p> <p>2 - The lawsuit deemed not final due to the fact that the decision was not notified in 2009 is appealed to the Supreme Court.</p> <p>The Supreme Court overturns the decision on the grounds that the court, where the protection decision was revoked, was unauthorized and the judge gave a written decision without listening to either party.</p> <p>4 - The reversed decision is being heard at the Civil Court of First Instance. The court says that there is no room for a decision because the child is of legal age as of the date of the trial. Thus, the protection decision of the child is considered to have continued until the age of 18.</p> <p>3. With the decision of the Supreme Court, the Administrative Court decides that the plaintiff is under protection until the age of 18.</p>	2012	Won
41	Escape Status	<p>1 - His/her father goes to prison. His/her mother goes to the shelter. Children are taken under state protection in 2011.</p> <p>2 - In 2013, the protection decision of the child who was in a state of flight due to leaving the organization without permission is abolished.</p> <p>3 - However, it is taken under protection again with a court decision in 2017. The child is running away from the dormitory again at the age of 17 in 2018.</p> <p>3 - After reaching full age, he/she demands employment. She opens lawsuit at the administrative court upon the refusal by the organization on the grounds that she does not stay in the institution until she is of age.</p>	<p>In the Administrative Court decision; decision was given on FAVOR on the grounds that, since it is concluded that the plaintiff's departure from the organization without permission does not eliminate the protection decision, and the fact that the plaintiff does not benefit from social service models until the age of majority will not remove the care and supervision obligation of the administration, and the negative consequences of this situation cannot be imposed on the plaintiff.</p>	2019	Won
42	Application Period	<p>1 - The plaintiff applies to the organization in 2018 to benefit from the employment right granted to him/her by law.</p> <p>2 - The plaintiff, who left the establishment as a minor in 2003, is rejected on the grounds that he/she did not request employment within 2 years.</p> <p>3 - If there was a follow-up activity after care, the child would apply on time.</p>	<p>In the Administrative Court; the decision is given on FAVOR on the grounds that the application date is 2018, the court decides that the time has not been exceeded, and that the law enacted in 2018 does not have to apply within 2 years as of the date of majority.</p>	2019	Won
43	Parental Request and Cash Assistance	<p>1 - The child does not come back after being taken on leave by his/her mother in 1997.</p> <p>2 - Upon the request of his/her mother in 2000 (minor), the plaintiff's protection decision was revoked and in-kind cash assistance was provided.</p> <p>3 - During and after the abolition of the protection decision, no notification is made by the court and the decision is made without an adversary.</p> <p>3 - After reaching full age, he/she demands employment. She opens lawsuit at the administrative court upon the refusal by the organization on the grounds that she does not stay in the institution until she is of age.</p>	<p>1 - In 2000, the protection decision was annulled by the Civil Court of First Instance.</p> <p>2 - The lawsuit deemed not final due to the fact that the decision was not notified in 2019 is appealed to the Supreme Court.</p> <p>The Supreme Court overturns the decision on the grounds that the court, where the protection decision was revoked, was unauthorized and the judge gave a written decision without listening to either party.</p> <p>3. With the decision of the Supreme Court, the Administrative Court decides that the plaintiff is under protection until the age of 18.</p>	2020	Won
44	Staff Error	<p>1 - When his/her father passes away and his/her mother is too poor to take care of his/her children, he/she and his/her other two siblings are taken under protection and care.</p> <p>2 - His/her two brothers stay in the dormitory under the protection of the state. However, the plaintiff continues his/her education life in the boarding school affiliated to the Ministry of National Education.</p> <p>3 - Two siblings are employed after they reach adulthood. However, his/her employment request was rejected on the grounds that he/she did not stay in the institution where he/she stayed at the boarding school.</p>	<p>In the Administrative Court Decision; decision was given on FAVOR on the grounds that, although the plaintiff does not stay in a dormitory affiliated with the General Directorate of Social Services and Child Protection Agency and does not benefit from in-kind-cash assistance, the reason for this situation is not the disappearance of his/her neediness and that he/she has benefited from another school's boarding house.</p>	2012	Won

