

An aerial photograph of a riverbank. On the left, there is a wide, flat, light-colored area, possibly a dry riverbed or a field. A dirt road runs parallel to the river. On the right, along the riverbank, there is a cluster of makeshift settlements or shacks, many of which are covered with blue tarps. A concrete bridge with a metal railing spans the river in the lower right portion of the image. The water in the river is a murky, greenish-brown color.

# **ANAYLYSIS OF INSTITUTIONAL GAPS AND RECOMMENDATIONS**

**IN THE CONTEXT OF PREVENTING CHILD LABOUR IN AGRICULTURE**



# **ANAYLYSIS OF INSTITUTIONAL GAPS AND RECOMMENDATIONS**

**IN THE CONTEXT OF PREVENTING CHILD LABOUR IN AGRICULTURE**



## Analysis of Institutional Gaps and Recommendations in The Context of Preventing Child Labour in Agriculture

### PREPARED BY

Seda Akço

### CONTRIBUTORS

Bürge Akbulut

Cansu Çabucak

Ertan Karabıyık

Ulaş Bayraktar (Proofreading)

Bediz Yılmaz Bayraktar (Proofreading)

### DESIGN AND VISUALS

Kurtuluş Karaşın

### PRINTING

Altan Matbaası

1<sup>st</sup> Edition, 1000 copy, August 2018

This research has been carried out with financial contributions from the Matra Programme of the Embassy of the Kingdom of the Netherlands in Turkey.

© This publication is public property. No permission is necessary to duplicate or quote this document in part or full.





Source: [mediadiversified.org/2014/01/15/cheap-labour-child-labour-part-1/childlabour3/](https://mediadiversified.org/2014/01/15/cheap-labour-child-labour-part-1/childlabour3/)

*This report is dedicated to all children working in agricultural production, commemorating ten years old Ellen Hooton who gave testimony to an official commission inquiring into the employment of children in English textile factories 185 years ago...*

Ellen Hooton (Manchester-Wigan)

Ellen, born in 1822 in Manchester, England, was the only child of her mother, Mary Hooton, who was a single mother, trying hard to earn her living as a weaver. Ellen lived with his father, who was also a weaver, until she turned seven, then was brought to a nearby factory by her mother to contribute to family income. She received no wages for the first five months, then started to work with pay in the spinning factory where many children were employed. What makes Ellen different from the other millions of workers was that she was the first child to be invited to give testimony to the Central Board of His Majesty's Commissioners for inquiring into the employment of children in English textile factories. Ellen, only ten years old and very scared, explained what she went through as a worker with two years of experience in the cotton factory.

The invisible actors of production and development are usually not remembered anywhere. Their names and contributions remain unknown. We know about Ellen who worked under very difficult conditions, sometimes being subject to violence and punishment, and gave testimony to the commission about the situation of working children.

Commemorating her name, we dedicate our report to all children who contributed to agricultural production. We hope that our work will contribute to their improved access to decent opportunities and rights that enhance their development, health and education, instead of working in orchards or fields.

Source: Sven Beckert (2018), Pamuk İmparatorluğu, Say Yayınları, İstanbul.

## ACRONYMS

<b>CCT</b>	Conditional Cash Transfer
<b>CEA</b>	Conditional Education Assistance
<b>CRC</b>	Convention on the Rights of the Child
<b>ECOSOC</b>	Economic and Social Council
<b>EU</b>	European Union
<b>FAO</b>	Food and Agriculture Organization
<b>GFP</b>	Good Farming Practices
<b>ILO</b>	International Labour Organization
<b>IMF</b>	International Monetary Fund
<b>IOM</b>	International Organization for Migration
<b>IPEC</b>	International Programme on the Elimination of Child Labour
<b>KKB</b>	Credit Registration Office
<b>METİP</b>	Project on Improving Working and Social Life of Seasonal Migrant Agricultural Workers
<b>MoFSP</b>	Ministry of Family and Social Policies
<b>MoLSS</b>	Ministry of Labour and Social Security
<b>MoNE</b>	Ministry of National Education
<b>SES</b>	Social and Economic Support
<b>TARDES</b>	Agricultural Credit Evaluation System
<b>TESK</b>	Confederation of Turkish Tradesmen and Craftsmen
<b>TGNA</b>	Grand National Assembly of Turkey
<b>TİSK</b>	Confederation of Employers' Unions of Turkey
<b>TÜİK</b>	Turkish Statistical Institute
<b>TÜRKAK</b>	Turkish Accreditation Institution
<b>UN</b>	United Nations
<b>UNDP</b>	United Nations Development Programme
<b>UNFPA</b>	United Nations Population Fund
<b>UNHCR</b>	United Nations High Commissioner for Refugees
<b>UNICEF</b>	United Nations Children's Fund
<b>WFP</b>	World Food Programme
<b>WHO</b>	World Health Organization

<b>FOREWORD .....</b>	<b>7</b>
<b>EXECUTIVE SUMMARY .....</b>	<b>9</b>
<b>INTRODUCTION .....</b>	<b>15</b>
<b>1 RESPONSIBILITIES RELATING TO THE PREVENTION OF CHILD LABOUR IN AGRICULTURE .....</b>	<b>18</b>
1.1 Responsibilities under International Conventions.....	19
1.2 Responsibilities under National Legislation .....	22
1.3 Responsibilities under Policy Documents.....	24
1.4 Evaluation of Responsibilities under Legislation and Policy Documents .....	25
<b>2 PREVENTING CHILD LABOUR IN SEASONAL MIGRANT AGRICULTURE: ACTORS AND THEIR RESPONSIBILITIES .....</b>	<b>60</b>
2.1 Actors in Production-Consumption Chain.....	64
2.2 Public Institutions.....	70
2.3 Non-Governmental Organizations.....	91
2.4 International Organizations .....	98
2.5 States .....	105
<b>3 OVERALL EVALUATION AND CONCLUSION.....</b>	<b>116</b>
3.1 Policy Development.....	118
3.2 Legislation.....	121
3.3 Budget and Personnel Allocation.....	122
3.4 Implementation, Monitoring and Inspection of Plans and Legislation.....	124
3.5 Data-Based Monitoring of Outcomes.....	127
3.6 Inter-agency Cooperation and Coordination.....	128
<b>REFERENCES.....</b>	<b>131</b>

## TABLES

<b>Table 1.</b> National Legislative Arrangements on Minimum Age in Agriculture and Animal Husbandry .....	23
<b>Table 2.</b> Comparison of Responsibilities as Defined by Policy Documents Related to the Prevention of Child labour and Responsibilities as Defined by International Legislation.....	27
<b>Table 3.</b> Scope of Responsibilities and Responsible Institutions in Fixation of Minimum Wage and Offering Alternative Income Sources and Support to Families .....	35
<b>Table 4.</b> Scope of Responsibilities and Responsible Institutions in Providing Employment Opportunities to Adults Where They Live .....	37
<b>Table 5.</b> Scope of Responsibilities and Responsible Institutions in Ensuring Children's School Access and Attendance.....	41
<b>Table 6.</b> Scope of Responsibilities and Responsible Institutions in Reviewing and Amending Legislation .....	43
<b>Table 7.</b> Authorities Responsible with Respect to Areas of Inspection.....	46
<b>Table 8.</b> Scope of Responsibilities and Responsible Institutions in Adopting Relevant Measures for Implementing and Monitoring Legislative Arrangements .....	47
<b>Table 9.</b> Scope of Responsibilities and Responsible Institutions in Establishing a System of Data Collection and Analysis...	49
<b>Table 10.</b> Scope of Responsibilities and Responsible Institutions in Ensuring Planning with Due Regard to Budget and Personnel Needs .....	50
<b>Table 11.</b> Scope of Responsibilities and Responsible Institutions in Ensuring Cooperation and Coordination among Mandated Institutions.....	51
<b>Table 12.</b> Scope of Responsibilities and Responsible Institutions in Raising Public Awareness and Ensuring Participation ...	52
<b>Table 13.</b> Scope of Responsibilities and Responsible Institutions in Delivering Services to Families in Seasonal Migrant Agricultural Works and their Children.....	54
<b>Table 14.</b> Average Producer, Wholesale, Bazaar and Market Prices of Selected Crops as of 30 January 2018 .....	68

## FIGURES

<b>Figure 1.</b> Cotton Supply Chain .....	67
<b>Figure 2.</b> Administrative Structure in the Presidential System.....	71



## FOREWORD

The Development Workshop has since 2002 been conducting baseline studies on children working in seasonal agriculture on the basis of crops and locations; sharing data and information obtained from these studies with governmental agencies, civil society organizations, professional organizations, international agencies, the media, private sector firms and UN agencies; and using all available platforms to advocate for reducing and ultimately eliminating the number of children working in seasonal agriculture, which is considered as one of the worst forms of child labour, and improving their working and living conditions.

To obtain information in this context, the Development Workshop attaches importance and priority as far as possible to areas and issues where there are gaps, and conducts various studies and surveys to fill these gaps. One of these important gaps has been identified as the lack of an analysis of institutions with the mandate of preventing employment of children in seasonal migrant agriculture and their respective responsibilities to this end.

The present project supported by the Embassy of Netherlands aims at investigating risks that migrant child workers face in citrus fruit, cotton and hazelnut culture due to their working and living conditions and evaluating existing legislation and institutional capacity in preventing child labour in seasonal migrant agricultural works. The present report titled

*“Analysis of Institutional Gaps and Recommendations in the Context of Preventing Child Labour in Agriculture”* is one of the three that are prepared in line with project objectives.

We are indebted to representatives of government institutions, academics, civil society organizations and professional organizations who contributed to the report on “Analysis of Institutional Gaps and Recommendations in the Context of Preventing Child Labour in Agriculture” by sharing their knowledge and experience and for their feedback in the meetings held in Adana and Ordu provinces during which research findings were presented.

We maintain our hopes that outcomes of the survey will contribute to the improvement of lives of children together with our hope that decent work conditions will soon be in place. We wish we can realize our hopes together for all working people, children in the first place.

Development  
Workshop  
August 2018  
Ankara



## EXECUTIVE SUMMARY

168 million children in the age group 5-17 globally, 11 percent of total child population, are working as child labourers throughout the world. 50 percent (85 million) of these children are in works that threaten their health, safety and development. Sector wise, agriculture stands as the one, which employs 59 per cent of working children.<sup>1</sup>

According to 2012 data, there are 893,000 children in the age group 6-17 who are working. This corresponds to 5.9 per cent of all children in that age group and to 15.6 per cent of children in the age group 15-17. 52.6 per cent of children are wage earners while 46.2 per cent are unpaid family workers. Of all working children 44.7 per cent (399,000) are in agriculture.<sup>2</sup>

Employment of children under age 15 is prohibited by the Labour Code No. 4857 presently in effect in Turkey. Children in the age interval 15-18 can be employed given that this employment does not interfere with their education and that their health and safety is fully secured. Since these conditions are not met, seasonal migrant labour in agriculture is defined as ‘one of the worst forms of child labour’ and the minimum age for admission to employment in this sector was set as 18.

However, as outlined above, child labour still persists in many sectors and agriculture is still the sector where child labour is observed most commonly. One of the major factors leading to this situation is the

inefficacy of the authorities in charge to prevent child labour in agriculture. In this context, the “*Project for Reducing Legal and Institutional Gaps in Prevention of Child Labour in Seasonal Agriculture*” implemented by the Development Workshop with the financial support of the Embassy of Netherlands (September 2017 – August 2018) aims to identify legal and institutional gaps in efforts to prevent child labour in seasonal agriculture in Turkey as well as measures that must be adopted in the light of risks that child workers face

The objective of this report, prepared in the context of the above mentioned Project, is to identify those institutions that have their role and responsibility in preventing child labour in seasonal migrant agriculture and what is to be done to enhance their institutional capacity for attaining their objectives.

International conventions, national legislation<sup>3</sup> and three policy documents are used as basis in identifying responsibilities and those in charge in this context: (1) Strategy and Action Plan on Improving Working and Social Life of Seasonal Migrant Agricultural Workers (2010)<sup>4</sup>; National Programme on Combating Child Labour (2017 – 2023)<sup>5</sup>; (3) Prime Ministerial Circular No. 2017/6 on Seasonal Agricultural Workers<sup>6</sup>.

## Responsibilities Relating to the Prevention of Child Labour in Agriculture

Under the “National Programme on the Elimination of Child Labour (2017-2023)” of the MoLSS<sup>7</sup>, it is the duty of all public institutions to prevent child labour. Ambiguity in respective roles and responsibilities in multi-agency situations leads, in some instances, to cases where organizations are not actually aware of their responsibilities and to impossibility of or lack of demand for public scrutiny.

Clear and full definition of each responsibility and its scope will contribute to efforts to attain the objective. During the preparation of this report, which is also of contributory nature, Turkey has undergone a significant change with regards to its governmental system. Until the report was concluded, on 4 August 2018, 15 Presidential decrees were issued. Of interest in the context of the present report are arrangements relating to the organization, duties and authorities of ministries. As required by the principle of continuity in State functions, documents adopted prior to 2018 was nevertheless referred in order to identify the responsibilities of ministries whereas new arrangements were also noted when necessary.

In this framework, the responsibilities in preventing the employment of children in seasonal agricultural works are classified under six headings on the basis of existing conventions, legislation and policy documents:

### 1) Poverty alleviation

Poverty is the leading cause when it comes to the worst forms of child labour.<sup>8</sup> With respect to seasonal migrant agricultural works, which constitute one of the worst forms when children are concerned, poverty is both the cause and effect. Thus, as stated in the National Programme<sup>9</sup>, poverty is the problem that has to be tackled in the first place.

In this context, international conventions and policy documents propose two main strategies in poverty

alleviation on the basis of principles related to child and human rights:

- Fixing minimum wage at a level that will leave out no need to have children employed and offering alternative income sources and support to families
- Ensuring that adults have employment opportunities in places they live

### 2) Ensuring access and attendance to education for all children

The relationship of children of seasonal migrant agricultural workers with the education, access and attendance has also a cyclical character like the case in poverty. Since their families are both poor and mobile, children cannot participate to education regularly; those who are enrolled cannot display regular attendance and many of them have to drop out at a certain point. Children's education is negatively affected also by such factors as low motivation for education on the part of both children and families, and absence of easily accessible schools in places they move to. Poor attendance consequently hinders the chances of acquiring a profession and finding better jobs.

Given these, it is one of the most important interventions in the short term to ensure children's school attendance, and to support their school performance and development during school years both for improving present situation and protecting them from the exploitation of their labour in the longer term.

In this framework, there are two options regarding the ways to pursue for ensuring children's involvement in the formal education system (access and attendance):

- Extending social and economic support to families to enable them keeping their children in school or
- Child should be able to continue his/her education where he moves together with his/her family.

It is also necessary to strengthen public services that offer further education commensurate with their needs and talents and to provide opportunities for vocational training in agriculture to children upon their graduation from elementary schools.

### **3) Reviewing legislation and introducing necessary amendments**

The first amendment to be made in the legislation is, as required upon the ratification of the ILO Convention No. 182, is to specify clearly in the Labour Code and relevant regulations that children under age 18 cannot be employed in seasonal migrant agricultural works.

Besides, it is also required by the Convention that employment should be made subject to such factors as age, gender and mental and physical capacity of children and that protective measures such as limiting working hours should be adopted.

### **4) Enforcement of legislative regulations and adoption of necessary measures to Monitor Enforcement**

Due to problems specific to the sector of agriculture like the predominance of small enterprises and short-term employment contracts, it is almost impossible to ensure a proper enforcement and conduct inspections on compliance.

There is no legislative regulation specific to agriculture as a branch of employment. Legal regulations related to employment in this sector are scattered to various pieces of legislation including the Labour Code, the Law of Obligations, the Law on Work Safety and Health and the Law on General Hygiene.<sup>10</sup>

For the attainment of objectives related to the elimination of exploitation of child labour in seasonal migrant agricultural works, it is necessary to ensure that workers enjoy legal security and that related violations are traceable. However, since the implementation of the Labour Code in an enterprise requires

the employment of at least 51 workers in that enterprise, agricultural works remain almost totally out of the scope of this legislation.

Efforts to prevent child employment in seasonal migrant agricultural works are expected to include at least the following steps: (a) Formal registration of agricultural intermediaries, (b) formal registration of agricultural enterprises, (c) inspection to prevent the employment of children, (d) inspection of working conditions. These duties to be performed by the Ministry of Family, Labour and Social Services require the province-level organization (rather than national or regional levels) of Labour Inspection Boards and labour inspectors.

### **5) Planning, monitoring, coordination and participation**

Policy documents presently in effect were adopted to bring solutions to prevailing circumstances and as is the case for all policy documents they bear the imprint of policy approach of the time they were published. To cope up with this problem, it is necessary to re-assess needs periodically and bring policies in line with these needs.

The following is necessary in this context:

- Establishing a system of data collection and analysis
- Planning that takes due account of budget and personnel needs
- Ensuring cooperation and coordination among organizations and institutions with responsibilities
- Raising public awareness and ensuring participation

### **6) Provision of services to families in seasonal migrant agricultural works and their children**

The duty of protecting children from all forms of abuse and neglect assigned to states by the UN Conven-



tion on the Rights of the Child, is adopted as a domestic law norm with Article 41 of the Constitution.

Children's employment entails the risk of neglect and abuse in many respects; and children of families engaged in seasonal migrant agricultural works cannot enjoy their fundamental rights including education as their peers even if they are not employed. Children's deprivation of safe care while their parents are out working in fields, also leave them unprotected against various forms of neglect and abuse.

In this context, services that must be delivered to families and children engaged in seasonal migrant agricultural Works as envisaged in policy documents addressed in this report can be gathered under four headings:

- Ensuring safety in travel during migration
- Provision of safe places of boarding for families at their destinations where they can provide for their basic needs (housing, temporary boarding facilities, etc.)
- Offering day-care and psychosocial support services to children (summer school, camp, crèche, etc.)
- Ensuring access to health services

## **Preventing Child Labour in Seasonal Migrant Agriculture: Actors and Their Responsibilities**

The Constitution of Turkey provides that each child has the right to "protection and care" and that the state is obliged to "take measures to protect children from all forms of abuse and violence." (Art.41). For the state to fulfil this constitutional obligation, a legislation that clarifies the scope of responsible actors and how this task is to be carried out.

As stated in the first part, combating child labour in seasonal migrant agricultural works cannot be conducted only by measures to prevent the presence of children as workers in crop fields or orchards. It

is necessary to tackle causes as well as results. Many institutions and agencies and persons have their roles and responsibilities in the solution of this problem associated with general socioeconomic policies.

Major actors bearing responsibility and having their role related to children in seasonal migrant agricultural works can be classified in five main groups:

### **1) Actors in production-consumption chain**

- Agricultural intermediaries
- Agricultural enterprise owners
- Crop intermediaries and traders
- Industrialists and brands processing agricultural products
- Certification, accreditation and inspection institutions
- Consumers

### **2) Public institutions**

- Ministry of Justice
- Ministry of Family, Labour and Social Services
- Council of Ministers
- Municipalities
- Presidency of the Republic
- Ministry of Environment and Urban Affairs
- Ministry of Energy and Natural Resources
- Ministry of Youth and Sports
- Ministry of Treasury and Finance
- Ministry of Interior
- Ministry of National Education
- Ministry of Health
- Ministry of Agriculture and Forestry
- Turkish Grand National Assembly
- Ministry of Transportation and Infrastructure

### 3) Non-governmental organizations

- Academic institutions
- Cooperatives
- Trade Union Confederations of Turkey (Türk-İş)
- Civil society institutions
- Political parties
- Unions of agricultural producers
- Turkish Medical Association and Chambers of Medicine
- Union of Turkish Bar Associations and bar associations
- Union of Chambers and Stock Exchange
- Union of Chambers of Agriculture
- Printed and visual media
- Chamber of Agricultural Engineers

### 4) International organizations

- Council of Europe
- European Court of Human Rights
- European Committee of Social Rights
- European Union
- United Nations

### 5) States

## Overall Evaluation and Conclusion

In relation to child labour in seasonal migrant agriculture, the objective of Turkey is set by the ILO Convention No. 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour that she is a State Party to. It means that Turkey seeks to prevent fully the employment of children under age 18 in seasonal migrant agricultural works.

Before attaining this objective, it is necessary to ensure the following:

- Families of children have employment opportunities in their original settlements that will provide them decent incomes and living standards.

- Children's access and attendance to education and satisfactory school performance.
- Families working in agriculture are able to earn enough for decent living standards and to enjoy their labour rights.
- Services that enable children to enjoy their rights to education, play, leisure and recreation while their elders are out in work.

These, in turn, require;

- Development of evidence based national policies that cover all necessary strategies, activities and institutions, as well as international policies that would ensure combatting through global level actions against production conditions that disturb labour-wage balance to the detriment of workers.
- Revision of legislation so as to increase safeguards for workers from employment relations in seasonal migrant agriculture to relations in product marketing and from wages to working conditions of workers while protecting small farmers at the same time.
- Allocation of detailed financial and human resources for each step of improvements to ensure implementation of policy documents and strategic plans developed.
- Local level implementation of plans and legislation in line with the centrally determined policies, with participatory methods and with the support of an effective monitoring and inspection system.
- Evidence based monitoring of implementation outcomes to ensure development of realistic and implementable policies and accurate plans.
- Strengthening coordination and collaboration among related institutions to ensure that the implementation efforts that are complicated and interrelated in terms of both responsible institutions and responsibilities are carried out simultaneously and with a common approach, given the multi-dimensional nature of the problem.

- <sup>1</sup> *Marking Progress Against Child Labour: Global Estimates and Trends 2000-2012*. (2013). ILO, sf.7  
[www.ilo.org/wcmsp5/groups/public/@ed\\_norm/@ipec/documents/publication/wcms\\_221513.pdf](http://www.ilo.org/wcmsp5/groups/public/@ed_norm/@ipec/documents/publication/wcms_221513.pdf)
- <sup>2</sup> *TÜİK Çocuk İşgücü Anketi 2012 Haber Bülteni*, s.13659 (02.04.2013)  
[www.tuik.gov.tr/PreHaberBultenleri.do?id=13659](http://www.tuik.gov.tr/PreHaberBultenleri.do?id=13659)
- <sup>3</sup> Please see the “*Analysis of Legislative Gaps and Recommendations in the Context of Preventing Child Labour in Agriculture*” Report prepared in line with the present report under this project.
- <sup>4</sup> ÇSGB Mevsimlik Gezici Tarım İşçilerinin Çalışma Ve Sosyal Hayatlarının İyileştirilmesi Stratejisi ve Eylem Planı, Ankara 2010  
[www.mevsimliktarimiscileri.com/files/dosya/1\\_5\\_635195205048992081.pdf](http://www.mevsimliktarimiscileri.com/files/dosya/1_5_635195205048992081.pdf) (Erişim tarihi: 23.05.2018)
- <sup>5</sup> ÇSGB “Çocuk İşçiliği İle Mücadele Ulusal Programı” Ankara 2017, sf.49  
[www.cs gb.gov.tr/media/4755/cocuk\\_isciligi\\_rev\\_23032017.pdf](http://www.cs gb.gov.tr/media/4755/cocuk_isciligi_rev_23032017.pdf) (Erişim tarihi: 11.06.2018)
- <sup>6</sup> RG 19.04.2017 - 30043
- <sup>7</sup> ÇSGB “Çocuk İşçiliği İle Mücadele Ulusal Programı” Ankara 2017  
[www.cs gb.gov.tr/media/4755/cocuk\\_isciligi\\_rev\\_23032017.pdf](http://www.cs gb.gov.tr/media/4755/cocuk_isciligi_rev_23032017.pdf)
- <sup>8</sup> Tunçcan, Nilgün. Çocuk İşçiliği: Nedenleri, Boyutları ve Küreselleşen Dünyadaki Konumu  
[www.journals.istanbul.edu.tr/iusskd/article/view/1023013409](http://www.journals.istanbul.edu.tr/iusskd/article/view/1023013409) (Erişim tarihi: 12.05.2018)
- <sup>9</sup> ÇSGB “Çocuk İşçiliği İle Mücadele Ulusal Programı” Ankara 2017  
[www.cs gb.gov.tr/media/4755/cocuk\\_isciligi\\_rev\\_23032017.pdf](http://www.cs gb.gov.tr/media/4755/cocuk_isciligi_rev_23032017.pdf)
- <sup>10</sup> Please see the “*Analysis of Legislative Gaps and Recommendations in the Context of Preventing Child Labour in Agriculture*” Report prepared in line with the present report under this project.

## INTRODUCTION

According to the report *Global Estimates and Trends 2000–2012* published in 2013 by the International Labour Organization under the International Program on the Elimination of Child Labour (IPEC),<sup>1</sup> 168 million children in the age group 5-17, 11 per cent of total child population, are working as child labourers throughout the world. 50 per cent (85 million) of these children are in works that place their health, safety and moral development under risk. In sector terms, agriculture stands out as the leading sector where 59 per cent of working children is employed.

The Turkish Statistical Institute (TÜİK) released the latest data about child labour in Turkey in 2012. According to 2012 Child Labour Survey data, there are 893,000 children in the age group 6-17 who are working. This corresponds to 5.9 per cent of all children in that age group and to 15.6 per cent of children in the age group 15-17. While 52.6 per cent of working children receive wage, 46.2 per cent are unpaid family workers. Of all working children, 44.7 per cent (399,000 children) are employed in agriculture.<sup>2</sup>

The US Department of Labour's Bureau of International Affairs annually publishes sectors that countries employ children. According to the list published in 2015<sup>3</sup> children in Turkey are commonly employed in citrus fruit, cotton, tobacco, cumin and hazelnut culture. Recent field surveys also reveal that child employment in agriculture is a common phenomenon.<sup>4</sup> Especially among seasonal migrant agricultural workers

the number of working children is quite high and it can even amount to 1/3 of labour force in some activities.

Seasonal migrant labour in agriculture is a form of wage labour in this sector, which requires families who seek employment to move from their original settlements to where agricultural production takes place in its various stages. Since families move with all their members, children also take part in this process as wage workers. Household income increases as families include more of their members in their work. Hence, child labour remains as an important item in family subsistence.

In particular, children in the age group 12-17 work in seasonal agriculture and move to other places with other family members. According to the survey conducted by the Support to Life Association (2014) with 168 seasonal migrant households, which provides data for 1,353 individuals, 35 per cent of children in the age group 5-11, 78 per cent in the age group 12-15, and 85 per cent of children in the age group 16-18 take part in agricultural works<sup>5</sup>

Similarly, the Development Workshop survey conducted with seasonal migrant families travelling to Western Black Sea region for hazelnut harvesting (2014) indicates that 73 per cent of household members under age 18 (329 out of 451 children) takes part in hazelnut harvesting.<sup>6</sup>

Employment of children under age 15 is prohibited by the Labour Code No. 4857 presently in effect in Turkey. Children in the age interval 15-18 can be employed given that this employment does not interfere with their education and that their health and safety is fully secured. Since these conditions are not met, seasonal migrant labour in agriculture is defined as *‘one of the worst forms of child labour’* and upon Turkey’s accession in 2001 to the ILO Convention No. 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, the minimum age for admission to employment in this sector was set as 18.

However, as outlined above, child labour still persists in many sectors and agriculture is still the sector where child labour is observed most commonly. The major factors leading to this situation can be listed as follows:

- Existing legislation remains ineffective in preventing child labour.
- Authorities in charge of preventing child labour cannot fully perform their functions.
- Overcoming some cultural norms and traditional practices poses extra difficulties since risks faced by children working in agriculture is not properly analysed (by age groups and crops).

In this context, the *“Project for Reducing Legal and Institutional Gaps in Prevention of Child Labour in Seasonal Agriculture”* implemented by the Development Workshop with the financial support of the Embassy of Netherlands (September 2017 – August 2018) aims to identify legal and institutional gaps in efforts to prevent child labour in seasonal agriculture in Turkey as well as measures that must be adopted in the light of risks that child workers face.

In order to realize such a study, two regions and three crops in which children are most commonly employed as seasonal migrant workers were identified. Accordingly, the project was carried out in Ordu and

Adana provinces focusing on the harvest of hazelnut, cotton and citrus fruit.

Three reports were prepared in line with the objectives of the project:

- Report on Legal Gap Analysis and Recommendations
- Report on Institutional Gap Analysis and Recommendations
- Report on Risks faced by Children Working in Citrus Fruit, Cotton and Hazelnut Harvesting

The objective of this report, which is one of the above three, is to identify those institutions that have their role and responsibility in preventing child labour in seasonal migrant agriculture and what is to be done to enhance their institutional capacity for attaining their objectives.

In the first part of the report, responsibilities related to the prevention of child labour in seasonal migrant agricultural works are identified. International conventions, national legislation<sup>7</sup> and the following three policy documents are used as basis in identifying responsibilities and those in charge in this context:

- 1** Strategy and Action Plan on Improving Working and Social Life of Seasonal Migrant Agricultural Workers (2010)<sup>8</sup>
- 2** National Programme on Combating Child Labour (2017 – 2023)<sup>9</sup>
- 3** Prime Ministerial Circular No. 2017/6 on Seasonal Agricultural Workers<sup>10</sup>

The second part identifies institutions that are mandated to fulfil these responsibilities. In this identification, policy documents mentioned above, related organizational laws and printed and electronic sources of institutions were used.



The present report is the outcome of a desktop study; therefore, it does not contain any capacity analysis. The competence of these institutions in attaining their objectives is evaluated on the basis of their open and accessible sources. It must be noted, however, that this evaluation remains rather limited.

It is one of the most important preconditions of success for policy documents in this area to analyse the strengths and weaknesses in institutional capacity and prioritize realistic activities for strengthening them, before any efforts geared to capacity building.

The work on the present report aiming to identify institutions responsible for preventing child labour in seasonal migrant agriculture together with their specific responsibilities was launched in September 2017. In June 2018 when the report was completed, Turkey was undergoing a change in her government system whose outcomes began to be visible in July 2018. In this context there have been changes in the names or structures of many institutions. The report thus includes only those changes that took place before its completion.

## Notes

- <sup>1</sup> *Marking Progress Against Child Labour: Global Estimates and Trends 2000-2012*. (2013). ILO, sf.7 [www.ilo.org/wcmsp5/groups/public/@ed\\_norm/@ipec/documents/publication/wcms\\_221513.pdf](http://www.ilo.org/wcmsp5/groups/public/@ed_norm/@ipec/documents/publication/wcms_221513.pdf)
- <sup>2</sup> *TÜİK Çocuk İşgücü Anketi 2012 Haber Bülteni*, s.13659 (02.04.2013) [www.tuik.gov.tr/PreHaberBultenleri.do?id=13659](http://www.tuik.gov.tr/PreHaberBultenleri.do?id=13659)
- <sup>3</sup> *Findings on the Worst Forms of Child Labor*. (2015). United States Department of Labor, Bureau of International Labor Affairs.
- <sup>4</sup> - *Mevsimlik Gezici Tarım İşçiliği Araştırma Raporu*. (2014). Hayata Destek Derneği.  
- *Yoksulluk Nöbetinden Yoksulların Rekabetine: Yabancı Göçmen İşçiler Mevcut Durum Raporu*. (2016). Kalkınma Atölyesi.  
- *Bereketli Topraklar Zehir Gibi Yaşamlar: Suriyeli Göçmen Mevsimlik Gezici Tarım İşçileri Adana Ovası Mevcut Durum Araştırma Raporu*. (2016). Kalkınma Atölyesi.  
- *Fındık Hasadının Oyuncuları: Batı Karadeniz İllerinde Fındık Hasadında Yer Alan Mevsimlik Gezici Tarım İşçileri, Çocuklar, Tarım Aracıları ve Bahçe Sahipleri Temel Araştırması*. (2014). Kalkınma Atölyesi.  
- *Tarımda Mevsimlik İşçi Göçü Türkiye Durum Özeti*. (2012). Mevsimlik İşçi Göçü İletişim Ağı (MIGA), Friedrich Ebert Stiftung, İstanbul.  
- *Mevsimlik Tarım İşçilerinin Sorunlarının Araştırılarak Alınması Gereken Önlemlerin Belirlenmesi Amacıyla Kurulan Meclis Araştırma Komisyonu Raporu No: 716*. (2015). Türkiye Büyük Millet Meclisi.  
- Semerci, P., Erdoğan, E. (2017). *Ben Kendim Büyüdüm Demiyorum-Adana'da Mevsimlik Gezici Tarım İşçilerinin Çocuklarının Yaşam Koşullarının Çocuğun İyi Olma Hali Perspektifinden İyileştirilmesi Projesi Araştırma Sonuçları*. İstanbul Bilgi Üniversitesi.
- <sup>5</sup> *Mevsimlik Gezici Tarım İşçiliği Araştırma Raporu*. (2014). Hayata Destek Derneği.
- <sup>6</sup> *Fındık Hasadının Oyuncuları: Batı Karadeniz İllerinde Fındık Hasadında Yer Alan Mevsimlik Gezici Tarım İşçileri, Çocuklar, Tarım Aracıları ve Bahçe Sahipleri Temel Araştırması* (2014). Kalkınma Atölyesi.
- <sup>7</sup> *Tarımsal Üretimde Çocuk İşçiliğinin Önlenmesine Yönelik Yasal Boşluk Analizi ve Öneriler Raporu* (2018). Kalkınma Atölyesi.
- <sup>8</sup> *ÇSGB Mevsimlik Gezici Tarım İşçilerinin Çalışma ve Sosyal Hayatlarının İyileştirilmesi Stratejisi ve Eylem Planı*, Ankara 2010 [www.mevsimliktarimiscileri.com/files/dosya/1\\_5\\_635195205048992081.pdf](http://www.mevsimliktarimiscileri.com/files/dosya/1_5_635195205048992081.pdf) (Erişim tarihi: 23.05.2018)
- <sup>9</sup> *ÇSGB Çocuk İşçiliği İle Mücadele Ulusal Programı*, Ankara 2017, sf.49. [www.csgb.gov.tr/media/4755/cocuk\\_isciligi\\_rev\\_23032017.pdf](http://www.csgb.gov.tr/media/4755/cocuk_isciligi_rev_23032017.pdf) (Erişim tarihi: 11.06.2018)
- <sup>10</sup> RG 19.04.2017 - 30043

# 1

---

**RESPONSIBILITIES RELATING  
TO THE PREVENTION OF CHILD  
LABOUR IN AGRICULTURE**



## 1.1

### Responsibilities under International Conventions

The UN Convention on the Rights of the Child (CRC), which was adopted by the UN General Assembly on 20 November 1989, signed in 1990 and ratified in 1995 by Turkey, assigns States the duty of adopting necessary measures to protect children from all forms of neglect, abuse and exploitation (Art.32). According to the first article of the Convention all persons under age 18 are considered as children.

It is stated that the UN Convention on the Rights of the Child is the most widely accepted international convention in the world and that it is somewhat “flexible” in certain respects to ensure this wide recognition. However, these arrangements that enable States to interpret and implement some provisions in flexible ways should not mean that they can overlook the essence of the right of the child to protection which derives from the very fact that they are yet children. That is why “*respecting and ensuring the rights set forth in the convention for all children without discrimination of any kind*” (Art.2) and the obligation of States to approach the “*bests interest of the child as a primary consideration*” (Art.3) are crucial.<sup>1</sup> As such, flexibility should not be construed as the possibility of diverging from rules with respect to child’s best interests. In other words, the *raison d’être* of flexible provisions, is that *in case a very rigid implementation of a rule set in a specific area will be contrary to the best interest of the child, States can adapt the provision to change that situation so as to be in compliance with child’s best interest while avoiding any contrast with the convention*.

One of the flexible arrangements in the Convention can be found in Article 32 which is related to the employment of children. According to this article, “*States Parties recognize the right of the child to be protected from economic exploitation and from per-*

*forming any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development."* To give effect to this rule, States Parties may determine minimum age in employment, working hours and periods and sanctions to be applied in cases of violation.

The reason that this rule has some flexibility is to enable States to take relevant measures to provide the most adequate conditions for their individual development and to prevent any economic exploitation when children are to be employed. Otherwise, this provision cannot be construed as the possibility of

employing children under age 18 in hazardous works and in forms that lead to their economic exploitation. As a matter of fact, the UN Committee on the Rights of the Child points out to the need for States to take into consideration relevant international documents including, in the first place, the ILO Convention No. 138 (Minimum Age Convention for Admission to Employment) when setting minimum age.<sup>2</sup>

Looking, in chronological order, at other international conventions to which the Committee refers, we first find that the ILO Convention No. 138 adopted in 1973 envisages minimum age as 18 in works that are listed in the first paragraph of CRC Article 32, but en-



### **UN Convention on the Rights of the Child**

(UN adoption date: 20.11.1989 Official Gazette (OG) 27.01.1995 - 22184)

#### **Article 32:**

1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.
2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:
  - (a) Provide for a minimum age or minimum ages for admission to employment;
  - (b) Provide for appropriate regulation of the hours and conditions of employment;
  - (c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article



### **ILO Convention No. 138 concerning Minimum Age for Admission to Employment**

(Adopted by ILO: 06.06.1973 OG:27.01.1998 - 23243)

**Article 3:** The minimum age for admission to any type of employment or work which by its nature or the circumstances in which it is carried out is likely to jeopardise the health, safety or morals of young persons shall not be less than 18 years.

The types of employment or work to which paragraph 1 of this Article applies shall be determined by national laws or regulations or by the competent authority, after consultation with the organizations of employers and workers concerned, where such exist.

Notwithstanding the provisions of paragraph 1 of this Article, national laws or regulations or the competent authority may, after consultation with the organizations of employers and workers concerned, where such exist, authorise employment or work as from the age of 16 years on condition that the health, safety and morals of the young persons concerned are fully protected and that the young persons have received adequate specific instruction or vocational training in the relevant branch of activity.



visages its lowering down to 16 if certain conditions (i.e. after consultation with relevant organizations) are met (Art.3). The *International Programme on the Elimination of Child Labour* (IPEC) launched by ILO in 1992 envisages the full elimination of child labour in longer term, elimination of worst forms of child labour in medium and short terms and protection of children and improvement of working conditions in other cases.<sup>3</sup>

Then, upon the realization that this does not ensure sufficient protection, works that are specified in paragraph 1 of the UN Convention on the Rights of the Child were accepted as “worst forms of child labour” by the ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (Art.3). After becoming a State Party to this Convention, Turkey prepared the “Time-Bound Policy and Programme Framework for the Elimination of Child Labour” in cooperation with ILO in 2005. In this document, “working in streets, doing heavy work in small and medium size enterprises and seasonal and temporary works in agriculture” are considered as “worst forms of child labour” in the context of ILO Convention No. 182. Hence, without looking for other conditions, the State requires the completion of age 18 for employment in these works.

This work was followed by ILO’s “Worldwide Movement”<sup>4</sup>, in 2007 and the publication “Action against Child Labour (2008-2009): Programme and Priorities”<sup>5</sup> in 2008 within the framework of the International Programme on the Elimination of Child Labour (IPEC).

As can be inferred from these documents, it is clear that legislation alone will not be sufficient for eliminating child labour totally in the long-term and its worst forms in short and medium-terms and it is essential to deal with economic and social causes of child labour.



**ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour**

(Adopted by ILO: 17.06.1999 OG 03.02.2001 - 4623)

For the purposes of this Convention, the term “the worst forms of child labour” comprises:

- all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
- the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;
- work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.



The UN Committee on the Rights of the Child puts this issue as follows in its report on Nepal:

*“Children have long been a source of income for their families. Unless families are provided alternative sources of income, child labour will persist this or that way. It is therefore necessary to adopt protective measures such as fixing minimum wage, providing opportunities of non-formal and vocational training, making employment subject to age, gender and physical and mental capacity of children and reducing working hours...” (Nepal MR, paragraphs 359-363 and 366)”<sup>6</sup>*



This approach is also adopted as a principle by the Ministry of Labour and Social Security<sup>7</sup> in the National Action Plan against Child Labour (2017 – 2023).<sup>8</sup>

In sum, the following are some major responsibilities introduced by international conventions related to the prevention of child labour in seasonal migrant agricultural works:

- 1** Fixing minimum age as 18 in employment in seasonal migrant agricultural works.
- 2** Developing and implementing policies to prevent the employment of children.

These policies must cover the following:

- a** Fixing minimum wage at a level that will leave out no need to have children employed,
- b** Providing opportunities of non-formal and vocational training,
- c** Adoption of protective measures such as making employment subject to age, gender and physical and mental capacity of children and reducing working hours.

## 1.2

### Responsibilities under National Legislation

The compliance of domestic legislation with international conventions is examined in detail in the *Report on Analysis of Legislative Gaps and Recommendations in the Context of Preventing Child Labour in Agriculture*, which is one of the three reports prepared under this project. This part of the report addresses a limited part of national legislation relating to responsibilities in preventing child employment in seasonal migrant agricultural works.

According to the Labour Code No. 4857 which is in effect in Turkey, it is prohibited to employ children under age 15. Children in the age interval 15-18 can be employed in works if it does not interfere with their education and given that their health and safety is fully guaranteed.

These guarantees being absent, employment in seasonal migrant agricultural works is identified as “*one of the worst forms of child labour*” and with the ratification by Turkey of ILO Convention No. 182 in 2001, the minimum age for employment in this sector was set as 18. But there is yet no legislative arrangement relating to this minimum age.

The Regulation on Procedures and Principles Relating to the Employment of Child and Young Workers which is drafted on the basis of the Labour Code No. 4857 and its annexes introduce three categories regarding what types of works children can be employed after age 14. Accordingly, agricultural and animal husbandry related works that children can be employed vary by completion of ages 14, 15 and 16 (Table 1).

The absence of any explicit provision in the Labour Law regarding minimum age in seasonal agricultural works leads to the fixing of minimum age by respective administrations and its change with respect to place and year.

The Labour Code also arranges for works and conditions that must apply to children when they are to be employed after minimum age. Hence, besides preventing the employment of children under the minimum age, there are also responsibilities related to measures to be adopted when children above minimum age are employed.

Accordingly, children’s employment in works listed in Table 1 also requires the following conditions:

- a** Safety, health, physical, mental, moral and psychosocial development needs, personal capacity and competence of children must all be considered in their placement to jobs and throughout the period of employment.
- b** When school children are concerned, their work should not interfere with the following:
  - School attendance and performance,
  - Preparations related to choosing an occupation,

**Table 1.** National Legislative Arrangements on Minimum Age in Employment in Agriculture and Animal Husbandry

Type of Work	Age*				
	14	15	16	17	18
Picking fruits, vegetables and flowers except in circumstances that pose the risk of falls and injuries	X	X	X	X	X
Ancillary works in poultry farming and in sericulture	X	X	X	X	X
Flower marketing and decoration works	X	X	X	X	X
Drying and processing fruits and vegetables		X	X	X	X
Processing tea		X	X	X	X
Preparation of various types of dried fruits		X	X	X	X
Flower culture except medication and fertilizing		X	X	X	X
Spinning and weaving works given that workplaces have climatization and aspiration facilities and separated from rubbles as well as willowing, combing and starching operations on cotton, flax, silk and other materials.		X	X	X	X
Pre-production work in sugar plants		X	X	X	X
Bagging, barrelling, piling and other similar works that do not require lifting of weights heavier than 10 kilograms without machinery		X	X	X	X
Combing out and shredding feather and hair from birds and animals and other similar works			X	X	X
Works in cereals stores, flour and paddy plants			X	X	X

\*Specified age must have been completed.

- Participation to vocational training courses authorized by the Ministry of National Education.
- c Further, the list should exclude the following works that can be done only by those over age 18:
  - Completion and cleaning works,<sup>9</sup>
  - Production and wholesale marketing of alcohol, tobacco products and other substances that may cause addiction,
  - Wholesale or retailing of inflammable, explosive, hazardous and harmful materials; producing, processing and storing of such materials and all others works involving exposure to,
  - Works in environments where there is high noise and/or vibration,
  - Working in extremely hot or cold environments,
  - Working with substances hazardous to human health and may lead to occupational diseases; exposure radioactive substances and harmful rays
  - Works that require extreme attention and continuous standing on foot,
  - Piece rate payment and payment on premium system
  - No possibility of returning home or to family after work day with the exception of education-training related works.
  - Works that are found by workplace health staff as beyond physical and psychological capacity of children,

- Works that may entail lack of appropriate attention for safety due to insufficient experience and training,
  - Money carrying and collection works,
  - Works that are performed at night as stated in paragraph 1 of Article 59 in the Labour Code No. 4857.
- d** Finally, employers have to ensure the protection of children from risks that may jeopardize their development, health and safety due to their unawareness or state of not being fully developed.

Employment without being subject to these limitations can be possible only in the context of vocational training. The Regulation on Procedures and Principles Relating to the Employment of Child and Young Workers envisages limitations that we gathered under two headings above:

- Conditions relating to ages and fields of work specified in the regulation,
- Conditions of work and measures that employer has to take.

Young workers above age 16 who have completed vocational and technical education schools and institutions under the Vocational Training Law No. 3308 can be employed in works commensurate with their occupations and fields of expertise without being subject to limitations specified in annexes to the Regulation on the condition that their safety, health and morals are fully safeguarded.

Under the original Vocational Training Law conditions for being employed as apprentice consisted of at least being a primary school graduate and over age 13 without having stepped into age 19. Upon an amendment introduced in 2016 the condition related to age was removed and educational background was changed as secondary school meaning that apprentices must have completed age 14.

Though the provisions of this law find it sufficient to have completed age 14 to be employed in the context of apprenticeship, this rule has no applicability in the sector of agriculture.

In conclusion, it can be stated that the national legislation does not explicitly provide for minimum age in seasonal migrant agricultural works, but provides for what kinds of work and under which conditions children can be employed once they are above the minimum age. In this context, there are two fundamental responsibilities set by the Labour Code that arranges basic norms relating to working life and employment of children:

- 1** Preventing the employment of children under the minimum age.
- 2** Ensuring that employment of children above the minimum age takes place in compliance with what is envisaged in the labour code, relevant regulations and the law on education.

