

# CHILD LABOUR IN GARMENT SECTOR IN TÜRKİYE

An Analysis on Child Labour and Human Rights Due Diligence Practices



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## Acronyms

<b>BATİS</b>	Bağımsız Tekstil İşçileri Sendikası (Independent Textile Workers)
<b>BCI</b>	Better Cotton Initiative
<b>BHR</b>	Business and Human Rights
<b>CL</b>	Child Labour
<b>CSO</b>	Civil Society Organisation
<b>ÇYDD</b>	Çağdaş Yaşamı Destekleme Derneği
<b>DW</b>	Development Workshop Cooperative
<b>ECHR</b>	European Human Rights Convention
<b>FEM</b>	Facility Environmental Module (Higg)
<b>FGD</b>	Focus Group Discussion
<b>FSLM</b>	Facility Social and Labour Module (Higg)
<b>GOTS</b>	Global Organic Textiles Standard
<b>GRS</b>	Global Recycled Standard
<b>HRDD</b>	Human Rights Due Diligence
<b>ICCPR</b>	International Covenant on Civil and Political Rights
<b>ILO</b>	International Labour Organization
<b>IPEC</b>	International Programme on the Elimination of Child Labour
<b>ISIG</b>	Workers Health and Occupational Safety Assembly
<b>KII</b>	Key Informant Interviews
<b>MoFSS</b>	Ministry of Family and Social Services
<b>MoLSS</b>	Ministry of Labour and Social Security
<b>MoNE</b>	Ministry of National Education



<b>NGO</b>	Non-Governmental Organization
<b>OCS</b>	Organic Content Standart
<b>OECD</b>	Organisation for Economic Co-operation and Development
<b>OECD Guidelines</b>	OECD Guidelines for Multinational Enterprises
<b>OHS</b>	Occupational Health & Safety
<b>PPE</b>	Personal Protective Equipment
<b>UN OHCHR</b>	Office of the United Nations High Comissioner of Human Rights
<b>UNGC</b>	United Nations Global Compact
<b>UNGP</b>	United Nations Guiding Principles
<b>RCS</b>	Recycled Claim Standard
<b>SDG</b>	Sustainable Development Goals
<b>SSI</b>	Social Security Institution
<b>STL</b>	Support to Life Association
<b>SME</b>	Small and Medium-Sized Enterprises
<b>SMW</b>	Seasonal migrant work
<b>SMWs</b>	Seasonal migrant workers
<b>TEKSİF</b>	Türkiye Tekstil, Örme, Giyim ve Deri Sanayii İşçileri Sendikası
<b>TURKSTAT</b>	Turkish Statistical Institute





## Executive Summary

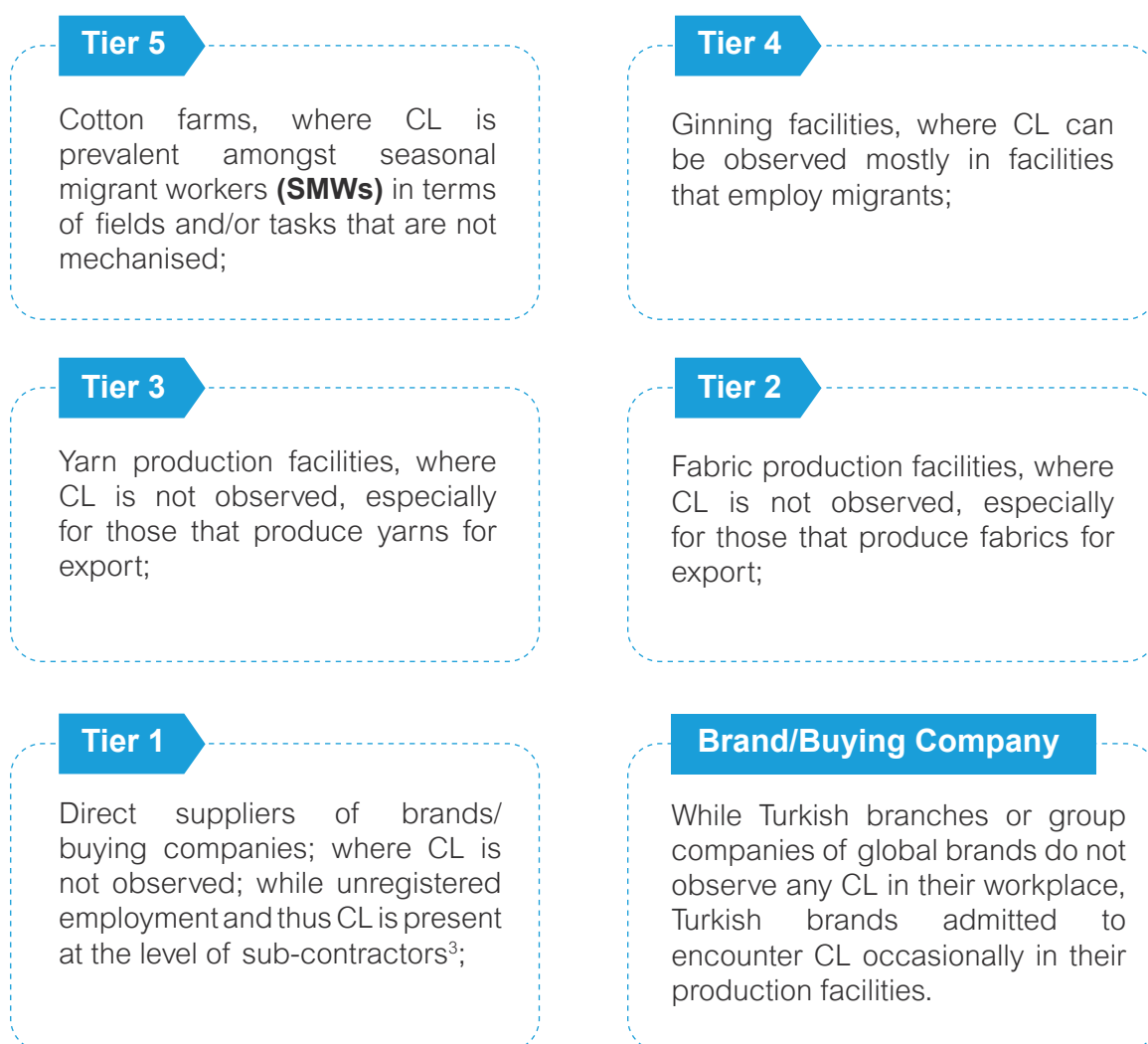




## Background

Despite numerous legally binding instruments and initiatives that aim to combat and eradicate Child Labour (CL), this is still a prominent problem of the industrialized 21<sup>st</sup> century setting. Ready-to-wear manufacturing supply chain consolidated with cotton is composed by multiple tiers extending from cotton fields all the way to global ready-to-wear brands. This supply chain, which is defined as complex, fragmented and opaque<sup>1</sup>, is one of these sectors that contains high numbers of CL. As it is determined by the European Commission study on transparency and traceability in garment supply chains<sup>2</sup>, the structure of these supply chains is characterised by multiple subcontracting, outsourcing and unregistered employment.

This study addresses the ready-to-wear supply chain consolidated with cotton broken down into the following tiers:



1. Gulcubuk, Child Labor under the Worst Conditions: Child Laborers in Cotton Production in Turkey, African Journal of Agricultural Research Vol. 5(12), 18.06.2010, p. 1390.

2. EU, A Background Analysis on Transparency and Traceability in the Garment Value Chain, Project No.2016/378769, p. 6, [https://ec.europa.eu/international-partnerships/system/files/european\\_commission\\_study\\_on\\_background\\_analysis\\_on\\_transparency\\_and\\_traceability\\_in\\_the\\_garment\\_value\\_chain.pdf](https://ec.europa.eu/international-partnerships/system/files/european_commission_study_on_background_analysis_on_transparency_and_traceability_in_the_garment_value_chain.pdf)

3. As the sub-contractors of Tier 1 suppliers are outside the scope of this study, which was subject to considerable time limitations, no KII or FGDs were conducted with these actors. It is worth noting that sub-contractors of Tier 1 suppliers constitute a sub-tier under Tier 1, similar to fabric dyeing facilities that are placed as a sub-tier under Tier 2.



Cotton supply chain, which involves SMW, is known to contain CL that keeps building up due to the loopholes in legislation and insufficient level of controls in practice. In fact, agriculture sector has the largest share of CL all over the world, with 70% of children working in agriculture according to the statistics of International Labour Organization (ILO) in 2020<sup>4</sup>. CL in agriculture is considered as one of the worst forms of CL<sup>5</sup> because of its hazardous characteristics, as children might be exposed to inorganic fertilizers and pesticides<sup>6</sup>, often having to engage in physically compelling acts for a long period of time, sometimes under extreme temperatures, having to use also certain dangerous tools<sup>7</sup>. Despite farmers and ginning factories emphasizing the decrease in the CL in the past 20 years, especially due to mechanisation of the cotton harvest, it was noted from the KILs conducted with the supply chain actors at the cotton level that there is still hand-picking practice in certain tasks, such as the weeding of cotton and harvesting rocky areas of fields where machines can hardly access, which results also in CL. While consumer awareness has an important role in mitigating and eliminating CL, along with other human rights risks and violations, in the ready-to-wear manufacturing supply chain, in the face of ultra-fast fashion trends<sup>8</sup> that prioritise cutting costs and speeding production process, it seems quite optimistic to conclude that consumer's reaction alone could create an impact in this respect.

The problem of CL, which presents a type of 'docile', cheap and unsecured labour, is observed to become especially intense in times of economic recession<sup>9</sup>. Situated on the background of COVID-19 pandemic period in the worlds and the ongoing economic recession in Türkiye, this study aims at presenting a representative picture of the root causes, awareness and current practices concerning CL in ready-to-wear manufacturing supply chain consolidated with cotton in Türkiye.

## Purpose of the Study

The main objective of this study is to provide a critical analysis of the current situation of CL in the ready-to-wear manufacturing sector consolidated with cotton supply chains in Türkiye, assessing CL related risks in the sector, detecting and analysing the actions and measures taken for prevention and mitigation thereof and providing macro recommendations and potential solutions and remedies to prevent or mitigate CL related risks. The critical analysis under the study is based on the UN Guiding Principles on Business and Human Rights (UNGPs)<sup>10</sup> and the recommendations are made under the first two pillars of the UNGPs; namely, the State duty to protect human rights and the corporate responsibility to respect human rights, complemented by the civil society approach.

4. International Labour Office and United Nations Children's Fund, Child Labour: Global estimates 2020, p. 13.

5. In fact, 67.1% of the work done by CL in agricultural sector is considered as hazardous (International Labour Office and United Nations Children's Fund, Child Labour: Global estimates 2020, p. 41).

6. Children workers in Türkiye are reported to have handled pesticides in cotton crop protection (International Labour Office, Fundamental Principles and Rights at Work Branch, Child Labour in Cotton: A Briefing, 2016, p. 13).

7. International Labour Office and United Nations Children's Fund, Child Labour: Global estimates 2020, p. 37; International Labour Office, Fundamental Principles and Rights at Work Branch, Child Labour in Cotton: A Briefing, 2016, p. 10.

8. Guardian, Mahmood, Ultra-fast fashion is taking over – and using every trick in the book to get us addicted, 18.04.2022, <https://www.theguardian.com/commentisfree/2022/apr/18/ultra-fast-fashion-retail-sites-shein>

9. Lortoğlu/Kurtulmuş, Syrian Labor in Textile Sector: Case of Istanbul, Marmara Üniversitesi İktisadi ve İdari Bilimler Dergisi, C:42, S:1, June 2020, p. 129.

10. United Nations Guiding Principles on Business and Human Rights, New York and Geneva, A/HRC/17/31, 16.06.2011, [https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinesshr\\_en.pdf](https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinesshr_en.pdf)

## Methodology

This study analyses CL related risks and violations in the ready-to-wear manufacturing supply chain consolidated with cotton in Türkiye, by taking UNGPs as a potential resource in addition to the relevant international and national hard law instruments, to tackle the ‘state’s duty to protect human rights’ and the ‘corporate responsibility to respect human rights’<sup>11</sup>. In this manner, not only that the obligations of the state in preventing CL is analysed from a more general framework under the UNGPs, but also the responsibility of the private actors (i.e. corporations and commercial enterprises) is elaborated under the UNGPs in addition to the existing mandatory law, with recommendations given for amendment of legislation or enactment of new legislation to better accommodate corporate responsibility in this respect. Hence, this study takes the concept of ‘shared responsibility’ to protect human rights between the state and corporate actors in its core.

As it was observed that the previous studies on ready-to-wear manufacturing supply chain faced considerable bottlenecks due to lack of invisibility and traceability arising from the opaque and complex structure of the supply chain, a smart-mix approach was adopted in the field research phase of this study, to move both top-down and bottom-up, whereby the supply chain is analysed by beginning from the brand/buying company moving to the lower tiers to identify the approach adopted by different tiers, and by tracking the cotton produced at the farm moving up to the higher tiers. It was observed that this approach did not allow reaching all tiers of the relevant supply chain due to lack of traceability; however, it has at least come closer to doing so by creating a complete supply chain even on a hypothetical basis. The tiers of the relevant supply chain can be set out as follows:

### BRANDS



The study consisted of two stages: Desk research and field research. In conducting the study, a human rights-based approach was adopted, which is “a conceptual framework for the process of human development that is normatively based on international human rights standards and operationally directed to promoting and protecting human rights”<sup>12</sup>. Accordingly, internationally recognized human rights and standards based on international treaties and UN conventions as well as ILO conventions were taken into consideration, in addition to the relevant Turkish legislation and government programmes.

The desk research is supported by the field research, consisting of KIIs and FGDs conducted with the actors of the cotton and garment supply chains, public authorities

11. UNGPs, Pillar I and II.

12. OHCHR, Human Rights-Based Approach, <https://unsdg.un.org/2030-agenda/universal-values/human-rights-based-approach>

and NGO representatives<sup>13</sup>. More specifically, 20 KIIs were conducted with supply chain actors: Two cotton farmers, two intermediaries (one labour intermediary and one broker), two ginning facilities, two yarn production facilities, two yarn/fabric dyeing facilities, three fabric production facilities, four ready-to-wear manufacturers (Tier 1 supplier), and three brands/buying companies (two global brands and one Turkish brand that is not yet engaged in export). FGDs were conducted with the workers, who were working in garlic, but mentioned that they work also in cotton at the harvesting time. Two separate groups of FGDs were made: One with female parent workers and one with Syrian-origin young male workers. Furthermore, KIIs were conducted (in person or online) with the representatives from five public authorities, four CSOs, one university, one workers union, one exporters association and one UN agency.

Gaziantep was chosen as the main location for the KIIs and FGDs conducted within scope of the cotton side of the supply chain for being a good example for shift to mechanised harvesting in cotton, where the effects of mechanisation could be observed, while hand-picking also continues for limited tasks and areas. Furthermore, the effects of migration (mainly from Syria) on irregular (unregistered) employment and CL could also be analysed in Gaziantep, where the highest number of Syrian origin migrants are accommodated. KIIs at the higher tiers were also conducted in Kahramanmaraş, which is an industrialised city, active in ready-to-wear manufacturing. The actors of the upper tiers of ready-to-wear supply chain are mostly located in metropolitans like Istanbul, Kocaeli and Izmir, which were determined as the other centres of the field research. KIIs with global brands and KIIs and FGDs with non-supply chain actors, such as CSOs, public authorities, unions were conducted online.

## Research Findings and Project Outcomes

Factors and Risks Concerning CL in Ready-to-Wear Manufacturing Supply Chain Consolidated with Cotton in Türkiye

### Socio-Economic Factors



**Family dynamics** have been determined to be an important factor affecting CL. More specifically, the structure of the family, number of the people in the household, whether the parents are alive and working or not, educational backgrounds of parents, numbers and genders of siblings, and health issues of family members have impact on the employment of the children in the relevant family or household. Childcare and family friendly policies also have a direct impact on the occurrence of CL in both the agricultural and non-agricultural side of the supply chain.

**Poverty** is another major factor that contributes to the realization of CL. According to TURKSTAT reports, 35.9% of

13. Throughout the whole KII and FGD processes, the integrity, dignity and privacy of children and families while concerning global standards for working with children were preserved and protected, and the child-safeguarding and child protection principles were regarded through all levels of work of this project.



the CLs work in order to financially support their families.<sup>14</sup> Pursuant to the Deep Poverty and Access to Rights survey, 13% of the households interviewed have CL and in 6% of these households, only children bring income.<sup>15</sup> CL becomes especially crucial for the survival of seasonal migrant workers, one of the lowest socio-economic groups in Türkiye, who need the workforce of every single member of the family who is physically able to work, including children<sup>16</sup>.

Another factor that affects CL is the **informal economy and irregular employment**. According to Centre for Economic Policy Research Policy Discussion Paper, the ratio of the informal employment in Türkiye is 25.6% of the gross national income.<sup>17</sup> Türkiye has the largest informal sector size (relative to GDP) among OECD members<sup>18</sup>, which is boosted by the influx of migrants in the country and the continuing deterioration of economic conditions. The unregistered economy and irregular employment pave the way for CL, as employers that tend to incline towards cheap labour employ migrants and children under irregular employment. Increase in irregular employment is deemed to have given rise to a social class, called ‘precariat’, which refers to a social group of people who are in unstable and precarious working conditions that closely affect the material and psychological well-being of individuals<sup>19</sup>. While the use of CL accelerates the process of precarisation of labour in Türkiye, it also causes the worst forms of CL to become widespread. In terms of the ready-to-wear supply chain consolidated with cotton, underground workshops present the highest risk for irregular employment and thus CL. These underground workshops, despite being at the bottom of the subcontracting chain, are not within scope of the audits carried out by ready-to-wear brands. It has not been possible during this study to reach all the way to these workshops through the brands or their Tier 1 suppliers, as these suppliers have mentioned that they did not have traceability at that level.

**Migration** also has a direct impact on the increase of CL in Türkiye. Syrian families who are trying to survive in Türkiye end up in the lowest paid and most precarious segments of the workforce due to economic pressure. The vast majority of Syrians in Türkiye (98%)<sup>20</sup> reside outside of refugee camps, making their living from waged labour in towns and cities

14. Turkish Statistical Institution, 2019 Child Labour Survey, 31.03.2019, <https://data.tuik.gov.tr/Bulten/Index?p=Child-Labour-Force-Survey-2019-33807>

15. Deep Poverty Network, Child Poverty in Türkiye, [https://derinyoksullukagi.org/wp-content/uploads/2021/09/21443\\_DYA\\_CocukYoksullugu\\_BilgiNotu\\_Web-1.pdf](https://derinyoksullukagi.org/wp-content/uploads/2021/09/21443_DYA_CocukYoksullugu_BilgiNotu_Web-1.pdf).

16. Yoksulun Umudu Çocuk: Mevsimlik Tarım İşçisi Hanelerin Sosyo-Ekonomik Profili ve Çocuk İşçiliği Araştırması, Çocuk İşçiliğiyle Mücadele Programı, Haziran 2019, p. 13, <https://www.ka.org.tr/dosyalar/file/Yayinlar/Cocuk-Haklari/Raporlar/YOKSULUN-UMUDU-COCUK.pdf>

17. Elgin, C., M. A. Kose, F. Ohnsorge, and S. Yu. (2021) “Understanding Informality.” CERP Discussion Paper 16497, Centre for Economic Policy Research, London.

18. Ateşgözoğlu, O. E., C. Elgin, O. Öztunalı (2017) “TFP growth in Turkey revisited: The effect of informal sector”, Central Bank Review, Volume 17, Issue 1

19. In contrast to the proletarian class of the 20th century, today’s precariat is not only enjoying a partial existence in the labour market, but also increasing its unpaid activities and work to access jobs with a living-level income. Precariat, which is stated to have emerged as a result of neoliberal capitalist developments, is a state of insecurity resulting in lack of job security, partial and short-term work. See Dedeoğlu/Bayraktar/Çetinkaya, “Yoksulun Umudu Çocuk: Türkiye’de Suriyeli Tarım İşçisi Çocuklar”, Çalışma ve Toplum, 2019/4, <https://www.calismatoplum.org/makale/yoksulun-umudu-cocuk-turkiyede-suriyeli-tarim-iscisi-cocuklar>

20. Kırdar/Koç/Dayıoğlu, IZA Institute of Labour Economics, “School Integration of Refugee Children: Evidence from the Largest Refugee Group in Any Country”, 2021, p.6, <https://www.iza.org/publications/dp/14716/school-integration-of-refugee-children-evidence-from-the-largest-refugee-group-in-any-country>

across Türkiye, including work in the garment sector.<sup>21</sup> According to the 2022 figures, Türkiye hosts 3.8 million registered Syrians, 44.9% of whom are below the age of 18.<sup>22</sup> Together with their families, Syrian children work in unskilled jobs as “low-cost labour” in many sectors such as textile, construction, seasonal agriculture and become exposed to abuse and exploitation of labour.<sup>23</sup> The local people’s migration from rural areas to the cities also increases the employment of the migrants in the seasonal agricultural work, often at a lower cost and under cheaper and unsecured conditions.

Another factor that affects CL is **access to education**. The current education system in Türkiye is often criticised for easing CL after the completion of the mandatory education in 4+4+4 system. Furthermore, distant learning that was adopted during the COVID-19 period has raised the barriers on access to education for certain disadvantaged groups. Finally, the education system is criticised for not being comprehensive enough to cover migrant and refugee children, who end up being discriminated and isolated at school, which in turn results in these children leaning towards quitting school and entering work life. While vocational schools have the potential to positively affect the employment of young people in compliance with the laws, the Kİİs have revealed that the legislation on vocational education is not fully complied with by the employers, thereby resulting in an exploitation of labour of the students.

While **unionisation** is not present at the agricultural level of the supply chain, it was observed that there are some workers unions in the ready-to-wear manufacturing sector. However, the general counter-union approach also persists in this sector. Additionally, there are barriers to unionisation for migrant workers, for instance, who need to receive work permits through their employers, thus making it challenging for these workers to register with a union because of the fact that their employment status is totally dependent on their employer. According to the Ministry of Labour and Social Security (**MoLSS**), the official unionization rate declared in July 2022<sup>24</sup> in the sector of weaving, ready-to-wear and leather (considered collectively) is 8.77%. Amongst a total of 1,363,439 registered workers employed in this sector, the highest number of unionised workers is at TEKSİF with 52,323 workers, the second being ÖZ İPLİK-İŞ with 44,176 workers, while the other unions accommodate only a symbolic number of workers. The insufficient level of unionisation is another factor that is closely related with CL, as workplaces that are outside the scope of unions are not subject to the checks and audits carried out by unions.

### Supply Chain Based Factors and Risks



There is little to no **traceability and transparency** within the ready-to-wear manufacturing supply chain. This is due to several different factors, including the complex and multi-layered structure of this supply chain, characterised by multiple subcontractors, which cannot be (or are not)

21. Clean Clothes Campaign Turkey, “Syrian Workers in Turkey’s Garment Industry”, 2019, p.1, <http://www.temizgiysi.org/looking-back-moving-forward-syrian-workers-in-turkeys-garment-industry/>

22. UNHCR, Syrian Regional Refugee Response / Turkey, Registered Syrian Refugees, 03.02.2022, <https://data2.unhcr.org/en/situations/syria/location/113>

23. Equal Times, Syrian refugees have a right to equal pay for equal work, 20.06.2018, <https://www.equaltimes.org/syrian-refugees-have-a-right-to?lang=en#.Yga7n-5BxO9>

24. MoLSS, Communiqué on July 2022 Statistics on number of workers in different sectors and number of unionised workers, in accordance with the Law no. 6356 on Unions and Collective Bargaining, OJ dated 22.07.2022 and numbered 31900, <https://www.resmigazete.gov.tr/eskiler/2022/07/20220722-12.pdf>

reached by upper tiers. International brands sign contracts with Tier 1 suppliers (registered suppliers of the brands), who undertake tasks like cutting, ironing, packaging, sewing, embroidering, while Tier 2 suppliers (those who are engaged in other activities including but not limited to dyeing or printing on the fabric) have contracts with Tier 1 suppliers. The brands expressed knowing all of their Tier 1 suppliers and starting to know the Tier 2 suppliers, while they are not engaged with the lower tiers. Traceability and transparency are crucial in this supply chain as they put the relevant suppliers within scope of the audits carried out by international brands, thus increasing chances of compliance with international standards. Therefore, although there is an effort from the brands to improve the sector and eliminate CL, without establishing 100% traceability and transparency within their supply chains, these efforts are to no effect.

Throughout the KIIs and FGDs, supported by the desk research, differences were noted in the effect produced by **inspections made by public authorities, audits by third parties through global brands** or Tier 1 suppliers, and finally by the relevant departments of the global brands. It follows that the MoLSS Guidance and Inspection Board's limited scope of authority in terms of inspections, which does not extend to the farm level and unregistered workplaces, constitutes a challenge in ensuring the effectiveness and continuity of these inspections. The Social Security Institution (SSI) is another authority which also conducts inspections with its Guidance and Inspection Board and Social Security Controllers. However, the main focus of these inspections is on the social security premium payments and registered work on the labour market; therefore, the connection between the two inspection authorities should be increased to better tackle CL-related risks. Another limitation is lack of reliable supervision and sanctions for cases of non-compliance. The audits conducted by third parties are often criticised as being too superficial, since these are mostly statement-based without any real audit carried out at the workplace of the supplier, hence resulting in a tick-box exercise. The most frequently seen certifications are SEDEX, OCS, FAMA, RCS, GRS, BCI, GEC, OEKO-TEX, GOTS, FEM, FSLM and Higg Index. On the other hand, audits by the teams of global brands are seen as effective and create a considerable incentive for the actors of the supply chain to ensure compliance, mostly due to the leverage, economic power and control exercised by global brands over these suppliers. This outcome emphasizes the importance of increasing transparency and traceability in the relevant supply chain, so as to allow the brands carry out audits in all of the tiers and sub-tiers in order to eventually ensure compliance.

In line with the UNGPs, the **social compliance or human rights policies and codes of conduct** of the interviewed suppliers were analysed. It was observed that all main supplier factories with international customers have a functioning grievance mechanism in place with an open-door policy, democratically elected workplace representatives, suggestions boxes strategically put around the workplace, and yearly anonymous assessments gathered from the workers. It was, however, noted that almost all the staff working in sustainability departments of Tier 1 suppliers have a background in human resources or quality departments, which appears as a difficulty in adopting a right-based approach. It has also been observed that a hotline was not as common and anonymous handling of complaints does not seem to be fully accomplished in some suppliers. Furthermore, the mentioned grievance mechanisms do not extend to the lower tiers of the supply chain. On a different but related note, as union-based mechanisms are not available because of the rareness of unionization, the accountability and transparency of the grievance mechanisms might be questioned. It follows from a KII conducted with



a Tier 1 supplier that CL is still present Türkiye as much as 10 cases per year throughout the traceable tiers of supply chains of global brands. Yet it is a common understanding in both the cotton and garment supply chain that CL has already been eradicated. In case of a CL, companies have policies in place for directing the child to school, as well as providing financial support and health support to the family. Most of the companies who have identified CL in their supply chains have reported that it happened due to wrong hiring processes and a lack of age verification. They have also indicated that they try to compensate these errors by regular visits and trainings, where not only their suppliers both also employees adopt the human rights-based understanding behind their policies.

Recently, there is a shift from the voluntary practices on good governance and responsible business conduct to a mandatory one, which will have a crucial impact on human rights and social compliance policies and practices of the global supply chains in all sectors. Human rights due diligence (**HRDD**), which was introduced firstly by the UNGPs and now enters the laws of certain EU Member States<sup>25</sup> and the EU acquis, brings a structured method to human rights, social and environmental compliance. In light of the mentioned legal instruments, HRDD involves the following steps:

### 1<sup>st</sup> Step

**integrating due diligence into policies and management systems**, by issuing policy statements, establishing a risk management system, designating a responsible person or unit within the company and performing regular risk analysis,

### 2<sup>nd</sup> Step

**identifying and assessing adverse human rights and environmental impacts** that they may cause or contribute to through their own activities, or which may be directly linked to their operations, products or services by their business relationships,

### 3<sup>rd</sup> Step

**preventing, ceasing or minimising actual and/or potential adverse human rights, and environmental impacts**, which requires taking appropriate and effective measures for this purpose,

### 4<sup>th</sup> Step

**assessing the effectiveness of measures**, including by way of tracking and monitoring, and establishing a grievance and complaints mechanism,

### 5<sup>th</sup> Step

**communicating and reporting**, especially to include the affected stakeholders in the process, and

### 6<sup>th</sup> Step

**providing remediation** for those human rights violations that have already occurred.<sup>26</sup>

25. EU Directive on Corporate Due Diligence and Corporate Accountability, adopted in 10.03.2021 in Brussels, P9\_TA(2021)0073, [https://www.europarl.europa.eu/doceo/document/TA-9-2021-0073\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-9-2021-0073_EN.html)

German Act on Corporate Due Diligence in Supply Chains, Lieferkettensorgfaltspflichtengesetz – LkSG, 16.07.2021;

French Corporate Duty of Vigilance Law, Loi no. 2017-399 du 27 Mars 2017 relative au devoir de vigilance des sociétés mères et des entreprises donneuses d'ordre.

26. EU Directive on Corporate Due Diligence and Corporate Accountability, adopted in 10.03.2021 in Brussels, P9\_TA(2021)0073, para. 16, [https://www.europarl.europa.eu/doceo/document/TA-9-2021-0073\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-9-2021-0073_EN.html); OHCHR - Corporate human rights due diligence – identifying and leveraging emerging practices, <https://www.ohchr.org/en/special-procedures/wg-business/corporate-human-rights-due-diligence-identifying-and-leveraging-emerging-practices>

It is observed that no Tier 1 supplier has received **awareness raising trainings** and/or other informative sessions from the global brands with whom they have established commercial relationships on the recent developments concerning HRDD legislation in the EU and certain EU member states<sup>27</sup>. This lack of awareness in the sector constitutes an obstacle in harmonising social compliance policies, HRDD process, grievance and remediation mechanisms by Turkish companies, which will soon become necessary under the EU Draft Directive on Corporate Due Diligence and Corporate Accountability (**EU Draft Directive**) Article 2 paragraph 3. According to the EU Draft Directive, in fact, not only European companies, but also non-EU companies over a certain scale that supply products or services to the EU internal market, are required to establish an HRDD system whereby they would report, take preventive measures and provide remedies on the human rights risks and violations throughout their global supply chains.

A common bottleneck for all the suppliers is the **financial burden of social compliance**. In fact, it appears that the relevant financial burden for them to work with global brands falls mainly on the suppliers, including efforts to ensure the compliance on the part of their sub-tier suppliers. Limiting the number of audits a supplier has to go through, which was suggested during the KILs, would not be appropriate as it might hinder the efficiency of the audits, since apparently frequency plays an important role in ensuring compliance. Allocating the costs of audits to all of the actors of the supply chain might serve as a viable solution to cover the costs of social compliance; however, - global brands seem unwilling to cover the costs of audit of their suppliers, even those of their Tier 1 suppliers, with whom they have an established commercial relationship. It is clear that without the support of the global brands, who represent the financially stronger side of the supply chain, such an allocation of costs will not be possible.

At this point, it would be important to refer to the problem of costs of social compliance considered within the framework of the need to **shift the traditional way of 'doing business'**. In traditional corporate theory, the maximisation of profits for the shareholders in the long-run (and for managers/directors in the short-run) is considered as the main aim of the corporation, which is referred to as 'shareholder value'. This view, however, has started to change with redefining priorities of business and redrawing the scope of what is seen as 'good for business'. According to 'multi-stakeholder theory', the purpose of corporation should be considered wide enough to cover not only shareholders and managers/directors of that corporation, but also its employees, consumers, the environment and local communities that live around the area of operation of the relevant corporation – who might all be affected by its business activities. Therefore, the interests of all of these different groups should be considered in setting out the framework of activity of a corporation, and the external costs, such as the costs for social compliance, should be internalised by corporate actors.

The role of cooperation amongst private sector, civil society organisations (**CSOs**), government, international non-governmental organisations (**INGOs**) and UN agencies is crucial in ensuring social compliance in supply chains through several types of projects. Most of the main suppliers that were KILs in this project stated that they work with civil society actors such as Association for Supporting Contemporary Living (ÇYDD), Association for Solidarity with Asylum Seekers and Migrants (SGDD-ASAM), Refugee

27. EU Directive on Corporate Due Diligence and Corporate Accountability, adopted in 10.03.2021 in Brussels, P9\_TA(2021)0073, [https://www.europarl.europa.eu/doceo/document/TA-9-2021-0073\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-9-2021-0073_EN.html)

German Act on Corporate Due Diligence in Supply Chains, Lieferkettensorgfaltspflichtengesetz – LkSG, 16.07.2021

French Corporate Duty of Vigilance Law, Loi no. 2017-399 du 27 Mars 2017 relative au devoir de vigilance des sociétés mères et des entreprises donneuses d'ordre

Support Centre (MUDEM), United Work, Multi-Purpose Community Centres (ÇATOM), Mother Child Education Foundation (AÇEV), ILO, World Bank, Women's Economy Platform (KEP), United Nations High Commissioner for Refugees (UNHCR) and Turkish Employment Agency (İŞKUR) in different projects; e.g. for employment of migrants, schooling working children. Without the resources and expertise of civil society on education, migrants and social services, Turkish supply chain actors of garment sector would struggle to ensure full social compliance and also to initiate and sustain an effective remediation process. Thus, the positive impact of civil society towards a change in the CL and social compliance framework in Türkiye is undeniable.