45	No Notification	1 - In 1993, the protection decision was revoked.2- During and after the abolition of the protection order, no notification is made by the court and the decision is made without an adversary.3- After reaching full age, he/she demands employment. She opens lawsuit at the administrative court upon the refusal by the organization on the grounds that she does not stay in the institution until she is of age.	1 - In 1993, the protection decision was annulled by the Civil Court of First Instance. 2 - The lawsuit deemed not final due to the fact that the decision was not notified in 2011 is appealed to the Supreme Court.The Supreme Court overturns the decision on the grounds that the court, where the protection decision was revoked, was unauthorized and the judge gave a written decision without listening to either party. 3. With the decision of the Supreme Court, the Administrative Court decides that the plaintiff is under protection until the age of 18	2012	Won
46	Parental Request and No Notification	1 - The child is 17 years old, at the request of his/her aunt, the protection decision is revoked. 2- During and after the abolition of the protection order, no notification is made by the court and the decision is made without an adversary. 3- After reaching full age, he/she demands employment. She opens lawsuit at the administrative court upon the refusal by the organization on the grounds that she does not stay in the institution until she is of age.	1 - In 1994, the protection decision was annulled by the Civil Court of First Instance. 2 - The lawsuit deemed not final due to the fact that the decision was not notified in 2015 is appealed to the Supreme Court. The Supreme Court overturns the decision on the grounds that the court where the protection decision was revoked is unauthorized. 3 - The reversed decision is heard at the Court of First Instance (as Family Court). Based on the fact that the plaintiff was of legal age as of the date of the decision , it was understood that there was a protection decision on the date the plaintiff was of age. 4 - The Administrative Court rejects the decision of the plaintiff regarding the right to employment. However, the appeal made to the Council of State overturns the decision of the administrative court by concluding that "the fact that the plaintiff did not actually benefit from social service models until the age of majority would not remove the care and supervision obligation of the administration and that the plaintiff's application could not be rejected and that this situation could not be imposed on the plaintiff.	2019	Won
47	Escape Status	1 - In 2009, the decision was given to take "CARE MEASURES" in order to prevent further harm to minors, who were abused financially and morally, because their parents did not take care of them enough, the house where the minors lived was burned. 2 - The institution requests the removal of the care measure given for the child who is under protection and care, who has left the institution without permission for more than six months, with a social examination report. 3 - Eskişehir 1. Children's Court understood that the decision was not notified to the child or his/her parent in the letter written to the Administrative Court. 4- After reaching full age, he/she demands employment. She opens lawsuit at the administrative court upon the refusal by the organization on the grounds that she does not stay in the institution until she is of age.	In the Administrative Court decision; decision was given on FAVOR on the grounds that, although it was decided to revoke the protection decision against the plaintiff before the age of majority;the fact that the decision not notified to the plaintiff or his/her legal representative remains valid for the plaintiff until he/she reaches the age of 18, and the plaintiff did not benefit from social service models until the age of majority; since it is concluded that the plaintiff's application cannot be rejected as it will not remove the care and supervision obligation of the administration and it is concluded that this situation cannot be imposed on the plaintiff.	2020	Won
48	Escape Status	1 - When the plaintiff was 15 years old, he/she left the organization without permission and was on the run. The registration of a child who could not be found until the age of 2-18 has been deleted from the organization due to the age of majority. 3- After reaching full age, he/she demands employment. The establishment sues at the administrative court upon his/her refusal on the grounds that he/she does not stay in the dormitory until he/she is of age. GETS JUDICIAL ASSISTANCE DURING THE ADMINISTRATIVE COURT PROCESS.	In the Administrative Court decision; decision was given on FAVOR on the grounds that, although it is seen that the plaintiff did not benefit from social service models until he/she was of age, there was a protection decision against the plaintiff and this decision was not revoked by a court decision , the protection decision remained valid until the age of 18, the plaintiff's departure from the dormitory would not remove the care and supervision obligation of the administration ,and this would not be a ground for rejection of the plaintiff's application and it has been concluded that the negative consequences of the situation cannot be attributed to the plaintiff.	2020	Won
49	Social Review Report and No Notification	1- The plaintiff's mother passes away. He/she applied to the organization because his/her father had difficulties in taking care of the children. He/she was taken under protection at the age of 6. 2 - Upon the child fleeing the dormitory where he/she frequently stayed, the social investigation report and the court's protection decision are revoked at the age of 12. 3- After reaching full age, she demands employment. She opens lawsuit at the administrative court upon the refusal by the organization on the grounds that she does not stay in the institution until she is of age.	In the Administrative Court Decision; decision was given on FAVOR on the grounds that, although it has been decided that the protection decision about the plaintiff who is kept under protection and care is revoked before the age of majority; by a competent court organizations upon request, the applicant or the legal representative of the establishment of provisions without showing their adversaries considering, here against the plaintiff an inference to make equitable to reconcile that , in this context, so the finishes 18 years to protect the validity of the plaintiff's protection decision, to benefit from the plaintiff's minor until a social service model of administration will not remove the care and supervision obligation.	2020	Won

50	Parental Request and No Notification	<p>1 - Upon the death of his/her father, at the age of 12, his/her mother makes an application to the organization and takes a child protection decision. At the age of 2-15, at the request of her mother, a social investigation report is prepared and the protection decision is revoked and delivered by the court.</p> <p>3- After reaching full age, she demands employment. She opens lawsuit at the administrative court upon the refusal by the organization on the grounds that she does not stay in the institution until she is of age.</p>	<p>In the Administrative Court Decision; decision was given on FAVOR on the grounds that, although it was decided to abolish the protection decision on the plaintiff before the age of majority, the decision was made by the competent court without showing the plaintiff or his/her legal representative as an adversary upon the request of establishment, the plaintiff could not be aware of the relevant decision or the nature of the decision, any information regarding the notification of this decision to the plaintiff or his/her legal representative and that the document could not be submitted, therefore it should be accepted that the protection decision is valid until the plaintiff's 18 years of age, that the plaintiff's failure to benefit from social service models until the age of 18 will not remove the responsibility of the administration and this situation cannot be a valid and sufficient reason for the rejection of the plaintiff's application and it has been concluded that the negative consequences cannot be attributed to the plaintiff.</p>	2020	Won
51	Parental Request and No Notification	<p>1. In his/her statement, the plaintiff stated that after staying in the dormitory until the age of 14, he/she stayed with his/her mother on indefinite leave.</p> <p>2- The protection decision was revoked when he/she was 12 years old. During and after this process, no notification is made by the court and a decision is made without an adversary.</p> <p>3- After reaching full age, he/she demands employment. She opens lawsuit at the administrative court upon the refusal by the organization on the grounds that she does not stay in the institution until she is of age.</p> <p>4- In 2013, he/she won the case and got a job in a government agency. However, while the organization's appeal case was ongoing, in 2016 he/she lost the case in the retrial and was dismissed.</p>	<p>1 - In 1987, the protection decision was annulled by the Magistrates' Court.</p> <p>2 - In 2011, he/she applied to the organization with a demand for employment pursuant to Law No. 2828 and was rejected.</p> <p>3 - Based on the rejection decision of the administration, he/she filed a lawsuit against the administrative court in 2011 and was decided AGAINST him/her in 2012.</p> <p>4 - The plaintiff's decision is appealed at the COUNCIL OF STATE. The objection examined by the Council of State is justified and dismissed in 2013 in favor of the plaintiff.</p> <p>5 - The decision overturned by the Council of State is reviewed at the administrative court and a decision is made in 2014 in favor of the plaintiff.</p> <p>6 - The institution is appealing the decision. The objection examined by the Council of State is justified and the plaintiff is dismissed in 2015.</p> <p>7 - The decision overturned by the Council of State is reviewed at the administrative court and a decision is made in 2016 AGAINST the plaintiff. In this decision, it was ruled that the plaintiff's protection decision was revoked in 1987 at the age of 12.</p> <p>8 - The lawsuit deemed not final due to the fact that the decision was not notified in 2019 is appealed to the Supreme Court. The Supreme Court overturns the decision on the grounds that the court, where the protection decision was revoked, was unauthorized and the judge gave a written decision without listening to either party.</p> <p>9 - The overturned decision is heard in the Juvenile Court. The court decides that the protection decision of the child continues until the age of 18, since the child is of legal age as of the date of the trial.</p> <p>10. The case continues at the Administrative Court.</p>	2012	Lost