## 1.3

### Responsibilities under Policy Documents

This section is based on three policy documents prepared to guide efforts to prevent child labour in seasonal migrant agricultural works:

- 1** Strategy and Action Plan on Improving Working and Social Life of Seasonal Migrant Agricultural Workers (2010)<sup>10</sup>
- 2** National Programme on Combating Child Labour (2017-2023)<sup>11</sup>:
- 3** Prime Ministerial Circular No. 2017/6 related to Seasonal Agricultural Workers.<sup>12</sup>

Of these documents, the National Programme on Combating Child Labour (2017-2023) prepared by the Ministry of Labour and Social Security (MoLSS) lists the causes of child labour as follows:

- Poverty

- Not benefiting from/having access to education services
- Rural-to-urban migration
- Unemployment of adult family members
- Traditional approaches
- Gaps in legislation and problems in implementation
- Demand for child labour on the part of employers
- Irregular migration

Considering strategies and activities defined by three policy documents mentioned above, it can be said that they pursue three main objectives:

**1) Activities geared to eliminating child labour in seasonal migrant agricultural works:**

- Ensuring that children attend school in their regular settlements or places where they move to (follow-up of education attendance, mobile schools, catch-up education)<sup>13</sup>
- Providing employment opportunities to adults in their original settlements (employment policies)<sup>14</sup>
- Ensuring that adults enjoy labour rights (i.e. paid leave, paid overtime work, etc.) in their original settlements or where they move to and preventing the employment of their children.<sup>15</sup>

**2) Inclusive activities with implications on combat against child labour:**

- Reviewing legislation and introducing necessary amendments<sup>16</sup>
- Implementation of legislative arrangements and adoption of relevant measures to super-vise implementation<sup>17</sup>
- Ensuring cooperation and coordination among mandated organizations and agencies<sup>18</sup>

- Allocation of sufficient resources and personnel<sup>19</sup>

- Raising public awareness and sensitivity.<sup>20</sup>

**3) Services that should be delivered to families in seasonal migrant agricultural works and their children :**

- Ensuring safe travel during migration<sup>21</sup>
- Ensuring safe settlement opportunities in places reached after migrating for boarding of and responding to needs of migrant families (housing, temporary boarding spaces, etc.)<sup>22</sup>
- Offering day-care and psychosocial support services to children (summer school, camp, crèche, etc.)<sup>23</sup>
- Ensuring access to primary health services and providing regular healthcare follow up for children<sup>24</sup>

## 1.4

### Evaluation of Responsibilities under Legislation and Policy Documents

It is observed that relevant policy documents intend to cover two distinct spheres of life in the case of seasonal migrant agricultural workers:

- 1) Preventing migration for seasonal agricultural employment by improving working conditions and enhancing employment opportunities of families engaged in seasonal migrant agricultural works and ensuring their children's school enrolment and attendance in their permanent places of residence.
- 2) In places where seasonal migrant agricultural worker move to for employment: ensuring that children under age 18 are not employed; offering opportunities of day-care to children before education age to facilitate the school attendance of their elder siblings; and improving working and living conditions of agricultural workers.

Covering both original places of settlement and places moved to for employment is in line with the responsibilities identified by international conventions. However, it is observed that while identifying relevant ways and strategies to attain these objectives, we can find no strong connection with the identified causes.

It is therefore necessary to identify overlapping areas and gaps, if any, to develop a comprehensive list of responsibilities, and then to identify an institution in charge for each responsibility. This approach will make clear which institution is expected to fulfil which responsibility.

### 1.4.1

#### List of Responsibilities

International conventions and national legislation are the core documents that define responsibilities. This part deals with the most generic ones in convention and legislation provisions related directly to child employment in order to simplify the list.

Since policy documents are expected to lay down objectives, strategies and activities geared to fulfilling responsibilities set by the legislation, comparing legislation with strategies or activities envisaged by policy documents will enable us to have a general idea about compliance and coverage. In fact, Table 2 is provided for this purpose.

On the basis of this comparison, we can say that many responsibilities are covered by policy documents. It must be added, however that while there is still some uncovered responsibilities, there are also some responsibilities with no sufficient strategy.

For example, while one of the leading causes of children's employment in seasonal migrant agricultural works is accepted as "poverty", the way to alleviate poverty is described as "creating alternative employment opportunities" in policy documents. Yet, seasonal agricultural workers cannot earn enough to go

beyond the line of poverty even when two adults in a family of four work full month. It is true that alternative employment possibilities are important and that policy documents respond to a need, but there can be no real combat against poverty without developing strategies related to the minimum wage and socioeconomic support to families. This is the most important gap observed in policy documents.

Similarly, though there is the objective of improving working conditions of agricultural workers, issues such as minimum standards to be ensured in this sector, minimum age arrangements and ways of monitoring are not mentioned in strategies.

Another issue which is not covered at all is the minimum age in employment. Although there is an overall objective to identify legislative gaps and introduce necessary arrangements, there is no clear commitment to bring minimum age up to 18.

Meanwhile, looking at practice, it is not possible to mention any meaningful difference in actual situation in terms of both child labour and living conditions following the taking effect of policy documents. The first of policy documents examined dates back to 2010 and the last one to 2017. Children continue to do seasonal agricultural works in this period. According to Turkish Statistical Institute's (TÜİK) 2012 Child Labour Survey data, there are 893,000 children in Turkey in the age group 6-17 who are engaged in economic works. Of all working children, 44.7 per cent (399,000 children) are employed in agriculture. In its study (2014) the Support to Life Association found that 35 per cent of children of families in seasonal agricultural works in the age group 5-11 work in crop fields and this percentage rises to 78 in the age group 12-15 and to 85 in the age group 16-18.<sup>25</sup> Similarly, the 2014 survey conducted by the Development Workshop in Western Black Sea region with migrant families coming in for hazelnut harvest also confirms that 72.9 per cent of household members under age 18 take part in hazelnut harvesting (329 out of 451 children).<sup>26</sup> In short, the problem still persists in spite



**Table 2.** Comparison of Responsibilities as Defined by Policy Documents Related to the Prevention of Child labour and Responsibilities as Defined by International Legislation

Fundamental Responsibilities under Policy Documents	Fundamental Responsibilities under International Conventions				Fundamental Responsibilities under Labour Code	
	1) Fixing minimum age as 18 in seasonal migrant agricultural works.	2) Development and implementation of policies to prevent the employment of children			1) Preventing the employment of children under minimum age.	2) Ensuring that children above minimum age are employed in line with legislation and regulations relating to employment and education.
		Fixing minimum wage at a level that will leave out no need to have children employed and offering alternative income sources and support to families.	Providing opportunities for non-formal and vocational training.	Adoption of protective measures including making employment conditional to age, gender and physical and mental capacity of children and putting limits to working hours.		
Ensuring that children attend education in places they work or move to.			X			
Ensuring that adults have employment opportunities where they live.		X				
Ensuring that adults enjoy their rights (paid leave, paid overtime work, etc.) in places where they work and move to and preventing the employment of children.						X
Reviewing legislation for necessary amendments.				X		
Taking relevant measures to ensure the implementation of legislative arrangements and their monitoring.					X	X
Ensuring cooperation and coordination among mandated organizations and agencies.	X	X	X	X	X	X
Allocation of sufficient resources and personnel.	X	X	X	X	X	X
Raising public awareness and sensitivity.	X	X	X	X	X	X

of ratified international conventions, the national legislation and policy documents.

Thus, two questions need answers right at this point:

- 1 Is it policy documents that fall short of solving the problem?
- 2 Are institutions that are supposed to fulfil relevant responsibilities absent or existing ones insufficient?

The list below classifies responsibilities in preventing the employment of children in seasonal agricultural works on the basis of existing conventions, legislation and policy documents:

#### 1) Poverty alleviation

- Fixing minimum wage at a level that will leave out no need to have children employed and offering alternative income sources and support to families.
- Ensuring that adults have employment opportunities where they live.

#### 2) Providing children opportunities of non-formal and vocational training and ensuring their school attendance in their usual settlements and places they move to.

#### 3) Reviewing existing legislation and introducing ad hoc arrangements.

- Fixing minimum age as 18 in seasonal migrant agricultural works.
- Adoption of protective measures including making employment conditional to age, gender and physical and mental capacity of children and putting limits to working hours.

#### 4) Taking relevant measures to ensure the implementation of legislative arrangements and their monitoring

- Ensuring that adults enjoy their rights (paid

leave, paid overtime work, etc.) in places where they work or move to

- Preventing the employment of children under minimum age.

#### 5) Ensuring planning, monitoring, coordination and participation.

- Establishing a data collection and monitoring system.
- Planning with due account of budget and personnel needs.
- Ensuring cooperation and coordination among mandated organizations and agencies.
- Raising public awareness and sensitivity.

#### 6) Delivering services required by families and children in seasonal migrant agricultural works.

- o Ensuring safety in travel.
- Ensuring safe settlement opportunities in places reached after migrating for boarding of and responding to needs of migrant families (housing, temporary boarding spaces, etc.)
- Offering day-care and psychosocial support services to children (summer school, camp, crèche, etc.)
- Ensuring access to health services.

### 1.4.2

#### Scope of Responsibilities and Responsible Institutions

Under the “*National Programme on the Elimination of Child Labour (2017-2023)*” of the MoLSS,<sup>27</sup> it is the duty of all public institutions to prevent child labour. Ambiguity in respective roles and responsibilities in multi-agency situations leads, in some instances, to cases where organizations are not actually aware of their responsibilities and to impossibility of or lack of demand for public scrutiny.

Clear and full definition of each responsibility and its scope will contribute to efforts to attain the objective. During the preparation of this report, which is also of contributory nature, Turkey has undergone a significant change with regards to its governmental system; which made it necessary to refer to relevant institutions as before and after 10 July 2018 in an effort to mark the change that has taken place.

The Presidential Decree issued on 10 July 2018 was the first arrangements of the new presidential system of government.<sup>28</sup> Until the present report was concluded, on 4 August 2018, 15 Presidential decrees were issued. Of interest in the context of the present report are arrangements relating to the organization, duties and authorities of ministries.

As required by the principle of continuity in State functions, documents adopted prior to 2018 was nevertheless referred in order to identify the responsibilities of ministries whereas new arrangements were also noted when necessary.

In general, the most important implication of these changes to institutional capacity assessment is the fact that all responsibilities are brought under a single hand in the new system which necessitated the inclusion of the Office of Presidency in analysis.

### Poverty Alleviation

Poverty is the leading cause when it comes to the worst forms of child labour.<sup>29</sup> With respect to seasonal migrant agricultural works, which constitute one of the worst forms when children are concerned, poverty is both the cause and effect. Poverty leads to engagement in seasonal migrant agriculture and seasonal migrant agriculture leads to poverty and its inter-generational transfer. Thus, as stated in the National Programme<sup>30</sup>, poverty is the problem that has to be tackled in the first place.

The absence of any short term solution to poverty is debated in the context of its relevance as a policy to be adopted in combating child labour. The ILO Con-

vention No. 182 underlines the importance of poverty alleviation in efforts to eliminate child labour: *“Recognizing that child labour is to a great extent caused by poverty and that the long-term solution lies in sustained economic growth leading to social progress, as well as particularly in poverty alleviation and universal education...”*<sup>31</sup> This approach is criticised on the ground that it creates a myth about the impossibility of eliminating child labour before eliminating poverty.<sup>32</sup> This stance should be considered as a warning instead of an obstacle. While formulating policies for the prevention of worst forms of child labour, all expectations should not be based on the elimination of poverty; it should be accompanied by policies aiming to protect children who actually have to work. Otherwise, the potential of this kind of employment to perpetuate poverty would have been overlooked.<sup>33</sup>

In the National Programme on the Elimination of Child Labour<sup>34</sup>, ‘poverty’ is addressed as a cause of child labour, but nothing is said about what poverty itself is the result of. Consequently, as long as activities organised with the objective of fighting against are not correlated with the original causes of the problem itself, these policies seem to remain dependent on some methods whose actual effects are doubtful.

The programme puts the objective of poverty alleviation as follows:

*“Poverty is still the most important reason of child labour. Thus, it is an economic and social problem that must be addressed in the first place to fight against child labour. In particular, economic empowerment of families has utmost importance in preventing child labour. It is therefore necessary to implement projects providing employment opportunities to more and more family members and assign priority to poor families whose children have the risk of working in income generating and poverty mitigating activities and in reaching financial resources. Strategies designed to mitigate poverty and related activities are given in the attached action plan.”*<sup>35</sup>



### **Poverty Alleviation Activities in the National Programme on the Elimination of Child Labour**

The programme envisages the following activities in the context of poverty alleviation:

1. Taking measures to ensure access to basic services by families of child workers and to improve their incomes and living conditions

(1.1) Increasing employment opportunities in agriculture and non-agricultural sectors in provinces giving seasonal migration out, creating income opportunities and supporting labour-intensive enterprises

(1.2) Developing support mechanisms and incentives for families to encourage them to attend trainings where the issue of child labour is addressed

(1.3) Ensuring that the issue of child labour is considered in regional-level action plans and giving priority to this issue in existing support programmes

(1.4) Improving living conditions in places where seasonal agricultural workers move/migrate to (sanitation, drinking water, electricity, etc.)

2. Giving priority to groups for which special policies are required (single-parent families, families with working children, the urban poor, women, nomadic people, the disabled and children of migrants, etc.) as well as families whose children are under the risk of working in poverty mitigation activities and in access to financial resources

(2.1) Giving priority to the extension of counselling services to families intending to start their small and medium size enterprise and withdraw their children from working life and facilitating their access to credit and marketing services

(3.2) Giving weight to programmes and projects that will enhance the productivity of rural people and envisage occupational orientation to processing of agricultural products

(3.3) Ensuring access to vocational training programmes of families of working children and prioritizing this section in placement to jobs.

(3.4) Extending programmes that envisage improving occupational skills of seasonal agricultural workers.



The most important gap in policies identified is that they do not deal with cause and effect relationship between wages and poverty and that they envisage no improvement in this field. In fact, this issue has also been taken up and examined by the Turkish Grand National Assembly (TGNA) Commission and. It is therefore possible to state that all actors at all levels are aware of the problem and propose suggestions for solution.

However, these policy documents do not investigate why those who are actually engaged in seasonal

agricultural works, thus who are presently employed, remain poor and do not deal with how alternative employment opportunities can be created in places they live. Instead, it is argued that the problem can be solved by offering other employment opportunities without responding to the question “how”.

The important and priority issue at this stage is that an employed person cannot earn enough to lead a decent life and meet the needs of his or her family even working long enough as envisaged by the relevant legislation. Together with creating alternati-



**Problems Related to Wages and Employment Relations and Suggestions for Solution \* as presented in the report of the TGNA Parliamentary Inquiry Commission on the problems of seasonal agricultural workers and on measures to be taken,**

**Problems Related to Wages and Employment Relations**

1. The relationship of mutual dependence that must exist between seasonal agricultural workers and employers appears to be established between workers and intermediaries.
2. Seasonal agricultural workers are not paid when they are unable to work due to climatic reasons or illness. Given their daily wage, some have monthly incomes remaining below minimum wage. There is nothing such as weekly rest.
3. Seasonal agricultural workers may find themselves unemployed in places they have moved to.
4. Seasonal agricultural workers may confront cases where they are not paid at all.
5. Seasonal agricultural workers face problems in getting organized.

**Suggestions for solution to problems in wages and employment relations**

1. Enforcement of Regulations on Intermediaries in Agriculture must be ensured since according to these regulations workers' wages and working conditions are to be laid down in contracts.
2. To avoid unemployment in places where workers move to, Province/District Boards for Monitoring Seasonal Agricultural Workers must figure out labour force needed with respect to different crop designs and then this information should be announced to seasonal workers by İŞKUR.
3. Provincial Monitoring Boards must be authorized to fix wages payable to seasonal migrant agricultural workers (daily, weekly and monthly) with due consideration of minimum wage and market conditions and to settle disputes when workers are not paid their wages.



\*Report by the Parliamentary Inquiry Commission established in the TGNA to investigate the problems of seasonal agricultural workers and identify measures to be taken, p. 169 <https://www.tbmm.gov.tr/sirasayi/donem24/yil01/ss.716.pdf> (Accessed: 26.05.2018)

ve fields of employment, minimum wage and other forms of family support must be included in poverty alleviation strategies.

In this context, international conventions and policy documents propose two main strategies in poverty alleviation on the basis of principles related to child and human rights:

- 1** Fixing minimum wage at a level that will leave out no need to have children employed and offering alternative income sources and support to families

Surveys suggest that seasonal migrant agricultural workers cannot earn enough to provide for their daily needs. For example, a survey conducted in Adana observes the following:

*"When participants to the survey were asked about the subsistence of their households 50 per cent said they could not provide even for such basic needs as 'rent and food'. The other 50 per cent said they could barely make the ends meet. According to the findings of the qualitative survey, however, it must be noted that this 'making*

*ends meet' remains still behind providing for some basic needs. Further, a half of seasonal agricultural workers have their debts to be paid to some persons or institutions. These are mostly no-interest loans from relatives or close acquaintances. Of these indebted families, 11 per cent have to repay 'intermediaries' and 10 per cent to banks.'*<sup>36</sup>

This is the primary reason why families are engaged in seasonal migrant agricultural works and also the result. The TÜİK data also confirm this two-way relationship. According to TÜİK data, the rate of poverty in Turkey was 21.2 per cent in 2016. The rate of material deprivation which denotes financial difficulties was 32.9 per cent.<sup>37</sup>

Although working 30 days a month and 8 to 14 hours day, seasonal migrant agricultural workers cannot earn enough to provide for train daily basic needs.

A survey comparing full-time worker in private sector (typical) and others working for indefinite periods (atypical) by sector and gender finds that among daily paid male workers in agriculture:

- 63.1 per cent earn less than half of the minimum wage,
- 31.5 per cent earn between half of the minimum wage and the minimum wage,
- 5.4 per cent earn between the minimum wage and two times the minimum wage,
- There is no worker earning more than two times the minimum wage.

As for daily paid women in agriculture:

- 91.9 per cent earn less than half of the minimum wage,
- 8.1 per cent earn between half of the minimum wage and the minimum wage,
- There is no female worker in the last two categories (i.e. earning between the minimum wage and two times the minimum wage and more than two times the minimum wage).

55.1 per cent of self-employed males and 91.4 per cent of self-employed females in agriculture earn less than the minimum wage.<sup>38</sup>

TÜİK data confirm also the presence of earning below the minimum wage. For the year 2017, the lowest daily wage was observed in Hatay as 36 TL for women and 46 TL for men.<sup>39</sup> Given that they work full 30 days, women's monthly earning would be 918 TL and men's 1,218 TL. The net minimum wage for the year 2017 was 1,404 TL. In this case, workers in Hatay who are paid the lowest daily wage will not be able earn the minimum monthly wage even if they work on all days in a month.

According to the Türk-İş Confederation, the starvation line for a family of four was 1,505 TL (1 USD=3.5 TL, 430 USD) while the poverty line was 4.901 TL (1,400 USD) in August 2017.<sup>40</sup>

According to TÜİK data, the highest daily wage for women in seasonal agricultural works was paid as 79 TL in Ordu province. Then, the wage earner will earn net 2,370 TL a month if she works 30 days a month. For men, the highest daily wage was observed as 104 TL in Ardahan. This male wage earner will get 3,120 TL if he works 30 days a month.<sup>41</sup> It must be considered, however, that these figures on paper are not fully paid to workers in some provinces or crops.

These data show that poverty is one of the major problem areas in seasonal migrant agricultural works. And this problem cannot be tackled even when all adults in a family work on all days of a month.

These figures suggest that for an adult engaged in seasonal migrant agriculture, it is a must to work seven days a week, all weeks, for subsisting. Since it is impossible for a person employed in this way to seek other jobs, it becomes inevitable to be in contact with agricultural intermediaries. Remuneration mentioned above also makes it necessary to spend over future income and hence borrow from intermediaries in many cases. Employing persons by making advance payment which is one of the criteria of forced labour derives from these circumstances.



Given this, agricultural workers, especially seasonal migrant workers constitute the group facing most difficult and heavy conditions in their work.

It is the responsibility of the State first to safeguard the fundamental rights of its citizens and working people and thus to ensure that they get fair return to their labour. However, as a result of the economic globalization, the safeguarding of wages and fair working conditions now cannot be regarded as under the responsibility of the place and country of production alone. The major reason for capital investments' move to some counties is the low cost of labour there.<sup>42</sup>

Reminding once more that we are talking about the case of working poor, it must be admitted that this problem cannot be solved without considering the responsibility of real or corporate persons who take the surplus value created during production processes either within or outside the country, and thus turn out as the holder of commercial profit.<sup>43</sup> Checking whether fair production and remuneration policies are actually pursued in the supply chain has its priority as an obligation over launching summer schools to keep children out of working in fields. As long as the present remuneration policy continues, children's absence in fields or orchards does not ensure improvement in their nutrition or schooling. To the contrary it leads to even deeper deprivation in terms of meeting their basic needs. Thus, wage policy should be taken as the main indicator and criterion that States, firms, accreditation and certification institutions, national and international professional organizations, civil society organizations, and consumers' associations should follow. Any monitoring activity ignoring this dimension cannot be considered to be monitoring fair production conditions.

It is one of the most important observations of international law dealing with the issue of development that economic growth in any given country may not guarantee welfare for all and every time. Further, fair production cannot be guaranteed by defining responsibilities within national boundaries in a world where globalization has made production chain

multi-national. As a matter of fact, *"in case economic growth takes place together with increased inequalities or differences and with the concentration of economic power in few groups, and in case there is no improvement in social development, education, health, gender balance and environmental protection criteria and in case this growth is realized in violation of civil and political rights there can be no mention of development."*<sup>44</sup> In this situation, the *"concentration of economic power in specific groups"* is now taking place beyond national boundaries. Hence, companies of respective states shifting their production activities to the countries of the third world countries must seek for standards applied in their original countries in these countries as well.

The United Nations has also its responsibility in these processes. Through its organs like the Commission on Sustainable Development and Open Working Group on Sustainable Development Goals, it must define its responsibilities in this network and encourage states to fulfil their responsibilities.

Besides rearrangements related to the minimum wage, it is also one of the fundamental rights of children that their families are supported by the state to fulfil their obligation to provide decent living standards to their children. In safeguarding and promoting the rights mentioned here, the UN-CRC adopts the principle to support parents and legal guardians to enable them to properly fulfil their responsibilities in child care and development (Articles 18/2 and 27/2).

The UN Committee on the Rights of the Child summarizes this need and required support as follows in one of its comments:

*"Parents are often more dependent on assistance from third Parties than they used to be in order to reconcile work and family responsibilities. This is particularly the case when policies and programmes that affect the family ignore the existing diversity of family forms, or are insufficiently sensitive to the needs and rights of women and children. Governments, in cooperati-*

*on with employers, should provide and promote means to facilitate compatibility between labour force participation and parental responsibilities, especially for single- parent households with young children. Such means could include health insurance and social security, day-care centres and facilities for breastfeeding mothers within the work premises, kindergartens, part-time jobs, paid parental leave, paid maternity leave, flexible work schedules and reproductive and child health services.” (A/CONF.171/13, p. 32)<sup>45</sup>*

The UN-CRC also obliges States to adopt measures to assist parents and others undertaking child care in ensuring that children enjoy decent living standards and, when necessary implement material assistance and support programmes especially in the fields of nutrition, clothing and sheltering. While elaborating on this obligation, the Committee underlines that this support and assistance must be multi-faceted including material assistance, housing, day-care, help in household matters, provision of equipment and psychological support.<sup>46</sup>

The task of ensuring adequate living standards for children rests with the State while the UN Committee on the Rights of the Child is mandated to monitor the fulfilment of this responsibility.

After fixing the minimum age and accepting that it is a child right and one of the most important strategies in eliminating child labour to provide alternative income sources and support to families, there must be an action plan under this strategy. Table 3 below presents a list of responsibilities in this context.

## **2 Ensuring that adults have employment opportunities in places they live**

In the National Programme on the Elimination of Child Labour, the strategy on poverty alleviation as a part of combat against child labour envisages *“enhancing employment opportunities in agricultural and non-agricultural sectors in provinces causing seasonal*

*labour migration, creating income generating opportunities and supporting labour-intensive enterprises.”<sup>47</sup>*

According to TÜİK Labour Force Statistics, in March 2018, the number of unemployed persons over age 15 in Turkey has decreased by 432,000 compared to the same period of the previous year corresponding to a rate of unemployment as 10.1 per cent. Nevertheless it is also stated that 3,210,000 persons are presently unemployed. In spite of the decrease by 3 per cent, the rate of unemployment in young population (age 15-24) is 17.7 per cent. According to the OECD report “Education at a Glance 2017” 33 per cent of youth in the age group 18-24 is neither employed nor attending school.<sup>48</sup>

Creation of new opportunities of employment is therefore an important strategy. However, there is no approximation in this strategy concerning how and from where the labour needed by national agricultural policy and agricultural production is to be provided. This is a part expected from KOSGEB (Organization for Development of Small and Medium Enterprises) in cooperation with the Ministry of Food, Agriculture and Animal Husbandry (now the Ministry of Agriculture and Forestry) and the Ministry of Development.

The strategy does not yet clarify how employment opportunities will be enhanced by making what kind of investments in which areas or how existing employment opportunities will be associated to seasonal migrant agricultural workers. Neither is there any statement about human and financial resources required by the envisaged strategy.

There is one more current policy document on the combat against unemployment: “MoLSS – National Employment Strategy (2014 – 2023)”<sup>49</sup>. This document explains the determinism between policies related to adult employment and the prevention of child labour as follows:

*“Though child labour is on decline worldwide, the fact there is no similar decline in Turkey as shown*

**Table 3.** Scope of Responsibilities and Responsible Institutions in Fixation of the Minimum Wage and Offering Alternative Income Sources and Support to Families

RESPONSIBILITIES	IN-CHARGE	
	Before 10 July 2018	After 10 July 2018
Re-arranging criteria in the minimum wage (Constitutional amendment)	Grand National Assembly of Turkey	Grand National Assembly of Turkey
	Political parties	Political parties
Fixing a decent minimum wage	Prime Ministry	Presidency of the Republic Board of Economic Policies – Presidency for Strategy and Budget
	Ministry of Labour and Social Security	Ministry of Family, Labour and Social Services
	Ministry of Development Economic and Social Council	
	Minimum Wage Fixing Commission	Minimum Wage Fixing Commission
Ensuring the payment of the minimum wage	Ministry of Labour and Social Security	Ministry of Family, Labour and Social Services
	Governorate	Governorate
	Producer-Trader-Brand	Producer-Trader-Brand
Supporting farmers in paying wages and giving effect to other social rights	Ministry of Development, Development Agencies, Money, Credit and Coordination Board	Ministry of Treasury and Finance, Development Agencies Agricultural Bank
	Agricultural Bank and other banks extending agricultural loans	Banks extending agricultural loans
Supporting families to ensure adequate standard of living	Prime Ministry	Presidency of the Republic, Board of Economic Policies
	Ministry of Family and Social Policies	Ministry of Family, Labour and Social Services
Monitoring and reviewing the appropriateness of ministerial activities	Grand National Assembly of Turkey	
	State Supervisory Council	State Supervisory Council
	Ombudsman Institution	
	Human Rights and Equality Institution	
	Ministry of Labour and Social Security	Ministry of Family, Labour and Social Services
	Seasonal Agricultural Labour Monitoring and Evaluation Board	Seasonal Agricultural Labour Monitoring and Evaluation Board *
	Trade Unions	
	Bar Associations	
Judicial inspection	Ministry of Justice	Ministry of Justice
	European Court of Human Rights	
Monitoring compliance with entitlements and support at international level	European Committee of Social Rights	
	UN Commission on Sustainable Development	
	Open Working Group on Sustainable Development Goals	
	UN Committee on the Rights of the Child	
	International Labour Organization – ILO (Economic and Social Council)	

\* Denotes the situation that there is yet no information whether it will continue under the new structuring.

*by two surveys points out the need for more detailed studies and policies on the issue of child labour. In particular, improving access to employment of families whose children have to work is an important social policy item.”<sup>50</sup>*

In spite of this observation, families of working children or families of children in “worst forms of child labour” are not included in groups that require special policies.<sup>51</sup> The National Employment Strategy sets the following targets related to employment in agricultural sector:

- 1** Child labour in migrant and temporary agricultural works will be totally eliminated.
- 2** The share of informal employment in agriculture which was 83.6 per cent in 2012 will be reduced to 50 per cent in 2023.

To attain this, the following objectives were set: Promoting formal employment in agriculture; improving employment and living conditions of disadvantaged groups; making training and extension services effective; ensuring increase in value added by promoting agriculture-based manufacturing industry; providing employment to rural people at their sites; and improving the training and qualifications of agricultural labour force.

The report “Combating Unemployment: Country Practices and Suggestions for Turkey” prepared by the Confederation of Employers’ Unions of Turkey (TİSK)<sup>52</sup> suggests such methods as wage subsidies, unemployment insurance, encouragement of flexible employment, active labour force policies and reform in labour legislation.

These policies are highly dependent on other economic and social policies pursued in the country. For example, in case employment opportunities are enhanced enough to keep rural population where they reside, the question that has to be kept in mind is how additional mobile labour crucial particularly for the crop farming will be provided. Looking at agricul-

tural policies in Turkey, we see the need of assessing the labour need in this sector, formalizing and training agricultural labour, ensuring compliance with relevant standards in terms of working and living conditions, ensuring fairness and balance in income distribution, and maintaining this sector as an area of employment. At present, there is neither sufficient data nor approach to respond to these needs.

The targets in combating unemployment that are related to many issues from education to investments, require the former Ministry of Development and the present Presidency for Strategy and Budget to engage in a planning that covers the following areas:

- Improving quality in education and education planning in harmony with employment policies,
- Launching employment creating investments,
- Ensuring social and economic support and protection of income and living standards in cases of unemployment.

In sum, there is need to consider policies geared to eliminating unemployment and preventing the supply of and demand for child labour together with policies in the fields of education, agriculture, industry, foreign trade, etc. Meanwhile it is also necessary to safeguard child welfare while preventing child labour. Hence, there is a need for integrated policies and also action plans that are realistic and integral including all responsible parties for implementation so that they can be successful. This, in turn, entails the participation and the contribution of public organizations along with other non-governmental bodies engaged in research, policy development and monitoring.

Ensuring that adults have employment opportunities where they live is, as stated above, one of the strategies adopted by major policy documents in this field. Table 4 below illustrates the minimum scope of responsibilities that the action plan of this strategy must cover.

**Table 4.** Scope of Responsibilities and Responsible Institutions in Providing Employment Opportunities to Adults Where They Live

RESPONSIBILITIES	IN-CHARGE	
	Before 10 July 2018	After 10 July 2018
Determining labour force needed for agricultural policies and developing policies for decent employment in this sector	Prime Ministry	Presidency of the Republic (Board of Economic Policies – Presidency for Strategy and Budget)
	Ministry of Labour and Social Security 1) Employment Agency 2) Institution for Supporting Rural Development and Monitoring Committee	Ministry of Family, Labour and Social Services 1) Employment Agency 2) Institution for Supporting Rural Development and Monitoring Committee
	Ministry of Finance	Ministry of Treasury and Finance
	Ministry of Development, Economic and Social Council	Presidency of the Republic Presidency for Strategy and Budget
Identification of investments required by areas of employment	Prime Ministry	Presidency of the Republic (Board of Economic Policies – Presidency for Strategy and Budget)
	Ministry of Labour and Social Security 1) Employment Agency 2) Institution for Supporting Rural Development and Monitoring Committee	Ministry of Family, Labour and Social Services 1) Employment Agency 2) Institution for Supporting Rural Development and Monitoring Committee
	Ministry of Finance	Ministry of Treasury and Finance
	Ministry of Development, Economic and Social Council	
	Confederation of Turkish Tradesmen and Craftsmen (TESK)	
	Union of Chambers and Stock Exchange	
Planning and vocational training to improve qualifications for new areas of employment	Ministry of Labour and Social Security, Employment Agency	Ministry of Family, Labour and Social Services
	Ministry of National Education	Ministry of National Education
Monitoring and evaluation of appropriateness of ministerial policies	Grand National Assembly of Turkey	
	State Supervisory Council	State Supervisory Council
	Ombudsman Institution	
	Human Rights and Equality Institution	
	Ministry of Labour and Social Security Seasonal Agricultural Labour Monitoring and Evaluation Board	Ministry of Family, Labour and Social Services Seasonal Agricultural Labour Monitoring and Evaluation Board*
	Trade Unions	
	Civil Society Organizations	
Monitoring compliance with entitlements and support at international level	European Committee of Social Rights	
	UN Commission on Sustainable Development	
	Open Working Group on Sustainable Development Goals	
	UN Development Programme (UNDP)	
	World Food Programme (WFP)	
	UN Food and Agriculture Organization (FAO)	
	United Nations Population Fund (UNFPA)	
	International Organization for Migration (IOM)	
	International Labour Organization – ILO (Economic and Social Council)	

\* Denotes the situation that there is yet no information whether it will continue under the new structuring.

## Ensuring Access and Attendance to Education for all Children

The relationship of children of seasonal migrant agricultural workers with the education, access and attendance has also a cyclical character like the case in poverty. Since their families are both poor and mobile, children cannot participate to education regularly; those who are enrolled cannot display regular attendance and many of them have to drop out at a certain point. Children's education is negatively affected also by such factors as low motivation for education on the part of both children and families, and absence of easily accessible schools in places they move to. Poor attendance consequently hinders the chances of acquiring a profession and finding better jobs. Hence, ensuring regular school attendance of children at compulsory education ages is an important strategy in combating child labour.

A survey conducted in Adana province explains the relationship between education and seasonal migrant agricultural works as follows:

*"According to the findings of the quantitative survey, 15 per cent of children reaching primary school age cannot attend school. In the age interval 11-14, 18 per cent of boys and 32 per cent of girls are out of school. This is the age interval in which gender inequality becomes more visible. Of adolescents in the age interval 15-18, 59 per cent of males and 73 per cent of females have dropped out of school. Coming to the age interval 19-24, we find the rate of school dropouts reaching to 90 per cent; schooling in this age interval is rather an exception. Further, in one-third of households, there are children who could not attend school due to their work in crop fields. School-aged children cannot attend school as long as they stay in tent camps and in two of every three households in tent camps there is one child not attending school."*<sup>53</sup>

Children who do not attend school for long time during the school year, lag behind their classmates, face risks such as malnutrition that negatively affects their development, and express weaker and weaker ties with the school. For families of children whose school performance and motivation for learning is low, the only investment to future seems to be their children's learning of agricultural works and gaining skills that will help them find jobs as agricultural workers.

Given these, it is one of the most important interventions in the short term to ensure children's school attendance, and to support their school performance and development during school years both for improving present situation and protecting them from the exploitation of their labour in the longer term. Yet, it is observed that this intervention is not accomplished in practice in spite of the frequent repetition of the related political rhetoric.

The failure in implementing this policy for which the Ministry of National Education has the primary responsibility, derives from several reasons including omission of non-attendance by teachers and school administrations as well as the insufficient importance that families assign to education. At the root of all these is the way of thinking that they are seasonal migrant agricultural workers and as such they have no other choice. If a teacher tends to think "If family has to move, so does the child" this policy cannot be expected to be successful without convincing the teacher that the child and the family have some other alternatives as well.

If the policy on child's involvement in the formal education system (access and attendance) is to be implemented, two options regarding the ways to pursue can be mentioned:

- a** Extending social and economic support to families to enable them keeping their children in school or
- b** Child should be able to continue his/her education where he moves together with his/her family.



It is also necessary to examine public services that offer further education commensurate with their needs and talents and whether they are provided opportunities for vocational training in agriculture to children upon their graduation from elementary schools.

The Strategy and Action Plan on Improving Working and Social Life of Seasonal Migrant Agricultural Workers had set the following target in 2010: *“It will be ensured that children of seasonal migrant agricultural workers who are at compulsory education ages but out of school will have access to education services.”* Activities envisaged in this context include the following:

- Referring children to regional boarding schools,
- Enabling children to enjoy of school transportation or mobile teaching,
- Providing distant primary education (for those beyond school age),
- Remedial education classes (education condensed within a school year),
- Launching summer schools in areas where children work,
- Social services to facilitate the care of children under school age,
- Identifying workers and family members in need of special education and ensuring that they benefit from “special education and rehabilitation centres”,
- Ensuring the continuation of conditional education assistance (CEA) and other education assistance for children of seasonal migrant agricultural workers who are eligible for assistance extended by Social Assistance and Solidarity Foundations.<sup>54</sup>

It is well-known that this comprehensive framework is not translated into life, but there is no assessment why it is not.

In developing education policies two domains must be prioritised: ensuring children’s enrolment to formal education and vocational training. Although distant learning may also be considered as an option for children’s retention in education, it is not an effective solution in terms of policies geared to preventing child employment.

## 1 Ensuring attendance to formal education

Article 59 in the Law no. 222 on Primary Education states the following:

*“Children who do not attend compulsory education institutions while being at primary schooling age cannot be employed in any way, paid or unpaid, by public or private enterprises. Families who document their children’s school enrolment can let their children work only out of school hours and in line with the provisions of the legislation related to the employment of children.”*

For this law to be implemented, it is necessary to establish a system that will supervise the school attendance of children who are at elementary education ages.

Further, according to article 9.2 of the same law:

*“In places where population is limited or dispersed, villages may be grouped and primary education schools may be established in one central village with appropriate means and location. In other cases where village grouping is not possible, there may be regional primary boarding schools or mobile schools. Mobile teachers are assigned to mobile schools.”*

Education must be the guarantee of child’s protection from employment at any given time and ability to cope up with poverty in longer term. This requires service delivery of the General directorate of Basic Education in three domains:

- Monitoring school attendance and preventing irregular attendance,

- Services of assistance to improve school performance,
- Introduction of mobile schools.

## 2 Offering opportunities of vocational training

Vocational training is an institution allowing for child employment earlier than what is envisaged in the legislation and regulated by the Vocational Training Law No. 3308. It is necessary to complete primary school to be eligible for candidate apprenticeship training and to complete secondary school to be an apprentice (Articles 9 and 10). For Syrian migrant children to take part in this training at vocational training centres, it is sufficient that they have some literacy in Turkish.

Candidate apprentices and apprentices are to receive general and vocational training at least eight hours a week depending on the characteristics of the vocation. Candidates and apprentices are entitled to paid leave to attend this training. In occupations with seasonal characteristics, theoretical and practical training may be gathered as a block in specific months of the year.

Although there is no opportunity of vocational training within the framework of master-apprentice relationship in agriculture except for “gardening”, this type of training is a significant option for children. As industrial farming grows, it will be possible to include these areas as well for qualified human resources.

“Horticulture” (growing of decorative plants, cut flower, outdoor and indoor plants, fruit and vegetable culture, landscape, etc.) is covered by the Law No. 3308, and there may be master-apprentice relationship in this sector. In this context, apprenticeship contracts may be acted as undersigned by a parent, school manager and employer. Candidate apprentices and apprentices are entitled social security though in limited areas including work accident, occupational diseases and health insurance. Children engaged in this branch must have theoretical cour-

ses in this occupation while pursuing their education; their school time must be considered as time worked; their insurance must be made by the state through their schools, and they must be remunerated by their employers not to be less than one-third of the minimum wage.

In order to improve this system, it is necessary to develop policies on both agricultural and occupational training first, to ensure harmony in-between and to reorganize vocational formation accordingly. To rule out the possibility of labour exploitation, venues of children’s work in the context of their training should be those where safety and health measures are all in place, with their pedagogical basis, and subject to strict inspection. This means that a good monitoring, counselling and inspection system is also crucial.

Ensuring children’s enrolment and attendance to schools is one of the strategies adopted by relevant policy documents in this field as stated above. Table 5 below presents the minimum scope of responsibilities that should be covered by the relevant action plan.

### *Reviewing Legislation and Introducing Necessary Amendments*

The first amendment to be made in the legislation is, as required upon the ratification of the ILO Convention No. 182, is to specify clearly in the Labour Code and relevant regulations that children under age 18 cannot be employed in seasonal migrant agricultural works.

Besides, it is also required by the Convention that employment should be made subject to such factors as age, gender and mental and physical capacity of children and that protective measures such as limiting working hours should be adopted.

With respect to this obligation there are some regulations in the Labour Code. The employer has to provide for the following when recruiting children over the minimum age:

**Table 5.** Scope of Responsibilities and Responsible Institutions in Ensuring Children's School Access and Attendance

RESPONSIBILITIES	IN-CHARGE	
	Before 10 July 2018	After 10 July 2018
Developing policies to ensure children's school attendance, school access and improve their school performance	Ministry of National Education National Education Council	Presidency of the Republic Board for Education and Teaching Policies
Identifying children moving with their family for seasonal work and informing families	Ministry of National Education	Ministry of National Education
Informing relevant provincial-district education directorates about migrating families	Ministry of National Education	Ministry of National Education
Measures to support school attendance and inform families	Ministry of Family and Social Policies Ministry of National Education	Ministry of Family, Labour and Social Services Ministry of National Education
Organizing mobile classes	Ministry of National Education	Ministry of National Education
	Ministry of Interior General Directorate of Local Administrations Rural Service Brigades	Ministry of Interior General Directorate of Local Administrations Rural Service Brigades
Developing catch-up education programmes	Ministry of National Education	Ministry of National Education
Developing family training programmes	Ministry of National Education	Ministry of National Education
	Ministry of Family and Social Policies	Ministry of Family, Labour and Social Services
Monitoring and evaluation of appropriateness of ministerial policies	Grand National Assembly of Turkey	
	State Supervisory Council	Devlet Denetleme Kurulu
	Ombudsman Institution	
	Human Rights and Equality Institution	
	Ministry of Labour and Social Security Seasonal Agricultural Labour Monitoring and Evaluation Board	Ministry of Family, Labour and Social Services Seasonal Agricultural Labour Monitoring and Evaluation Board
	Trade Unions	
	Civil society organizations, professional organizations	
Monitoring compliance with entitlements and support at international level	International Labour Organization – ILO (Economic and Social Council)	
	UN Committee on the Rights of the Child	
	UN Children's Fund	

\* Denotes the situation that there is yet no information whether it will continue under the new structuring.

- a** Considering aptitude to the work to be performed,
- b** Ensuring the continuation of schooling,
- c** Protection against risks to health and safety,
- d** No harm to physical, mental, moral and social development,
- e** Ensuring that rights relating to working hours, paid leave, wage and social benefits are fully respected.

The Labour Code introduces a separate regulation on the employment as a part of vocational training. However, when seasonal agricultural works are concerned, there is no possibility of employing children as a part of their training under vocational programmes designed to impart relevant information and skills to children. Consequently, there can be no legal basis for any minimum age under 18 and there is thus no mention of rules specific to workers under age 18.

Meanwhile, while drafting the legislation, it is necessary to consider how compliance with the rule of the minimum age is to be ensured and how assistance is to be offered to children, families, farmers and other relevant parties. Inclusion of agriculture in the labour code is important in terms of both the rights of workers and possibility of inspection.

While covering agricultural works, the Labour Code No. 4857 introduces two important exceptions:<sup>55</sup>

- (1) Enterprises have to employ 51 and more workers:** While the sector of agriculture was included in the Labour Code, a limitation is introduced according to which only those agricultural enterprises employing 51 and more workers were covered. Hence, agricultural enterprises employing less than 51 workers remain out of the scope of the law and consequently large majority of seasonal agricultural works are not covered by the Labour Code. The Code was designed so as to make the number of workers employed as the determining element instead of the nature of the work performed. In enterprises where the

Labour Code is not applicable, the provisions of the Law of Obligations are in effect. This reduces safeguards provided to workers in such critical issues such as working hours, leave periods and wages.

- (2) Distinction between work for indefinite and definite periods:** Another important problem with respect to agriculture is that the Labour Code makes a distinction between works for definite and indefinite periods (Art. 11). Accordingly, work that lasts for longer than 30 days is considered as indefinite and that lasts for shorter than 30 days as definite. Articles 3, 8, 12, 13, 14, 15, 17, 23, 24, 25, 26, 27, 28, 29, 30, 31, 34, 53, 54, 55, 56, 57, 58, 59, 75 and 80 and provisional article 6 in the Labour Code state that work contract is not applicable to works that lasts shorter than 30 days and the provisions of the Law of Obligations will be applicable in these types of work. Hence, since seasonal agricultural works last shorter than 30 days, it will be subject to the Law of Obligations even in cases where it will fall in the scope of the Labour Code in terms of the number of persons employed. The lacuna thus emerging will be filled by the Law of Obligations No. 6098.

Yet, upon the examination of the non-applicable articles, it can be concluded that provisions that are related to fundamental rights including working periods, minimum age, prohibition of night and underwater works, paid weekly and annual leave will still be applicable in “temporary works” as well.

Further, as can be inferred from the inspection-related articles of the Labour Code (Articles 91, 92 and 93), there is no distinction between permanent and temporary employment in regard to inspections to be conducted in workplaces. Hence, seasonal agricultural works are covered by labour inspection even if they are temporary.

In sum, if an enterprise is employing 51 and more workers, the Labour Code is to be taken as basis in

**Table 6.** Scope of Responsibilities and Responsible Institutions in Reviewing and Amending Legislation

IN-CHARGE	IN-CHARGE	
	Before July 10th	After July 10th
Drafting bills	Council of Ministers	Presidency of the Republic Legal Policies Board
	Grand National Assembly of Turkey	Grand National Assembly of Turkey
	Ministry of Labour and Social Security	Ministry of Family, Labour and Social Services
Checking the compliance of legislation with the constitution and conventions	President of the Republic	Presidency of the Republic
	Constitutional Court	Constitutional Court
	Universities	
	Civil society organizations, professional organizations	
Monitoring compliance with entitlements and support at international level	Bar Associations	
	UN Committee on the Rights of the Child	
	International Labour Organization-ILO	
	UN Economic and Social Council	
	European Committee of Social Rights	
	European Union	

\* Denotes the situation that there is yet no information whether it will continue under the new structuring.

identifying responsibilities regarding children engaged in seasonal migrant agricultural works. On the other hand, the Law of Obligations will be valid for enterprises employing 50 and fewer workers. This nature of legislative arrangements brings along complications in terms of institutions in charge and their responsibilities since all seasonal migrant agricultural workers and their children remain out of the scope of the Labour Code while they are subject to it with respect to some provisions and to the Law of Obligations in others.<sup>56</sup>

As stated above, the review of legislation and necessary re-arrangements is one of the strategies also adopted by basic policy documents in this field. Table 8 below presents the scope of the minimum responsibilities that the action plan must cover in the context of this strategy.

### **Enforcement of Legislative Regulations and Adoption of Necessary Measures to Monitor Enforcement**

Due to problems specific to the sector of agriculture like the predominance of small enterprises and short-term employment contracts, it is almost impossible to ensure a proper enforcement and conduct inspections on compliance.

There is no legislative regulation specific to agriculture as a branch of employment. Legal regulations related to employment in this sector are scattered to various pieces of legislation including the Labour Code, the Law of Obligations, the Law on Work Safety and Health and the Law on General Hygiene.<sup>57</sup>

For the attainment of objectives related to the elimination of exploitation of child labour in seasonal migrant agricultural works, it is necessary to ensure that workers enjoy legal security and that related violations are traceable.