## Recommendations

In line with the general approach adopted throughout the study, the recommendations are set out under the two of the three main pillars of the UNGPs, namely the state duty to protect human rights and the corporate responsibility to respect human rights, supported by civil society actions, which are as crucial as the others to achieve a sustainable and effective realization of human rights in business.

### State Duty to Protect Human Rights



#### Addressing the conflict/unclearities in the legislation regarding CL in seasonal agricultural work

No exception is provided in the Bylaw on Procedures and Principles of Employment of Child and Young Workers<sup>28</sup> as to the seasonal migrant workers (SMW); it appears, therefore, that children below the age of 15 who carry out seasonal migrant work in hand picking of products might also be considered to be legally working under the relevant provisions of the Regulation. On the other hand, the National Programme on the Elimination of Child Labour<sup>29</sup> specifically refers to SMW as one of the worst forms of CL.



#### Extending the inspection and control authorities of the Guidance and Inspection Board

The Guidance and Inspection Board of the MoLSS has limited scope of authority in terms of inspections, which does not extend to workplaces having less than 50 employees. This constitutes a significant obstacle for carrying out inspections at the farm level, as farms are not likely to employ over 50 workers, especially considering the effect of SMWs, who are mostly unregistered. This creates an important gap in detecting CL in cotton supply chains. In fact, seasonal agricultural work is considered as the main problem concerning CL, where one of the worst forms of CL is present.

28. Bylaw on Procedures and Principles of Employment of Child and Young Workers published in the Official Gazette dated 06.04.2004 numbered 25425.

29. Ministry of Labour and Social Security, National Programme on the Elimination of Child Labour 2017-2023, [https://www.csgb.gov.tr/media/53623/cocuk\\_isciligi-ulusal-programi.pdf](https://www.csgb.gov.tr/media/53623/cocuk_isciligi-ulusal-programi.pdf)



### Improving the education system to make it more inclusive

Considering the difficulties in adaptation and integration by children of migrants, refugees and those under temporary protection in Türkiye, educational system is required to be accessible, providing quality and inclusive education for every school age child despite their citizenship status or ethnical background. Board of Training and Education, which is in charge of producing national curriculum, should also adjust the curriculum to address the needs to integrate children who remained out of school for a significant period of time.



### Improving the legislation and practice on vocational training

According to UNGPs, UN Convention on the Rights of the Child, and other international instruments protecting the rights of children, while children below the age of 15 are not allowed to work, children above the age of 15 can work only under specific circumstances and subject to protection of their basic rights, such as health and access to education. However, it is observed in practice that the mentioned conditions are often disregarded in practice while employing children over the age of 15, including those stipulated under the Vocational Training Law No. 3308 and instead exploit children for cheap labour by extending the work hours under the false label of “vocational training”. In light of the mentioned legal instruments, providing access to education and fighting against the conditions generated by COVID-19 constitute the state’s primary duties, yet it should not be disregarded that companies also bear responsibility in this respect. Within this framework, despite whom they supply to and their size, companies should first conduct HRDD and CL risk analyses on a regular basis throughout their operational activities, and make sure that children of school age are not employed.



### Adopting a National Action Plan on business and human rights

Under Turkish law, there are no specific legal instruments regulating corporate responsibility to respect human rights throughout business activities, nor any national action plan to regulate business and human rights. While there is a reference to this subject in 2021 Human Rights Action Plan<sup>30</sup>, there are no active improvements that concern the drafting of a national action plan on business and human rights, which is crucial to initiate the legislative process. The development of a national action plan concerning business and human rights for Türkiye is, in fact, needed considering the country-specific context and the specific role of Türkiye within global supply chain of numerous sectors. This is especially important taking into account the recent legislative developments in certain EU member states and in EU acquis. The national action plan, followed by the required revisions in the legislation, will address corporate responsibility in fighting CL and avoiding the risk of CL found in business activities, including those within scope of supply chains.



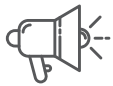
30. Ministry of Justice of Republic of Türkiye, Human Rights Action Plan, April 2021, [https://insanhaklarieylemlani.adalet.gov.tr/resimler/%C4%B0nsan\\_Haklar%C4%B1\\_Eylem\\_Plan%C4%B1\\_ve\\_Uygulama\\_Takvimi.pdf](https://insanhaklarieylemlani.adalet.gov.tr/resimler/%C4%B0nsan_Haklar%C4%B1_Eylem_Plan%C4%B1_ve_Uygulama_Takvimi.pdf).

## Corporate Responsibility to Respect Human Rights



### Increasing overall transparency and traceability in supply chains

Transparency and traceability throughout the whole supply chain is mandatory in order to ensure social compliance, especially considering that currently the most effective mechanism in this respect is the global brand audits. Accordingly, global brands should increase efforts to reach the lower tiers of their supply chains, including the sub-contractors of their suppliers, to disseminate their leverage and influence on each and every single supply chain actor. This effort by the private sector should also be supported by the state and the government through enactment of the required legislation in line with the recent developments led by the EU. This would not only ensure transparency and traceability in global supply chains, followed by a more efficient social and environmental compliance, but it would also strengthen Turkish companies' position in global competition.



### Raising awareness on and adopting HRDD in supply chains

This study has revealed the fact that global brands remain silent and inactive in face of the recent developments concerning HRDD in the EU when it comes to their operations in Türkiye. Even in the absence of any legal framework on business and human rights under Turkish law, companies that operate within supply chains of European brands should organise awareness trainings on HRDD and social compliance for all of the actors in their supply chains, and to set up the required monitoring, reporting, grievance and remediation mechanisms. Otherwise, there will soon be legal consequences of non-compliance with the relevant legal instruments.

Adoption and application of an effective HRDD process by companies throughout their supply chains will soon become crucial also to attract investment. As the cost of social and environmental compliance now becomes a business cost for companies, investors will also engage in a pre-investment HRDD and monitor compliance throughout the period of investment<sup>31</sup>. In other words, integrating HRDD process in a company should also be considered 'good for business'.



### Changing the ways of 'doing business'

As a major challenge concerning business responsibility for human rights abuses, it is imperative to shift from a shareholder value to a multi-stakeholder approach, in order to take into account the interests of a wide range of stakeholders (varying from employees, consumers, the

31. McCorquodale, R/Nolan, J (2021) "The Effectiveness of Human Rights Due Diligence for Preventing Business Human Rights Abuses", Netherlands International Law Review 68, p. 466; Chambers, R/Vastardis, A (2021) "Human Rights Disclosure and Due Diligence Laws: The Role of Regulatory Oversight in Ensuring Corporate Accountability", Chicago Journal of International Law, Vol. 21, No. 2, p. 352.

environment and local communities). In this manner, not only the main purpose of doing business will be changed, but also the external costs of social compliance will be internalised for corporate actors. To this end, based on the principle of ‘shared responsibility’ amongst different actors of the supply chain, it would be reasonable to allocate the costs of compliance throughout the supply chain; this would require a price increase starting from the payments made by global brands to their Tier 1 suppliers.

### Modifying audits

Suppliers in the scope of the project have demonstrated their need to have a unified organization for brand audits on sustainability and social compliance. Due to high numbers of organizations and different companies requests for different certifications and multiple 3<sup>rd</sup> party audits, HR and sustainability departments of the suppliers have expressed that they mainly focus on passing the audits rather than actually spend more time improving their workers’ lives in a creative manner. Another point concerning the audits is that the content thereof should be modified to cover the extensive scope and aim of the HRDD process, which should go beyond the scope of social audit having a cosmetic and self-legitimising approach, and focus also on the root cause of the human rights risk or abuse pertaining to business operations<sup>32</sup>. This would allow for a more efficient and sustainable application of the audits, which would support greatly the HRDD process.



### Prioritizing and improving social compliance and policies

During the KIs conducted within this study, it was identified that companies prioritize issues like environmental policies and sustainability more than social policies and workers’ rights. Allocating more time and resources towards social policies and grievance mechanisms within the companies will ensure a sustainable and healthy workplace for all parties involved. In order to achieve this result, first of all, private sector’s awareness should be raised on BHR related matters as a whole, with particular focus on corporate responsibility to respect human rights and the HRDD process. To this end, a collaboration between the state and government actors, civil society, workers unions, employers unions, as well as private sector, including business organisations, would be the key. Such a process should be supported by amendments in the legislation and introduction of new legislation, where necessary, to ensure companies’ compliance with BHR related issues.



32. McCorquodale, R/Nolan, J (2021) “The Effectiveness of Human Rights Due Diligence for Preventing Business Human Rights Abuses”, Netherlands International Law Review 68, p. 468.



### **Aligning the policies of buying departments and sustainability departments of the companies**

It is observed throughout the KIIs conducted with the brands and their Tier 1 suppliers that while the buying departments of the companies seek out cost efficient and profitable solutions, the sustainability departments are seeking out more environmentally and socially conscious solutions which are inevitably more costly. In order to avoid any conflict and ensure the interdepartmental harmony within the companies, all departments should internalize company policies regarding social and environmental compliance, and thus, manage their suppliers with a more aligned approach.



### **Improving hiring processes to avoid CL in the workplace**

Through the KIIs conducted with the brands and their Tier 1 suppliers, it was detected that one the main reasons companies detect CL in their supply chains is the HR department's omission to implement clear identification policies during hiring process to avoid CL. Paying more attention to official documents of the individuals, their IDs, asking them questions to verify data is a key component of identification and age verification. Regular inhouse trainings on age verification and policy adjustments will contribute to the combat against CL.



### **Hiring young workers**

Pursuant to Article 71 of the Labor Law No. 4857 anyone above the age of 15 can work under certain conditions and will be considered a "young worker", provided that the Bylaw on the Procedures and Principles of Employing Child and Young Workers is complied with and the workers' mental and physical health along with their education is not disturbed. During the KIIs conducted by Tier 1 suppliers, a reluctance was observed to employ young workers, even if the conditions of the employment and of the workplace allowed them to do so. This approach constitutes an infringement of the right to work of young people. Employment of young workers, as long as the legally required conditions are complied with, is necessary to build qualified labour.

## **Civil Society Actions to Support Protection of Human Rights**



### **Shifting to a multi-stakeholder approach**

This study shows that the remediation projects of suppliers conducted in cooperation with CSOs have proven to render positive outcomes. Therefore, it becomes necessary to spread this type of projects throughout all the tiers of the relevant supply chains in order to raise the awareness



and to ensure compliance and make sure that they become policies with concrete actions. The role of the CSOs is also significant to ensure the multi-stakeholder approach of business, which is required to ensure that a wider range of interests are taken into account by corporations in doing business.

### **Capacity Building on CL Remediation and Prevention**

According to the KIs conducted with the civil society actors that take active part in CL remediation process in collaboration with brands, the resources and the number of skilled social workers remediating CL into the society is much needed. Given the current circumstances in Türkiye with an influx of migrants, civil society actors should provide services in multiple languages, be more accessible through hot lines and receive support from government in accordance with their policies. Currently NGOs are considered as a remediation mechanism after the stage of CL detection; rather they should also act as watchdogs over brands with the initial purpose of preventing CL. Another important note for CSOs is that they should design their work complementary to State services, while not attempting to replace or substitute them.



### **Extension of unions' coverage**

According to the KIs conducted with different supply chain actors at the ready-to-wear manufacturing level, unions are present in workplaces that already have good workplace policies in place. Their scope does not extend to underground workplaces therefore unregistered workers in underground manufacturers cannot benefit from the protection of unions, as unionisation does not exist in these unregistered workplaces. In order to tackle this problem, the effort should first of all put on detecting and eliminating unregistered employment through state inspections and controls. Once a workplace becomes registered, then the unionisation could be the next step, considering especially the protection it provides concerning labour rights.



### **Adopting a more holistic approach on prevention of human rights violations**

SMWs, a group that travels throughout the year all over Türkiye, need more substantial solutions in order to improve their conditions and prevent any human rights violation they are subjected to in this process. To accomplish this, a more holistic approach should be adopted in projects and programmes developed and carried out by civil society actors to ensure compliance with human rights in general, including the mitigation and elimination of CL risks, in cooperation with corporate actors and public authorities to provide sustainability and efficiency.






# Introduction



Child labour (CL) is a prominent problem of today's world. Despite numerous legally binding instruments that prohibit CL, there is still a long and winding road before it is completely eradicated. The problem of CL becomes especially puissant in developing and least developed countries, mostly due to economic factors, and in specific sectors where unqualified human force is used. Ready-to-wear manufacturing, which has a multi-tiered supply chain that provides very little to no transparency and traceability, is one of these sectors that still contains high numbers of CL. Cotton supply chain, which involves seasonal migrant agricultural work, is also known to contain CL that builds up due to the loopholes in legislation and low level of controls in practice. The problem of CL, which presents a type of cheap and unsecured labour, becomes especially intense in times of economic recession.

This study aims to present a representative picture of the awareness and current practices concerning CL in ready-to-wear manufacturing supply chain consolidated with cotton production / harvesting in Türkiye. Within this general framework, the first chapter defines the background of the subject matter, the objective and scope of the study, the limitations and challenges encountered throughout the research, and the methodology adopted. It should be emphasized that this study consists of a short-term and a limited field research, supported by a thorough desk research based on the relevant sources. The second chapter examines the relevant legislation concerning CL, amongst which international conventions, Turkish laws and regulations, as well as government programmes are analysed with a view to contribute to the subject of this study. Based on the prioritised issues within the study, specific focus is made on the legal instruments concerning CL directly, as well as those regulating vocational training and childcare; international legal instruments on business responsibility to respect human rights throughout their operations. The third chapter focuses on research findings and analysis of the data collected from the field work carried out within this study, where key informant interviews and focus group discussions conducted with the participants from all of the determined tiers of the consolidated supply chain are analysed, along with those conducted with the participants from CSOs, unions, UN agencies and academia. Finally, the fourth chapter sets out the recommendations to deal with CL related problems in the mentioned sectors in Türkiye from a business and human rights perspective by distinguishing the actions that should be taken by the state, corporate actors and civil society in alignment with the Children's Rights and Business Principles<sup>33</sup>.



Child labour  
(CL) is a  
prominent  
problem of  
today's world.

33. UNICEF, the UN Global Compact, Save the Children, Children's Rights and Business Principles, <https://childrenandbusiness.org/>





# 1 Background, Objective & Scope, Challenges & Limitations, and Methodology





## 1.1. Background

### On CL in General

It is widely acknowledged that it is in the interest of not only the children but also the society as a whole to work towards the elimination of CL, given its harmful effects on children's health and development, depriving them of schooling and education and driving them and their family into a downward spiral of poverty and deprivation<sup>34</sup>. CL should be taken into consideration through a rights-based perspective since CL results in violation of many human rights of children including *"rights to health, education, and protection from work that is hazardous or exploitative"*<sup>35</sup>.

There are various potential reasons that trigger the occurrence of CL, which may differentiate in terms of different country or region specifics and affected by several factors, including but not limited to the following: Poverty, informality in employment, lack of (or insufficient) social protection, lack of (or insufficient) access to education, population growth, migration<sup>36</sup> (especially irregular) and pandemics. Moreover, CL, which is considered as cheap, precarious and 'docile', takes a peak especially in times of economic recession<sup>37</sup>. The lack of decent job opportunities and formal jobs in labour market causes irregular (unregistered) employment, where employees are not registered with the social security system, thus are deprived of the benefits provided thereby and by law. This situation results also in an increase in CL and it particularly affects migrant children, who are in a peculiar vulnerable situation that makes them even more prone to irregular employment.

### On CL in Cotton and Garment Supply Chains

While conducting research about CL, a special focus is worth being put on the agriculture sector, which has the largest share of CL all over the world, with 70% of children working in agriculture according to the statistics of ILO & UNICEF in 2020<sup>38</sup>. Most of the work done by children in agriculture is considered as one of the worst forms of CL<sup>39</sup> because of its hazardous characteristics, as children might be exposed to inorganic fertilizers and pesticides<sup>40</sup>, often having to engage in physically compelling acts for a long period

34. More than one third of children in CL are documented to be out of school, with children involved in hazardous work being even less likely to attend school (International Labour Office and United Nations Children's Fund, Child Labour: Global estimates 2020, trends and the road forward, ILO and UNICEF, New York, 2021, p. 48).

35. Human Rights Watch, Children's Rights, Child Labour, <https://www.hrw.org/legacy/children/labor.htm>

36. CL is detected amongst the children of migrant families who work as farm workers in cotton fields in Southeast Türkiye, which is estimated to be around as 240,000 migrant child workers in 2016 (International Labour Office, Fundamental Principles and Rights at Work Branch, Child Labour in Cotton: A Briefing, 2016, p. 16). It is also determined that high rates of migrant labour creates risks of CL (OECD Due Diligence Guidance for Responsible Supply Chains in the Garment and Footwear Sector, 2017, p. 45, <https://www.oecd.org/daf/inv/mne/Due-Diligence-Guidance-Responsible-Supply-Chains-Textiles-Footwear.pdf>)

37. Lortoğlu/Kurtulmuş, Syrian Labor in Textile Sector: Case of Istanbul, Marmara Üniversitesi İktisadi ve İdari Bilimler Dergisi, C:42, S:1, June 2020, p. 126, 129.

38. International Labour Office and United Nations Children's Fund, Child Labour: Global estimates 2020, 2021, p. 13.

39. In fact, 67.1% of the work done by CL in agricultural sector is considered as hazardous (International Labour Office and United Nations Children's Fund, Child Labour: Global estimates 2020, p. 41).

40. Children workers in Türkiye are reported to have handled pesticides in cotton crop protection (International Labour Office, Fundamental Principles and Rights at Work Branch, Child Labour in Cotton: A Briefing, 2016, p. 13).

of time, sometimes under extreme temperatures, having to use also certain dangerous tools<sup>41</sup>. Additionally, as agricultural works mostly take place in rural areas, it becomes difficult to reach the children in CL; for this reason, and considering the high number of CL in agriculture, this sector is prioritized for the elimination of CL<sup>42</sup>. Cotton amongst other agricultural products is specifically prone to CL related risks due to its partially mechanized production stage. It is observed that cotton harvest is now mostly mechanised in Türkiye; hence fewer manforce is required for harvest, which has resulted in a significant decrease in CL cases. There are, however, still certain farms that engage manforce in cotton harvest. Cotton production/harvesting is traditionally characterized by seasonal and family labour and dominated by small-medium farms in Türkiye (especially in Southeast region), where in certain farms cotton is hand-picked by workers, including by children<sup>43</sup>. In fact, the harvesting machine is an expensive investment for small-medium cotton farms, where hand-picking is determined to continue. Moreover, KIIs conducted with cotton farmers and labour intermediaries revealed that harvesting machine cannot function well at the rocky areas of cotton fields and for the task of weeding, where manforce is still required and CL is observed. Children who work in harvesting cotton are reported to be excessively exposed to sun, often handle pesticides, carry heavy loads and become subject to bites by pests – all of which makes cotton harvest a hazardous work for children<sup>44</sup>.

The informal nature and complexity of the production and material supply chains of garment sector setting can make it challenging to achieve a sufficient level of transparency and traceability<sup>45</sup> – in fact, cotton supply chain is specifically considered to be long, fragmented and opaque<sup>46</sup>. It is long because there are several different actors adding value at different levels of the supply chain<sup>47</sup>, which makes it also multi-layered and fragmented, as it covers at least 5 different tiers (which are explained in more detail hereunder the section on Methodology). It is also opaque, because outsourcing and subcontracting is very common in this sector<sup>48</sup> and the presence of the brand often disappears after the 1<sup>st</sup> tier at the level of small subcontractors that do not have any direct liaison with the buying company and hence have zero visibility and are open to adverse human rights risks in general, including the worst form of CL<sup>49</sup>. Therefore, in the garment

41. International Labour Office and United Nations Children's Fund, Child Labour: Global estimates 2020 p. 37; International Labour Office, Fundamental Principles and Rights at Work Branch, Child Labour in Cotton: A Briefing, 2016, p. 10; Gulcubuk, Child Labor under the Worst Conditions: Child Laborers in Cotton Production in Turkey, African Journal of Agricultural.

42. International Labour Office, International Programme on the Elimination of Child Labour (IPEC), Children in Hazardous Work, What We Know What We Need to Do, 2011, p. 9, [https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms\\_155428.pdf](https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_155428.pdf)

43. International Labour Office, Fundamental Principles and Rights at Work Branch, Child Labour in Cotton: A Briefing, 2016, p. 6.

44. Gulcubuk, Child Labor under the Worst Conditions: Child Laborers in Cotton Production in Turkey, African Journal of Agricultural Research.

45. According to the definition made by UN Global Compact in terms of global supply chains, traceability is *"the ability to identify and trace the history, distribution, location and application of products, parts and materials, to ensure the reliability of sustainability claims, in the areas of human rights, labour (including health and safety), the environment and anti-corruption"* (UN Global Compact, A Guide to Traceability - A Practical Approach to Advance Sustainability in Global Supply Chains, p. 6, <https://www.unglobalcompact.org/library/791>). OECD defines traceability within the context of supply chains in garment and footwear sector as *"the process by which enterprises track materials and products and the conditions under which they were produced (in relation to matters covered by the OECD Guidelines) through the supply chain"* (OECD Due Diligence Guidance for Responsible Supply Chains in the Garment and Footwear Sector, 2017, p. 35, <https://www.oecd.org/daf/inv/mne/Due-Diligence-Guidance-Responsible-Supply-Chains-Textiles-Footwear.pdf>)

46. International Labour Office, Fundamental Principles and Rights at Work Branch, Child Labour in Cotton: A Briefing, 2016, p. v.

47. DAI Europe, A Background Analysis on Transparency and Traceability in the Garment Value Chain, Project No. 2016/378769 - Version 1, p. 4, [https://ec.europa.eu/international-partnerships/system/files/european\\_commission\\_study\\_on\\_background\\_analysis\\_on\\_transparency\\_and\\_traceability\\_in\\_the\\_garment\\_value\\_chain.pdf](https://ec.europa.eu/international-partnerships/system/files/european_commission_study_on_background_analysis_on_transparency_and_traceability_in_the_garment_value_chain.pdf)

48. OECD Due Diligence Guidance for Responsible Supply Chains in the Garment and Footwear Sector, 2017, p. 35.

49. DAI Europe, A Background Analysis on Transparency and Traceability in the Garment Value Chain.

supply chain consolidated with cotton, the focus on transparency and thus on traceability appears to be mostly on the garment level where there are special systems in place to ensure sustainable traceability, while the lower levels on the origin and processing of raw materials remain invisible<sup>50</sup>.

In light of this background, it becomes crucial to conduct specific analysis and to offer tailor-made solutions in view of the dynamics of the sector and of the supply chain in Türkiye. Based on the mentioned factors, currently there is no consolidated study focusing on CL in both garment and cotton supply chains in Türkiye, as it is challenging reaching different tiers and establishing a link between them. In fact, as mentioned, while the 1<sup>st</sup> tier of garment supply chains is usually easily accessed as it is linked to the buying company, the lower tiers are often invisible, therefore it becomes more challenging to reach detailed information on CL related risks at the level of ginning facilities, yarn production facilities and cotton production, as the connection between the mentioned tiers can be discontinued. This situation creates a downward spiral as buying companies might tend to prefer having opacity and no traceability in their supply chains, especially considering the newer trends of fashion such as ultra-fast fashion, which requires lower costs and extremely shorter periods of production.

## 1.2. Objectives and Scope of the Study

The main objective of this study is to provide a critical analysis of the current situation of CL in the garment sector consolidated with cotton supply chains in Türkiye, by conducting an objective and representative method to take a general picture of this sector. Within this perspective and based on the previous studies conducted in cotton and garment supply chain, the study aims at assessing CL related risks in the sector, as well as detecting and analysing the actions and measures taken for prevention and mitigation thereof and providing macro recommendations and potential solutions and remedies to prevent or mitigate CL related risks in garment and cotton supply chains in Türkiye. In consideration of the specifics of the sector and the bottlenecks faced in previous studies, a hybrid approach both as top-down and bottom-up is adopted in field research, whereby the supply chain is analysed by beginning from the brand/buying company moving to the lower tiers to identify and approach different sectors feeding the brands, and by tracking the cotton produced at the farm moving up to the higher tiers. It was observed that this approach did not allow reaching all tiers of the relevant supply chain due to lack of traceability, however it has at least come closer to doing so by creating a complete supply chain on a hypothetical basis.

Alongside identifying, assessing and analysing the situations that trigger the increase of CL in the garment sector through different tiers of the supply chain consolidated with cotton, it is essential to acknowledge that through the course of last two years, as many sectors were, garment sector was also impacted by COVID-19. The fluctuations in the currency exchange rate resulting in a devaluation in Turkish Lira, a dramatic increase in the inflation rate and thus an economic recession that has been continuing for a period that extends beyond COVID-19 surely had a substantial effect on CL risks in garment supply chain consolidated with cotton. Based on all these considerations that affect the research objectives, this study also focused on how COVID-19 and the economic recession impacted CL in garment sector consolidated with cotton.

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50. DAI Europe, A Background Analysis on Transparency and Traceability in the Garment Value Chain.

## 1.3. Limitations

### a. Lack of Traceability and Transparency in the Supply Chain

Global brands refrained from disclosing information on all of their suppliers and their subcontractors, especially beyond Tier 2 suppliers, which were reached through Tier 1 suppliers. There exists a general challenge on traceability and transparency in the relevant supply chains, which made it more difficult to reach each tier by the connection of the upper or lower one, resulting in a complete supply chain.

### b. Lack of Awareness

It was noticed that some of the actors in the relevant supply chain lack resources and awareness on the importance of their actions as business actors to eliminate CL. This, in turn, creates a lethargy to leave the implementation of the relevant legislation and policies to the state. In general, it has been observed that there is a need for raising awareness on BHR and corporate responsibility for human rights abuses, including the problem of CL in supply chains.



### c. Traceability of the origin of cotton

Similar to the challenges on traceability in the supply chain, doubled also by the fact that Türkiye is a net importer of cotton, it is difficult to track down the origin of cotton with accuracy. This creates an obvious discontinuation of the supply chain at the farm level (Tier 5).

### d. Geographical limitations

Cotton production and garment sector is a widespread business in Türkiye from the Eastern regions to the West. In most cases a buying companies have suppliers spread all around Türkiye; therefore the data gathered might not be representative of the actual case depending on the region.

### e. Seasonal limitations

As the determined timeline of the study extends from March to the end of June 2022, the field visits were made in the 2<sup>nd</sup> half of March and the 1<sup>st</sup> half of April, which made it impossible to cover the cotton harvest, as it takes place around mid-September and mid-October in Southeast Türkiye. Similarly, the weeding period (during which there is reported CL<sup>51</sup>) that takes place in June, and the planting season (during which there is a higher chance of observing CL) that takes place in mid-April in Southeast Türkiye, also remained outside the envisaged timeframe for field visits. It is noted that this limitation significantly reduced the chances of facing CL at the stage of cotton production. This limitation was overcome by interviewing workers in the field, who said to be working also in the cotton harvest, and conducting interviews also with farmers, labour intermediaries and cotton traders.

51. International Labour Office, Fundamental Principles and Rights at Work Branch, Child Labour in Cotton: A Briefing, 2016, p. 14.



#### **f. Sector based limitations**

The garment sector includes yarn, weaving, knitting, dyeing-printing and finishing processes starting from the fibre, which in addition to ready-made-wear also includes evening gowns and accessories such as socks, scarfs, bags and shoes. In recent years, industrial products, technical textiles, home textiles, carpets, rugs, nonwovens have also been included in this sector. Acknowledging the mentioned actors in the multi-layered and fragmented garment supply chain in Türkiye, this study covers ginning, yarn production, fabric production with the end product of fabric, within scope of ready-to-wear manufacturing. This intentional limitation is due to the nature of the project, which aims to serve more as a strong research-based study with relatively humbler field work, which were conducted by engagement of brands in the garment sector that are based in different EU countries, which will soon be subject to human rights due diligence (HRDD) obligations under the relevant domestic laws or the draft EU Directive on Corporate Due Diligence and Corporate Accountability<sup>52</sup>.

#### **g. Research methodological limitations**

The offices of global brands in Türkiye have been relatively reluctant in providing their company specific data on employment and social compliance policies. Tier 1 suppliers of global brands in Türkiye have not provided access to all of their sub-contractors and lower tier suppliers, but only to a few, which have been observed to be under the control by Tier 1 suppliers

in providing data and documents. Consequently, it has not been possible to access the underground textile ateliers in urban areas, where many risks and violations are known to take place. Further research and study is necessary on this point in order to achieve full transparency and traceability of the supply chain. At the desk research phase, it has been challenging to reach up-to-date official data concerning CL in Türkiye, especially including migrant workforce. It has also been noted that further research and study is required on the rates of unionisation per province and industrial zone, where ready-to-wear suppliers are operating – which was left outside the scope of this study.

#### **h. Challenges**

Main challenge has been the fact that there is no comprehensive and recent data available regarding informal economy, social security, garment sector and seasonal agriculture in Türkiye. The information provided has been collected from publicly available sources and government officials yet the amount of study done in this field is highly limited and cannot be traced. Garment sector has very little traceability beyond the level of Tier 2, as was gathered from KIs with brands, with only one brand mentioning their recent efforts to reach Tier 3; therefore, actors have little to no information about one another. To add, although the big players in the sector were mainly reached, there is still a high amount of underground facilities yet to be traced, registered and reported accordingly.

52. EU Directive on Corporate Due Diligence and Corporate Accountability, adopted in 10.03.2021 in Brussels, P9\_TA(2021)0073, [https://www.europarl.europa.eu/doceo/document/TA-9-2021-0073\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-9-2021-0073_EN.html)

## 1.4. Research Methodology

The study consisted of two stages: Desk research and field research. In conducting the study, a human rights-based approach was adopted, which is “a conceptual framework for the process of human development that is normatively based on international human rights standards and operationally directed to promoting and protecting human rights”<sup>53</sup>. Accordingly, internationally recognized human rights and standards based on international treaties and ILO conventions as well as UN conventions were taken into consideration, in addition to the relevant Turkish legislation and government programmes, which are described in further detail below under 1.2.1. The mentioned desk research is supported by the field research, consisting of KIIs and FGDs conducted with the actors of the cotton and garment supply chains, public authorities and CSO representatives, which are set out in further detail under 1.2.2.

Throughout the whole KII and FGD processes, the integrity, dignity and privacy of children and families while concerning global standards for working with children were preserved and protected, and the child-safeguarding and child protection principles were regarded through all levels of work of this study.