Annex 5. Table of Appeals to the Supreme Court for Revoking the protection decision and Summary of Decisions

Table of Appeals to the Supreme Court for Revoking the protection decision and Summary of Decisions (On Notification of the Cases of Revocation of the Protection Decisions)

No	APPEALS IN THE SUPREME COURT AND SUMMARY OF THE DECISIONS
1	<p>Supreme Court 2. Legal Department - 2009/XXXXXX Basis - 2010/XXXXX Decision Number</p> <p>1 - The court of lawsuit being unauthorized and</p> <p>2 - Article 73 of the Code of Civil Procedure stipulates that a decision cannot be made unless the judge hears both sides and invites them to declare their claims and defenses in accordance with the legal forms, except for the exceptions provided by the law.</p> <p>There is no provision in the law numbered 2828 stating that the work will be examined and decided on the documents. The work to be done by the court consists of the progresses to attribute hostility to parents, to appoint a trustee to the children in case of conflict of interest between children and parents, to collect the evidence to be shown by him, to evaluate within the framework of the 24th and following articles of the law and to decide according to the result to be obtained. It was not considered correct to make a written provision without further considering these issues.</p>
3	<p>Supreme Court 2. Legal Department - 2006/XXXXXX Basis - 2007/XXXXXX Decision Number</p> <p>1 - The court of lawsuit being unauthorized and</p> <p>2 - The request for the annulment of the "protection order" taken in accordance with the law numbered 2828 is also related to the rights and benefits of the child under protection. For this reason, the case should be directed to the child whose protection decision has been taken, if the child is not mature, to his/her legal representative (to his/her guardian or to the registrar by being appointed), and if there is evidence to be shown by them, a decision must be made after collecting. It was not correct to make a decision as it was written without causing any hostility towards the child under protection and it required disruption.</p>
5	<p>Supreme Court 2. Legal Department - 2006/XXXXXX Basis - 2007/XXXXXX Decision Number</p> <p>Upon the request of the relevant institution, it was decided to revoke the protection decision as a result of the examination on the file, without notifying the legal representative of the child for whom a protection decision was taken.</p> <p>The request to revoke the protection decision taken in accordance with Law No. 2828 is related to the rights and interests of the child under protection. Therefore, the case should be directed to the child for whom a protection decision has been taken, ... if not, to his/her legal representative (parent or guardian). In this respect, the job to be done by the court consists of making a decision in accordance with the result to be realized by collecting and evaluating the evidence shown by the parties. It was not considered correct to make a written decision with an incomplete adversary and examination without considering this issue.</p>
6	<p>Supreme Court 4. Legal Department - 2015 / XXXXX Base- 2016 / XXXX Decision Number</p> <p>1 - The court of lawsuit being unauthorized and</p> <p>2 - In the case of annulment of the protection decision, it is also not correct to make a written verdict by continuing the trial with the incomplete adversary without including the legal representatives (parents or guardians) of the minor as of the date of the lawsuit and decision.</p>
8	<p>Supreme Court 2. Legal Department - 2016 / XXXX Base - 2016 / XXXX Decision Number</p> <p>Since the court, which decided to revoke the protection decision, is Unauthorized, the decision of the case to be removed from the protection decision is overturned.</p>
9	<p>Supreme Court 2. Legal Department - 2016 / XXXXX Basis - 2016 / XXXXX Decision Number</p> <p>Making a protection decision about the child, requests to revoke a protection decision are important not only for the rights of the child, but also for the obligations it brings and the consequences it will have. For the explained reason, the case should be directed to the legal representative of the children (parents or guardian), the evidence should be collected if they show it, and the request should be examined and decided in their presence, while it was not correct to make a written decision on the paper without an adversary, and it required reversal (the Supreme Court 2.</p>
10	<p>Supreme Court 2. Legal Office - 2014 / XXXX Principle- 2015 / XXXX Decision Number</p> <p>1 - The court of lawsuit being unauthorized and</p> <p>2 - The request to revoke the protection decision is related to the rights and interests of the child under protection. For this reason, the case should be directed to the parent or guardian if the person who has been given a protection decision is small, and to the person who is taken under protection if he/she is adult. Without taking this matter into consideration, it was not deemed correct to establish a provision on the document with incomplete adversary and incomplete examination.</p>
34	<p>Supreme Court 2. Legal Office - 2010 / XXXXX Base - 2011 / XXXX Decision Number</p> <p>1 - The court of lawsuit being unauthorized and</p> <p>2 - The request for the annulment of the protection decision taken in accordance with Law No. 2828 is also related to the rights and interests of the child under protection. Therefore, the case should be directed to the child for whom a protection decision</p>