Since the implementation of the Labour Code in an enterprise requires the employment of at least 51 workers in that enterprise, agricultural works remain almost totally out of the scope of this legislation. According to the Agricultural Work Safety and Health Survey carried out by the Ministry of Family, Labour and Social Services in 2011, only 338 out of 16,389 enterprises engaged in agriculture and animal husbandry employ 50 or more workers.<sup>58</sup> The same survey also reveals that those in managing positions in agriculture accept the risky nature of this sector and acknowledge the need of higher consideration than in other sectors for safety and health issues; given the high numbers of women and adolescent workers active in the sector. Of 385 managers responding to survey questions, 84.5 per cent agreed with the statement “Since more women and adolescents are employed in agriculture relative to other sectors, special importance must be attached to work safety and health.”<sup>59</sup>

It is also known that seasonal migrant agricultural workers are employed without any contract or job security and paid lower than the minimum wage while having to work and live in conditions that are not reconcilable with health considerations and human dignity.

It is stated that in 2014, 19 out of 20 women and 15 out of 20 men working in agriculture are employed informally and of 603,000 wage earners in agriculture 508,000 are informal workers.<sup>60</sup> It is further stated that the number of people in agriculture covered by social security is falling: it is argued that the number of insured workers which was 218,000 in 2008 dropped to 43,000 in 2014.<sup>61</sup>

Children are employed informally anyway. A survey conducted in Adana reveals how low working age may actually be:

*“While 7 per cent of children in the age group 6-10 work in fields, the percentage increases to 52 per cent for male children and 60 per cent for female*

*children in the age group 11-14. Coming to the age group 15-18, the percentage of children working out in fields becomes 91 per cent. In other words 9 out of 10 adolescents work in fields.”<sup>62</sup>*

All these suggest that for the attainment of all objectives to prevent seasonal migrant employment or employment of children in these works, it is necessary to amend the Labour Code or to lift the condition of employing more than 50 workers or to make a brand new legislation specific to this sector.

However, it is observed that adoption of legislation will not be sufficient per se if we take a look at the practices of the Ministry of Family, Labour and Social Services in monitoring the implementation of legislation. As important as enacting laws is to organize technical, financial and human resources to enforce the legislation.

Efforts to prevent child employment in seasonal migrant agricultural works are expected to include at least the following steps:

- Formal registration of agricultural intermediaries
- Formal registration of agricultural enterprises
- Inspection to prevent the employment of children
- Inspection of working conditions

These duties to be performed by the Ministry of Family, Labour and Social Services require the province-level organization of Labour Inspection Boards and labour inspectors. Yet presently this inspection board is organized at national and regional levels.

As a result of this duality brought by the Labour Code No. 4857, it is necessary to differentiate by issues while identifying responsibilities in inspection.

**(1) Inspection of age, working periods, paid leave and other rights:** According to the Labour Code, an agricultural enterprise employing 51 or more persons will be subject to labour inspection in respect to labour rights such as age, wage and others.



However, since enterprises employing 50 and fewer workers are subject to the Law of Obligations, there is no inspection body in charge of such enterprises. So in case of any dispute, it is necessary to appeal to courts.

The Law of Obligations No. 6098 introduces arrangements parallel to the Labour Code that cover acting of employment contracts, termination of contracts, termination pay, form of remuneration, overtime pay, weekly vacation and annual paid leave, measures of safety and health, etc. This legislation even goes beyond the Labour Code and provides for further rules relating to domestic services and incidences like psychological harassment. Given this, the provisions of the Law of Obligations must be applied to seasonal agricultural workers and to their employers who remain out of the scope of the Labour Code.

Yet, the now caduceus Law of Obligations No. 818 used to regulate employment relations regardless of sectors since 1926 and as a result it remained as a fundamental law covering agricultural sector as well since that year. However, as there is no supervisory mechanism other than courts, it is hard to say that the law had been in effect in the sector of agriculture.

As for seasonal migrant agricultural workers are concerned, it is therefore necessary to establish mechanisms to ensure that the provisions of the Law of Obligations no. 6098 are respected and obligations of employers are supervised by offices established in provinces as required by the Prime Ministerial Circular No. 2017/6 in relation to working conditions (i.e. acting and terminating contracts, compulsory reporting of terminations, compensation, weekly leave, paid annual leave, etc.)

**(2) Work safety and health inspection.** The Law No. 6331 on Work Safety and Health is formulated so as to be applicable to all working persons regardless of employment status by using the term “worker”. The sector of agriculture is included as well. Thus, workplaces where seasonal agriculture is practised (tem-

porary works in agriculture and forestry) are covered. This legislation was prepared in considering also the ILO Convention No. 155 on Safety and Health and Working Environments.

Landowners employing seasonal agricultural workers have the status of “employer” under this law and therefore have to fulfil their obligations imposed by law and take all necessary measures to protect the safety and health of their employees.

The presence of provisions related to agricultural work as scattered in multiple pieces of the legislation also leads to changes in institutions in charge of inspection. Table 7 below presents the areas of inspection and supervision and institutions in charge of.

The law envisages that employers in the same field should work in cooperation and coordination. This means that owners of agricultural enterprises active in a specific field must cooperate in fulfilling their obligations.

The Law No. 6331 on Work Safety and Health classifies workplaces according to levels of hazard. Accordingly, workplaces are either “less hazardous” or “hazardous” or “very hazardous”.

According to the List of Workplace Hazards prepared by the Ministry of Family, Labour and Social Services, under “activities involving agricultural crops after harvesting” with the code “01.63.”, the sub-code “01.63.05” which is related to “classification, packing, etc. of tobacco” is considered as “less hazardous” while others are classified as “hazardous”.

Hence, all provisions of the Law No. 6331 and all obligations of employers related to works performed by seasonal agricultural workers (including the presence of workplace doctor and securing services from work safety experts) are open to labour inspection. The labour inspection units are authorized and responsible for receiving and examining safety and health related complaints transmit to the Ministry of Family, Labour and Social Services.

**Table 7.** Authorities Responsible with Respect to Areas of Inspection

Coverage	Areas of inspection	Enterprises employing less than 50 workers	Enterprises employing 51 and more workers
Inspection of age, working period, entitlement to leave, etc.	Age (Art.72-73)	Courts	Labour inspection
	For children attending school, impact of employment on: School attendance, selection of occupation, participation to vocational training	Courts	Labour inspection
	Working period (daily, monthly, yearly)	Courts	Labour inspection
	Leave periods (daily, monthly, yearly)	Courts	Labour inspection
	Wage (Art.39)	Courts	Labour inspection
	Benefiting from social security system	Out of scope of inspection since insurance is on voluntary terms	
Inspection of work safety and health	Are safety, health, mental moral and psychosocial development, personal aptitude and talents duly considered while placement in job and working?	Labour inspection	Labour inspection
	Risks involved 1. Falling and getting injured 2. Medication 3. Fertilizing 4. Lifting weights heavier than 10 kg. 5. Environments with high noise and/or vibration 6. Excessively hot or cold environments 7. Use of substances harmful to health that may lead to occupational disease 8. Requiring extreme attention 9. Standing on foot for long periods 10. Piece rate payment or payment on premium system 11. Impossibility of returning home or to family after work 12. Risks to child development a. Safety b. Health c. Physical d. Mental e. Moral f. Psychosocial	Labour inspection	Labour inspection
	Risks that require measures on the part of employers and that may risk their development, health and safety due to lack of experience, unawareness about existing or possible risks and state of not being fully developed.	Labour inspection	Labour inspection

**Table 8.** Scope of Responsibilities and Responsible Institutions in Adopting Relevant Measures for Implementing and Monitoring Legislative Arrangements

RESPONSIBILITIES	IN-CHARGE	
	Before 10 July 2018	After 10 July 2018
Improving the system of employment services to formalise agricultural employment	Ministry of Labour and Social Security Social Security Institution	Ministry of Family, Labour and Social Services Social Security Institution
Establishment of a system for inspection and sanctioning	Ministry of Labour and Social Security Labour Inspection Board	Ministry of Family, Labour and Social Services Labour Inspection Board
Employment with security/provision of unemployment insurance support	Ministry of Labour and Social Security	Ministry of Family, Labour and Social Services
Monitoring and evaluation of appropriateness of ministerial policies	Grand National Assembly of Turkey	
	State Supervisory Council	Devlet Denetleme Kurulu
	Ombudsman Institution	
	Human Rights and Equality Institution	
	Ministry of Labour and Social Security Seasonal Agricultural Labour Monitoring and Evaluation Board	Ministry of Family, Labour and Social Services Seasonal Agricultural Labour Monitoring and Evaluation Board
	Trade Unions	
	Professional chambers	
	Civil society organizations	
	Confederation of Turkish Tradesmen and Craftsmen (TESK)	
	Union of Chambers and Stock Exchange	
Monitoring compliance with entitlements and support at international level	International Labour Organization – ILO (Economic and Social Council)	
	UN Committee on the Rights of the Child	
	European Agency for Safety and Health at Work	
Judicial inspection	Ministry of Justice	Ministry of Justice
	European Court of Human Rights	

\* Denotes the situation that there is yet no information whether it will continue under the new structuring.

Inspection is a strategy as important as support in ensuring compliance with law. Table 8 presents the minimum scope of responsibilities that the action plan must cover in the context of this strategy.

### **Planning, Monitoring, Coordination and Participation**

Policy documents presently in effect were adopted to bring solutions to prevailing circumstances and as is the case for all policy documents they bear the imprint of policy approach of the time they were published. To cope up with this problem, it is necessary to re-assess needs periodically and bring policies in line with these needs.

The following is necessary in this context:

- Establishing a system of data collection and analysis
- Planning that takes due account of budget and personnel needs
- Ensuring cooperation and coordination among organizations and institutions with responsibilities
- Raising public awareness and ensuring participation

#### **1 Establishing a system of data collection and analysis**

There is no systematic and regular data collection in Turkey on the causes and consequences of child labour. Data related to child labour collected by TÜİK is not published annually. Still, there are many studies investigating the conditions affecting child workers in Turkey. However, it is quite difficult to come across studies addressing the issue of child labour with reference to market conditions, the impact of globalization and the impact of agricultural and employment policies pursued. It is widely stated throughout the world that there is need to examine this domain with a new perspective.<sup>63</sup>

To develop comprehensive and effective policies, first a wide-ranging system of data collection must be established to fully grasp the issue of child employment

and regular analyses of these data must be carried out and released. Participation and contribution of universities and expert institutions are necessary in these analyses. Further, there is also need to periodic and independent surveys to comprehend data and identify needs.

In case ensuring regular data collection and survey in this field is adopted as a strategy, responsibilities that must be considered while determining the way to pursue, are presented in Table 9.

#### **2 Planning that takes due account of budget and personnel needs**

The second important need is to develop strategic plans and action plans on the basis of information obtained as a result of data collection and surveys that must also include resource allocation and timing dimensions. Although there are already some policy documents and programmes, none of these include resource and time analyses.

In case of engaging in planning with due account of budget and personnel needs is adopted as a strategy, responsibilities that must be considered while determining the way to pursue are given in Table 10.

#### **3 Ensuring cooperation and coordination among organizations and institutions with responsibilities**

Child labour is a problem with its implications on various social and economic policies, emerging as a result of social and economic problems, and that requires many institutions to assume responsibilities for its solution. Hence it requires cooperation and coordination. This requirement holds true not only for national but international organizations as well.

Ensuring cooperation and coordination among all mandated actors, in other words establishment of a governance mechanism, is considered as a preventive strategy not only in the issue of child labour but in many other issues as well. Responsibilities that must be considered while identifying the requirements of this strategy are shown below in Table 11.

**Table 9.** Scope of Responsibilities and Responsible Institutions in Establishing a System of Data Collection and Analysis

RESPONSIBILITIES	IN-CHARGE	
	Before 10 July 2018	After 10 July 2018
Establishing a system of data collection	Ministry of Development, Turkish Statistical Institute	Ministry of Development, Turkish Statistical Institute
Data analysis	Ministry of Development, Turkish Statistical Institute	Ministry of Treasury and Finance, Turkish Statistical Institute
	Universities	
	Trade Unions	
	Professional chambers	
	Civil society organizations	
Monitoring and evaluation of appropriateness of ministerial policies	Grand National Assembly of Turkey	Grand National Assembly of Turkey
	State Supervisory Council	State Supervisory Council
	Ombudsman Institution	
	Human Rights and Equality Institution	
	Ministry of Labour and Social Security	Ministry of Family, Labour and Social Services
	Seasonal Agricultural Labour Monitoring and Evaluation Board	Seasonal Agricultural Labour Monitoring and Evaluation Board*
	Trade Unions	
	Universities	
	Professional chambers	
	CSOs	
	Confederation of Turkish Tradesmen and Craftsmen (TESK)	
	Union of Chambers and Stock Exchange	

\* Denotes the situation that there is yet no information whether it will continue under the new structuring.

#### 4 Raising public awareness and ensuring participation

It is argued that the traditional approach is one of the reasons leading to child labour in seasonal migrant agricultural works. According to this line of reasoning, employers seek child workers,<sup>64</sup> family subsistence relies on child labour,<sup>65</sup> and thus the meeting of supply and demand plays an important role in exploitation of child labour. There is yet no study on employers' demand for child labour and there is almost no data available to make this demand visible. Still, it is known that there is such demand:

*"Children are more easily led than adults; they know less about their rights, create less problems; they are more flexible and ultimately expendable. For some employers they can be readily hired and fired as a temporary pool of labour. When their employment is prohibited, children and their families evade complaining to authorities for the fear of losing income. Moreover, some employers claim that they should be considered as benevolent since they provide jobs and income to children. It is for this reason that legal prohibition of child labour in some cases may lead to certain*

**Table 10.** Scope of Responsibilities and Responsible Institutions in Ensuring Planning with Due Regard to Budget and Personnel Needs

UNIVERSITIES	IN-CHARGE	
	Before 10 July 2018	After 10 July 2018
Developing policies on what needs to be done to prevent child labour	Ministry of Development State Planning Organization	Presidency of the Republic
	Ministry of Family and Social Policies	Ministry of Family, Labour and Social Services
	Grand National Assembly of Turkey	Grand National Assembly of Turkey
Developing and implementing strategic plans in line with national policies	Ministry of Family and Social Policies	Ministry of Family, Labour and Social Services
	Ministry of Labour and Social Security	Ministry of Family, Labour and Social Services
	Ministry of Food, Agriculture and Animal Husbandry	Ministry of Agriculture and Forestry
	Ministry of Health	Ministry of Health
	Ministry of National Education	Ministry of National Education
	Ministry of Finance	Ministry of Treasury and Finance
	Ministry of Environment and Urban Affairs	Ministry of Environment and Urban Affairs
	Ministry of Energy	Ministry of Energy and Natural Resources
	Ministry of Youth and Sports	Ministry of Youth and Sportsc
	Ministry of Interior	Ministry of Interior
Monitoring and evaluation of appropriateness of ministerial policies	Ministry of Transportation	Ministry of Transportation and Infrastructure
	Grand National Assembly of Turkey	
	State Supervisory Council	State Supervisory Council
	Ombudsman Institution	
	Human Rights and Equality Institution	
	Ministry of Labour and Social Security Seasonal Agricultural Labour Monitoring and Evaluation Board	Ministry of Family, Labour and Social Services Seasonal Agricultural Labour Monitoring and Evaluation Board*
	Trade Unions	
	Universities	
	Professional Chambers	
	CSOs	
	Confederation of Turkish Tradesmen and Craftsmen (TESK)	
	Union of Chambers and Stock Exchange	

\* Denotes the situation that there is yet no information whether it will continue under the new structuring.



**Table 11.** Scope of Responsibilities and Responsible Institutions in Ensuring Cooperation and Coordination among Mandated Institutions

RESPONSIBILITIES	IN-CHARGE	
	Before 10 July 2018	After 10 July 2018
Ensuring cooperation and coordination	Prime Ministry	Presidency of the Republic
	Ministry of Family and Social Policies Child Protection Coordination Services	Ministry of Family, Labour and Social Services Child Protection Coordination Services*
Ensuring cooperation and coordination at international level	International Labour Organization	
	UN Children's Fund	

\* Denotes the situation that there is yet no information whether it will continue under the new structuring.

*negative effects on children's enjoyment of protection provided by labour codes that adult workers enjoy. This shows that prohibition cannot be a solution per se.*<sup>66</sup>

On the basis of this observation it is argued that “boy-cotting” or of applying “trade sanctions” to countries where children are employed will not work, that governments and society in developing countries remain insensitive to the issue in spite of calls coming from the west for the prevention of child labour, and that efforts agencies like ILO and UNICEF do not yield desired outcomes.<sup>67</sup>

Policy documents of both ILO<sup>68</sup> and Ministry of Family, Labour and Social Services both state that the traditional approach according to which children must work and it is to their benefit has its important role in this regard:

*“In particular, the approach specific to agricultural societies accompanied by a socio-cultural outlook specific to early industrialization period regards the employment of children normal and even necessary in some cases. The family tradition upholds the employment of children in that they learn to undertake responsibilities at early ages and support their families materially. Change in this outlook is crucial in preventing child labour.”*<sup>69</sup>

Considering the objective and steps of the “National Programme on the Elimination of Child Labour” declared under the heading “poverty alleviation,” we observe that the traditional approach appears to be problematic with respect to not only child’s actual employment but also to the identification of the causes of child labour.

It will therefore be appropriate to address two issues in the context of combating traditional approaches:

- Approaches that encourage child labour (traditional approaches)
- Perspective that focuses rather on struggling against outcomes which dominates policies for eliminating child labour.

Thus, responsibilities in changing the prevailing outlook and approaches belong to relevant ministries, research institutions and those in the position of acting as pressure groups.

Awareness building is one of the important strategies that will encourage the public to ask for solution and to contribute to it. Responsibilities to be considered while identifying what is to be done under this strategy are presented below in Table 12.

**Table 12.** Scope of Responsibilities and Responsible Institutions in Raising Public Awareness and Ensuring Participation

RESPONSIBILITIES	IN-CHARGE	
	Before 10 July 2018	After 10 July 2018
Building public sensitivity in preventing the exploitation of child labour	Ministry of Family and Social Policies	Ministry of Family, Labour and Social Services
	Ministry of Labour	Ministry of Family, Labour and Social Services
	Prime Ministry Presidency of Religious Affairs	Presidency of the Republic Presidency of Religious Affairs
	Political Parties	
	Municipalities	
	Trade Unions	
	Professional Chambers	
	Universities	
	Printed and visual media	
	Civil society organizations	
Training farmers and decision makers to raise awareness about the harms of child labour	Ministry of Labour and Social Security	Ministry of Family, Labour and Social Services
	Consumer associations	
	Professional chambers	
Ensuring social participation to the planning and delivering of solution oriented activities	Ministry of Labour and Social Security	Ministry of Family, Labour and Social Services
	Ministry of Family and Social Policies	Ministry of Family, Labour and Social Services
	Prime Ministry Presidency of Religious Affairs	Presidency of the Republic Presidency of Religious Affairs
	Trade Unions	
	CSOs	
	Universities	
	Professional chambers	
	Confederation of Turkish Tradesmen and Craftsmen (TESK)	
	Union of Chambers and Stock Exchange	
Monitoring and evaluation of appropriateness of ministerial policies	Unions of Agricultural Producers	
	Grand National Assembly of Turkey	
	State Supervisory Council	State Supervisory Council
	Ombudsman Institution	
	Human Rights and Equality Institution	
	Ministry of Labour and Social Security	Ministry of Family, Labour and Social Services
	Seasonal Agricultural Labour Monitoring and Evaluation Board	Seasonal Agricultural Labour Monitoring and Evaluation Board*
	Trade Unions	
	Universities	
	Professional chambers	
	CSOs	
	Confederation of Turkish Tradesmen and Craftsmen (TESK)	
	Union of Chambers and Stock Exchange	

\* Denotes the situation that there is yet no information whether it will continue under the new structuring.

### **Provision of Services to Families in Seasonal Migrant Agricultural Works and their Children**

Services that must be delivered to families and children engaged in seasonal migrant agricultural works as envisaged in policy documents addressed in this report can be gathered under four headings:

- Ensuring safety in travel during migration
- Provision of safe places of boarding for families at their destinations where they can provide for their basic needs (housing, temporary boarding facilities, etc.)
- Offering day-care and psychosocial support services to children (summer school, camp, crèche, etc.)
- Ensuring access to health services

The duty of protecting children from all forms of abuse and neglect assigned to states by the UN Convention on the Rights of the Child, is adopted as a domestic law norm with Article 41 of the Constitution. The Law Decree No. 6518 on the Organization and Duties of the Ministry of Family and Social Policies transfers this duty to the Ministry of Family and Social Policies which is now renamed as Ministry of Family, Labour and Social Services.

Since children's employment entails the risk of neglect and abuse in many respects, it is the Ministry of Family, Labour and Social Services to adopt measures to prevent and identify such cases. Article 6 in the Child Protection Law envisages the reporting of such cases to provincial directorates.

Children of families engaged in seasonal migrant agricultural works cannot enjoy their fundamental rights including education as their peers even if they are not employed. A survey conducted in Çukurova reports that 10 per cent of these children are not regularly immunized.<sup>70</sup> It is observed that similar situations also hold true for diseases that require regular care:

*"12 per cent of children taking part in the survey have health problems that require regular care. Yet, only 23 per cent of these children can consult a doctor whereas 72 per cent have no such a chance. The share of girls with no means of regular medical check-up reaches 80 per cent. Of these children, those who can regularly take medicine required by their health status are only by 20 per cent. The remaining either cannot take medicine at all or take only irregularly."*<sup>71</sup>

One of the reasons for gaps in regular immunization and health examination is difficulties in accessing health services. Changing their places so frequently, families cannot be followed by family doctors. Even when they are available, visiting a doctor means loss of a day's wage due to absence. Also, the physical distance between crop fields and orchards and where the doctor is poses another difficulty in accessing to medical services. To cover this distance, it is necessary to use the vehicle of the employer or the intermediary who needs to be convinced.

There are several forms of seasonal migrant agricultural employment. Those who are most troubled in access to education are the children of families who leave their original residences for a long time to work in seasonal migrant agriculture. Indeed, families who leave their places in February-March travel to several different places to work until October-November.

Apart from all these, children's deprivation of safe care while their parents are out working in fields, leave them unprotected against various forms of neglect and abuse. It is therefore necessary to offer day-care, health and education services to children of seasonal migrant agricultural workers where they have come for employment.

Provision of necessary services for seasonal migrant agricultural workers and their children someti-

mes contradict with the strategy of preventing child labour. Yet, this is both a right and a way with high potential to be effective in case it is well planned.

Responsibilities that must be considered while identifying things to be done in this strategy are presented in Table 13.

**Table 13.** Scope of Responsibilities and Responsible Institutions in Delivering Services to Families in Seasonal Migrant Agricultural Works and their Children

RESPONSIBILITIES	IN-CHARGE	
	Before 10 July 2018	After 10 July 2018
Developing standards to improve living areas	Ministry of Family and Social Policies	Ministry of Family, Labour and Social Services
	Ministry of Environment and Urban Affairs	Ministry of Environment and Urban Affairs
	Chamber of Architects	
	Universities	
Coordination of province-level services	Governorate	Governorate
Rendering living areas safe and decent	Ministry of Labour and Social Security	Ministry of Family, Labour and Social Services
	Ministry of Family and Social Policies	Ministry of Family, Labour and Social Services
	Ministry of Environment and Urban Affairs	Ministry of Environment and Urban Affairs
	Prime Ministry Presidency of Disaster and Emergency Management	
	Ministry of Interior General Directorate of Local Administrations Rural Service Brigades	Ministry of Interior General Directorate of Local Administrations * Rural Service Brigades*
	Governorate	Governorate
	Municipality	Municipality
Electricity and water use	Ministry of Energy	Ministry of Energy and Natural Resources
	Municipality	
	Provincial Private Administration	
Free and safe transportation	Ministry of Transportation	Ministry of Transportation and Infrastructure
	Ministry of Interior General Directorate of Security and General Command of Gendarme	Ministry of Interior General Directorate of Security and General Command of Gendarme
Supporting producers to fulfil these responsibilities	Ministry of Development Development Agencies	Ministry of Treasury and Finance Development Agencies Agricultural Bank
Day-care services	Ministry of Family and Social Policies	Ministry of Family, Labour and Social Services
	Municipality	Municipality

Sports and cultural activities	Ministry of Youth and Sports	Ministry of Youth and Sports
Health services	Ministry of Health	Ministry of Health
Monitoring and evaluation of appropriateness of ministerial policies	Grand National Assembly of Turkey	Grand National Assembly of Turkey
	Ombudsman Institution	
	Human Rights and Equality Institution	
	Ministry of Food, Agriculture and Animal Husbandry Institution for Supporting Rural Development and Monitoring Committee	Ministry of Agriculture and Forestry Institution for Supporting Rural Development and Monitoring Committee*
	Ministry of Labour and Social Security Seasonal Agricultural Labour Monitoring and Evaluation Board	Ministry of Family, Labour and Social Services Seasonal Agricultural Labour Monitoring and Evaluation Board*
	Trade Unions	
	Professional chambers	
	CSOs	
	Confederation of Turkish Tradesmen and Craftsmen (TESK)	
	Union of Chambers and Stock Exchange	
Monitoring compliance with entitlements and support at international level	International Labour Organization – ILO (Economic and Social Council)	
	UN Committee on the Rights of the Child	
	European Agency for Safety and Health at Work	
	UN Children's Fund (UNICEF)	
	World Health Organization (WHO)	

\* Denotes the situation that there is yet no information whether it will continue under the new structuring.

- <sup>1</sup> *BM Çocuk Haklarına Dair Sözleşme Uygulama El Kitabı*, UNICEF Ankara 2003, sf. 519. [dosya.humanistburo.org/humdosya/CHS%20Uygulama%20Elkitabı.pdf](http://dosya.humanistburo.org/humdosya/CHS%20Uygulama%20Elkitabı.pdf)
- <sup>2</sup> *BM Çocuk Haklarına Dair Sözleşme Uygulama El Kitabı*, UNICEF Ankara 2003, sf. 520. [dosya.humanistburo.org/humdosya/CHS%20Uygulama%20Elkitabı.pdf](http://dosya.humanistburo.org/humdosya/CHS%20Uygulama%20Elkitabı.pdf)
- <sup>3</sup> Yayla, Y. (2017). Küresel Dünya'da ve Türkiye'de Çocuk İşçiliği: Uluslararası ve Ulusal Yasal Düzenlemeler ve Ampirik Göstergeler. *TBB Dergisi*, 128, sf.417.
- <sup>4</sup> *The Worldwide Movement Against Child Labour Progress and Future Directions*, Geneva (2007).
- <sup>5</sup> *Action Against Child Labour 2008-2009: IPEC Progress and Future Priorities*, Geneva (2010).
- <sup>6</sup> *BM Çocuk Haklarına Dair Sözleşme Uygulama El Kitabı*, UNICEF Ankara (2003), sf. 490. [dosya.humanistburo.org/humdosya/CHS%20Uygulama%20Elkitabı.pdf](http://dosya.humanistburo.org/humdosya/CHS%20Uygulama%20Elkitabı.pdf)
- <sup>7</sup> The Ministry of Labour and Social Security and the Ministry of Family and Social Policies have been merged under the Ministry of Family, Labour and Social Services.
- <sup>8</sup> Çocuk İşçiliği İle Mücadele Ulusal Eylem Planı (2017-2023) [www.csgb.gov.tr/media/4755/cocuk\\_isciligi\\_rev\\_23032017.pdf](http://www.csgb.gov.tr/media/4755/cocuk_isciligi_rev_23032017.pdf)
- <sup>9</sup> [www.alomaliye.com/2015/03/30/hazirlama-tamamlama-ve-temizleme-isleri/www.mevzuat.gov.tr/Metin.Asp?MevzuatKod=7.5.5463&sourceXmlSearch=&MevzuatIliski=0](http://www.alomaliye.com/2015/03/30/hazirlama-tamamlama-ve-temizleme-isleri/www.mevzuat.gov.tr/Metin.Asp?MevzuatKod=7.5.5463&sourceXmlSearch=&MevzuatIliski=0)
- <sup>10</sup> ÇSGB *Mevsimlik Gezici Tarım İşçilerinin Çalışma ve Sosyal Hayatlarının İyileştirilmesi Stratejisi ve Eylem Planı*, Ankara (2010). [www.mevsimliktarimiscileri.com/files/dosya/1\\_5\\_635195205048992081.pdf](http://www.mevsimliktarimiscileri.com/files/dosya/1_5_635195205048992081.pdf) (Erişim tarihi: 23.05.2018)
- <sup>11</sup> ÇSGB Çocuk İşçiliği İle Mücadele Ulusal Programı, Ankara (2017), sf.49. [www.csgb.gov.tr/media/4755/cocuk\\_isciligi\\_rev\\_23032017.pdf](http://www.csgb.gov.tr/media/4755/cocuk_isciligi_rev_23032017.pdf) (Erişim tarihi: 11.06.2018)
- <sup>12</sup> RG 19.04.2017 - 30043
- <sup>13</sup> Mevsimlik Tarım İşçileri ile İlgili 2017/6 Sayılı Başbakanlık Genelgesi md.7 RG 19.04.2017 - 30043; Milli Eğitim Bakanlığı 2016/5 Sayılı Genelge [tegm.meb.gov.tr/meb\\_iys\\_dosyalar/2016\\_03/28043457\\_genelge.pdf](http://tegm.meb.gov.tr/meb_iys_dosyalar/2016_03/28043457_genelge.pdf) ; ÇSGB Çocuk İşçiliği İle Mücadele Ulusal Programı, Ankara (2017), Tablo 5, Strateji 1 ve 2. [www.csgb.gov.tr/media/4755/cocuk\\_isciligi\\_rev\\_23032017.pdf](http://www.csgb.gov.tr/media/4755/cocuk_isciligi_rev_23032017.pdf); ÇSGB *Mevsimlik Gezici Tarım İşçilerinin Çalışma ve Sosyal Hayatlarının İyileştirilmesi Stratejisi ve Eylem Planı*, Ankara (2010), Eğitim Hedef 1. [www.mevsimliktarimiscileri.com/files/dosya/1\\_5\\_635195205048992081.pdf](http://www.mevsimliktarimiscileri.com/files/dosya/1_5_635195205048992081.pdf)
- <sup>14</sup> Mevsimlik Tarım İşçileri ile İlgili 2017/6 Sayılı Başbakanlık Genelgesi md.12, 13 RG 19.04.2017 - 30043; ÇSGB Çocuk İşçiliği İle Mücadele Ulusal Programı, Ankara (2017), Tablo 6 Strateji 1 ve 2. [www.csgb.gov.tr/media/4755/cocuk\\_isciligi\\_rev\\_23032017.pdf](http://www.csgb.gov.tr/media/4755/cocuk_isciligi_rev_23032017.pdf)
- <sup>15</sup> Mevsimlik Tarım İşçileri ile İlgili 2017/6 Sayılı Başbakanlık Genelgesi md.14 RG 19.04.2017 - 30043; ÇSGB Çocuk İşçiliği İle Mücadele Ulusal Programı, Ankara (2017), Tablo 2, Strateji 1 ve 2. [www.csgb.gov.tr/media/4755/cocuk\\_isciligi\\_rev\\_23032017.pdf](http://www.csgb.gov.tr/media/4755/cocuk_isciligi_rev_23032017.pdf); ÇSGB *Mevsimlik Gezici Tarım İşçilerinin Çalışma ve Sosyal Hayatlarının İyileştirilmesi Stratejisi ve Eylem Planı*, Ankara (2010), İş ve Sosyal Güvenlik Hedef 1, Hedef 2 ve Hedef 3. [www.mevsimliktarimiscileri.com/files/dosya/1\\_5\\_635195205048992081.pdf](http://www.mevsimliktarimiscileri.com/files/dosya/1_5_635195205048992081.pdf)
- <sup>16</sup> ÇSGB Çocuk İşçiliği İle Mücadele Ulusal Programı, Ankara (2017), Tablo 1, Strateji 1. [www.csgb.gov.tr/media/4755/cocuk\\_isciligi\\_rev\\_23032017.pdf](http://www.csgb.gov.tr/media/4755/cocuk_isciligi_rev_23032017.pdf)
- <sup>17</sup> Mevsimlik Tarım İşçileri ile İlgili 2017/6 Sayılı Başbakanlık Genelgesi md.15, 16, 25 RG 19.04.2017 - 30043; ÇSGB Çocuk İşçiliği İle Mücadele Ulusal Programı, Ankara (2017), Tablo 1, Strateji 2. [www.csgb.gov.tr/media/4755/cocuk\\_isciligi\\_rev\\_23032017.pdf](http://www.csgb.gov.tr/media/4755/cocuk_isciligi_rev_23032017.pdf)
- <sup>18</sup> Mevsimlik Tarım İşçileri ile İlgili 2017/6 Sayılı Başbakanlık Genelgesi md.23 RG 19.04.2017 - 30043; ÇSGB Çocuk İşçiliği İle Mücadele Ulusal Programı, Ankara (2017), Tablo 4, Strateji 1, 2 ve 3. [www.csgb.gov.tr/media/4755/cocuk\\_isciligi\\_rev\\_23032017.pdf](http://www.csgb.gov.tr/media/4755/cocuk_isciligi_rev_23032017.pdf)
- <sup>19</sup> Mevsimlik Tarım İşçileri ile İlgili 2017/6 Sayılı Başbakanlık Genelgesi md.17, 18, 26, 17, 18, 27 RG 19.04.2017 - 30043

- 20 ÇSGB Çocuk İşçiliği İle Mücadele Ulusal Programı, Ankara (2017), Tablo 3, Strateji 1, 2 ve 3. [www.csgb.gov.tr/media/4755/cocuk\\_isciligi\\_rev\\_23032017.pdf](http://www.csgb.gov.tr/media/4755/cocuk_isciligi_rev_23032017.pdf)
- 21 Mevsimlik Tarım İşçileri ile İlgili 2017/6 Sayılı Başbakanlık Genelgesi md.9, 10 RG 19.04.2017 – 30043; ÇSGB *Mevsimlik Gezici Tarım İşçilerinin Çalışma ve Sosyal Hayatlarının İyileştirilmesi Stratejisi ve Eylem Planı*, Ankara (2010), Ulaşım Hedef 1 ve Hedef 2. [www.mevsimliktarimiscileri.com/files/dosya/1\\_5\\_635195205048992081.pdf](http://www.mevsimliktarimiscileri.com/files/dosya/1_5_635195205048992081.pdf)
- 22 Mevsimlik Tarım İşçileri ile İlgili 2017/6 Sayılı Başbakanlık Genelgesi md.1,2,3,4,8,11 RG 19.04.2017 – 30043; ÇSGB *Mevsimlik Gezici Tarım İşçilerinin Çalışma ve Sosyal Hayatlarının İyileştirilmesi Stratejisi ve Eylem Planı*, Ankara (2010) Barınma Hedef 1 ve Hedef 2, Sağlık Hedef 2, Güvenlik Hedef 1, Hedef 2 ve Hedef 3. [www.mevsimliktarimiscileri.com/files/dosya/1\\_5\\_635195205048992081.pdf](http://www.mevsimliktarimiscileri.com/files/dosya/1_5_635195205048992081.pdf)
- 23 Mevsimlik Tarım İşçileri ile İlgili 2017/6 Sayılı Başbakanlık Genelgesi md.6 RG 19.04.2017 – 30043; ÇSGB Çocuk İşçiliği İle Mücadele Ulusal Programı, Ankara (2017), Tablo 5, Strateji 3 ve Tablo 7, Strateji 1. [www.csgb.gov.tr/media/4755/cocuk\\_isciligi\\_rev\\_23032017.pdf](http://www.csgb.gov.tr/media/4755/cocuk_isciligi_rev_23032017.pdf); ÇSGB *Mevsimlik Gezici Tarım İşçilerinin Çalışma ve Sosyal Hayatlarının İyileştirilmesi Stratejisi ve Eylem Planı*, Ankara (2010), Eğitim Hedef 2 ve Hedef 3, Sosyal Çevreyle İlişkiler Hedef 1 ve Hedef 2. [www.mevsimliktarimiscileri.com/files/dosya/1\\_5\\_635195205048992081.pdf](http://www.mevsimliktarimiscileri.com/files/dosya/1_5_635195205048992081.pdf)
- 24 Mevsimlik Tarım İşçileri ile İlgili 2017/6 Sayılı Başbakanlık Genelgesi md.5 RG 19.04.2017 – 30043; ÇSGB *Çocuk İşçiliği İle Mücadele Ulusal Programı*, Ankara (2017), Tablo 7, Strateji 2. [www.csgb.gov.tr/media/4755/cocuk\\_isciligi\\_rev\\_23032017.pdf](http://www.csgb.gov.tr/media/4755/cocuk_isciligi_rev_23032017.pdf); ÇSGB *Mevsimlik Gezici Tarım İşçilerinin Çalışma ve Sosyal Hayatlarının İyileştirilmesi Stratejisi ve Eylem Planı*, Ankara (2010), Sağlık Hedef 1 ve Hedef 3. [www.mevsimliktarimiscileri.com/files/dosya/1\\_5\\_635195205048992081.pdf](http://www.mevsimliktarimiscileri.com/files/dosya/1_5_635195205048992081.pdf)
- 25 Uyan Semerci, Pınar. "Mevsimlik Gezici Tarım İşçiliği 2014 – Araştırma Raporu" Hayata Destek Derneği, sf. 91
- 26 Fındık Hasadının Oyuncuları, Kalkınma Atölyesi Y. Ankara 2014, sf.73
- 27 ÇSGB Çocuk İşçiliği İle Mücadele Ulusal Programı, Ankara (2017) [www.csgb.gov.tr/media/4755/cocuk\\_isciligi\\_rev\\_23032017.pdf](http://www.csgb.gov.tr/media/4755/cocuk_isciligi_rev_23032017.pdf)
- 28 [www.resmigazete.gov.tr/eskiler/2018/07/20180710-1.pdf](http://www.resmigazete.gov.tr/eskiler/2018/07/20180710-1.pdf)
- 29 Tunçcan, N. Çocuk İşçiliği: Nedenleri, Boyutları ve Küreselleşen Dünyadaki Konumu [www.journals.istanbul.edu.tr/iusskd/article/view/1023013409](http://www.journals.istanbul.edu.tr/iusskd/article/view/1023013409) (Erişim tarihi: 12.05.2018)
- 30 ÇSGB Çocuk İşçiliği İle Mücadele Ulusal Programı, Ankara (2017) [www.csgb.gov.tr/media/4755/cocuk\\_isciligi\\_rev\\_23032017.pdf](http://www.csgb.gov.tr/media/4755/cocuk_isciligi_rev_23032017.pdf)
- 31 UÇÖ Türkiye'nin Onayladığı ILO Sözleşmeleri [www.ilo.org/ankara/conventions-ratified-by-turkey/WCMS\\_377311/lang--tr/index.htm](http://www.ilo.org/ankara/conventions-ratified-by-turkey/WCMS_377311/lang--tr/index.htm) (Erişim tarihi: 12.05.2018)
- 32 Yayla, Y. Küresel Dünya'da ve Türkiye'de Çocuk İşçiliği: Uluslararası ve Ulusal Yasal Düzenlemeler ve Ampirik Göstergeler. (2017). *TBB Dergisi*, 128, sf.420
- 33 UNICEF, *Dünya Çocuklarının Durumu Raporu*, Ankara (1997)
- 34 ÇSGB Çocuk İşçiliği İle Mücadele Ulusal Programı, Ankara (2017) [www.csgb.gov.tr/media/4755/cocuk\\_isciligi\\_rev\\_23032017.pdf](http://www.csgb.gov.tr/media/4755/cocuk_isciligi_rev_23032017.pdf)
- 35 ÇSGB Çocuk İşçiliği İle Mücadele Ulusal Programı. Ankara (2017). [www.csgb.gov.tr/media/4755/cocuk\\_isciligi\\_rev\\_23032017.pdf](http://www.csgb.gov.tr/media/4755/cocuk_isciligi_rev_23032017.pdf), sf. 59
- 36 Uyan Semerci, P., Erdoğan, E. (2017). *Adana'da (Mevsimlik Gezici) Tarım İşçilerinin Çocuklarının Yaşam Koşullarının İyi Olma Hali Perspektifinden İyileştirilmesi Projesi Araştırma Sonuçları Özeti, Politika Alanları ve Uygulama Önerileri*, İstanbul, sf.5.
- 37 TÜİK Haber Bülteni 18.09.2017 Sayı 24579
- 38 Karadeniz, O. (2011). Türkiye'de Atipik Çalışan Kadınlar ve Yaygın Sosyal Güvencesizlik. *Çalışma ve Toplum Dergisi*, 2, sf.83
- 39 TÜİK Haber Bülteni 14.03.2018 Sayı: 27706



- 40 [www.turkis.org.tr/AGUSTOS-2017-ACLIK-ve-YOKSULLUK-SINIRI-d10574](http://www.turkis.org.tr/AGUSTOS-2017-ACLIK-ve-YOKSULLUK-SINIRI-d10574) (Erişim Tarihi: 28.05.2018)
- 41 TÜİK Haber Bülteni 14.03.2018 Sayı: 27706
- 42 Gedikli, A. (2011). Çok Uluslu Şirketler Ve Doğrudan Yabancı Yatırımların Gelişmekte Olan Ülkelerin Kalkınması Üzerine Etkileri. *Girişimcilik ve Kalkınma Dergisi*, 6(1), sf. 98. [dergipark.gov.tr/download/article-file/81581](http://dergipark.gov.tr/download/article-file/81581) (Erişim Tarihi: 15.07.2018)
- 43 Boratav, K. (2004). *Tarımın Yapılar ve Kapitalizm* (3.Baskı). İmge Yayınları, sf. 43.
- 44 Sengupta, A. "On the Theory and Practice of the Right to Development" *Human Rights Quarterly* 24(4), 2002, sf.848 Zikreden: Sarıbeyoğlu Skalar, M. (2015). *Uluslararası Hukuk ve Sürdürülebilir Kalkınma: Kavram, İlkeler ve Yargısal Uygulama*, İstanbul: Beta Yayınları, sf. 42
- 45 BM Çocuk Haklarına Dair Sözleşme Uygulama El Kitabı, UNICEF Ankara 2003, sf. 257 [dosya.humanistburo.org/humdosya/CHS%20Uygulama%20Elkitabı.pdf](http://dosya.humanistburo.org/humdosya/CHS%20Uygulama%20Elkitabı.pdf)
- 46 Ibid. sf. 257
- 47 ÇSGB Çocuk İşçiliği İle Mücadele Ulusal Programı, Ankara (2017), Tablo 6, Strateji 1 ve 2 [www.csgeb.gov.tr/media/4755/cocuk\\_is-ciligi\\_rev\\_23032017.pdf](http://www.csgeb.gov.tr/media/4755/cocuk_is-ciligi_rev_23032017.pdf)
- 48 *OECD Bir Bakışta Eğitim 2017* [www.oecd.org/education/skills-beyond-school/EAG2017CN-Turkey-Turkish.pdf](http://www.oecd.org/education/skills-beyond-school/EAG2017CN-Turkey-Turkish.pdf) (Erişim Tarihi:15.07.2018)
- 49 Ulusal İstihdam Stratejisi (2014 – 2023) Eylem Planları (2017 – 2019) [www.resmigazete.gov.tr/eskiler/2017/07/20170707M1-1.pdf](http://www.resmigazete.gov.tr/eskiler/2017/07/20170707M1-1.pdf)
- 50 Ulusal İstihdam Stratejisi (2014 – 2023) İstihdam Sosyal Koruma İlişkisinin Güçlendirilmesi Eksenli Raporu, sf.5. [www.resmigazete.gov.tr/eskiler/2017/07/20170707M1-1.pdf](http://www.resmigazete.gov.tr/eskiler/2017/07/20170707M1-1.pdf)
- 51 Özel Politika Gerektiren Grupların İstihdamının Arttırılması [www.uis.gov.tr/media/1453/ozelpolitika.pdf](http://www.uis.gov.tr/media/1453/ozelpolitika.pdf) (Erişim tarihi 12.05.2018)
- 52 TİSK, İşsizlikle Mücadele; Ülke Uygulamaları ve Türkiye İçin Öneriler, Ankara (2019), sf. 63 vd. [tisk.org.tr/tr/e-yayinlar/issizlikle\\_mucadele\\_ulke\\_uygulamaları\\_ve\\_türkiye\\_icin\\_öneriler/pdf\\_issizlikle\\_mucadele\\_ulke\\_uygulamaları\\_ve\\_türkiye\\_icin\\_öneriler.pdf](http://tisk.org.tr/tr/e-yayinlar/issizlikle_mucadele_ulke_uygulamaları_ve_türkiye_icin_öneriler/pdf_issizlikle_mucadele_ulke_uygulamaları_ve_türkiye_icin_öneriler.pdf)
- 53 Uyan Semerci, P., Erdoğan, E. (2017) *Adana'da (Mevsimlik Gezici) Tarım İşçilerinin Çocuklarının Yaşam Koşullarının İyi Olma Hali Perspektifinden İyileştirilmesi Projesi Araştırma Sonuçları Özeti, Politika Alanları ve Uygulama Önerileri*, İstanbul, sf. 23.
- 54 ÇSGB *Mevsimlik Gezici Tarım İşçilerinin Çalışma ve Sosyal Hayatlarının İyileştirilmesi Stratejisi ve Eylem Planı*, Ankara (2010) [www.mevsimliktarimiscileri.com/files/dosya/1\\_5\\_635195205048992081.pdf](http://www.mevsimliktarimiscileri.com/files/dosya/1_5_635195205048992081.pdf) (Erişim tarihi: 23.05.2018)
- 55 *Analysis of Legislative Gaps and Recommendations in the Context of Preventing Child Labour in Agriculture Report* (2018). Development Workshop.
- 56 For a detailed evaluation, please see *Analysis of Legislative Gaps and Recommendations in the Context of Preventing Child Labour in Agriculture Report* (2018). Development Workshop.
- 57 *Analysis of Legislative Gaps and Recommendations in the Context of Preventing Child Labour in Agriculture Report* (2018). Development Workshop.
- 58 ÇSGB İş Sağlığı Ve Güvenliği Rehberi, sf.11
- 59 ÇSGB İş Sağlığı Ve Güvenliği Rehberi, sf.23
- 60 TZOB 25.08.2014 tarihli basın açıklaması [www.tzob.org.tr/basin-odasi/haberler/tarimda-kayitli-calisan-yok-gibi-](http://www.tzob.org.tr/basin-odasi/haberler/tarimda-kayitli-calisan-yok-gibi-) (Erişim Tarihi: 25.05.2018)
- 61 Demir, M. (2015). Mevsimlik Tarım İşçilerinin Sosyal Güvenlik Haklarına İlişkin Değerlendirmeler ve Öneriler. *Çalışma ve Toplum*, 1, sf.189

- 62 Uyan Semerci, P., Erdoğan, E. (2017). *Adana'da (Mevsimlik Gezici) Tarım İşçilerinin Çocuklarının Yaşam Koşullarının İyi Olma Hali Perspektifinden İyileştirilmesi Projesi Araştırma Sonuçları Özeti, Politika Alanları ve Uygulama Önerileri*. İstanbul, sf. 11
- 63 *The Worldwide Movement Against Child Labour Progress and Future Directions*, Geneva (2007).
- 64 ÇSGB Çocuk İşçiliği İle Mücadele Ulusal Programı, Ankara (2017), sf.17 [www.cs.gb.gov.tr/media/4755/cocuk\\_isciligi\\_rev\\_23032017.pdf](http://www.cs.gb.gov.tr/media/4755/cocuk_isciligi_rev_23032017.pdf)
- 65 Yayla, Y. (2017) Küresel Dünya'da ve Türkiye'de Çocuk İşçiliği: Uluslararası ve Ulusal Yasal Düzenlemeler ve Ampirik Göstergeler. *TBB Dergisi*, 128, sf.422
- 66 Ibid., sf.423
- 67 Ibid., sf.423
- 68 ILO – Inter-Parliamentary Union. Eliminating the Worst Forms of Child Labour: A Practical Guide to ILO Convention No. 182, Handbook for Parliamentarians No. 3 (2002), sf.25  
[www.ilo.org/wcmsp5/groups/public/---dgreports/---exrel/documents/publication/wcms\\_172685.pdf](http://www.ilo.org/wcmsp5/groups/public/---dgreports/---exrel/documents/publication/wcms_172685.pdf)
- 69 ÇSGB Çocuk İşçiliği İle Mücadele Ulusal Programı, Ankara (2017) [www.cs.gb.gov.tr/media/4755/cocuk\\_isciligi\\_rev\\_23032017.pdf](http://www.cs.gb.gov.tr/media/4755/cocuk_isciligi_rev_23032017.pdf)
- 70 Uyan Semerci, P., Erdoğan, E. (2017). *Adana'da (Mevsimlik Gezici) Tarım İşçilerinin Çocuklarının Yaşam Koşullarının İyi Olma Hali Perspektifinden İyileştirilmesi Projesi Araştırma Sonuçları Özeti, Politika Alanları ve Uygulama Önerileri*. İstanbul, sf. 18  
[www.bilgi.edu.tr/site\\_media/uploads/files/2017/03/29/goc-merkezi\\_adana-da-mevsimlik-gezici-tar-m-ilerin-ocuklar-ozet-rapor.pdf](http://www.bilgi.edu.tr/site_media/uploads/files/2017/03/29/goc-merkezi_adana-da-mevsimlik-gezici-tar-m-ilerin-ocuklar-ozet-rapor.pdf)
- 71 Ibid., sf.19

# 2

---

## **PREVENTING CHILD LABOUR IN SEASONAL MIGRANT AGRICULTURE: ACTORS AND THEIR RESPONSIBILITIES**





The Constitution of Turkey provides that each child has the right to “*protection and care*” and that the state is obliged to “*take measures to protect children from all forms of abuse and violence.*” (Art.41). For the state to fulfil this constitutional obligation, a legislation that clarifies the scope of responsible actors and how this task is to be carried out. The main responsibility is to protect the child and his/her rights. This entails the protection of child from the exploitation of his/her labour as in all other cases of abuse.