### 1.4.1. Desk Research

The following international instruments, national law and policies of Türkiye, as well as available data from previous studies concerning CL in cotton or garment supply chains have been analysed and reflected in this study in order to identify the risk areas and determine the bottlenecks for the elimination of CL:

#### International Instruments

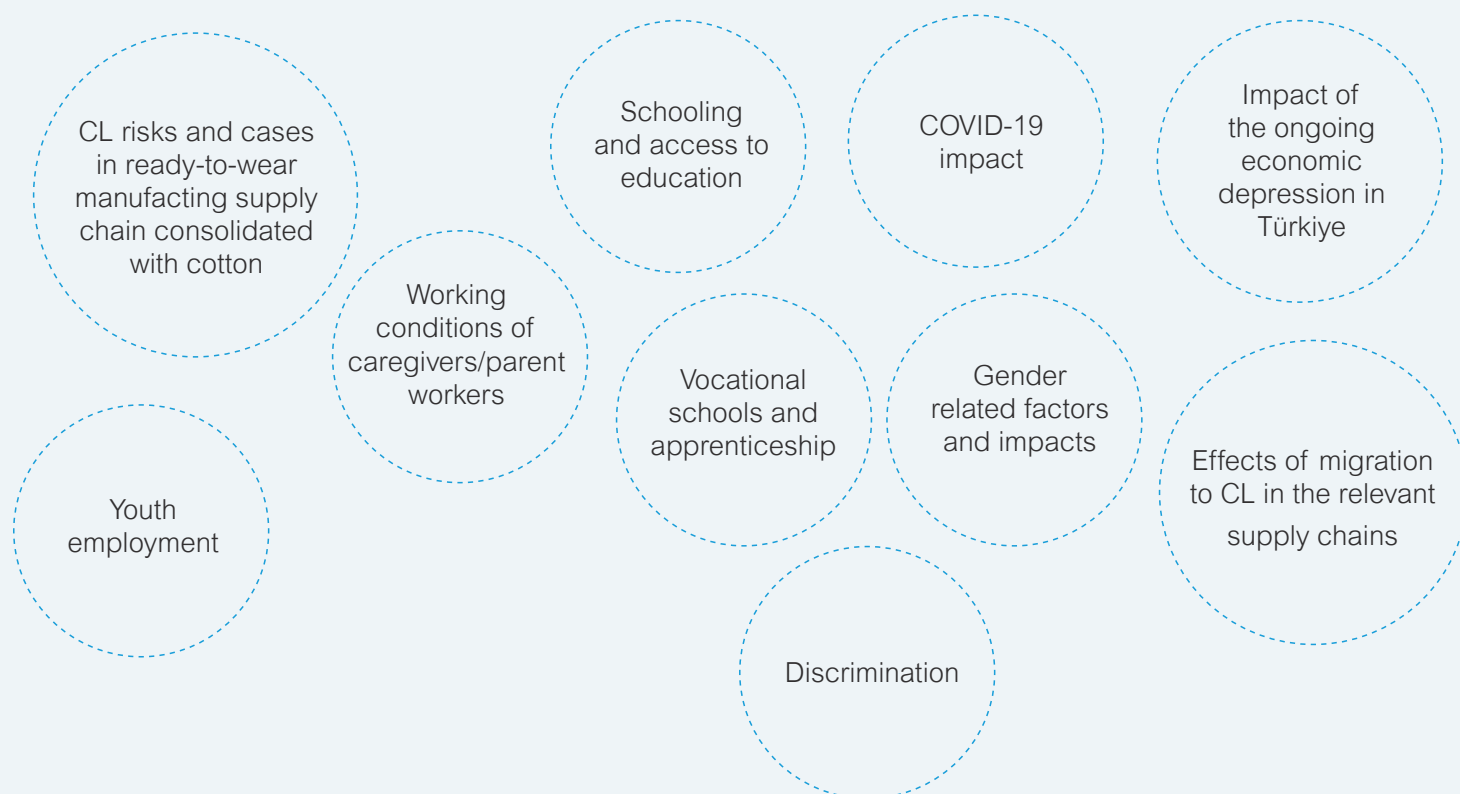
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| ▶ UN Convention on the Rights of Child   | ▶ UN Sustainable Development Goals  |
| ▶ ILO Convention No. 138 on the Minimum Age for Admission to Employment at Work                        | ▶ SDG Alliance 8.7  |
| ▶ ILO Convention No. 182 on the Worst Forms of Child Labour  | ▶ The Ten Principles of the UN Global Compact (Principle 5 on the effective abolition of child labour)  |
| ▶ International Programme on the Elimination of Child Labour (IPEC)                                    | ▶ UN Guiding Principles on Business and Human Rights  |
| ▶ ILO Declaration on Fundamental Principles and Rights at Work   | ▶ Organization for Economic Co-Operation and Development (OECD) Due Diligence Guidance for Responsible Supply Chains in the Garment & Footwear Sector |
| ▶ Children's Rights and Business Principles (2012) of UNICEF, The Global Compact and Save the Children | ▶ UN International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families                                    |
| ▶ ILO-International Organization of Employers (IOE) Child Labour Guidance Tool for Business (2015)     |   |

53. OHCHR, Human Rights-Based Approach, <https://unsdg.un.org/2030-agenda/universal-values/human-rights-based-approach>

## National Instruments

- ▶ Labour Law No. 4857
- ▶ Bylaw on the Procedures and Principles of Employing Child and Young Workers
- ▶ Vocational Training Law No. 3308
- ▶ The National Programme on the Elimination of Child Labour 2017-2023
- ▶ Occupational Health and Safety Law No. 6331 and related secondary legislation
- ▶ Bylaw on Heavy and Dangerous Works<sup>54</sup>
- ▶ Basic Law of National Education No: 1739
- ▶ Child Protection Law no: 5395
- ▶ 11<sup>th</sup> National Development Plan
- ▶ Human Rights Action Plan (2021)
- ▶ Prime Ministry Circular on Seasonal Agricultural Workers
- ▶ Course Programme of Educational Support for Children of Nomadic and Semi-Nomadic Families and Seasonal Agricultural Worker Families (9-12 Ages) by the General Directorate of Lifelong Learning of MoNE
- ▶ Law on Foreigners and International Protection and related secondary legislation

Throughout this study, certain issues are prioritized, including but not limited to the following:



54. Prime Ministry Circular No. 2017/6 on Seasonal Agricultural Workers, OJ dated 19.04.2017 and numbered 30043.

### 1.4.2. Field Research

The field research conducted for the study consisted of KIIs and FGDs with the actors in the cotton and garment supply chains, representatives from public authorities and from NGOs and academics working in CL field.

The KIIs and FGDs were conducted between mid-March and May 2022. A mix approach was adopted in conducting the field research: While physical visits were organised to Gaziantep, Kahramanmaraş and Izmir, some KIIs were conducted online. All the KIIs and FGDs were voice recorded, except certain informants who preferred not to be recorded. The voice recordings were available only for Minerva BHR's use, as all of the informants in KIIs and FGDs are kept strictly confidential and anonymous<sup>55</sup>. Hence the outcome of the field research is hereby reflected anonymously, without making any direct reference to the relevant informants, but by making direct quotations only when these are deemed crucial for the purposes of this study.

With an aim to conduct a representative analysis concerning CL in garment sector consolidated with cotton supply chain in Türkiye, a bottom-up and top-down approach is adopted, which enabled reaching, to the extent possible, all of the tiers of the mentioned supply chains by tracking the produced cotton to the higher tiers in bottom-up approach and the manufactured end product to the lower tiers in top-down approach. When tracking was not possible, a hypothetical approach was adopted, whereby the missing tiers of the supply chain were completed by others who could have been reached.

**The bottom-up approach** based on cotton aimed to cover cotton supply chain actors linked to each other starting from cotton producers, which are all often located close to each other. For this study, the relevant actors were located in the cities of Gaziantep and Kahramanmaraş. The flow of the bottom-up approach proceeded as follows:

#### Tier 5

##### Face-to-face KIIs were conducted with two cotton farmers in Gaziantep

Although the field work was conducted before the cotton harvest season in Gaziantep (which takes place approximately between mid-September to mid-October), it was possible to meet face-to-face with agricultural actors (i.e. cotton farmers, their labour intermediaries and cotton traders) to conduct KIIs and to eventually reach the upper tiers of the supply chain through their connections. Face-to-face FGDs were conducted with field workers working in the weeding of garlic and who stated that they normally work in cotton harvest. Two groups of FGDs were carried out: (1) amongst Syrian male field workers, and (2) amongst Turkish women field workers.

#### Tier 4

##### Ginning facility owners and operators, which are relatively smaller and local businesses located close to cotton farms

As the field work was conducted before the cotton harvest season, the ginning facilities were not operational; in fact, the processing of cotton is swiftly done right after the harvest. Nevertheless, based on the contacts at the cotton farm level, it has been possible to reach the operators and owners of two ginning facilities in Gaziantep, with whom KIIs were conducted.

#### Tier 3

Yarn production facilities, which constitute the mid-tier of the supply chain, some of which were integrated facilities where printing, dyeing and other related fabric producing activities were also held. Two facilities were reached, both of them in Kahramanmaraş, where face-to-face KIIs with the owner/manager and sustainability manager were conducted.

55. Confidentiality and anonymity in this sense is restricted by Minerva BHR's contractual obligations towards UNICEF Türkiye under this project.



**The top-down approach** based on garment focused on garment supply chain actors (Tiers 1, 2 and 3) starting from the contacted global brands (whose headquarters are located in EU Member States). These facilities were located in Istanbul, Izmir, Denizli and Kocaeli.

#### Brand/Buying Company<sup>56</sup>

Two international ready-to-wear brands were reached, with headquarters in the EU, who have agreed to contribute to the project. KIIs were conducted with sustainability, social compliance and social development departments of these companies' subsidiaries in Türkiye. Moreover, KIIs were conducted also with the sustainability department of a large Turkish ready-to-wear brand, with currently no exports.

#### Tier 1

The contacted brands refer to Tier 1 as their direct supplier, with whom they have a contractual relationship. These are medium to large size facilities that produce and supply the end product to the brands. KIIs were conducted with sustainability, social compliance and social projects departments of four Tier 1 suppliers, who were all reached through the connection of the global brands.

#### Tier 2

Tier 2 of garment supply chain consists of the fabric production facilities and the subcontractors of the Tier 1 suppliers, who may offer various services or products. In general, these facilities do not have a direct contractual relationship with the brands, but they are the contractual counterparty of the Tier 1 suppliers. Two yarn/fabric dyeing facilities were reached, one through the connection of a Tier 1 supplier, and three fabric production facilities, one through the connection of a Tier 1 supplier. KIIs were conducted with the owners of two facilities and with the sustainability and human resources departments of the others.

It is important to note that, as also mentioned in 1.1 Background above, most brands do not or cannot reach all of the actors in their supply chain due to lack of leverage and visibility that occurs usually after Tier 1 or Tier 2. With this in mind, it was aimed to cover the missing tiers in the supply chain of garment consolidated with cotton by way of adopting the mentioned smart-mix approach, which entails bottom-up and top-down processes.

In addition to the above-mentioned supply chain actors, public authorities, associations, unions and representatives from certain NGOs and the academia were also contacted for the purposes of supporting the representative character of this study. Through the KIIs conducted with public authorities (e.g. MoLSS, MoNE, and their related directorates), the government's policies, action plans and approach was understood, in support of the existing legislation on the subject matter. The associations and unions who have participated the study as KIs have provided extensive information and insight on the practice in cotton and garment sector (both individually and collectively), as well as on the tradition of unionisation. KIIs conducted with the relevant NGO representatives significantly enhanced the horizons of this study by accessing their experience of past or ongoing projects concerning CL in the relevant sectors. Last but not least, analytical and scientific approach of the academics who work in this field have greatly contributed to the overall scope and prioritised issues of this study.

It is worth noting that, based on the limitations on the timing and season of the study, the outcomes of the field research cannot be deemed to represent all seasonal migrant workers working in cotton harvest in Türkiye. In other words, the data reached through the FGDs conducted with the workers cannot be generalised so as to cover all others. Instead, the research aims at discovering the general awareness on CL in the relevant supply chains within the given framework.

56. It should be noted that a Non-Disclosure Agreement was signed with one of the global brands in order to conduct the interview, which was a pre-condition imposed by the relevant brand.



# 2

## Relevant Legislation and Regulations for Combat Against CL





In the light of international and national regulations, Türkiye bears duties such as setting forth legal regulations and sanctions, developing national policies and conducting official audits for the protection of children's rights.

## 2.1. International Conventions Referencing CL

In accordance with the Constitution of Republic of Türkiye Article 90/1 and 90/5, *"The ratification of treaties concluded with foreign states and international organisations on behalf of the Republic of Türkiye shall be subject to adoption by the Grand National Assembly of Türkiye by a law approving the ratification"* and *"in the case of a conflict between international agreements, duly put into effect, concerning fundamental rights and freedoms and the laws due to differences in provisions on the same matter, the provisions of international agreements shall prevail"*. It is, therefore, crucial to refer to the duly ratified international conventions that concern CL and child rights in order to be able to draw the legal framework of this study.



### European Convention on Human Rights (ECHR) and its Additional Protocols<sup>57</sup>

The purpose of the ECHR is the achievement of greater unity between Members of the Council of Europe and that one of the methods by which that aim is to be pursued is the maintenance and further realisation of Human Rights and Fundamental Freedoms. The Convention includes a limited part of the civil and political rights guaranteed in the Universal Declaration of Human Rights. As of May 2015, there are 16 additional Protocols to the Convention, which extend the scope for the states that have ratified the relevant Protocols.<sup>58</sup> Children, in accordance with the prohibition of discrimination stated in Article 14 of the Convention, are also in the scope of protection of the ECHR and are able to entertain the ECHR's and the European Court of Human Rights' mechanisms.



### European Social Charter<sup>59</sup>

The European Social Charter aims to protect everyday human rights related to employment, housing, health, education, social protection and welfare, with specific emphasis on the protection of vulnerable persons (e.g. elderly people, children, people with disabilities and migrants).<sup>60</sup> The European Social Charter makes specific reference to children and young people, stating that they have *"the right to a special protection against the physical and moral hazards to which they are exposed"*.<sup>61</sup> Within this context, details regarding minimum age and the scope of work that children can perform, children's education and vocational training, working hours, wage and holidays, and annual medical control are regulated under Article 7; vocational guidance under Article 9 and the right of mothers and children to social and economic protection under Article 17, which all surely impact child rights in business.

57. European Convention on Human Rights was signed in Rome on 4 November 1950 by the foreign ministers of the member states of the Council of Europe and entered into force on 3 September 1953. As of May 2015, all 47 member states of the Council of Europe are party to the Convention. Türkiye signed the Convention on 4 November 1950. The Approval Law dated 10 March 1954 and numbered 6366 was published in the Official Gazette dated 19 March 1954 and numbered 8662. The instruments of ratification were deposited with the General Secretariat of the Council of Europe on 18 May 1954 and the Convention entered into force for Türkiye on this date.

58. Türkiye has ratified Protocols 1 through 14, except for the Protocol No. 12 which it signed but not yet ratified.

59. Türkiye signed the European Social Charter on 18 October 1961. The Law on Approval dated 16 June 1989 and numbered 3581 was published in the Official Gazette dated 4 July 1989 and numbered 20215. The official Turkish translation of the Charter was published in the Official Gazette dated 14 October 1989 and numbered 20312, with the Council of Ministers Decision dated 7 August 1989 and numbered 89/14434, which decided to approve the Charter. The instruments of ratification were deposited with the Secretary General of the Council of Europe on 24 November 1989 and the Charter entered into force for Türkiye on 24 December 1989.

60. Council of Europe, The European Social Charter: Charter At A Glance, <https://www.coe.int/en/web/european-social-charter#:~:text=It%20guarantees%20a%20broad%20range,people%20with%20disabilities%20and%20migrants>

61. European Social Charter dated 18.10.1961, Part I, Article 7.



International Covenant on  
Economic Social and Cultural Rights

### International Covenant on Economic, Social and Cultural Rights<sup>62</sup>

International Covenant on Economic, Social and Cultural Rights urges States to undertake and ensure the equal rights of men and women to the enjoyment of all economic, social and cultural rights. Work life, business practices and relation social rights is directly linked and are open to enjoyment of children and young workers. Businesses and States both have an obligation to provide working individuals' dignity, healthy working conditions, and economic well-being, including children and their families. CL and young workers are not only in the scope of the Covenant but are considered a vulnerable group that needs special regulations, ensuring their socio-economic well-being.



### Convention on the Rights of the Child<sup>63</sup>

Convention on the Rights of the Child sets out the civil, political, economic, social, health and cultural rights of children; including right to participate, health, education, protection and development, which are in the centre of protecting children in workplaces. According to the Convention on the Rights of the Child:

- *"In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration."*<sup>64</sup>
- *"States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation."*<sup>65</sup>
- *"States Parties recognize that every child has the inherent right to life."*<sup>66</sup>
- *"States Parties shall ensure to the maximum extent possible the survival and development of the child."*<sup>67</sup>
- *"States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child."*<sup>68</sup>

62. "International Convention on Economic, Social and Cultural Rights" signed in New York on 15 August 2000 and ratified by Law No. 4867 dated 4/6/2003 and entered into force by being published in the Official Gazette dated 11 August 2003 and numbered 25196 (International Covenant on Economic, Social and Cultural Rights, 1976), <https://www.resmigazete.gov.tr/eskiler/2003/08/20030811.htm#4>.

63. "Convention on Rights of the Child" signed on 14 September 1990 and ratified by Law No. 4058 with reservations, published in the Official Gazette No. 22138 dated 10 December 1994 and entered into force on 4 May 1995.

64. Convention on Rights of the Child" signed on 14 September 1990 and ratified by Law No. 4058 with reservations, published in the Official Gazette No. 22138 dated 10 December 1994 and entered into force on 4 May 1995, Article 3.

65. Convention on Rights of the Child" signed on 14 September 1990 and ratified by Law No. 4058 with reservations, published in the Official Gazette No. 22138 dated 10 December 1994 and entered into force on 4 May 1995, Article 4.

66. Convention on Rights of the Child" signed on 14 September 1990 and ratified by Law No. 4058 with reservations, published in the Official Gazette No. 22138 dated 10 December 1994 and entered into force on 4 May 1995, Article 6.

67. Ibid.

68. Convention on Rights of the Child" signed on 14 September 1990 and ratified by Law No. 4058 with reservations, published in the Official Gazette No. 22138 dated 10 December 1994 and entered into force on 4 May 1995, Article 12.





### International Covenant on Civil and Political Rights<sup>69</sup>

The International Covenant on Civil and Political Rights (ICCPR) is a multilateral treaty that imposes on the State parties the obligation to respect the civil and political rights of individuals, including the right to life, freedom of religion, freedom of speech, freedom of assembly, electoral rights and rights to due process and a fair trial. Article 24 of the ICCPR in particular ensures children's right to protection and prohibition of discrimination by stating that *"Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State."*<sup>70</sup>



International  
Labour  
Organization

### Related Conventions of the International Labour Organization (ILO Convention No.182 and No.138)

ILO Minimum Age Convention No. 138<sup>71</sup> Article 2/3 signed, ratified and adopted into the domestic law by Türkiye in 1998, states that the minimum age of working shall not be less than 15 years and the age of completion of compulsory schooling, in any case Article 3 states that the minimum age to any type of employment 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 Labour Law No. 4857<sup>72</sup> adopted the regulation under the ILO Convention No. 138. As it will be further explained below, according to Labour Law Article 71, the employment of children under the age of 15 is prohibited and the children between the ages of 15-18 may work in jobs that are not hindering their education and that their health and safety are fully guaranteed.

Moreover, Türkiye also ratified and put into force in 2001 ILO Convention No. 182 on the Prohibition and Elimination of Worst Forms of Child Labour<sup>73</sup>. For the purposes of ILO Convention No. 182, the term 'child' shall apply to those under the age of 18, and *"[any] work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety and morals of children"* has been defined as the worst form of CL. In light of the provisions of ILO Convention No. 182, as will be explained further, Türkiye has included agricultural work as the worst forms of CL in National Programme on the Elimination of Child Labor.<sup>74</sup>

69. "International Covenant on Civil and Political Rights" signed on 15 August 2000 and ratified by Law No. 4868 dated 4 June 2003, published in the Official Gazette No. 25175 dated 20 June 2003 and entered into force on 23 December 2003.

70. "International Covenant on Civil and Political Rights" signed on 15 August 2000 and ratified by Law No. 4868 dated 4 June 2003, published in the Official Gazette No. 25175 dated 20 June 2003 and entered into force on 23 December 2003, Article 24.

71. ILO Minimum Age Convention No. 138 (ILO Minimum Age Convention No. 138, 1973) which was approved by Law No. 4334 of 23 January 1998 and entered into force on 30 October 1998 after being published in the Official Gazette dated 27 January 1998 and numbered 23243. , [https://www.ilo.org/ankara/conventions-ratified-by-turkey/WCMS\\_377287/lang-tr/index.htm](https://www.ilo.org/ankara/conventions-ratified-by-turkey/WCMS_377287/lang-tr/index.htm).

72. Labour Law No.4857 dated 22.05.2003, published in the Official Gazette dated 10.06.2003 numbered 25134.

73. ILO Emergency Action Convention No. 182 on the Prohibition and Elimination of Worst Forms of Child Labor, which was approved by Law No. 4623 of 25 January 2001 and entered into force on 2 August 2001 after being published in the Official Gazette No. 24307 on 3 February 2001 (ILO Worst Forms of Child Labor Convention No.182, 1999), [https://www.ilo.org/ankara/conventions-ratified-by-turkey/WCMS\\_377311/lang-tr/index.htm](https://www.ilo.org/ankara/conventions-ratified-by-turkey/WCMS_377311/lang-tr/index.htm).

74. Ministry of Labour and Social Security, National Programme on the Elimination of Child Labour, 2017-2023, [https://www.csgeb.gov.tr/media/1322/cocukisciligimucadele\\_2017\\_2023\\_tr.pdf](https://www.csgeb.gov.tr/media/1322/cocukisciligimucadele_2017_2023_tr.pdf).



### United Nations Guiding Principles on Business and Human Rights

The UN Guiding Principles on Business and Human Rights (**UNGPs**)<sup>75</sup>, which were unanimously adopted by the UN Human Rights Council in 2011, focus on the duties of the state in the first part, the responsibilities of companies in the second part, and the remediation measures that should be carried out in cooperation with the government, private sector and civil society in the third part. It creates the basic framework for duties and responsibilities on the business world and human rights by giving place to mechanisms with a holistic approach. Prioritizing disadvantaged groups, especially children's rights, and protecting children's rights throughout all activities of companies are among the basic principles of the UN Guiding Principles. Within the framework of the basic principles accepted by the UN Guiding Principles, all companies, regardless of their size and working area, are expected to avoid causing human rights violations through their activities, to identify the human rights risks, to establish and put into effect preventive and remediation mechanisms. In other words, UNGPs stipulate that companies should conduct a HRDD to identify, assess and address human rights risks and impacts in the context of their operations and business relationships, taking into account the scope and complexity of their supply chains. It is worth noting that the UNGPs are non-mandatory and non-binding legal instruments that provide a guidance to the relevant actors in terms of business and human rights.

In order to ensure the effective implementation of the UN Guiding Principles to combat CL, the ILO-IOE Principles Against CL for Business<sup>76</sup> has been developed as a comprehensive guide for employers. These principles provide guidance for companies regarding many tools such as how to detect CL throughout their supply chains, and establishment of complaint and redress mechanisms that will enable companies to respond to rights violations, by putting HRDD and the creation of human rights policies as the main responsibilities of companies. contains comprehensive recommendations.



### OECD Guidelines for Multinational Enterprises

The OECD Guidelines for Multinational Enterprises (**OECD Guidelines**)<sup>77</sup>, aim to develop responsible business practices, especially in companies operating globally, and to respect human rights in both their practices and policies; explicitly includes the prevention of forced and CL throughout their supply chains. In this context, the responsibilities of companies gather around avoiding causing or contributing to human rights violations, assessing the current and potential impacts of their activities on human rights, ensuring meaningful stakeholder communication with affected individuals and communities, and establishing effective resolution processes for the affected parties. Similar to the UNGPs, OECD Guidelines are also of a non-mandatory and non-binding nature, mainly serving as guidelines of good practice for multinational enterprises.

75. United Nations Guiding Principles on Business and Human Rights, New York and Geneva, A/HRC/17/31, 16.06.2011, [https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinessshr\\_en.pdf](https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinessshr_en.pdf).

76. ILO-IOE Child Labour Guidance Tool For Business, [https://www.ilo.org/ipecc/Informationresources/WCMS\\_IPEC\\_PUB\\_27555/lang--en/index.htm](https://www.ilo.org/ipecc/Informationresources/WCMS_IPEC_PUB_27555/lang--en/index.htm)

77. OECD Guidelines for Multinational Enterprises, 2011, <https://www.oecd.org/corporate/mne/48004323.pdf>



### Sustainable Development Goals

The Sustainable Development Goals (SDGs) are a collection of 17 interlinked global goals designed to be a “blueprint to achieve a better and more sustainable future for all”.<sup>78</sup> Many of the UN Sustainable Development Goals, which came into force in 2016 and were revised a year later by multiplying the indicators, are directly related to children’s rights, such as poverty, hunger, healthy and quality life, and quality education. Within the scope of Goal 8 “Decent Work and Economic Growth”, Goal 8.7 envisages ending the worst forms of CL and eliminating all forms of CL by 2025. Considering that this goal can be achieved through inclusive work at the global level, the UN has launched a global movement by declaring 2021 as the “International Year to End Child Labour”. In this process, countries have shown efforts to harmonise their legislation with the UNGPs and SDGs, as well as highlighting transparency within the scope of combating CL and modern slavery, arranging the legal regulations on education and labour law to complement each other, establishing CL inspectorates, and implementing the ILO Conventions.

Unfortunately, Türkiye is not yet a member of Alliance 8.7<sup>79</sup>, which is a global partnership led by the ILO that aims to bring together governments, UN agencies, the private sector and civil society on the issues of forced labor, modern slavery, human trafficking and CL. Accessing such alliance for Türkiye would constitute an important step forward in combat against such labour, considering especially that Türkiye has an important place in global supply chains of various sectors. This would, in fact, increase Türkiye’s presence in the international arena supported by developing policies and legal regulations that ensure the implementation of international standards at the national level, increasing awareness on the part of the private sector and civil society. At the same time, becoming one of the pathfinder countries of Alliance 8.7 will provide Türkiye with access to international good practices and expertise on CL and forced labor, technical support in strategic planning and guidance in the preparation of SDG progress reports, providing Türkiye with access to resources and practices when looking at the current situation.



### Children’s Rights and Business Principles<sup>80</sup>

Whether indirectly or directly, the negative effects businesses may have on children can be long lasting and irreversible. Children’s Rights and Business Principles not only aim to eliminate CL but also to find a solution for any adverse impact that businesses may have on children. For the purposes of these Principles, actions for all businesses include: “Corporate Responsibility to Respect” and the “Corporate Commitment to Support”. Within this scope all businesses should:

1. Meet their responsibility to respect children’s rights and commit to supporting the human rights of children.
2. Contribute to the elimination of CL, including in all business activities and business relationships.
3. Provide decent work for young workers, parents and caregivers.
4. Ensure the protection and safety of children in all business activities and facilities.
5. Ensure that products and services are safe, and seek to support children’s rights through them.
6. Use marketing and advertising that respect and support children’s rights.
7. Respect and support children’s rights in relation to the environment and to land acquisition and use.
8. Respect and support children’s rights in security arrangements.
9. Help protect children affected by emergencies.
10. Reinforce community and government efforts to protect and fulfil children’s rights.

78. United Nations (2017) Resolution adopted by the General Assembly on 6 July 2017, Work of the Statistical Commission pertaining to the 2030 Agenda for Sustainable Development (A/RES/71/313 Archived 28 November 2020 at the Wayback Machine)

79. United Nations (2017) Resolution adopted by the General Assembly on 6 July 2017, Work of the Statistical Commission pertaining to the 2030 Agenda for Sustainable Development (A/RES/71/313 Archived 28 November 2020 at the Wayback Machine)

80. Unicef, Global Compact, Save the Children, “Children’s Rights and Business Principles”, 2012-2015, [http://www.unglobalcompact.org/docs/issues\\_doc/human\\_rights/CRBP/Childrens\\_Rights\\_and\\_Business\\_Principles.pdf](http://www.unglobalcompact.org/docs/issues_doc/human_rights/CRBP/Childrens_Rights_and_Business_Principles.pdf).

## 2.2. Türkiye's Regulations Regarding CL

In addition to its commitments under the international legal instruments and with an effort of harmonization, Türkiye has also regulated the issues concerning combat against CL, including those matters that would directly or indirectly affect the problem of CL, such as childcare and vocational training. This section focuses on the current legislation in Türkiye that is relevant for the purposes of the prevention of CL, including ancillary matters as mentioned that feed this purpose.

### 2.2.1. Domestic Law on CL

CL and the provisions on young workers are regulated by the Bylaw on the Procedures and Principles of Employing Child and Young Workers<sup>81</sup>. The purpose of this bylaw is to determine the principles of the way children and young workers work without endangering their health and safety, physical, mental, moral and social development or education, and to prevent their economic exploitation. The bylaw regulates the jobs where child and young workers can be employed, working hours, occupational health and safety measures and their education while listing the obligations of the state.

As per the Labour Law No. 4857<sup>82</sup>, employment of children below the age of 15 is totally prohibited, while employment of children between the ages of 15-18 may be allowed based on certain conditions - provided that such employment concerns works where their health and safety is fully secured and that it does not impede their education.<sup>83</sup> As per the Turkish Penal Code<sup>84</sup>, violation of the freedom of work and labour is punished with imprisonment from six months to three years, and under Article 104 of the Labour Law, breach of the minimum employment age and employment of child workers is punished with a fine of TRY 4,173. Furthermore, the Bylaw on Labour Intermediation in Agriculture<sup>85</sup> and the Misdemeanours Act provide for the imposition of an administrative fine of TRY 581 per child on those who employ children below 16 and does not notify -through mukhtar's offices- the security departments of identity details of those workers they employ. Even though, within the framework of those regulations mentioned, CL is clearly prohibited and

81. Bylaw on the Procedures and Principles of Employing Child and Young Workers published in the Official Gazette dated 06.04.2004 numbered 25425.

82. Labour Law No.4857 dated 22.05.2003, published in the Official Gazette dated 10.06.2003 numbered 25134.

83. In this context, working hours of children, who are allowed to work, have been limited depending on their educational status and convenient working conditions. Paragraphs 4 and 5 of Article 71 of the Labour Code stipulates that working hours of children who completed their compulsory primary/elementary education age and do not continue formal education cannot be more than 7 hours per day and 35 hours per week, and working hours of those who work in artistic, cultural and advertising activities cannot be more than 5 hours per day and 30 hours per week, and such time may be increased to 8 hours per day and 40 hours per week for children having completed the age of 15. Working hours of pre-school children and children going to school can be maximum 2 hours per day and 10 hours per week during the school year. The Bylaw on Procedures and Principles of Employment of Child and Young Workers dated April 6, 2004 enacted on the basis of Article 71 of the Labour Code determines -in a limited number- the works for which those at the age of 14-15 defined as child worker and those at the age of 15-18 defined as young worker can be employed under working conditions which will not endanger their health and safety, physical, mental, moral and social development or education.

84. Turkish Penal Code No.5237 dated 26.09.2004, published in the Official Gazette dated 12.10.2004 numbered 25611.

85. The Bylaw on Labour Intermediation in Agriculture, which was enacted on the basis of subparagraph d of the first paragraph of article three titled "Duties of the Agency" of the Law on the Turkish Employment Agency no. 4904 and which entered into force on May 27, 2010, 2010, <https://www.mevzuat.gov.tr/File/GeneratePdf?mevzuatNo=13997&mevzuatTur=KurumVeKurulusYonetmeligi&mevzuatTertip=5>



punished under the Turkish law, CL has become one of the considerable human rights problems of Türkiye for long years since sanctions are not deterrent and inspections and controls to be performed by public institutions in charge of effective implementation of the legislation remain insufficient.

Additionally, as per ILO Convention No. 182<sup>86</sup>, the term ‘child’ shall apply to all persons under the age of 18, and “[any] work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety and morals of children” has been defined as one of the worst forms of CL. As Türkiye has ratified the said Convention in 2001, and it’s on fundamental rights, the agricultural work done by children below the age of 18 is clearly a part of the worst forms of CL. Bylaw on Working Procedures and Principles of Child and Young Workers on the other hand, regulates that fruit, flower and vegetable picking is light work therefore can be done by children. With this understanding and for the purpose of elimination of the worst forms of CL, the MoLSS published the National Programme on the Elimination of Child Labour<sup>87</sup> (2017-2023) in 2017. In this framework, as one of the worst forms of CL in Türkiye is determined to be “*working in mobile and temporary agricultural labour except for family business*”. CL and its worst forms are visible throughout the cotton fields that are harvested by handpicking. In other words, the lack of cohesion in the legal framework enables the occurrence of CL.

Another domestic law instrument that is relevant for the elimination of CL is the Prime Ministry Circular on Seasonal Agricultural Workers<sup>88</sup>, which regulates actions that will be taken with the purpose of recovering the problems suffered by seasonal agricultural workers and their families. According to this Circular, children who are below the schooling age shall be provided with educational and recreational services by child development experts in their temporary residences, while children at the age of mandatory education shall attend school under the conditions set out in the relevant legislation. The registration and data on these children will be kept in e-METIP, an online database specifically formed for seasonal agricultural workers. This tracking and monitoring system and the construction of METIP areas near the agricultural sites to provide the seasonal agricultural workers and their families with healthy living conditions have a positive role in the combat against CL in seasonal agriculture.

### 2.2.2. Domestic Law on Vocational Training and Apprenticeship

Vocational training and apprenticeship are regulated under Vocational Training Law No. 3308<sup>89</sup> (VTL). The purpose of this law is to regulate the principles regarding the training of apprentices, journeymen and masters, and the vocational training to be carried out in schools, higher education institutions and businesses. VTL covers education and training

86. Article 2 and 3 of ILO Emergency Action Convention No. 182 on the Prohibition and Elimination of Worst Forms of Child Labor, which was approved by Law No. 4623 of 25 January 2001 and entered into force on 2 August 2001 after being published in the Official Gazette No. 24307 on 3 February 2001 (ILO Worst Forms of Child Labor Convention No.182, 1999), [https://www.ilo.org/ankara/conventions-ratified-by-turkey/WCMS\\_377311/lang-tr/index.htm](https://www.ilo.org/ankara/conventions-ratified-by-turkey/WCMS_377311/lang-tr/index.htm).

87. Ministry of Labour and Social Security, National Programme on the Elimination of Child Labour, 2017-2023, [https://www.csgb.gov.tr/media/1322/cocukiscililigmucadele\\_2017\\_2023\\_tr.pdf](https://www.csgb.gov.tr/media/1322/cocukiscililigmucadele_2017_2023_tr.pdf).

88. Prime Ministry Circular No. 2017/6 on Seasonal Agricultural Workers, OJ dated 19.04.2017 and numbered 30043.

89. Vocational Training Law No.3308 dated 05.05.1986 published in the Official Gazette dated 19.06.1986 numbered 19139.

in the professions to be determined by the Council of Higher Education and the Vocational Education Board, institutions, establishments and workplaces belonging to the public and private sector, and vocational and technical education schools and institutions.



