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**The Contribution of Human Rights and Equality Institution of Türkiye (HREIT) to the Report on the Impact of the COVID-19 Pandemic on the Realization of the Equal Enjoyment of the Right to Education by Every Girl**

Pursuant to the Law No. 6701, published in the Official Gazette dated 20.04.2016 and numbered 29690, the Human Rights and Equality Institution of Türkiye (HREIT) was established and the Institution was mandated with fighting against discrimination and acting as Equality Body, in addition to its duties as a National Human Rights Institution (NHRI) and a National Preventive Mechanism (NPM).

Pursuant to Article 10 of the Turkish Constitution, *“Everyone is equal before the law without any distinction as to language, race, colour, sex, political opinion, philosophical belief, religion, sect or any such grounds. Measures to be taken for children, the elderly, and people with disabilities (…) shall not be considered as violation of the principle of equality.”* Within this context, it is prohibited under the Law No. 6701 to *discriminate against persons based on the grounds of sex, race, colour, language, religion, belief, sect, philosophical or political opinion, ethnical origin, wealth, birth, marital status, health status, disability and age.*

In this regard, HREIT has the authority to inquire into, examine and take a final decision on and monitor the violations of non-discrimination principle – ex officio or upon an application. In case of violation of the prohibition of discrimination, it has the authority to impose administrative sanctions on institutions, organizations and/or private law legal entities and real persons who discriminate. Within the scope of this authority, 27 applications were made to the Institution in 2021 and 5 applications were made in 2022 regarding the right to education. Most of the applications were made by prisoners. Only 2 of 32 applications belong to female applicants, and the addressee of both applications is higher education institutions.

The right to education is a social right that is legally guaranteed for all individuals without discrimination, that imposes positive obligations on states at the point of fulfilment of the right, and that states can be held responsible for the violation or deprivation of this right. The right to education is guaranteed in a number of international conventions such as the Universal Declaration of Human Rights of 1948, the UN International Convention on Economic, Social and Cultural Rights of 1966, and the Convention on the Rights of the Child of 1989.

The Article 10 of The Convention on the Elimination of All Forms of Discrimination against Women, which regulates the right to education, imposes liability on signatory states to take all appropriate measures to eliminate discrimination against women in order to provide them with equal rights with men in the field of education. With the documents adopted as a result of the 4th World Conference on Women (The Beijing Declaration and Platform for Action), 12 critical areas were defined for immediate action in order to improve and strengthen women; and one of these areas was women and education”.[[1]](#footnote-1)

In addition to the aforementioned international conventions, the fourth goal of the 2030 Sustainable Development Goals adopted with the signature of all UN members at the UN Sustainable Development Summit held on September 25-27, 2015 is also related to the right to education. Inclusive and quality education will help achieve the other Sustainable Development Goals by 2030. In addition to the fourth goal on the right to education, the fifth goal on gender equality is also very important in terms of girls' equal enjoyment of the right to education.

Within the scope of the UN Merida Declaration of 2015, many responsibilities have been assigned to the National Human Rights Institutions for the realization of the Sustainable Development Goals. In 2017, The Global Alliance of National Human Rights Institutions published the National Human Rights Institutions Engaging with the Sustainable Development Goals report on what kind of responsibilities national human rights institutions should undertake in the implementation of SDGs. According to the report in question, national human rights institutions, within the framework of their mandates, are of key importance in the realization of sustainable development goals.[[2]](#footnote-2)

In the context of ensuring everyone's equal enjoyment of human rights and fulfilling the commitments made within the scope of the aforementioned international conventions, provisions on equal enjoyment of girls' right to education are frequently included in national legislation and policy documents. According to the Article 4 of the Law No:1739, The Basic Law of National Education, *educational institutions are open to everyone without discrimination based on language, race, gender and religion, and* Article 8 of the Law states that *equal opportunities should be provided for both men and women in education.[[3]](#footnote-3)* Accordingly, as stated in Article 2 of the Law on Primary Education and Education, *primary education is compulsory for girls and boys at the age of education, and free of charge in state schools.* With the amendment to the aforementioned Law in 2012, *the period of compulsory education was regulated as 12 years covering 4 years of primary school, 4 years of secondary school and 4 years of high school education.[[4]](#footnote-4)*