34	<p>Supreme Court 2. Legal Office - 2010 / XXXXX Base - 2011 / XXXX Decision Number</p> <p>1 - The court of lawsuit being unauthorized and</p> <p>2 - The request for the annulment of the protection decision taken in accordance with Law No. 2828 is also related to the rights and interests of the child under protection. Therefore, the case should be directed to the child for whom a protection decision has been taken or to his/her legal representative (parent or guardian), if the child is not mature, and if there is evidence, they should be collected and evaluated in accordance with the 24th and following articles of the law and a decision should be made in accordance with the result to be reached. In the case, the decision of protection was revoked with the examination of the documents made upon the application of the defendant institution, and no hostility was directed against the legal representative of the child and the decision was not communicated to them. Since the child who was taken under protection later became an adult, it was not considered correct to make a decision without collecting the evidence if he/she showed him/her without hostility.</p>
37	<p>Supreme Court 2. Legal Department - 2016 / XXXX Base - 2016 / XXXX Decision Number</p> <p>1 - The court of lawsuit being unauthorized and</p> <p>2 - The request to revoke the protection decision taken in accordance with Law No. 2828 is related to the rights and interests of the child under protection. For this reason, the case should be directed to the child, whose protection decision has been taken, to his/her legal representative (parent or guardian), if not mature, and if there is evidence to be shown, they should be collected and evaluated within the framework of the 24th and following articles of the law and a decision should be made in accordance with the result to be reached. Without considering these issues, the establishment of the judgment was not found correct.</p>
38	<p>Supreme Court 2. Legal Department - 2004/XXXXX Basis 2004/XXXXX Decision Number</p> <p>Article 73 of the Civil Procedural Law stipulates that, except for the exceptions provided by the law, a decision cannot be made unless the judge is invited by law to declare their claims and defenses without hearing the two parties. There is no provision in the law numbered 2828 stating that the work will be examined and decided on the documents. The job to be done by the court consists of directing the hostility to the person whose protection decision is to be revoked, collecting the evidence if he/she shows it, making an assessment within the framework of the 24th and following articles of the said law and making a decision according to the result to be obtained. It is against the procedure and the law to make a written provision without focusing on this issue.</p>
40	<p>Supreme Court 2. Legal Department - 2009/XXXXX Basis - 2010/XXXX Decision Number</p> <p>1 - The court of lawsuit being unauthorized and</p> <p>2 - The request to revoke the protection decision taken in accordance with Law No. 2828 is related to the rights and interests of the child under protection. For this reason, the case should be directed to the child for whom a protection decision has been taken, or to his/her legal representative (parent or guardian) if he/she is not an adult, if there is evidence to be shown by them, it must be collected and evaluated within the framework of the 24th and following articles of the said Law and a decision must be made in accordance with the result to be reached. Without considering these issues, the establishment of the judgment was not found correct.</p>
43	<p>Supreme Court 2. Legal Department - 2019/XXXX Basis - 2019/XXXX Decision Number</p> <p>1 - The court of lawsuit being unauthorized and</p> <p>2 - The request to revoke the protection decision is related to the rights and interests of the child under protection. For this reason, the case should be directed to the legal representative if the person whose protection decision has been taken is small, and to the person taken under protection if he/she is adult. Without taking this matter into consideration, it was not deemed correct to establish a provision with incomplete adversary and incomplete examination.</p>
45	<p>Supreme Court 2. Legal Department - 2011/XXXXX Base - 2011/XXXXX Decision Number</p> <p>1 - The court of lawsuit being unauthorized and</p> <p>2 - Request to revoke the protection decision taken under Law No. 2828; It is about the rights and interests of the child under protection. Therefore, the case should be directed to the child for whom a protection decision has been taken or to his/her legal representative (parent or guardian), if the child is not mature, and if there is evidence, they should be collected and evaluated in accordance with the 24th and following articles of the law and a decision should be made in accordance with the result to be reached.</p>
46	<p>Supreme Court 2. Legal Department - 2015/XXXXX Basis - 2015/XXXXX Decision Number</p> <p>1 - The court of lawsuit being unauthorized and</p> <p>2 - The request to revoke the protection decision of the person for whom a protection decision has been taken is related to the rights and interests of the child under protection. For this reason, the case should be directed to the child for whom a protection decision has been taken, or to his/her legal representative (parent or guardian), if he/she is not an adult, and if there is evidence that they will show, it must be collected and evaluated within the framework of the 24th and following articles of Law No. 2828 and a decision must be made. It is also not right to make a judgment with incomplete adversaries and examinations without considering this direction.</p>
51	<p>Supreme Court 2. Legal Department - 2019/XXXX Basis - 2019/XXXX Decision Number</p> <p>1 - The court of lawsuit being unauthorized and</p> <p>2 - The request to revoke the protection decision is related to the rights and interests of the child under protection. For this reason, the case should be directed to the legal representative if the person whose protection decision has been taken is small, and to the person taken under protection if he/she is adult. Without taking this matter into consideration, it was not deemed correct to establish a provision on the document with incomplete adversary and incomplete examination.</p>

Annex 6. Basic Problems Encountered in Decisions and Basic Evaluations on Rights Violations

Case Nr. 1;

During the revocation of the protection decision, the court made a unilateral **decision without listening to the child and his/her guardian**, and the decision **was not** notified.

It was understood that the child's custody was given to his/her grandmother, who was 62 years old, and his/her education was disrupted after the protection decision was revoked.

Specific to the requirements of the protection decision; the condition of having a job or profession, which is one of the conditions for taking a protection decision, has not been fulfilled with the law numbered 2828. After the protection decision, adequate monitoring activities were not carried out according to the law numbered 2828.

Main articles violated according to the CRC are as follows: 3, 12, 20, 25, 26, 27, 28

Case Nr. 2;

Specific to the requirements of the protection decision; the condition of having a job or profession, which is one of the conditions for taking a protection decision, has not been fulfilled with the law numbered 2828. After the protection decision, adequate monitoring activities were not carried out according to the law numbered 2828.