Vocational open education high schools have been established to meet the vocational education needs of individuals who go out of the process while in formal education or who want to acquire an alternative profession after the compulsory education age. In the 2017-2018 academic year, a total of 5,689,427 students attended secondary education, 1,987,282 of which were in vocational and technical secondary education institutions.<sup>90</sup> Formal education given within the scope of vocational and technical education is carried out in three types of schools: Vocational and Technical Anatolian High Schools, Multi-Program Anatolian High Schools and Vocational Education Centers. Vocational and technical education within the scope of non-formal education is given in Vocational Open Education High Schools. Vocational Training Centers are educational institutions where journeyman and mastership training and vocational and technical course programs are implemented.

In accordance with Article 12 of VTL, apprentices and candidate apprentices receive general and vocational training for at least eight hours a week, taking into account the qualifications of the profession. Article 20 of VTL regulates that the theoretical training to be held during working hours of the students who receive skills training in enterprises cannot be less than 12 hours per week. In these trainings, which are subject to paid leave, theoretical and practical training are given in blocks in certain months in seasonal professions.

Theoretical and practical trainings are planned and implemented in a way that complements each other. Practical trainings are given at the workplaces under the supervision of a master trainer. Complementary practical and theoretical trainings can be taken from vocational and technical education schools, institutions or training units of workplaces determined by the MoNE.

Article 5 of the Regulation on the Amendment of the Regulation on Secondary Education Institutions of the Ministry of National Education<sup>91</sup> regulates that the theoretical training of vocational education center students will be planned as at least one and at most two days a week. Vocational education center students continue their vocational education in enterprises during the academic year, except for paid and unpaid leave periods, as long as their contracts with enterprises continue. It is important to note that, as per Article 11 of the VTL, apprentices and candidate apprentices are considered as students, and not as employees or workers, which emphasizes the role and aim of the vocational training.

90. Mesleğim Hayatım, "Okul Türleri ve Programlar", <https://meslegimhayatim.meb.gov.tr/hakimizda/okul-turleri-programlar>

91. Regulation on the Amendment of the Regulation on Secondary Education Institutions of the Ministry of National Education dated 26.03.2017 published in the Official Gazette dated 26.03.2017 numbered 30019.

Article 25 of the VTL regulates the issue of remuneration and insurance. Employers are responsible for occupational accidents and diseases that may occur during the training of candidate apprentices, apprentices and students, in case of the workplace's fault. The wages to be paid to candidate apprentices, apprentices and students are exempt from all kinds of taxes.

The wages to be paid by the enterprises to the candidate apprentices, apprentices and students and the increases in these wages are determined by the contract to be drawn up. According to this;

- ▶ **Students** who receive vocational education in enterprises and students who receive internship or supplementary education in vocational and technical secondary education schools and institutions cannot be paid **less than 30% of the net amount of the minimum wage** in workplaces employing twenty or more personnel, and 15% in workplaces employing less than twenty personnel.
- ▶ **Candidate apprentices and apprentices** cannot be paid **less than 30% of the minimum wage** appropriate for their age.
- ▶ **12<sup>th</sup> grade students of vocational education centers** who have earned the qualification of headworker (*kalfa*) cannot be paid less than **50% of the minimum wage**.

### 2.2.3. Domestic Law on Childcare

Within the scope of Article 30 of the Law No. 6331, Bylaw on Working Conditions of Pregnant or Nursing Women, Lactation Rooms and Child Care Dormitories<sup>92</sup> was enacted on pregnant or breastfeeding female employees and breastfeeding rooms and childcare dormitories.

The purpose of this Bylaw is to impose an obligation on the business and on the state to take measures to support the health and safety of pregnant, newly delivered or breastfeeding employees in workplaces. The Bylaw also regulates in which jobs these employees are prohibited to be employed, what conditions and procedures will be followed for the jobs they can be employed in, how to establish breastfeeding rooms or childcare dormitories, and their workplace conditions. According to the Bylaw, pregnant or lactating employees cannot work more than seven and a half hours a day, and cannot be forced to work at night. Pursuant to Article 13, in workplaces with 100-150 female employees, regardless of their age and marital status, it is obligatory to establish a breastfeeding room with the conditions determined by the Bylaw, separate from the workplace and at a maximum distance of 250 meters from the workplace. Regardless of their age and marital status, in workplaces with more than 150 female employees, it is also obligatory to establish a dormitory in order to leave and care for children aged 0-6.

92. Bylaw on Working Conditions of Pregnant or Nursing Women, Lactation Rooms and Child Care Dormitories published in the Official Gazette dated 16/08/2013 and numbered 28737.

For this purpose, if the institutions that have the obligation to open rooms and dormitories fulfil these obligations with the agreements they will make with the dormitories authorized by the public institutions, the provisions of Bylaw on the Establishment and Operational Principles of Private Nursery and Day Care Centers and Private Children's Clubs<sup>93</sup> will apply.

While these are the regulations on protecting children and women while investing in childcare, in practice it is observed that organizations neglect their obligations to provide a dormitory/childcare centre or a lactation room for their female employees.

## 2.3. Turkish Government Programmes to Eradicate CL

Türkiye is one of the six countries which have attended the ILO's International Programme on the Elimination of Child Labour (**IPEC**) commenced in 1992. Until 2006, 101 action plans have been implemented and 50,000 children have been directly reached within the scope of the IPEC in line with ILO Convention No: 182 and No: 138, MoLSS developed the National Programme on the Elimination of Child Labour (2017-2023) in 2017<sup>94</sup> with the intention of eliminating the worst forms of CL in 2023 and decreasing the percentage of child labour below 2% for other sectors. In this extent, "Working in the Street", "Heavy and Hazardous Work in Small and Medium-scale Enterprises" and "Seasonal and Migrant Work in Agriculture for Pay, Other than Family Farming" have been accepted as the worst forms of CL in Türkiye. Thus, upon evaluation under ILO 182, employment in (1) works such as *"shining shoes, selling things such as paper tissue, gum, water, simit, national lottery ticket, stationery supplies, etc., cleaning car glasses, carrying water in graveyards, cleaning graves, collecting trash, selling flowers, religious books and materials, etc."*<sup>95</sup> within the scope of working in the street, (2) small- and medium-scale enterprises lacking an infrastructure fitting to the purpose of production in the industry sector within the scope of heavy and hazardous works and (3) seasonal agricultural sector has been increased to the age of 18. It should be noted that those three areas included in the National Programme are accepted as the worst forms of CL not only because of the severity of the working conditions, but also due to the fact that the living conditions suffered by these working children violate children's rights. Particularly in seasonal agriculture, in addition to working conditions being dangerous; very young children who cannot work effectively in gardens or yards still have to travel to different provinces with their parents for long durations, and are forced to live in hazardous working conditions with poor or without safety at all, or with no access to clean water and hygiene. Needless to say, this situation deprives these children from their very basic rights such as access to education, right to participation and a healthy environment for development.

Within the framework of the National Programme, it is aimed to entirely eliminate the worst forms of CL and decrease CL in other areas below 2%, with an attempt to develop a

93. Bylaw on the Establishment and Operational Principles of Private Nursery and Day Care Centers and Private Children's Clubs published in the Official Gazette dated 30/4/2015 and numbered 29342

94. Ministry of Labour and Social Security, National Programme on the Elimination of Child Labour 2017-2023, 2017, [https://www.csgeb.gov.tr/media/1322/cocukisciligimucadele\\_2017\\_2023\\_tr.pdf](https://www.csgeb.gov.tr/media/1322/cocukisciligimucadele_2017_2023_tr.pdf) page 57.

95. Ministry of Labour and Social Security, National Programme on the Elimination of Child Labour 2017-2023, p. 32.



multidimensional and multilateral approach addressing children, together with their social circle in fighting against CL.<sup>96</sup> The 2012 data of the Child Labour Force Survey of the Turkish Statistical Institute (TSI), which is the latest survey conducted prior to the entry into force of the National Programme, indicates that, among 15 million 247 thousand children in the age group of 6-17 in Türkiye, 890 thousand children are working and out of those children, 44.7% (399 thousand children) are working in the agriculture sector, 24.3% (217 thousand children) in the industry sector, and 31% (277 thousand children) in the service sector.<sup>97</sup> Considering that the TURKSTAT's official statistical programme does not include any study covering the 2011-2016 period, the National Programme states that a survey on CL should be included in the official statistical programme of 2017-2021 for implementation.<sup>98</sup> Accordingly, in line with the data provided in the Child Labour Force Survey published in March 31, 2020, it is determined that, among 16 million 457 thousand children in the age group of 5-17 constituting 20.3% of the non-institutional population in 2019, 720 thousand children are in the workforce. Out of those 720 thousand children, 30.8% are working in the agriculture sector, 23.7% in the industry sector and 45.5% in the service sector, and among them, 146 thousand children are in the age group of 5-14 (32 thousand being in the age group of 5-11) whose employment is prohibited.<sup>99</sup> The survey is being criticised for having been conducted in the periods when agricultural activities ended and schools were opened, and for not including Syrian children who constitute a significant part of CL.<sup>100</sup> It has, in fact, been observed throughout the field research conducted within this study that Syrian and other origin migrant children are engaged in CL; hence, the real figure of children engaged in CL should be higher than the official figures of TURKSTAT. Moreover, in response to the request for information forwarded to the MoLSS in 2017, it is stated that there were 152 thousand 434 agricultural worker children in 2014, 167 thousand 342 in 2015 and 155 thousand 234 in 2016; and 500 thousand children immigrated with their parents as agricultural workers in 2017.<sup>101</sup> Considering the uptrend observed throughout the years and the increase in the population of Syrian children, it would be logical to expect that this number has increased in time passing.<sup>102</sup>

For this reason, even though the launch of the National Programme is an important step, the policies developed, and their implementation are not sufficient in offering a solution. Additionally, increase of the employment age in those areas to 18 has exposed those in the age of 15-18 (the TURKSTAT's 2019 data indicates that 574 thousand working children are in the age of 15-17) to informal employment, leading to another violation of human rights. Development of policies (e.g. the National Program) not conforming to the

96. ILO's Programme on the Elimination of Child Labour in Turkey 2021-2025, [https://www.ilo.org/wcmsp5/groups/public/---europe/---ro-geneva/---ilo-ankara/documents/publication/wcms\\_774757.pdf](https://www.ilo.org/wcmsp5/groups/public/---europe/---ro-geneva/---ilo-ankara/documents/publication/wcms_774757.pdf)

97. Turkish Statistical Institute, Child Labour Force Survey Results 2012, <https://data.tuik.gov.tr/Bulten/Index?p=Cocuk-Isgucu-Anketi-Sonuc-lari-2012-13659>

98. Ministry of Labour and Social Security, National Programme on the Elimination of Child Labour 2017-2023, p. 49.

99. Turkish Statistical Institute, Child Labour Force Survey Results 2019, <https://data.tuik.gov.tr/Bulten/Index?p=Child-Labour-Force-Survey-2019-33807#>

100. Bianet, "TurkStat's Child Labor Survey is Not Realistic as it Does Not Cover Syrian Children, 02.04.2020, <https://bianet.org/english/children/222335-turkstat-s-child-labor-survey-is-not-realistic-as-it-does-not-cover-syrian-children>

101. Evrensel, 500 bin tarım işçisi göç halinde (500 thousand agricultural workers are migrating), 12.07.2017, <https://www.evrensel.net/haber/326093/500-bin-tarim-iscisi-surekli-goc-halinde>

102. Uluslararası Çocuk Merkezi Çocuğa Karşı Şiddeti Önlemek için Ortaklık Ağı, Çocuk İşçiliğine Genel Bakış ve Mevsimlik Tarımda Çocuk İşçiliği (International Children's Center, Partnership Network for the Prevention of Violence Against Children, An Overview to Child Labour and Policy Note on Child Labour in Seasonal Agriculture), page 12, [https://www.ihd.org.tr/wp-content/uploads/2020/06/cocuk\\_isciligi.pdf](https://www.ihd.org.tr/wp-content/uploads/2020/06/cocuk_isciligi.pdf)

legislation and insufficiency of audit systems are criticised in the international arena.<sup>103</sup> Indeed, the fact that agriculture and forestry works with 50 or less workers, where children are commonly employed, are not subject to the Labour Law and therefore provisions concerning minimum age and working conditions and audits are not applicable to such works, appears as a drawback in the National Programme on the Elimination of CL.<sup>104</sup>

In 2018, the Joint Declaration on Combatting Child Labour, signed by four ministries and seven social parties<sup>105</sup>, was published with the cooperation of the ILO and the MoLSS in order to increase awareness on combatting CL in line with the goals for 2023 within the National Programme on the Elimination of Child Labour and to contribute the programme's policies and goals to the maximum extent.<sup>106</sup> Accordingly, 2018 was declared as the “Year to Combat Child Labour” in Türkiye, and it was announced that combatting CL would be prioritised in all activities of the relevant authorities and organisations. However, despite those policies and action plans, CL is estimated to have been increased in the recent years, especially due to the adverse impact of the involvement of COVID-19 and the increasing migrant population in Türkiye. The country-based due diligence comparisons in the Children's Rights and Business Atlas developed by UNICEF also show that while there is a legal framework in place to protect child rights in the workplace, enforcement mechanisms and impacts on child rights are rather insufficient, which are recommended to be supported by an enhanced due diligence to be adopted by business.<sup>107</sup>

On the other hand, the KII conducted with the MoLSS representative indicates that the official data of CL does not include Afghan and Syrian origin children. During the KII, the MoLSS inspectorate stated that CL is still prominent in under-the-counter workshops where children work under minimum wage and in worst conditions. Especially after the COVID-19 textile workshops for health wear employ children to meet the demand with less expense.

While there are various legislation that would affect business responsibility in terms of several human rights-related issues such as labour rights, occupational health and safety and environment, currently there is no legal instrument in force in Türkiye which directly regulates business and human rights, thus focusing directly on corporate responsibility to respect human rights throughout business activities. Yet the Action Plan on Human Rights announced on March 2, 2021 is noteworthy in this respect<sup>108</sup>. Aim 8 of the Action Plan on Human Rights on “*protecting vulnerable groups and strengthening social wealth*” refers to children's rights and rights of the youth, and contains considerable goals such as fighting against child abuse, developing execution processes so as to prevent violation

103. US Department of Labor Bureau of International Labor Affairs, Child Labor and Forced Labor Reports – Turkey, 2018 Findings on the Worst Forms of Child Labor, <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/turkey>

104. Ministry of Labour and Social Security, National Programme on the Elimination of Child Labour 2017-2023, p. 16.

105. Those parties are the MoNE, the Ministry of Development, the Ministry of Youth and Sports, the Ministry of Internal Affairs and the MoFSS, TÜRK-İŞ (Confederation of Turkish Trade Unions), HAK-İŞ (Confederation of Turkish Real Trade Unions), DİSK (Confederation of Progressive Trade Unions of Türkiye), TİSK (Confederation of Employer Unions of Türkiye), TOBB (Union of Chambers and Commodity Exchanges of Türkiye), TESK (Confederation of Turkish Tradesmen and Craftsmen) and TZOB (Union of Turkish Chambers Of Agriculture).

106. International Labour Organisation, “Combatting Child Labour Campaign in Cooperation of ILO and MoLSS”, 23.02.2018, [https://www.ilo.org/ankara/news/WCMS\\_618600/lang-en/index.htm](https://www.ilo.org/ankara/news/WCMS_618600/lang-en/index.htm)

107. UNICEF, “Children's Rights and Business Atlas”, <http://www.childrightsatlas.org/country-data/countries/turkey/>

108. Turkish Ministry of Finance, Department of Human Rights, Action Plan on Human Rights, March 2021 <https://insanhaklarieylemleri.adalet.gov.tr/>

of children's rights, securing participation of the youth in the decision-making processes. One of the steps included in Goal 9.3 on "*Raising Public Awareness in Human Rights*" is the development of a national guide with regard to business and work life, and organisation of activities for raising awareness on human rights, whilst taking the UN Guiding Principles into consideration. It is considered that such a national guide, which is expected to be completed by the MoLSS, will function as a significant step in clearly revealing corporate responsibility in fighting against CL and avoiding the risk of CL found in supply chains. A guide of this scope will, beyond doubt, contribute to ensuring that companies, who have so far combatted CL with their own initiative and resources, compete with their rivals under equal circumstances.

Within this framework, the announcement that a "National Working Group" under the coordination of the MoLSS will be brought together for the prevention of CL within the scope of the project of "Supporting Children's Rights" developed by the Ministry of Family and Social Services (**MoFSS**) with its stakeholders in 2022, a national workshop will be created for monitoring CL, personnel will be trained, corporate capacity will be improved and cooperation with the civil society will be increased with the goal of forming public opinion; is a step in the right direction.<sup>109</sup>

Additionally, in accordance with the Prime Ministry Circular No. 2017/6 on Seasonal Agricultural Workers<sup>110</sup>, Seasonal Agricultural Workers Information System (e-METIP) was established to prevent CL, to record information on agricultural workers with a purpose to eventually improve their living conditions. With the METIP project, it is aimed to meet the basic needs of seasonal migrant agricultural workers such as safe transportation, sheltering areas with infrastructure, education and health. Social spaces have been started to be built for this purpose. An important component of the METIP circular is about preventing CL and providing children with social service and access to education. To that aim the role and responsibilities of each related provincial public directorate has been described in the circular to will be monitored by MoLSS. The Prevention of Child Labour in Seasonal Agriculture project financed by the EU was launched in October 2020, which will be carried out in cooperation with the MoFLSS, General Directorate of Labour and the ILO Türkiye Office. Within the scope of the project, e-METIP will be improved and a Child Labour Monitoring and Tracking System will be established in order to better monitor the access of seasonal workers and their families to services.<sup>111</sup> All data on the conditions of families and children engaged in seasonal agriculture will be collected in a single data pool on a continuous basis, which will help monitor the school attendance and school success of these children who are withdrawn from the workforce or prevented from entering the working life.

109. Anadolu Agency, "Çocuk İşçiliğinin Önlenmesi için Ulusal Çalışma Grubu Oluşturulacak" (A National Working Group will Be Brought Together for the Prevention of Child Labour), 2022, <https://www.aa.com.tr/tr/gundem/cocuk-isciliginin-onlenmesi-icin-ulusal-calisma-grubu-olusturulacak/2503977>

110. Prime Ministry Circular No. 2017/6 on Seasonal Agricultural Workers published in the Official Gazette numbered 30043 dated 19.04.2017.

111. EU Turkish Delegation, "Mevsimlik Tarımda Çocuk İşçiliği ile Mücadelede Yeni Bir Dönem Başlıyor" (A New Era Begins in Combating Child Labor in Seasonal Agriculture), 2020, <https://www.avrupa.info.tr/tr/pr/mevsimlik-tarimda-cocuk-isciligiyle-mucadelede-yeni-bir-donem-basliyor-10509>

## 2.4. International Legal Instruments on Corporate Responsibility to Respect Human Rights

Within the framework of today's global balances of power, it is accepted that states are not the only actors responsible for human rights, and that companies bear the responsibility of preventing violations of human rights arising out of their commercial activities and business relationships, and are responsible for respecting human rights. Even though states have the duty of providing for legal regulations and deterrent punishments, developing national policies and conducting official audits for the protection of children's rights, everyone (including individuals and corporations) under the sovereignty of the state is responsible for respecting children's rights, preventing violation of rights and remedying those violations accordingly.<sup>112</sup> On this basis, certain legal regulations that are generally of a guiding nature have been introduced:

- ▶ OECD Guidelines for Multinational Enterprises (OECD Guidelines)
- ▶ UN Global Compact (UNGC)<sup>113</sup>,
- ▶ UN Guiding Principles on Business and Human Rights (UNGPs),
- ▶ Children's Rights and Business Principles developed by UNICEF, UNGC and Save the Children<sup>114</sup>,
- ▶ ILO-IOE Child Labour Guidance Tool For Business<sup>115</sup>,
- ▶ UN Sustainable Development Goals (SDGs)<sup>116</sup> and Sub-goal 8.7 under Goal 8 "*Decent Work and Economic Growth*"<sup>117</sup>,
- ▶ Studies conducted within the scope of UN's "International Year for the Elimination of Child Labour" (2021)<sup>118</sup>.

112. OECD, "Ending Child Labour, Forced Labour, and Human Trafficking in Global Supply Chains", 2019, <https://mneguidelines.oecd.org/Ending-child-labour-forced-labour-and-human-trafficking-in-global-supply-chains.pdf>

113. The Ten Principles of the United Nations Global Compact, <https://www.unglobalcompact.org/what-is-gc/mission/principles>

114. UNICEF, UN Global Compact, Save the Children, Children's Rights and Business Principles, <https://www.unicef.org/documents/childrens-rights-and-business-principles>

115. ILO-IOE Child Labour Guidance Tool For Business, [https://www.ilo.org/ipec/Informationresources/WCMS\\_IPEC\\_PUB\\_27555/lang-en/index.htm](https://www.ilo.org/ipec/Informationresources/WCMS_IPEC_PUB_27555/lang-en/index.htm)

116. UNICEF, Progress for Every Child in the Sustainable Development Goals (SDG) Era, <https://www.unicef.org/eca/media/2901/file/summary-report-sdg.pdf>

117. UNSTATS, SDG Indicators, Goal 8: <https://unstats.un.org/sdgs/metadata/?Text=&Goal=8&Target=8.7>

118. International Labour Organization, "2021: International Year for the Elimination of Child Labour", 15.01.2021, [https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS\\_766351/lang-en/index.htm](https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_766351/lang-en/index.htm)



Companies' primary responsibilities, on the other hand, include complying with both those regulations and international legal instruments and thus securing the prevention of CL throughout supply chains and avoiding any activities that may result in CL and, in this extent, taking the necessary measures to secure convenient working conditions for those below the age of 18, who are allowed to work only under certain conditions. To this end, companies need to conduct HRDD within their commercial activities, develop policies which will also be abided by their suppliers and business partners, and continuously conduct audits on those policies and violations of human rights throughout their supply chains. It is also among companies' responsibilities for human rights to establish the necessary organisational remedial mechanisms for the protection of children's rights in business.



# 3 Research Findings and Project Outcomes



### 3.1. Overview of Garment Supply Chain Consolidated with Cotton in Türkiye

Garment industry has a crucial role in Turkish economy. It has the second largest share in the country's total export with 11.5%<sup>119</sup>. Türkiye is the seventh largest garment exporter in the world and the third largest supplier country for Europe<sup>120</sup>, with Germany, Spain, the UK, the Netherlands and France ranking as the top five destinations<sup>121</sup>.

According to the SSI's data<sup>122</sup> of May 2022, there are 19,923 workplaces manufacturing textile products in Türkiye. The total number of registered and insured workers employed in these workplaces is 504,249<sup>123</sup>. As of November 2022, no data could be obtained on the unregistered employment numbers in textile sector from TURKSTAT and SSI.

Garment and cotton supply chain is complex, fragmented and opaque.<sup>124</sup> The European Commission study on transparency and traceability in garment supply chains also emphasises the multi-layered structure of these supply chains characterised by multiple subcontracting, outsourcing and unregistered employment, which is stated as the following: *"The garment supply chain has an extremely complex structure that includes product design; multiple suppliers of textile fibres; intermediate materials; ancillary processes; outsourced workers, part-time workers, undocumented workers, production subcontracting at several different levels and the logistics involved in moving the intermediate and finished products on a global scale to reach thousands of retail destinations across the planet."*<sup>125</sup>

In Tier 5, there are cotton farmers who are the cultivators or the producers of cotton. These are mostly farmers in family, thus the farms and fields are family owned, some of whom are also the owners of ginning, yarn and even fabric production facilities, thereby creating integrated facilities. There are different scales of cotton farms, varying from small producers to large ones. The KIs conducted for this study were with medium sized cotton farm owners in Gaziantep.

119. Fair Wear Foundation, Turkey Country Study 2017/2018, p. 5, <https://api.fairwear.org/wp-content/uploads/2018/11/Turkey-Country-Study-20172018-def.pdf>

120. Republic of Türkiye, Ministry of Trade, Industry - Clothing, 2021, p. 1, <https://www.trade.gov.tr/data/5b8fd6d913b8761f041feee0/Clothing.pdf>

121. TKİB Genel Sekreterliği Hazırgiyim ve Konfeksiyon Ar-Ge Şubesi, Hazırgiyim ve Konfeksiyon Sektörü 2022 Ocak Aylık İhracat Bilgi Notu (Monthly Memorandum of January 2022 on Ready-to-Wear and Garment Sector), February 2022, p. 4, <https://www.ihkib.org.tr/fp-icerik/ia/d/2022/02/04/1-hazirgiyim-ve-konfeksiyon-sektoru-2022-ocak-aylik-ihracat-bilgi-notu-202202041647300963-763E9.pdf>

122. Republic of Türkiye Social Security Institution, Monthly Statistics, May, 2022. Access Date: 16.11.2022. [http://eski.sgk.gov.tr/wps/portal/sgk/tr/kurumsal/istatistik/aylik\\_istatistik\\_bilgileri](http://eski.sgk.gov.tr/wps/portal/sgk/tr/kurumsal/istatistik/aylik_istatistik_bilgileri)

123. See the Annex of this Report for a table from SSI monthly data (May 2022) showing distribution of the work places, compulsory insured persons and daily average daily earnings that are basis of premium, by the branch of activity, sector and gender in 4/a coverage.

124. Gulcubuk, Child Labor under the Worst Conditions: Child Laborers in Cotton Production in Turkey, African Journal of Agricultural Research Vol. 5(12), 18.06.2010, p. 1390.

125. EU, A Background Analysis on Transparency and Traceability in the Garment Value Chain, Project No.2016/378769, p. 6, [https://ec.europa.eu/international-partnerships/system/files/european\\_commission\\_study\\_on\\_background\\_analysis\\_on\\_transparency\\_and\\_traceability\\_in\\_the\\_garment\\_value\\_chain.pdf](https://ec.europa.eu/international-partnerships/system/files/european_commission_study_on_background_analysis_on_transparency_and_traceability_in_the_garment_value_chain.pdf)

In Tier 4, we see ginning facilities, which are mostly local enterprises of a small-medium size. There are, however, certain ginning facilities that are owned by larger scale yarn facilities or fabric manufacturers. Ginning facilities are located in close surroundings of cotton fields, as the cotton is a highly inflammable material and it is directly transported to ginning facilities after being harvested. Despite the high risk borne in this sector (or perhaps due to such high risk), insurance companies do not accept to provide any insurance. Nevertheless, the profit is apparently also quite high so as to balance the risks of loss, as there are numerous local facilities around cotton regions. The owners and managers of two local ginning facilities in Gaziantep were interviewed.

In Tier 3, there are yarn production facilities, which are medium to large size companies some of which with direct connections with global brands. These facilities are also located not far from the region; however, they cannot be deemed merely as local facilities since they make productions for a wide range of customers operating in different tiers of the supply chain (fabric manufacturers or brands). The yarn producers have direct contractual relationships with ginning facilities, while they are not usually connected with the cotton farmers, unless the specific case of organic cotton. On the upper tier, the yarn producers mostly have a contractual relationship with fabric manufacturers, through which they may at times receive direct orders as to the quality or composition of the yarn from the ready-to-wear manufacturers or the brands. The owner/manager and the sustainability manager of two yarn production facilities were interviewed, both of them located in Kahramanmaraş.

In Tier 2, we find the fabric production facilities, which vary greatly in size and scale. These facilities are in direct contractual relationship with the yarn production facilities and with the direct suppliers of ready-to-wear garment brands. Some of the fabric manufacturers own integrated facilities together with yarn production, dyeing and even ginning. The sustainability manager and human resources manager of a large scale fabric production facility located in Gaziantep, with integrated facilities covering other tiers, were interviewed. The subcontractors of the ready-to-wear manufacturers are also considered in Tier 2, amongst which there are dyeing factories for the yarn or the fabric. The owner and manager of a dyeing factory in Kahramanmaraş, and also the sustainability manager of a dyeing factory in Tekirdağ were interviewed.

In Tier 1, there are the direct suppliers of local or global brands, which consist of ready-to-wear manufacturers. Mostly, these are medium to large scale facilities that have direct contractual relationship with the brands for whom they manufacture. These manufacturers often subcontract their tasks, which may then be re-subcontracted further, including to under-the-counter ateliers. This process of subcontracting greatly hinders traceability and transparency in garment supply chains, as most of the time the upper tier has no direct connection with nor any knowledge of the lower tier subcontractors (and for most cases, has no desire to know these details). KIs with managers from four different Tier 1 suppliers were conducted for the purposes of this study, which were all reached through brands.

Finally, on top of the supply chain there are local or global brands that label, market and sell the products to the consumer. The brands have direct contractual relationship with Tier 1 suppliers and in some cases they have requests from the lower tiers such as yarn or fabric producers. Meanwhile, the brands do not have any knowledge or any connection with the subcontractors of the Tier 1 suppliers, where the traceability of the supply chain



is discontinued. For the purposes of this study, KILs were conducted with the managers of two global brands and a local brand.



Certain specific characteristics of the cotton and garment supply chains are explained herein below to support the analysis and recommendations made under this study.

### 3.1.1 Cotton Supply Chain

Cotton price is set according to the American stock exchange and has its own stocks market in Türkiye<sup>126</sup>. According to international authorities' forecasts<sup>127</sup>, cotton planted area in Türkiye for the year 2021-2022 is 450,000 hectares, proving a significant increase over the years. This is partly due to international competition, especially with Southeast Asian countries where cotton and garment prices are less expensive.

Cotton production is prominent in India (24%), China (22%), USA (17%), Brazil (10%), Pakistan (5%) and Türkiye (3%).<sup>128</sup> According to the data of International Cotton Advisory Committee (ICAC), Türkiye ranks as the sixth country with 887,000 tonnes amongst cotton producing

countries for the year 2022-2023<sup>129</sup>. When compared to the global production of cotton Türkiye has a small share and has more imports than exports. Türkiye's cotton exports were 120,102 MT for the first eleven months of the year of 2020/21; with Pakistan, China and Bangladesh being the most important buyers of Turkish cotton for textiles.<sup>130</sup> According to the data of ICAC for the year 2022-2023, Türkiye ranks the fourth amongst cotton importing countries, with 1,200,000 tonnes<sup>131</sup>. Majority of the cotton (%21,75)<sup>132</sup>

126. NYSE Stocks Commodity Exchange Cotton, 25.05.2022, 141.4; Turkish Stocks, Commodity Exchange Cotton, 25.05.2022, 122,32; American Stock Exchange, Soft Commodities, Cotton Index, <https://www.nyse.com/quote/index/BALRD.NV>; İzmir Ticaret Borsası, Commodity Exchange Cotton, <https://itb.org.tr/PamukSalonu>; Gaziantep Ticaret Borsası, Commodity Exchange, Cotton, <https://www.gtb.org.tr/tescil-urunler>; Adana Stock Exchange, Commodity Exchange, Cotton, <https://www.adanatb.org.tr/category/bultenler/yurtdisi-piyasalar-pamuk/page/2/>; Denizli Stock Exchange, Commodity Exchange, Cotton, <https://www.dtb.org.tr/fiyat-listesi/cotton-raw/4035/>

127. USDA, GAIN, Cotton and Products Update Turkey, Report Number TU2021-0031, 01.09.2021, <https://www.fas.usda.gov/data/turkey-cotton-and-products-update-13>

128. Ministry of Agriculture and Forestry, Cotton December Bulletin, 2019, page 1, <https://www.tarimorman.gov.tr/BUGEM/Belgeler/M%C4%B0LL%C4%B0%20TARIM/PAMUK%20ARALIK%20B%C3%9CLTEN%C4%B0.pdf>

129. ICAC, [https://icac.shinyapps.io/ICAC\\_Open\\_Data\\_Dashboar/#](https://icac.shinyapps.io/ICAC_Open_Data_Dashboar/#)

130. Ministry of Agriculture and Forestry, Cotton December Bulletin, 2019, page 1, <https://www.tarimorman.gov.tr/BUGEM/Belgeler/M%C4%B0LL%C4%B0%20TARIM/PAMUK%20ARALIK%20B%C3%9CLTEN%C4%B0.pdf>

131. ICAC, [https://icac.shinyapps.io/ICAC\\_Open\\_Data\\_Dashboar/#](https://icac.shinyapps.io/ICAC_Open_Data_Dashboar/#)

132. Ministry of Agriculture and Forestry, Cotton December Bulletin, 2019, page 1, <https://www.tarimorman.gov.tr/BUGEM/Belgeler/M%C4%B0LL%C4%B0%20TARIM/PAMUK%20ARALIK%20B%C3%9CLTEN%C4%B0.pdf>

is imported from the US, Brazil and India to Türkiye later to be converted into yarn by Turkish factories. Turkish origin cotton from Southeast region (e.g. Gaziantep, Şanlıurfa, Kahramanmaraş, Hatay), Mediterranean region (e.g. Adana, Mersin), Marmara region (e.g. Bursa, Çanakkale) and Aegean region (e.g. İzmir, Denizli).