As stated in the first part, combating child labour in seasonal migrant agricultural works cannot be conducted only by measures to prevent the presence of children as workers in crop fields or orchards. It is necessary to tackle causes as well as results. Many institutions and agencies and persons have their roles and responsibilities in the solution of this problem associated with general socioeconomic policies.

In this part, major actors bearing responsibility and having their role related to children in seasonal migrant agricultural works are addressed in five main groups:

1. Actors in production-consumption chain
2. Public Institutions
3. Non-governmental organizations
4. International organizations
5. States

This study is launched in August 2017. Since July 2018, Turkey has undergone a transition to a presidential system of government which entails some important changes in the organization of the public sector. When the report was completed, this process was still going on and public institutions were being reorganized. Hence, while reading the report, parts related to these institutions should be approached cautiously in that things may have changed.

The chart given as annex to the present report shows together the roles and responsibilities of institutions in withdrawing children from seasonal migrant agricultural works and improving their working and living conditions.

# A Model for Preventing Child Labor in Seasonal Agricultural Production

## LEGISLATION

### THE GRAND NATIONAL ASSEMBLY OF TURKEY (TBMM)

#### LEGISLATIVE REGULATION - MONITORING

TBMM constitutes of the MPs who are elected in the general elections every five years. The MPs represent all the citizens, not the region they are elected in. The parliament is the legislative branch. Main responsibilities of the parliament are as listed: making, changing, amending law, approving international contracts, discussing the national budget, approving and monitoring. In addition, the MPs can make commissions for research, examine the agenda thoroughly, and ask written parliamentary questions for monitoring. The MPs can give speeches individually, or for their parties regarding child labor, organize press conference with or without the agenda.



### POLITICAL PARTIES

#### MONITORING - AUDITING



Anyone can establish a political party in Turkey without permission as long as they meet the conditions. Any party who has 10% or more votes is represented in the parliament. Independent MPs also can be in the parliament. The political parties in the parliament are responsible from legislation and monitoring the government. For monitoring the government, political parties can require verbal or written parliamentary questions, request to build the commission of research and investigation, can request general meeting, can actively participate in monitoring by gathering with members of monitoring and legislation committees. In addition, when the political parties come to power they can make policy regarding child rights and child labor.



#### THE OMBUDSMAN INSTITUTION

The Ombudsman Institution is established by law and its mandate is stated as follows: "examining, investigating, and submitting recommendations concerning all sorts of acts and actions as well as attitudes and behaviors of the administration within the framework of an understanding of human rights-based justice and legitimacy and conformity with principles of fairness, through creating an independent and effective mechanism of complaint concerning the public services".

#### Typology on Child Labor Sectors



**WHO IS A CHILD WORKER?**  
Child worker is someone who completed their 14 years of age, yet is not 15 years old yet, and has completed 8 years (6+2) of their primary education.

**WHO IS A YOUNG WORKER?**  
Young worker is someone who completed his or her 15 years of age, but is not 18 years old yet.

#### CHILD LABOR

Child labor is when children who are too young to work are employed, or when children work in a setting which is mentally, physically, or developmentally risky and harmful to them.

Sources: www.dogruyol.com.tr, www.ilo.org, child labor hq, child labor, ilo

#### Education and Work Age for Children

- 5 Age to start pre-school
- 6 Age to start primary school
- 7 Age to start elementary school
- 8 Children younger than 14 years old or who haven't completed their 8 years of primary education can work only at culture, advertisement and art sectors, and with a written contract and getting permission for each operation.
  - Age to finish 8 years primary education
  - In light works\* children can be employed completion of age 14, if they have completed their primary education, and if the work is not harmful for their physical, mental, social and moral development.
- 15 It is illegal for children who haven't completed their 15 years of age to work.
- 16 It is strictly illegal for children who are younger than 16 to work in non-harmful work.
- 18 According to the Child Rights Convention, any human being under the age of 18 is defined as child. The minimum age for the worst form of child labor is 18.

#### \*What is light work?

According to special conditions depending on its structure and quality and the procedure:

- a) It cannot risk harming children's development or health and safety
- b) It cannot prevent children from school attendance, participation to vocational education, participation to educational programs approved by the authorities, and benefiting from these activities.

## MAIN STAGES OF SUPPLY CHAIN IN AGRICULTURAL PRODUCTION



There are cooperative agricultural associations for farmers to provide agricultural input, and to market agricultural outputs. These cooperatives have formed their higher units such as Tarım, Çukurova, Antalya, Fıstıkcılık, Karadenizcilik. These cooperatives and unions can carry out various activities for farmers who are partners in the provision of child labor. The Development Workshop (Kalkınma Atölyesi Kooperatifi) is the only cooperative established to prevent child labor in Turkey.

The Development Workshop Cooperative has been conducting research, making arguments and trying to raise awareness for the children working in seasonal migratory agricultural works for about 15 years. The cooperative also carries out activities to eliminate child labor in the supply chain.

To prevent child labor in the supply chain, there are companies that provide monitoring, training, and conduct capacity development and reporting activities for the brands they service and for the companies that these brands supply products for. Ex. LaborForce...

#### Academic Institutions - Universities

In Turkey, there are 7.2 million university students including 152 thousand academicians, students in undergraduate, graduate, master and doctorate students in open enrollment schools, in 183 universities. These students could participate in the process for the research and trial applications in preventing child labor. In addition, 'child labor' could be defined as a research subject in master and doctorate studies. These students could participate in the research and trial applications to prevent child labor. In addition, 'child labor' could be defined as research subject in master and doctorate studies. The students could be encouraged to develop projects for their social responsibility activities.

#### Union of Turkish Bar Associations - Bar Associations

Bar associations are professional organizations for lawyers. They have the characteristics of a public institution. In addition to their duties assigned by the law as professional organizations, Bar Associations are a part of the judicial system and they are accepted as the institutional organization for lawyers. They contribute to the development of law. Organized in 81 provinces, Bar Associations are advocating for rights in many fields, from environmental problems to child rights violations. The high union of bar associations, Union of Turkish Bar Associations (Türkiye Barolar Birliği) incorporates a Children's Rights Board. The purpose of this board is to ensure cooperation and coordination between the children's boards, commissions and centers of the bar associations established in provinces; to make professional and specialist studies to ensure the recognition, protection, implementation, development and monitoring of children's rights; Bar associations at provincial levels are also becoming organized in order to work on children's rights.

#### Turkish Medical Associations - Doctor Organizations

Chambers of medicine are professional organizations that the self-employed doctors need to be a member of to be able to perform their profession. This professional association's higher union is the Turkish Medical Association (Türk Tabipler Birliği) Chambers of medicine have the responsibility to protect and improve the rights of their registered doctors. In addition, they are responsible of producing ideas about the health policies of the country, informing the authorities about their ideas, carrying out projects that ensure the protection and the improvement of the public health, and cooperating with the other parties of this subject. Within this scope, there are activities that they could do about the health of child laborers and their life and working conditions. As a matter of fact, since 2011, the Medical Chamber of Bursa has been carrying out situation evaluation to improve the life and working conditions of the seasonal migratory agricultural workers, thus, children laborers. The Medical Chamber of Bursa has also been working to take initiative at a governance level for the local improvement projects.

#### Union of Chambers of Turkish Architects and Engineers (TMMOB) - Unions of Engineers and Architects - Unions of Agricultural Engineers

To be able to work as a freelance architect and engineer in Turkey, it's mandatory to be registered in the union of the specific occupation. The high union for architects and engineers is TMMOB. TMMOB could carry out activities regarding monitoring, research, advocacy and model creation of child labor. It can prompt the public institutions and the private sector especially at the local level.

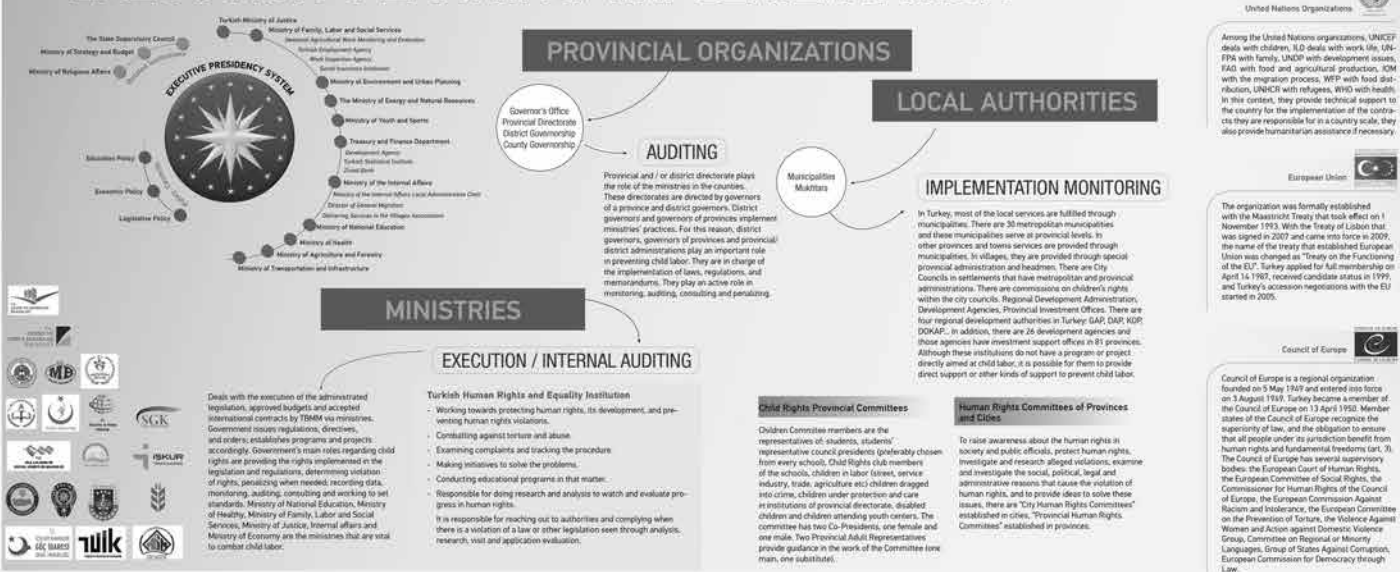
#### Union of Turkish Agronomists

In Turkey, there are chambers at provincial levels who work to protect the rights of the farmers, and farmers in the scope of the agricultural projects. The national level of the T200. The union, which is the only approximately 5 million farmers, has to make efforts to raise the awareness about child labor.

Project for Reducing Legal and Institutional Gaps in Prevention of Child Labour in Seasonal Agriculture

## RESEARCH-AUDITING-INFORMING-MONITORING

## EXECUTION-PLANNING-IMPLEMENTATION



## 2.1\*

### Actors in Production-Consumption Chain

#### 2.1.1

##### Agricultural Intermediaries

Agricultural intermediaries are persons that establish contact between landowners who need agricultural workers and workers. Kablay (2016) defines them as an institution that “tries to strike balance between supply and demand in agriculture by contacting employers on behalf of workers and workers on behalf of employers in seasons when agricultural works intensify.” The Regulation on Agricultural Intermediaries<sup>2</sup>, defines intermediaries as “real or legal persons who are authorized by the institution to serve as job brokers in agriculture.” Officially, these persons must obtain a “mediation certificate” from the Employment Agency of Turkey (Art.5).

There is no information about the number of persons actively engaged in agricultural labour mediation. Most intermediaries are not registered and they are exposed to no inspection and sanction due to this absence.<sup>3</sup> Yet, the report of the Parliamentary Inquiry Commission formed in 2015 to investigate problems in seasonal migrant labour<sup>4</sup>, states that there are 736 registered agricultural intermediaries in Turkey in 2015.<sup>5</sup>

Agricultural intermediaries are called as ‘dayıbaşı’ or ‘elçi’ in daily speaking. While landowners mostly recruit their workers via intermediaries, there are also some examples, through few, where they directly contact workers. Further, there are also some cases where landowners regularly hire some families from which a member assumes the role of intermediary.<sup>6</sup> In a survey conducted in the Black Sea region, for example, it is found that 73.8 per cent of agricultural workers are

recruited by intermediaries (dayıbaşı) while 21.4 per cent said their contact was direct without any intermediary.<sup>7</sup> These percentages indicate the important role that intermediaries play in these relations.

It is observed that agricultural intermediaries have different characteristics:

*“Intermediaries too differ with respect to the number of workers they bring in. For example, while an intermediary questioned in an in-depth interview says he can bring in up to 1,500 workers, another one can bring in only 150-200. It is observed that intermediaries who can bring in large number of workers have at least 50 decares of land in their place of residence. It is also observed that these intermediaries stay in hotels during harvest times, travel to working places by their own cars or by plane. Those intermediaries who can bring in less number of workers, on the other hand, are either landless or have tiny plots and they earn their living by working as agricultural labourers. Groups of workers formed by these intermediaries mostly consist of relatives and persons from close circles. An intermediary interviewed, for example, had a group of workers comprising his wife, brother and other relatives. These persons that we can identify as worker-intermediaries stay in tents like other workers.”<sup>8</sup>*

The Regulation on Agricultural Intermediaries<sup>9</sup> prohibits intermediaries to charge agricultural workers (Art.11). Intermediaries can charge only employers for their services. Agricultural intermediaries who bring in large groups of workers mostly do not work out in fields and appoints someone who is called “çavuş” to coordinate the work performed in crop fields and orchards. Intermediaries working this way get 10 per cent of worker’s wage as “commission”.<sup>10</sup> As for intermediaries with smaller groups; they usually work in fields and orchards and receive tow payments from employers.<sup>11</sup>

\* The actors/institutions are not listed in a hierarchical order.



Agricultural intermediaries ensure that workers regularly find jobs without personally seeking and employers reach labour whenever they need and in right time without bothering with possible problems that may arise during other processes of recruitment.<sup>12</sup> The function of intermediaries in lending to workers in out of season periods or responding to the needs of workers before they are paid is considered as a kind of sub-contracting or safeguarding of continuity. However, there is no research examining whether the same scheme also leads to some practices that fall in the category of forced labour.

According to article 11 in the Regulation, agricultural intermediaries are supposed to:

- Arrange contracts between employers and workers and sent a copy of each contract to the institution for approval within ten working days ,
- Inform workers, before they start working, about the work to be done, the wage and other relevant issues,
- Exercise control and surveillance together with the employer to ensure workers' safe transportation from their living areas to places where they work,
- Ensure that wages are paid directly to workers according to the concurrent form of payment (daily, weekly, monthly, piece rate, lump sum, etc.),
- Ensure that daily gross earning of workers is not below the minimum wage specified in Article 39 of the Labour Code No.4857,
- Make necessary application to local authorities to ensure that places where workers stay out of their working hours have proper sanitation and hygiene.

Agricultural intermediaries have important roles and responsibility in efforts to prevent child labour in seasonal agricultural works since they ensure contact between workers and employers, have their part to play in such issues such as acting of contracts, actual

payment to workers, transportation and boarding.

Agricultural intermediaries display initiatives to organize and ensure that relevant operations take place in compliance with the legislation. However, there is yet no comprehensive work on this matter. "Agricultural intermediaries organize only along with their own preferences and will under corporate person status as a civil society organization. At present, there are only two such associations of intermediaries, both in Adana province. There is no information as to how many members these associations have. The Çukurova Association of Agricultural Intermediaries has 600 members among which are 150 active associates who keep their contact and relationship with the association. There is no information about the members and activities of the Adana-Ceyhan Association of Intermediaries."<sup>13</sup>

## 2.1.2

### Agricultural Enterprise Owners

Despite the generic name "farmer", there is no single form of being a producer in agriculture. Indeed there are many forms including self-employed small farmers, tenants, sharecroppers, large farming enterprises, companies operating in crop fields and orchards, those seasonally engaged in agriculture while having other jobs, etc. The absence of clear data regarding these forms and the possibility of annual changes in the use of farming land render more difficult the comprehension of the situation and the enactment of necessary regulations and arrangements.

According to the Employment Monitoring Report (2018)<sup>14</sup>, prepared by the Economic Policy Research Foundation of Turkey<sup>15</sup>, based on the January 2018 data of the Social Security Institution and February 2018 data of the Turkish Employment Agency, the number of farmers in Turkey as of January 2018 has decreased by 0.4 per cent (3,000 farmers). In 2017 agriculture was the second largest employment sector with 5,583,000 persons (19.3 per cent) following

the sector of services (61.6 per cent), almost equal to employment in industry (19.1 per cent).<sup>16</sup>

Examining labour remuneration per employed person by sectors, we observe a general increase. However, it must be added that in the last quarter of 2017, there was a decrease of 6 per cent in real labour remuneration in agriculture relative to the earlier period.<sup>17</sup> Yet, there was an increase of 1.7 per cent in the productivity of the sector in the same quarter.<sup>18</sup>

It is known that many factors have their effect on this reality such as the exhausting nature and costs of agricultural works as well as the split of land as a result of inheritance. Examining the tendency of agricultural population with its causes and outcomes is important in ensuring the viability of policies to be proposed.

According to the Law of Obligations that arranges employment relations in agricultural activities, farmers who employ seasonal migrant agricultural workers have the following responsibilities:

- Remuneration not to be less than the minimum wage
- Remuneration of overtime work
- Protection of wage (ensuring that it is actually taken by the worker)
- Providing necessary tools and equipment for work and taking measures to ensure works safety and health
- Covering costs of workers' transportation and insurance
- Protecting the personality of the worker and respecting him
- Taking measures to protect workers from psychological and sexual harassment
- Compensating for such damages as worker's death, mutilation or violation of personal rights if they arise from the failure of employers to fulfil their obligations,

- Providing sufficient food and shelter in cases where workers share the same environment with their employers.

Almost all of what is listed above can be read as obligations upon owners of agricultural enterprises when it comes to combating child labour. The obligation of employing people at ages and conditions as provided by the legislation can be added to these. Many of these obligations are not fulfilled. Employers only pay wages that are determined by different mechanisms in different regions and what is paid is often below the gross minimum wage. Examining Tables of Annual Disposable by Status in Employment,<sup>19</sup> we find that remuneration of daily paid workers is either equal to or under the minimum wage. In 2016 for example, the annual disposable income of a daily paid worker was 10,003 TL, corresponding to monthly income of 833 TL. Yet, the net minimum wage declared for the first quarter of 2016 was 1,300 TL.<sup>20</sup>

When farmers are asked to fulfil their obligations in relation to the minimum wage, the problem of costs in agricultural production emerges. Meanwhile, some farmers are also labourers in their own crop fields or orchards. For those self-employed in agriculture, it was found in 2016 that annual disposable income was 24,417 TL which corresponded to a monthly income of 1,701 TL.<sup>21</sup> The International Labour Organization accepts that farmers in this status should also be covered by social policies.<sup>22</sup>

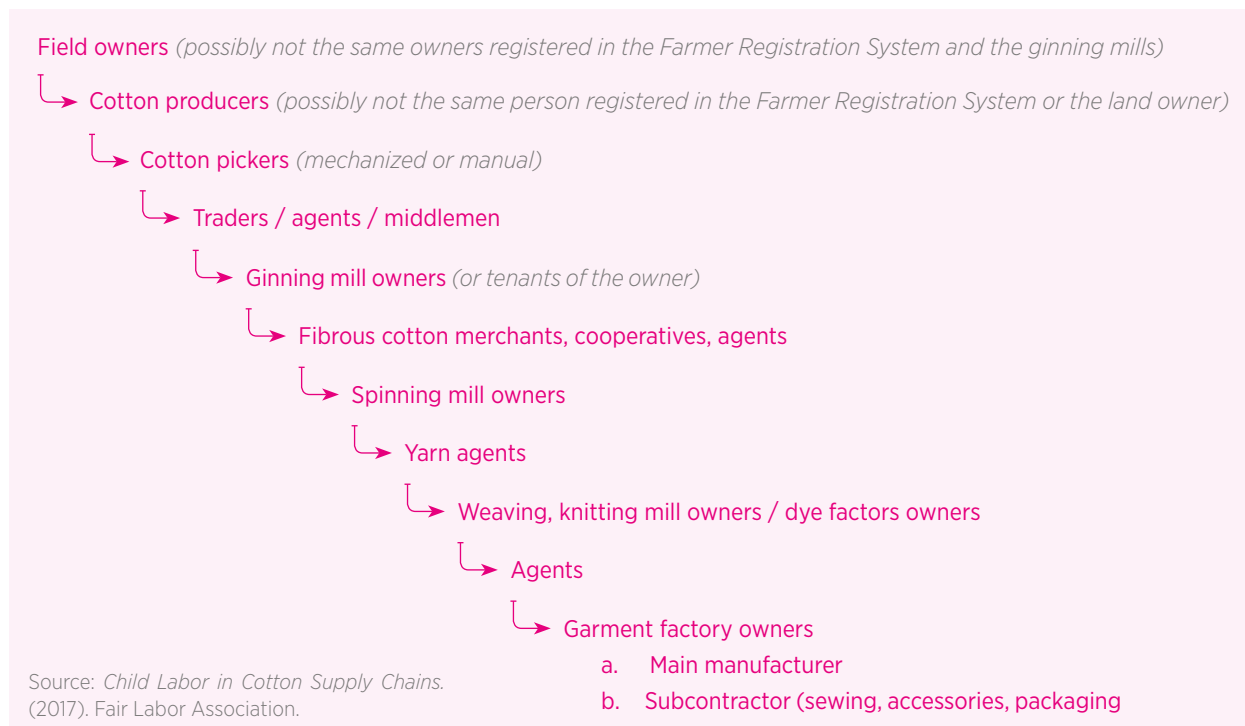
### 2.1.3

#### Crop Intermediaries and Traders

After direct agricultural producers, there come intermediaries in the process of products' journey to consumers or to facilities to process them. These intermediaries that exist in almost all agricultural products may assume different names by the type of crop concerned.

Intermediaries/traders known as "manav" in hazelnut and "simsar" in cotton and citrus fruit undertake

**Figure 1.** Cotton Supply Chain



to collect crops from local markets and sell them to where they are demanded. This intermediation guarantees the sale of crops for the producer and its availability for the buyer. The relationship between intermediaries and farmers varies by crop, region and needs of farmers. For instance the story of cotton from cotton field to a garment store requires the involvement of many actors (Figure 1).

At almost all stages, connection with the next actor is established through traders, brokers or middlemen. Instead of seeking their inputs directly in the field, big companies prefer to work with traders supplying raw materials or semi-finished products from international markets. The relationship between the middleman and the farmer is usually not based on any official contract. Though there are cases where contracts are made in organic farming which is certified, the dominant practice is without contract. The nature of relationship between the middleman and the farmer

varies by regions, crops or farmers. In crops such as cotton and hazelnut which involve costs if stored after harvest and which have to be sold out without delay in case no storage can be found, farmers entrust their crops to ginneries, local greengrocers or to those with storing facilities to be invoiced later. Farmers who need cash within the year to cover their production costs, usually borrow from these middlemen, credit institutions or, in some cases, local usurers. This suggests that the old system of *mültezim*<sup>23</sup> (a kind of tax farming) continues in a new form. As daily wage impoverishes the worker while employed, the loan relationship between the trader or middleman and farmer impoverish the latter especially in case of small farmers.<sup>24</sup> Boratav draws attention that in such cases the repayment itself becomes a problem of financing with a chronic character while the profit accruing to the trader also includes an interest income of a certain rate.<sup>25</sup> This kind of relationship may

also be observed in the case of workers engaged in sharecropping or tenancy. In case of borrowing and repaying in cash, it is possible to infer the rate of interest; it is much more difficult when repayment is made in crops since interest is collected by keeping the value of the crop as low as possible.<sup>26</sup>

Looking at comparative producer prices regularly published by the Union of Chambers of Agriculture, we see a large margin between producer and consumer prices. But this margin cannot be said to be going only to intermediaries, despite their undeniable impact on prices. Since the costs that are beyond the control of producers are to the detriment agricultural workers, the invisibility of mechanisms and costs involved in the supply chain represents a major problem in this sector.

The comparison of market prices released by the Union of Chambers of Agriculture in January 2018 reveals that the price differential of that month reaches 87 per cent in wholesale market and 354 per cent in large stores for orange; 105 per cent neighbourhood bazaars and 124 per cent in market for hazelnut (Table 14).<sup>27</sup>

The intermediary and the trader are the actors who can be held responsible for these conditions as producers since they dispose the clearest picture about the place and conditions of production and generate income from this process. In spite of their important role in the supply chain and their effect on the cost of production as a result of their own earning, they are still legally unseen actors in the system and no responsibility is identified on their part in regard to agricultural labour and employment of children. This actor located in-between the industrialist or the

trader and the producer affect the interviewing of responsibilities negatively since the industrialist or the trader often deal only with the intermediary without meeting the producer himself.

## 2.1.4

### Industrialists and Brands Processing Agricultural Products

A significant part of agricultural produce is used in industry as input of semi-finished products. There is a range of industrial branches based of agricultural products including food, beverage, tobacco, textiles and leather processing. Each of these branches integrates with agriculture in a different way. This is one of the factors making it more difficult to follow and grasp supply chains.

We generally refer to three different forms of integration: Vertical, horizontal and circular.<sup>29</sup> On-contract farming, integration of proprietorship, cooperatives, takeovers and participation are considered as forms of vertical integration. Here, there is also the case of industry merging with agriculture where the former is engaged in contracting or takes over proprietorship.<sup>30</sup> While horizontal integration denotes merging or syndication of companies, circular integration refers to the coexistence of both vertical and horizontal integration. Some programmes like 'Good Cotton Practices', 'Good Farming Practices' and organic farming can be taken as examples of 'on-contract farming' and thus 'vertical integration.' This relationship is usually asymmetrical to the detriment of farmers. Small enterprises are expected to compete with national or multi-national companies in free market conditions.

**Table 14.** Average Producer, Wholesale, Bazaar and Market Prices of Selected Crops as of 30 January 2018<sup>28</sup>

Crops	Producer Price (TL/Kg)	Wholesale Market Price (TL/Kg)	Bazaar Price (TL/Kg).	Market Price (TL/Kg)	Wholesale/Producer Price Differential (percentage)	Bazaar/Producer Price Differential (percentage)	Market/Producer Price Differential (percentage)
Orange	0.60	1.12	2.21	2.72	86.67	268.06	353.89
Tangerine	1.25	1.76	2.58	3.47	40.80	106.67	177.49
Hazelnut (kernel)	22.00	-	45.00	49.20	-	104.55	123.63

It is argued that the absence of an official agriculture policy, limited use of input subsidies by small enterprises, unsatisfactory status of agricultural infrastructure and related investments and inadequate use of inputs and technology by enterprises are the factors that affect agricultural productivity negatively which has its negative implications on domestic agro-industries.

The development in agro-industry requires stronger integration between industry and agriculture while bringing into agenda the issue of holding industrial enterprises responsible for production and supply chains. It is not possible to say that this relationship is justly defined and regulated at national and international levels yet.

As integration of industry and agriculture evolves, the responsibility of industry in the production chain increases. Meanwhile, as markets become globalized, the harmony between domestic law and international law gains further importance in defining and tracking responsibilities in this field.

Even when it is assumed that profit emerging in the industrial process comes from surplus value created not by agricultural but industrial labour and that there is yet no proof to our assertion about the effect of the cost of raw material as input, the industrialist who is in direct contact with the consumer has started to consider himself responsible for agricultural activities as well. Although there is no relationship here that will enable attribution of any legal responsibility, there is still a pressure on industrialists with rising consumer awareness since the principal and ultimate beneficiary of cheap input is industrialists. Therefore, with respect to consumer demand, the industrialist can be considered as one of the principal parties responsible for ensuring fair working conditions and non-exploitation of child labour throughout the supply chain.

## 2.1.5

### Certification, Accreditation and Inspection Institutions

In order to ensure that the required input of agriculture based industries is adequate in quantitative and qualitative terms, one way is to enable integration between agriculture and industry and the other way is to exercise control over production chain. In Turkey there are basically three programmes related to the certification of agricultural products. Of these, programmes on organic farming and good farming practices (GFP) are carried out by the Ministry of Agriculture and Forestry and the GLOBAL G.A.P. is managed by the GLOBAL G.A.P. c/o Food PLUS GmbH whose head office is in Germany.<sup>31</sup>

In Turkey, organic farming is practised under the Organic Farming Law<sup>32</sup> and certification is compulsory. However, international equivalence of certificates issued under this law is not procured yet.<sup>33</sup> As to GFP and GLOBAL G.A.P. certificates, their granting is not compulsory and these certificates do not have international validity.

Certification institutions themselves have to be accredited by the Turkish Accreditation Institution (TÜRKAK)<sup>34</sup> or international accreditation institutions. Ankara based TÜRKAK is founded by law<sup>35</sup> as a non-profit legal entity with administrative and financial autonomy, subject to private law provisions. The TÜRKAK issues accreditation in the context of “ISO 17065:2012 Conformity Assessment - General Standards for Product, Process and Service Accreditation Bodies”.<sup>36</sup>

In Turkey, the UTZ Certified<sup>37</sup> issues certificates in hazelnut and tea. Besides product quality, this certification programme also contains standards related to fair production conditions. The Fair Labour Association (FLA), an accreditation institution, also works on documenting monitoring, evaluation and working conditions related to agricultural crops in Turkey including hazelnut in the first place.<sup>38</sup>

Since they are positioned to keep track of whole supply chain, certification and accreditation institutions can play an important role in this field by setting and monitoring standards related to workers' rights in agriculture, fair working and living conditions and prevention of child labour.

Both documentation activities and accreditation activities of documentation institutions constitute one of the important ways of monitoring supply chains. There is yet no study responding to the question *Does these institutions' addressing of child labour within the framework of fair working conditions and its inclusion in their certificates serve to curb anti-labour outcomes arising from agriculture-industry integration?*

Yet neither documentation nor accreditation institutions include in their indicators issues such as evaluating the minimum wage policies in the country in the context of wages paid to agricultural workers. These institutions are interested exclusively in outcomes and have no focus on whether children work out in crop fields or orchards. Since employment in agriculture is informal, it is more difficult to evaluate outcomes on the basis of quantified data.

## 2.1.6

### Consumers

Consumers constitute the last link in supply chain in agricultural production. A significant part of these consumers is agricultural producers at the same time. It is stated that 2.6 billion people in the world subsist on agricultural production today and the figure for Turkey is 15 million (19.8 per cent of total population).<sup>39</sup>

The long and complicated nature of the process between production and consumption prevents even the producer to keep control over consumption. Even in food and nutrition that are natural rights of every human being, individuals have no means of control.

The supply chain implies that the costs will be higher in case production is carried out under safe and

fair conditions; hence efforts are made to lower input prices to cut down overall costs and the consumer is expected to assume the margin between cost and the price of the final product. Shifting the ultimate cost of safe and fair production to consumers is one of the most important factors preventing stronger consumer demand.

Consumers constitute the largest and most powerful group holding resources. In this respect, consumer policies of the European Union<sup>40</sup> expose the important role that consumers can play. Although it can be noted that consumer demand for organic farming products is emerging in Turkey, there is yet no initiative for consumer demand focusing on fair working conditions in agriculture.

Given that present process of certification in some agricultural products derives from consumer pressures in other countries, it will make significant difference if consumers in domestic market too exert their pressure for ensuring fair production conditions and prevention of exploitation of child labour. At the same time, supervision of all supply chains will be more effective and reliable in case both domestic and foreign consumers are rendered aware of monitoring indicators. For the present, the most important role that the consumer can play is to demand products that come from fair working conditions in agriculture and to exert pressure on firms in this regard. There is need to further strengthen the role of the consumer by adding the elements of questioning and supervising (See, 2.3.3)

## 2.2

### Public Institutions

As will be seen in this section, many ministries and governmental organizations have responsibilities relating to agriculture and workers in this sector. These responsibilities can be gathered under the following headings:

- 1 Legislation:** Enacting necessary legislation to prevent and remedy the consequences of child employment in seasonal migrant agricultural works.
- 2 Organization:** Introducing central and local organizations necessary for the implementation of the legislation.
- 3 Delivering and extending services:** Allocating resources and personnel for planned services to prevent child labour in seasonal agricultural works and developing programmes.
- 4 Assistance:** Supporting non-governmental actors and institutions to help them fulfil their responsibilities.
- 5 Monitoring:** Regularly and systematically monitoring the enforcement of legislation, its outcomes and the state of child labour.

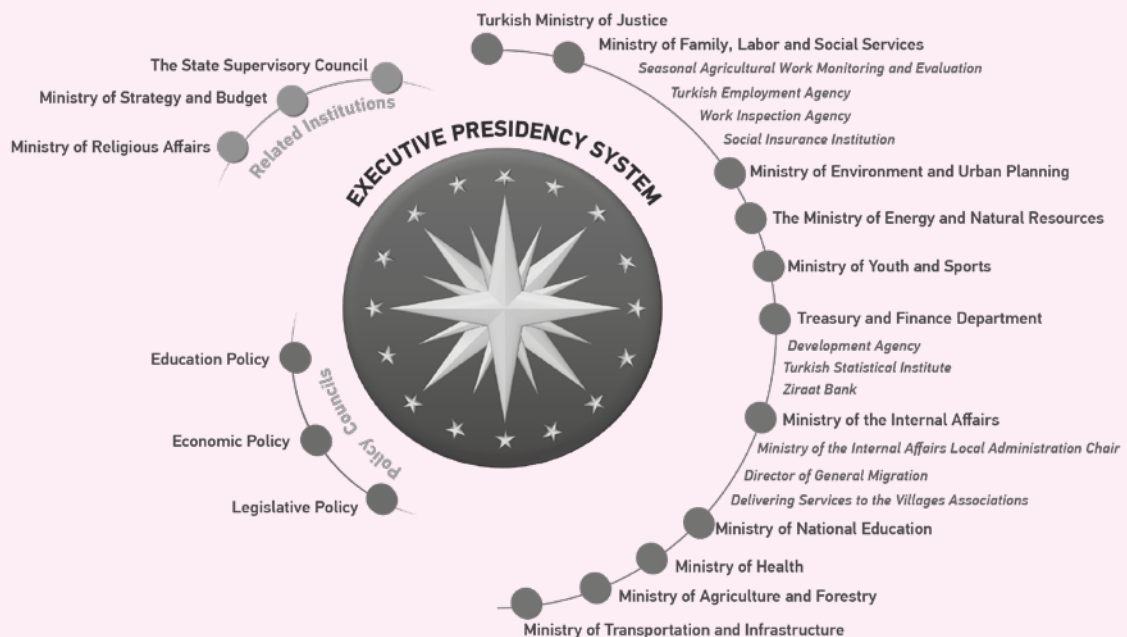
- 6 Inspection:** In time and in situ inspection of services and their effectiveness.

The definition of responsibilities in such generalized terms prevents proper monitoring. It is therefore necessary to define responsibilities for each unit in detailed and concrete terms. It can be noted that legislation and regulations have these details; however policy documents too are important guidelines in this respect.

The public institutions with executive power are shown in Figure 2 in hierarchical order.

On the other hand, while explaining responsibilities and authorities of public institutions in the section below, no hierarchical ordering is considered and they are given in alphabetical order. The list includes all institutions with either legislative or/and executive powers.

**Figure 2.** Administrative Structure in the Presidential System





Some ministries that existed in the former system of government with their specific duties in preventing child labour in seasonal migrant agricultural works or positioned to undertake responsibilities in this domain as a result of their general competencies according to policy documents that we referred, exist no more under the new system. There are also some ministries that have undergone changes in their name or organizational structure. It was not certain at the time of the redaction of this report whether associated units of these ministries well remain in their new forms.

The Prime Ministry is the lead office in this respect. As the head of the Council of Ministers, the Prime Ministry was an office ensuring cooperation of ministries and executing the overall policies of the government.<sup>41</sup> This office exists no longer upon the transition to the presidential system.

One of the tasks of Prime Ministry was to “*lay down principles that will ensure smooth and effective functioning of the state organization and to follow the implementation of government programmes, development plans and annual programmes.*” Given this, the Prime Ministry was in charge of ensuring coordination and harmony between relevant ministries in actions –as for all other governmental programmes– to prevent child labour in seasonal migrant agriculture. With the new structuring of the state, these duties of the Prime Ministry were transferred to the Office of Presidency.

At the time of the redaction of this report only the Presidency of Religious Affairs which used to be under the Prime Ministry was brought directly under Presidency and there was no information as to what will happen to other offices of the same status.

The Prime Ministry had introduced some arrangements related to “Seasonal Agricultural Workers” first with its circular No. 2010/6 in 2010 and then Circular No. 2017/6 in 2017.<sup>43</sup> Although these circulars as well as the National Programme on Combatting Child Labour (2017-2013) assign no specific duty to

the Prime Ministry, it can be noted that it is the duty of the Prime Ministry to ensure coordination in implementing the provisions of the Circular. It is not certain whether these responsibilities will be assigned to a Ministry or to the Office of the Presidency in the new system.

- *Institutions that used to function under the Prime Ministry or various ministries and assumed some duties in elimination of child labour in seasonal migrant agricultural works, but yet to be decided whether they will continue to exist or if they will, under which ministry:* The Presidency of Disaster and Emergency Management<sup>44</sup> which was established upon the Law on the Organization and Duties of the Presidency of Disaster and Emergency Management<sup>45</sup> is an institution under the Prime Ministry assigned some duties by the Strategy and Action Plan on Improving Working and Social Life of Seasonal Migrant Agricultural Workers (2010).<sup>46</sup>
- *The Human Rights and Equality Institution of Turkey*<sup>47</sup>: It is an institution under the Prime Ministry established by law<sup>48</sup> The institution used to have its ex officio capacity to examine cases of human rights violations. As such, it as one of the institutions positioned to fulfil the task of monitoring and inspection in matter related to child labour.
- *Board of Agricultural Support and Steering:* The board had its basis in the Agricultural Law No. 5488 and its mandate used to cover the following tasks of the Ministry of Food, Agriculture and Animal Husbandry: identifying annually the basis, instruments and budget and relevant arrangements of assistance programmes and ensuring coordination among public organizations and agencies in charge of their implementation. What is envisaged by the law include direct income support, difference and remedial payments, rural development support and empowerment in seasonal migrant agriculture.

- *Rural Development Support Institution and Monitoring Committee*<sup>49</sup>: It was founded on the basis of the Law on the Establishment and Duties of the Rural Development Support Institution.<sup>50</sup> According to the legislation, the objective of the institution is as follows: “carrying out activities related to the implementation of rural development programmes within the framework of principles and targets envisaged in national development plans, programmes and strategies and so as to utilise resources provided by the European Union and international organizations.” (Art.1). The establishment of the committee was the 1<sup>st</sup> priority expressed in Chapter 11 of the National Programme for the Adoption of the European Union Acquis as “establishment of IPARD (Instrument for Pre-accession Assistance-Rural Development) to be accredited according to EU Requirements”.<sup>51</sup> This is followed by the establishment of a “national farmer registry system.” The committee updated its strategic plan most recently in 2017.<sup>52</sup>
- *The Board for Restructuring Unions of Agricultural Marketing Cooperatives*: The Board was established under the Law no. 572 to restructure existing cooperatives and unions and to improve their economic efficiency and effectiveness.

## 2.2.1

### Ministry of Justice<sup>54</sup>

The duties of the Ministry of Justice are stipulated by the Presidential Decree No. 1.<sup>55</sup> Besides duties relating to the organization of the judiciary, the Ministry has also the duty of examining bills prepared by ministries in terms of their compliance with law and procedural rules. In this respect, the Ministry has a major role in ensuring the compliance of legislation relating to seasonal migrant agriculture prepared by ministries with international instruments that Turkey is a State Party to and to the domestic legislation.

The National Programme on the Elimination of Child Labour (2017-2023) defines the role of the Ministry of Justice in combat against child labour as follows:<sup>56</sup>

- Evaluating statistical information on child delinquency, investigating the causes of child delinquency and seeking ways of its prevention and cooperating with other domestic and foreign institutions active in this field,
- Protecting children from domestic violence and from employment by force or as bonded labour against their will that risk their safety and health and jeopardize their physical and psychological development. As required by the Law on Protection of Family, adopting measures to ensure immediate appeal to authorized family courts in cases where children are found to be exposed to domestic violence,
- Adopting measures necessary to ensure cooperation and coordination among relevant institutions in the execution of protective and supportive court decisions taken in relation to children,
- Giving opinion on drafts and proposals made by relevant institutions in matters related to the protection of minors that are or should be included in domestic and international legislation,
- As envisaged in Article 25 of the Child Protection Law No. 5395, taking measures to ensure the introduction of child courts in provinces and districts.

## 2.2.2

### Council of Ministers

The Council of Ministers have duties such as selecting products to be supported and setting prices, financing of agriculture and postponement of debt repayments. It is also mandated to carry out general policies, issue decrees in force of law, draft legislation and prepare final budget and accounts. Consequently, the Council of Ministers is primarily responsible -as in all governmental issues- to plan, to draft legislation

and to allocate resources to prevent child labour in seasonal migrant agriculture.

There is no responsibility assigned to the Council of Ministers by the National Programme on the Elimination of Child Labour (2017-2023).

### 2.2.3

#### Municipalities<sup>57</sup>

The geographical scope of municipal activities is determined by provincial boundaries (Art. 14). Considering the mandate of municipalities, an evaluation with regards to their services has to be made with respect to both places where seasonal migrant agricultural workers have their permanent residences and places where they move to work.

According to the Law on Municipalities, these local governments are expected to deliver the following services to citizens including seasonal migrant agricultural workers (Art.14):

- Urban infrastructure including reconstruction, water and sanitation works;
- Geographical and urban information systems;
- Environment and environmental health, hygiene and solid waste disposal;
- Municipal police, fire squad, emergency aid, rescue operations and ambulances;
- Urban traffic;
- Burials and cemeteries;
- Reforestation, parks and green spaces;
- Housing, cultural and artistic activities, tourism and publicity;
- Social services and assistance; civil marriage, occupation and skill building;
- Promotion of economy and commerce.

Further, metropolitan municipalities and municipalities in settlements with population over 100,000 have to offer shelters for women and children. Other municipalities may do the same by considering their financial means and service priorities.

The Prime Ministerial Circular No.2017/6 on Seasonal Agricultural Workers<sup>58</sup> assigns municipalities the task of medicating temporary places of settlement regularly against pests, disposing of wastes and providing safe drinking and use water.

The following tasks are assigned to municipalities by the Strategy and Action Plan on Improving Working and Social Life of Seasonal Migrant Agricultural Workers (2010):<sup>59</sup>

- Allocating collective spaces for staying to seasonal migrant agricultural workers in cases where decent boarding facilities cannot be provided by employers.
- Providing and maintaining infrastructure and other facilities in temporary settlement places and keeping these facilities ready at the beginning of each agricultural season.
- Providing mobile facilities and services to tent camps by special provincial administrations.
- Providing tents to seasonal migrant agricultural workers where they can stay as family.
- Raising awareness among seasonal migrant agricultural workers in issues related to environmental hygiene, protection of surrounding vegetation and trees and preventing fires.
- Regular collect and disposal of wastes in appropriate conditions and at specific areas.
- Ensuring hygiene in drinking/use water.

The National Programme on the Elimination of Child Labour (2017-2023) assigns the following tasks to municipalities:<sup>60</sup>

- Adopting measures to prevent the working of

children in streets by the municipal police or by the specifically assigned personnel.

- Opening up centres and extending rehabilitation and support services to children working in streets, industry, trade, agriculture and services.
- Organizing vocational courses and mainstreaming the issue of child labour to these courses.
- Adopting necessary measures together with the Ministry of Family, Labour and Social Services to protect children in need.
- Delivering social and cultural services to children and youth, launching social facilities for this purpose; establishing, operating or having others operate occupation and skill building courses; in conducting these activities, cooperating with universities, colleges, vocational high schools, public organizations and civil society organizations.
- Establishing shelter for women and children in settlements with population over 50,000.
- Conducting repair and maintenance works related to school buildings and providing for their equipment needs within the means of their budget.
- Supplying equipment and materials and extending support to students and amateur sports clubs.

