Child labour and legislation in Turkey

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Turkey’s population has a large proportion of young people. It is estimated that 41.7 percent of the population is under 17 years of age (Tuna, 2000). It may be difficult to accurately estimate how extensive child labour is but official statistics are useful as a guide. The Employment of Children Survey conducted by the State Institute of Statistics within the framework of the International Programme for the Elimination of Child Labour (IPEC) in 1994 shows that 20 percent of the overall population was between 6–14 years old (almost 12 million children). Of these children 8.5 percent (1.008 million children) were economically active and 23.9 percent (2.839 million children) were engaged in household related activities (DIE, 1994). Nevertheless, official statistics appear to be under-estimating the real size of the problem. According to the estimates of the European Council, Turkey has the largest population of working children in Europe (CE, 1996).

The type of work carried out by the children depends on their age. Of the economically active children, 77 percent work in agriculture, 7 percent work in service, and 5 percent work in trade. Nationally, 79 percent of these children are working as unpaid contributors to their families (DIE, 1994).

Also, a difference is found according to the sex of the child. Generally, male child labour is 59 percent and in urban areas it reaches 77 percent. However with respect to domestic work, females form 66 percent (i.e. for work doing domestic chores at home, or engaged in domestic work as wage labourers), and female child labour reaches a high level for rural work while it is low for urban work. For both the rural and urban labour market the level of involvement of female children is high in the 12–14 age group, while it is much lower in the older age group. A recording bias is partly responsible for this discrepancy, because 31 percent of the girls for the whole of both groups are put into the category of housewife. Concerning urban areas, 23.1 percent of the 12–14 age group were categorised as housewives, and 41.6 percent of the 15–19 age group. Concerning rural areas, the respective amounts were 21.8 percent and 30.5 percent (DIE, 1994a).
Two significant factors motivating the use of female children and female young people in domestic settings are the emphasis placed on female chastity in Turkish society and the impact of sexual harassment. Over recent decades a genuine degree of change has been evident in the social fabric of Turkish society, yet certain fundamental structures, prejudices and attitudes remain much the same as in the past.

The traditional Turkish family expects a young woman to be chaste if she is unmarried. Otherwise her chances of making a suitable marriage are greatly reduced. It is therefore felt necessary to shield her from regular association with men who are not part of the family circle, and so protecting both her and the honour of the family. On this basis it is thought best that female children and female young people should work within the domestic setting.

Related to the preservation of chastity in this context is the danger of sexual harassment at the workplace. A survey commissioned by the Department of Women’s Issues and Status in 1996 found that 22.8 percent of girls and women with vocational training did not want to work due to rude behaviour, swearing, assaults etc. occurring at the workplace. Also, 15.8 percent of the sample were not allowed by their parents to work, and 14 percent were not allowed by their fiancé or husband to work owing to workplace sexual harassment (Bakirci, 2000a, b). Therefore young women are encouraged to do work concerning domestic chores.

Child labour in Turkey is an increasing problem, but information on the subject is recent. The few studies available are principally limited to some sectors and principally focus on male child labour, with special attention to Istanbul. Most of these studies were motivated by the IPEC Programme of the ILO which began in 1990. Turkey is one of the countries chosen by the IPEC whose objective is to introduce protection for working children and eventually to eradicate child labour.

**The definition of child under Turkish law**

Turkish law has no general definition of a ‘child’. The term ‘child’ is defined in different ways in those statutes connected with children.

The age of majority is 18. Concerning voting at elections, the Turkish Constitution states that a person becomes eligible to vote at the age of 18. The Civil Code when defining a minor broadens the term to mean someone ‘below 18 years old’. The age of marriage is 17. Concerning criminal law, a person less than 11 years old is incapable of committing a crime, but between the age of 11 and 18 a person can be criminally liable.

The minimum age for concluding contracts is 18 but persons under 18 can normally conclude employment contracts with their parents’ permission.