Cotton is a highly flammable material; therefore, it is processed rapidly after harvest. First stop of cotton is ginning facilities where cotton fibres are pressed in bales after being separated from their seeds<sup>133</sup>. The bales of pressed fibre are then sold and transferred to yarn production facilities, where different qualities of yarn is produced later to be sold to fabric production facilities. Some factories are integrated, consisting of yarn, fabric and dyeing facilities, sometimes even including ginning mills. The very last stage of the garment supply chain consolidated with cotton is ready-to-wear manufacturers where the product takes its last shape before being sold to end user.

The employment of field workers in cotton harvest in Southeast of Türkiye is made through labour intermediaries, with whom the farmers have oral contracts mostly, and in very few cases a written contract. Labour intermediaries arrange the field workers either from locals or from migrant workers, including refugees and seasonal migrant workers coming to the region only for the relevant harvest season. The method of payment varies upon the region, the type of harvest and the arrangement between the parties: Lump sum payment calculated upon the approximate days of work for a specific piece of land (called *kabala*) or daily wage generally from 5-6 am until 2 pm for cotton harvest (called *yevmiye*), which takes place when the temperature is still high between mid-September and mid-October.

A cotton farmer in Gaziantep emphasised the role of mechanisation in the combat against CL in agriculture. In his words, CL is mostly eliminated in cotton farms where mechanizations have been integrated in the harvest process for around 20 years now. Before mechanization, seasonal migrant workers used to travel to the region, where they would stay during the harvest period in tent areas with limited hygiene, which gave rise to serious health and safety issues. After mechanizing the harvest, hand picking has become very rare, although it has not completely disappeared. Rocky areas of fields cannot be accessed with harvest machines and weeding still requires handpicking. These tasks are generally carried out by local workers or Syrian origin workers who live around the region, including young workers.

During the field research, it was observed and the cotton farmers have confirmed that different groups of workers are engaged in the field work. On the one hand, there are local people from the region who work throughout the year in different tasks and for different products (referred to as *seasonal agricultural local workers*<sup>134</sup>); on the other hand, there are Syrian origin people who also live in the region and who work throughout the year in the fields (who would also qualify as seasonal agricultural local workers); finally, there are seasonal migrant workers who leave their residence to come to work in certain tasks on specific times of the year (referred as *seasonal agricultural migrant workers*<sup>135</sup>).

133. It is worth noting that nothing gets wasted throughout the processing of cotton. While fibre is pressed in bales at the ginning facilities, the seeds are pressed in factories for oil, and the remaining pulp (called *küspe*) is used as animal feed.

134. Although according to the study of the Development Workshop, seasonal local agricultural workers do not work on a regular basis, the workers interviewed in the field under this study stated that they carry out agricultural work throughout the year in different tasks. See Yoksulun Umudu Çocuk: Mevsimlik Tarım İşçisi Hanelerin Sosyo-Ekonomik Profili ve Çocuk İşçiliği Araştırması, Çocuk İşçiliğiyle Mücadele Programı, Haziran 2019, p. 29, <https://www.ka.org.tr/dosyalar/file/Yayinlar/Cocuk-Haklari/Raporlar/YOKSULUN-UMUDU-COCUK.pdf>

135. Yoksulun Umudu Çocuk: Mevsimlik Tarım İşçisi Hanelerin Sosyo-Ekonomik Profili ve Çocuk İşçiliği Araştırması, Çocuk İşçiliğiyle Mücadele Programı, Haziran 2019, p. 29, <https://www.ka.org.tr/dosyalar/file/Yayinlar/Cocuk-Haklari/Raporlar/YOKSULUN-UMUDU-COCUK.pdf>

The cotton farmers during the KIIs stated that their labour intermediary did not employ seasonal agricultural migrant workers, but rather seasonal agricultural local workers, and thus they only witness the work of seasonal agricultural migrant workers in neighbouring fields – e.g. for garlic harvest.

### 3.1.2. Garment Supply Chain

Türkiye is an important exporter country in garment sector. Germany is the biggest importer of the garment products manufactured in Türkiye, followed by Spain and England<sup>136</sup>. Turkish clothing industry is the 7<sup>th</sup> largest supplier in the world and the 3<sup>rd</sup> largest supplier of the EU with a share of 2.70% globally. It has a share of 3.80% in world knitted clothing exports and it ranks 6<sup>th</sup> among the exporting countries.<sup>137</sup> Thus, Türkiye is a key actor in cotton and garment supply chains for global brands. Garment production is spread throughout Türkiye, with Istanbul, Izmir, Bursa and Denizli being the main cities populated by garment factories and workshops.<sup>138</sup>

As mentioned before, garment supply chain is composed of multiple tiers and characterised by multiple subcontracting, which makes it harder to maintain traceability and transparency. Subcontracting by Tier 1 suppliers is often required due to large volumes of orders received from global brands. Yarn facilities have direct commercial relationship with ginning facilities, while they usually have no connection with nor any knowledge regarding the farm level. Ready-to-wear garment brands also have little to no information beyond Tier 1 of their supply chains, with recent attempts from some global brands of reaching through to Tier 2. Nevertheless, especially global brands have a sustainable mechanism of audits and controls for their Tier 1 suppliers, to whom they impose their own human rights, social compliance and sustainability policies, and have in place sanctions for non-compliance. Also as a requirement imposed by global brands, most of the suppliers become members of international organizations such as Better Cotton Initiative<sup>139</sup> and Higg Index<sup>140</sup>, which provide for mechanisms to ensure traceability and sustainability in supply chains. Having said that, it is noted resulting from the KIIs and FGDs made under this study that the audits carried out by global brands turn out to be more effective than those carried out by third party auditors – due to stricter measures for non-compliance and closer follow-up. It is observed that brands especially allocate resources to their auditing and sustainability departments who visit suppliers on a regular basis (monthly or yearly) to check compliance with brands' policies. These departments mostly consist of human resources, social compliance and environmental compliance experts. Varying amongst different brands, there are warning mechanisms and sanctions in place for continued non-compliance, which may eventually result in termination.

Having set out the general process and characteristics of the garment supply chain consolidated with cotton in Türkiye, the next section focuses on the CL-related risks.

136. Fair Wear, Turkey Country Study 2017/2018, <https://api.fairwear.org/wp-content/uploads/2018/11/Turkey-Country-Study-2017-2018.pdf>

137. Ministry of Trade of the Republic of Turkey, Clothing, 2017, page 1, <https://www.trade.gov.tr/data/5b8fd6d913b8761f041feee0/Clothing.pdf>

138. Ibid.

139. Better Cotton Initiative, <https://bettercotton.org>

140. Sustainable Apparel Coalition, The Higg Index, <https://apparelcoalition.org/the-higg-index/>

## 3.2. Occurrence of CL in Garment Supply Chain Consolidated with Cotton in Türkiye

Despite certain factors that allegedly diminished the occurrence of CL in garment supply chain consolidated with cotton in Türkiye, such as the increasing level of mechanisation in cotton harvest and the pressure on social compliance by global brands, CL still is a major problem in this sector. This section sets out the most up-to-date data and information concerning CL firstly in seasonal agriculture, which is crucial for cotton farming, and secondly in ready-to-wear garment sector in Türkiye.

### a. CL in Seasonal Agriculture

Working Children  
Take Part in



In Türkiye, agriculture is one of the sectors that CL is most prominent. According to Turkish Statistical Institute 30.8% of working children take part in agriculture, 23.7% in industry and 45.5% in service sector.<sup>141</sup> Seasonal agriculture poses particular risks in terms of CL and the protection and safeguarding of children. In fact, as part of seasonal agriculture, children travel all around Türkiye for various agricultural harvests and seasonal work with their families approximately around three to nine months of the year, depending on the number and types of products<sup>142</sup>.

It is also important to note that according to the study of Development Workshop, the fact that CL in the agricultural sector rose from 36.6 percent in 2006 to 44.8 percent in 2012 before falling to 30.8 percent in 2019 may indicate that Syrian refugees arriving in Türkiye had a big impact on CL<sup>143</sup>.

According to a study conducted by Support to Life Association<sup>144</sup>, children start working in agriculture as early as at the age of 12, and the overall dropout rate is more than 13%. According to this study, the percentage of children who work in the field is 35% of children aged 5-11 years old, 78% of the 12-15 year-olds and 85% of 16-18 year olds<sup>145</sup>. Smaller children gather water, wood, and basic necessities while girls mostly look after their siblings and

141. Turkish Statistical Institute, Child Labour, 2019, <https://data.tuik.gov.tr/Bulten/Index?p=Child-Labour-Force-Survey-2019-33807> ILO, Child Labour in Turkey, 2017, <https://www.ilo.org/ankara/projects/child-labour/lang--en/index.htm>

142. According to the study of Support to Life Association (2014), the approximate timeline of seasonal migrant agricultural work is from March to November; see Support to Life, Seasonal Migrant Agriculture Research Study, 2014, <https://www.hayatadestek.org/wp-content/uploads/2021/09/mevsimlik-gezici-tarim-i-CC%87sciligi-2014-arastirma-raporu.pdf>

143. Development Workshop, "Under the Iceberg Seasonal Migrant Agricultural Workers and Their Children: The Study Report on the Effect of the Coronavirus Pandemic on Seasonal Migrant Agricultural Workers, Their Families, and on Child Labour", 2021, Unpublished

144. Support to Life, Seasonal Migrant Agriculture Research Study, 2014, <https://www.hayatadestek.org/wp-content/uploads/2021/09/mevsimlik-gezici-tarim-i-CC%87sciligi-2014-arastirma-raporu.pdf>

145. Support to Life, Seasonal Migrant Agriculture Research Study, 2014, page 7, <https://www.hayatadestek.org/wp-content/uploads/2021/09/mevsimlik-gezici-tarim-i-CC%87sciligi-2014-arastirma-raporu.pdf>



cook diner. This makes way for girls to work overtime, when they already do so in the field. Their 15+ hours long work days, unhygienic and hazardous common living and working conditions result in childhood injuries, abuse cases and even deaths. According to Workers' Health and Occupational Safety Assembly (ISIG) data, 3 out of 5 children deaths in agriculture was from seasonal agricultural work and shepherding.<sup>146</sup>

Accidents that children, who come to work with their families have during such migration due to living tents or similar unsafe structures<sup>147</sup> or washing themselves in rivers due to limited hygiene standards<sup>148</sup> have become very common. Geographic extent of such circumstances is noteworthy as well. Strikingly, it was reported in April 2021 that eight children lost their lives in three days in irrigation canals in Adana, Kahramanmaraş and Şanlıurfa.<sup>149</sup> The current situation shows that convenient living conditions are not provided for working families including for children, necessary safety measures are not taken, and fundamental rights are violated. Those rights are protected under the constitution, and factors like informal employment hinder effective prosecution of civil and criminal liability. Study done by Development Workshop indicates that 58% of the workers' parents were also in agriculture sector, proving that it has been a family business for years. According to the same study, 64% of the subjects spent 12 months in tents all around Türkiye to be a part of harvests, only 22% have personal protective equipments (PPEs), 46.2% had hygiene kit support and 20.9% food support, proving the lack of protection children face.<sup>150</sup>

SMW generates from financial constraints caused by the need for labour and competitive market conditions in agriculture in Türkiye. For this reason, preventing employment of children in agriculture sector is complicated even where such employment is not desired by farmers whose families are informed within the scope of the programmes conducted or by agricultural intermediaries. Furthermore, it is important to improve accommodation conditions of workers, take infrastructure-related measures for the need of water and toilet, and develop solutions for children's needs such as education and extracurricular activities.<sup>151</sup> In global supply chains, projects are conducted through the cooperation of public sector, private sector, non-governmental organisations, and international organisations for the purposes of preventing CL and improving working and living conditions by achieving the aforementioned goals. Good practices of companies are significant for preventing children who come with their families, especially those in young ages, from entering into yards and gardens and ensuring that they stay in a safe area and continue their education under the supervision of experts while their families are working. Yet, those practices must be continuous and solution-oriented.

146. Ankara İSiG Assembly, "Türkiye'de Çocuk İşçiliği ve Çocuk Cinayetleri Raporu", 2018, <http://isigmeclisi.org/19520-turkiyede-cocuk-isciligi-ve-cocuk-is-cinayetleri-raporu-ankara-isig-meclisi>

147. As per the principle of best interest of the child, name and details of the child in question is kept confidential.

148. Polatlı News Agency, "13 yaşındaki Gamze Sakarya Nehri'nde hayatını kaybetti" (13-year-old Gamze lost her life in Sakarya River), 14.10.2020, <https://www.polatlihaberajansi.com/haber/13-yasindaki-gamze-sakarya-nehrinde-hayatini-kaybetti-3741>

149. Bianet, "Two children drown in an irrigation canal in Urfa", 29.04.2021, <https://bianet.org/english/human-rights/243269-two-children-drown-in-an-irrigation-canal-in-urfa>

150. Development Workshop, "Under the Iceberg Seasonal Migrant Agricultural Workers and Their Children: The Study Report on the Effect of the Coronavirus Pandemic on Seasonal Migrant Agricultural Workers, Their Families, and on Child Labour", 2021, (Unpublished), p. 43.

151. <https://www.haberturk.com/zinciri-kiramazlarsa-onlar-da-tarim-iscisi-olacak-3103047-ekonomi>

Kills conducted within this study show that international ready-to-wear manufacturing companies do not extend their scope to the farm level where most of the CL occurs. Cotton farmers interviewed in Gaziantep stated that hand picking is a discontinued practice due to mechanization, which makes the process of harvest easier for the farmers, despite the fact that hand-picked cotton is considered to be more valuable than the machine-picked cotton<sup>152</sup>. Yet, the hand picking still continues. Even though, due to the restrictions to the project timeline the fields could not be visited during cotton harvest, they managed to reach out to agricultural workers that work in the cotton harvest, whose remarks supported the presence of CL in farm level. *“There is nothing we can do, except working. We would go to school if it was possible and not work.”* says a male child worker in Gaziantep whom we interviewed during garlic weeding.

It should also be noted that Turkish suppliers of the multinational companies use mainly imported cotton (from Americas and South East), thus ready-to-wear sector might have a minimal impact on the farm level. Though this is the case textiles still continue to use Turkish cotton, where CL is still present (although decreased due to the effect of mechanised harvesting methods) at the farm level, especially in small farms and in cases where hand-picking is required such as rocky areas that cannot be accessed by machines or weeding tasks. Within this framework, in order to efficiently combat CL, companies need to increase good practices, monitoring and carry on their activities by attaching particular importance to HRDD especially in sectors where CL is observed to be prevalent such as seasonal agriculture, and not only at the factory level.

## b. CL in Ready-to-Wear Manufacturing

As per the Employment Statistics published by TURKSTAT for the Third Quarter of 2022<sup>153</sup>, while the ratio of unemployment (seasonally adjusted) resulted as 10%, the ratio of employment (seasonally adjusted) resulted as 47.5%, with 15.8% employed in agriculture and 21.6% in industry; 64.9% for men and 30.5% for women, proving the aggravated effect of unemployment on women. DiSK-AR, which analyses the registered and full-time employment rates based on TURKSTAT's Employment Statistics, declared that amongst the 47.5% employed the registered and full-time employed rate was 33.7%<sup>154</sup>.

According to the SSI's data<sup>155</sup> of May 2022, there are 19,923 workplaces manufacturing textile products, and the total number of registered and insured workers working in these

152. Hand-picked cotton is, in fact, considered more valuable than the machine-picked cotton due to the lower amount of trash contents, which makes it easier and cleaner to treat cotton at ginning; see Evcim, H.U., Oz E., “Comparison of Mechanical and Hand Harvesting of Cotton Regarding Lint Quality Factors under Turkish Conditions”, Proceedings of the World Cotton Research Conference-2. Athens, Greece, September 6-12, 1998. pp.1106-1108, [https://icac.org/Content/EventDocuments/PdfFilesead70188\\_a60b\\_47e9\\_a330\\_e2b65925e395/Comparison%20of%20Mechanical%20and%20Hand%20Harvesting%20of%20Cotton%20Regarding%20Lint%20Quality%20Factors%20under%20Turkish%20Conditions.pdf](https://icac.org/Content/EventDocuments/PdfFilesead70188_a60b_47e9_a330_e2b65925e395/Comparison%20of%20Mechanical%20and%20Hand%20Harvesting%20of%20Cotton%20Regarding%20Lint%20Quality%20Factors%20under%20Turkish%20Conditions.pdf)

153. TURKSTAT, Employment Statistics Third Quarter: July-September 2022 (15.11.2022, <https://data.tuik.gov.tr/Bulten/Index?p=Isgucu-Istatistikleri-III.-Ceyrek:-Temmuz-Eylul-2022-45656&dil=1#:~:text=T%C3%9C%C4%B0K%20Kurumsal&text=Hanehalk%C4%B1%20%C4%B0%C5%9Fg%C3%BCc%C3%BC%20Ara%C5%9Ft%C4%B1rmas%C4%B1%20sonu%C3%A7lar%C4%B1na%20g%C3%B6re,%10%20C0%20seviyesinde%20ger%C3%A7ekle%C5%9Fti.>

154. DiSK-AR Unemployment and Employment Outlook 2022 Third Quarter Report, 17.11.2022, <https://arastirma.disk.org.tr/?p=9439>

155. Republic of Türkiye Social Security Institution, Monthly Statistics, May, 2022. Access Date: 16.11.2022. [http://eski.sgk.gov.tr/wps/portal/sgk/tr/kurumsal/istatistik/aylik\\_istatistik\\_bilgileri](http://eski.sgk.gov.tr/wps/portal/sgk/tr/kurumsal/istatistik/aylik_istatistik_bilgileri)

workplaces is 504,249. No official data could be reached through TURKSTAT and SSI regarding the exact unregistered employment figures in this sector. Having said that, ready-to-wear sector is described as having the highest rate of irregular employment within manufacturing industries<sup>156</sup>. Ready-to-wear supply chain is multi-faceted, consisting of multiple layers due to the high level of subcontracting, which often lacks sufficient transparency. The mentioned structure of the supply chain, along with the ‘under the counter’ manufacturing at the subcontractor level paves the way for irregular employment and thus also for CL.

Working conditions of children employed at a supplier that falls outside the scope of the global brands reveal that a substantial part of them are working under conditions that endanger their health and development in breach of the legislation. As a general note on hazardous conditions of the sector, it appears that 12.9% of working children are working in excessively hot/cold environments or environments with excessive humidity/no humidity, and 10.8% are exposed to dust, smoke or harmful gases. It is further determined that 10.1% are exposed to difficult work postures or movements or handle heavy loads, and 10% suffer noise or strong vibrations<sup>157</sup>. The ratio of children exposed to accident risk is 6.4%, and TURKSTAT has recorded that 1.3% of working children suffer injury or disability and 4.4% witness injury or disability at their place of work<sup>158</sup>. On the other hand, only for formally employed children, the SSI official data based on the records indicates a ratio of 15%<sup>159</sup>, a much higher rate for occupational health and safety (**OHS**) incidents, which indicates a need to further research on this subject to clarify the relevant inconsistency. Likewise, official data indicates death of around 5 child workers every year, whereas according to the report of the ISIG, 513 child workers passed away between 2013 and 2021.<sup>160</sup> It is also worth noting that many of the workplace accidents are not recorded, thus the real figures are likely to be higher than the official data. The media tends to cover workplace accidents only in case where severe injuries or death takes place. A general recommendation stemming from the mentioned bottlenecks would be to improve the OHS measures to raise the awareness and ensure effective implementation of legal framework in practice.

It is striking that workers in textile workshops working for large brands stated that brands provided no support during the COVID-19 period.<sup>161</sup> Having said that, research has shown that those large multinational brands administer extensive in house and 3<sup>rd</sup> party audits to ensure their workers’ rights and no CL is present throughout their supply chains. Considering that the EU constitutes 41.3% of Türkiye’s total volume of textile export and ranks the first in Türkiye’s export<sup>162</sup>, exporting companies which operate in Türkiye and are

156. Lortoğlu/Kurtulmuş, Syrian Labor in Textile Sector: Case of Istanbul, Marmara Üniversitesi İktisadi ve İdari Bilimler Dergisi, C:42, S:1, June 2020, p. 130.

157. TURKSTAT, Child Labour Force Survey, 2019, <https://data.tuik.gov.tr/Bulten/Index?p=Child-Labour-Force-Survey-2019-33807#>

158. Ibid.

159. Bianet, “TurkStat’s Child Labor Survey is Not Realistic as it Does Not Cover Syrian Children, 02.04.2020, <https://bianet.org/english/children/222335-turkstat-s-child-labor-survey-is-not-realistic-as-it-does-not-cover-syrian-children>

160. İSiG Meclisi (Health and Safety Labour Watch), “Çocuk işçilik Yasaklansın! Son sekiz yılda en az 513 çocuk çalışırken hayatını kaybetti” (Ban Child Labour! In the last eight year, at least 513 children died while working) 11.06.2021, <https://www.isigmeclisi.org/20673-cocuk-iscilik-yasaklansin-son-sekiz-yilda-en-az-513-cocuk-calisirken>

161. Clean Clothes, “A Research on the Impact of Covid-19 Pandemic on the Textile Industry Workforce”, 2021, <http://www.temizgiysi.org/wp-content/uploads/2021/06/CCC-Turkey-report-final-english-version.pdf>

162. Turkish Ministry of Trade, “Yanibaşımızdaki Dev Pazar Avrupa Birliği” (European Union: The Giant Market at Our Elbow) <https://ticaret.gov.tr/dis-iliskiler/avrupa-birligi/yani-basimizdaki-dev-pazar-avrupa-birligi>

included within global supply chains will have to abide by the regulations of the countries, with which they have commercial relationships, concerning protection of human rights and children's rights and prevention of CL in order to carry on their activities.

*"No CL is present since at least the last decade"* reported sustainability departments of integrated factories that do ginning, dyeing, pressing, cutting and packaging for the multinational companies. Turkish workshops<sup>163</sup> report that *"they not only have to comply with the environmental sustainability policies of the brands but they also have to comply with the social policies that ensures a minimum wage, healthy working hours, health and safety, no CL, open door policies and grievance mechanisms and many more"*. Aforementioned audits may take place every three months to six months to a year. Should a breach of obligation spotted, the companies then, give a low mark for the audited workplace to be improved for the next audit cycle. If the workplace that is on probation does not comply or shows no such intent the multinational brands tend end their work relationship with them. This is due to the fact that these multinational companies have to comply with ever-evolving international regulations that ensures corporate responsibility as well as the fact that they don't want to attract negative media attention throughout their supply chains. Partly due to these reasons, factories and workshops that are under close surveillance of the companies they supply to, do not prefer employing any young workers below the age of 18. Even if they employ interns from vocational schools for short periods of times, they make sure that these interns work in less harmful stations.

All in all, it should be noted that unless the supplier is a party of the multinational companies - that are a member of Sustainable Apparel Coalition, Better Cotton Initiative (BCI) and various other organizations - CL, informal economy and undecent working conditions are present in workshops that mainly produce for the domestic market. This is also supported by of the KIIs conducted with the managers of a local ready-to-wear brand, which currently sells exclusively to the domestic market, who reported that they struggle in ensuring eliminating CL, especially after the COVID-19 pandemic period when parents had no place to leave their children who did not attend school. The mentioned local brand managers stated that the company considered starting export in the upcoming year. It was, however, striking to note that they had no knowledge nor awareness on the EU legislation related to BHR, HRDD or CL specifically.

### 3.3. Factors and Risks Concerning CL in Garment Supply Chain Consolidated with Cotton in Türkiye

There are several factors that trigger the occurrence and risks of CL in garment supply chain consolidated with cotton in Türkiye. The project group has divided these factors into two main groups as socio-economic factors and supply chain related factors for the purposes of this study. Accordingly, socio-economic factors consist of family dynamics,

163. Workshops that were in the scope of the study are situated in Kahramanmaraş, Gaziantep, Tokat, Urfa, Denizli, Aydın, İzmir, İstanbul and Tekirdağ.



poverty, informal economy, migration, barriers on access to education and impacts of COVID-19 and economic recession in Türkiye. The supply chain related factors, on the other hand, consist of insufficient traceability and transparency in supply chains, effect of audits and certifications, social compliance policies of companies and priorities of the sector. Moreover, pricing and ordering policies, delivery timing and shared responsibility amongst supply chain actors are also touched upon as these may be relevant within the given context.

### 3.3.1. Socio-Economic Factors

#### 3.3.1.1. Family Dynamics



Throughout the conducted desk and field research within this study, family dynamics have been determined to be an important factor affecting CL. In fact, factors such as the structure of the family, number of the people in the household, whether the parents are alive and working or not, educational backgrounds of parents, numbers and genders of siblings, and health issues of family members have impact on the employment of the children in the relevant family or household.

It is observed that many of the working children employed in seasonal agriculture live in crowded households consisting of approximately 5 members, with parents who are primary school or high school dropouts. According to the United Nations Population Fund (UNFPA) 2012 research, the primary school net enrolment rate (ages 6-13) of children in seasonal agricultural worker households is 74 percent for girls and 78 percent for boys. Rates decrease as age and education level increase. For high school (14-16 years), the net enrolment rate is about 23 percent for girls and 33 percent for boys. The fact that girls have lower access to and attendance at education than boys is an unchanging reality for children from households with seasonal agricultural workers. While approximately one out of every three girls aged 15-19 and one out of every two women aged 20-24 did not go to primary school or have not completed primary school; over the age of 25, these rates increase from an average of four women to three. The low education level of such a young population is one of the most important realities of the population.<sup>164</sup>

It is also observed that the rate of children becoming a part of the workforce and dropping out of their schools is in alignment with their parents' status. Children usually join the workforce when the adults in their family are unemployed, and parents let their children work in order to survive, especially as a crowded family, in big cities like Istanbul, Izmir and Bursa.<sup>165</sup> This situation points out to the burden

164. Development Workshop, Yoksulun Umudu Çocuk: Mevsimlik Tarım İşçisi Hanelerin Sosyo-Ekonomik Profili ve Çocuk İşçiliği Araştırması, page 30, <https://www.ka.org.tr/dosyalar/file/Yayinlar/Cocuk-Haklari/Raporlar/YOKSULUN-UMUDU-COCUK.pdf>

165. Uyan-Semerci/Erdoğan/Durmuş, Çalışan Çocuk: Bağcılar ve Küçükçekmece Pilot Araştırması, 2017, [https://www.academia.edu/35084763/%C3%87al%C4%B1%C5%9Fan\\_%C3%87ocuk\\_Ba%C4%9Fc%C4%B1lar\\_ve\\_K%C3%BC%C3%A7%C3%BCk%C3%A7ekmece\\_Pilot\\_Ara%C5%9F%C4%B1rmas%C4%B1](https://www.academia.edu/35084763/%C3%87al%C4%B1%C5%9Fan_%C3%87ocuk_Ba%C4%9Fc%C4%B1lar_ve_K%C3%BC%C3%A7%C3%BCk%C3%A7ekmece_Pilot_Ara%C5%9F%C4%B1rmas%C4%B1)

put on these children to financially support their families. In fact, many of the children in various studies conducted for garment sector<sup>166</sup> have reported that they work to be able to cover their families' fundamental needs like rent, nutrition, health and education.

It is common for children, of especially crowded families, to work as an apprentice and contribute to the family income to help their families or at least earn their pocket money. As it is common for girls to complete household chores from a very young age such as cleaning and cooking, preventing them from going to school and increasing their work hours compared to their male siblings<sup>167</sup>. As per the previous studies on CL in seasonal agriculture<sup>168</sup>, children are involved in a number of different tasks, ranging from harvesting, weeding, carrying sacks, to carrying water, doing laundry, doing the dishes, cooking and childcare. All of these tasks not only make it impossible for these CLs to take rests as required under the relevant legislation, but they also affect these children's physical developments negatively.

According to a study made amongst Syrian refugee children in Türkiye, children of families where the head is female present a higher rate of being involved in paid jobs<sup>169</sup>. This data shows that CL is a coping mechanism for refugees, where children work to support their families. The level of education of the parents is another factor that has a direct effect to the employment of children. It has been determined in past studies that children in families where the head has completed secondary school are 10% less likely to be employed in paid jobs when compared to children with families where the head has no education<sup>170</sup>. *Dayıoğlu et al.* also points out to the effect of networking and work sharing within families, as there is a direct correlation between the mother being alive and the girls' employment, and the father being alive and the boys' employment<sup>171</sup>.

Relationship between family dynamics and CL is also evident in seasonal agricultural work, where families travel for around 6 months of the year all around Türkiye, including the cotton harvest both in the Mediterranean and the Southeast region of Türkiye. These

166. Development Workshop, Yoksulun Umudu Çocuk: Mevsimlik Tarım İşçisi Hanelerin Sosyo-Ekonomik Profili ve Çocuk İşçiliği Araştırması, page 30, <https://www.ka.org.tr/dosyalar/file/Yayinlar/Cocuk-Haklari/Raporlar/YOKSULUN-UMUDU-COCUK.pdf> ; International Children's Centre, Partnership Network to Prevent Violence Against Children, Çocuk İşçiliğine Genel Bakış ve Mevsimlik Tarımda Çocuk İşçiliği, 2018, page 12, [https://www.ihd.org.tr/wp-content/uploads/2020/06/cocuk\\_isciligi.pdf](https://www.ihd.org.tr/wp-content/uploads/2020/06/cocuk_isciligi.pdf)

Fair Labor Association, Child Labour in Cotton Supply Chain, Mitigating Child Labor Risks in Cotton, 2017, page 5, [https://www.unicef.nl/files/child\\_labor\\_in\\_cotton\\_supply\\_chains\\_june\\_2017.pdf](https://www.unicef.nl/files/child_labor_in_cotton_supply_chains_june_2017.pdf)

Fair Wear Foundation, Turkey Country Study 2017/2018, <https://api.fairwear.org/wp-content/uploads/2018/11/Turkey-Country-Study-20172018-def.pdf> ; Clean Clothes Campaign Turkey, "Syrian Workers in Turkey's Garment Industry", 2019, p.1, <http://www.temizgiysi.org/looking-back-moving-forward-syrian-workers-in-turkeys-garment-industry/>

167. Uyan-Semerci/Erdoğan/Durmuş, Bilgi University, Çalışan Çocuk Bağcılar Küçükçekmece, Pilot Araştırması, 2017, page 50, <http://cocukisciligineson.bilgi.edu.tr/wp-content/uploads/2019/06/c%CC%A7al%C4%B1s%CC%A7an-c%CC%A7ocuk-raporu.pdf>

Project Key Informant Interviews with MoNE and Department of Vocational Training

168. Development Workshop, 'Bir Yevmiye, Bir Yevmiyedir...' Tarım Aracıları ve Türkiye'de Tarımsal Üretimde Çocuk İşçiliği, Çocuk İşçiliğiyle Mücadele Programı, Eylül 2018, p. 64-65; Support to Life, Seasonal Migrant Agriculture Research Study, 2014, page 7, <https://www.hayatadestek.org/wp-content/uploads/2021/09/mevsimlik-gezici-tarim-i%CC%87sciligi-2014-arastirma-raporu.pdf> ; Development Workshop, Findık Dalda Kalmaz, 2022, <https://www.ka.org.tr/dosyalar/file/Yayinlar/Cocuk-Haklari/Raporlar/FINDIK-DALDA-KALMAZ.pdf>

169. Dayıoğlu/Kırdar/Koç, The Making of a Lost Generation: Child Labor Among Syrian Refugees in Turkey, IZA Discussion Papers No. 14466 (2021), p. 12.

170. Dayıoğlu/Kırdar/Koç, The Making of a Lost Generation: Child Labor Among Syrian Refugees in Turkey, IZA Discussion Papers No. 14466 (2021), p. 12.

171. Dayıoğlu/Kırdar/Koç, The Making of a Lost Generation: Child Labor Among Syrian Refugees in Turkey, IZA Discussion Papers No. 14466 (2021), p. 14.

seasonal migrant worker families travel with their children as they do not have any secure place to leave their children and they are on the road most of the year. This situation gives rise to a problem of CL firstly because children, having no other safe place to stay, travel and enter the fields with their families, and in majority of the cases, families receive daily wage (*yevmiye*) also for their children who take part in harvest. Therefore, families become motivated to refer their children to work, as they receive an extra payment for their work on a daily basis. In another type of payment, which is calculated based on the amount of product that is harvested, children's contribution is again considered important, especially those above the age of 12-13 who are seen as adults in workforce. According to a study conducted in 2010, the ratio of children who did not complete primary education due to attending seasonal agriculture work was 20.0%; and 47.2% thereof were illiterate.<sup>172</sup>

Despite farmers and ginning factories emphasizing the decrease in the CL in the past 20 years, especially due to mechanisation of the cotton harvest, it was noted from the conducted KIs that there is still hand picking practice in certain tasks, such as the weeding of cotton and harvesting rocky areas of fields where machines can hardly access, which results also in CL. The children who work in handpicking tasks in the field are main component of the worst forms of CL, as they work almost half a day under the sun, risking various health issues and staying in tents deprived of basic needs.