In addition to that, according to Paragraph 542 of the Eleventh Development Plan, *the establishment of a strong society is possible through the empowerment of women. Within this framework, efforts will be made to increase the accessibility of girls and women to education and training, and their participation in social and economic life, facilitate their access to resources, and raise public awareness and development of status of women within the society*. According to Paragraph 601, *Full access and active participation of girls and women to all levels of education will be ensured.[[5]](#footnote-5)*

Also, the Strategy Paper and Action Plan on Women’s Empowerment (2018-2023), developed under the coordination of General Directorate on the Status of Women aimed at promotion of women’s participation in economic and social life; ensuring women’s equal access to rights and opportunities; mainstreaming the principle of equality between women and men into all main plans and programs, has been a very comprehensive action plan prepared for women’s empowerment. Ensuring the full access and effective participation of girls and women at all levels of education is determined as one of the main policy pillars of The Strategy Paper and Action Plan on Women’s Empowerment and 6 targets and 6 strategies were included under this goal.[[6]](#footnote-6)

The Integration Strategy Document and the National Action Plan (2018-2023), prepared by the Ministry of Interior General Directorate of Migration Management contributes to the fact that migrant women and girls of different status are informed about the rights and services they have and their access processes, reach the social support they need, support their access to education, health, labor market and adapt to society.[[7]](#footnote-7)

Strategy Document for Roma Citizens (2016-2021) and the Second Stage Action Plan (2019-2021) prepared by the Ministry of Family and Social Services, General Directorate of Family and Community Services contribute to the empowerment of Roma women and girls in the specified areas by including a series of measures to be taken in the fields of education, employment, housing, health and social services and social assistance.[[8]](#footnote-8)

**The Most Important Challenges and Barriers That Girls Have Been Facing in the Context of the COVID-19 Pandemic at Each Level of Education**

On a global scale, the COVID-19 pandemic has brought with it problems regarding the responsibility of states to effectively fulfil and protect the right to education. Within the scope of protecting public health during the pandemic period, almost all schools around the world, from pre-school to primary education, from secondary education to higher education, had to take a break from face-to-face education and training.

With the pandemic, the Ministry of National Education has taken measures to ensure that students are least affected by this situation by reacting quickly in order to continue education through online platforms. As of March 23, 2020, the Ministry of National Education has included students at every school level within the scope of distance education through three television channels and the Education Informatics Network (EBA). Universities continued their distance education through different online platforms. In the application-based sections, trainings continued by implementing mixed methods.[[9]](#footnote-9)

Despite all these measures, the fact that education activities started to be carried out with distance education tools brought along many inequalities on the basis of equal access to education. It has been observed that there are differences in the way schools offer distance education and in the level of students benefiting from these opportunities. With the pandemic, tablet distribution for students has been intensified. More than 2,000,000 tablets were distributed throughout the country for the children of families with financial difficulties. However, it has been observed that there are some disruptions in this regard due to Türkiye’s relatively crowded population and the pandemic's impact on the whole country in a short time. “Disadvantaged students” such as “people with low socioeconomic status, those belonging to certain minority groups, and those in need of special education” have been the group most affected by the crisis.[[10]](#footnote-10) It also brings the risk of deepening existing inequalities for students who do not have these opportunities.

**Concrete Measures Taken to Respond Challenges and Barriers Faced by Girls at Each Level of Education as a Part of the Short-Term Responses to, And Mid and Longer-Term Recovery Efforts from the COVID-19 Pandemic**

The distance education process was carried out by the Ministry of National Education through online platforms as well as national channels of TRT (Turkish Radio and Television Corporation) EBA Primary School, Secondary School and High School, which were established within the scope of cooperation with TRT, and all students across the country were tried to be reached. Providing education with different communication tools provided convenience for students who do not have access to computers and phones. In this context, the weekly lessons of all primary and secondary schools were restructured and the necessary make-up education support was provided to the students. In addition, it is seen that educational tools are kept alternative with an inclusive approach in EBA education. This approach is of critical importance in protecting the right to education of all segments of society. Although a step has been taken to provide inclusive education to students with distance education, it has not been possible for all students to access. It is an undeniable fact that there are some deficiencies arising from the nature of distance education and its application tools.