## 2.2.4

### Presidency of the Republic<sup>61</sup>

In the presidential governmental system, the President of the Republic is the head of the state. The duties of the President are laid down by the Presidential Decree No. 1.<sup>62</sup>

Some units and boards under the Presidency of the Republic are already mandated to develop strategies and conduct activities related to the prevention of child labour in seasonal migrant agriculture. Some

others are envisaged to be established upon presidential decrees.

### *State Supervisory Council*

The State Supervisory Council is a constitutional organ whose president and members are designated by the President of the Republic and its duties are defined by the Presidential Decree (Art.108). Upon the request of the President, the State Supervisory Council is authorized to launch and conduct administrative inquiry, examination and investigation on all public institutions and agencies, other institutions with half of their founding capital is provided by these institutions and agencies, professional organizations with public identity, organizations of workers and employers, associations and foundations. With such mandate, it is considered among supervisory organs.

### *Presidency for Strategy and Budget*

With the Presidential Decree No. 1 it is envisaged as a unit under the President.<sup>63</sup> It is authorized to develop strategies and make the budget. Though its role and responsibility in this field is not yet precisely defined, it is expected to be one of the leading actors given its overall responsibility.

### *Presidency of Religious Affairs<sup>64</sup>*

The Presidency of Religious Affairs was established as an agency under the Prime Ministry on the basis of the Law No. 633<sup>65</sup> to carry out activities related to the principles, practices and ethics of Islam, enlighten society about religious issues and to manage places of worship. It was associated to the Office of Presidency upon the Presidential Decree No. 1.<sup>66</sup>

The Prime Ministerial Circular No.2017/6 on Seasonal Agricultural Workers<sup>67</sup> assigns provincial departments of religious affairs to adopt all measures to ensure that seasonal workers and their families can practice their faith and worship.

The Presidency is assigned the following tasks by the Strategy and Action Plan on Improving Working and

Social Life of Seasonal Migrant Agricultural Workers (2010):<sup>68</sup>

- Cooperating with the Ministry of National Education in informing children and families about the right to and importance of education in provinces that give and receive high number of migrant workers.
- Cooperating with the Ministry of Interior in informing and raising awareness among workers and intermediaries in migration giving provinces and with employers, workers, intermediaries and local people in destination provinces to ensure that measures adopted are understood well and given effect in practice.
- Cooperating with the Ministry of Interior for the socialisation of seasonal agricultural workers, to ensure their participation to national and religious holidays and local festivals.
- Upon their request, ensuring that seasonal migrant agricultural workers practice their faith safely and together with local people.

The Presidency is assigned the following responsibilities by the National Programme on the Elimination of Child Labour (2017-2023):<sup>69</sup>

- Raising awareness on the issue by addressing worst forms of child labour under a special heading in the framework of the programme of the Presidency against child neglect and abuse.
- Enhancing public sensitivity regarding the negative impact of child labour on children and on the society and supporting other institutions active in this field.
- By emphasizing particularly the importance of the education of girls, waging efforts to prevent the withdrawal of girls from schools.

### *Policy Boards of the Presidency*

Their establishment is envisaged by the Presidential Decree No. 1. The duties and authorities of these boards are specified jointly by the same Decree (Art.

21-22). The boards are authorized to develop policies and strategies and issuing opinions to relevant governmental institutions and agencies.

There are three such boards directly related to efforts for the elimination of child labour in seasonal migrant agricultural works:

- Board of Education and Teaching Policies
- Board of Economic Policies
- Board of Legal Policies

## **2.2.5**

### **Ministry of Family, Labour and Social Services**

The Ministry is established upon the Presidential Decree No. 170 by merging the ministries of Labour and Social Security and of Family and Social Policies. Their internal regulations are also merged by the Decree. There is yet very scant information about the new ministry; however, since their original mandates are maintained, it is reasonable to make assessments in reference to earlier ministries.

#### *Duties and responsibilities coming from the Ministry of Labour and Social Security*

The Ministry of Labour and Social Security<sup>71</sup>, was first established in 1945 upon a presidential order and then the Law on the Establishment and Duties of the Ministry of Labour was adopted on 30 January 1946. On 17 November 1994 the Ministry of Social Security was established upon another presidential order. With a Law decree issued in 1983 these two ministries were merged and finally, the Ministry of Labour and Social Security was established upon the Law No. 3146 taking effect on 1 September 1985.<sup>72 73</sup> It is recently renamed as Ministry of Family, Labour and Social Services upon a Presidential Decree.

The mandate of the Ministry related to labour affairs covers a range of issues including data collection, standard setting, supervision of implementation and promoting services geared to solving employment related problems.

Boards and commissions functioning under the Ministry as well have their responsibilities in this area. The leading one is the Labour Inspection Board. Other agencies, commissions and boards include Turkish Employment Agency, Minimum Wage Fixing Commission, Board for Monitoring and Evaluating Agricultural Labour and Social Security Institution.

The following are among the duties and responsibilities of the Labour Inspection Board: Conducting inspections, investigations and questioning in matters related to working life under the legislation; adopting or having others adopt relevant measures; examining workplace practices in the framework of related international conventions; and conducting legislative work related to employment relations.

Labour Inspection Boards are organized at the central level. The Ministry also operates a hotline, ALO 170, which is also at the central level. As such, if a person, for example, calls and reports a case of a child employed somewhere, this call is recorded, included in the work schedule of the next month and the workplace concerned is inspected when its turn comes. Through the Turkish Employment Agency<sup>74</sup>, the Ministry is also responsible for keeping records of agricultural intermediaries and monitoring their work as required by the Regulation on Agricultural Intermediaries (Articles 9 and 15).

The Minimum Wage Fixing Commission<sup>75</sup>, “is composed of, under the chair of a member designated by the Ministry of Labour and Social Security, General Director of Labour or his deputy; General Director of Work safety and Health or his deputy; Head or deputy head of the department of economic statistics of the State Institute of Statistics; a representative from the Undersecretary of Treasury; department head or a designated representative from the State Planning Organization; five representatives from different branches of the trade union confederation with highest number of membership; and five representatives from different branches of the employers’ organization with highest number of membership.

The Minimum Wage Fixing Commission meets with the presence of at least 10 of its members...” (Art.39)

Since the minimum wage fixing is not adopted as a strategy by the National Programme on the Elimination of Child Labour (2017-2023), there is no responsibility assigned to the commission. It is not yet certain how the commission will be formed and how it will function under the new regime.

The Seasonal Agricultural Labour Monitoring and Evaluation Board envisaged by Article 35 of the Prime Ministerial Circular No. 2017/6<sup>76</sup> is composed of representatives from the following institutions:

- Minister of Labour and Social Security (Chair)
- Undersecretary of Ministry of Family and Social Policies ,
- Undersecretary Ministry of Labour and Social Security of ,
- Undersecretary of Ministry of Food, Agriculture and Animal Husbandry,
- Undersecretary Ministry of Interior,
- Undersecretary of Ministry of Development,
- Undersecretary of Ministry of Finance,
- Undersecretary of Ministry of National Education,
- Undersecretary of Ministry of Health,
- Undersecretary of Transportation, Maritime Affairs and Communication

The duties include ensuring coordination among institutions and agencies related to seasonal agricultural workers, monitoring relevant activities, and bringing solutions to problems that may emerge during implementation. Within the year following the issuance of the circular, no information could be obtained about the actual establishment of the board.

Under the law on Social Security Institution<sup>77 78</sup> the main objective of the institution is to implement a social security system on the basis of relevant prin-



ciples and contemporary standards that is effective, accessible, actuarial<sup>79</sup> and financially sustainable. Procedures related to self-employed in agriculture and agricultural workers are carried out by the Social Security Institution. There is no responsibility assigned to the institution by the National Programme on the Elimination of Child Labour (2017-2023).

Via Turkish Employment Agency and as foreseen in the Regulation on Agricultural Intermediaries<sup>80</sup> the Ministry is also in charge of keeping records of intermediaries and monitoring their practices (Art.9 and 15).

#### ***Responsibilities assigned to the Ministry by relevant policy documents***

The Ministry is assigned the following tasks by the Prime Ministerial Circular No.2017/6 on Seasonal Agricultural Workers :<sup>81</sup>

- Transferring budget funds to Governorate Investment Monitoring and Coordination Boards and Special Provincial Administrations to cover costs of electricity and water supply services to temporary places of settlement.
- Conducting promotional activities by provincial directorates of employment to encourage employers to recruit seasonal workers through private employment agencies or agricultural intermediaries registered with İŞKUR.
- Engaging in activities to improve the situation of workers in terms of employment and social security.
- Conducting field visits to monitor the implementation of provincial action plans.

In 2010 the Ministry prepared the “Strategy and Action on Improving Working and Social Life of Seasonal Migrant Agricultural Workers”.<sup>82</sup> The objective is to “respond to long-term qualified labour needs of the country and to ensure the registration of seasonal migrant agricultural workers and improving working and social life of seasonal migrant agricultural workers including particularly their children with respect

to issues such as transportation, boarding, education, health, safety, social relations, work safety and social protection.” Among targets set, there are many activities including ensuring safer and cheaper transportation, creating boarding opportunities with required facilities, ensuring access to education for children at school ages and information and awareness building. The Ministry is assigned the following duties under the plan:

- Informing the public about improvements made in the conditions of seasonal migrant agricultural workers and their families.
- Providing basic health information to seasonal migrant workers and their families as soon as possible after their arrival.
- Conducting awareness raising and supervision activities related to the employment of foreign citizens.
- Raising awareness and sensitivity among local people and public servants so as to ensure social integration of seasonal migrant agricultural workers and prevent social exclusion.
- Amending existing legislation so as to ensure that seasonal migrant agricultural workers are covered by social security schemes including insurance for work accidents and occupational diseases, general health insurance and long-term insurance.
- Establishing a central registration system to allow for countrywide electronic processing of green card visa procedures.
- Amending legislation regulating labour supply mediation in agriculture.
- Ensuring inspection by district/province authorities of the implementation of the compulsory practice of contracting between agricultural intermediaries and landowners.
- Organizing trainings on the labour and social security legislation.



- Ensuring that seasonal migrant agricultural workers are trained in work safety and health issues.
- Awareness raising among families for preventing child labour (under age 15) and exploitation of child labour and referring children to education.

In the same year, a circular was issued and the Project on Improving Working and Social Life of Seasonal Migrant Agricultural Workers (METİP) was launched. Under the METİP, the ministry has supported projects of local governments and civil society organizations in many provinces. It is observed that, in early years of the project, resources were allocated mainly to infrastructural facilities like tent camps, mobile showers and toilets.<sup>83</sup> It is stated that almost all of these projects were in provinces where workers move to and very rarely in their original places of residence<sup>84</sup>, that education, health and counselling services that children needed could not be delivered at expected levels, and measures were not taken to help save children from the circle of poverty.<sup>85</sup>

The former Ministry of Labour and Social Security had prepared the National Programme on the Elimination of Child Labour<sup>86</sup> (2017-2023). The programme expects the Ministry to conduct the following activities:

- Ensuring coordination among all organizations and institutions engaged in activities related to the prevention of child labour.
- Determining country policies in combating child labour.
- Identifying strategies and methods to be used for the implementation of policies developed.
- Engaging in necessary legislative work.
- Gathering and evaluating statistical information and outcomes of studies related to child labour conducted in the country.
- Following and contributing to activities conducted by actors other than the Ministry in combating child labour.

- Raising awareness and sensitivity.
- Informing the public about child-labour related studies in the country and their findings.
- Carrying out contacts for mutual cooperation and informing relevant parties to secure the support of international organizations and other countries to activities targeting the elimination of child labour in the country.

In the same programme it is stated that it is under the mandate of the General Directorate of Work Safety and Health to conduct studies relating to risk groups, protection of working children in their working life, and to contribute to related legislative work.

Finally, the programme assigns the Labour Inspection Board, the duties of programmed or non-programmed inspections, examinations and investigations, on the basis of these inspections making recommendations and suggestions to improve labour markets and levels of living of working people, and gathering, evaluating and interpreting the outcomes of inspections.

#### ***Duties and responsibilities coming from the Ministry of Family and Social Policies***

The Ministry of Family and Social Policies was established upon the Law decree No. 633.<sup>87</sup> The mandate of the Ministry includes the following tasks: “*Developing and ensuring the coordination of national policies and strategies to protect children from all forms of abuse and neglect so as to ensure their healthy development; conducting social services and assistance activities targeting children; and ensuring cooperation and coordination among public organizations and voluntary organizations in this field.*” (Art.2). The ministry was recently renamed as Ministry of Family, Labour and Social Services upon the Presidential Decree.

The Prime Ministerial Circular No. 2017/6 on Seasonal Agricultural Workers<sup>88</sup> assigns provincial directorates of this ministry the following tasks:

- Informing families in the context of social services.
- Ensuring that families benefit from services delivered to women, children, the disabled and elderly persons.
- Provision of education and care services for pre-school age children in temporary places of settlement.

The Strategy and Action Plan on Improving Working and Social Life of Seasonal Migrant Agricultural Workers (2010)<sup>89</sup> assigns the following tasks to the former Ministry of Family and Social Policies:

- Cooperating with the Ministry of National Education to adopt measures to facilitate the care of children at preschool ages.
- Providing training and counselling services to communities, families and individuals to support social development in provinces receiving high numbers of migrant workers.
- Cooperating with the Ministry of Health in conveying basic health information to seasonal migrant workers and their family members as soon as possible after their arrival.
- Registering seasonal migrant agricultural workers in line with the Identity Declaration Law.
- Raising awareness and sensitivity among local people and public servants so as to ensure social integration of seasonal migrant agricultural workers and prevent social exclusion.
- Mobilizing experts to inform the public about social problems faced by seasonal migrant agricultural workers.

The National Programme on the Elimination of Child Labour (2017-2023) mentions the work carried out by the former Ministry of Family and Social Policies related to the prevention of child labour through themes such as street working and begging, children of migrating families and employment of the child as

a result of family poverty.<sup>90</sup> In this context, it can be argued that social and economic support (SES) and conditional education assistance (CEA) programmes of former Ministry of Family and Social Policies are accepted as a strategy.

## 2.2.6

### Ministry of Environment and Urban Affairs<sup>91</sup>

One of the principal duties of the Ministry of Environment and Urban Affairs is to “prepare legislation related to settlements, environment, development and construction; monitor and supervise related practices; set, develop and implement norms and standards related to professional services falling in the domain of the Ministry and to keep the record of related parties.”<sup>92</sup>

The Ministry is assigned the following duties by the Strategy and Action Plan on Improving Working and Social Life of Seasonal Migrant Agricultural Workers (2010):<sup>93</sup>

- Allocating collective settlement spaces to seasonal migrant agricultural workers in cases where decent boarding facilities cannot be provided by employers.
- Raising awareness among seasonal migrant agricultural workers on issues related to environmental hygiene, protection of surrounding vegetation and trees and preventing forest fires.

There is no responsibility assigned to the Ministry of Environment and Urban Affairs by the National Programme on the Elimination of Child Labour (2017-2023).

## 2.2.7

### Ministry of Energy and Natural Resources<sup>94</sup>

The Ministry of Energy and Natural Resources was established upon the Law No.3154<sup>95</sup> to determine targets and policies related to energy and natural

resources. There is no responsibility assigned to the Ministry of Energy and Natural Resources by the National Programme on the Elimination of Child Labour (2017-2023). Nevertheless, the “Strategy and Action Plan on Improving Working and Social Life of Seasonal Migrant Agricultural Workers” prepared in 2010<sup>96</sup> assigns the Ministry the duty of adapting the infrastructure and superstructure of the settlement areas for seasonal workers and preparing them at the beginning of each season.

## 2.2.8

### Ministry of Youth and Sports<sup>97</sup>

The Ministry of Youth and Sports was established by the Law Decree No. 638.<sup>98</sup> By referring to the National Youth and Sports Policy Document prepared by the Ministry, the National Programme on the Elimination of Child Labour (2017-2023)<sup>99</sup> reports that the Ministry adopts the following policy areas:

- Facilitating young working persons’ access to education opportunities including those in agriculture.
- Improving access to education and ensuring equal opportunities in this field.
- Offering opportunities of part-time employment to young people in education.
- Preventing the abuse of youth.
- Ensuring the social inclusion of young persons who have moved to urban centres and facing problems in adaptation.

## 2.2.9

### Ministry of Treasury and Finance<sup>100</sup>

According to the Law Decree on the Organization and Duties of the Ministry of Finance<sup>101</sup> the Ministry is established “to perform services related to the implementation, follow up and inspection of fiscal policies.” It was renamed as Ministry of Treasury and Finance upon the Presidential Decree No. 1.<sup>102</sup>

The Prime Ministerial Circular No. 2007/6 on Seasonal Agricultural Workers<sup>103</sup> assigns the former Ministry of Finance the task of assessing the appropriateness of temporary places of settlement. According to Article 2 of the Circular: *“The following criteria will be observed when selecting places of temporary settlement from Treasury land: Places protected against such natural events as floods; relatively easy delivery of road and infrastructure services; having sanitary facilities; at distance from dangerous and forbidden zones; and capable of providing for basic needs of workers. Land requested in this context will be allocated for purposes mentioned upon the approval of the Ministry of Finance.”*

### Turkish Statistical Institute<sup>104</sup>

According to the relevant law<sup>105</sup> the Turkish Statistical Institute (TÜİK) is given the mandate of: *“identifying basic principles and standards for the production and organization of official statistics; collecting, collating, disseminating and evaluating data and information needed by the country; and ensuring coordination between organizations and agencies included in the process of Official Statistics Programme.”* (Art.1).

The TÜİK is the institution that gathers and analyses data needed to assess the situation in relation to child labour and seasonal agricultural works and with this duty it has an important function in understanding the state of affairs and developing pertinent policies. The institution regularly releases analyses on population and demography, social protection, employment, unemployment, agriculture, incomes and poverty.<sup>106</sup>

The statistics published since 2012 include children’s rate of participation to employment under the analysis titled “child in statistics.”<sup>107</sup> However, the analysis based on the data derived from household labour force surveys covers the age group 15-17 only. It includes no evaluation on sector basis. It is therefore not possible to trace the situation of children in seasonal migrant agriculture on annual basis by referring to TÜİK publications. More detailed surveys

on child labour capable of responding to this need have been made four times in the years 1994, 1998, 2006 and 2012 as “child labour surveys.”<sup>108</sup>

### ***Development Agencies***<sup>109</sup>

Development Agencies are established on the basis of the Law on Establishment, Coordination and Duties of Development Agencies<sup>110</sup> adopted in 2006. Their tasks are given as follows: *“Furthering cooperation between public and private sectors and civil society organizations; ensuring in situ and efficient utilization of available resources; accelerating regional development in line with principles and policies envisaged by development plans and programmes by mobilizing local potential; and mitigating intra and inter-regional disparities in development”*.

Development Agencies are supposed to provide technical support to local governments’ plans, activities and projects; monitor implementation; contribute to rural and local development related capacity building in their respective regions in line with regional plans and programmes and to support projects in this context (Art.5).

In this context, agencies have the potential to contribute directly to the solution of the problem by providing resources to local projects on seasonal migrant agricultural works and monitoring their effective implementation.

### ***Banks Extending Loans to Agriculture***

The Ziraat Bankası was established to provide for credit needs of farmers.<sup>111</sup> The bank is brought under the Ministry of Treasury and Finance upon the Presidential Decree No. 1.<sup>112</sup> While included in the scope of privatization by an act passed in 2000<sup>113</sup> the Bank was transferred to the Wealth Fund upon the decision of the council of Ministers No. 2017/9756 dated 24 January 2017ilmesi kararlaştırılmıştır.

Also, private banks including QNB Finansbank, Deniz Bank, Vakıf Bank, Garanti Bank and Yapı ve Kredi

Bank offer loans to farmers covered by the Farmer Registration System’.<sup>114</sup>

The Credit Registration Office (KKB)<sup>115</sup> and Agricultural Credit Evaluation System (TARDES) play an important role in the organization of agricultural credit facilities. The KKB was established on 11 April 1995 with the partnership of nine banks as an institution sharing credit related information of clients from member institutions and conducting risk assessment. This function is performed on the basis of article 73/4 of the Law no. 5411 on Banks and Annex Article 1 and Provisional article 28 added to this law in 2011.<sup>116</sup> The TARDES is a credit application assessment institution established by the KKB providing for data sharing and standard credit assessment infrastructure to banks and other financial institutions interested in offering loans to agriculture. The system functions on the basis of data provided by the Farmer Registration System of the Ministry of Agriculture and Forestry.<sup>117</sup>

Supporting expected improvements in workers’ rights, working and living conditions in agriculture brings along significant costs particularly when small enterprises are concerned. Banks offering loans to agriculture may play a role in this respect by financially backing up these activities.

## **2.2.10**

### **Ministry of Interior**<sup>118</sup>

As far as the Ministry of Interior is concerned, the General Directorate of Security and the General Command of Gendarme at central level, and governorates in provinces have their responsibilities in policies concerning seasonal migrant workers and children’s involvement in these works.

### ***Governorates***

As local representatives of the central government, governorates oversee the local implementation of all decisions taken by central ministries. There are also

duties assigned to governorates by the Prime Ministerial Circular No.2017/6 on Seasonal Agricultural Workers<sup>119</sup> which are as follows:

- Setting up temporary places of settlement.
- Declaring measures to be taken at province level.
- Preparing action plans.
- Conducting needs analysis.
- Establishing a Seasonal Agricultural Workers Office and recruiting the necessary personnel.
- Ensuring independent external auditing.
- Giving support to projects.
- Ensuring effective use of allocations.
- Ensuring water and electricity services to temporary places of settlement (to be covered by allocations made to the former Ministry of Labour and Social Security).
- Submitting reports about implementation to the Seasonal Agricultural Labour Monitoring and Evaluation Board.
- Conducting surveillance and inspection work related to province-level activities and applying administrative and penal sanctions to acts against measures adopted.

The Special Provincial Administrations also have duties of medication of temporary places of settlement against pests in regular intervals, disposing of wastes, and providing safe drinking and use water.

The National Programme on the Elimination of Child Labour (2017-2023)<sup>120</sup> assigns the following duties to governorates:

- Ensuring the coordination of province level activities related to child labour.
- Directing and coordinating the activities of Provincial Action Committees in respective provinces.
- Ensuring intervention by relevant units in cases

where it is observed that children are employed in violation of ILO Convention No. 182.

There are many duties assigned to governorates also by the Strategy and Action Plan on Improving Working and Social Life of Seasonal Migrant Agricultural Workers.<sup>121</sup>

- Conducting information and awareness raising activities for workers and intermediaries in migration giving provinces and to employers (landowners), workers, intermediaries and local people in destination provinces to ensure that measures are correctly understood and complied with.
- Developing projects, establishing monitoring boards at the centre and local units and preparing evaluation reports.
- Increasing possibilities of making use of railroads.
- Allocating collective spaces and tents for staying to seasonal migrant agricultural workers in cases where decent boarding facilities cannot be provided by employers.
- Adapting the infrastructure and superstructure of the settlement areas for seasonal workers and preparing them at the beginning of each season.
- Raising awareness among seasonal migrant agricultural worker in issues related to environmental hygiene, protection of surrounding vegetation and trees and preventing forest fires.

### *General Directorate of Security<sup>122</sup>*

According to the Regulation on Duties of the Child Office of the General Directorate of Security<sup>123</sup> police duties relating to child affairs are performed by the office.

The child police is mandated to check the identity, protect, look for legal representatives and refer to relevant institutions or guardians of children who are deemed as in need of protection or reported as victims of neglect and abuse (Art.8).

The Prime Ministerial Circular No.2017/6 on Seasonal Agricultural Workers<sup>124</sup> assigns the following duties to Provincial Directorates of Security:

- Increasing traffic controls on roads connecting migration giving and receiving places to ensure safe transportation, conducting frequent controls and taking necessary measures necessary for vehicle and road security .
- Ensuring that vehicles boarded exclusively with seasonal agricultural workers remain out of traffic from 24:00 to 6:00 hours.
- Collecting information about seasonal agricultural workers and ensuring that this information is conveyed to e-METİP.
- Patrolling by security forces regularly on day and night over temporary places of settlement to ensure security.

The duties assigned to child police by the National Programme on the Elimination of Child Labour (2017-2023)<sup>125</sup> are as follows:

- Reporting information and complaints concerning unlawful child employment under existing legislation to relevant authorities.
- Reserving for legal exceptions, checking if children under age 18 are employed in entertainment, recreation, gambling etc. places where alcohol is served and whose operation requires official permission.
- Launching judicial proceedings, if necessary, and cooperating with relevant institutions against parents and other persons acting as legal guardians of the child in case of abuse of their parental rights.
- Including the issue of child labour in in-service training activities.
- Cooperating and exchanging information with relevant institutions and agencies in activities related to the prevention of child labour.

- Informing the MoLSS and Provincial Directorates of Labour and İŞKUR in cases where children are found to be employed contrary to the Turkish Penal Code, the Labour Code and the Law on the Duties and Authorities of Police and launching necessary judicial actions against employers.
- In line with the provisions of the Education Law, informing Directorates of National Education about children whose right to education is violated because of their employment.

The “Strategy and Action Plan on Improving Working and Social Life of Seasonal Migrant Agricultural Workers”<sup>126</sup> (2010) assigns the General Directorate of Security the duty of “ensuring coordination between departure and arrival provinces for purposes of safe migration traffic.”

#### ***General Command of Gendarme***<sup>127</sup>

Under the Department of Children and Combat against Domestic Violence of the General Command of Gendarme, there are “Children and Women Offices” in provincial gendarme units and “Officers for Crimes with Child and Women Victims” in district gendarme units. One of the duties of these units is to ensure effective procedures related to children in need of protection.

The Prime Ministerial Circular No.2017/6 on Seasonal Agricultural Workers<sup>128</sup> assigns the same duties to the General Command of Gendarme with the General Directorate of Security.

Under the National Programme on the Elimination of Child Labour (2017-2023)<sup>129</sup> the General Command of Gendarme is expected to inform the public about the use of police 155 and gendarme 156 hotlines in reporting cases of child labour.

#### ***General Directorate of Migration Management***<sup>130</sup>

The General Directorate of Migration Management is mandated to “implement policies and strategies related to migration, ensure coordination among or-



ganizations and agencies working in the same field, and carry out work and procedures related to foreign citizens' entry and residence in Turkey, their exit and deportation, international and temporary protection, and protection of victims of human trafficking."<sup>131</sup>

In this context, the General Directorate is one of the actors expected to play its part in the implementation of policies and strategies to eliminate problems related to agricultural employment of migrant families and their children who are under international protection<sup>133</sup> or temporary protection.

There is no duty assigned to the General Directorate of Migration Management by the National Programme on the Elimination of Child Labour (2017-2023). The Directorate of Migration Management has its important role in this area since migrant workers constitute a significant group engaged in seasonal migrant agriculture. In case they enter Turkey in illicit ways, migrant workers become more vulnerable that leads to their exploitation at higher levels than other workers. Thus, the General Directorate of Migration Management has to be a part of this struggle by implementing special programmes in regions where migrants are employed in agriculture.

#### ***Ministry of Interior General Directorate of Local Administrations***<sup>134</sup>

In the context of the Law on the Organization and Duties of the Ministry of Interior,<sup>135</sup> the General Directorate has its planning role which is defined as: *"ensuring that local administration investments and services are in line with development plans and annual programmes; conducting studies for improving the working of local administrations; collecting, evaluating and publishing statistical information; delivering in-service training to personnel in local administration; and identifying organization, equipment and staffing standards of local administrations."* (Art.11).

There is no duty assigned to the General Directorate of Local Administrations by the National Programme on the Elimination of Child Labour (2017-2023).

#### ***Rural Service Delivery Unions***<sup>136</sup>

Rural service delivery unions that were originally established<sup>137</sup> on the basis of legislation related respectively to Provincial Administrations, Municipalities and Rural Settlements were later regulated to the Law on Unions of Local administrations that took effect in 2005.<sup>138</sup>

Rural service delivery unions can be established at district level with the participation of all villages attached to a district to help in construction of roads, water supply and similar infrastructure facilities with the exception of crop marketing and to contribute to rural development. These unions are envisaged to be led by provincial governors or deputy governors in central districts and by district governors in other districts (Art.18).<sup>139</sup>

In spite of problems identified including the fact that 86 per cent of managers in existing 906 unions in 1995 are public servants, budget constraints and rural people's weak say in decisions related to resource utilization<sup>140</sup> the law enacted in 2005 included no remedies to eliminate these problems and to encourage democratic participation.

There is no duty assigned to rural service delivery unions by the National Programme on the Elimination of Child Labour (2017-2023). Yet, these unions seem to be fit for acting together with other actors to implement improvements envisaged in the plan and for developing appropriate models in cost-financing.

## **2.2.11**

#### ***Ministry of National Education***<sup>141</sup>

The major duties of the Ministry of National Education are as follows according to the Law Decree on the organization and duties of the ministry:<sup>142</sup>

- Developing, implementing and updating programmes of education and teaching for preschool, primary and secondary education level children that contribute to their physical, mental, spiritual,



moral, social and cultural development and prepare them for future by equipping with knowledge and skills required by a human rights based society and economic system capable of competing globally, and implementing and monitoring the education and training of students and teachers in this framework.

- Developing, implementing, monitoring and coordinating national policies and strategies for each level of education and updating these policies and strategies in line with emerging new service models.
- Designing and improving the system of education in the light of current techniques and models as a dynamic system open to innovations and commensurate with the requirements of economic and social development.
- Developing, implementing, monitoring and coordinating policies and strategies that facilitate access to education and guarantee citizens' equal enjoyment of education opportunities.
- Developing, implementing, monitoring and coordinating policies and strategies that promote the participation to education of girls, persons with disabilities and other groups in need of special care.

The Ministry of National Education Circular no. 2016/5 on Access to Education of Children of Seasonal Agricultural Workers and Nomadic and Semi-nomadic Families was issued on 21 March 2016.<sup>143</sup> The Circular lists the following duties:

- Establishment of provincial/district teams composed of three teachers from the Directorates of Education in charge of tracking the children of seasonal agricultural workers and nomadic and semi-nomadic families in migrating giving and receiving provinces.
- Ensuring the allocation of vehicles to these teams by governorates.

- Identification of children at school ages by teams; reporting migrant families to authorities in their destination provinces; visiting families and those who employ seasonal workers to inform them about the legislation; ensuring children's attendance to schools in places they move by temporary transfer.
- Placement of secondary school students in regional boarding schools.
- Implementation of remedial education programmes.
- Selecting from alternatives of school bussing, mobile education and prefabricated classes, etc. the one best fitting to the needs and characteristics of children.
- Having guidance research centres conduct studies related to special education needs.
- Having children benefit from Conditional Education Assistance schemes.
- Organization of remedial education programmes and courses during summer vacations.
- Informing families about the importance of education at Adult Training Centres.

In addition to these, Article 7 in the Prime Ministerial Circular No. 2017/6<sup>144</sup> assigns the following duties to provincial directorates of national education:

- Using buildings in temporary places of settlement allocated to education and social activities as active centres of education.
- Implementing in full the provisions of the Ministry of National Education Circular No. 2016/5 to ensure that children of seasonal works at compulsory schooling ages attend their schools.
- Implementing effectively such incentives as conditional cash transfer for education.
- Ensuring that children's school uniforms and materials are provided by governorates through local social assistance and solidarity foundations.

- Ensuring that guidance and research centres refer children in need of special education to relevant education facilities.
- Transferring records of children of seasonal agricultural workers existing in the School Management Information System used by the Ministry of National Education (e-School) to e-METİP.

In the “Strategy and Action Plan on Improving Working and Social Life of Seasonal Migrant Agricultural Workers”<sup>145</sup> targets that are of interest for the Ministry of National Education and associated activities are as follows:

- 1 Target 1.** Access to education will be ensured for all children of seasonal migrant agricultural workers who are at compulsory education ages but out of school.
  - Rates of attendance to education of children of seasonal migrant agricultural workers who are at compulsory education ages will be increased.
  - Measures will be taken to facilitate the care of preschool children.
  - Family members in need of special education will be identified and their attendance to “special education and rehabilitation centres” will be ensured.
  - Conditional cash transfer and other schemes of educational assistance to children will be maintained.
- 2 Target 2.** Qualifications of seasonal migrant agricultural workers and their family members as well as agricultural intermediaries will be improved.
  - Qualifications of intermediaries with respect to their specific work will be improved.
  - Including young seasonal migrant agricultural workers in the first place, qualifications of seasonal migrant agricultural workers will be improved for employment in non-agricultural sectors.

- It will be ensured that seasonal migrant agricultural workers benefit from “Family Training Programmes” and that their literacy rates are increased.

### **3 Target 3.** Awareness raising in regard to services.

- Information and awareness raising among children and families in provinces giving and receiving migration in high numbers.
- Community, family and individual level training and counselling services will be delivered in provinces receiving high number of migrant workers as a support to social development.
- Representatives of civil society organizations in places where seasonal migrant agricultural workers live will be informed about relevant issues.
- Public at large will be informed about improvements made in relation to seasonal migrant agricultural workers and their families.

The National Programme on the Elimination of Child Labour (2017-2023)<sup>147</sup> lists the duties of the Ministry of National Education in the context of combat against child labour as follows:

- Developing and implementing policies related to the management of secondary education schools and institutions and to the education and training of students.
- Conducting relevant tasks to provide for boarding needs of secondary education students and offering material support to these students.
- Laying down principles related to the opening, operation and closure of dormitories, pensions and other boarding facilities for students at all levels by associations, foundations, private or corporate persons.

## 2.2.12

### Ministry of Health<sup>148</sup>

The mandate of the Ministry is defined by the Law Decree on the Organization of the Ministry of Health and its Attached Units.<sup>149</sup> It is the duty of the Ministry to ensure that all persons are in state of full health in physical, mental and social terms (Art.2).

The Regulation on Community Health Centres and Attached Units sets some duties related to seasonal migrant agricultural workers (Art.30/2):

- Planning for and delivering or ensuring the delivery of first step health services to seasonal agricultural workers and coordinating these services.
- Keeping records of services delivered to seasonal agricultural workers in line with standards set by the institution and sharing these records with relevant family medicine unit and community health centre.
- Raising awareness in health personnel in regard to health services delivered to seasonal agricultural workers and delivering necessary trainings in this respect.
- Organizing awareness raising activities on the issue of seasonal agricultural workers.
- Keeping track of seasonal population movements in the region and adopting measures as defined by its mandate.

Article 5 in the Prime Ministerial Circular No. 2017/6<sup>150</sup> assigns the following duties to provincial health directorates:

- Cancer screenings, regular health screenings against contagious diseases and epidemics, immunizations; pregnant, infant and child monitoring of seasonal agricultural workers and their families by provincial public health directorates.
- Periodical activities related to reproductive and women's health services, environmental health services and health literacy.

- Establishing mobile health units, employing sufficient number of health professionals where there is dense population of seasonal agricultural workers and regulating the working hours of the personnel in line with service needs in order to facilitate access to services.
- After each service delivery, registering TC identity numbers of seasonal agricultural workers and their family members and transferring information about the service delivered (i.e. diagnosis, treatment, etc. without any confidential information), the place of the delivery and the facility delivering service to the Seasonal Agricultural Workers Information system (e-METİP).

The Ministry of Health is expected to introduce necessary arrangements including technical infrastructure to ensure periodical and full transfer of this information to e-METİP and the Ministry of Family, Labour and Social Services is expected to report TC identity numbers of seasonal agricultural workers and their family members registered with e-METİP to the Ministry of Health.

In the "Strategy and Action Plan on Improving Working and Social Life of Seasonal Migrant Agricultural Workers"<sup>151</sup> targets falling in the domain of the Ministry of Health and related activities are as follows:

- 1 Target 1.** Ensuring seasonal migrant agricultural workers' access to health services.
  - Services to provide regular health examinations.
  - Providing medicine and vaccines to seasonal migrant agricultural workers and their families.
  - Conditional cash transfer and other schemes of assistance.
- 2 Target 2.** Ensuring water and environmental hygiene in places where workers stay.
  - Collecting wastes regularly on specified points and their appropriate disposal.
  - Ensuring hygiene in drinking /use water.

- Adopting measures to ensure sanitation and hygiene in environments where workers stay.

**3 Target 3.** Information raising activities in protective and preventive health services in all provinces receiving migration.

- Extending basic health information to seasonal migrant workers and their families as soon as possible after their arrival.

The National Programme on the Elimination of Child Labour (2017-2023)<sup>152</sup> assigns the Ministry of Health the following duties in the context of combat against child labour:

- Raising awareness and sensitivity in regard to health risks that working children are exposed to.
- Ensuring that periodic health examination of working children and their treatment when necessary is carried out.
- Exploring effects of working environments on child health and conducting health examinations by health facilities, particularly by associated vocational health hospitals in a way to allow data collection in this regard.

## 2.2.13

### Ministry of Agriculture and Forestry<sup>153</sup>

The Ministry of Food, Agriculture and Animal Husbandry was renamed as the Ministry of Agriculture and Forestry upon the 1<sup>st</sup> Presidential Decree.

As a unit under the ministry, the General Directorate of Agricultural Reform is given duties related to prevention of child labour in seasonal migrant agricultural works (Art.11):

- Developing, implementing and monitoring programmes to improve quality of life and economic diversity in rural sector and to build local capacity for rural development.
- Conducting necessary tasks and supervision related to supporting agricultural and rural develop-

ment and ensuring the coordination of payments to be made.

- Improving the information level of producers.
- Establishing and operating farm accounting data network.
- Collecting agricultural data and statistics.
- Establishing, operating and updating information systems in areas within its mandate.
- Ensuring the coordination of rural development programmes implemented with funds from the European Union and other international sources.

It is envisaged that the ministry has a High Coordination Board and establish working groups to ensure cooperation with other relevant ministries when necessary (Art.24).

The Ministry also have some obligations deriving from the Law on Agriculture. It is authorized to identify and plan for policies related to agriculture and to implement these policies in coordination with other relevant agencies (Art. 7). Further, the Ministry has its responsibilities in formation of farmers, delivering extension and counselling services, establishing crop councils, supporting producers' organizations, promoting on-contract farming and developing and implementing rural development programmes.

Hence, the Ministry has the principal responsibility in planning and assistance activities related to the prevention of child employment in seasonal migrant agricultural works.

The National Programme on the Elimination of Child Labour (2017-2023)<sup>154</sup>, defines the activity domain of the ministry in relation to combat against child labour as follows:

- Conducting activities and projects to enhance incomes and employment in rural sector by mobilizing local potential in the framework of the principle of sustainable development.
- Conducting activities geared to developing hu-

man resources, supporting income generating activities of rural population and improving life quality.

- Supporting entrepreneurship in such areas as agriculture, tourism, handicrafts, animal husbandry and weaving that have de-regional potential to improve income levels of rural people and prevent unemployment.
- Supporting, in cooperation with organizations in charge, awareness raising activities to prevent the employment of rural children.
- Supporting MoNE in its activities to ensure the school enrolment of all rural children.
- Under the heading “Education” in the Ministry of Food, Agriculture and Animal Husbandry National Action Plan for Empowering Rural Women, contributing to efforts waged by the MoNE to reduce the incidence of child labour by providing education opportunities to children of families engaged in seasonal migrant agricultural works and ensuring the school enrolment of all these children.
- Creating opportunities of cooperation by ensuring coordination with relevant organizations in issues related to women and children engaged in seasonal agriculture.

One of the objectives of the Strategic Plan of the Ministry of Food, Agriculture and Animal Husbandry (2018-2022)<sup>154</sup> is related to “promoting rural economy and improving agricultural, social and physical infrastructure in rural areas.” The plan accordingly describes the objective of the Ministry for the coming five years as follows: “It is aimed at making rural areas socio-economically more liveable by improving rural life quality and welfare. Rural areas will be made more attractive for women and youth in order to eliminate socioeconomic development disparities between rural and urban areas. Rural development will be financed by national and international funds allocated for this purpose. In this context, local resources will

be utilized; employment and living conditions will be improved. Fields of non-agricultural employment will be diversified; income and employment opportunities will be boosted through activities such as handicrafts and rural tourism and equal opportunities will be provided.” The plan envisages the integration of farmers operating on their own plots and orchards with agriculture-based industry and encouragement and development of rural tourism.

## 2.2.14

### Turkish Grand National Assembly<sup>155</sup>

The Turkish Grand National Assembly (TGNA) holds the legislative authority on behalf of the nation.<sup>156</sup> It is composed of 600 deputies elected by general ballot.<sup>157</sup>

The duties and the authority of the TGNA include the following:<sup>158</sup>

- Enacting, amending and annulling laws
- Supervising the Council of Ministers and individual ministers
- Authorizing the Council of Ministers to issue decree laws on specific issues
- Discussing and approving the budget and final account laws
- Decision to print money and declare war
- Ratification of international treaties
- Declaring general and special amnesty
- Exercising authorities specified in other articles of the Constitution.

With its duties and authority in legislation and supervision of the executive, the Parliament is one of the most powerful institutions in preventing child labour in seasonal migrant agriculture.

The TGNA established in 2014 a Parliamentary Inquiry Commission “to address the problems of seasonal agricultural workers and identify relevant measu-

res to be adopted.”<sup>159</sup> The commission report titled “Problems of Seasonal Agricultural Workers and Measures for Solution” is made public in March 2015 as the outcome of commission work.<sup>160</sup>

There is no specific duty assigned to the TGNA in the National Programme on the Elimination of Child Labour (2017-2023).

### ***Ombudsman Institution***<sup>161</sup>

The Ombudsman Institution is established by law<sup>162</sup> and its mandate is stated as follows: *“examining, investigating, and submitting recommendations concerning all sorts of acts and actions as well as attitudes and behaviours of the administration within the framework of an understanding of human rights-based justice and legality and conformity with principles of fairness, through creating an independent and effective mechanism of complaint concerning the public services”* It is a special budget institution with corporate status under the Grand National Assembly of Turkey. Given that it has the authority to supervise activities of all public institutions in charge of delivering services to children; it possesses significant power coming from its autonomous status in investigating work related to the worst forms of child labour.

There is no specific duty assigned to the Ombudsman Institution in the National Programme on the Elimination of Child Labour (2017-2023). Yet, the Ombudsman Institution could function as an important supervisory body in this context.

## **2.2.15**

### **Ministry of Transportation and Infrastructure**<sup>163</sup>

According to the Law Decree on the Organization and Duties of the Ministry of Transportation, Maritime Affairs and Communication<sup>164</sup>, the Ministry is mandated to establish, deliver and improve transportation, maritime and communication services in coordination with other relevant institutions, to develop

and implement national policies, strategies and objectives and update these when needed. This Ministry was renamed as the Ministry of Transportation and Infrastructure upon the Presidential Decree No. 1.<sup>165</sup>

The Strategy and Action Plan on Improving Working and Social Life of Seasonal Migrant Agricultural Workers (2010)<sup>166</sup> assigns the following duties to the Ministry:

- Increasing opportunities of railroad transportation for seasonal migrant agricultural workers in migration seasons.
- Ensuring coordination in transportation between origin and destination provinces for safety in migration traffic.
- Preventing travel in inappropriate conditions starting from departure.
- Setting up monitoring boards at the centre and at local level where the latter report to the centre its views according to the agricultural calendar.

There is no specific duty assigned to the Ministry of Transportation and Infrastructure in the National Programme on the Elimination of Child Labour (2017-2023).

## **2.3**

### **Non-Governmental Organizations**

#### **2.3.1**

##### **Cooperatives**

A cooperative is a form of commercial company under the Turkish Commercial Law<sup>167</sup> which defines it as “partnerships of varying partners and capital established by real and legal persons for the purpose of protecting and responding to specific economic interests and occupational or subsistence related needs of its partners on the basis of mutual assistance, solidarity and warranting with contributions in terms of labour and money” (Art.1).

Further, there are also two other pieces of legislation related to agricultural cooperatives<sup>169</sup>: The Law No. 1581 on Agricultural Credit Cooperatives and Unions<sup>170</sup>, and the Law No. 4572 on Agricultural Marketing Cooperatives and Unions.<sup>171</sup>

According to a publication dated 2015, there are about 4.5 million farmers as partners in these cooperatives.<sup>172</sup> Given this, it is expected that agricultural cooperatives determine their roles and responsibilities in activities geared to preventing child labour in seasonal migrant agriculture.

Efforts to reach objectives like ensuring fair production conditions and preventing child labour and improving living conditions of workers have their cost. Even when this cost is spread over supply chain, it is inevitable that some will have their implications on the producer. Cooperatives have the capacity to support relevant developments by producing information and resources and ensuring cost-sharing among their partners.

#### *Development Workshop Cooperative<sup>173</sup>*

The Development Workshop Cooperative is a social enterprise established in 2004 by a group of young members from different disciplines who are committed to conduct work in the field of social development<sup>174</sup> As a civil society organization conducting rights-based studies, projects and advocacy work in this field, the Development Workshop has since 2014 been focusing on the following themes: Improving working and living conditions of seasonal migrant agricultural worker; combating child labour in this sector; mitigating poverty and deprivation in rural and urban areas; protecting and improving natural environment; strengthening the social status of women and ensuring gender-balanced development; furthering cooperation for regional and international development; and designing and implementing sustainable development models.

In cooperation with various partners, the Development Workshop has so far accomplished the following projects that are related to seasonal agricultural employment:

- Survey on Worst Forms of Child Labour in Agriculture (case of children harvesting cotton in Karataş District of Adana)
- Project on investigating the state of 0 to 6 years-old children of seasonal agricultural workers in Turkey
- Programme on interventions to children in the age group 6-14 affected by seasonal migration in agriculture
- Project on the elimination of worst forms of seasonal child labour in the context of hazelnut harvesting in Ordu province
- Baseline survey on seasonal migrant agricultural workers, their children, agricultural intermediaries and landowners involved in hazelnut harvesting in western Black Sea Provinces
- Baseline study and gap analysis report on UTZ Certified group behaviour norms and hazelnut module checking points
- Project on the present state of international seasonal agricultural migration in Turkey, policy suggestions and cooperation with European Union countries
- Prevention of child labour in cotton farming: action based participatory project for examining the problem of child labour in higher steps of cotton supply chain in Turkey
- Mapping work on responding to protection and basic needs of migrant population engaged in seasonal agricultural works in Çukurova region, Turkey
- Project on Improving the Protection and State of Health of Syrians and Migrants in Southern Turkey



The Development Workshop has various publications including those on interventions to children (age group 6-14) affected by seasonal agricultural migration, enhancement of local capacity in seasonal agricultural migration, actors in hazelnut harvesting and foreign migrant workers.<sup>175</sup>

## 2.3.2

### Trade Union Confederations of Turkey<sup>176</sup> (Türk - İş)

The first general assembly meeting of the Trade Union Confederations of Turkey was held in 1952.<sup>177</sup> The confederation is active in protecting the rights and interests of trade unions and unionized workers, preventing possible pressures on, merging existing unions and ensuring legislative regulations on issues related to workers' rights and trade unions.