Regional cultural dynamics also play an important role in the occurrence of CL in this supply chain. According to the information gathered from the KIs conducted with cotton farmers and a cotton trader in Gaziantep, it is customary for young girls around the age of 15-16 to work in planting and weeding of cotton, especially the latter, in order to save some dowry money for the time when they will be married. This situation, in turn, extends the period for them to get married, in a way preventing early marriage at a very young age, as these young girls often use their jobs as an excuse for not getting married, which is acceptable to their families considering the income they generate for the household. In other words, CL for this group creates a window of opportunity to delay an early marriage.

Another important contributing factor to the occurrence of CL in garment supply chain is the lack of family friendly policies throughout the supply chain both at the farm level and factory level. To ensure child security and family friendly policies, businesses should ensure parent workers' well-being. Pursuant to the 3<sup>rd</sup> Principle of Children's Rights and Business Principles, businesses have a responsibility to "*provide decent work for young workers, parents and caregivers.*"<sup>173</sup> Although it has not been possible to interview parent workers at the factory level, it is observed throughout the KIs that, despite the aforementioned regulations on childcare institutions, majority of the workplaces do not provide any childcare options for parent workers, do not have programs to financially support families and working conditions with a significant overtime prevent parent workers to fulfil their parental responsibilities. This is also the case at the farm level as children of seasonal migrant workers travel most of the year with their families, without any sustainable access to school or any safe place to stay while their parents work in the field, which in turn creates a situation where these children are brought to the fields, thus resulting in an indirect occurrence of CL.

172. Gülçubuk, Child Labour Under the Worst Conditions: Child Laborers in Cotton Production in Turkey, 2010, [https://www.researchgate.net/publication/228487139\\_Child\\_labor\\_under\\_the\\_worst\\_conditions\\_Child\\_laborers\\_in\\_cotton\\_production\\_in\\_Turkey](https://www.researchgate.net/publication/228487139_Child_labor_under_the_worst_conditions_Child_laborers_in_cotton_production_in_Turkey)

173. UNICEF, Global Compact, Save the Children, "Children's Rights and Business Principles", 2012-2015, [http://www.unglobalcompact.org/docs/issues\\_doc/human\\_rights/CRBP/Childrens\\_Rights\\_and\\_Business\\_Principles.pdf](http://www.unglobalcompact.org/docs/issues_doc/human_rights/CRBP/Childrens_Rights_and_Business_Principles.pdf).

### 3.3.1.2. Poverty



the Gini index  
for Türkiye  
is estimated as

**0.401**

in 2021

In terms of poverty, it would be important to refer to the distribution of income. As per TURKSTAT's Research on Income and Living Conditions (2021)<sup>174</sup>, the Gini index for Türkiye is estimated as 0.401 in 2021, decreasing by 0.009, indicating that there is an improvement in terms of achieving fair distribution of income. Having said that, income inequality in Türkiye remains to be a crucial problem. According to the 2022 World Inequality Report<sup>175</sup>, the average national income of the adult population is TRY 85,010.23; however, while the bottom 50% earns TRY 20,260, the top 10% earns 23 times more (TRY 463,020), and the top 10% has 54.5% of total income while the bottom 50% takes 12%<sup>176</sup>.

As per TÜRK-İŞ data for October 2022<sup>177</sup>, the minimum subsistence limit for a family of four is TRY 24,185, while the hunger limit per person is TRY 7,425, and the minimum subsistence limit for a single person is TRY 9,705 – both of which is higher than the minimum wage. According to the study of Deep Poverty Network<sup>178</sup> on Child Poverty in Türkiye, families have difficulty in purchasing baby food and diapers, 21% cannot afford them at all. Families have to feed their 0-3 year old children with foods that do not have sufficient nutritional value for this age group, such as instant soup, sugar water, rice porridge. In 38.7% of households, meals are skipped almost every day. While 39% of the families interviewed said that they did not have access to clean drinking water before COVID-19 period, 49% did not have access to drinking water during COVID-19. According to the Consumer Rights Association the inflation rate for legumes is 178% in 2022.<sup>179</sup> As a consequence, it was reported by TURKSTAT that 35.9% of the child labourers work in order to help their families.<sup>180</sup> Pursuant to the Deep Poverty and Access to Rights survey, 13% of the households interviewed have CL and in 6% of these households, only children bring income.<sup>181</sup> In fact, according ILO rate of working boys in the family is 70.6% while girls' rate is 29.4%.<sup>182</sup>

174. TURKSTAT, Research on Income and Living Conditions 2021, 06.05.2022, No. 45581, <https://data.tuik.gov.tr/Bulten/Index?p=Gelir-ve-Yasam-Kosullari-Arastirmasi-2021-45581>

175. World Inequality Report 2022, [https://wir2022.wid.world/www-site/uploads/2022/03/0098-21\\_WIL\\_RIM\\_RAPPORT\\_A4.pdf](https://wir2022.wid.world/www-site/uploads/2022/03/0098-21_WIL_RIM_RAPPORT_A4.pdf)

176. World Inequality Report 2022, p. 225.

177. TÜRK-İŞ, October 2022 Hunger and Poverty Limits, 27.10.2022, <https://www.turkis.org.tr/ekim-2022-aclik-ve-yoksulluk-siniri/>

178. Deep Poverty Network, Child Poverty in Turkey, [https://derinyoksullukagi.org/wp-content/uploads/2021/09/21443\\_DYA\\_CocukYoksullugu\\_BilgiNotu\\_Web-1.pdf](https://derinyoksullukagi.org/wp-content/uploads/2021/09/21443_DYA_CocukYoksullugu_BilgiNotu_Web-1.pdf)

179. Tüketiciler Hakları Derneği, "Annual average vegetable inflation 178 percent: "The majority of consumers are doomed to starvation", 09.05.2022, <https://sendika.org/2022/05/yillik-ortalama-sebze-enflasyonu-yuzde-178-tuketicilerin-cogunlugu-acliga-mahkum-edilmistir-655261/>

180. TURKSTAT, 2019 Child Labour Survey, 31.03.2019, <https://data.tuik.gov.tr/Bulten/Index?p=Child-Labour-Force-Survey-2019-33807>

181. Deep Poverty Network, Child Poverty in Turkey, [https://derinyoksullukagi.org/wp-content/uploads/2021/09/21443\\_DYA\\_CocukYoksullugu\\_BilgiNotu\\_Web-1.pdf](https://derinyoksullukagi.org/wp-content/uploads/2021/09/21443_DYA_CocukYoksullugu_BilgiNotu_Web-1.pdf)

182. ILO Child Labour Elimination Program, Child Labour in Turkey, <https://www.ilo.org/ankara/projects/child-labour/lang-tr/index.htm>



When asked them about their aspirations and motivations in life, the Syrian worker (20 years old), who was interviewed in the field, responded: “*I just want to be able to live*”, referring to the difficulties due to economic conditions. The same worker also stated that he was the only one in his family who worked and thus his family relied upon him to survive. The other two Syrian workers also confirmed that they worked in order to support their household.

Poverty is especially prominent among Syrian refugees, as per World Food Programme 2016 reports<sup>183</sup> 28.6% of Syrian refugees residing outside camps were food insecure and 93% were below the national poverty line.<sup>184</sup> At this point it is worth mentioning the demographic characteristics of seasonal migrant workers, a sector that is populated by Syrian origin population, who are of the lowest socio-economic groups, of a rural background, with a low level of education<sup>185</sup>. CL becomes crucial for the survival of these groups considering that they need the workforce of every single member of the family who is physically able to work, including children, since they have no alternative sources of income.

Needless to say, the currently ongoing economic recession aggravated by the increasing inflation and the devaluation of Turkish Lira create a deepened condition of poverty in the society. COVID-19 period also had no positive effect on the situation concerning poverty. Many people lost their jobs during this period and the extended curfew has seriously hindered certain industries which has had direct effects on the employment. Moreover, COVID-19 has had a more severe effect on lower income class, who have limited access to proper healthcare, which has also negatively impacted their employment conditions. This context also affects CL, as families opt to refer their children to work rather than to school and also many children prefer to work to be able to bring an extra income to their household, which is already struggling under the current economic conditions.<sup>186</sup> *Hacer Foggo* points out to the increasing CL and school drop outs due to the economic recession, as more and more children want to join the workforce based on the feeling that they become a burden for their families if they continued school<sup>187</sup>.

CL becomes especially tempting for employers in times of economic recession. In fact, CL presents a cheap form of labour without any legal obligations on the employer's side, supported by children's submissiveness in accepting unjust and hard conditions such as long working hours, low amount of pay, late payment<sup>188</sup>. In addition to all of these, migrant children are even more vulnerable due to their special conditions, thus increasing the risk of employment under the worst conditions<sup>189</sup>.

183. World Food Programme, Off Camp Syrian Refugees in Turkey: A Food Security Report, 2016, p.8, <https://documents.wfp.org/stellent/groups/public/documents/ena/wfp282921.pdf>

184. Kırdar/Koç/Dayıoğlu, IZA Institute of Labour Economics, “School Integration of Refugee Children: Evidence from the Largest Refugee Group in Any Country”, 2021, p.12, <https://www.iza.org/publications/dp/14716/school-integration-of-refugee-children-evidence-from-the-largest-refugee-group-in-any-country>

185. Yoksulun Umudu Çocuk: Mevsimlik Tarım İşçisi Hanelerin Sosyo-Ekonomik Profili ve Çocuk İşçiliği Araştırması, Çocuk İşçiliğiyle Mücadele Programı, Haziran 2019, p. 13, <https://www.ka.org.tr/dosyalar/file/Yayinlar/Cocuk-Haklari/Raporlar/YOKSULUN-UMUDU-COCUK.pdf>

186. Sendika.org, COVID-19 ve kentler II: Eşitsizlikler sarmalı – Ayşe Köse Badur (Sarkaç), 11.05.2022, <https://sendika.org/2022/05/covid-19-ve-kentler-ii-esitsizlikler-sarmali-ayse-kose-badur-sarkac-655561/>

187. T24, CHP Yoksulluk Dayanışma Ofisi Koordinatörü Hacer Foggo: Birçok çocuk ailesine destek olmak için çalışmaya başladı; onları durduracak bir mekanizma da yok, 18.05.2022, <https://t24.com.tr/video/chp-yoksulluk-dayanisma-ofisi-koordinatörü-hacer-foggo-bircok-cocuk-ailesine-destek-olmak-icin-calismaya-basladi-onlari-durduracak-bir-mekanizma-da-yok.47545>

188. Lortoğlu/Kurtulmuş, Syrian Labor in Textile Sector: Case of Istanbul, Marmara Üniversitesi İktisadi ve İdari Bilimler Dergisi, C:42, S:1, June 2020, p. 129.

189. Lortoğlu/Kurtulmuş, Syrian Labor in Textile Sector: Case of Istanbul, Marmara Üniversitesi İktisadi ve İdari Bilimler Dergisi, C:42, S:1, June 2020, p. 129.

Despite the data on the increase of CL during the COVID-19 period, the ministry representatives that were interviewed under this study have pointed to a decrease. MoNE representative stated that there is a trend amongst parents to enrol their children to school, as they want them to work in skilled jobs with better returns. They stated that because of this change in mentality and also thanks to the mechanization in agriculture, the overall CL rate has decreased significantly when compared with 10 years ago. The General Directorate of Labour of MoLSS also referred to decreasing figures of CL due to the COVID-19, during which there was curfew and many workplaces and industries were closed as part of the restrictive measures.

In order to support families under difficult conditions, various support programs have been in place with the cooperation of MoFSS, MoNE and MoLSS. These support programs include aids for families in need, scholarships, aids for widows, aids for families with a dependant individual and many more. Social Assistance and Solidarity Foundations have been established in provinces and districts in order to reach all parts of the country and to provide services to the citizens of the country in a short time, under the MoFSS. Integrated Social Assistance Information System, Social Assistance Information System Project, Social Assistance Information System (SOYBİS), Alo Social Assistance Line Project, Family Assistance (including coal etc.), Educational Aid (including material, book and clothes aids), Spouse Deceased Regular Cash Assistance Program for Women, Birth Assistance Application, scholarships by MoNe, and shelters for mothers and children built by the government support provided for those in need.<sup>190</sup> Although these practices are indispensable for manifesting a social state, in practice they have low visibility and accessibility. In this context, these programs should be increased in a sustainable manner.

### 3.3.1.3. Informal Economy



Another factor that boosts CL is the informal economy and irregular (unregistered) employment. According to Centre for Economic Policy Research Policy Discussion Paper, the ratio of the informal employment in Türkiye is 25.6% of the gross national income.<sup>191</sup> Türkiye has the largest informal sector size (relative to Gross Domestic Product) among OECD members, along with Mexico.<sup>192</sup> Even though the informal sector size has declined significantly after 1980's, it still constitutes a large fraction within the economy and acts as a barrier for growth, technological advancement, and the efficiency of public finance.<sup>193</sup> According to a research conducted on Türkiye, the main factors behind informal economy can be divided into two main categories: (1) economical and (2) social.<sup>194</sup> Under the first category primary focuses are Türkiye's development level and

190. Yıldırım, "The Poverty and Fight Against Poverty in Turkey", İksadi ve İdari Yaklaşımlar Dergisi, 1(1), s. 15-33.

191. Elgin, C., M. A. Kose, F. Ohnsorge, and S. Yu. (2021) "Understanding Informality." CERP Discussion Paper 16497, Centre for Economic Policy Research, London.

192. Ateşgözoğlu, O. E., C. Elgin, O. Öztunalı (2017) "TFP growth in Turkey revisited: The effect of informal sector", Central Bank Review, Volume 17, Issue 1

193. Ibid.

194. Yendi, İ. (2011) "Kayıt Dışı Ekonominin İktisadi Mali ve Kurumsal Nedenlerinin Analizi", Ankara Üniversitesi Sosyal Bilimler Enstitüsü Kamu Ekonomisi Anabilim Dalı

the decrease in the income per capita, increasing inflation, high tax and premium pays, and unemployment rates take the lead. In today's global economy, not enough formal jobs are being created and many existing formal jobs are being informalized.<sup>195</sup> Amongst the social reasons of irregular employment, it is possible to address the demographic factors highly affected by both internal and external migration, and consequently, a continuing rise of population.

Due to its strategic geographical location and the current mobilizations, Türkiye has been receiving an intense migration from Middle East and Asian countries in recent years. Specifically for Türkiye's case, although a trend in decrease can be observed when looked at years, when combining the physical eligibility, the right and most importantly, the need these people have for work, with the lack of a diploma results in high numbers of informal employment and economy.<sup>196</sup> The moral structure of the society, the education level of the elements participating in the economic units, the economic and social environment in which the society lives, the population and demographic structure can be counted among the determinants of turning to informality for Türkiye in general.<sup>197</sup>

Syrians', Afghans' and Iranians' lack of participation in formal economy is also partly due to bureaucratic procedures, cultural and language barriers and lack of reliable legal framework. To add, it takes at least six months after registration to get a work permit with a fee half the wage of Syrian workers.<sup>198</sup> All of these factors contribute to the informal employment of workers who are under temporary protection and even those have no protection at all including Iranians and Afghans.<sup>199</sup> Majority of Syrian adults have no access to formal employment and therefore cannot utilise social security. According to the study of Clean Clothes Campaign's study workers almost always work overtime, lack legal protection<sup>200</sup>, work below minimum wage, get discriminated against by their Turkish colleagues and they constantly fear of being laid off if the workload is low.<sup>201</sup>

The deterioration of the economic conditions in Türkiye result in an increase in irregular and unregistered employment. In fact, the employers' obligations and costs have increased with the increase of the minimum wage of 90% in total for the year of 2022, which resulted in an increase in irregular employment that could not be contested by employees who were anyway content of having found a job. The unregistered economy and irregular employment provide for a base that is prone to CL.

In fact, employers that tend to incline towards cheap labour employ migrants and children under irregular employment. This is especially the case in underground workshops where read-to-wear garment takes its final shape. Despite that this is a well-known fact, it is

195. [https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS\\_627189/lang-en/index.htm](https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_627189/lang-en/index.htm)

196. Dlugosch, D., et al. (2021), "Unleashing the full potential of the Turkish business sector", OECD Economics Department Working Papers, No. 1665, OECD Publishing, Paris, <https://doi.org/10.1787/3a64ce1c-en>.

197. Belir, M. (2021) "Kayıt Dışı Ekonomi ve Ekonomik Büyüme İlişkisi: Türkiye Örneği (1990-2019)", İstanbul Gelişim Üniversitesi Lisansüstü Eğitim Enstitüsü

198. TRY 515.70

199. BBC, "Türkiye'deki Afganların statüsü ne? Toplam kaç kişi var?", 2021, <https://www.bbc.com/turkce/haberler-turkiye-58342885#:~:text=Ge%C3%A7ici%20koruma%20stat%C3%BCs%C3%BC%20sadece%20Suriyelilere,d%C3%BCzeyi%20daha%20y%C3%BCksek%20ki%C5%9Filerden%20olu%C5%9Fuyor>.

200. According to 2022 UNHCR data 54% of the Syrians are not supported by a lawyer.

201. Clean Clothes Campaign Turkey, "Syrian Workers in Turkey's Garment Industry", 2019, p.1, <http://www.temizgiysi.org/looking-back-moving-forward-syrian-workers-in-turkeys-garment-industry/>

remarkable that these underground workshops at the bottom of the subcontracting chain are not within scope of the audits carried out by ready-to-wear brands. It has not been possible, within this study, to reach all the way to these workshops through the brands and their Tier 1 suppliers, as they have mentioned that they did not have traceability at that level of their supply chain. Consequently, the mentioned sub-contractors remain outside the scope of all social compliance efforts by global brands, including those concerning CL, which results in a deteriorated state.

Increase in irregular employment is deemed to have given rise to a new social class, called 'precariat', which refers to a social group of people who are in unstable and precarious working conditions that closely affect the material and psychological well-being of individuals<sup>202</sup>. While the use of CL accelerates the process of precarization of labour in Türkiye, it also causes the worst forms of CL to become widespread. In addition, the migration process and precarization result in an increased patriarchal control over labour. While migrant CL has become an important part of production in different sectors and precarization tendencies in the Turkish labour market increase, in the process that can be called the "*competition of the poor*"<sup>203</sup>, there is a fierce wage competition between immigrant and native communities for informal and insecure jobs. The agricultural sector is one of the sectors where this competition is most evident. One of the only factors that makes this competition possible for Syrian immigrants is to create cheap labour force by bringing different forms of labour to the labour market. In this respect, children's work emerges as an important form of labour. Widespread poverty among the migrant population and difficulties in accessing decent work force families to employ their children in all conditions in order to earn even a low income. The fragile and precarious nature of the Syrian migrant group makes them vulnerable to exploitation such as trafficking, sexual harassment and begging, especially in urban areas. The fact that immigrant children start working at a young age affects their development and health negatively, and beyond that, it deprives them of basic education, which is a human right. In addition, starting to work at an early age makes them the most vulnerable points of the low-paid and insecure precariat in working life.<sup>204</sup>

Against the background of an industry shifting toward fast fashion, characterized by shorter production cycles and smaller orders<sup>205</sup>, Türkiye's competitiveness rely largely on informal sector that has allowed garment exporters to react more flexibly to market demands and rapidly changing product lines and to deliver in relatively short lead times."<sup>206</sup> This creates a demand for cheap labour, which is mostly covered by people

202. In contrast to the proletarian class of the 20th century, today's precariat is not only enjoying a partial existence in the labor market, but also increasing its unpaid activities and work to access jobs with a living-level income. Precariat, which is stated to have emerged as a result of neoliberal capitalist developments, is a state of insecurity resulting in lack of job security, partial and short-term work. See Dedeoğlu/Bayraktar/Çetinkaya, "Yoksulun Umudu Çocuk: Türkiye'de Suriyeli Tarım İşçisi Çocuklar", Çalışma ve Toplum, 2019/4, <https://www.calismatoplum.org/makale/yoksulun-umudu-cocuk-turkiyede-suriyeli-tarim-iscisi-cocuklar>

203. Dedeoğlu, Migrant Workers in Agricultural Production: From Poverty Watch to Competition of the Poor' Work and Society, 2018, No: 56, p. 37-67, <https://www.calismatoplum.org/makale/tarimsal-uretimde-gocmen-isciler-yoksulluk-nobetinden-yoksullarin-rekabetine>

204. United States Department of Labor, Bureau of International Labor Affairs, 2015 Findings on the Worst Forms of Child Labor, p.17, [https://www.dol.gov/sites/dolgov/files/ILAB/child\\_labor\\_reports/tda2015/tda2015.pdf](https://www.dol.gov/sites/dolgov/files/ILAB/child_labor_reports/tda2015/tda2015.pdf); Lordoğlu/Aslan, Görünmeyen Göçmen Çocukların İşçiliği: Türkiye'deki Suriye'li Çocuklar, Çalışma ve Toplum, 2018/2, p. 729.

205. Tokatlı, N. and Kızılgün, Ö. (2009) From manufacturing garments for ready-to-wear to designing collections for fast fashion: the changing role of suppliers in the clothing industry. Environment and Planning A, 41: 146–162.

206. Clean Clothes Campaign Turkey, "Syrian Workers in Turkey's Garment Industry", 2019, p.2, <http://www.temizgiysi.org/looking-back-moving-forward-syrian-workers-in-turkeys-garment-industry/>



who are under temporary protection who are open to any kind of job, albeit unregistered, unsecure or cheap. Children aged 15 and below are particularly vulnerable to exploitation and abuse in the workplace, as they do not have a set standard for their work or their wage. Together with their families, Syrian children work in unskilled jobs as “low-cost labour” in many sectors such as textile, construction, seasonal agriculture and become exposed to abuse and exploitation of labour.<sup>207</sup>

### 3.3.1.4. Migration



The vast majority  
of Syrians in  
Türkiye

**(98%)**

reside outside of  
refugee camps

An important component of the current CL problem lies in the increase of undecent work conditions, informal economy and employment crisis is the influx of the migration towards Türkiye since 2011. It has been 11 years since Syrian civil war displaced millions of Syrians and Türkiye, with its open-door policy, welcomed more than 3.8 million<sup>208</sup> Syrian refugees. Syrian families who are trying to survive in Türkiye end up in the lowest paid and most precarious segments of the workforce due to economic pressure. The vast majority of Syrians in Türkiye (98%)<sup>209</sup> reside outside of refugee camps, making their living from waged labour in towns and cities across Türkiye, including work in the garment sector.<sup>210</sup> According to the 2022 figures, Türkiye hosts 3.8 million registered Syrians, 44.9% of whom are below the age of 18.<sup>211</sup>

According to the KII conducted with a cotton farmer in Gaziantep, the issue of CL in seasonal agricultural work is far from being solved. First of all, children over the age of 11-12 are considered suitable for field work, by their families and by labour intermediaries. In other words, they do not deem them as children, but as adults in terms of workforce, and consequently they do not consider giving rise to CL<sup>212</sup>. Although cotton farmers state that they do not prefer to have children in their fields, in the end they do not have much option. If they insist on not letting the children in the fields together with their worker parents, seasonal migrant workers reject working and usually move to the neighbouring field. Aggravated by the demographic change in the region, where the children of local agriculture workers no longer wish to continue their family jobs, but instead they move to the city to be employed in ‘cleaner’ jobs, such as security guards, policemen or soldiers, cotton farmers need the work of Syrian work force.

207. Equal Times, Syrian refugees have a right to equal pay for equal work, 20.06.2018, <https://www.equaltimes.org/syrian-refugees-have-a-right-to?lang=en#.Yga7n-5BxO9>

208. Refugees Association, Registered Syrians in Turkey 2022, <https://multeciler.org.tr/turkiyedeki-suriyeli-sayisi/>

209. Kırdar/Koç/Dayıoğlu, IZA Institute of Labour Economics, “School Integration of Refugee Children: Evidence from the Largest Refugee Group in Any Country”, 2021, p.6, <https://www.iza.org/publications/dp/14716/school-integration-of-refugee-children-evidence-from-the-largest-refugee-group-in-any-country>

210. Clean Clothes Campaign Turkey, “Syrian Workers in Turkey’s Garment Industry”, 2019, p.1, <http://www.temizgiysi.org/looking-back-moving-forward-syrian-workers-in-turkeys-garment-industry/>

211. UNHCR, Syrian Regional Refugee Response / Turkey, Registered Syrian Refugees, 03.02.2022, <https://data2.unhcr.org/en/situations/syria/location/113>

212. Kalkınma Atölyesi, ‘Bir Yevmiye, Bir Yevmiyedir...’ Tarım Aracıları ve Türkiye’de Tarımsal Üretimde Çocuk İşçiliği, Çocuk İşçiliğiyle Mücadele Programı, Eylül 2018, p. 17.

As in daily wage (*yevmiye*) system families receive a daily payment also for their children's work, they become motivated to refer their children to field work and even to increase the number of children in their household. Most of the Syrian origin households in the region have around 7-8 children, while local people fall well below these figures. This situation is said to create a problem of so-called 'unfair competition' between Syrian origin workers and local workers, as Syrian origin workers accept wages of almost half of the amount requested by local workers; whereas they receive a higher amount in the end based on the number of children they have who work in the field<sup>213</sup>. This misconception based on the alleged 'unfair competition', which is not actually created by the migrant workers, causes conflicts amongst these groups of people that might eventually lead to a polarised society<sup>214</sup>. The cotton farmer, with whom a KII was conducted, referred to this problem as a reason that increases xenophobia amongst locals and to the conclusion arrived by the employer farmers that "*Turkish people do not like any job*", as in the end they find the wages too low. In other words, it has been observed that while locals do not accept to work below a certain wage level, migrant workers accept such wage levels, which causes more fragmentation in the labour market and hostilities among host and migrant communities. Moreover, due to the significant decrease in the number of young people in the rural areas of Gaziantep also has an impact on the increase of the need for migrant labour.

An important challenge faced by the migrants in Türkiye is the identification of the migrants fleeing from a war zone as "guests" or "foreigners" leads to a marginalisation that results in defining them as "others"<sup>215</sup>. This situation, in turn, significantly complicates these migrants' capacities to adapt and adjust to the sociocultural rules of the society that they live in, which becomes even more aggravated due to language barriers, and in the end forming a vicious cycle: The rise of xenophobia amongst the locals leading to further marginalisation and isolation of the migrants, who lose any potential capacity of adaptation to the society by being alienated.

It has been witnessed during the FGDs carried out in the field in Gaziantep that Turkish origin workers tended to differ and distance themselves from the Syrian origin workers, by stressing that they are not Syrians, while Syrian origin workers walked separately from the others. It should be noted that only one of the Syrian workers had sufficient level of Turkish to understand and respond to the questions and he translated the responses of the other two. It was understood that only the mentioned Syrian worker has had the chance to continue the school in Türkiye. It is clear that the insufficient level of adaptation to the society increase vulnerability and the possibility that these migrants are employed in irregular, unsecured and low paying jobs, and live in poor conditions.

As also emphasised by CSO representatives who were interviewed under this study, integration of Syrian origin people is almost impossible when considering country specific context of Türkiye. The interviewed CSO representatives have indicated that the main factors hindering integration are language barriers, supported by their lagging behind

213. It is suggested that the wage received by Syrian origin workers is around 50% less than the wage received by local workers, which can be even lower for child labourers; see Lordoğlu/Aslan, *Görünmeyen Göçmen Çocukların İşçiliği: Türkiye'deki Suriye'li Çocuklar, Çalışma ve Toplum*, 2018/2, p. 729.

214. Lordoğlu/Aslan, *Görünmeyen Göçmen Çocukların İşçiliği: Türkiye'deki Suriye'li Çocuklar, Çalışma ve Toplum*, 2018/2, p. 729.

215. Lortoğlu/Kurtulmuş, *Syrian Labor in Textile Sector: Case of Istanbul*, *Marmara Üniversitesi İktisadi ve İdari Bilimler Dergisi*, C:42, S:1, June 2020, p. 137.

their contemporaries in Türkiye at school, and of course discrimination. According to UNHCR's data<sup>216</sup>, only 16% of foreigners indicated they can fluently speak and understand speak Turkish. Syrian children's enrolment rate in school was 30.4% during the years 2014-2015, 59.1% during the years 2016-2017, 61.4% during the years 2018-2019 and 64.2% during the 2020-2021 school year showing an evident increase. Yet, more than one-third of children are still out of school.<sup>217</sup> UNHCR's 2022 data<sup>218</sup> suggests that 63% of children work because the household income is not sufficient to cover their needs, 33% of children work as there is no other working household member and 24% of children want to contribute to their household income. When asked what kind of assistance they require 40% of refugees indicated they need financial/material assistance, 30% indicated they need assistance on labour rights and 25% indicated they need assistance settling in Türkiye and acquiring a work permit.<sup>219</sup> Both the CSO and the ministry representatives indicated during the KIIs that unless a more sensitive approach is taken towards their education, language training<sup>220</sup>, social and cultural rehabilitation, Syrian refugees will continue to be a part of informal economy with no real chances of integration.

In addition to the seasonal migrant work in agriculture, ginning facilities also appear to pose a significant risks in terms of CL. It has been reported in a KII conducted with the owner of one of the ginning facilities in Gaziantep that they employ seasonal migrant workers coming to work in the region in cotton harvest season in families, where children also undertake certain tasks of an ancillary character (as *ortacı*). According to the information gathered at this KII, girls do the cleaning tasks, which include cleaning around the ginning machines that pose a significant danger, especially when in operation. Boys, on the other hand, mostly work in the lifting of heavy cotton bales, thus resulting as hazardous work.

### 3.3.1.5. Barriers on Access to Education



Another point to be noted is also the link between education and CL. Within this framework, there are a couple of issues concerning education in Türkiye that have impacts on CL. First of all, the current education system is criticised of easing CL. Secondly, distant learning that was adopted during the COVID-19 period has raised the barriers on access to education for certain groups. Thirdly, resulting from the KIIs conducted with CSOs within this study, it is noted that the education system in Türkiye is criticised of not being sufficiently inclusive to cover the specific needs of migrant and refugee children, who end up being discriminated and isolated at school, which results in their dropout and ultimately in CL. Finally, there are certain

216. UNHCR, Inter-Agency Protection Needs Assessment Round 5 2022, [https://www.refugeeinfoturkey.org/repo/Protection/ia\\_pna5.html](https://www.refugeeinfoturkey.org/repo/Protection/ia_pna5.html)

217. Kırdar/Koç/Dayıoğlu, IZA Institute of Labour Economics, "School Integration of Refugee Children: Evidence from the Largest Refugee Group in Any Country", 2021, p.9, <https://www.iza.org/publications/dp/14716/school-integration-of-refugee-children-evidence-from-the-largest-refugee-group-in-any-country>

218. UNHCR, Inter-Agency Protection Needs Assessment Round 5 2022, [https://www.refugeeinfoturkey.org/repo/Protection/ia\\_pna5.html](https://www.refugeeinfoturkey.org/repo/Protection/ia_pna5.html)

219. It should be noted that this data set is gathered from the registered people under temporary protection or international protection. Therefore it's not fully representative as unregistered people are not represented.

220. On the other hand, if the only language used in education will be Turkish, it might become burdensome for migrant children to communicate with their families in Arab or in Kurdish; see Lordoğlu/Aslan, Görünmeyen Göçmen Çocukların İşçiliği: Türkiye'deki Suriye'li Çocuklar, Çalışma ve Toplum, 2018/2, p. 730.

deficiencies concerning the legislation and practice of apprenticeship and vocational education, which result in exploitation of the students' labour.

It is reported by the KIs from CSOs that the switch to the 4+4+4 education system negatively affected the continuity of children's educational life and facilitated casting children into labour<sup>221</sup>. CSOs that were interviewed within scope of this study referred to the problems posed by the 4+4+4 system, which, in their opinion, allows children to begin working after completing the age of mandatory education, when they are still under the minimum working age. Having said this, representatives of MoNE, with whom KIs were conducted, were highly optimistic regarding their 4+4+4 system that enables newly established Vocational Middle Schools, where children below the age of 15 attend technical training 4 days of their 5-day school week. Vocational High Schools are different than Vocational Educational Centers as they only provide technical training in the 12<sup>th</sup> grade. This apprenticeship program starts at 9<sup>th</sup> grade, where students receive technical training in a workplace under specially trained supervisors for 4 days a week and for the remaining one day they attend their theoretical classes at school. According to the KIs from MoNE, this program helps financially struggling families as well as children who show no interest in common education system, and it also creates skilled labour for workplaces later on. This education takes place in Vocational Education Centers established by the MoNE, where children under temporary protection may also enrol. As per Article 25/4 of VTL, social security premiums of (i) candidate apprentices, (ii) apprentices, (iii) students who receive vocational training at enterprises and students who receive vocational and technical education at schools and institutions and attend internships, complementary education or field education, shall be paid over 50% of the minimum wage by the allowance allocated to MoNE and the universities to which the vocational and technical high education institutions are affiliated. This is considered as an incentive for the employer to adopt vocational and technical training in the workplace.

The graduates of the Vocational Education Centers can receive a high school diploma and take university entrance exams. The KI from the MoNE has explained that during the COVID-19 restrictions period, with the permission of Ministry of Internal Affairs, students of Vocational Education Centers continued their theoretical classes remotely and technical training at the workplace. KIs from MoNE also stated that there is a trend among parents to enroll their children in school as they want them to work in skilled jobs with better returns.