The aid campaigns initiated for students who do not have educational materials such as computers and tablets in this process can be mentioned among the important developments that increase the effective use of the right to education and the operability of this right.[[11]](#footnote-11)

Türkiye currently hosts 5,013,631 foreigners. Of these, 1 million 384 thousand are school-age children (5-17). In 2021, 69% of this population was enrolled in Turkish schools and they were provided with the same quality of education as Turkish students. Schooling rates by education levels as of the 2021-2022 academic year; 34% at pre-school level, 77% at primary school level, 81% at secondary school level, and 49% at high school level. In the 2021-2022 academic year, 928,485 students were included in the education, 454.902 of these students are girls.

In this context, the Ministry of National Education has prepared 7 course programs within the scope of distance education for refugees and asylum seekers during the epidemic period. These courses are accessible at <https://hboakademi.eba.gov.tr/login/index.php>.

In 2020, there were 156,332 scholarship holders from 135 different countries benefiting from public education centers in our country. Of these trainees, 67,423 (43%) were male and 88,909 (57%) were female and most of them were Syrians. The completion rate of the courses was 56.43%. In 2020, most women enrolled in the Turkish for Foreigners A1 Level program. 10,344 female trainees participated in the said program.

**Work of HREIT**

Within the scope of Article 9 of the HREIT Law, *working to protect and promote human rights, prevent discrimination and remedy violations and raising public awareness on human rights and non-discrimination through providing information and education including by use of mass media* are among the main duties of the Institution. In this context, HREIT signs cooperation protocols with universities and organizes awareness-raising activities such as conferences, symposiums and panels.

Various activities carried out by HREIT to contribute to the protection and promotion of the human rights of girls and women and to raise public awareness of the right to education are as follows:

1. In accordance with paragraph k of Article 9 of the HREIT Law, the Institution *prepares annual reports related to the protection and promotion of human rights, fight against torture and mistreatment and fight against discrimination which will be submitted to the President of the Türkiye, Bureau of the Turkish Grand National Assembly*. The annual reports prepared in this context include the titles of the right to education, women's rights and children's rights. These reports can be accessed through the Institution's website.[[12]](#footnote-12) In addition to annual reports, the Institution prepares thematic reports in order to raise public awareness. In March 2020, “The Right to Education of Children with Autism and Non-Discrimination Report” was prepared and shared with the public.[[13]](#footnote-13)
2. The Institution also held a “Children's Rights Symposium on the 32nd Anniversary of Adoption of the UN Convention on the Rights of the Child” in cooperation with Antalya Bilim University and UNICEF on November 20, 2021. The symposium took place in three sessions on child neglect and abuse, the child's right to access justice, and child poverty and social protection.[[14]](#footnote-14)
3. “Workshop on the Rights of Persons with Disabilities in the Coronavirus Pandemic” was held on December 2, 2021 as an awareness-raising event in the context of COVID-19 and the rights of the disabled. In the workshop, the right of individuals with disabilities to receive information and the right to education and the fight against discrimination against individuals with disabilities were discussed.[[15]](#footnote-15)
4. “International Symposium on Human Rights in Pandemic Times” was held on December 8-9, 2021. The focus of one of the symposium sessions was the right to education in times of epidemic. Within the scope of the paper titled "A View of the Situation of Education, a Fundamental Human Right in the Pandemic Period - Experience of Türkiye" presented at the symposium, the decisions taken in the field of education within the scope of COVID-19 measures in Türkiye were evaluated. With the paper titled "The Invisible Piece of the Iceberg: Children, Pandemic and Children's Rights", it has revealed important outputs that deal with the human rights that children face in this process in general.[[16]](#footnote-16)
5. On the other hand, “The Women's Rights Symposium” will be held by our institution on March 9, 2022, on the occasion of March 8, International Women's Day, in which women's rights will be discussed from many aspects. One of the papers to be presented at the said Symposium will focus on the challenges faced by women in their academic studies with the title of women in academia. The symposium to be held in Ankara will be broadcasted live on the Youtube account of the Institution.[[17]](#footnote-17)