The Tarım-İş<sup>178</sup>, is the union of agricultural workers affiliated with the Trade Union Confederations of Turkey. The Tarım-İş was first established in Ankara on 6 May 1961 under the name "Turkish union of Producers and Growers".<sup>179</sup> Its headquarters in Ankara, the union has 11 local branches.<sup>180</sup> The Tarım-İş Union is active to improve working and living conditions of agricultural workers.<sup>181</sup> The union is therefore has some important responsibilities including setting of minimum standards regarding working and living conditions, identifying monitoring criteria for both public and private sectors or questioning the appropriateness of standards set, informing workers about their rights and developing suitable models for organization.

## 2.3.3

### Civil Society Organizations

It is reported that there are over 110,000 associations and about 5,000 foundations in Turkey as of September 2017.<sup>182</sup>

Associations and foundations having their special activities in the field of child labour are as follows:

- Support to Life Association
- Fişek Institute
- Young Life Foundation
- Good Cotton Farming Practices Association
- Pikolo Association

The most important role of civil society organizations is to raise public awareness and organize public reaction. It is among the responsibilities of these organizations to inform the public about what needs to be done and to organize those who want to be active in this field.

There are consumers' associations in Turkey as well. But there is no activity specifically interested in agricultural production and aiming to strengthen the role of consumers in the context of fair employment relations in agricultural production. Yet, consumers' organizations have also the potential to generate demand and pressures in this field by building information and awareness in consumers on such issues as fair production, prevention of child labour and prevailing working conditions.

## 2.3.4

### Political Parties

According to the Law on Political Parties<sup>183</sup>: "*Political parties are organizations with the status of legal entities, founded in accordance with the Constitution and laws, working by means of parliamentary and local elections to conduct activities throughout the country with the purpose of elevating the country to the level of modern civilizations within a democratic social regime by means of creating a national will through the activities they carry out and the propaganda they undertake in line with the views expressed in their by-law and party programme.*" (Article 3).

There are parliamentary groups of five political parties in the Grand National Assembly of Turkey in 2018.<sup>184</sup> There are in total 92 political parties in Tur-

key as of 15 December 2017.<sup>185</sup> Political parties declare policies by party programmes and election programmes.

Political parties that have their representatives in the Grand National Assembly of Turkey have their means to take part in legislative and supervisory activities. Through their deputies in the parliament, they are also entitled, in the context of legislative function, to draft and present bills; ensure the establishment of commissions, and to state their opinions by participating to commissions. In the context of supervision, they can supervise the activities of the executive by forwarding parliamentary questions and establishing parliamentary inquiry commissions. Further, political parties can, in their organizations, to investigate all issues in the country, share their outcomes with the public and launch discussions.

There are roles that political parties can play in preventing child labour in seasonal agricultural production: 1) raising information in public regarding the problems of seasonal agricultural workers and possible solutions through their propaganda activities, 2) conducting studies and developing policies through party organs, and 3) ensuring that the issue is addressed in the context of legislative activities through their deputies.

Among the publications of political parties, the only document related to the issue is the “Report on Seasonal Agricultural Workers” published by the Democratic Party of Peoples in 2017.<sup>186</sup>

## 2.3.5

### Unions of Agricultural Producers

The Unions of Agricultural Producers is subject to the “Law No. 5200 on Unions of Agricultural Producers” that took effect on 6 July 2004. The objective of this law is stated as follows: “To ensure that agricultural producers gather on the basis of a crop or crops and establish unions with corporate status to plan production according to demand, improve product quality,

supply markets with products confirming to relevant norms and standards, and to adopt measures to improve the competitive advantages of products in international markets” (Art.1).<sup>187</sup> Under the law, these unions can be established on the basis of all agricultural crops and animal and water products. The Ministry issues regulations describing which product or group of products are fit for unions in the light of needs and priorities of the sector of agriculture” (Art.2).

Membership to Unions of Agricultural Producers is on voluntary basis.

It is reported that at present there are 422 producer unions with respect to a variety of crops, that about half of them are directly related to agricultural production, that eight of these have their central unions, and altogether they have 28,000 farmers as members.<sup>188</sup>

Following the law, the Regulation on the Establishment, Principles and Procedures relating to Unions of Agricultural Producers took effect.<sup>189</sup> According to this regulation it is necessary to establish a union to have at least 16 producers registered with chambers of agriculture get together, prepare a by-law on the crop or group of crops concerned, and to apply to the General Directorate of Organization and Support (Art.13).

Tariş, Çukobirlik, Antbirlik, Fiskobirlik and Karadenizbirlik are some of the well-known unions organized in agriculture.

It is considered that agricultural organizations may have three main functions:<sup>190</sup>

- Resilience to seasonal and market-related fluctuations
- Keeping up with developments and innovations
- Strengthening participatory democracy

However, as is the case in other areas, it is not possible to speak about an effective organizational structure in agriculture in Turkey.<sup>191</sup> Yet, the sheer size, chara-

cteristics and problems of this sector necessitate the organization of farmers and workers. The resistance displayed in Turkey against this necessity affects negatively the welfare of both classes and individuals. Gülçubuk (2007) comments on this situation as follows:

*“Besides the presence of an agricultural structure consisting of too many, tiny and fragmented enterprises, unbalanced and unfair nature of property distribution prevent the effective and efficient use of technology and inputs and makes marketing difficult. This leads to low productivity in agriculture and limits the welfare of people in this sector. Cooperative action of farmers is important in this respect.”*<sup>192</sup>

This necessity is accepted at the legal level as well. The Law No. 5488 on Agriculture dated 18 April 2006 includes “organization, institutionalization, sustainability, human health and environmental sensitivity, decentralization and participation” among principles underlying agricultural policies and assigns priority to the promotion of producers’ organizations in agricultural policies. In this context, it envisages support to the establishment of “crop councils” and “producers’ organizations” in the framework of agricultural policies (Articles 5-6)<sup>193</sup>.

However, there is no statement on supporting the organization of agricultural activities in the 2018-2022 Strategic Plan prepared by the former Ministry of Food, Agriculture and Animal Husbandry.<sup>194</sup>

In sum, like cooperatives, agricultural producers unions are also organizations that may assume such important roles as offering technical and economic support to its members in implementing strategies to prevent child labour in seasonal migrant agriculture and reducing related costs by cost-sharing.

## 2.3.6

### Union of Turkish Bar Associations<sup>195</sup> and Bar Associations

The Union of Turkish Bar Associations is an upper body comprising all bar associations in Turkey. The union is a professional organization with corporate status as envisaged in Article 135 of the Constitution.<sup>196</sup>

Apart from duties conferred by law related to the profession of attorneyship, the Union of Turkish Bar Associations also has duties of forwarding opinions, releasing publications and if necessary preparing preliminary drafts to ensure that legislation is developed and executed in line with the needs of the country. The union makes the following statement regarding this role: *“With subcommittees established within, the union is engaged in work related to legislative arrangements and is actively involved in confronting problems in the fields of democracy and human rights.”*<sup>197</sup>

Bar associations cannot engage in activities other than those related to the purpose of their existence. Hence, work carried out by commissions must be related to the protection and defending of human rights. As in many other areas, commissions may conduct advocacy activities in the context of seasonal migrant agriculture, rights of children, revision of legislation, and developing suggestions to have legislation in compliance with relevant international standards as well as empowerment of colleagues to take part in related court cases.

## 2.3.7

### Union of Chambers and Stock Exchange<sup>98</sup>

Union of Chambers and Stock Exchange and affiliated units were established upon the Law No. 5590 dated 15 March 1950. This law was later repealed by the Law No. 5174 on Union of Chambers and Stock Exchange taking effect in 2004. The Union is the up-

per organization of 365 chambers and stock exchanges existing in 81 provinces and 160 districts (Chambers of Commerce, Chambers of Industry, Chambers of Commerce and Industry, Chamber of Maritime Commerce and Commodity Exchange).<sup>199</sup>

The union has its important role in fixing the minimum wage and covering the cost of ensuring fair conditions of production. Both the members and decision making mechanisms of the union have their responsibility in developing effective strategies to prevent child labour in seasonal migrant agriculture and ensuing fair coverage of related costs.

### 2.3.8

#### **Turkish Medical Association and Chambers of Medicine<sup>200</sup>**

It was established in 1953 upon the Law No. 6023 on Turkish Medical Association.<sup>201</sup> The union is a professional organization with corporate status established to ensure professional deontology and solidarity and to protect the rights and interests of its members.

The union has the following duties (Art.4):

- a) Preserving and furthering professional ideals that entail commitment to public health and patients.
- b) Protecting rights and interests of its members and reconciling these efforts with the interests of the public and the state.
- c) Working to protect public health, finding jobs to its members commensurate with a specific level of welfare, protecting the rights of the profession and professionals in the implementation of the legislation related with the Labour Code, social laws as well as other legislation and ensuring fair distribution of jobs.
- d) Cooperating with official authorities in matters related to public health and profession of medicine.
- e) Securing assistance from official authorities in matters related to public health and profession of medicine.

In the framework of these duties, the association is engaged in various activities including reporting, raising information, etc.

Raising information and awareness in all relevant parties and public at large about risks deriving from working and living conditions of seasonal migrant agricultural workers and carrying out advocacy activities about pertinent measures to be taken are among the responsibilities of both the union and chambers of medicine. Bursa Chamber of Medicine, for example, carried out a situation analysis and executed interventions concerning seasonal agricultural workers and their children in Bursa Province. It published regular reports and also contacted Bursa Governorate to mobilize in for the delivery of necessary health services. These activities were carried out also with the participation of Bursa Union of Academic Chambers.<sup>202</sup>

### 2.3.9

#### **Chamber of Agricultural Engineers<sup>203</sup>**

Under the Union of Chambers of Architects and Engineers, the Chamber of Agricultural Engineers (ZMO) is active since 1954 with its 27 branches and 53 provincial offices.<sup>204</sup> It is a professional organization with public status as arranged by Article 135 of the Constitution. The Chamber defines its role as follows: "Besides conducting work in professional terms and in areas of interest, the ZMO thinks that it must undertake responsibility in various issues including respect for human rights and freedoms, rule of law, democratization and development of economic and social policies with due regard to national interests."<sup>205</sup>

In its report on hazelnut released in 2016, the chamber addressed problems of hazelnut producers and in the part of the report allocated to suggestions made the following suggestions related to child labour<sup>206</sup>:

- Studies on child labour conducted by the Ministry of Labour and ILO should be made visible and seriously considered.

- While particularly improvements in working conditions of seasonal workers and initiatives to prevent the employment of children are positive developments, the problems of low wages and social security still remain and await solutions.

Besides specific crop based reports, problems like unemployment are also addressed by reports<sup>207</sup> and publications.<sup>208</sup> In this context, the Chamber of Agricultural Engineers may assume roles and responsibilities in offering technical support to its members and farmers and in raising public awareness regarding strategies in preventing child labour in seasonal migrant agriculture and, specifically, in risks that threaten the health and well-being of children.

### 2.3.10

#### Union of Chambers of Agriculture<sup>209</sup>

Its present status derives from the Law no. 6964 on Agricultural Chambers and their Union taking effect in 1957.<sup>210</sup> It is a professional public organization as envisaged in Article 135 of the Constitution. According to Article 1 of the Law No. 6964, chambers of agriculture are professional organizations of public status with tasks including the following: *“delivering professional services; responding to common needs of farmers; facilitating professional activities; helping the development of farming in line with common interests; making honesty and trust as principles observed in relations among farmers and with the public in general; observing and upholding professional discipline and ethics; and protecting the rights and interests of people engaged in farming.”*

Professional organizations chambers of agriculture are supposed to have their say in public policies related to their field of activity as well as to support their members. The 24th article of the law assigns chambers the task of *“conducting necessary work to ensure that agricultural policies are pursued in line with common interests, conveying its agriculture-related opinions to governments and to the public and*

*protecting the rights and interests of farmers.”* This general statement also contains the role to be undertaken in preventing child labour in seasonal migrant agricultural works.

While performing its duty, the union *“Prepares reports on the basis of farmers’ opinions regarding policies implemented. This is a way of increasing the contribution of agriculture to national economy and to economic and social development of farmers.”*<sup>211</sup> The reporting by the union in line with these responsibilities and activities supporting farmers in economic and social terms will constitute an important part of efforts to prevent child labour in seasonal migrant agriculture.

### 2.3.11

#### Academic Institutions

The ILO policy document “Worldwide Movement against Child Labour” (2007) considers academic research environment as an important actor in combat against child labour.<sup>212</sup> Indeed, universities, faculties and other academic units have the potential to support relevant efforts through their studies and promotion of good practices.

The “Programme for Improving Health of Seasonal Agricultural Workers” implemented in the period 2011-2015 by Harran University with funding from the UNFPA<sup>213</sup> can be cited as an example. However, as seen in this specific case, works of this nature can be carried out only on the basis of external funding and sustainability cannot be ensured.

Though its purpose is not working directly on seasonal agriculture, the Migration Studies Unit of İstanbul Bilgi University<sup>214</sup> that has conducted studies on this issue can be as well cited as an example of academic support on the issue through studies.

In fact, academic studies have their role in keeping track of and examining both qualitative and quantitative developments and producing knowledge on

current issues while responding to intellectual interests.

It is the responsibility of research community and academia to address the issue of child labour in its connections with social sciences, public and political interests and to contribute to relevant literature by following changing approaches.

There are many studies in Turkey assessing the situation of working children in Turkey. However, very few among these analyse the system from which child labour derives and causes behind. There is no academic centre in Turkey conducting a systematic work on the issue. The most important responsibility that universities can undertake in this field is to contribute to the pool of knowledge and experience in this field by studies, scientific meetings and publications.

### 2.3.12

#### Printed and Visual Media

As stated in the Policy Document “International Action against child Labour” issued by ILO in 2007, the media is one of the important actors in combat against child labour.<sup>215</sup>

The media is an important actor in making the situation of seasonal migrant agricultural workers and their children visible, raising awareness and sensitivity in public in this regard, and in bringing voices asking for the elimination of child labour to decision makers. In Turkey, the media covers seasonal migrant agricultural workers mostly in case of traffic accidents, living environments and as victims of natural disasters like flood. Related news features include travel by train to working places, serious problems existing in their working and living environments and children remaining out of school.

The most important role that the media can assume in this field is to enhance public awareness regarding the existing situation and prevention strategies

and serve as the voice of children. The media has its responsibility also in conveying the requests of society to official authorities.

## 2.4

### International Organizations

The policy document “Worldwide Movement against Child Labour” published by ILO in 2007 draws attention to the fact that child labour has become an international issue. The ILO, UNICEF, UNESCO, WHO, World Bank, donor countries, international non-governmental organizations, the media and researchers are accepted as global actors in charge of related policies.<sup>216</sup>

In fact the list of responsibilities and those in charge must be longer since the objectives of the council of Europe and the United Nations, and a significant part of commitments that States Parties made in conventions are related to working life and protection of human rights including the right of children to be protected. Member States of these organizations in fact undertake the responsibility to protect human rights not only in their respective countries but in the world as a whole. This part presents a list of responsibilities from this perspective.

### 2.4.1

#### Council of Europe<sup>217</sup>

The Council of Europe is a regional organization established upon the Statute of the Council of Europe which was signed on 5 May 1949, taking effect on 3 August 1949.<sup>218</sup> Its objective is “*to protect and promote ideals and principles as the common heritage of its members to create a stronger solidarity for ensuring political and economic progress.*” (Art.1).<sup>219</sup> Under Article 4 of the Statute, Turkey became the member of the Council on 13 April 1950.<sup>220</sup> Member States of the Council of Europe undertake the obligation to ensu-



re the rule of law and exercise of human rights and fundamental freedoms of all under their jurisdiction (Art.3).

The European Convention for the Protection of Human Rights and Fundamental Freedoms<sup>221</sup> and its Additional Protocols and the Revised European Social Charter<sup>222</sup> and its Additional Protocols are instruments of the Council of Europe intended to create unity among member states regarding fundamental human rights. The European Convention on the Status of Migrant Workers<sup>223</sup> is another instrument directly related to working life.

Articles 3 and 4 of the European Convention for the Protection of Human Rights and Fundamental Freedoms which stipulates that nobody can be employed by force and Article 11 on the right to organize are directly related to labour law. Some other articles in the Convention are also relevant in this context including those against discrimination.

The most important instrument of the Council of Europe in relation to labour law is the European Social Charter. The first part of the European Social Charter is directly related to labour law. Turkey signed the charter with some reservations. These reservations are mostly related to labour law (Articles 2, 3, 5, 6, 8 and 15, paragraphs 1, 2 and 4 of Article 4, and paragraphs 1, 2, 7 and 10 of Article 7).<sup>224</sup>

The Revised European Social Charter was also signed with some reservations and once again these reservations are related to labour law. "Turkey has her reservations to two articles (articles 5 and 6) and two paragraphs of article 2 (2 and 4) of the Revised European Social Charter which she accedes to."<sup>225</sup>

The Council of Europe has more than one supervisory body:

- European Court of Human Rights
- European Committee of Social Rights
- Council of Europe Commissioner for Human Rights

- European Commission against Racism and Intolerance
- European Committee for Prevention of Torture
- Group of Experts on Action against Violence against Women and Domestic Violence
- Committee on Regional and Minority Languages
- Group of States against Corruption
- European Commission for Democracy through Law

In particular, the first two in the list above are supervisory bodies having direct responsibility in the fields of child labour and seasonal migrant agricultural works.

#### *European Court of Human Rights<sup>226</sup>*

The European Court of Human Rights is the supervisory organ of the European Convention on Human Rights. The establishment of the court was envisaged by a convention dated 1950. The court underwent a structural change in 1998. It examines applications by individuals and states as foreseen in Additional Protocol 11 to the European Convention on Human Rights.<sup>227</sup> The European Court of Human Rights is a judicial body to which one can apply, after the exhaustion of domestic remedies, in case of a violation of a right in the framework of Article 4.

#### *European Committee of Social Rights<sup>228</sup>*

The European Committee of Social Rights is the supervision body established by the European Social Charter. States Parties to the Charter are obliged to submit reports to the Committee once in every two years. Examining these reports, the Committee reaches a conclusion whether States Parties fulfil their obligations and declares it openly. Besides this Committee, the Committee on Governments and Committee on Ministers are authorized to make recommendations to states.

The European Social Charter is the most important document providing for international standards rela-



ting to labour including the right to fair wage and organize and the right of children to be protected from exploitation. Hence, the European Committee of Social Rights is authorized to supervise practices in Turkey and in other member states in many issues including wages, working hours, working conditions, employment of children and the right to organize. The committee is therefore an important international organ.

Turkey regularly reports to the Committee and the committee regularly issues decisions relating to Turkey.<sup>229</sup> In 2017 the Committee found 175 violations of various articles of the European Social Charter by 33 States Parties including Turkey.<sup>230,231</sup>

## 2.4.2

### European Union<sup>232</sup>

The European Union was established upon the Maastricht Treaty taking effect on 1 November 1993 and the treaty founding the European Union was renamed as the Treaty of European Union with the treaty of Lisbon which was signed in 2007 and took effect in 2009.<sup>233</sup>

The European labour law is a part of European Community law. The primary sources of this law are founding treaties<sup>234</sup>; and secondary sources are regulations adopted by the organs of the union that are authorized to take decisions.<sup>235</sup> These decision making bodies of the Union are authorized to<sup>236,237</sup> issue:

- By-laws (issued by the council of Ministers or together by the Council and the Parliament).
- Directives (issued by the Council of Ministers or together by the council, Parliament and the Commission)
- Decisions (adopted by the Council or Parliament or by the Commission)
- Recommendations and opinions (issued by the Council or commission)

- Decisions of the Court of Justice
- International agreements acted with non-member States
- Unwritten Community rules
- Fundamental principles in law
- Doctrine

Further, regulations related to social rights included in documents produced by the United Nations, International Labour Organization and Council of Europe are accepted as social standards.<sup>238</sup>

On 14 April 1987 Turkey applied to the European Union for full membership, gained the status of candidate member in 1999, and accession negotiations started in 2005. As one of the issues addressed in the process of accession, the Rural Development component of the Instrument for Pre-accession Assistance (IPARD) was adopted on 25 February 2008 and presented as an instrument for the modernization of agriculture and establishment of and support to farmer groups in the context of sustainable rural development.<sup>239</sup> It is stated that unions of producers have been supported under the programme since 2010.<sup>240</sup>

The European Union Charter of Fundamental Rights was adopted in 2010 and the European Union Fundamental Rights Agency (FRA) was established as an independent body to support the Charter.

## 2.4.3

### United Nations<sup>241</sup>

The United Nations was founded in 1945 with the United Nations Charter.<sup>242</sup> The organization pursues objectives of ensuring peace and security and promotes human rights<sup>243</sup>: *“To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without*

*distinction as to race, sex, language, or religion; and to be a centre for harmonizing the actions of nations in the attainment of these common ends.” (Article 1).*

Indeed, various international agreements in the field of human rights and efforts in the field of development are all in line with this objective. Hence, the authority and responsibilities of the organization vis à vis member states in line with its objective also cover the protection of the rights of children.

In this respect, it is the duty of the United Nations to ensure international cooperation in the implementation of conventions adopted and commitments made by Member States relating to working life including Articles 23, 24 and 25 of the Universal Declaration of Human Rights<sup>244</sup>, articles 6 to 11 of the International Covenant on Economic, Social and Cultural Rights<sup>245</sup> and article 32 of the UN Convention on the Rights of the Child.

Apart from its General Assembly comprising representatives from Member States, the United Nations has two supervisory procedures and consequently more than one supervisory body:<sup>246</sup>

- Supervision on the basis of the UN Charter:
  - Complaint to Human Rights Council
  - Special Procedures of the Human Rights Council
  - Universal Periodic Review
- Procedures of supervision based on conventions
  - Human Rights Committee
  - Committee on Economic, Social and Cultural Rights
  - Committee on the Elimination of Discrimination against Women
  - Committee on the Rights of the Child
  - Committee on the Elimination of Racial Discrimination
  - Committee against Torture



## **UN Universal Declaration of Human Rights**

### **Article 23**

(1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

(2) Everyone, without any discrimination, has the right to equal pay for equal work.

(3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

(4) Everyone has the right to form and to join trade unions for the protection of his interests.

### **Article 24**

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

### **Article 25**

1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

2. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.





## **Covenant on Economic, Social and Cultural Rights**

### **Article 6 – Right to work**

1. The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right. 2. The steps to be taken by a State Party to the present Covenant to achieve the full realization of this right shall include technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual.

### **Article 7 – Just and favourable conditions of work**

The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular: (a) Remuneration which provides all workers, as a minimum, with: (i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work; (ii) A decent living for themselves and their families in accordance with the provisions of the present Covenant; (b) Safe and healthy working conditions; (c) Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence; (d) Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays

### **Article 8 – Trade union rights**

1. The States Parties to the present Covenant undertake to ensure: (a) The right of everyone to form trade unions and join the trade union of his choice, subject only to the rules of the organization concerned, for the promotion and protection of his economic and social interests. No restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others; (b) The right of trade unions to establish national federations or confederations and the right of the latter to form or join international trade-union organizations; (c) The right of trade unions to function freely subject to no limitations other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others; (d) The right to strike, provided that it is exercised in conformity with the laws of the particular country. 2. This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces or of the police or of the administration of the State. 3. Nothing in this article shall authorize States Parties to the International Labour Organization Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or apply the law in such a manner as would prejudice, the guarantees provided for in that Convention.

### **Article 9 – Right to social security**

The States Parties to the present Covenant recognize the right of everyone to social security, including social insurance.

### **Article 10 – Protection of family, motherhood, children and youth**

The States Parties to the present Covenant recognize that: 1. The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment





and while it is responsible for the care and education of dependent children. Marriage must be entered into with the free consent of the intending spouses. 2. Special protection should be accorded to mothers during a reasonable period before and after childbirth. During such period working mothers should be accorded paid leave or leave with adequate social security benefits. 3. Special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination for reasons of parentage or other conditions. Children and young persons should be protected from economic and social exploitation. Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law. States should also set age limits below which the paid employment of child labour should be prohibited and punishable by law.

#### **Article 11 – Right to standard of living**

1. The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent. 2. The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international co-operation, the measures, including specific programmes, which are needed: (a) To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources; (b) Taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.



#### **UN CRC**

##### **Article 32**

1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:

- a. Provide for a minimum age or minimum ages for admission to employment;
- b. Provide for appropriate regulation of the hours and conditions of employment;
- c. Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.



- Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- Committee on the Protection of the Rights of all Migrant Workers and their Families
- Committee on the Rights of Persons with Disabilities
- Committee on Enforced Disappearances

All these bodies may come across with the issue of seasonal migrant labour in agriculture within the framework of their fields of expertise. Of these bodies, the Committee on Economic, Social and Cultural Rights and the Committee on the Rights of the Child are those who can directly and specifically address the issue of seasonal migrant agricultural workers.

#### ***Committee on the Rights of the Child***<sup>247</sup>

The UN Convention on the Rights of the Child led to the establishment of the Committee on the Rights of the Child to monitor and examine progress made by States Parties in fulfilling their obligations under the Convention.<sup>248</sup> The Committee performs this function through reports submitted by States Parties within two years following their ratification and then in every five years. The Committee may also ask States to submit reports out of these regular periods when it deems necessary. After examining reports, the Committee may convey general recommendations to States Parties or issue general comments to clarify the provisions of the Convention.<sup>249</sup>

The Optional Protocol to the Convention on the Rights of the Child on Appeal Procedures of which Turkey is one of the State Parties, allows individual appeals as well.<sup>250</sup>

As in any issue concerning child rights, the Committee on the Rights of the Child is one of the most important bodies also in issues related to the exploitation of child labour in seasonal migrant agricultural works, in monitoring relevant practices in Turkey

and in other countries and guiding them with general comments on country reports.

#### ***United Nations Children's Fund (UNICEF)***<sup>251</sup>

The United Nations Children's Fund is a UN agency specialized in support to the fulfilment of the rights of children. All activities of the agency are guided by the UN Convention on the Rights of the Child as the most widely adopted human rights instrument in history. The UNICEF regards the fulfilment of child rights as an essential component of human development as envisaged by the United Nations Charter and Millennium Development goals.<sup>252</sup> The UNICEF Office in Turkey implements programmes and projects related to children engaged in seasonal migrant agricultural works together with Support to Life Association and Development Workshop. The UNICEF offers technical support to governments in development policies and models.

#### ***International Labour Organization (ILO)***<sup>253</sup>

International Labour Organization (ILO) *"is a specialized United Nations agency established for the purpose of realizing lasting peace in the world by ensuring social justice on the basis of the idea of preventing the exploitation of labour and raising the level of security and living standards of working classes."*<sup>254</sup>

The ILO Office in Turkey is implementing various programmes and projects on children engaged in seasonal migrant agricultural works together with public Institutions, civil society organizations, the private sector and international organizations. The International Labour Organization is mandated to develop international policies, engage in cooperation and to provide technical support to initiatives within countries to ensure fair conditions of production and prevention of child labour in seasonal migrant agriculture.

#### ***Committee on Economic, Social and Cultural Rights***

The Committee was created as the supervising body of the International Covenant on Economic, Social

and Cultural Rights upon the decision of the United Nations Economic and Social Council No. 1985/17 dated 28 May 1985.<sup>255</sup>

With optional Protocol to the International Covenant on Economic, Social and Cultural Rights the Committee is authorized to receive and examine individual appeals as well. However, since Turkey has not ratified this Optional Protocol it is not possible lodge individual and inter-state appeals to the Committee.<sup>256</sup>

As the supervisory body of the Convention, the Committee is responsible for steps to ensure fair conditions of production and prevent of child labour in seasonal migrant agriculture.

### ***Economic and Social Council***<sup>257</sup>

Being one of the leading organs of the United Nations, the Economic and Social Council (ECOSOC), is responsible for coordinating economic and social activities. The Council has 54 members and since 1998 it has been holding meetings together with the key committees of the World Bank and of the International Monetary Fund (IMF) and ministers of finance.

The ECOSOC formulates policy suggestions before the United Nations and serves as a central forum to bring and discuss economic and social issues. Civil society organizations seek status from the council to take part in UN activities. As the Committee, the Council too undertakes responsibility as supervisory body of the Covenant in regard to creating fair production conditions and preventing child labour in migrant agriculture.

### ***United Nations Development Programme (UNDP)***<sup>258</sup>

It is a programme that the United Nations developed in order to create a global development network. It was established in 1 January 1996 and is presently active in 177 countries. The programme annually publishes Human Development Reports<sup>259</sup> and focuses

on bringing solutions to problems related to poverty alleviation and building of democratic societies in countries where it is active.<sup>260</sup>

The Millennium Development Goals in 2000<sup>261</sup>, and Sustainable Development Goals after 2015<sup>262</sup> have been the major areas of focus of the programme.

## **2.5**

### **States**

In the 1<sup>st</sup> article of the UN Charter, one of the objectives is stated as *“achieving international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion.”*

With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations, the United Nations commits to promote (Article 55):

- Higher standards of living, full employment, and conditions of economic and social progress and development;
- Solutions of international economic, social, health, and related problems; and international cultural and educational cooperation; and
- Universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

Member States commit to cooperate with the organization on these objectives either individually or together (Art. 56).

According to Semerci (2014)<sup>263</sup> external markets constitute one of the three main reasons making employment conditions in agriculture fragile. The other two are environmental-climatic circumstances and domestic markets. Given this, it will not be fair to

regard safety and health issues in seasonal migrant agriculture solely as a national agenda related to domestic legislation and its enforcement.

Agricultural workers make up the lowest paid and most fragile group worldwide. While Turkey was still struggling with many structural problems related to agriculture and employment policies<sup>264</sup> neoliberal economic policies were introduced after 1980. Along with structural reforms and their implementations imposed by global markets in the 2000s, life became even more difficult for small agricultural enterprises and agricultural workers.

*"In this period, with sugar and tobacco laws enacted, limitation of price and purchase guarantees given to farmers, lowering of prices in order to compete in global markets and lifting of trade quotas, safeguards in the working of domestic market were reduced along with increasing fragility. Consequently, producers remained as surrounded by fluctuations in global markets, falling prices, multi-national companies seeking to maximize their profits and oligopolistic markets. In other words, along with neoliberal trends in agriculture, the three factors of fragility mentioned above feed each other to make it more difficult for farmers to continue farming, and to accelerate rural dissolution."*<sup>265</sup>

The ILO report World Employment and Social Outlook (2017)<sup>266</sup>, has some important observations revealing once more that problems related to employment must be addressed as global problems:

- Economic growth is still at disappointing rates and decent job gaps remain.
- Global unemployment figure is expected to increase by 3.4 million in 2017.
- Throughout the world 1.4 billion people are employed without any protection.
- There is slowdown in recurring working poverty which endangers the attainment of poverty eli-

mination envisaged by Sustainable Development Goals.

- Unequal opportunities and social dissidence continue.

While identifying psychosocial risks other than classic risks that threaten worker's health, the European Agency for Safety and Health at Work (EU-OSHA)<sup>267</sup> considers the increasing vulnerability of workers, in the context of globalization, as the second important factor under the heading "new generation work contracts and work security".<sup>268</sup>

The impossibility of coping up with these problems as the outcomes of globalized economy without developing human rights sensitive policies is now a reality accepted by both international law and international organizations. Then, it will be appropriate here to recall international law regarding sustainable development. In paragraph 48 of the 2005 World Summit outcome, it is stated that: *"These efforts will also promote the integration of the three components of sustainable development – economic development, social development and environmental protection – as interdependent and mutually reinforcing pillars. Poverty eradication, changing unsustainable patterns of production and consumption and protecting and managing the natural resource base of economic and social development are overarching objectives of and essential requirements of sustainable development."* The document prepared after the 2012 UN Sustainable Development Conference (Rio+20) draws attention to the importance of relationship between poverty alleviation and sustainable development.

Hence, while discussing solution to a given socioeconomic problem, what must be considered are not only the responsibilities of the state concerned and international organizations but also those of all states in the world deriving from commitments they made with the United Nations Charter.



- 1 Kablay, S. (2016). Fındık Bahçesinde İşçi Olmak: Ordu ve Giresun İllerinde Mevsimlik Tarım İşçilerinin Çalışma Koşulları. Der: Yıldırım, D., Haspolat, E. *Değişen Karadenizi Anlamak*. Phoenix Y. Ankara, sf.292
- 2 RG 27.05.2010 - 27593
- 3 Aslan, A. ve ark. (2017). Mevsimlik Tarım İşçiliğinde Aracılık Hizmetlerinin Mevcut Durumu: Malatya Örneği. *TEAD*, 3(2), sf. 6  
dergipark.gov.tr/download/article-file/393712 (Erişim Tarihi: 25.05.2018)
- 4 TBMM Mevsimlik Tarım İşçilerinin Sorunlarının Araştırılarak Alınması Gereken Önlemlerin Belirlenmesi Amacıyla Kurulan Meclis Araştırma Komisyonu, Yasama Dönemi 24 Yasama Yılı 5 Sıra Sayısı 716, sf. 90
- 5 TBMM Mevsimlik Tarım İşçilerinin Sorunlarının Araştırılarak Alınması Gereken Önlemlerin Belirlenmesi Amacıyla Kurulan Meclis Araştırma Komisyonu, Yasama Dönemi 24 Yasama Yılı 5 Sıra Sayısı 716, sf. 90
- 6 Ulukan, U., Çiğerci Ulukan, N. *Fındık Üretiminde Çalışma İlişkileri ve Mevsimlik İşçiler: Perşembe Örneği*  
www.researchgate.net/publication/258446856 sf. 13
- 7 Uyan Semerci, P. *Mevsimlik Gezici Tarım İşçiliği 2014 - Araştırma Raporu*. Hayata Destek Derneği, sf. 61
- 8 Ulukan, U., Çiğerci Ulukan, N. *Fındık Üretiminde Çalışma İlişkileri ve Mevsimlik İşçiler: Perşembe Örneği*  
www.researchgate.net/publication/258446856 sf. 14
- 9 www.resmigazete.gov.tr/eskiler/2010/05/20100527-4.htm
- 10 Ulukan, U., Çiğerci Ulukan, N. *Fındık Üretiminde Çalışma İlişkileri ve Mevsimlik İşçiler: Perşembe Örneği*  
www.researchgate.net/publication/258446856 sf. 14
- 11 Kablay, S. (2016). Fındık Bahçesinde İşçi Olmak: Ordu ve Giresun İllerinde Mevsimlik Tarım İşçilerinin Çalışma Koşulları. Der: Yıldırım, D., Haspolat, E. *Değişen Karadenizi Anlamak*. Phoenix Y. Ankara, sf.293
- 12 Kaya, M., Özgülnar, N. (2015). Mevsimlik (Gezici/Geçici) Tarım İşçilerinin İki Yerleşim Birimindeki Yaşam Koşulları ve Sağlık Durumlarına Niteliksel Bakış. *Türk J Public Health*, 13(2) sf.121 tjph.org/ojs/index.php/ (Erişim Tarihi: 26.05.2018)
- 13 Kalkınma Atölyesi (2018), "Tarım Aracısı Meslek Kriterleri Türkiye İçin Bir Model Arayışı" Ankara, sf. 32
- 14 www.tepav.org.tr/upload/files/1525076193-3.TEPAV\_Istihdam\_Izleme\_Bulteni\_\_\_\_Ocak\_2018.pdf (Erişim tarihi: 11.06.2018)
- 15 www.tepav.org.tr
- 16 Kalkınma Bakanlığı, İşgücü Piyasalarındaki Gelişmelerin Makro Analizi, 2018-I
- 17 Kalkınma Bakanlığı, İşgücü Piyasalarındaki Gelişmelerin Makro Analizi, 2018-I
- 18 Ibid.
- 19 www.kalkinma.gov.tr/Pages/EkonomikSosyalGostergeler.aspx (Erişim Tarihi: 16.06.2018)
- 20 www.agdenetim.com/mp-include/uploads/2016/02/2016-yili-asgari-ucret-asgari-gecim-indirimi-isverene-maliyeti.pdf
- 21 8. Bölüm Sosyal Sektörlerdeki Gelişmeler www.kalkinma.gov.tr/Pages/EkonomikSosyalGostergeler.aspx (Erişim Tarihi: 16.06.2018)
- 22 Gülmez, M. (2011). *Uluslararası Sosyal Politika* (3. Baskı). Ankara, sf. 180
- 23 Boratav, K. (1997). *Türkiye Tarihi 4: Çağdaş Türkiye 1908-1980*. Cem Yayınevi, sf.289
- 24 Boratav, K. (2004). *Tarımsal Yapılar ve Kapitalizm* (3.Baskı). İmge Yayınları, sf. 29
- 25 Ibid., sf. 45-46
- 26 Ibid., sf. 47
- 27 www.tzob.org.tr/basin-odasi/haberler/uretilci-market-fiyatlarinda-ocak-ayi (Erişim Tarihi: 25.05.2018)
- 28 Ibid.

- 29 Demirbaş, N., Tosun, D. (2005). Türkiye’de Tarımın Sanayi ile Entegrasyonu, Ortaya Çıkan Sorunlar ve Çözüm Önerileri. *ADÜ Ziraat Fakültesi Dergisi*, 2(2), sf.30.
- 30 Ibid., sf.31.
- 31 Özkan, F. Z. ve ark. *Türkiye’de Tarım Ürünlerinin Belgelendirilmesi ve Akreditasyonu* dergipark.gov.tr/download/article-file/136467 (Erişim Tarihi: 11.06.2018), sf. 49
- 32 Law No: 5262 dated 01.12.2004 RG 03.12.2004 - 25659
- 33 Özkan, F. Z. ve ark. *Türkiye’de Tarım Ürünlerinin Belgelendirilmesi ve Akreditasyonu* dergipark.gov.tr/download/article-file/136467 (Erişim Tarihi: 11.06.2018), sf. 50
- 34 www.turkak.org.tr
- 35 Law No: 4457 dated 27.10.1999 RG 04.11.1999 - 23886
- 36 www.iso.org/standard/46568.html (Erişim tarihi: 11.06.2018)
- 37 Ibid.
- 38 www.fairlabor.org/ (Erişim tarihi: 11.06.2018)
- 39 www.tzob.org.tr/basin-odasi/haberler/dunya-tarim-nufusu-2 (Erişim Tarihi: 11.06.2018)
- 40 publications.europa.eu/en/publication-detail/-/publication/2f0e7c29-0d03-11e6-ba9a-01aa75ed71a1 (Erişim tarihi: 11.06.2018)
- 41 Turkish Constitution (1982) art.112
- 42 Başbakanlık Teşkilatı Hakkında Kanun Hükmünde Kararnamenin Değiştirilerek Kabulü Hakkında Kanun No: 3056 Kabul T. 10.10.1984 RG19.10.1984 - 18550
- 43 RG 24.03.2010 - 27531 bu Genelgenin yayınlanması ile 2010/6 sayılı Genelge yürürlükten kaldırılmıştır.
- 44 www.afad.gov.tr/tr/
- 45 Law No: 5902 dated 29.05.2009 RG 17.06.2009 - 27261
- 46 ÇSGB Mevsimlik Gezici Tarım İşçilerinin Çalışma ve Sosyal Hayatlarının İyileştirilmesi Stratejisi ve Eylem Planı, Ankara 2010 www.mevsimliktarimiscileri.com/files/dosya/1\_5\_635195205048992081.pdf (Erişim tarihi: 23.05.2018)
- 47 tihekdemo1.baskentweb.net/# (Erişim tarihi:16.06.2018)
- 48 Law No: 6701 dated 06.04.2016 RG 20.04.2016 - 29690
- 49 www.tkd.gov.tr/
- 50 Dated 04.05.2007 No: 5648 RG 18.05.2007 - 26526
- 51 Avrupa Birliği Müktesabatının Üstlenilmesine İlişkin Türkiye Ulusal Programı, Aralık (2008) sf. 109 vd.
- 52 www.tkd.gov.tr/Content/File/TKDK%202017-2021%20D%C3%B6nemi%20Stratejik%20Plan%C4%B1.pdf (Erişim Tarihi: 23.05.2018)
- 53 RG 19.12.2001 - 24615
- 54 www.adalet.gov.tr
- 55 While the duties of the Ministry of Justice are regulated by the Law on the Organization and Duties of the Ministry of Justice (Law No: 2992, dated 29.03.1984 RG:07.04.1984 - 18465), they are included in the Presidential Decree published in the Official Gazette on 10.07.2018.
- 56 ÇSGB Çocuk İşçiliği İle Mücadele Ulusal Programı, Ankara (2017), sf. 40 www.csgb.gov.tr/media/4755/cocuk\_isciligi\_rev\_23032017.pdf (Erişim tarihi: 11.06.2018)
- 57 Belediye Kanunu No: 5393 Kabul T. 03.07.2005 RG: 13.07.2005 - 25874
- 58 RG 19.04.2017 - 30043
- 59 ÇSGB Mevsimlik Gezici Tarım İşçilerinin Çalışma ve Sosyal Hayatlarının İyileştirilmesi Stratejisi ve Eylem Planı, Ankara 2010 www.mevsimliktarimiscileri.com/files/dosya/1\_5\_635195205048992081.pdf (Erişim tarihi: 23.05.2018)

- 60 ÇSGB Çocuk İşçiliği İle Mücadele Ulusal Programı, Ankara (2017), sf.49 [www.csgeb.gov.tr/media/4755/cocuk\\_isciligi\\_rev\\_23032017.pdf](http://www.csgeb.gov.tr/media/4755/cocuk_isciligi_rev_23032017.pdf) (Erişim tarihi: 11.06.2018)
- 61 [www.tccb.gov.tr/](http://www.tccb.gov.tr/)
- 62 While the duties of the Ministry of Justice are regulated by the Law on the Organization and Duties of the Ministry of Justice (Law No: 2992, dated 29.03.1984 RG: 07.04.1984 - 18465), they are included in the Presidential Decree published in the Official Gazette on 10.07.2018.
- 63 RG 10.07.2018
- 64 [www.diyenet.gov.tr](http://www.diyenet.gov.tr)
- 65 Diyanet İşleri Başkanlığı Kuruluş ve Görevleri Hakkında Kanun. Kanun No: 633 Kabul T. 22.06.1965 RG 02.07.1965 - 12038
- 66 RG 10.07.2018
- 67 RG 19.04.2017 - 30043
- 68 ÇSGB *Mevsimlik Gezici Tarım İşçilerinin Çalışma ve Sosyal Hayatlarının İyileştirilmesi Stratejisi ve Eylem Planı*, Ankara (2010). [www.mevsimliktarimiscileri.com/files/dosya/1\\_5\\_635195205048992081.pdf](http://www.mevsimliktarimiscileri.com/files/dosya/1_5_635195205048992081.pdf) (Erişim tarihi: 23.05.2018)
- 69 ÇSGB Çocuk İşçiliği İle Mücadele Ulusal Programı, Ankara (2017), sf.49 [www.csgeb.gov.tr/media/4755/cocuk\\_isciligi\\_rev\\_23032017.pdf](http://www.csgeb.gov.tr/media/4755/cocuk_isciligi_rev_23032017.pdf) (Erişim tarihi: 11.06.2018)
- 70 R.G. 10.07.2018
- 71 [www.csgeb.gov.tr](http://www.csgeb.gov.tr)
- 72 RG 18.01.1985 - 18639
- 73 [www.csgeb.gov.tr/home/Contents/Bakanlik/Tarihce](http://www.csgeb.gov.tr/home/Contents/Bakanlik/Tarihce) (Erişim tarihi: 12.05.2018)
- 74 GD 27.05.2010 - 27593
- 75 Law No: 4857 dated 22.05.2003 RG: 10.06.2003 - 25134
- 76 RG 19.04.2017 - 30043
- 77 [www.sgk.gov.tr](http://www.sgk.gov.tr)
- 78 Law No: 5502 dated 16.05.2006 RG 20.05.2006 - 26173
- 79 An actuary is a professional who deals with the measurement and management of risk and uncertainty, recommends solutions and analyzes long-term results of all solutions. An actuary assesses financial uncertainties taking into consideration not only today but also tomorrow. S/he provides recommendations for strategic decisions through future projections.
- 80 RG 27.05.2010 - 27593
- 81 RG 19.04.2017 - 30043
- 82 ÇSGB *Mevsimlik Gezici Tarım İşçilerinin Çalışma ve Sosyal Hayatlarının İyileştirilmesi Stratejisi ve Eylem Planı*, Ankara (2010) [www.mevsimliktarimiscileri.com/files/dosya/1\\_5\\_635195205048992081.pdf](http://www.mevsimliktarimiscileri.com/files/dosya/1_5_635195205048992081.pdf) (Erişim tarihi: 23.05.2018)
- 83 Tarımda Mevsimlik İş Göçü - Türkiye Durum Özeti, (Mevsimlik İş Göçü İletişim Ağı - MİGA) Frederich Ebert Stiftung (Mayıs 2012) sf. 9 [www.fes-tuerkei.org/media/pdf/D%C3%BCnyadan/d%C3%BCnyadan\\_12%20\(1\).pdf](http://www.fes-tuerkei.org/media/pdf/D%C3%BCnyadan/d%C3%BCnyadan_12%20(1).pdf) (Erişim tarihi: 23.05.2018)
- 84 Egemen, E. A. (2015) (Yüksek Lisans Tezi) Mevsimlik Tarım İşçileri ve Barınma Sorunu İTÜ Fen Bilimleri Enstitüsü Mimarlık ABD, sf. 58 [polen.itu.edu.tr/bitstream/11527/14264/1/10078082.pdf](http://polen.itu.edu.tr/bitstream/11527/14264/1/10078082.pdf) (Erişim tarihi: 23.05.2018)
- 85 Tarımda Mevsimlik İş Göçü - Türkiye Durum Özeti, (Mevsimlik İş Göçü İletişim Ağı - MİGA) Frederich Ebert Stiftung (Mayıs 2012) sf. 13 [www.fes-tuerkei.org/media/pdf/D%C3%BCnyadan/d%C3%BCnyadan\\_12%20\(1\).pdf](http://www.fes-tuerkei.org/media/pdf/D%C3%BCnyadan/d%C3%BCnyadan_12%20(1).pdf) (Erişim tarihi: 23.05.2018)
- 86 ÇSGB Çocuk İşçiliği İle Mücadele Ulusal Programı, Ankara (2017), sf.35 [www.csgeb.gov.tr/media/4755/cocuk\\_isciligi\\_rev\\_23032017.pdf](http://www.csgeb.gov.tr/media/4755/cocuk_isciligi_rev_23032017.pdf) (Erişim tarihi: 11.06.2018)
- 87 Aile ve Sosyal Politikalar Bakanlığının Teşkilat ve Görevleri Hakkında Kânun Hükmünde Kararname KHK No: 633 T. 03.06.2011 Yetki Kanunu No: 6223 RG: 08.06.2011 - 27958 Mük. [www.resmigazete.gov.tr/eskiler/2011/06/20110608M1-1..pdf](http://www.resmigazete.gov.tr/eskiler/2011/06/20110608M1-1..pdf) (Erişim Tarihi: 13.09.2018)