On the flip side of the coin, there is a general tendency in Turkish education system to refer the children (regardless whether they are Turkish or they are refugees/migrants) who fail at common schools to vocational schools. This appears to be more frequent amongst children from families with lower income, as these families prefer that their children enter the workforce to learn an occupation and support family income rather than sending them to school<sup>222</sup>. Although there is a detailed legislation on vocational education system, there are certain loopholes that hinder the efficiency of this system in practice and opens it to potential abuse. It is reported that many workplaces do not comply with the maximum day/

221. Ankara İSiG Assembly, "Türkiye'de Çocuk İşçiliği Raporu", 2018, <http://isigmeclisi.org/19520-turkiyede-cocuk-isciligi-ve-cocuk-is-cinayetleri-raporu-ankara-isig-meclisi>;

222. Çobaner A. A., Türkiye'de Çocuk İşçiliği Sorunu ve Haberlerde Suriyeli Çocuk İşçilerin İzlerini Sürmek, İletişim Çalışmaları Dergisi Sayı 9 Bahar 2016, p.19-20.



hour of workplace learning exercise for the apprenticeship students they have contractual relations through vocational education system. Hence these children cannot continue their education, as they are requested almost full time presence at the workplace.

An inspector from the MoLSS reported that they prioritized large companies for their 2021 cycle and identified 56 children in 24 workplaces of 103 companies, of which 8 were interns and 47 were child labourers. As for the gender-based analysis in garment, the MoLSS inspector mentioned that they came across girls more frequently than boys. The inspector reported during the KII that they asked children if how many days of the week they worked, if they took the weekends and how did they find the remuneration they received, and they discovered that at 75% of the workplaces, children worked 8-11 hours and that they could not continue their theoretical classes at school. The MoLSS inspector reported that the practice at most of the workplaces with vocational training did not fit the legislative requirements, especially in terms of work hours and type of work (which is occasionally dangerous); and therefore, heavier penalties should be regulated in the legislation for non-compliance with the relevant conditions. According to a study conducted in the Bağcılar district of Istanbul with children working in garment sector, 51% of the children have reported that they had no intention of going back to school.<sup>223</sup> Inspectorate of the MoLSS suggests that MoNE and MoLSS have to work in cooperation to ensure the children who are forced to work/found no other choice but to work due to aforementioned reasons can acquire a vocational skill as an apprenticeship student under the umbrella of education and grow into specially educated individuals to be a part of the future work force while supporting their families with the incentive given to apprenticeship students.

There is, in fact, also a general misconception of the the traditional concept of apprenticeship, which constituted a type of informal vocational training system and which needs to be altered to fit the conditions and regulations of the day. Traditionally, apprentices are considered as being completely bound by the orders of their superiors, caught within the boundaries of “master-apprentice relationship”, not being able to speak their own voice, who have to work whenever it is requested and sometimes for a very low wage, and who usually do not continue to school. This situation paves the way for exploitation of these children by employers, considering them as “an everlasting source of unskilled cheap labour”<sup>224</sup>. Having said that, the new generation masters, who themselves attended Vocational Education Centres, might be considered to have a different and more lenient and open approach towards their apprentices when compared to the old generation masters who learned the occupation only through workplace practices. It is, therefore, possible to observe a positive change in master-apprentice relationship in this sense.

Additionally, past experiences show that loss of income leads to a decrease in school enrolment and attendance, resulting in an increase in CL; and in the COVID-19 period, both loss of income and issues in access to remote education have deepened the existing problem and caused an increase in CL.<sup>225</sup> Families state that their already existing financial difficulty has reached to the level of hunger due to COVID-19, and therefore it became

223. Uyan-Semerçi/Erdoğan/Durmuş, Çalışan Çocuk: Bağcılar ve Küçükçekmece Pilot Araştırması, 2017, 72, [https://www.academia.edu/35084763/%C3%87al%C4%B1%C5%9Fan\\_%C3%87ocuk\\_Ba%C4%9Fc%C4%B1lar\\_ve\\_K%C3%BC%C3%A7%C3%BCK%C3%A7ekmece\\_Pilot\\_Ara%C5%9Ft%C4%B1rmas%C4%B1](https://www.academia.edu/35084763/%C3%87al%C4%B1%C5%9Fan_%C3%87ocuk_Ba%C4%9Fc%C4%B1lar_ve_K%C3%BC%C3%A7%C3%BCK%C3%A7ekmece_Pilot_Ara%C5%9Ft%C4%B1rmas%C4%B1)

224. Erder/Lordoğlu, Geleneksel Çıraklıktan Çocuk Emeğine: Bir Alan Araştırması, Friedrich Ebert Vakfı Yayını (1993), p. 8.

225. Evrensel, “Pandeminin görünmeyenleri: Çocuk işçiler” (Invisible side of the pandemic: Child workers), 12.10.2020, <https://www.evrensel.net/yazi/87326/pandeminin-gorunmeyenleri-cocuk-isciler>

necessary for their children to work.<sup>226</sup> There is a bilateral relationship between children's employment and lack of access to education. Children working in the field stay away from education; and also, reasons such as inability to access education due to reasons such as poverty and insufficient facilities in rural areas push children to work. Especially during the COVID-19 period, children with no access to the Education Information System (**EBA**) due to lack of tools like tablets, phones, computers begin working. Children often stated that due to lack of technological resources such as a phone they were not able to access **EBA** or their classes. Likewise, it is noteworthy that schools situated in countryside tend to not mark CL in seasonal migrant agriculture as not absent, as they know how common it is for them to work in that period.

It is suggested that the increase caused by COVID-19 in staying away from school and in CL may become permanent. According to a research conducted in Diyarbakır, one of the provinces of the Eastern and South-eastern Anatolia with the lowest income level on a regional basis, 26 out of 155 children stated that they will not be able to return to school even if COVID-19 ends.<sup>227</sup> On the global scale, the current reports of UNICEF and ILO indicate that the number of child labourers has risen to 160 million in the beginning of 2020, being the first increase in two decades.<sup>228</sup> Factors such as quarantine practices, closing of schools and economic setbacks stand as the primary reasons behind such increase. UNICEF emphasises the requirement to increase social protection programmes to prevent worsening of this situation and invites governments and international development banks to invest in programmes that can get children out of the workforce and back to school.<sup>229</sup>

A main problem that causes an increase in CL is the problem of integration of the refugees and migrants to the Turkish education system, which is criticized by the interviewed CSOs and academics as not being fully comprehensive to cover the specific needs of these people (e.g. due to language barriers, problems of integration to society, lack of financial resources to cover the expenses of school<sup>230</sup>), leading to a feeling of detachment and isolation for the children. Recent studies show that the majority of migrant children do not continue their education at the university level, which creates a rather dystopic projection for future generations<sup>231</sup>. These children who fail at school turn to work life, where they may learn certain tasks and even excel, and thus feel better for themselves. On the other hand, there is a potential downward spiral concerning refugee/migrant children who are taken from workplaces and referred to school, caused by the mentioned incomprehensive scope of education system. These children who cannot adapt to school yet continue their education and enter work life only after a certain age face also problems of adjusting to work life – which, in the words of a CSO working with refugees/migrants, creates a 'lost generation'. As for migrant children, it has been observed that those who arrive to Türkiye at or before the age of 8 have the same rate of school enrolment with local

226. Hürriyet, "Okullar açıldı onlar hala tarlada çalışıyor" (Schools are opened, they are still working in the field), 06.09.2021, <https://www.hurriyet.com.tr/gundem/okullar-acildi-onlar-hala-tarlada-calisiyor-41888615>

227. Sputnik, "Pandemide çocuk işçi raporu: 'Pandemi bitse bile bazı çocuklar okula geri dönmeyecek'" (Report on child labour during the pandemic: 'Some kids will not return to school even when the pandemic is over'), 16.09.2021, <https://tr.sputniknews.com/20210916/pandemide-cocuk-isci-raporu-pandemi-bitse-bile-bazi-cocuklar-okula-geri-donmeyecek-1048973502.html>

228. ILO and UNICEF, Child Labour: Global Estimates 2020, Trends and the Road Forward, [https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---ipec/documents/publication/wcms\\_797515.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---ipec/documents/publication/wcms_797515.pdf)

229. UNICEF, "The International Labour Organization and UNICEF warn 9 million additional children at risk as a result of COVID-19 pandemic", 10.06.2021, <https://www.unicef.org/turkey/en/press-releases/child-labour-rises-160-million-first-increase-two-decades>

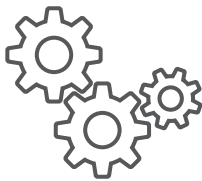
230. Çobaner A. A., Türkiye'de Çocuk İşçiliği Sorunu ve Haberlerde Suriyeli Çocuk İşçilerin İzlerini Sürmek, İletişim Çalışmaları Dergisi Sayı 9 Bahar 2016, p. 16.

231. Lordoğlu/Aslan, Görünmeyen Göçmen Çocukların İşçiliği: Türkiye'deki Suriye'li Çocuklar, Çalışma ve Toplum, 2018/2, p. 729.

children, while those who arrive to Türkiye later face difficulties in terms of schooling<sup>232</sup>. Consequently, migrant children who arrive to Türkiye after the mentioned age become prone to employment.

During the field research it was determined that amongst the three Syrian origin workers encountered in a field in Gaziantep, only one of them had sufficient proficiency in Turkish to properly understand and respond to the questions posed, while the others mostly responded in Arabic. The mentioned worker was the only one amongst them to have attended school in Türkiye, and he said that he owed his proficiency in Turkish to this education. However, of the comprehensiveness of the educational system in Türkiye is limited to overcome language barriers for non-Turkish origin children and enable them to be able to fully engage with learning opportunities.

### 3.3.1.6. Effect of Trade and Workers Unions



While unionisation lacks at the agricultural level of the supply chain, it was observed that workers are unionized in the ready-to-wear manufacturing sector; mainly at TEKSİF, DİSK Tekstil İş, DEV Tekstil and BATİS. However, the general counter-union approach due to several factors such as the inefficiency of workers unions, corruption problems also persists in this sector. According to the MoLSS the official unionization rate in January 2022 is 14.32%. The actual unionization rate, including unregistered workers, drops to 13.3%.<sup>233</sup> Prominent unions include Öz İplik İş with 3.25% share, TEKSİF with 3.83% share, Tekstil with 1.03% share and Deriteks with 0.34% share while the other 12 unions' shares in the garment sector are below 0.01%.<sup>234</sup> This shows the low unionization and worker protection rate in Türkiye especially in garment sector.

Another problem with the unions is the existence of fractions within the unions, which hinder the possibility of collective action. As the different fractions have areas of conflict with each other, they are not able to take collective action and thus to obtain leverage.

Additionally, there are barriers to unionisation for specific groups of workers. Migrant workers, for instance, need to receive work permits through their employers, thus it becomes challenging and even risky for these workers to register with a union, because of the fact that their employment status is totally dependent on their employer's actions, especially considering how hard and expensive it is to get a work permit for migrant workers in Türkiye. It takes at least 6 months of work and a fee of<sup>235</sup> TRY 515.70 for people under temporary protection to obtain a work permit.

232. Dayıoğlu/Kırdar/Koç, The Making of a Lost Generation: Child Labor Among Syrian Refugees in Turkey, IZA Discussion Papers No. 14466 (2021), p. 12.

233. Disk-Ar- "15 million workers do not have a collective bargaining agreement", 21.04.2022, <http://disk.org.tr/2022/04/disk-ar-15-milyon-iscisinin-toplu-is-sozlesmesi-yok/#:~:text=%C3%87al%C4%B1%C5%9Fma%20ve%20Sosyal%20G%C3%BCvenlik%20Bakanl%C4%B1%C4%9F%C4%B1.y%C3%BCzde%2014%2C32'dir>.

234. In accordance with the Trade Unions and Collective Bargaining Law No. 6356; January 2022 Statistics on the Number of Workers in Business Lines and the Number of Union Members, published in the Official Gazette dated 28.01.2022 numbered 31733, [https://www.csgb.gov.tr/media/88077/2022\\_ocak.pdf](https://www.csgb.gov.tr/media/88077/2022_ocak.pdf)

235. Ministry of Labour and Social Security, Fee for Work Permit for Foreigners published in the Official Gazette dated 21.12.2021 and numbered 31696, <https://www.csgb.gov.tr/uigm/duyurular/yabancilara-verilecek-calisma-izin-belgesi-harci-ve-degerli-kagit-bedeli-hakkinda/>

A KII was conducted with one of the main unions in Türkiye in garment sector. The union representatives find the main problem to be the laws enabling children to work after the age of 9 years old due to the 4+4+4 system. According to their data, CL in workforce is up to 1.5 million people. They have stated that CL is not common in workplaces associated with a union, while it is especially common in smaller and informal workplaces that are outside the reach of unions or of global brands. Both CL and the workplace problems arising from social rights were relatively low back in the 1980s as the number of unions were much more. Due to being unable to unionize, there is a limited reliable data. Workplaces also prefer to abide by the rules of global brands on social compliance rather than creating their own sustainable policies, which is another big problem in the sector. Hence, the weak tradition of unionisation has a negative impact on CL.

Unionisation appears to be an issue also for young workers. Pursuant to Article 17 of the Law No:6356 on Unions and Collective Bargaining, anyone above the age of 15 is entitled to join a union. However, as confirmed by the union representative who was interviewed, they do not have any young worker members, as the majority of the workplaces that are registered with their unions require that their employees have already completed their military service. This situation creates an infringement of right of the young workers.

### 3.3.2. Supply Chain Based Factors and Risks

#### 3.3.2.1. Insufficient Traceability and Transparency in Supply Chains



There is little to no traceability and transparency within garment supply chain. This is due to several different factors, including the complex and multi-layered structure of this supply chain, characterised by multiple subcontractors, which cannot be (or are not) reached by upper tiers. In fact, many of these subcontractors are not even known to the final buyer brand, as they may even be subcontractors of the subcontractors of Tier 1 suppliers. Deep down the continuous chain of subcontracting, there goes traceability and transparency, along with the leverage and power of the final buyer brands over their suppliers, which can produce positive effects on social compliance.

Global brands sign contracts with Tier 1 suppliers (registered suppliers of the brands), who undertake tasks like cutting, ironing, packaging, sewing, embroidering, while Tier 2 suppliers (those who are engaged in other activities including but not limited to dyeing or printing on the fabric) have contracts with Tier 1 suppliers. The brands expressed knowing all about their Tier 1 suppliers and starting to know the Tier 2 suppliers, while they are not engaged with the lower tiers. For the time being, the brands have no traceability of ginning facilities or cotton producers. There is, however, considerable improvement in brands' efforts to improve traceability; for instance, one global brand has mentioned their plans to trace facilities of weaving and knitting in 2023. Traceability and transparency are crucial in this supply chain as they put the relevant suppliers within



scope of the audits carried out by global brands, thus increasing chances of compliance with international standards.

As it has been observed at the interviews conducted under this study, traceability and transparency through the supply chain have apparently increased in the course of the last few years. One of the contacted global brands has referred to the importance of Higg index<sup>236</sup> to which they are registered, which displays the whole supply chain tiers and actors of the brand. Global brands, Tier 1 suppliers and even fabric and yarn production facilities of a large scale have their own sustainability and social compliance departments. This corporate structure is certainly helpful in achieving a greener and more sustainable process of production – e.g. by reducing the water use, by increasing organic production. On the social compliance side, the focus is mostly on workers' rights, with no specific consideration on the other stakeholders such as local communities and vulnerable groups.

The traceability seems to fade away when the layers of sub-contracting increases, as the suppliers also acknowledge the necessity of delimiting their supply chains for the purposes of auditing. Tier 1 suppliers do not trace all the way down to their sub-contractor chain and they leave out certain sub-contractors (e.g. accessory manufacturers); while they acknowledge that CL is an ongoing issue for informal workplaces and small sweatshops. Global brands also acknowledge the CL risk, stating that the risk increases moving towards the lower tiers of the supply chain. In fact, most suppliers who do not own an integrated facility (e.g. covering yarn and fabric production along with dyeing) work with subcontractors, which has been shown to be a considerable obstacle against responsible business practices, including but not limited to implementing policies to combat against CL. Hence, although there is an effort from the brands to improve the sector and eliminate CL, these efforts will produce no substantial effect without establishing full traceability and transparency all the way through their global supply chains.

The pricing and ordering policies also have a significant effect over potential risks and violations on social compliance within the supply chain. The impact on ultra-fast fashion on the delivery timings also trigger fast production processes, by regarding low cost approach, which ultimately results in sacrifices on issues such as labour rights, fair wage or even minimum wage aggravated by unregistered employment, and of course CL. It has been noted through the KIs conducted with the mid and lower tiers of the supply chain that competitive pricing is still one of the major concerns of these suppliers, although in the recent years the effect of green production and environmental sustainability also plays a key role. Therefore, these suppliers pressured by the competitive concerns, tend to keep their prices as low as possible by limiting their costs, which include those employee salaries and rights, as well as other costs for social compliance. This creates an overall race to the bottom, where the whole industry is dominated by cost reduction, risking other rights and benefits. Hence, as a potential solution, shared responsibility throughout the whole supply chain might be recommended, whereby the cost for social compliance (including fair wage, employee rights and other benefits) are allocated to the costs of production in every tier of the supply chain. In this manner, in the end, it will be the customer who will need to bear the cost for social compliance, as this will be reflected in the end price; however, if supported by awareness raising and legal regulations, such an increase of price would perhaps be considered reasonable by the consumer.

236. Sustainable Apparel Coalition, The Higg Index, <https://apparelcoalition.org/the-higg-index/>

### 3.3.2.2. Effect of Audits and Certifications



Throughout the KIIs and FGDs conducted within scope of this study, supported by the desk research, significant difference was noted in the effect produced by audits made by public authorities, by third parties through global brands or Tier 1 suppliers, and finally by the relevant departments of the global brands themselves. It appears that there are significant barriers and limitations to the efficiency and accuracy of state inspections, and the audits conducted by third parties are often criticised as being too superficial. On the other hand, audits by the teams of global brands are seen as effective and create a considerable incentive for the actors of the supply chain to ensure compliance.

## State inspections

It is the general opinion of the actors in the relevant supply chain that there are significant limitations in terms of the inspections carried out by public authorities, which render these inspections ineffective in drawing out a correct framework of the compliance problems and in ensuring compliance.

Pursuant to Article 66 of the Bylaw on the Guidance and Inspection Directorate of the Social Security Institution<sup>237</sup>, *“Inspections are done in the framework of compliance of business transactions and processes of the central and provincial units of the Institution with the legislation, performance and efficient use of resources, carrying out sectoral or institutional audits for the follow-up and collection of corporate receivables and solutions and suggestions based on them They are done within the framework of the Annual Work Plan and Program at certain time intervals for the development of the project.”* First of all, as can be inferred from the bylaw, the Guidance and Inspection Board has limited scope of authority in terms of inspections, which does not extend to workplaces with less than 50 employees. This limitation of authority constitutes a bottleneck for inspections in



agricultural supply chains, considering that the majority of farms would fall within this exception, in their capacity of employing less than 50 workers. Although farms that are engaged in SMW can seasonally have a higher number of workers in their fields or gardens for harvesting, the employment status of these workers is unclear, as they are mostly employed irregularly. Therefore, in view of the mentioned limitation for inspection authorities of the Guidance and Inspection Board, different control structures must be put in place for agricultural supply chains in addition to the already existing labour inspection, or the labour inspection must be adjusted with the relevant tools, legal authorisation and capacity for this sector.

Moreover, it has been noted that the ministry representatives also refer to the problems concerning the inspections carried out by public authorities in practice, which directly affect the implementation of the applicable laws and sanctions for non-compliance. In fact, both MoLSS and MoNE representatives that were interviewed within scope of this study stipulated that the legislation on OHS, education and labour as sufficiently detailed; however, they stated that there

237. Bylaw on the Guidance and Inspection Directorate of the Social Security Institution, published in the Official Gazette dated 10.08.2007 numbered 26609.

is no reliable supervision and sanctions for cases of non-compliance, which lead to problems in practice. To add, a KI from the MoLSS, the inspector, has stated that as they do not have workplace inspection authority, they take part in fieldwork and detection of CL. They have interview forms with questions they ask to children and their employers. They notify the relevant workplace prior to the inspection within the scope of the Personal Data Protection Law<sup>238</sup>. However, since they go with the identity of a labour inspector, children are taken out of their workplaces or information is specifically withheld.

At this point, it is also worth noting that the mere check by a state inspection may not by itself certify actual compliance, especially when the lack of independence and unbiasedness hinders the accuracy and effect of the state inspection. It was noted that the son of the owner of one of the ginning facilities that were interviewed has obtained a license as a state inspector in OHS, and he is the one carrying out the OHS audit in this facility owned by his family. Conflicts of interest as such should be prevented by the relevant legislation or by rules of deontology of the relevant profession.

### Audits by third parties

All actors of the mid-tiers of the supply chain have numerous certifications differing from organic nature, quality, origin and compliance. The certifications may also be requested by the upper tiers, especially by global brands with whom they have direct connections or to whom they are connected through upper tier suppliers. The most frequently seen certifications are SEDEX, Organic Content Standard (OCS), FAMA, Recycled Claim Standard (RCS), Global Recycled Standard (GRS), Better Cotton Initiative (BCI), Global Entrepreneurship Centre (GEC), OEKO-TEX, Global Organic Textile Standard (GOTS), Facility Environmental Module (FEM), Facility Social Labour Module (FSLM) and Higg Index.

Despite the high number of certifications obtained by the supply chain actors, nearly all yarn facility and fabric production facility responsible persons criticized the accuracy and efficiency of certifications and the

audits made by these companies due to their shallow approach. It has been reported during the KIs with different supply chain actors that these audit and certification companies conduct their checks on paper only, based on the declarations of the company representatives, without any proper control carried out unnoticed.

This situation naturally hinders the efficiency expected by these third party audits, which inevitably become tick-the-box exercise.

It should also be noted that the mentioned ineffective audits create a misleading impression on the public, who might easily be convinced by the existence of a third party certification that the relevant company is compliant. It is, therefore, important to define and address in the relevant legislation the responsibility of third party auditors for the damages that may occur as a result of their unvigilant checks and controls.



238. Personal Data Protection Law No.6698 dated 24.03.2016, published in the Official Gazette dated 07.04.2016 numbered 29677.

## Audits by global brands

It was noted that there is a general trust on the efficiency of the audits carried out by the global brands themselves, which create a real incentive for the suppliers to ensure compliance within their workplaces and operations, a natural outcome of the leverage, economic power and control exercised by global brands over these suppliers. This outcome emphasizes the importance of increasing transparency and traceability in the relevant supply chain, so as to allow the brands carry out audits in all of the tiers and sub-tiers in order to eventually ensure compliance.

All contacted Tier 1 suppliers are of the same opinion that the checks and audits carried out by global brands, which usually take place upon notice or upon notifying the week of audit, are diligent and effective, and even more deterrent than state inspection. Some brands outsource these audits to third party auditors, such as Bureau Veritas<sup>239</sup> or Intertek<sup>240</sup>, or they refer their Tier 1 suppliers to one of these auditors. The brands use a rating system whereby they rate their Tier 1 suppliers by taking into consideration also social compliance matters, they may ask corrections and repeated non-compliance may lead to termination. A Tier 1 supplier emphasized the importance of media coverage for global brands, by giving examples of immediate termination with their sub-contractors in Van, Mardin, Ordu and Batman because of concerns on media coverage on non-compliance.

As global brands would like to appear as the flagbearers of responsible business practices, they impose policies on zero

tolerance on CL, any wage that is less than minimum wage, overtime without payment, forced labour, harassment, mobbing, corruption and pollution throughout their supply chains, even if only to a certain extent. It has been noted that all of the Tier 1 suppliers of global brands have integrated the brands' policies regarding wage, workplace harassment, CL, good workplace conduct, OHS etc. into their own policies. These Tier 1 suppliers have

their own sustainability departments which focus on social sustainability and environmental sustainability through workshops, including on recycling, upcycling and tracing.

It was noted that the impact of global brands in ensuring social compliance is undeniable,

which is confirmed by the KII conducted with a local ready-to-wear manufacturing company of a large scale, currently with no exports (although this is planned for near future). The mentioned company do not have policies concerning combat against CL, nor any strict auditing or practice that focuses on this issue. The sustainability department of this local company has reported that, when CL is found in their own manufacturing facilities or in the workshops of their subcontractors, if the family of the child is known to be financially struggling, they do not force the children to be laid off based on the idea that *"the children would go back to work anyway."* This type of approach was not present, at least expressly, at the Tier 1 suppliers of global brands that were interviewed under this study.



239. Bureau Veritas, <https://www.bureauveritas.com.tr/>.

240. Intertek, <https://www.intertekturkey.com/>.



### 3.3.2.3. Codes of Conduct and Social Compliance Policies



UNGPs stipulate in Article 11 that *“Business enterprises should respect human rights. This means that they should avoid infringing on the human rights of others and should address adverse human rights impacts with which they are involved.”*

In alignment with this, well established workplaces that are in the cotton and garment supply chains have relevant code of conducts of their client brands, and policies in accordance with international instruments such as the ILO Conventions, UNGPs and UN Convention on the Rights of the Children. It is observed that despite the differences in legislation of different countries, global brands have unified their codes of conduct throughout their supply chain by the way of regular visits, audits by the 3<sup>rd</sup> parties and their own departments and following the technological improvements regarding traceability and sustainability. When it comes to OHS, workers’ rights and CL supply chain actors of international garment brands abide both by Turkish legislation, policies of their member organizations, their own code of conduct and relevant ILO conventions such as the Minimum Age Convention No.138 and the Worst Forms of Child Labour Convention No.182.

It is further observed that in practice human rights and social compliance policies drafted by the local suppliers in alignment with the policies of global brands include diverse subjects such as waste management, combatting discrimination, work hours and production management, environmental management, preventing CL, internal and external grievance mechanisms, workplace health and security, worker representatives and unionization, hiring, anti-bribery and corruption, sexual harassment and discrimination, management of suppliers and sub-contractors and finally forced labour. Through these policies and workplace practices, Turkish manufacturers that have direct commercial relationships with global brands seek to ensure social compliance in their own workplace and throughout their supply chains. Unfortunately, due to limited transparency and traceability in garment supply chain, it becomes challenging if not impossible to reach every single tier and every subcontractor, which creates a bottleneck for companies to enforce their good practice and social compliance throughout their global supply chains. In other words, the impact of global brands on ensuring social compliance is generally limited with their Tier 1 suppliers.

It is noted that all of the 11 companies that were interviewed in different tiers of the garment supply chain demonstrate at least a minimum knowledge on social compliance and sustainability. The majority of the interviewed suppliers have certifications to evidence their compliance with international standards on several issues and to be able to continue their commercial relationships with global brands who require some of those certifications. Some examples

of the mentioned certifications are SEDEX, OCS, FAMA, RCS, GRS, BCI, GEC, OEKO-TEX, GOTS, FEM, FSLM and Higg Index. It is, however, observed through the KIIs that companies appear to pay more importance to environmental sustainability rather than social compliance, which implies a stronger pressure put on them by global brands in this direction.

During the KIIs, the full set of social and environmental policies and codes of conduct were requested from all of the suppliers in each tier of the supply chain that were interviewed during the study. Only one of the suppliers provided its workplace OHS policies along with a list of documents that they require from their own subcontractors, which includes documentation on health examination reports, training records, professional qualification and mastery certificates, personal protective equipment, embezzlement reports, SSI records, periodic checks on equipment, auxiliary equipment and driver's licenses. Only two of the suppliers provided data on their corporate governance and employee data (numbers, gender and age distribution). One supplier stated that they have a suggestion and complaints committee and that they are a signatory to Women's Empowerment Principles<sup>241</sup>. Two of the suppliers have provided a sample of their policies and one of the suppliers have provided all of their policies. It is observed that only of the eleven suppliers have a sufficient understanding of how detailed a policy should be, nevertheless despite being a one-pagers two of the suppliers have a basic understanding of social policies. All of the internal documentation provided by companies, including both the policies and code of conducts, are clear, concise and informative.

It was observed on the websites of the interviewed suppliers that four of the total of eleven suppliers have published their policies on environment, personal data and OHS policies on their websites. It was observed that only one of the eleven suppliers had a publicly available and comprehensive set of policies published on their websites and none of the suppliers had a publicly available CL policy published on their websites. It was further seen that seven of the eleven suppliers did not provide publicly available information regarding their policies, including the three supplier who provided their pledges. It was seen that two of the suppliers lack a functioning website to provide transparent information on their policies and code of conducts.

#### **3.3.2.4. HRDD process, grievance and remediation mechanisms**



Recently, there is a shift from the voluntary practices on good governance and responsible business conduct to a mandatory one, which will have a crucial impact on human rights and social compliance policies and practices of the global supply chains in all sectors. HRDD<sup>242</sup>, which was introduced firstly by the UNGPs and now enters the laws of

241. Women's Empowerment Principles, <https://www.weps.org/>

242. HRDD is defined by the UN OHCHR as "a way for enterprises to proactively manage potential and actual adverse human rights impacts with which they are involved"; UN OHCHR, Corporate human rights due diligence – identifying and leveraging emerging practices, Working Group on Business and Human Rights, 2018, <https://www.ohchr.org/en/special-procedures/wg-business/corporate-human-rights-due-diligence-identifying-and-leveraging-emerging-practices>

certain EU Member States<sup>243</sup> and the EU acquis, brings a structured method to human rights, social and environmental compliance. In light of the mentioned legal instruments, HRDD involves the following steps:



243. EU Directive on Corporate Due Diligence and Corporate Accountability, adopted in 10.03.2021 in Brussels, P9\_TA(2021)0073, [https://www.europarl.europa.eu/doceo/document/TA-9-2021-0073\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-9-2021-0073_EN.html)

German Act on Corporate Due Diligence in Supply Chains, Lieferkettensorgfaltspflichtengesetz – LkSG, 16.07.2021

French Corporate Duty of Vigilance Law, Loi no. 2017-399 du 27 Mars 2017 relative au devoir de vigilance des sociétés mères et des entreprises donneuses d'ordre.

244. EU Directive on Corporate Due Diligence and Corporate Accountability, adopted in 10.03.2021 in Brussels, P9\_TA(2021)0073, para. 16, [https://www.europarl.europa.eu/doceo/document/TA-9-2021-0073\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-9-2021-0073_EN.html); OHCHR - Corporate human rights due diligence – identifying and leveraging emerging practices, <https://www.ohchr.org/en/special-procedures/wg-business/corporate-human-rights-due-diligence-identifying-and-leveraging-emerging-practices>

Amongst the referred domestic laws of the EU Member States regulating HRDD, German Act on Corporate Due Diligence in Supply Chains (Lieferkettensorgfaltspflichtengesetz) (**LkSG**), which is in force as of 01.01.2023 for companies over a certain scale<sup>245</sup>, makes specific reference to CL. LkSG stipulates that if under factual circumstances it becomes sufficiently probable that there is a violation of (i) *“the prohibition of the employment of a child under the age at which compulsory schooling ends according to the law of the place of employment, provided that the age of employment is not less than 15 years”*, and/or (ii) *“the prohibition of the worst forms of child labour for children under 18 years”*, this constitutes a human rights risk within the meaning of LkSG<sup>246</sup>. This direct reference clarifies that CL is considered as a human rights risk within the meaning of HRDD. However, even in the absence of such clear and direct reference, a general mentioning of the international human rights treaties and standards would suffice to cover CL as a human rights risk to be assessed within HRDD process.

During the field research, the grievance and remediation mechanisms of the interviewed suppliers were also checked. It was observed that all main supplier factories with international customers have a functioning grievance mechanism in place with an open door policy, democratically elected workplace representatives, suggestions boxes strategically put around the workplace, and yearly anonymous assessments gathered from the workers. It was, however, noted that almost all the staff working in sustainability departments of Tier 1 suppliers have a background in human resources or quality departments, which appears as a difficulty in adopting a right-based approach. It has also been observed that a hotline was not as common and anonymous handling of complaints does not seem to be fully accomplished in some suppliers. Furthermore, the mentioned grievance mechanisms do not extend to the lower tiers of the supply chain. On a different but related note, as union-based mechanisms are not available because of the rareness of unionization, the accountability and transparency of the grievance mechanisms might be questioned.

It follows from the findings of the field research that CL is still present in garment supply chain in Türkiye as much as 10 cases per year even throughout the traceable tiers of the supply chains of global brands (i.e. mostly in Tier 1). Yet it is a common understanding in both the cotton and garment supply chain that CL has already been eradicated. In case of a CL, companies have policies in place for directing the child to school, as well as providing financial support and health support to the family. Most of the companies who have identified CL in their supply chains have reported that it happened due to wrong hiring processes and a lack of age verification. They have also indicated that they try to compensate these errors by regular visits and trainings, where not only their suppliers but also employees adopt the human rights based understanding behind their policies.

It is observed that no Tier 1 supplier has received awareness raising trainings and/or other informative sessions from the global brands with whom they have established commercial relationships on the recent developments concerning HRDD legislation in the EU and certain EU Member States<sup>247</sup>. A vast majority of the managers who were subject

245. LkSG is in force as of 01.01.2023 for enterprises that (i) have their central administration, their principal place of business, their administrative headquarters or their statutory seat in Germany and (ii) that normally have at least 3,000 employees in Germany (employees posted abroad are included). As of 01.01.2024, enterprises with at least 1,000 employees in Germany will also fall within scope of LkSG. See LkSG, Section 1(1).