Main articles violated according to the CRC are as follows: 3, 20, 25

Case Nr. 3;

During the revocation of the protection decision, the court made a unilateral **decision without listening to the child and his/her guardian**, and the decision **was not** notified. **The child's leaving the institution without permission caused the child's protection decision to be revoked.** Therefore, the issues that cause the child to escape from the dormitory where he/she was under the protection of the state should be examined, it should also be considered whether the escape was not prevented and whether any search was made seriously for finding the child.

Specific to the requirements of the protection decision; the condition of having a job or profession, which is one of the conditions for taking a protection decision, has not been fulfilled with the law numbered 2828. After the protection decision, adequate monitoring activities were not carried out according to the law numbered 2828.

Main articles violated according to the CRC are as follows: 3, 12, 20, 25

Case Nr. 4;

During the revocation of the protection decision, the court made a decision **without listening to the child and his/her guardian** over the unilateral file and the decision **was not notified**, and after the protection decision, sufficient follow-up activities were not carried out according to the law numbered 2828.

Specific to the requirements of the protection decision; the condition of having a job or profession, which is one of the conditions for taking a protection decision, has not been fulfilled with the law numbered 2828.

Main articles violated according to the CRC are as follows: 3, 12, 20, 25

Case Nr. 5;

During the revocation of the protection decision, the court made a unilateral **decision without listening to the child and his/her guardian**, and the decision **was not** notified. **The reason for the annulment of the protection decision was that the child left the dormitory without permission.** In addition to this, adequate monitoring activities were not carried out according to the law numbered 2828 after the protection decision.

Specific to the requirements of the protection decision; the condition of having a job or profession, which is one of the conditions for taking a protection decision, has not been fulfilled with the law numbered 2828.

Main articles violated according to the CRC are as follows: 3, 12, 20, 25

Case Nr. 6;

During the revocation of the protection decision, the court made a unilateral **decision without listening to the child and his/her guardian**, and the decision **was not** notified. In accordance with the Social Examination Report dated **18.11.1988**, **the protection decision was abolished on the grounds that the father went to her and left the dormitory**, and after the protection decision, adequate monitoring activities were not carried out according to the law numbered 2828.

Specific to the requirements of the protection decision; the condition of having a job or profession, which is one of the conditions for taking a protection decision, has not been fulfilled with the law numbered 2828.

Main articles violated according to the CRC are as follows: 3, 12, 20, 25

Case Nr. 7;

During the revocation of the protection decision, the court made a unilateral **decision without listening to the child and his/her guardian**, and the decision **was not** notified. After the protection decision, adequate monitoring activities were not carried out according to the law numbered 2828.

Specific to the requirements of the protection decision; the condition of having a job or profession, which is one of the conditions for taking a protection decision, has not been fulfilled with the law numbered 2828.

Main articles violated according to the CRC are as follows: 3, 12, 20, 25

Case Nr. 8;

During the revocation of the protection decision, the court made a unilateral **decision without listening to the child and his/her guardian**, and the decision **was not** notified. After the protection decision, adequate monitoring activities were not carried out according to the law numbered 2828.

Specific to the requirements of the protection decision; the condition of having a job or profession, which is one of the conditions for taking a protection decision, has not been fulfilled with the law numbered 2828.

Main articles violated according to the CRC are as follows: 3, 12, 20, 25

Case Nr. 9;

During the revocation of the protection decision, the court made a unilateral **decision without listening to the child and his/her guardian. 5 children under protection in a family of 10 children were returned to the family in line with the Social Examination Report.**

In accordance with the requirements of the protection decision, after the protection decision, adequate monitoring activities were not carried out according to the law numbered 2828. With the law numbered 2828, the condition of having a job or profession, which is one of the conditions for taking a protection decision, has not been fulfilled.

Main articles violated according to the CRC are as follows: 3, 12, 20, 25

Case Nr. 10;

During the revocation of the protection decision, the court made a unilateral **decision without listening to the child and his/her guardian**. After the protection decision, adequate monitoring activities were not carried out according to the law numbered 2828.

Specific to the requirements of the protection decision; the condition of having a job or profession, which is one of the conditions for taking a protection decision, has not been fulfilled with the law numbered 2828.

Main articles violated according to the CRC are as follows: 3, 12, 20, 25

Case Nr. 11;

By making the necessary calculations by the organization and without investigating whether the child is of age or not, it was **only** acted with the **request to leave the dormitory by claiming that the child is of age**. The need to evaluate the negligence and competence of the authorized personnel and to strengthen the training of the personnel has been identified. In addition, after the protection decision, adequate monitoring activities were not carried out according to the law numbered 2828.

Specific to the requirements of the protection decision; the condition of having a job or profession, which is one of the conditions for taking a protection decision, has not been fulfilled with the law numbered 2828.

Main articles violated according to the CRC are as follows: 3, 20, 25

Case Nr. 12;

The child, whose custody was **given to** his/her mother in return for cash aid in kind, **could not continue his/her education**. It was determined in the relevant **Social Examination Report that no measures were taken regarding the education of the child**. In addition, after the protection decision, adequate monitoring activities were not carried out according to the law numbered 2828.

Specific to the requirements of the protection decision; the condition of having a job or profession, which is one of the conditions for taking a protection decision, has not been fulfilled with the law numbered 2828.

Main articles violated according to the CRC are as follows: 3, 20, 25, 26, 28

Case Nr. 13;

It was decided that the revocation of **the protection decision decision would not abolish the State's surveillance obligation, and it was essential that he/she be monitored and supported to the extent possible even after the protection decision has been revoked**.

Specific to the requirements of the protection decision; the condition of having a job or profession, which is one of the conditions for taking a protection decision, has not been fulfilled with the law numbered 2828.

Main articles violated according to the CRC are as follows: 3, 20, 25

Case Nr. 14;

A **protection decision has been made for the child, but no social service model has been used until the child is of age.** The state did not fulfill its care and surveillance obligations, and adequate monitoring was not carried out during and after care.