- 88 RG 19.04.2017 - 30043
- 89 ÇSGB *Mevsimlik Gezici Tarım İşçilerinin Çalışma ve Sosyal Hayatlarının İyileştirilmesi Stratejisi ve Eylem Planı*, Ankara (2010). [www.mevsimliktarimiscileri.com/files/dosya/1\\_5\\_635195205048992081.pdf](http://www.mevsimliktarimiscileri.com/files/dosya/1_5_635195205048992081.pdf) (Erişim tarihi: 23.05.2018)
- 90 ÇSGB Çocuk İşçiliği İle Mücadele Ulusal Programı, Ankara (2017), sf.41 [www.cs.gb.gov.tr/media/4755/cocuk\\_isciligi\\_rev\\_23032017.pdf](http://www.cs.gb.gov.tr/media/4755/cocuk_isciligi_rev_23032017.pdf) (Erişim tarihi: 11.06.2018)
- 91 [www.csb.gov.tr](http://www.csb.gov.tr)
- 92 While the duties of the Ministry of Environment and Urban Affairs are regulated by the Decree No: 644, dated 29.06.2011, RG: 04.07.2011 - 27984, they are included in the Presidential Decree published in the Official Gazette on 10.07.2018.
- 93 ÇSGB *Mevsimlik Gezici Tarım İşçilerinin Çalışma ve Sosyal Hayatlarının İyileştirilmesi Stratejisi ve Eylem Planı*, Ankara (2010). [www.mevsimliktarimiscileri.com/files/dosya/1\\_5\\_635195205048992081.pdf](http://www.mevsimliktarimiscileri.com/files/dosya/1_5_635195205048992081.pdf) (Erişim tarihi: 23.05.2018)
- 94 [www.enerji.gov.tr](http://www.enerji.gov.tr)
- 95 While the duties of the ministry are regulated by the Law on the Organization and Duties of the Ministry of Energy and Natural Resources (Law No: 3154, dated 19.02.1985 RG: 01.03.1985 - 18681), they are included in the Presidential Decree published in the Official Gazette on 10.07.2018.
- 96 ÇSGB *Mevsimlik Gezici Tarım İşçilerinin Çalışma ve Sosyal Hayatlarının İyileştirilmesi Stratejisi ve Eylem Planı*, Ankara (2010). [www.mevsimliktarimiscileri.com/files/dosya/1\\_5\\_635195205048992081.pdf](http://www.mevsimliktarimiscileri.com/files/dosya/1_5_635195205048992081.pdf) (Erişim tarihi: 23.05.2018)
- 97 [www.gsb.gov.tr](http://www.gsb.gov.tr)
- 98 While the duties of the Ministry of Youth and Sports are regulated by the Decree No: 638, dated 03.06.2011, RG: 08.06.2011 - 227958, they are included in the Presidential Decree published in the Official Gazette on 10.07.2018.
- 99 ÇSGB Çocuk İşçiliği İle Mücadele Ulusal Programı, Ankara (2017), sf.42 [www.cs.gb.gov.tr/media/4755/cocuk\\_isciligi\\_rev\\_23032017.pdf](http://www.cs.gb.gov.tr/media/4755/cocuk_isciligi_rev_23032017.pdf) (Erişim tarihi: 11.06.2018)
- 100 [www.maliye.gov.tr/](http://www.maliye.gov.tr/)
- 101 While the duties of the Ministry of Finance are regulated by the Decree No: 178, dated 13.12.1983, RG: 14.12.1983 - 18251, they are included in the Presidential Decree published in the Official Gazette on 10.07.2018.
- 102 While the duties of the Ministry of Justice are regulated by the Law on the Organization and Duties of the Ministry of Justice (Law No: 2992, dated 29.03.1984 RG:07.04.1984 - 18465), they are included in the Presidential Decree published in the Official Gazette on 10.07.2018.
- 103 RG 19.04.2017 - 30043
- 104 [www.tuik.gov.tr](http://www.tuik.gov.tr)
- 105 Law No: 5429 dated 10.11.2005 RG 18.11.2005 - 25997
- 106 [www.tuik.gov.tr/UstMenu.do?metod=kategorist](http://www.tuik.gov.tr/UstMenu.do?metod=kategorist)
- 107 [www.tuik.gov.tr/PreHaberBultenleri.do?id=27596](http://www.tuik.gov.tr/PreHaberBultenleri.do?id=27596)
- 108 [www.tuik.gov.tr/PreHaberBultenleri.do?id=13659](http://www.tuik.gov.tr/PreHaberBultenleri.do?id=13659) (Erisim Tarihi: 13.09.2018)
- 109 Included under the Ministry of Treasury and Finance with the Presidential Decree No. 1.
- 110 Law No. 5449 dated 25.01.2006 RG 08.02.2006 - 26074
- 111 [www.ziraatbank.com.tr/tr/bankamiz/hakkimizda/bankamiz-tarihcesi](http://www.ziraatbank.com.tr/tr/bankamiz/hakkimizda/bankamiz-tarihcesi)
- 112 RG 10.07.2018
- 113 Law No: 4603 dated 15.11.2000 RG 25.11.2000 - 24241
- 114 Başaran, B. ve ark. *Türkiye’de Tarımsal Kredi Kaynakları ve Kredilerde Denetim Sorunu*. XII. Ulusal Tarım Ekonomisi Kongresi 25 - 27 Mayıs 2016, sf.1726 [www.tarimarsiv.com/wp-content/uploads/2017/04/25.pdf](http://www.tarimarsiv.com/wp-content/uploads/2017/04/25.pdf) (Erişim Tarihi: 03.06.2018)

- 115 [www.kkb.com.tr/](http://www.kkb.com.tr/)
- 116 [www.kkb.com.tr/hakkimizda](http://www.kkb.com.tr/hakkimizda)
- 117 [www.kkb.com.tr/urunler/tarim-kredileri-degerlendirme-sistemi](http://www.kkb.com.tr/urunler/tarim-kredileri-degerlendirme-sistemi)
- 118 [www.icisleri.gov.tr](http://www.icisleri.gov.tr)
- 119 RG 19.04.2017 - 30043
- 120 ÇSGB “Çocuk İşçiliği İle Mücadele Ulusal Programı” Ankara 2017, sf.44 [www.csgeb.gov.tr/media/4755/cocuk\\_isciligi\\_rev\\_23032017.pdf](http://www.csgeb.gov.tr/media/4755/cocuk_isciligi_rev_23032017.pdf) (Erişim tarihi: 11.06.2018)
- 121 ÇSGB Mevsimlik Gezici Tarım İşçilerinin Çalışma ve Sosyal Hayatlarının İyileştirilmesi Stratejisi ve Eylem Planı, Ankara 2010 [www.mevsimliktarimiscileri.com/files/dosya/1\\_5\\_635195205048992081.pdf](http://www.mevsimliktarimiscileri.com/files/dosya/1_5_635195205048992081.pdf) (Erişim tarihi: 23.05.2018)
- 122 [www.egm.gov.tr](http://www.egm.gov.tr)
- 123 RG 13.04.2011 - 24372
- 124 RG 19.04.2017 - 30043
- 125 ÇSGB Çocuk İşçiliği İle Mücadele Ulusal Programı, Ankara (2017), sf.45 [www.csgeb.gov.tr/media/4755/cocuk\\_isciligi\\_rev\\_23032017.pdf](http://www.csgeb.gov.tr/media/4755/cocuk_isciligi_rev_23032017.pdf) (Erişim tarihi: 11.06.2018)
- 126 ÇSGB Mevsimlik Gezici Tarım İşçilerinin Çalışma ve Sosyal Hayatlarının İyileştirilmesi Stratejisi ve Eylem Planı, Ankara (2010) [www.mevsimliktarimiscileri.com/files/dosya/1\\_5\\_635195205048992081.pdf](http://www.mevsimliktarimiscileri.com/files/dosya/1_5_635195205048992081.pdf) (Erişim tarihi: 23.05.2018)
- 127 [www.jandarma.gov.tr](http://www.jandarma.gov.tr)
- 128 RG 19.04.2017 - 30043
- 129 ÇSGB Çocuk İşçiliği İle Mücadele Ulusal Programı, Ankara (2017), sf.45 [www.csgeb.gov.tr/media/4755/cocuk\\_isciligi\\_rev\\_23032017.pdf](http://www.csgeb.gov.tr/media/4755/cocuk_isciligi_rev_23032017.pdf) (Erişim tarihi: 11.06.2018)
- 130 [www.goc.gov.tr](http://www.goc.gov.tr)
- 131 [www.goc.gov.tr/icerik/hakkimizda\\_308\\_309](http://www.goc.gov.tr/icerik/hakkimizda_308_309)
- 132 IOM (Uluslararası Göç Örgütü) Göç Terimleri Sözlüğü (2009), sf.58 [www.goc.gov.tr/files/files/goc\\_terimleri\\_sozlugu.pdf](http://www.goc.gov.tr/files/files/goc_terimleri_sozlugu.pdf)
- 133 Ibid., sf.19
- 134 [www.migm.gov.tr/](http://www.migm.gov.tr/)
- 135 Law No: 3152 dated 23.12.1985 RG 23.02.1985 - 18675
- 136 [www.migm.gov.tr/yonetim-yapisi-ve-teskilatibirlik](http://www.migm.gov.tr/yonetim-yapisi-ve-teskilatibirlik)
- 137 İnan, H. ve ark. *Tarımda Örgütlenme*. Türkiye Ziraat Odaları Birliği, sf.12 [www.zmo.org.tr/resimler/ekler/97399278d24e6bb\\_ek.pdf?tipi=14&sube=](http://www.zmo.org.tr/resimler/ekler/97399278d24e6bb_ek.pdf?tipi=14&sube=) (Erişim tarihi: 11.05.2018)
- 138 Law No: 5355 dated 26.05.2005 RG 11.06.2005 - 25842
- 139 [www.migm.gov.tr/yonetim-yapisi-ve-teskilatibirlik](http://www.migm.gov.tr/yonetim-yapisi-ve-teskilatibirlik)
- 140 İnan, H. ve ark. *Tarımda Örgütlenme*. Türkiye Ziraat Odaları Birliği, sf.12 [www.zmo.org.tr/resimler/ekler/97399278d24e6bb\\_ek.pdf?tipi=14&sube=](http://www.zmo.org.tr/resimler/ekler/97399278d24e6bb_ek.pdf?tipi=14&sube=) (Erişim tarihi: 11.05.2018)
- 141 [www.meb.gov.tr](http://www.meb.gov.tr)
- 142 While the duties of the Ministry of National Education are regulated by the Decree No: 652, dated 25.08.2011, RG: 14.09.2011 - 28054, they are included in the Presidential Decree published in the Official Gazette on 10.07.2018.
- 143 [tegm.meb.gov.tr/meb\\_iys\\_dosyalar/2016\\_03/28043457\\_genelge.pdf](http://tegm.meb.gov.tr/meb_iys_dosyalar/2016_03/28043457_genelge.pdf) (Erişim Tarihi: 16.05.2018)
- 144 RG 19.04.2017 - 30043
- 145 ÇSGB Mevsimlik Gezici Tarım İşçilerinin Çalışma ve Sosyal Hayatlarının İyileştirilmesi Stratejisi ve Eylem Planı, Ankara (2010) [www.mevsimliktarimiscileri.com/files/dosya/1\\_5\\_635195205048992081.pdf](http://www.mevsimliktarimiscileri.com/files/dosya/1_5_635195205048992081.pdf) (Erişim tarihi: 23.05.2018)

- 146 [www.csgeb.gov.tr/media/4755/cocuk\\_isciligi\\_rev\\_23032017.pdf](http://www.csgeb.gov.tr/media/4755/cocuk_isciligi_rev_23032017.pdf)
- 147 [www.saglik.gov.tr](http://www.saglik.gov.tr)
- 148 While the duties of the Ministry of Health are regulated by the Decree No: 663, dated 11.10.2011, RG: 02.11.2011 - 28103, they are included in the Presidential Decree published in the Official Gazette on 10.07.2018.
- 149 RG 19.04.2017 - 30043
- 150 ÇSGB *Mevsimlik Gezici Tarım İşçilerinin Çalışma ve Sosyal Hayatlarının İyileştirilmesi Stratejisi ve Eylem Planı*, Ankara (2010) [www.mevsimliktarimiscileri.com/files/dosya/1\\_5\\_635195205048992081.pdf](http://www.mevsimliktarimiscileri.com/files/dosya/1_5_635195205048992081.pdf) (Erişim tarihi: 23.05.2018)
- 151 [www.csgeb.gov.tr/media/4755/cocuk\\_isciligi\\_rev\\_23032017.pdf](http://www.csgeb.gov.tr/media/4755/cocuk_isciligi_rev_23032017.pdf)
- 152 [www.tarim.gov.tr](http://www.tarim.gov.tr)
- 153 ÇSGB Çocuk İşçiliği İle Mücadele Ulusal Programı, Ankara (2017), sf.43 [www.csgeb.gov.tr/media/4755/cocuk\\_isciligi\\_rev\\_23032017.pdf](http://www.csgeb.gov.tr/media/4755/cocuk_isciligi_rev_23032017.pdf) (Erişim tarihi: 11.06.2018)
- 154 Gıda, Tarım ve Hayvancılık Bakanlığı Stratejik Planı (2018 – 2022) [www.tarim.gov.tr](http://www.tarim.gov.tr) (Erişim Tarihi: 23.05.2018)
- 155 [www.tbmm.gov.tr](http://www.tbmm.gov.tr) (Erişim tarihi: 26.05.2018)
- 156 TC Anayasası (1982) md.7
- 157 TC Anayasası (1982) md.75
- 158 TC Anayasası (1982) md.87
- 159 Yasama Dönemi 24 Yasama Yılı 5 - 11.11.2014 tarihli 12. Birleşim 1074 sayılı Karar ile kurulmuştur.
- 160 [www.tbmm.gov.tr/sirasayi/donem24/yil01/ss.716.pdf](http://www.tbmm.gov.tr/sirasayi/donem24/yil01/ss.716.pdf) (Erişim tarihi: 26.05.2018)
- 161 [www.ombudsman.gov.tr](http://www.ombudsman.gov.tr)
- 162 Law No: 6328 dated 14.06.2012 RG 29.06.2012 - 28338
- 163 [www.ubak.gov.tr/](http://www.ubak.gov.tr/)
- 164 While the duties of the Ministry of Transportation are regulated by the Decree No: 655, dated 26.09.2011, RG: 01.11.2011 - 28102, they are included in the Presidential Decree published in the Official Gazette on 10.07.2018.
- 165 While the duties of the Ministry of Justice are regulated by the Law on the Organization and Duties of the Ministry of Justice (Law No: 2992, dated 29.03.1984 RG: 07.04.1984 - 18465), they are included in the Presidential Decree published in the Official Gazette on 10.07.2018.
- 166 ÇSGB *Mevsimlik Gezici Tarım İşçilerinin Çalışma ve Sosyal Hayatlarının İyileştirilmesi Stratejisi ve Eylem Planı*, Ankara (2010) [www.mevsimliktarimiscileri.com/files/dosya/1\\_5\\_635195205048992081.pdf](http://www.mevsimliktarimiscileri.com/files/dosya/1_5_635195205048992081.pdf) (Erişim tarihi: 23.05.2018)
- 167 Law No: 6102 dated 13/1/2011 RG 14/2/2011 - 27846
- 168 Law No: 1163 dated 24/4/1969 RG 10/5/1969 - 13195
- 169 Türkiye Ziraat Odaları Birliği, “Zirai ve İktisadi Rapor (2007 – 2010)” sf. 632 [www.tzob.org.tr/zirai-iktisadi-raporlar#](http://www.tzob.org.tr/zirai-iktisadi-raporlar#)
- 170 Law No: 1581 dated 18/4/1972 RG 28/4/1972 - 14172
- 171 Law No: 4572 dated 1/6/2000 RG 16/6/2000 - 24081
- 172 Agah, Halil. “Tarımda Üretici Organizasyonlarının Önemi” 03.11.2015 [www.tepav.org.tr/tr/blog/s/5392/Tarimda+uretilci+organizasyonlarinin+onemi](http://www.tepav.org.tr/tr/blog/s/5392/Tarimda+uretilci+organizasyonlarinin+onemi) (Erişim tarihi: 11.05.2018)
- 173 [www.ka.org.tr/](http://www.ka.org.tr/) (Erişim Tarihi: 03.06.2018)
- 174 [www.kalkinmaatolyesi.org/v2/tr/hakimizda/kurulus-oykusu](http://www.kalkinmaatolyesi.org/v2/tr/hakimizda/kurulus-oykusu) (Erisim Tarihi: 28.02.2017)
- 175 [www.ka.org.tr](http://www.ka.org.tr)
- 176 [www.turkis.org.tr/default.asp](http://www.turkis.org.tr/default.asp) (Erişim Tarihi: 03.06.2018)
- 177 [www.turkis.org.tr/TURK-IS-TARIHI-dil60](http://www.turkis.org.tr/TURK-IS-TARIHI-dil60)

- 178 [www.tarimis.org.tr/](http://www.tarimis.org.tr/)
- 179 [www.tarimis.org.tr/teskilat/tarihce](http://www.tarimis.org.tr/teskilat/tarihce) (Erişim Tarihi: 13.09.2018)
- 180 [www.tarimis.org.tr/teskilat/subeler](http://www.tarimis.org.tr/teskilat/subeler)
- 181 [www.tarimis.org.tr/teskilat/tarihce](http://www.tarimis.org.tr/teskilat/tarihce)
- 182 [rakamla.com/turkiyedeki-dernek-vakif-sayisi-131.html](http://rakamla.com/turkiyedeki-dernek-vakif-sayisi-131.html) (Erişim Tarihi: 03.06.2018)
- 183 Kanun No 2820 Kabul T. 22.04.1983 RG 24.04.1983 - 18027
- 184 [www.tbmm.gov.tr/develop/owa/milletvekillerimiz\\_sd.dagilim](http://www.tbmm.gov.tr/develop/owa/milletvekillerimiz_sd.dagilim)
- 185 [www.yargitaycb.gov.tr/sayfa/faaliyette-olan-siyasi-partiler/documents/SPartiler15022017.pdf](http://www.yargitaycb.gov.tr/sayfa/faaliyette-olan-siyasi-partiler/documents/SPartiler15022017.pdf) (Erişim tarihi: 26.05.2018)
- 186 [www.hdp.org.tr/images/UserFiles/Documents/Editor/mti-rapor.pdf](http://www.hdp.org.tr/images/UserFiles/Documents/Editor/mti-rapor.pdf) (Erişim tarihi: 26.05.2018)
- 187 Kanun No: 5200 Kabul T.: 29/6/2004 R.G 6/7/2004 - 25514
- 188 Kızılhan, H., Doğan, H. G. (2013). AB ve Türkiye'de Tarım Sektöründe Örgütlenme ve Üretici Birlikleri. *Sosyal Bilimler Araştırmaları Dergisi* 1., sf.155 [www.researchgate.net/publication/294561225\\_AB\\_ve\\_Turkiye'de\\_Tarim\\_Sektorunde\\_Orgutlenme\\_ve\\_Uretici\\_Birlikleri](http://www.researchgate.net/publication/294561225_AB_ve_Turkiye'de_Tarim_Sektorunde_Orgutlenme_ve_Uretici_Birlikleri)
- 189 RG 6 Ocak 2005 - 25702
- 190 Karacan, A. R. *Tarım Sektöründe Kooperatif Dışı Örgütlenmeler* [www.zmo.org.tr/resimler/ekler/150c83007b2d38f\\_ek.pdf](http://www.zmo.org.tr/resimler/ekler/150c83007b2d38f_ek.pdf)
- 191 İnan, H. ve ark. *Tarımda Örgütlenme*. Türkiye Ziraat Odaları Birliği, sf.12 [www.zmo.org.tr/resimler/ekler/97399278d24e6bb\\_ek.pdf?tipi=14&sube=](http://www.zmo.org.tr/resimler/ekler/97399278d24e6bb_ek.pdf?tipi=14&sube=) (Erişim tarihi: 11.05.2018)
- 192 Gülçubuk, B. (2007). *Kalkınma Stratejileri Açısından Tarımda Tabana Dayalı Kooperatif Örgütlenmesinin Sosyo-Ekonomik ve Kültürel Temelleri* [acikders.ankara.edu.tr/mod/resource/view.php?id=8624](http://acikders.ankara.edu.tr/mod/resource/view.php?id=8624) (Erişim Tarihi: 11.05.2018)
- 193 Kanun No: 5488 Kabul T. 18.04.2006 RG 25.04.2006
- 194 [www.tarim.gov.tr/SGB/Belgeler/2013-2017/GTHB%202018-2022%20STRATEJI%CC%87K%20PLAN.PDF](http://www.tarim.gov.tr/SGB/Belgeler/2013-2017/GTHB%202018-2022%20STRATEJI%CC%87K%20PLAN.PDF)
- 195 [www.barobirlik.gov.tr](http://www.barobirlik.gov.tr)
- 196 1136 sayılı Avukatlık Kanunu md. 109
- 197 [www.barobirlik.org.tr/tbb-hakkinda](http://www.barobirlik.org.tr/tbb-hakkinda) (Erişim Tarihi: 16.05.2018)
- 198 [www.tobb.org.tr](http://www.tobb.org.tr)
- 199 [www.tobb.org.tr/Sayfalar/Kurulus\\_Gorev\\_Organ.php](http://www.tobb.org.tr/Sayfalar/Kurulus_Gorev_Organ.php) (Erişim tarihi: 16.05.2018)
- 200 [www.ttb.org.tr](http://www.ttb.org.tr)
- 201 [www.mevzuat.gov.tr/MevzuatMetin/1.3.6023.pdf](http://www.mevzuat.gov.tr/MevzuatMetin/1.3.6023.pdf)
- 202 Bursa Tabip Odası'nın mevsimlik tarım işçileriyle ilgili gerçekleştirdiği faaliyetlerin detayları için bakınız: [www.bto.org.tr](http://www.bto.org.tr)
- 203 [www.zmo.org.tr](http://www.zmo.org.tr)
- 204 [www.zmo.org.tr/odamiz/tanitim.php](http://www.zmo.org.tr/odamiz/tanitim.php) (Erişim tarihi: 16.05.2018)
- 205 [www.zmo.org.tr/odamiz/tanitim.php](http://www.zmo.org.tr/odamiz/tanitim.php) (Erişim tarihi: 16.05.2018)
- 206 [www.zmo.org.tr/genel/bizden\\_detay.php?kod=26370&tipi=38&sube=0](http://www.zmo.org.tr/genel/bizden_detay.php?kod=26370&tipi=38&sube=0) (Erişim tarihi: 16.05.2018)
- 207 [www.zmo.org.tr/genel/bizden\\_listele.php?bizden\\_kod=38](http://www.zmo.org.tr/genel/bizden_listele.php?bizden_kod=38) (Erişim tarihi: 16.05.2018)
- 208 [www.zmo.org.tr/yayinlar/kitap\\_listesi.php](http://www.zmo.org.tr/yayinlar/kitap_listesi.php) (Erişim tarihi: 16.05.2018)
- 209 [www.tzob.org.tr](http://www.tzob.org.tr)
- 210 [www.tzob.org.tr/tarihce](http://www.tzob.org.tr/tarihce)
- 211 [www.tzob.org.tr/tarihce](http://www.tzob.org.tr/tarihce)
- 212 *The Worldwide Movement Against Child Labour Progress and Future Directions*, Geneva (2007), sf.63



- 213 [www.mevsimliktarimiscileri.com](http://www.mevsimliktarimiscileri.com) (Eriřim Tarihi: 26.05.2018)
- 214 [goc.bilgi.edu.tr/tr/](http://goc.bilgi.edu.tr/tr/)
- 215 *The Worldwide Movement Against Child Labour Progress and Future Directions*, Geneva (2007), sf.23
- 216 Ibid.
- 217 [www.coe.int/en/web/portal/home](http://www.coe.int/en/web/portal/home)
- 218 Date of Signature by Council founding States 05.05.1949 Date of Ratification by Turkey 08.08.1949 Ratifying Act 12.12.1949 - 5456 RG 17.12.1949 [humanrightscenter.bilgi.edu.tr/media/uploads/2015/05/06/avrupa%20konseyi%20statusu.pdf](http://humanrightscenter.bilgi.edu.tr/media/uploads/2015/05/06/avrupa%20konseyi%20statusu.pdf)
- 219 Avrupa Konseyi Statüsü md. 1
- 220 [humanrightscenter.bilgi.edu.tr/tr/content/29-avrupa-konseyi-genel-bilgi/](http://humanrightscenter.bilgi.edu.tr/tr/content/29-avrupa-konseyi-genel-bilgi/)
- 221 Council of Europe Date of Approval 04. 11. 1949 Date of Signature 03.09.1953 Date of Ratification by Turkey 04.11.1950 Ratifying Act 10.03.1954 - 6366 RG 19.03.1954 - 8662
- 222 European Social Charter Date of Approval: 18.10.1961 Date of Ratification by Turkey: 18.10.1961 Ratifying Act 16.06.1989 - 3581 RG 04.07.1989 - 20215; Revised European Social Charter Date of Approval 03.05.1996 Date of Ratification by Turkey 06.10.2014 Ratifying Act 02.09.2006 - 5547 RG 03.10.2006 - 26308
- 223 Council of Europe Date of Approval 24.11.1977 Date of Ratification by Turkey 24.11.1977 Ratifying Act 25.12.1979 - 2257 RG 06.01.1980 - 16861
- 224 İren, E. (2008) (Doktora Tezi) *Avrupa Birlięi İş Hukuku Yönergeleri Karşıısında 4857 sayılı İş Kanununun Durumu*. Ankara, sf. 16
- 225 Aydın, F. (2014). Avrupa Sosyal Şartı. ÇSGB Y., 6, Ankara, 34
- 226 [humanrightscenter.bilgi.edu.tr/tr/content/43-avrupa-insan-haklar-mahkemesi/](http://humanrightscenter.bilgi.edu.tr/tr/content/43-avrupa-insan-haklar-mahkemesi/)
- 227 Council of Europe Date of Ratification 01.11.1998 Date of Ratification by Turkey 11.05.1994 Ratifying Act 14.05.1997 - 4255 RG 20.06.1997 - 23025
- 228 [www.coe.int/en/web/turin-european-social-charter](http://www.coe.int/en/web/turin-european-social-charter)
- 229 [www.coe.int/en/web/turin-european-social-charter](http://www.coe.int/en/web/turin-european-social-charter); [www.hudoc.esc.coe.int/](http://www.hudoc.esc.coe.int/) (Eriřim Tarihi:25.05.2018)
- 230 [anayasagundemi.com/2018/01/26/avrupa-sosyal-haklar-komitesinden-2017-raporu/](http://anayasagundemi.com/2018/01/26/avrupa-sosyal-haklar-komitesinden-2017-raporu/) (Eriřim Tarihi:25.05.2018)
- 231 [rm.coe.int/press-briefing-elements-conclusions-2017n/168077fedf](http://rm.coe.int/press-briefing-elements-conclusions-2017n/168077fedf) (Eriřim Tarihi:25.05.2018)
- 232 [europa.eu/](http://europa.eu/) (Eriřim Tarihi:25.05.2018)
- 233 [humanrightscenter.bilgi.edu.tr/tr/content/35-avrupa-birlięi/](http://humanrightscenter.bilgi.edu.tr/tr/content/35-avrupa-birlięi/) (Eriřim Tarihi:25.05.2018)
- 234 European Coal and Steel Community Treaty (1953), European Economic Community Treaty (1957), European Atomic Energy Treaty (1957), Single European Act (1986), Maastricht Treaty (1992), Amsterdam Treaty (1997), Nice Treaty (2001)
- 235 İren, E. (2008) (Doktora Tezi). *Avrupa Birlięi İş Hukuku Yönergeleri Karşıısında 4857 sayılı İş Kanununun Durumu*. Ankara, sf. 3
- 236 Ibid. sf. 6 vd.
- 237 Aydın, F. (2014). Çalışma Mevzuatı ile İlgili Avrupa Birlięi Direktifleri. ÇSGB Y., 11, Ankara.
- 238 İren, E. (2008) (Doktora Tezi). *Avrupa Birlięi İş Hukuku Yönergeleri Karşıısında 4857 sayılı İş Kanununun Durumu*. Ankara, sf. 14
- 239 Tan, S., Karaönder, İ. (2013). Türkiye’de Tarımsal Örgütlenme Politikalarının ve Mevzuatının İrdelenmesi: Tarımsal Amaçlı Koope-ratifler Örneęi. ÇOMÜ Ziraat Fakültesi Dergisi, 1, sf. 90 [dergipark.gov.tr/download/article-file/237492](http://dergipark.gov.tr/download/article-file/237492)
- 240 Türkiye Ziraat Odaları Birlięi, *Zirai ve İktisadi Rapor (2007 – 2010)*, sf. 63 8 [www.tzob.org.tr/zirai-iktisadi-raporlar#](http://www.tzob.org.tr/zirai-iktisadi-raporlar#)
- 241 [www.un.org/](http://www.un.org/) (Eriřim Tarihi:25.05.2018)
- 242 [humanrightscenter.bilgi.edu.tr/media/uploads/2015/08/01/BirlesmisMilletlerSarti.pdf](http://humanrightscenter.bilgi.edu.tr/media/uploads/2015/08/01/BirlesmisMilletlerSarti.pdf) (Eriřim Tarihi:25.05.2018)
- 243 [humanrightscenter.bilgi.edu.tr/tr/content/25-birlesmis-milletler-genel-bilgi/](http://humanrightscenter.bilgi.edu.tr/tr/content/25-birlesmis-milletler-genel-bilgi/) (Eriřim Tarihi:25.05.2018)
- 244 United Nations General Assembly Adoption Date: 10.12.1948 Date of Approval by the Council of Ministers in Turkey: 06.04.1949

RG 27.05.1949 - 7217

245 UN General Assembly Adoption Date: 19.12.1966 Date of Signature by the Republic of Turkey: 15.08.2000 Ratifying Act 04.06.2003 - 4867 RG 11.08.2003 - 25196

246 [humanrightscenter.bilgi.edu.tr/content/28-birlesmis-milletler-denetim-usulleri/](http://humanrightscenter.bilgi.edu.tr/content/28-birlesmis-milletler-denetim-usulleri/) (Eriřim Tarihi:25.05.2018)

247 [www.ohchr.org/EN/HRBodies/CRC/Pages/CRCIntro.aspx](http://www.ohchr.org/EN/HRBodies/CRC/Pages/CRCIntro.aspx) (Eriřim Tarihi:25.05.2018)

248 UN Convention on the Rights of the Child art.43

249 [humanrightscenter.bilgi.edu.tr/content/141-cocuk-haklar-komitesi/](http://humanrightscenter.bilgi.edu.tr/content/141-cocuk-haklar-komitesi/) (Eriřim Tarihi:25.05.2018)

250 Date of Approval by the United Nations General Assembly: 19.12.2011 Date of Ratification: 14.04.2014. Date of Signature by Turkey: 24.09.2012 Ratifying Act: 09.03.2017 No: 6976 RG 03.04.2017 - 30027 Date of Ratification by Turkey: 26.03.2018

251 [www.unicef.org.tr/](http://www.unicef.org.tr/)

252 [www.unicef.org.tr/sayfa.aspx?id=3&mnid=24](http://www.unicef.org.tr/sayfa.aspx?id=3&mnid=24) (Eriřim Tarihi: 16.06.2018)

253 [www.ilo.org](http://www.ilo.org) ; [www.ilo.org/ankara/lang--tr/index.htm](http://www.ilo.org/ankara/lang--tr/index.htm)

254 Sayın, A. K. (2013). ILO Normlarının ve Örgütün Denetim Mekanizmasının Türk İş Hukukuna Etkisi. ÇSGB Çalışma Dünyası Dergisi, 1(1) Temmuz-Eylül, sf. 12

255 [humanrightscenter.bilgi.edu.tr/content/28-birlesmis-milletler-denetim-usulleri/](http://humanrightscenter.bilgi.edu.tr/content/28-birlesmis-milletler-denetim-usulleri/) (Eriřim Tarihi:25.05.2018)

256 [humanrightscenter.bilgi.edu.tr/content/139-ekonomik-sosyal-ve-kulturel-haklar-komitesi/](http://humanrightscenter.bilgi.edu.tr/content/139-ekonomik-sosyal-ve-kulturel-haklar-komitesi/)(Eriřim Tarihi:25.05.2018)

257 [www.un.org/ecosoc/en/home](http://www.un.org/ecosoc/en/home)

258 [www.undp.org](http://www.undp.org)

259 [hdr.undp.org/en/](http://hdr.undp.org/en/) (Eriřim tarihi: 16.06.2018)

260 [www.tr.undp.org/content/turkey/tr/home/about-us/undp-and-the-un.html](http://www.tr.undp.org/content/turkey/tr/home/about-us/undp-and-the-un.html) (Eriřim tarihi: 16.06.2018)

261 [www.tr.undp.org/content/turkey/tr/home/mdgoverview.html](http://www.tr.undp.org/content/turkey/tr/home/mdgoverview.html) (Eriřim Tarihi: 16.06.2018)

262 [www.tr.undp.org/content/turkey/tr/home/sustainable-development-goals/background.html](http://www.tr.undp.org/content/turkey/tr/home/sustainable-development-goals/background.html) (Eriřim Tarihi: 16.06.2018)

263 Uyan Semerci, P. (2014). *Mevsimlik Gezici Tarım İşçiliği 2014 - Araştırma Raporu*. Hayata Destek Derneği, sf. 54

264 Bkz. *Tarımsal Üretimde Çocuk İşçiliğinin Önlenmesine Yönelik Yasal Boşluk Analizi ve Öneriler Raporu* (2018). Kalkınma Atölyesi.

265 Uyan Semerci, Pınar. "Mevsimlik Gezici Tarım İşçiliği 2014 - Araştırma Raporu" Hayata Destek Derneği, sf. 54

266 [www.ilo.org/wcmsp5/groups/public/---europe/---ro-geneva/---ilo-ankara/documents/genericdocument/wcms\\_542307.pdf](http://www.ilo.org/wcmsp5/groups/public/---europe/---ro-geneva/---ilo-ankara/documents/genericdocument/wcms_542307.pdf) (Eriřim Tarihi : 23.05.2018)

267 [osha.europa.eu/tr](http://osha.europa.eu/tr)

268 Vatansever, Ç. (2014). Risk Değerlendirme'de Yeni Bir Boyut: Psikososyal Tehlike ve Riskler. Çalışma ve Toplum Dergisi, 1, sf. 120

269 Sarıbeyoğlu Skalar, M. (2015). *Uluslararası Hukuk ve Sürdürülebilir Kalkınma: Kavram, İlkeler ve Yargısal Uygulama*, İstanbul: Beta Yayınları, sf. 60



# 3

---

## OVERALL EVALUATION AND CONCLUSION



In relation to child labour in seasonal migrant agriculture, the objective of Turkey is set by the ILO Convention No. 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour that she is a State Party to. It means that Turkey seeks to prevent fully the employment of children under age 18 in seasonal migrant agricultural works.

There are many things to be done and many organizations in charge of doing these to protect the rights of children, rights of workers for their health and job security and to ensure that those engaged in seasonal migrant agricultural works enjoy decent working conditions commensurate with human rights.

So far many initiatives have been taken in Turkey in terms of legislative regulations, strategic plans, action plans, projects and studies. But many state that all these have yet not yielded desired outcomes:

*“The ‘Seasonal Migrant Agricultural Workers Monitoring Board’ was set up within the ministry to follow up and ensure the coordination of the implementation of relevant Prime Ministerial Circular and action plan. But it is observed that measures mentioned in both of these documents are not taken in practice. Again, there is some work carried out ministries, province and district governorates and local governments to improve both living and working conditions of seasonal agricultural workers; but all these still prove insufficient in bringing about actual improvements.”<sup>1</sup>*

*“While a significant part of services envisaged by the circular No. 2017/6 is related to the obligations of land owning employers, all services, including legal obligations of employers, are tried to be delivered by public institutions and their sources. Moreover, since institutions and sources of which assigned functions are different, coordination is thus essential, but obviously not easy. Indeed, it must be one of the reasons why the circular No. 2010/6 has proven to be insufficient.”<sup>2</sup>*

While the objective to be attained is clear, ways of achieving it are difficult and complicated. Thus, in developing suggestions for solution, it is necessary to be realistic and comprehensible without taking the easy way out or “doing business as usual.”

In this part, starting from the ultimate objective, suggestions will be made in relation to the way to be pursued and things that must be done.

The ultimate objective is to prevent the employment of children under age 18 in seasonal migrant agricultural works.

Before attaining this objective, it is necessary to ensure the following:

- Families of children have employment opportunities in their original settlements that will provide them decent incomes and living standards.
- Children’s access and attendance to education and satisfactory school performance.
- Families working in agriculture are able to earn enough for decent living standards and to enjoy their labour rights.
- Services that enable children to enjoy their rights to education, play, leisure and recreation while their elders are out in work.

These, in turn, require;

- Policy development
- Legislation
- Allocation of budget and personnel
- Implementation of plans and their supervision
- Collecting data and monitoring outcomes
- Ensuring cooperation and coordination among related agencies.

## 3.1

### Policy Development

#### 3.1.1

##### National Policies

The existing policy documents suffer from several weaknesses:

- None of these documents is actually based on data and survey.
- They do not include all strategies and activities necessary for attaining the objective.
- They do not cover all related organizations and agencies.

When policy documents are developed directly by institutions in charge of implementation, this narrows their scope to means of these institutions. On the other hand, in case these documents are developed by institutions, this may result in lesser chance in implementation.

It is therefore expected that policy documents are developed by institutions having expertise with the participation of all relevant parties. It is also necessary to take into account relations going beyond those between employers and employees such as in the example of fixing the minimum wage in the context of poverty alleviation must. Besides, policy documents must pay attention to the root cause of the problem whose ultimate outcome is the employment of children in worst forms of child labour.

Moving forward from the observation of Boratav that “categories seizing surplus in market processes are capitalists in labour markets where labour is commoditized and traders against small producers producing for commodity markets”<sup>3</sup> it is necessary to prevent child labour to identify who seizes surplus with respect to different modes of production or how it is distributed among actors in agricultural supply cha-

in and to develop a model for a fair distribution. The method proposed by Boratav (2004) for a distribution scheme<sup>4</sup> not only highlights the importance of such an analysis but also reveals the strategy of its conduct:

- 1) Taking as base the price paid by consumers of an importing country.<sup>5</sup>
- 2) Distribution on the basis of net product.
- 3) In cases where industrial processing in an absolute extension of agricultural product (i.e. cotton and tobacco) determining final price by tracing the product after it goes out of factory<sup>6</sup> and in other cases taking as base the moment at which agricultural input is purchased by industry.

Boratav suggests the following formula to assess the situation at enterprise level:

*“If outcomes are expressed in terms of total values, a single income table covering the rural sector as a whole can be obtained by adding up distribution categories pertaining to different products. In a table like this, the ratio of the sum commercial profit, interest, rent and agricultural profit in net product to the sum of incomes of small farmers and wages gives the ‘rate of exploitation.’”<sup>7</sup>*

After developing an income distribution model to eliminate the rate of exploitation, it must be noted that combat against child labour will prove futile without mechanisms to ensure that labourer earns “decent” income. Thus, the policy document to be developed must target, before all, to solve this problem in near future if not immediately. Meanwhile there is need for policies to change established customs in relation to education as one of the basic strategies.

In discussions related to employment age, although the idea of prohibiting employment at very young ages is generally accepted, it is stated that unless employed in time, persons at age 16 and over will

not be able to find jobs in future. It is also stated that unless engaged in such works at early ages young persons are not willing to take them up in their adolescence and face the risk of remaining unemployed since they have no other job alternatives. Without solutions taking due account of these concerns, the tendency of local actors is but condoning the existing situation.

All these point to the need to develop policies that consider these concerns while targeting the elimination of worst forms of child labour and approaching child employment in the context of skill and occupation building. This, in turn, requires coordination between agriculture and education-training policies. In areas regarded as agricultural land, workers and farmers must be supported and, in addition, vocational training schools to which eager and talented young persons can attend, must be opened to respond to the needs of local farming activities.

Organizations directly responsible for developing policies:

- Presidency of the Republic
  - Board of Economic Policies
  - Board for Education and Teaching Policies
  - Presidency for Strategy and Budget
- Ministry of Family, Labour and Social Services
  - Minimum Wage Fixing Commission
  - Seasonal Agricultural Labour Monitoring and Evaluation Board
- Ministry of Agriculture and Forestry
  - Agricultural Support and Steering Board
  - Institution for Supporting Rural Development and Monitoring Committee

It is necessary to regulate interrelations among these boards and the way they contribute to policies to be developed in this field.

Further, these processes must be open to participation and dialogue. There is, therefore, the need to find methods to ensure the participation of all relevant parties to the process. The following are institutions expected to participate and contribute to policy development:

- Relevant ministries
  - Ministry of Justice
  - Ministry of Environment and Urban Affairs
  - Ministry of Energy and Natural Resources
  - Ministry of Youth and Sports
  - Ministry of Interior
  - Ministry of Treasury and Finance
  - Ministry of National Education
  - Ministry of Health
  - Ministry of Transportation and Infrastructure
- Civil society, professional organizations and academic institutions
  - Agricultural development and marketing cooperatives
  - Trade Union Confederations (Türk-İş, DİSK, Hak-İş)
  - Civil society organizations
  - Political parties
  - Unions of Agricultural Producers
  - Union of Turkish Bar Associations and bar associations
  - Confederation of Turkish Tradesmen and Craftsmen
  - Union of Chambers of Architects and Engineers:
  - Union of Chambers and Stock Exchange
  - Turkish Medical Association
  - Academic institution

### 3.1.2

#### International Policies

Issues such as employment in general and seasonal migrant agricultural employment in particular and protection of the rights of workers ceased to be solely national issues with the rapid rise of globalization. It is known that social policy measures that directly affect costs create unfair competition which yields results contrary to the interests of workers in developing countries.<sup>8</sup> Given that nation states in advanced countries have guaranteed the rights of workers, capital now prefers to produce in third world countries to reap the benefits of this situation.

Data on child labour show that the countries of Asia and Africa account for a large part of this phenomenon. Meanwhile, with the process of alignment with the European Union, it is observed that production and supply chains of global capital particularly in textiles, garment and food shift to these countries. No solution can be found without considering that there is a supply-demand balance here and only by trying to manage the supply side. So long as the possibility of demand shifting to some other country or to some other crop exists, strategies of controlling supply serve only to location change instead of solving the problem. Hence, there is need for a strategy which exerts pressure and control over demand while, at the same time, preventing supply all over the world.

Since the most important reason behind children's employment in seasonal migrant agriculture is poverty and given that agricultural workers cannot overcome poverty even when employed and that there are neither no better prospects for their children, it is necessary to ensure that these workers earn enough for a decent life. This requires, in turn, global level action against production conditions that disturb labour-wage balance to the detriment of workers.



According to the Treaty of Rome which is one of the primary sources of European Community Law, Member States “agree upon the need to promote improved working conditions and an improved standard of living for workers, so as to make possible their harmonisation.” (Art.117). Member States also agree that this cannot be ensured only with common market and their legislation must be harmonized as well.

The Social Action Plan adopted in 1974 and the view “A Europe without social cohesion cannot achieve economic cohesion and development” expressed in the European Summit held in 1984 are examples to efforts to provide a social sphere as well to the economic community.<sup>9</sup> It can be reminded that as a result of such efforts the “Community Charter on Fundamental Social Rights of Workers” (Social Charter) was adopted on 9 December 1989, followed by “Protocol no. 14 on Social Policy” as an annex to Maastricht Treaty and “Agreement on Social Policy” based on the former. All these aimed to set standards for community members in such areas as workers’ health and safety, protection of children and improvements in working conditions. In fact, all these standardization efforts and resulting obligations of States should be arranged in a manner to cover production and supply out of boundaries of individual countries. Otherwise, works of the European Union countries now stronger in the social field will be carried out by countries of the third world where costs can be kept much lower due to unfair working conditions. In other words, the countries of the European Union will appear “clean” while the system as a whole remains the same. Global capital and companies should seek employment standards in effect in their countries of origin in other countries as well. Workers’ wages and social rights must absolutely be included among supervision criteria of certification, inspection and accreditation institutions.

International organizations active in the fields of labour and child rights must develop policies to per-

sue global capital and countries to translate these principles into life. These policies must absolutely envisage initiatives to ensure that companies using agricultural products impose rules to ensure decent working and living conditions throughout the supply chain from producers to consumers accompanied by a system to supervise compliance.

Organizations responsible for developing policies at international level:

- Council of Europe
  - European Committee of Social Rights
- European Union
- United Nations
  - Committee on the Rights of the Child
  - United Nations Children’s Fund (UNICEF)
  - International Labour Organization (ILO)
  - Committee on Economic, Social and Cultural Rights
  - Economic and Social Council
  - United Nations Development Programme (UNDP)
  - Open Working Group on Sustainable Development Goals

## 3.2

### Legislation

The prevention of child labour in general and children’s involvement in seasonal migrant agricultural works in particular is an important issue that is addressed by countries of the world including Turkey for a long time. It is necessary to see that it is a long and slow process and to face the reasons making it so honestly. Legislative initiatives starting with setting the minimum age in industrial employment and prohibiting night work for children on the basis of first do-

cuments of the International Labour Organization in the period 1919-1939<sup>10</sup> are going on within the same framework after a time elapse of 100 years.

Domestic legislation must be revisited in the light of principles developed by the International Labour Organization after 1985 which is known as social response to globalization.<sup>11</sup> Four fundamental principles are set forth: Freedom, equity, safety and dignity.<sup>12</sup> The following are envisaged to enable everybody to find decent and productive employment opportunities in line with these principles:<sup>12</sup>

- 1) Promoting and implementing fundamental principles and rights related to employment.
- 2) Opportunities of decent employment and income for both men and women.
- 3) Promoting and making effective social protection for all.
- 4) Strengthening of social dialogue (collective bargaining, democracy at the enterprise, national-level participation).