246. German Act on Corporate Due Diligence in Supply Chains, Lieferkettensorgfaltspflichtengesetz – LkSG, 16.07.2021, Section 2(2)1-2.

247. EU Directive on Corporate Due Diligence and Corporate Accountability, adopted in 10.03.2021 in Brussels, P9\_TA(2021)0073, [https://www.europarl.europa.eu/doceo/document/TA-9-2021-0073\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-9-2021-0073_EN.html)

German Act on Corporate Due Diligence in Supply Chains, Lieferkettensorgfaltspflichtengesetz – LkSG, 16.07.2021

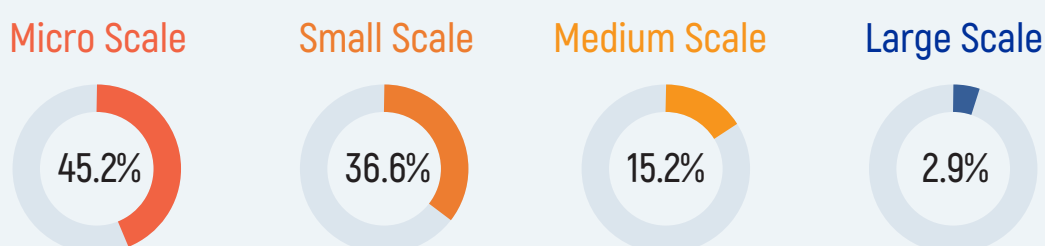
French Corporate Duty of Vigilance Law, Loi no. 2017-399 du 27 Mars 2017 relative au devoir de vigilance des sociétés mères et des entreprises donneuses d'ordre



to KILs were not aware of such developments and some of them have even mistaken the references to the relevant legislation with European Green Deal.<sup>248</sup> This lack of awareness in the sector constitutes an obstacle in harmonising social compliance policies, HRDD process, grievance and remediation mechanisms by Turkish companies, which will soon become necessary under the EU Draft Directive Article 2 paragraph 3<sup>249</sup>. According to the EU Draft Directive, in fact, not only European companies, but also non-EU companies over a certain scale that supply products or services to the EU internal market, are required to establish an HRDD system whereby they would report, take preventive measures and provide remedies on the human rights risks and violations throughout their global supply chains.

It is worth noting that small and medium enterprises (SMEs) are not directly within the scope of the EU Directive, as establishing an HRDD system is considered to be too burdensome for companies of this scale. However, SMEs that are part of the global supply chain of a company that falls within scope of the EU Directive would be subject to the relevant requirements set out thereunder. This point is especially important as the sub-tiers of the supply chains of many global ready-to-wear brands are SMEs. To be exact, pursuant to 2019 Sector Balance Sheets of the Central Bank of the Republic of Türkiye, 45.2% of the 10,696 workplaces in the clothing sector with code 14 under the manufacturing sector are micro scale, 36.6% small scale, 15.2% medium scale and 2.9% large scale workplaces.<sup>250</sup>

### Workplace Scales



Regardless with their scales, to the extent that these manufacturers are within the scope of the supply chains of ready-to-wear brands that fall within scope of the EU Directive, these SMEs will eventually be obliged to comply with the requirements sought thereunder, so that the buying brands would be able to comply with their own obligations.

It is seen that the suppliers with a young worker program is very rare and that most of the suppliers are hesitant to employ any worker below the age of 18. It was determined that only 1 of the 7 suppliers that were interviewed under this study had a young worker program. This is due to several different reasons: (i) they are reluctant due to the hazardous nature of the work (to prevent causing CL), (ii) they do not 'trust' young people, for which they

248. EU, European Green Deal, [https://ec.europa.eu/info/strategy/priorities-2019-2024/european-green-deal\\_en](https://ec.europa.eu/info/strategy/priorities-2019-2024/european-green-deal_en)

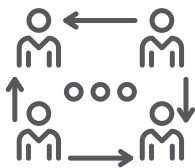
249. EU Directive on Corporate Due Diligence and Corporate Accountability, adopted in 10.03.2021 in Brussels, P9\_TA(2021)0073, [https://www.europarl.europa.eu/doceo/document/TA-9-2021-0073\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-9-2021-0073_EN.html)

250. Central Bank of the Republic of Türkiye 2019 Sector Balance Sheets, <https://www3.tcmb.gov.tr/sektor/#/tr/C/14/giyim-esyalarinin-i-malati>

invest yet they end up leaving the company, (iii) young people prefer to work at shopping malls rather than in factories. However, it is clear that this approach leads to violation of young people's rights to access decent work opportunities under the conditions imposed by the applicable laws as young workers. It is, therefore, imperative to set out a legal framework and a control mechanism to ensure that the mentioned human rights are no longer infringed by companies.

In light of the foregoing, it can be concluded that although suppliers comply with their policy related responsibilities with the direction of the international garment brands, their incentive is mainly to be able to continue their business relationship. As for the policies regarding CL and remediation mechanisms, only one company has provided with information regarding their policy and remaining 10 companies have indicated that they have a policy and methods of remediation yet they have not encountered such case in many years.

### 3.3.2.5. 'The Way of Doing Business': Shifting to a Multi-Stakeholder Approach



In light of the socio-economic factors affecting CL related risks analysed in this study, it appears that unregistered employment below the minimum wage (let alone fair wage), increasing costs of living in the country leading to an increasing poverty, exacerbated by the flux of migrants who are seen as cheap and unsecured labour, all converge on one point, which is the pressing need to improve employment conditions in this sector. A principle of shared responsibility should be adopted throughout all the actors of the supply chain by way of allocation of costs to comply firstly with legal obligations (e.g. registered employment, minimum wage, employee benefits) and then to further develop methods for ensuring social compliance.

Another bottleneck for all the suppliers is the financial burden of social compliance. In fact, it appears that the relevant financial burden for them to work with global brands falls mainly on the suppliers, including efforts to ensure the compliance on the part of their sub-tier suppliers. A Tier 1 supplier of large scale reported over TRY 700,000 in auditing expenses only for the year of 2021. In fact, suppliers reported that the costs of social compliance audits are so high that there is hardly any resource left for actually implementing good practice policies afterwards.

There are several types of suggestions set out by Tier 1 suppliers in order to overcome this problem that affects social compliance. One of these suggestions is to reduce the number of audits a supplier has to go through. However, this might hinder the efficiency of the audits, as apparently frequency plays an important role in ensuring compliance.

Another suggestion is to allocate the costs of audits to all of the actors of the supply chain, as a reflection of shared responsibility, which might serve as a viable solution to cover the costs of social compliance; however, global brands seem quite unwilling to cover the costs of audit of their suppliers, even those of their Tier 1 suppliers, with whom they have an established commercial relationship. It is clear that without the support of the global brands, who represent the financially stronger side of the supply chain, such an allocation of costs will not be possible.

At this point, it would be important to refer to the problem of costs of social compliance considered within the framework of the need to shift the traditional way 'doing business'. In traditional corporate theory, the maximisation of profits for the shareholders in the long-run (and for managers/directors in the short-run) is considered as the main aim of the corporation, which is referred to as 'shareholder value'. This view, however, has started to change with redefining priorities of business and redrawing the scope of what is seen as 'good for business'. According to 'multi-stakeholder theory', the purpose of corporation should be considered wide enough to cover not only shareholders and managers/directors of that corporation, but also its employees, consumers, the environment and local communities that live around the area of operation of the relevant corporation – who might all be affected by its business activities. Therefore, the interests of all of these different groups should be considered in setting out the framework of activity of a corporation. It is worth mentioning that given the social trends of today, such an engagement will not fall far from being 'good for business', as it will bring profits to the relevant corporation. Hence it becomes crucial to internalise the costs of social compliance (which have so far been seen as externalities) for companies and to change the mentality on what is seen as profitable.

In order to be able to consider the interests of a wide range of stakeholders, it is necessary to be engaged with civil society, which relates also to the remediation aspects of human rights violations arising from business operations. To this end, KILs were conducted with four different CSOs who work with Tier 1 suppliers of global brands on different aspects of social compliance; i.e. migrants, schooling of children and workers' rights including unionisation.

Furthermore, according to one of the leading Dutch auditing civil society actors in garment industry, with an office in Türkiye, the amount of CL cases increased after the COVID-19, as parents took their children with them to workplace with the closure of schools. This organization has established a system of both auditing and off-site communication with workers as well as a grievance mechanisms both for Turkish workers and workers who are under temporary protection. They also have a child remediation program, where they cooperate with various civil society actors as well as brands.

The role of civil society is crucial in ensuring social compliance in supply chains through several types of projects. Most of the main suppliers that were KIs in this study stated that they work with Association for Supporting Contemporary Living (ÇYDD), Association for Solidarity with Asylum Seekers and Migrants (SGDD-ASAM), Refugee Support Centre (MUDEM), United Work, Multi-Purpose Community Centres (ÇATOM), Mother Child Education Foundation (AÇEV), ILO, World Bank, Women's Economy Platform (KEP), United Nations High Commissioner for Refugees (UNHCR), Turkish Employment Agency

(İŞKUR) and Istanbul Bilgi University in different projects; e.g. for finding employment for Syrian-origin migrants, schooling children detected to be working.. Some good practice examples from projects carried out by corporate actors together with CSOs are as follows:

The representatives of a CSO, who were interviewed within scope of this study, expressed that they take part in the remediation process when global brands detect CL in their supply chains (at least in tiers they can trace). During this process, the CSO refers the child to school, tracks and monitors the child's attendance, covers school expenses and ensures that the family receives the minimum wage until the child reaches the minimum working age. They also cooperate with brands in order to employ an adult in the family to help the family economics. The representatives mentioned having witnessed children who even graduated from universities thanks to this remediation system.

An international CSO which carries out audits to brands in textiles mentioned that they have a three year induction period for brands, during which various trainings are given on social compliance policies. They have a system of both auditing and off-site communication with workers, as well as a grievance mechanism both for Turkish workers and workers who are under temporary protection. They also have a remediation program in cases of CL, where they cooperate with various civil society actors and brands. They have reported that remediation of CL and enrolment of children is easier among workers under temporary protection than Turkish families, as the former prioritised the education of their children to better integrate in society.

On this issue, it can be concluded that without the resources and expertise of civil society on education, migrants and social services, Turkish supply chain actors of garment sector would struggle to ensure full social compliance and also to initiate and sustain an effective remediation process. Thus, the positive impact of civil society towards a change in the CL and social compliance framework in Türkiye is undeniable.









# 4 Recommendations



In line with the general approach adopted throughout the study, the recommendations are set out under the two of the three main pillars of the UNGPs, namely the state duty to protect human rights and the corporate responsibility to respect human rights, supported by civil society actions, which are as crucial as the others to achieve a sustainable and effective realization of human rights in business.

## 4.1. State Duty to Protect Human Rights

**Addressing  
the conflict/  
unclearities in  
the legislation  
regarding CL  
in seasonal  
agricultural  
work**



According to the Bylaw on Procedures and Principles of Employment of Child and Young Workers<sup>251</sup>, children below the age of 15 are allowed to work in hand picking of flowers, fruits and vegetables in gardens and fields, provided that there is no danger of injury and falling and also that the working conditions are aligned with legal requirements – e.g. working hours, times of rest etc. No exception is provided in the Bylaw as to the seasonal agricultural work, where children have to travel with their families throughout the year and, either directly or indirectly due to lack of a safe place to stay, enter the fields along with their worker parents and become subjects of CL. It appears, therefore, that children below the age of 15 who carry out seasonal agricultural work in hand picking of the products mentioned in the Bylaw (i.e. flowers, fruits, vegetables) might also be considered to be legally working under the relevant provisions of the Bylaw. On the other hand, the National Programme on the Elimination of Child Labour<sup>252</sup> specifically refers to seasonal agricultural work as one of the worst forms of CL. This conflict, when considered from a legal perspective of supremacy of legal instruments, would in principle result in the favour of the Regulation, as it would rank before national programme in terms of legal effect. Nevertheless, the National Programme refers to this loophole and in Table 1, under (1.4) sets the requirement of revising the Bylaw on Procedures and Principles of Employment of Child and Young Workers so as to clearly prohibit the employment of child workers in seasonal agricultural work, except for family businesses. It is imperative that this conflict between the Bylaw and the National Programme, unclear boundaries of work which can be done legally by children to be solved in order to be able to define CL within the context of seasonal agricultural work.

251. Bylaw on Procedures and Principles of Employment of Child and Young Workers published in the Official Gazette dated 06.04.2004 numbered 25425.

252. Ministry of Labour and Social Security, National Programme on the Elimination of Child Labour 2017-2023, [https://www.csgeb.gov.tr/media/53623/cocuk\\_isciligi-ulusal-programi.pdf](https://www.csgeb.gov.tr/media/53623/cocuk_isciligi-ulusal-programi.pdf)

### Extending the auditing authorities of the Guidance and Inspection Board



Despite the efforts to put in place adequate legislation to combat CL, there are significant loopholes in the system. As an important example, the Guidance and Inspection Board of the MoLSS has limited scope of authority in terms of audit, which does not extend to workplaces with less than 50 workers, thus leaving out small and medium sized farms and majority of the agricultural sector. This creates an important gap in detecting CL in cotton supply chains. In fact, SMW is considered as the main problem concerning CL, where one of the worst forms of CL is present. Both MoLSS and MoNE representatives deem the legislation on OHS, education and labour as sufficiently detailed; however, state that there is no reliable inspection and sanctions for cases of non-compliance, which lead to problems in practice. It would, therefore, be recommendable to put in place a different method of inspection for agricultural sector, which would cover all scales of farms, regardless the number of employees, supported by amendments in the relevant legislation concerning the authorities of the Guidance and Inspection Board, or new legislation vesting authority upon another public institution in this respect.

### Modifying the insufficiently inclusive nature of the education system



Considering the difficulties in adaptation and integration by children of migrants, refugees and those under temporary protection in Türkiye, education system is required to be accessible, providing quality and inclusive education for every school age children despite their ethnical origins or citizenship status.

Pursuant to Bylaw of the Board of Training and Education Article 6 among the Board of Training and Education's<sup>253</sup> purposes are to “*Carry out studies to improve the education system based on the principles of quality, equality and effectiveness, and national and social values, taking into account the general purpose and basic principles of national education and universal values and standards*”. To this end, the Board of Training and Education shall cooperate with higher education institutions, NGOs and other public or private authorities and it shall follow developments and innovations.

Accordingly, it is under the Board of Training and Education's duty to adjust the national curriculum regarding principle of equality and social needs of the changing demographics of today's Türkiye. This would allow to address the needs of

253. Bylaw Amending the Bylaw on the Board of Training and Education of the Ministry of National Education published in the Official Gazette dated 08.08.2006 numbered 26253.

migrant children by also tackling the challenges they go through and eventually serve to keep them in school.

In 2018, an educational support programme was developed for the 9-12 age group children of nomadic and semi-nomadic families and SMWs by the General Directorate of Lifelong Learning of MoNE<sup>254</sup>. The programme started as of the 2019-2020 academic year. The main condition of the program is to be the child of a SMW family. The programme includes Turkish, mathematics, science and English courses, to be taught for maximum 6 hours a day, spanning to in total 140 hours. This is a positive step towards supporting migrant children in education system, while it should be considered as supplementary and complementary to the national education curriculum. Further research and studies should be conducted to suggest recommendations on how to improve the current education system in Türkiye so as to cover equally and inclusively every child; and the suggested improvements should be reflected both in legislation and practice, with effective sanctions and inspections enforced.

### Improving the legislation and practice on vocational training



According to UNGPs, UN Convention on the Rights of the Child, and other international instruments protecting the rights of children, children in no circumstance should work and get deprived of their right to play, health, participation and education. UNGPs stipulate that “*States must protect against human rights abuse within their territory and/or jurisdiction by third parties, including business enterprises. And in meeting their duty to protect, States should enforce laws that require business enterprises to respect human rights and to be periodically to assessed and provide effective guidance to them.*”<sup>255</sup>

While the VTL provides detailed legal ground for protecting the rights of apprentices, candidate apprentices and students of vocational and technical education, the KIIs conducted with the MoNE representatives and CSOs within this study show an abuse of the institution of vocational training in practice by the companies and enterprises. It is, naturally, the state’s duty to put in place sufficiently effective inspections and controls to ensure compliance with the legal framework. On the other hand, companies should also have a responsibility in this respect, which they can make sure to fulfil through conducting regular risk assessments and taking the required measures..

254. Course Program of Educational Support for Children of Nomadic and Semi-Nomadic Families and Seasonal Agricultural Worker Families (9-12 Ages). Access Date: 15.11.2022. [http://hbogm.meb.gov.tr/modulerprogramlar/kurslar/Ki%C5%9Fisel%20Geli%C5%9Fim%20ve%20E%C4%9Fitim\\_G%C3%B6%C3%A7er-Mevsimlik%20Aile%20%C3%87ocuklar%C4%B1%20E%C4%9Fitim%20Destek%209-12%20Ya%C5%9F%20KP.pdf](http://hbogm.meb.gov.tr/modulerprogramlar/kurslar/Ki%C5%9Fisel%20Geli%C5%9Fim%20ve%20E%C4%9Fitim_G%C3%B6%C3%A7er-Mevsimlik%20Aile%20%C3%87ocuklar%C4%B1%20E%C4%9Fitim%20Destek%209-12%20Ya%C5%9F%20KP.pdf)

255. OCHR, UN Guiding Principles on Business and Human Rights, Article 1-5, pg.1-5, [https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinesshr\\_en.pdf](https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinesshr_en.pdf)



### Adopting a National Action Plan on business and human rights



Under Turkish law, there are no specific legal instrument regulating corporate responsibility to respect human rights throughout business activities, nor any national action plan to regulate business and human rights. Having said that, the Action Plan on Human Rights announced on March 2, 2021<sup>256</sup>, in Goal 9.3 on “*Raising Public Awareness in Human Rights*”, refers to the development of a national guide with regard to business and work life, and organisation of activities for raising awareness on human rights, whilst taking the UNGPs into consideration, which is expected to be undertaken by MoLSS. The development of a national action plan concerning business and human rights for Türkiye is, in fact, needed considering the country-specific context and the specific role of Türkiye within global supply chain of numerous sectors. This is especially important taking into account the recent legislative developments in certain EU Member States and in EU acquis. The national action plan, followed by the required revisions in the legislation, will address corporate responsibility in fighting CL and avoiding the risk of CL found in business activities, including those within scope of supply chains.

## 4.2. Corporate Responsibility to Respect Human Rights

### Increasing overall transparency and traceability in supply chains:

It results from this study that state action is not sufficient on its own to provide the required transparency and traceability in the relevant supply chain in order to ensure effective social compliance of all the actors. Most of the corporations are financially as powerful as states<sup>257</sup> and have the leverage to impose their policies and measures to their suppliers. Transparency and traceability throughout the whole supply chain is mandatory in order to ensure social compliance, especially considering that currently the most effective mechanism in this respect is the global brand audits. Accordingly, global brands should increase efforts to reach the lower tiers of their supply chains, including the subcontractors of their suppliers, to disseminate their leverage and influence on each and every single supply chain actor.

256. Turkish Ministry of Finance, Department of Human Rights, Action Plan on Human Rights, March 2021 <https://insanhaklarieylemleri.adalet.gov.tr/>

257. Real Business Rescue, Companies that are worth more than countries, <https://www.realbusinessrescue.co.uk/advice-hub/companies-worth-more-than-countries/>; Worldbank Data, <https://data.worldbank.org/indicator/NY.GDP.MKTP.CD>; Forbes, The Global 2000-2020, <https://www.forbes.com/lists/global2000/#71833a05ac04>

### Raising awareness on and adopting HRDD in supply chains



This study has revealed the fact that global brands remain silent and inactive in face of the recent developments concerning HRDD in the EU when it comes to their operations in Türkiye. Even in the absence of any legal framework on business and human rights under Turkish law, companies that operate within supply chains of European brands should organise awareness trainings on HRDD and social compliance for all of the actors in their supply chains, and to set up the required monitoring, reporting, grievance and remediation mechanisms. Otherwise, there will soon be legal consequences of non-compliance with the relevant legal instruments.

Adoption and application of an effective HRDD process by companies throughout their supply chains will soon become crucial also to attract investment. As the cost of social and environmental compliance now becomes a business cost for companies, investors will also engage in a pre-investment HRDD and monitor compliance throughout the period of investment<sup>258</sup>. In other words, integrating HRDD process in a company should also be considered 'good for business'.

### Changing the ways of 'doing business'



As a major challenge concerning business responsibility for human rights abuses, it is imperative to shift from a shareholder value to a multi-stakeholder approach, in order to take into account the interests of a wide range of stakeholders (varying from employees, consumers, the environment and local communities). This renewed way of doing business would not only be more sustainable, but in the end it would also be 'good for business'. For this purpose, the engagement of CSOs is important to ensure that the views of all stakeholders are considered. In this manner, not only the main purpose of doing business will be changed, but also the external costs of social compliance will be internalised for corporate actors.

This point is also strictly connected to pricing and ordering policies of companies, especially in the sector of ready-to-wear manufacturing which is dominated greatly by delivery timing. It would be recommendable to adopt the principle of shared responsibility within the supply chain and thereby allocating the costs of social compliance (including legally mandatory ones) to the whole supply chain, starting by increasing the payments made by global brands to their Tier 1 suppliers. Such a system would create a sustainable, efficient and just outcome.

258. McCorquodale, R/Nolan, J (2021) "The Effectiveness of Human Rights Due Diligence for Preventing Business Human Rights Abuses", Netherlands International Law Review 68, p. 466; Chambers, R/Vastardis, A (2021) "Human Rights Disclosure and Due Diligence Laws: The Role of Regulatory Oversight in Ensuring Corporate Accountability", Chicago Journal of International Law, Vol. 21, No. 2, p. 352.

## Modifying audits



Suppliers in the scope of the project have demonstrated their need to have a unified organization for brand audits on sustainability and social compliance. Due to high numbers of organizations and different companies demands regarding different certifications and multiple 3<sup>rd</sup> party audits, HR and sustainability departments of the suppliers have expressed that they mainly focus on passing the audits rather than actually spend more time improving their workers' lives in a creative manner.

Another point concerning the audits is that the content thereof should be modified to cover the extensive scope and aim of the HRDD process, which should go beyond the scope of social audit having a cosmetic and self-legitimising approach, and focus also on the root cause of the human rights risk or abuse pertaining to business operations<sup>259</sup>. This would allow for a more efficient and sustainable application of the audits, which would support greatly the HRDD process.

## Prioritizing and improving social compliance and policies

It has been identified that companies prioritize issues like environmental policies and sustainability more than social policies and workers' rights. Allocating more time and resources towards social policies and grievance mechanisms within the companies will ensure a sustainable and healthy workplace for all parties involved.

## Aligning the policies of buying departments and sustainability departments of the companies

It is observed that while the buying departments of the companies seek out cost efficient and profitable solutions, the sustainability departments are seeking out more environmentally and socially conscious solutions which are inevitably more costly. In order to avoid any conflict and ensure the interdepartmental harmony within the companies, all departments should internalize company policies regarding social and environmental compliance, and thus, manage their suppliers with a more aligned approach.

## Improving hiring processes to avoid CL in the workplace

It has been detected that the main reason companies detect CL in their supply chains is because the HR department has not implemented clear identification policies to avoid CL in any way. Paying more attention to official documents of the individuals, their IDs, asking them questions to verify data is a key component of identification and age verification. Regular inhouse trainings on age verification and policy adjustments will contribute to the combat against CL.

259. McCorquodale, R/Nolan, J (2021) "The Effectiveness of Human Rights Due Diligence for Preventing Business Human Rights Abuses", Netherlands International Law Review 68, p. 468.

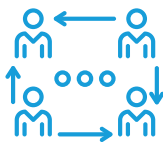
### Hiring young workers



Pursuant to Article 71 of the Labour Law No. 4857 anyone above the age of 15 can work under certain conditions and will be considered a “young worker”, provided that the Bylaw on the Procedures and Principles of Employing Child and Young Workers is complied with, and the workers’ mental and physical health along with their education is not disturbed. A general reluctance was observed on the suppliers’ side to employ young workers, even if the conditions of the employment and of the workplace allowed them to do so. This approach constitutes an infringement of the right to work of young people. Employment of young workers, as long as the legally required conditions are complied with, is necessary to build qualified labour.

## 4.3. Civil Society Actions to Support Protection of Human Rights

### Shifting to a multi-stakeholder approach



Civil society has an important role in ensuring social and human rights compliance throughout supply chains. This study shows that the remediation projects of suppliers conducted in cooperation with CSOs have proven to render positive outcomes. Therefore, it becomes necessary to spread this type of projects throughout all the tiers of the relevant supply chains in order to raise the awareness and to ensure compliance and make sure that they become policies with concrete actions. The role of the CSOs is also significant to ensure the multi-stakeholder approach of business, which is required to ensure that a wider range of interests are taken into account by corporations in doing business. This is a much required action in order to create a momentum in ensuring corporate responsibility for human rights.

### Capacity Building on CL Remediation and Prevention



According to the KIIs conducted with the civil society actors that take active part in CL remediation process in collaboration with brands, the resources and the number of skilled social workers remediating CL into the society is much needed. Given the current circumstances in Türkiye with an influx of migrants, civil society actors should provide services in multiple language, be more accessible through hot lines and receive support from government in accordance with their policies. It is observed that the NGOs are working with the help of their donors and improved monetary policies should be adopted to ensure sustainability. Currently NGOs are considered as a remediation mechanism

after the stage of CL detection; rather they should also act as watchdogs over brands with the initial purpose of preventing CL. Another important note for CSOs is that they should design their work complementary to state services, while not attempting to replace or substitute them. In this regard, what is expected from CSOs is to refer cases of CL to state professionals while increasing resilience of children, family and supporting/providing guidance to businesses regarding how to prevent CL incidence from happening.

### Extension of unions' coverage



According to the KIIs conducted within this study, unions are present in workplaces that already have good workplace policies in place. Their scope does not extend to underground workplaces therefore unregistered workers in underground manufacturers cannot benefit from their right of association and from the protection of unions. By reaching out to these workplaces unions will not only improve the low unionization in Türkiye but also be a force against CL by being a watchdog.

Pursuant to Article 17 of the Law No:6356 on Unions and Collective Bargaining, anyone above the age of 15 is entitled to join a union. However, as confirmed by the union representative with whom a KII was conducted, they do not have any young worker members. This situation creates an infringement of right of the young workers. More young worker unions should be established in order to enable young workers' integration to the society.

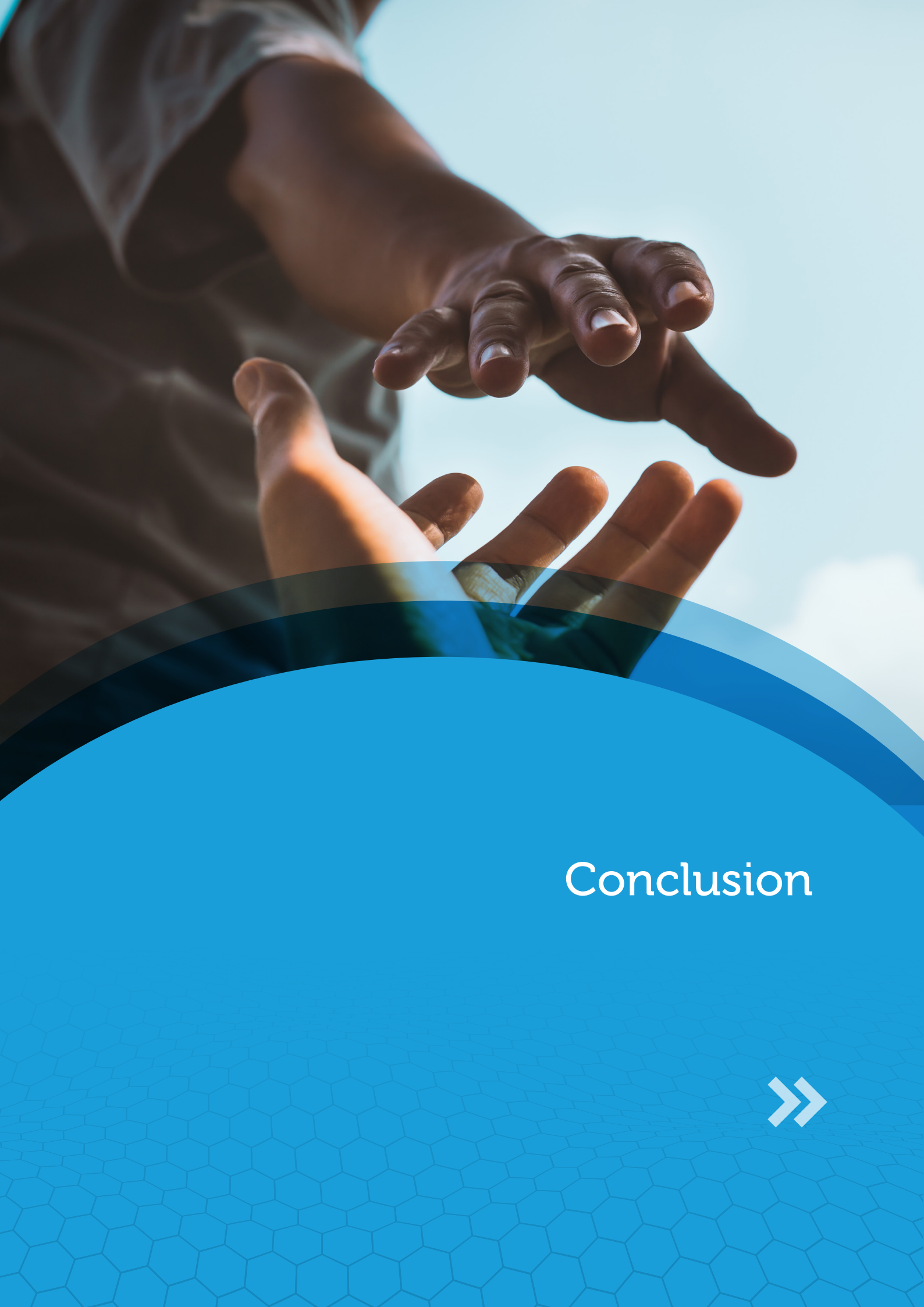
### Adopting a more holistic approach of prevention of human rights violations



Seasonal migrant workers, a group that travels throughout the year all over Türkiye need more substantial solutions in order to improve their conditions and prevent any human rights violation they are subjected to in this process. To accomplish this, a more holistic approach should be adopted in projects and programmes developed and carried out by civil society actors to ensure compliance with human rights in general. It is worth noting that full cooperation and harmonization between different civil society actors and public institutions mandated to provide protection services as well is crucial to achieve tangible results for children engaged in or at risk of child labour.







# Conclusion





Based on the research and analysis made hereunder, it is determined that CL remains to be a problem in ready-to-wear manufacturing supply chain consolidated with cotton in Türkiye. This is due to several different reasons varying from socio-economic factors to insufficient coverage in laws and deficient practices. Perhaps more importantly, the current situation points out to an urgent need to adopt a novel approach on human rights related impacts of business operations, which include CL. In fact, it can be observed that state-based actions remain limited to provide a sustainable solution on the problem of CL, along with other human rights violations, which requires consolidated action by the state, corporate actors and civil society. To this end, it is firstly recommended that the state takes actions to effectively regulate all related aspects of CL, including audits and inspections. Secondly, corporate actors should adopt a novel way to do business by ensuring a multi-stakeholder approach, whereby they would be engaged in practices such as HRDD to detect human rights risks and violations throughout their group companies, along with their global supply chains, which would eventually serve to take precautions and remedial actions to prevent, mitigate or remedy the mentioned risks and violations. Thirdly, civil society also has a crucial role in providing sustainable solutions to business related human rights violations, including CL, as civil society actors can effectively monitor and put pressure on the others to adopt the required measures and remedies, eventually to achieve sustainable compliance.



**Table.** Distribution of The Work Places, Compulsory Insured Persons And Daily Average Daily Earnings that are Basis of Premium, by the Branch of Activity, Sector And Gender in 4/a Coverage

NACE Code	Branch of Activities By NACE Codes	Number Of Work Places					Number of Compulsory Insured Person							Average Daily Earning						
		Permanent	Temporary	Public	Private	Total	Permanent	Temporary	Public	Private	Male	Female	Total	Permanent	Temporary	Public	Private	Male	Female	General Total
13	Manufacturing of Textile Products	19.889	34	28	19.895	19.923	503.457	792	873	503.376	362.624	141.625	504.249	255,27	211,34	206,66	255,27	265,13	229,26	255,22
14	Manufacturing of Garment Products	41.153	103	194	41.062	41.256	712.481	3.814	9.213	707.082	339.291	377.004	716.295	202,71	185,53	263,58	202,01	208,20	197,57	202,63
15	Manufacturing of Leather and Related Products	7.334	5	2	7.337	7.339	75.247	107	82	75.272	54.764	20.590	75.354	203,98	168,77	190,27	203,95	208,77	190,92	203,93

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