Specific to the requirements of the protection decision; the condition of having a job or profession, which is one of the conditions for taking a protection decision, has not been fulfilled with the law numbered 2828.

Main articles violated according to the CRC are as follows: 3, 18

Case Nr. 15;

The protection decision decision taken against the child on the grounds that he/she was subjected to violence by his/her stepmother was revoked with the Social Examination Report prepared at the request of his/her stepmother in return for cash assistance. The child, whose protection decision was revoked, was forced to get married at the age of 17.

Main articles violated according to the CRC are as follows: 3, 12, 19, 20, 25, 26, 27, 28, 34, 37

Case Nr. 16;

It was decided that the revocation of the protection decision decision would not abolish the State's surveillance obligation, and it was essential that he/she be monitored and supported to the extent possible even after the protection decision has been revoked.

Specific to the requirements of the protection decision; the condition of having a job or profession, which is one of the conditions for taking a protection decision, has not been fulfilled with the law numbered 2828.

Main articles violated according to the CRC are as follows: 3, 20,25

Case Nr. 17;

In accordance with the requirements of the protection decision, with the condition of having a job or profession, which is one of the conditions for the protection decision with the law numbered 2828, sufficient monitoring activity was not carried out according to the law numbered 2828 after the protection decision.

Main articles violated according to the CRC are as follows: 3, 20,25

Case Nr. 18;

The issues that caused the child to **escape from the dormitory where the child was under the protection of the state**, why the situation could not be prevented, and whether there was a serious search for finding the child should be examined.

In accordance with the requirements of the protection decision, with the condition of having a job or profession, which is one of the conditions for the protection decision with the law numbered 2828, sufficient monitoring activity was not carried out according to the law numbered 2828 after the protection decision.

Main articles violated according to the CRC are as follows: 3, 20,25

Case Nr. 19;

Since guidance and counseling services were not provided, **the child who was informed late about his/her employment right was married at the age of 15 and his/her marriage was not prevented.** The child's marriage was learnt by the organization 2 years later (when the child was 17 years old). It has been understood that there is no effective monitoring about the child.

In accordance with the requirements of the protection decision, with the condition of having a job or profession, which is one of the conditions for the protection decision with the law numbered 2828, sufficient monitoring activity was not carried out according to the law numbered 2828 after the protection decision.

Main articles violated according to the CRC are as follows: 3, 19, 20, 28, 34, 37

Case Nr. 20;

In accordance with the requirements of the protection decision, with the condition of having a job or profession, which is one of the conditions for the protection decision with the law numbered 2828, sufficient monitoring activity was not carried out according to the law numbered 2828 after the protection decision.

Main articles violated according to the CRC are as follows: 3, 20, 25

Case Nr. 21;

In accordance with the requirements of the protection decision, with the condition of having a job or profession, which is one of the conditions for the protection decision with the law numbered 2828, sufficient monitoring activity was not carried out according to the law numbered 2828 after the protection decision.

Main articles violated according to the CRC are as follows: 3, 20, 2

Case Nr. 22;

As determined in the court decision, there was **sexual violence within the family. Nevertheless**, there is a need to evaluate whether a detailed examination has been made regarding the **return of the child taken under protection to his/her family.**

In accordance with the requirements of the protection decision, with the condition of having a job or profession, which is one of the conditions for the protection decision with the law numbered 2828, sufficient monitoring activity was not carried out according to the law numbered 2828 after the protection decision.

Main articles violated according to the CRC are as follows: 3, 20, 25

Case Nr. 23;

He/she was dismissed by removing the protection decision on the grounds that he/she was 18 years old. **The young, who was dismissed because he/she was 18 years old, remained on the street because he/she had nowhere to go and was convicted of theft.** The organization **made the appointment to the state institution** after the plaintiff received his/her diverted rights, **but did not make him/her start the task (The case has been continuing for 5 years).**

In accordance with the requirements of the protection decision, with the condition of having a job or profession, which is one of the conditions for the protection decision with the law numbered 2828, monitoring activity was not carried out according to the law numbered 2828 after the protection decision.

Main articles violated according to the CRC are as follows: 3, 20, 25, 26

Case Nr. 24;

During the revocation of the protection decision, the court made a unilateral **decision without listening to the child and his/her guardian.**

In accordance with the requirements of the protection decision, with the condition of having a job or profession, which is one of the conditions for the protection decision with the law numbered 2828, sufficient monitoring activity was not carried out according to the law numbered 2828 after the protection decision.

Main articles violated according to the CRC are as follows: 3, 12, 20, 25

Case Nr. 25;

In accordance with the requirements of the protection decision, with the condition of having a job or profession, which is one of the conditions for the protection decision with the law numbered 2828, sufficient monitoring activity was not carried out according to the law numbered 2828 after the protection decision.

Main articles violated according to the CRC are as follows: 3, 20, 25

Case Nr. 26;

The child, who was delivered to his/her aunt in return for cash assistance, was later taken under protection with an urgent decision. **Taking the child to the emergency protection** shows that, **after giving the child to his/her aunt for cash assistance, adequate and competent social investigation was not made and a report** was not issued. The **need to improve professionals** should be **evaluated** related to the child.

In accordance with the requirements of the protection decision, with the condition of having a job or profession, which is one of the conditions for the protection decision with the law numbered 2828, sufficient monitoring activity was not carried out according to the law numbered 2828 after the protection decision.

Main articles violated according to the CRC are as follows: 3, 18, 20, 25

Case Nr. 27;

During the revocation of the protection decision, the court made a unilateral **decision without listening to the child and his/her guardian.**

In accordance with the requirements of the protection decision, with the condition of having a job or profession, which is one of the conditions for the protection decision with the law numbered 2828, sufficient monitoring activity was not carried out according to the law numbered 2828 after the protection decision.