1. Ministry of Family, Labour and Social Services General Directorate on the Status of Women, Report on Women in Türkiye, <https://www.aile.gov.tr/media/68105/women-in-turkey-23-02-2021.pdf> [↑](#footnote-ref-1)
2. GANHRI, Report on National Human Rights Institutions for the realization of the Sustainable Development Goals,<https://ganhri.org/wp-content/uploads/2019/12/GANHRI_NHRIs-engaging-with-the-SDGs_UpdatedVersion.pdf> [↑](#footnote-ref-2)
3. National Education Basic Law, <https://www.mevzuat.gov.tr/MevzuatMetin/1.5.1739.pdf> [↑](#footnote-ref-3)
4. The Law on Primary Education and Training, <https://www.mevzuat.gov.tr/mevzuatmetin/1.4.222.pdf> [↑](#footnote-ref-4)
5. Eleventh Development Plan (2019-2023), <https://www.sbb.gov.tr/wp-content/uploads/2021/12/Eleventh_Development_Plan_2019-2023.pdf> [↑](#footnote-ref-5)
6. The Strategy Paper and Action Plan on Women’s Empowerment (2018-2023), <https://www.aile.gov.tr/media/6315/kad%C4%B1n%C4%B1n-gue%C3%A7lenmesi-strajesi-belgesi-ve-eylem-plan%C4%B1-2018-2023.pdf> [↑](#footnote-ref-6)
7. The Strategy Paper and Action Plan on Women’s Empowerment (2018-2023), <https://www.goc.gov.tr/kurumlar/goc.gov.tr/Yayinlar/UYUM-STRATEJI/Uyum-Strateji-Belgesi-ve-Ulusal-Eylem-Plani.pdf> [↑](#footnote-ref-7)
8. The Strategy Paper on Roma People (2016 – 2021), <https://www.rcc.int/romaintegration2020/files/admin/docs/a5ef792fa5e9eaf16003ab1c8b4a14a5.pdf> [↑](#footnote-ref-8)
9. HREIT, The 2020 Report on Protection and Promotion of Human Rights, <https://www.tihek.gov.tr/upload/file_editor/2022/02/1644846431.pdf> [↑](#footnote-ref-9)
10. Mahmut Özer, Hayri Eren Suna, Zafer Çelik, Petek Aşkar, “The Effect of School Closing Due to the COVID-19 Pandemic on Inequalities in Education”, İnsan ve Toplum, 13.11.2020, p.218. [↑](#footnote-ref-10)
11. <https://www.meb.gov.tr/500000-tablet-bilgisayar-dagitiminin-ikinci-fazindayiz/haber/22182/tr> [↑](#footnote-ref-11)
12. https://www.tihek.gov.tr/ [↑](#footnote-ref-12)
13. <https://www.tihek.gov.tr/otizimli-cocuklarin-egitim-hakki-ve-ayrimcilik-yasagi-raporu/> [↑](#footnote-ref-13)
14. <https://www.tihek.gov.tr/en/the-childrens-rights-symposium-was-held-on-the-32nd-anniversary-of-the-adoption-of-the-un-convention-on-the-rights-of-the-child/> [↑](#footnote-ref-14)
15. <https://www.tihek.gov.tr/en/our-institution-organized-a-workshop-on-the-rights-of-persons-with-disabilities-in-the-coronavirus-pandemic/> [↑](#footnote-ref-15)
16. <https://www.tihek.gov.tr/en/hreit-organized-the-international-symposium-on-human-rights-in-pandemic-times-on-8-9-december/> [↑](#footnote-ref-16)
17. <https://www.tihek.gov.tr/kadinhaklarisempozyumu/> [↑](#footnote-ref-17)