Therefore, legislative work must be conducted so as to increase safeguards for workers from employment relations in seasonal migrant agriculture to relations in product marketing and from wages to working conditions of workers while protecting small farmers at the same time. To start with all ILO conventions on agriculture must be ratified and Agricultural Labour Code must be enacted.<sup>14</sup>

Institutions responsible for reviewing legislation in this respect and introducing necessary amendments are as follows:

- Presidency of the Republic Board for Legal Policies
- Ministry of Family, Labour and Social Services
- Grand National Assembly of Turkey

Organizations that may support and participate to the process:

- Political parties
- Cooperatives
- Trade Union Confederations (Türk-İş, DİSK, Hak-İş)
- Civil society organizations
- Unions of Agricultural Producers
- Union of Turkish Bar Associations and bar associations
- Union of Turkish Architects and Engineers
- Turkish Medical Association
- Academic institutions
- Printed and visual media

The following are organizations that may extend technical support to the process:

- Council of Europe:
  - European Committee of Social Rights
- European Union
- United Nations
  - United Nations Children's Fund (UNICEF)
  - International Labour Organization (ILO)
  - Economic and Social Council

## 3.3

### Budget and Personnel Allocation

One of the most serious gaps in policy documents and strategic plans developed is the neglect of budget and personnel needs required by changes foreseen.

Since what is considered here is a multi-layered policy document determining how resource and personnel needs are to be met at each stage is a policy issue by itself.

Below are some basic steps in the process of improvement that require resources:

- Introducing a system that will bring supply and demand together in line with the principle of freedom.
- Bringing the minimum wage up to a level that provides decent living standards.
- Ensuring that migrant workers have opportunities for decent boarding, food, education and training and recreation at their places of arrival.
- Fair working conditions (working periods, paid leave, social security, etc.)
- Development and promotion of programmes and education models to ensure children's school retention.
- Providing means of safe transportation.
- Developing a model to supervise the fulfilment of these services.
- Establishing a data collection system.

Allocation of financial and human resources is necessary for each of these steps and some of these fall under the responsibility of the state. For example it is the duty of the state to provide accessible, equal and quality education to all children and to take measures to ensure that migrating children enjoy these rights. It has to allocate personnel and budget for these services.

Standards must be set in such issues as minimum wage, facilities of boarding in temporary places of work and working conditions, and measures must be taken to ensure compliance with these standards. There is need to decide on how the cost of complying with established standards is to be covered. As required by the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy adopted by the International Labour Organization in 1997 which is not binding, multi-national companies too have their obligations in regard to employment,

employment relations, education and training and working and living conditions. If it is decided to have all related costs covered by production chain, then it must be clear what measures or sanctions are to be applied in cases of non-compliance and this point must be established in legislation as well.<sup>15</sup>

Meanwhile, as stated by the International Labour Organization, self-employed people and sharecroppers in agriculture are also in fact covered by international social protection policies. It is therefore necessary to consider related costs as well while formulating social policies. There may also be cases where the state may decide to support farmers particularly when it is impossible for small farmers to keep producing in free market conditions while social protection measures are applied at the same time. Besides crop-based support, support to social policies will also contribute to improvements in this area.

When farmers market their crops in free market conditions without any protection or support at this stage while prices of inputs from fertilizers to fuel are determined in international markets, producers can control costs only in regard to labour which, combined with unemployment and poverty, leads to the phenomenon known as "working poor." It is important from this respect to create a support mechanism that will ensure support to labour and social policies in addition to seed, fertilizers, fuel and other inputs.

To accompany this state support to producers, the system of agricultural credit extension must be reshaped to save producers from taking loans from users. The need in this respect is explained as follows:

*"While agricultural enterprises in advanced countries reach capital funds in organized sources of credit, in developing countries like Turkey enterprises mostly rely on unorganized sources like relatives, friends, traders and middlemen.*

*Filling the gap left by the organized credit sources, these funds are mostly short-term, with high interest rates and rather heavy conditions of repayment. Hence, relevant procedures must be simple and easily understandable to include agricultural sector with low levels of education in economy. By pushing rates of interest down to market conditions, farmers must be saved from having to pay high rates of interest to opportunistic sources. Reasonable collateral must be sought to avoid placing farmers in difficult circumstances. Organized action of credit institutions, extension of credit to areas in need and in time, and supervision of their use must all be ensured. Although Ziraat Bankası is an important institution extending credit to agricultural sector, now there are many other banks and institutions supporting this sector as a result of developments in the sector, emergence of new products and competition. The number of such financing institutions must be increased further.”<sup>17</sup>*

Organizations in charge of planning for budget and personnel allocation:

- Presidency of the Republic
  - Presidency for Strategy and Budget
  - Board for Economic Policies
- Ministry of Family, Labour and Social Services
  - Minimum Wage Commission
- Ministry of Agriculture and Forestry
  - Agricultural Support and Steering Board:
- Ministry of Treasury and Finance
  - Agricultural Bank

Organizations that may support and participate to the process:

- Political parties

- Cooperatives
- Trade Union Confederations (Türk-İş, DİSK, Hak\_İş)
- Civil society organizations
- Unions of Agricultural Producers

Organizations that may extend technical support to the process:

- Council of Europe
  - European Committee of Social Rights
- European Union
- United Nations
  - United Nations Children’s Fund UNICEF
  - International Labour Organization (ILO)
  - Economic and Social Council
  - United Nations Development Programme (UNDP)

## 3.4

### Implementation, Monitoring and Inspection of Plans and Legislation

The essential part of what is to be done is actions that directly reach seasonal migrant agricultural worker families and their children. All other suggestions include what needs to be done for the taking of this step.

It is necessary to ensure implementation by local-level action plans and with anticipatory methods in line with centrally determined policies and to realize the participation of stakeholders at all levels. There must also be guidelines for this process to run smoothly under the responsibility of district and province governorates.

From worker registry system and mobile schools to fair wage for decent living standards, all activities

envisaged in this field require a good monitoring and inspection system. This is also a sine qua non in combating child labour.

As in implementation, monitoring and inspection also fall under the responsibility of both states and other actors in the process of production. However, specific features of agriculture and shortness of harvesting seasons including very short periods of working in orchards in some regions and crops are all factors making a centralized monitoring and supervision system impossible in practice. It is therefore necessary to ensure that labour inspectors organize at province level starting first from regions where seasonal migrant labour is common and that provincial teams have necessary mobility. Further, labour inspectors must be able to resort to different modes of inspection as routine, occasional and upon specific reporting.

Traders and industrialist who use agricultural products as inputs must undertake the responsibility of setting rules to ensure decent working and living conditions along the full supply chain extending from producers to consumers and establishing a system to monitor and supervise compliance with rules while also extending counselling services.

Companies monitoring and inspecting fair working order are supposed to update checklists developed by civil society organizations and make sure that these checklists also include standards for earning and sharing. Without checking whether mechanisms to ensure “decent income” for labour are actually working, it is not possible to certify that there is no child labour or that production is fair.

Organizations of workers and farmers are among important instruments in monitoring and inspection. There is a consensus among researchers that the legislation on organization in agricultural sector is dispersed and complicated.<sup>18</sup> Thus, one of the priority issues is to support the organization of workers and producers. In this area, there is need to give effect to

a regulation to simplify the legislation and to make possible an organization based on democratic participation and management. However, it is not possible to solve all problems experienced in organizations only by legislation. It is also reburied to change the outlook of both society and governments concerning the issue.

The implementation and inspection of all these can be possible only under a system which ensures the following:

- Clear definition of minimum living and working standards that must be provided to workers.
- Clear definition of the roles and responsibilities of institutions.
- Fair sharing by relevant parties of the cost of counselling, monitoring and inspection activities to ensure decent work in supply chain.
- For each commitment, defining a sanction to be applied in case of failing to fulfil.
- Officially registering the organisation related to agricultural intermediaries and workers.
- Ensuring the participation of organized sections of society to the realization and supervision of activities.
- Setting up functional internal and external supervision bodies.

Persons and organizations responsible for implementation:

- Actors in the process of production
  - Agricultural intermediaries
  - Farmers
  - Middlemen-traders
  - Industrialists, firms, brands
- Relevant ministries
  - Ministry of Family, Labour and Social Services

- Ministry of Environment and Urban Affairs
- Ministry of Energy and Natural Resources
- Ministry of Youth and Sports
- Ministry of Interior
- Ministry of Treasury and Finance
- Ministry of National Education
- Ministry of Health
- Ministry of Agriculture and Forestry
- Ministry of Transportation and Infrastructure

Persons and organizations responsible for over-viewing implementation:

- Labour inspection boards
- Intermediaries-Tradesmen
- Industrialists, firms, brands
- Certification, inspection and accreditation institutions
- Consumers
- Seasonal Agricultural Labour Monitoring and Evaluation Board
- Institution for Supporting Rural Development and Monitoring Committee
- Civilian Authority (province and district governors)
- Ministry of Interior General Command of Gendarmerie
- Courts (Ministry of Justice)
- European Court of Human Rights
- Ombudsman Institution

Organizations responsible for monitoring and supporting and may participate to service delivery:

- Political parties

- Cooperatives
- Trade Union Confederations (Türk-İş, DİSK, Hak-İş)
- Civil society organizations
- Unions of Agricultural Producers
- Union of Turkish Bar Associations and bar associations
- Confederation of Turkish Tradesmen and Craftsmen
- Union of Chambers of Architects and Engineers
- Turkish Medical Association
- Union of Chambers and Stock Exchange
- Academic institutions
- Printed and visual media

Organizations that may extend technical support to the process:

- Council of Europe
  - *European Committee of Social Rights*
- European Union
- United Nations
  - United Nations Children's Fund (UNICEF)
  - International Labour Organization (ILO)
  - World Food Programme (WFP)
  - World Health Organization (WHO)
  - UN Food and Agriculture Organization (FAO)
  - Committee on Economic, Social and Cultural Rights
  - Economic and Social Council
  - United Nations Development Programme (UNDP)

- United Nations High Commissioner for Refugees (UNCHR)
- Open Working Group on Sustainable Development Goals
- International Organization for Migration (IOM)

## 3.5

### Data-Based Monitoring of Outcomes

There is need for periodic and detailed data for these plans to be made correctly. Making the system formal and keeping it recorded is important in this respect. There are yet many questions whose answers are unknown. And this is still the most important obstacle to develop concrete and implementable policies. For example, there is no available data on how many children are employed at any given time and in any given region by age groups and sex. Above all, there is no approach yet geared to producing data in agriculture as a dynamic and rapidly changing sector.

Given these, realistic and implementable plans defined by policy documents cannot be developed to ensure children's access to education. As a matter of fact there is no sound information as to how many children are covered by education services delivered to prevent child labour by companies, international organizations and civil society organizations during, for example, hazelnut harvesting periods, and thus to what extent similar programmes are actually needed. Neither is there any information how families engaged in seasonal migrant agricultural works are affected by education programmes that their children attend in provinces they have moved to. Surveys are therefore necessary for both collecting data and obtaining detailed information.

The Turkish Statistical Institute conducts child labour surveys the latest of which was in 2012. It is the only

instrument that regularly collects data on child labour at national level. However, the latest data was published in 2012. The first of these surveys was conducted in 1994, followed by surveys in 1998, 2006 and 2012. For an effective planning, this survey has to be conducted in intervals of 2-3 years. Also, the survey must be reorganized to reach current, regional and crop-based data.

Also, with respect to the outcomes of this survey, data is released on certain variables like sectors where children are employed, school attendance and working periods. For each sector, there is need to collect more detailed data to explore the causes and conditions of child employment.

Organizations in charge of data collection, analysis and research:

- Ministry of Treasury and Finance
  - *Turkish Statistical Institute*
- Academic institutions

Organizations that may support and participate to the process:

- Political parties
- Cooperatives
- Trade Union Confederations (Türk-İş, DİSK, Hak-İş)
- Civil society organizations
- Unions of Agricultural Producers

Organizations that may extend technical support to the process:

- European Union
- United Nations
  - United Nations Children's Fund (UNICEF)
  - International Labour Organization (ILO)



## 3.6

### Inter-agency Cooperation and Coordination

Given the multi-dimensional nature of the problem, it is necessary to carry out relevant works simultaneously and on the basis of a common approach since these works are quite complicated and interrelated in terms of both institutions concerned and their responsibilities.

For example, it is not possible to eliminate poverty, one of the most important reasons leading to child employment in seasonal migrant agriculture, by resorting to a single strategy. And neither it is possible to solve this problem that is of interest to all humanity, only through local policies. This holds true for other causes like unemployment and lack of education opportunities. Given these, it is compulsory to cover a wide area and ensure cooperation and coordination among multiple institutions and agencies.

The TGNA Inquiry Commission identified needs in this area as follows:

- Roles and responsibilities of relevant institutions in child labour issues must be clearly defined,
- There must be cooperation and harmony among service delivering institutions, civil society organizations and local administrations must be made more effective and systematic.<sup>19</sup>

Ensuring cooperation and coordination is an important need in this field too as in many other fields. However it is also a reality that there is yet no sustainable cooperation and coordination in any field. For this crucial step that lays the ground for all others, the following are suggested:

- Investigating obstacles to ensuring inter-agency cooperation and coordination and developing effective solutions to identified problems.

- Ensuring harmony between overall policies of relevant organizations and policies geared to preventing child labour in seasonal migrant agricultural works.
- Establishing a monitoring and steering system accepted by all relevant parties.

The task of ensuring cooperation and coordination along ministries belonged to the Prime Ministry prior to the 1<sup>st</sup> Presidential Decree issued on 10 July 2018. The President of the Republic undertook this task upon the mentioned decree and it is not possible to make any relevant suggestion since the system is just recently introduced.

Meanwhile, the establishment of multiple boards is envisaged in this context. However, there is yet no clarity about which of these boards will remain and what their working procedures will be.

Moreover, there is need to develop effective cooperation not only with national but international agencies as well. There is also need to work by sharing experience and setting common objectives. This must be with civil society organizations, trade unions and professional chambers in addition to governments and international agencies. Consequently what is required is not single-layer and single-centred, but multi-layer and multi-centre cooperation. .

Organizations responsible for ensuring cooperation, coordination and participation:

- Presidency of the Republic Policy Boards
  - Board for Education and Teaching Policies
  - Board of Economic Policies
  - Board for Legal Policies
- Council of Ministers
- Ministry of Family, Labour and Social Services

- Minimum Wage Fixing Commission
- Seasonal Agricultural Labour Monitoring and Evaluation Board
- Ministry of Agriculture and Forestry
  - Agricultural Support and Steering Board
  - Institution for Supporting Rural Development and Monitoring Committee
- Ministry of Interior
  - Rural Service Brigades

Organizations that may support and participate to the process:

- Political parties
- Cooperatives
- Trade Union Confederations (Türk-İş, DİSK, Hak-İş)
- Civil society organizations
- Unions of Agricultural Producers

Organizations that may extend technical support to the process:

- European Union
- United Nations
  - United Nations Children's Fund (UNICEF)
  - International Labour Organization (ILO)
  - World Food Programme (WFP)
  - United Nations Population Fund (UNFPA)
  - World Health Organization (WHO)
  - UN Food and Agriculture Organization (FAO)
  - Economic and Social Council
  - United Nations Development Programme (UNDP)

- UN High Commissioner for Refugees (UN-CHR)
- Open Working Group on Sustainable Development Goals
- International Organization for Migration (IOM)

- 1 Selek Öz, C., Bulut, E. (2013). Mevsimlik Tarım İşçilerinin Türk Hukuk Sistemi İçerisindeki Yeri. *ÇSBG Çalışma Dünyası Dergisi*, 1(1), Temmuz – Eylül, sf.110
- 2 Keskin, D. *Yeni Düzenleme Mevsimlik Tarım İşçilerinin Sorununu Çözecek mi?* <https://m.bianet.org/bianet/insan-haklari/187272-yeni-duzenleme-mevsimlik-tarim-iscilerinin-sorununu-cozecek-mi> (Erişim Tarihi: 26.05.2018)
- 3 Boratav, K. (2004). *Tarımsal Yapılar ve Kapitalizm* (3.Baskı). İmge Yayınları, sf. 23
- 4 Ibid., sf. 58
- 5 Ibid., sf. 59 “İhraç ürünlerinde eksiksiz bir çözümleme, ithalatçı ülke tüketicisinin ödediği nihai fiyatın kullanılmasını gerektirir. ...Birim fiyatlarla yapılan bir bölüşüm çözümlemesi, pazarlanamayan ürünlerin de nihai fiyatlarla değerlendirilmesi ve fiyatların miktarlarla çarpılması sonunda toplam hasılanın paylaşımına dönüştürülebilir ve bu dönüşümün yapılması nihai çözümlemenin tamlığı bakımından gereklidir.”
- 6 Ibid., sf. 61 “Tütün – sigara örneğinde olduğu gibi, nihai piyasalarda pazarlamayı sanayicinin yapması, tüm artışın sinai kar olarak yorumlanmasını haklı kılmaz; zira, sözde sanayici, kar kitlesinin büyük bir bölümünü tüccar niteliği ile kazanıyor olabilir. Keza sinai aşamanın tüccara ait fabrikalarda yapılması, örneğin çırcır fabrikalarının pamuk tüccarına ait olması, tüccara intikal eden artışın tümüyle ticari kar olarak yorumlanmasına cevaz vermemelidir; zira, sinai dönüşüm aşamasında da dolaysız (fabrika işçisinin) artık yarattığını, inkar edemeyiz.”
- 7 Ibid., sf. 68
- 8 Gülmez, M. (2011). *Uluslararası Sosyal Politika*. (3. Baskı) Ankara, sf. 156
- 9 İren, E. (2008) (Doktora Tezi) *Avrupa Birliği İş Hukuku Yönergeleri Karşısında 4857 sayılı İş Kanununun Durumu*. Ankara, sf. 14
- 10 Gülmez, M. (2011). *Uluslararası Sosyal Politika* (3. Baskı). Ankara, sf. 156
- 11 Gülmez, M. (2011). *Uluslararası Sosyal Politika*. (3. Baskı) Ankara, sf. 190
- 12 Ibid., sf. 191
- 13 Ibid., sf. 192
- 14 For recommended amendments in other related legislation, please see the *Analysis of Legislative Gaps and Recommendations in the Context of Preventing Child Labour in Agriculture Report* (2018). Development Workshop. (2018). Kalınma Atölyesi.
- 15 Gülmez, M. (2011). *Uluslararası Sosyal Politika*. (3. Baskı) Ankara, sf. 169
- 16 Ibid., sf. 180
- 17 Taşkıran, R., Özudoğru, H. (2010). Türkiye’de Tarımsal Kredi Uygulamaları. *Ticaret ve Turizm Eğitim Fakültesi Dergisi*, 1, sf.163
- 18 Tan, S., Karaönder, İ. (2013). Türkiye’de Tarımsal Örgütlenme Politikalarının ve Mevzuatının İrdelenmesi: Tarımsal Amaçlı Kooperatifler Örneği. *ÇOMÜ Ziraat Fakültesi Dergisi*, 1, sf. 91 <http://dergipark.gov.tr/download/article-file/237492>
- 19 TBMM Mevsimlik Tarım İşçilerinin Sorunlarının Araştırılarak Alınması Gereken Önlemlerin Belirlenmesi Amacıyla Kurulan Meclis Araştırma Komisyonu Raporu sf. 154 <https://www.tbmm.gov.tr/sirasayi/donem24/yil01/ss.716.pdf> (Erişim tarihi: 26.05.2018)

*Action Against Child Labour 2008-2009: IPEC Progress and Future Priorities*, Geneva (2010).

*Afet ve Acil Durum Yönetimi Başkanlığı İle İlgili Bazı Düzenlemeler Hakkında Kanun* No: 5902 Kabul T. 29.05.2009 RG 17.06.2009 - 27261

Agah, Halil. "Tarımda Üretici Organizasyonlarının Önemi" 03.11.2015 [www.tepav.org.tr/tr/blog/s/5392/Tarimda+uretici+organizasyonlarinin+onemi](http://www.tepav.org.tr/tr/blog/s/5392/Tarimda+uretici+organizasyonlarinin+onemi) (Erişim tarihi: 11.05.2018)

Aslan, A. ve ark. (2017). Mevsimlik Tarım İşçiliğinde Aracılık Hizmetlerinin Mevcut Durumu: Malatya Örneği. *TEAD*, 3(2). [dergipark.gov.tr/download/article-file/393712](http://dergipark.gov.tr/download/article-file/393712) (Erişim Tarihi: 25.05.2018)

*Avrupa Birliği Müktesebatının Üstlenilmesine İlişkin Türkiye Ulusal Programı*, Aralık (2008).

*Avrupa İnsan Hakları Sözleşmesine Ek 11 Numaralı Protokol*. Avrupa Konseyi Yürürlüğe Giriş Tarihi : 01.11.1998 Türkiye tarafından imza tarihi: 11.05.1994 Onay Kanunu 14.05.1997 - 4255 RG 20.06.1997 - 23025

*Avrupa İnsan Hakları ve Temel Özgürlüklerin Korunmasına İlişkin Sözleşme*. Avrupa Konseyi Kabul Tarihi: 04.11.1949 Yürürlüğe Girişi: 03.09.1953 Türkiye'nin imzalaması tarihi: 04.11.1950 Onay Kanunu 10.03.1954 - 6366 RG 19.03.1954 - 8662

*Avrupa Konseyinin Kurulması Hakkında İmzalanmış Olan Statünün Onanmasına Dair Kanun* Kurucu devletler tarafından imza tarihi: 05.05.1949 Türkiye tarafından imza tarihi: 08.08.1949 Onay Kanunu 12.12.1949 - 5456 s.lı Kanun RG 17.12.1949 [humanrightscenter.bilgi.edu.tr/media/uploads/2015/05/06/avrupa%20konseyi%20statusu.pdf](http://humanrightscenter.bilgi.edu.tr/media/uploads/2015/05/06/avrupa%20konseyi%20statusu.pdf)

*Avrupa Sosyal Şartı*. Kabul Tarihi:18.10.1961 Türkiye'nin imzalaması tarihi: 18.10.1961 Onay Kanunu 16.06.1989 - 3581 RG 04.07.1989 - 20215

*Avukatlık Kanunu* No: 1136 Kabul T. 19.3.1969 RG: 7.4.1969-13168

Aydın, F. (2014). *Avrupa Sosyal Şartı*. ÇSGB Y., 6, Ankara, 34.

Aydın, F. (2014). Çalışma Mevzuatı ile İlgili Avrupa Birliği Direktifleri. ÇSGB Y., 11, Ankara.

Başaran, B. ve ark. *Türkiye'de Tarımsal Kredi Kaynakları ve Kredilerde Denetim Sorunu*. XII. Ulusal Tarım Ekonomisi Kongresi 25 - 27 Mayıs 2016. [www.tarimsiv.com/wp-content/uploads/2017/04/25.pdf](http://www.tarimsiv.com/wp-content/uploads/2017/04/25.pdf) (Erişim Tarihi: 03.06.2018)

*Başbakanlık Teşkilatı Hakkında Kanun Hükmünde Kararnamenin Değiştirilerek Kabulü Hakkında Kanun* No:3056 Kabul T. 10.10.1984 RG19.10.1984 - 18550

*Belediye Kanunu* No: 5393 Kabul T. 03.07.2005 RG: 13.07.2005 - 25874

*Bereketli Topraklar Zehir Gibi Yaşamlar: Suriyeli Göçmen Mevsimlik Gezici Tarım İşçileri Adana Ovası Mevcut Durum Araştırma Raporu*. (2016). Kalkınma Atölyesi.

*BM Çocuk Haklarına Dair Sözleşme* BM Genel Kurulu Kabul Tarihi: 20.11.1989, Türkiye Cumhuriyeti İmza Tarihi: 14.09.1990 Onay Kanunu Onay Kanunu 9.12.1994-4058 RG.11.12.1994-22138

*BM Çocuk Haklarına Dair Sözleşme Uygulama El Kitabı*, UNICEF Ankara 2003. [dosya.humanistburo.org/humdosya/CHS%20Uygulama%20Elkitabi.pdf](http://dosya.humanistburo.org/humdosya/CHS%20Uygulama%20Elkitabi.pdf) (Erişim tarihi: 28.08.2018)

*BM Ekonomik, Sosyal ve Kültürel Haklar Sözleşmesi* BM Genel Kurulunda kabul tarihi: 19.12.1966, Türkiye Cumhuriyeti İmza Tarihi: 15.08.2000 Onay Kanunu 04.06.2003 - 4867 RG 11.08.2003 - 25196

Boratav, K. (1997). *Türkiye Tarihi 4: Çağdaş Türkiye 1908-1980*. Cem Yayınevi.

Boratav, K. (2004). *Tarımsal Yapılar ve Kapitalizm* (3.Baskı). İmge Yayınları.

*Child Labor in Cotton Supply Chains*. (2017). Fair Labor Association.

*Cumhurbaşkanlığı Teşkilatı Hakkında Cumhurbaşkanlığı Kararnamesi No:1 R.G.* 10.07.2018

Çalışma ve Sosyal Güvenlik Alanında Bazı Mali Hükümler Hakkında Kanun No:3146 Kabul T. 09.01.1985 RG 18.01.1985 – 18639

Çocuk Haklarına Dair Sözleşmenin Başvuru Usulüne İlişkin İhtiyari Protokol Birleşmiş Milletler Genel Kurulu'nda kabul tarihi: 19.12.2011 Yürürlüğe Giriş: 14.04.2014. Türkiye'nin imzalama tarihi: 24.09.2012 Onay Kanunu: 09.03.2017 No: 6976 RG 03.04.2017 - 30027 Türkiye bakımından yürürlüğe giriş tarihi: 26.03.2018

Çocuk İşçiliği İle Mücadele Ulusal Eylem Planı (2017-2023) [www.csgb.gov.tr/media/4755/cocuk\\_isciligi\\_rev\\_23032017.pdf](http://www.csgb.gov.tr/media/4755/cocuk_isciligi_rev_23032017.pdf) (Erişim tarihi: 28.08.2018)

ÇSGB Çocuk İşçiliği İle Mücadele Ulusal Programı, Ankara (2017) [www.csgb.gov.tr/media/4755/cocuk\\_isciligi\\_rev\\_23032017.pdf](http://www.csgb.gov.tr/media/4755/cocuk_isciligi_rev_23032017.pdf) (Erişim tarihi: 28.08.2018)

ÇSGB Mevsimlik Gezici Tarım İşçilerinin Çalışma ve Sosyal Hayatlarının İyileştirilmesi Stratejisi ve Eylem Planı, Ankara (2010) [www.mevsimliktarimiscileri.com/files/dosya/1\\_5\\_635195205048992081.pdf](http://www.mevsimliktarimiscileri.com/files/dosya/1_5_635195205048992081.pdf) (Erişim tarihi: 28.08.2018)

ÇSGB Tarımda İş Sağlığı ve Güvenliği Rehberi ÇSGB Yayın No:44.

Demir, M. (2015). Mevsimlik Tarım İşçilerinin Sosyal Güvenlik Haklarına İlişkin Değerlendirmeler ve Öneriler. Çalışma ve Toplum, 1.

Demirbaş, N., Tosun, D. (2005). Türkiye'de Tarımın Sanayi ile Entegrasyonu, Ortaya Çıkan Sorunlar ve Çözüm Önerileri. *ADÜ Ziraat Fakültesi Dergisi*, 2(2).

*Diyanet İşleri Başkanlığı Kuruluş ve Görevleri Hakkında Kanun*. Kanun No: 633 Kabul T. 22.06.1965 RG 02.07.1965 – 12038

Egemen, E. A. (2015) (Yüksek Lisans Tezi) Mevsimlik Tarım İşçileri ve Barınma Sorunu İTÜ Fen Bilimleri Enstitüsü Mimarlık ABD [polen.itu.edu.tr/bitstream/11527/14264/1/10078082.pdf](http://polen.itu.edu.tr/bitstream/11527/14264/1/10078082.pdf) (Erişim tarihi: 23.05.2018)

*Emniyet Genel Müdürlüğü Çocuk Şube Müdürlüğü/Büro Amirliği Kuruluş, Görev ve Çalışma Yönetmeliği* RG 13.04.2001 – 24372

*Fındık Hasadının Oyuncuları: Batı Karadeniz İllerinde Fındık Hasadında Yer Alan Mevsimlik Gezici Tarım İşçileri, Çocuklar, Tarım Araçları ve Bahçe Sahipleri Temel Araştırması* (2014). Kalkınma Atölyesi. Ankara.

*Findings on the Worst Forms of Child Labor*. (2015). United States Department of Labor, Bureau of International Labor Affairs.

Gedikli, A. (2011). Çok Uluslu Şirketler Ve Doğrudan Yabancı Yatırımların Gelişmekte Olan Ülkelerin Kalkınması Üzerine Etkileri. *Girişimcilik ve Kalkınma Dergisi*, 6(1). [dergipark.gov.tr/download/article-file/81581](http://dergipark.gov.tr/download/article-file/81581) (Erişim Tarihi: 15.07.2018)

*Gıda, Tarım ve Hayvancılık Bakanlığı Stratejik Planı* (2018 – 2022) [www.tarim.gov.tr](http://www.tarim.gov.tr) (Erişim Tarihi: 23.05.2018)

*Göçmen İşçilerin Hukuki Statüsüne İlişkin Avrupa Sözleşmesi*. Avrupa Konseyi Kabul Tarihi 24.11.1977 Türkiye'nin imza tarihi: 24.11.1977 Onay Kanunu 25.12.1979 – 2257 RG 06.01.1980 - 16861

*Gözden Geçirilmiş Avrupa Sosyal Şartı*. Kabul Tarihi:03.05.1996 Türkiye'nin imzalama tarihi: 06.10.2014 Onay Kanunu 02.09.2006-5547 RG 03.10.2006 – 26308

Gülçubuk, B. (2007). *Kalkınma Stratejileri Açısından Tarımda Tabana Dayalı Kooperatif Örgütlenmesinin Sosyo-Ekonomik ve Kültürel Temelleri* [acikders.ankara.edu.tr/mod/resource/view.php?id=8624](http://acikders.ankara.edu.tr/mod/resource/view.php?id=8624) (Erişim Tarihi: 11.05.2018)

Gülmez, M. (2011). *Uluslararası Sosyal Politika* (3. Baskı). Ankara.

*İçişleri Bakanlığı Yüksek Disiplin Kurulu ile İl Yatırım ve Hizmetlerine İlişkin Bazı Düzenlemeler Hakkında Kanun* No: 3152 Kabul T. 23.12.1985 RG 23.02.1985 – 18675 [www.ilo.org/wcmsp5/groups/public/---dgreports/---exrel/documents/publication/wcms\\_172685.pdf](http://www.ilo.org/wcmsp5/groups/public/---dgreports/---exrel/documents/publication/wcms_172685.pdf)

ILO – Inter-Parliamentary Union. Eliminating the Worst Forms of Child Labour: A Practical Guide to ILO Convention No. 182, Handbook for Parliamentarians No. 3 (2002). [www.ilo.org/wcmsp5/groups/public/---dgreports/---exrel/documents/publication/wcms\\_172685.pdf](http://www.ilo.org/wcmsp5/groups/public/---dgreports/---exrel/documents/publication/wcms_172685.pdf)

İnan, H. ve ark. *Tarımda Örgütlenme*. Türkiye Ziraat Odaları Birliği.

İnsan Hakları Evrensel Bildirgesi Birleşmiş Milletler Genel Kurulu Kabul Tarihi: 10.12.1948 Türkiye'nin Bakanlar Kurulu Onay Tarihi: 06.04.1949 RG 27.05.1949 - 7217

IOM (Uluslararası Göç Örgütü) Göç Terimleri Sözlüğü (2009). [www.goc.gov.tr/files/files/goc\\_terimleri\\_sozlugu.pdf](http://www.goc.gov.tr/files/files/goc_terimleri_sozlugu.pdf) (Erişim tarihi: 28.08.2018)

İren, E. (2008) (Doktora Tezi) *Avrupa Birliği İş Hukuku Yönergeleri Karşısında 4857 sayılı İş Kanununun Durumu*. Ankara.

İş Kanunu Kanun No: 4857 Kabul T. 22.05.2003 RG: 10.06.2003 - 25134

Kablay, S. (2016). Fındık Bahçesinde İşçi Olmak: Ordu ve Giresun İllerinde Mevsimlik Tarım İşçilerinin Çalışma Koşulları. Der: Yıldırım, D., Haspolat, E. *Değişen Karadenizi Anlamak*. Phoenix Y. Ankara.

*Kalkınma Ajanslarının Hizmetlerine İlişkin Kanun* No. 5449 Kabul T. 25.01.2006 RG 08.02.2006 - 26074

Kalkınma Atölyesi (2018), "Tarım Aracısı Meslek Kriterleri Türkiye İçin Bir Model Arayışı" Ankara.

Kalkınma Bakanlığı, İşgücü Piyasalarındaki Gelişmelerin Makro Analizi, 2018-I

*Kamu Denetçiliği Kurumu Kanunu* No: 6328 Kabul T. 14.06.2012 RG 29.06.2012 - 28338

Karacan, A.. R. *Tarım Sektöründe Kooperatif Dışı Örgütlenmeler* [www.zmo.org.tr/resimler/ekler/150c83007b2d38f\\_ek.pdf](http://www.zmo.org.tr/resimler/ekler/150c83007b2d38f_ek.pdf) (Erişim tarihi: 28.08.2018)

Karadeniz, O. (2011). Türkiye'de Atipik Çalışan Kadınlar ve Yaygın Sosyal Güvencesizlik. *Çalışma ve Toplum Dergisi*, 2.

Kaya, M., Özgülnar, N. (2015). Mevsimlik (Gezici/Geçici) Tarım İşçilerinin İki Yerleşim Birimindeki Yaşam Koşulları ve Sağlık Durumlarına Niteliksel Bakış. *Türk J Public Health*, 13(2) [tjph.org/ojs/index.php/](http://tjph.org/ojs/index.php/) (Erişim Tarihi: 26.05.2018)

Keskin, D. *Yeni Düzenleme Mevsimlik Tarım İşçilerinin Sorununu Çözecek mi?* [m.bianet.org/bianet/insan-haklari/187272-yeni-duzenleme-mevsimlik-tarim-iscilerinin-sorununu-cozecek-mi](http://m.bianet.org/bianet/insan-haklari/187272-yeni-duzenleme-mevsimlik-tarim-iscilerinin-sorununu-cozecek-mi) (Erişim Tarihi: 26.05.2018)

Kızılhan, H., Doğan, H. G. (2013). AB ve Türkiye'de Tarım Sektöründe Örgütlenme ve Üretici Birlikleri. *Sosyal Bilimler Araştırmaları Dergisi* [www.researchgate.net/publication/294561225\\_AB\\_ve\\_Turkiye'de\\_Tarim\\_Sektorunde\\_Orgutlenme\\_ve\\_Uretici\\_Birlikleri](http://www.researchgate.net/publication/294561225_AB_ve_Turkiye'de_Tarim_Sektorunde_Orgutlenme_ve_Uretici_Birlikleri) (Erişim tarihi: 28.08.2018)

*Kooperatifler Kanunu* No: 1163 Kabul T. 24/4/1969 RG 10/5/1969 - 13195

*Mahalli İdare Birlikleri Kanunu* No: 5355 Kabul T. 26.05.2005 RG 11.06.2005 - 25842

*Marking Progress Against Child Labour: Global Estimates and Trends 2000-2012*. (2013). ILO. [www.ilo.org/wcmsp5/groups/public/@ed\\_norm/@ipec/documents/publication/wcms\\_221513.pdf](http://www.ilo.org/wcmsp5/groups/public/@ed_norm/@ipec/documents/publication/wcms_221513.pdf)

*Mevsimlik Gezici Tarım İşçiliği Araştırma Raporu*. (2014). Hayata Destek Derneği.

*Mevsimlik Tarım İşçileri ile İlgili 2017/6 Sayılı Başbakanlık Genelgesi* RG 19.04.2017 - 30043

*Mevsimlik Tarım İşçilerinin Sorunlarının Araştırılarak Alınması Gereken Önlemlerin Belirlenmesi Amacıyla Kurulan Meclis Araştırma Komisyonu Raporu* No: 716. (2015). Türkiye Büyük Millet Meclisi.

Milli Eğitim Bakanlığı 2016/5 Sayılı Genelge [tegm.meb.gov.tr/meb\\_iys\\_dosyalar/2016\\_03/28043457\\_genelge.pdf](http://tegm.meb.gov.tr/meb_iys_dosyalar/2016_03/28043457_genelge.pdf) (Erişim tarihi: 28.08.2018)

*OECD Bir Bakışta Eğitim 2017* [www.oecd.org/education/skills-beyond-school/EAG2017CN-Turkey-Turkish.pdf](http://www.oecd.org/education/skills-beyond-school/EAG2017CN-Turkey-Turkish.pdf) (Erişim Tarihi: 15.07.2018)

*Organik Tarım Kanunu* No: 5262 Kanun T. 01.12.2004 RG 03.12.2004 - 25659

Özel Politika Gerektiren Grupların İstihdamının Arttırılması [www.uis.gov.tr/media/1453/ozelpolitika.pdf](http://www.uis.gov.tr/media/1453/ozelpolitika.pdf) (Erişim tarihi 12.05.2018)

Özkan, F. Z. ve ark. *Türkiye’de Tarım Ürünlerinin Belgelendirilmesi ve Akreditasyonu* dergipark.gov.tr/download/article-file/136467 (Erişim Tarihi: 11.06.2018)

Sarıbeyoğlu Skalar, M. (2015). *Uluslararası Hukuk ve Sürdürülebilir Kalkınma: Kavram, İlkeler ve Yargısal Uygulama*, İstanbul: Beta Yayınları.

Sayın, A. K. (2013). ILO Normlarının ve Örgütün Denetim Mekanizmasının Türk İş Hukukuna Etkisi. ÇSGB Çalışma Dünyası Dergisi, 1(1) Temmuz-Eylül.

Selek Öz, C., Bulut, E. (2013). Mevsimlik Tarım İşçilerinin Türk Hukuk Sistemi İçerisindeki Yeri. ÇSGB Çalışma Dünyası Dergisi, 1(1), Temmuz – Eylül.

Semerci, P., Erdoğan, E. (2017). *Ben Kendim Büyüdüm Demiyorum-Adana’da Mevsimlik Gezici Tarım İşçilerinin Çocuklarının Yaşam Koşullarının Çocuğun İyi Olma Hali Perspektifinden İyileştirilmesi Projesi Araştırma Sonuçları*. İstanbul Bilgi Üniversitesi.

*Siyasi Partiler Kanunu* No 2820 Kabul T. 22.04.1983 RG 24.04.1983 – 18027

*Sosyal Güvenlik Kurumuna İlişkin Bazı Düzenlemeler Hakkında Kanun* No: 5502 Kabul T. 16.05.2006 RG 20.05.2006 – 26173

T.C. Anayasası (1982) RG:09.11.1982-17863

T.C. Cumhurbaşkanlığı Strateji ve Bütçe Başkanlığı. (2017). *Ekonomik ve Sosyal Göstergeler: Sosyal Sektörlerdeki Gelişmeler* www.kalkinma.gov.tr/Pages/EkonomikSosyalGostergeler.aspx (Erişim Tarihi: 16.06.2018)

Tan, S., Karaönder, İ. (2013). Türkiye’de Tarımsal Örgütlenme Politikalarının ve Mevzuatının İrdelenmesi: Tarımsal Amaçlı Kooperatifler Örneği. ÇOMÜ Ziraat Fakültesi Dergisi, 1. dergipark.gov.tr/download/article-file/237492 (Erişim tarihi: 28.08.2018)

*Tarım Kanunu* No: 5488 Kabul T. 18.04.2006 RG 25.04.2006

*Tarım Kredi Kooperatifleri ve Birlikleri Kanunu* No: 1581 Kabul T. 18/4/1972 RG 28/4/1972 – 14172

*Tarım Satış Kooperatif ve Birlikleri Hakkında Kanun* No: 4572 Kabul T. 1/6/2000 RG 16/6/2000 – 24081

*Tarım ve Kırsal Kalkınmayı Destekleme Kurumu Kuruluş ve Görevleri Hakkında Kanun* No: 5648 Kabul T. 04.05.2007 RG 18.05.2007 - 26526

*Tarımda İş Aracıları Yönetmeliği* RG 27.05.2010 – 27593

*Tarımda Mevsimlik İşçi Göçü Türkiye Durum Özeti*. (2012). Mevsimlik İşçi Göçü İletişim Ağı (MIGA), Friedrich Ebert Stiftung, İstanbul. www.fes-tuerkei.org/media/pdf/D%C3%BCnyadan/d%C3%BCnyadan\_12%20(1).pdf (Erişim tarihi: 23.05.2018)

*Tarımsal Üretici Birlikleri Kanunu* No: 5200 Kabul T.: 29/6/2004 R.G 6/7/2004 - 25514

*Tarımsal Üretici Birliklerinin Kuruluş Usul ve Esaslarına İlişkin Yönetmelik* RG 06.01.2005 – 25702

*Tarımsal Üretimde Çocuk İşçiliğinin Önlenmesine Yönelik Yasal Boşluk Analizi ve Öneriler Raporu* (2018). Kalkınma Atölyesi.

Taşkıran, R., Özüdoğru, H. (2010). Türkiye’de Tarımsal Kredi Uygulamaları. *Ticaret ve Turizm Eğitim Fakültesi Dergisi*, 1.

TBMM Mevsimlik Tarım İşçilerinin Sorunlarının Araştırılarak Alınması Gereken Önlemlerin Belirlenmesi Amacıyla Kurulan Meclis Araştırma Komisyonu Raporu. www.tbmm.gov.tr/sirasayi/donem24/yil01/ss.716.pdf (Erişim tarihi: 26.05.2018)

*The Worldwide Movement Against Child Labour Progress and Future Directions*, Geneva (2007).

TİSK, İşsizlikle Mücadele; Ülke Uygulamaları ve Türkiye İçin Öneriler, Ankara (2019). tisk.org.tr/tr/e-yayinlar/issizlikle\_mucadele\_ulke\_uygulamaları\_ve\_turkiye\_icin\_öneriler/pdf\_issizlikle\_mucadele\_ulke\_uygulamaları\_ve\_turkiye\_icin\_öneriler.pdf (Erişim tarihi: 28.08.2018)



*TÜİK Çocuk İşgücü Anketi 2012 Haber Bülteni*, s.13659 (02.04.2013) [www.tuik.gov.tr/PreHaberBultenleri.do?id=13659](http://www.tuik.gov.tr/PreHaberBultenleri.do?id=13659) (Erişim tarihi: 28.08.2018)

Tunçcan, N. Çocuk İşçiliği: Nedenleri, Boyutları ve Küreselleşen Dünyadaki Konumu [www.journals.istanbul.edu.tr/iusskd/article/view/1023013409](http://www.journals.istanbul.edu.tr/iusskd/article/view/1023013409) (Erişim tarihi: 12.05.2018)

TÜİK Haber Bülteni 14.03.2018 Sayı: 27706

*Türk Akreditasyon Kurumuna İlişkin Çeşitli Hükümler Hakkında Kanun* No: 4457 Kanun T. 27.10.1999 RG 04.11.1999 – 23886

*Türk Ticaret Kanunu* No: 6102 Kabul T. 13/1/2011 RG 14/2/2011 – 27846

*Türkiye Cumhuriyeti Ziraat Bankası, Türkiye Halk Bankası Anonim Şirketi ve Türkiye Emlak Bankası Anonim Şirketi Hakkında Kanun* No: 4603 Kabul T. 15.11.2000 RG 25.11.2000 – 24241

*Türkiye İnsan Hakları ve Eşitlik Kurumu Kanunu* No: 6701 Kabul T. 06.04.2016 RG 20.04.2016 – 29690

*Türkiye İstatistik Kanunu* No: 5429 Kabul T. 10.11.2005 RG 18.11.2005 – 25997

Türkiye Ziraat Odaları Birliği, “Zirai ve İktisadi Rapor (2007 – 2010)” [www.tzob.org.tr/zirai-iktisadi-raporlar#](http://www.tzob.org.tr/zirai-iktisadi-raporlar#) (Erişim tarihi: 28.08.2018)

TZOB 25.08.2014 tarihli basın açıklaması [www.tzob.org.tr/basin-odasi/haberler/tarimda-kayitli-calisan-yok-gibi-](http://www.tzob.org.tr/basin-odasi/haberler/tarimda-kayitli-calisan-yok-gibi-) (Erişim Tarihi: 25.05.2018)

UÇÖ Türkiye'nin Onayladığı ILO Sözleşmeleri [www.ilo.org/ankara/conventions-ratified-by-turkey/WCMS\\_377311/lang--tr/index.htm](http://www.ilo.org/ankara/conventions-ratified-by-turkey/WCMS_377311/lang--tr/index.htm) (Erişim tarihi: 12.05.2018)

Ulukan, U., Çiğerci Ulukan, N. *Fındık Üretiminde Çalışma İlişkileri ve Mevsimlik İşçiler: Perşembe Örneği* [www.researchgate.net/publication/258446856](http://www.researchgate.net/publication/258446856) (Erişim tarihi: 28.08.2018)

Ulusal İstihdam Stratejisi (2014 – 2023) Eylem Planları (2017 – 2019) [www.resmigazete.gov.tr/eskiler/2017/07/20170707M1-1.pdf](http://www.resmigazete.gov.tr/eskiler/2017/07/20170707M1-1.pdf) (Erişim tarihi: 28.08.2018)

*UNICEF, Dünya Çocuklarının Durumu Raporu*, Ankara (1997)

Uyan Semerci, P. (2014). *Mevsimlik Gezici Tarım İşçiliği 2014 – Araştırma Raporu*. Hayata Destek Derneği.

Uyan Semerci, P., Erdoğan, E. (2017) *Adana'da (Mevsimlik Gezici) Tarım İşçilerinin Çocuklarının Yaşam Koşullarının İyi Olma Hali Perspektifinden İyileştirilmesi Projesi Araştırma Sonuçları Özeti, Politika Alanları ve Uygulama Önerileri*, İstanbul. [www.bilgi.edu.tr/site\\_media/uploads/files/2017/03/29/goc-merkezi\\_adana-da-mevsimlik-gezici-tar-m-ilerin-ocuklar-ozet-rapor.pdf](http://www.bilgi.edu.tr/site_media/uploads/files/2017/03/29/goc-merkezi_adana-da-mevsimlik-gezici-tar-m-ilerin-ocuklar-ozet-rapor.pdf)

Vatansever, Ç. (2014). Risk Değerlendirme'de Yeni Bir Boyut: Psikososyal Tehlike ve Riskler. *Çalışma ve Toplum Dergisi*, 1.

Yayla, Y. (2017) Küresel Dünya'da ve Türkiye'de Çocuk İşçiliği: Uluslararası ve Ulusal Yasal Düzenlemeler ve Ampirik Göstergeler. *TBB Dergisi*, 128.

Yeniden Yapılandırma Kurulunun Çalışma Usul ve Esasları Hakkında Yönetmelik RG 19.12.2001 - 24615

*Yoksulluk Nöbetinden Yoksulların Rekabetine: Yabancı Göçmen İşçiler Mevcut Durum Raporu*. (2016). Kalkınma Atölyesi.