Main articles violated according to the CRC are as follows: 3, 20, 25

Case Nr. 28;

The child escaped from the dormitory where he/she was under state protection. **The issues that cause the child to escape from the dormitory where he/she was under the protection of the state should be examined and it should also be considered whether the escape was not prevented and whether any search was made seriously for finding the child.**

In accordance with the requirements of the protection decision, with the condition of having a job or profession, which is one of the conditions for the protection decision with the law numbered 2828, sufficient monitoring activity was not carried out according to the law numbered 2828 after the protection decision.

Main articles violated according to the CRC are as follows: 3, 20, 25

Case Nr. 29;

In accordance with the requirements of the protection decision, with the condition of having a job or profession, which is one of the conditions for the protection decision with the law numbered 2828, sufficient monitoring activity was not carried out according to the law numbered 2828 after the protection decision.

Main articles violated according to the CRC are as follows: 3, 20, 25

Case Nr. 30;

During the revocation of the protection decision, the court made a unilateral **decision without listening to the child and his/her guardian.**

In accordance with the requirements of the protection decision, with the condition of having a job or profession, which is one of the conditions for the protection decision with the law numbered 2828, sufficient monitoring activity was not carried out according to the law numbered 2828 after the protection decision.

Main articles violated according to the CRC are as follows: 3, 12, 20, 25

Case Nr. 31;

During the revocation of the protection decision, the court made a unilateral **decision without listening to the child and his/her guardian**, and the decision **was not** notified. **The issues that cause the child to escape from the dormitory where he/she was under the protection of the state should be examined and it should also be considered whether the escape was not prevented and whether any search was made seriously for finding the child.**

Specific to the requirements of the protection decision; the condition of having a job or profession, which is one of the conditions for taking a protection decision, has not been fulfilled with the law numbered 2828.

Main articles violated according to the CRC are as follows: 3, 12, 20, 25

Case Nr. 32;

Although the child remained under the protection of the state, the protection decision was revoked, and the child stayed in the state dormitory until the age of majority. An application was performed against the rights and interests of the child.

In accordance with the requirements of the protection decision, with the condition of having a job or profession, which is one of the conditions for the protection decision with the law numbered 2828, monitoring activity was not carried out according to the law numbered 2828 after the protection decision.

Main articles violated according to the CRC are as follows: 3, 12, 20, 25

Case Nr. 33;

Although the child's protection decision was not revoked, his/her employment request was denied.

The staff working on the needs of the child should be strengthened.

In accordance with the requirements of the protection decision, with the condition of having a job or profession, which is one of the conditions for the protection decision with the law numbered 2828, monitoring activity was not carried out according to the law numbered 2828 after the protection decision.

Main articles violated according to the CRC are as follows: 3, 18, 20, 25

Case Nr. 34;

During the revocation of the protection decision, the court made a unilateral **decision without listening to the child and his/her guardian.** In the relevant Social Examination Report, it was stated that **the financial situation of the family had improved and the protection decision was revoked for only one of the two sisters. Subsequently, the court's decision that the financial situation has not improved reveals that**

an adequate and competent examination and social examination report was not prepared.

In accordance with the requirements of the protection decision, with the condition of having a job or profession, which is one of the conditions for the protection decision with the law numbered 2828, monitoring activity was not carried out according to the law numbered 2828 after the protection decision.

Main articles violated according to the CRC are as follows: 3, 12, 20, 25

Case Nr. 35;

While the child was under state protection, he/she was given to his/her family with in-kind cash assistance, which is one of the social service models. The fact that the employment application was rejected despite many similar decisions was contrary to the right to equal treatment. It is known that the case will be appealed and followed.

In accordance with the requirements of the protection decision, with the condition of having a job or profession, which is one of the conditions for the protection decision with the law numbered 2828, monitoring activity was not carried out according to the law numbered 2828 after the protection decision.

Main articles violated according to the CRC are as follows: 3, 12, 20, 25

Case Nr. 36;

Although the child remained under the protection of the state, the protection decision was revoked, and the child stayed in the state dormitory until the age of majority. An application was performed against the rights and interests of the child.

In accordance with the requirements of the protection decision, with the condition of having a job or profession, which is one of the conditions for the protection decision with the law numbered 2828, monitoring activity was not carried out according to the law numbered 2828 after the protection decision.

Main articles violated according to the CRC are as follows: 3, 12, 20, 25

Case Nr. 37;

During the revocation of the protection decision, the court made a unilateral **decision without listening to the child and his/her guardian.**

In accordance with the requirements of the protection decision, with the condition of having a job or profession, which is one of the conditions for the protection decision with the law numbered 2828, sufficient monitoring activity was not carried out according to the law numbered 2828 after the protection decision.

Main articles violated according to the CRC are as follows: 3, 12, 20, 25

Case Nr. 38;

During the revocation of the protection decision, the court made a unilateral **decision without listening to the child and his/her guardian.**

In accordance with the requirements of the protection decision, with the condition of having a job or profession, which is one of the conditions for the protection decision with the law numbered 2828, sufficient monitoring activity was not carried out according to the law numbered 2828 after the protection decision.

Main articles violated according to the CRC are as follows: 3, 12, 20, 25

Case Nr. 39;

The issues that cause the child to escape from the dormitory where he/she was under the protection of the state should be examined and it should also be considered whether the escape was not prevented and whether any search was made seriously for finding the child.

In accordance with the requirements of the protection decision, with the condition of having a job or profession, which is one of the conditions for the protection decision with the law numbered 2828, sufficient monitoring activity was not carried out according to the law numbered 2828 after the protection decision.

Main articles violated according to the CRC are as follows: 3, 20, 25

Case Nr. 40;

During the revocation of the protection decision, the court made a unilateral **decision without listening to the child and his/her guardian,** and the decision **was not** notified. The issues that cause the child to escape from the dormitory where he/she was under the protection of the state should be examined and it should also be considered whether the escape was not prevented and whether any search was made seriously for finding the child.

Specific to the requirements of the protection decision; the condition of having a job or profession, which is one of the conditions for taking a protection decision, has not been fulfilled with the law numbered 2828.

Main articles violated according to the CRC are as follows: 3, 12, 20, 25

Case Nr. 41;

During the revocation of the protection decision, the court made a unilateral **decision without listening to the child and his/her guardian**, and the decision **was not** notified. The issues that cause the child to escape from the dormitory where he/she was under the protection of the state should be examined and it should also be considered whether the escape was not prevented and whether any search was made seriously for finding the child.

Specific to the requirements of the protection decision; the condition of having a job or profession, which is one of the conditions for taking a protection decision, has not been fulfilled with the law numbered 2828.

Main articles violated according to the CRC are as follows: 3, 12, 20, 25

Case Nr. 42;

Employment of the child, which is the legal right of the child, **was not be realized by the organization due to the fact that the law was not fully understood** and a grievance was created. There is a need for **legal and practical strengthening of the relevant personnel**.

In accordance with the requirements of the protection decision, with the condition of having a job or profession, which is one of the conditions for the protection decision with the law numbered 2828, sufficient monitoring activity was not carried out according to the law numbered 2828 after the protection decision.

Main articles violated according to the CRC are as follows: 3, 20, 25

Case Nr. 43;

During the revocation of the protection decision, the court made a unilateral **decision without listening to the child and his/her guardian**.

In accordance with the requirements of the protection decision, with the condition of having a job or profession, which is one of the conditions for the protection decision with the law numbered 2828, sufficient monitoring activity was not carried out according to the law numbered 2828 after the protection decision.

Main articles violated according to the CRC are as follows: 3, 12, 20, 25

Case Nr. 44;

Employment of the child, which is the legal right of the child, **was not be realized by the organization due to the fact that the law was not fully understood** and a grievance was created. There is a need for legal and practical strengthening of the relevant personnel. In addition, **although the child taken under protection and care stays in a boarding school, the organization has an obligation to monitor and follow up**.

In accordance with the requirements of the protection decision, with the condition of having a job or profession, which is one of the conditions for the protection decision with the law numbered 2828, monitoring activity was not carried out according to the law numbered 2828 after the protection decision.

Main articles violated according to the CRC are as follows: 3, 20, 25

Case Nr. 45;

During the revocation of the protection decision, the court made a unilateral **decision without listening to the child and his/her guardian**.

In accordance with the requirements of the protection decision, with the condition of having a job or profession, which is one of the conditions for the protection decision with the law numbered 2828, sufficient monitoring activity was not carried out according to the law numbered 2828 after the protection decision.

Main articles violated according to the CRC are as follows: 3, 12, 20, 25

Case Nr. 46;

During the revocation of the protection decision, the court made a unilateral **decision without listening to the child and his/her guardian**, and the decision **was not** notified.

In accordance with the requirements of the protection decision, with the condition of having a job or profession, which is one of the conditions for the protection decision with the law numbered 2828, sufficient monitoring activity was not carried out according to the law numbered 2828 after the protection decision.

Main articles violated according to the CRC are as follows: 3, 12, 20, 25

Case Nr. 47;

During the revocation of the protection decision, the court made a unilateral **decision without listening to the child and his/her guardian**, and the decision **was not** notified. The issues that cause the child to escape from the dormitory where he/she was under the protection of the state should be examined and it should also be considered whether the escape was not prevented and whether any search was made seriously for finding the child.

Specific to the requirements of the protection decision; the condition of having a job or profession, which is one of the conditions for taking a protection decision, has not been fulfilled with the law numbered 2828.

Main articles violated according to the CRC are as follows: 3, 12, 20, 25

Case Nr. 48;

The issues that cause the child to escape from the dormitory where he/she was under the protection of the state should be examined and it should also be considered **whether the escape was not prevented and whether any search was made seriously for finding the child.**

In accordance with the requirements of the protection decision, with the condition of having a job or profession, which is one of the conditions for the protection decision with the law numbered 2828, sufficient monitoring activity was not carried out according to the law numbered 2828 after the protection decision.

Main articles violated according to the CRC are as follows: 3, 20, 25

Case Nr. 49;

During the revocation of the protection decision, the court made a unilateral **decision without listening to the child and his/her guardian. This issue was expressed in the process of revoking the protection decision to the court by preparing a social examination report on the grounds that the child frequently left the dormitory without permission.**

In accordance with the requirements of the protection decision, with the condition of having a job or profession, which is one of the conditions for the protection decision with the law numbered 2828, monitoring activity was not carried out according to the law numbered 2828 after the protection decision.

Main articles violated according to the CRC are as follows: 3, 12, 20, 25

Case Nr. 50;

During the revocation of the protection decision, the court made a unilateral **decision without listening to the child and his/her guardian.**

In accordance with the requirements of the protection decision, with the condition of having a job or profession, which is one of the conditions for the protection decision with the law numbered 2828, sufficient monitoring activity was not carried out according to the law numbered 2828 after the protection decision.

Main articles violated according to the CRC are as follows: 3, 12, 20, 25

Case Nr. 51;

During the revocation of the protection decision, the court made a unilateral **decision without listening to the child and his/her guardian. The court process has been continuing for 10 years. In the decisions of the administrative courts, it was not examined whether the child or his/her parent or guardian was heard and whether a notification was made in the protection decision.**

In accordance with the requirements of the protection decision, with the condition of having a job or profession, which is one of the conditions for the protection decision with the law numbered 2828, sufficient monitoring activity was not carried out according to the law numbered 2828 after the protection decision.

Main articles violated according to the CRC are as follows: 3, 12, 20, 25