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<https://kerjournal.com/>**REVIEW OF CHILDREN'S RIGHTS IN THE EUROPEAN UNION, TURKEY AND GEORGIA****Maia Gorgadze¹****Cem Tuna²****Ahmet Duysak³**

Abstract: In this study, the issue of children's rights is analyzed from the perspective of the European Union, Turkey and Georgia. The historical process of children's rights in these countries is discussed comparatively in terms of fundamental, economic, social and cultural rights. The following conclusions were reached in the study: European Union countries, Turkey and Georgia are rich and sufficient in terms of national and international legislation on children's rights. European Union countries, Turkey and Georgia cooperate with many international institutions and organizations, especially with UNICEF, the UN Children's Fund

It can be stated that European Union countries have made significant progress on children's rights. However, they are lacking in the areas of child poverty, mental health, environment and digital technologies. UNICEF has called for securing progress on children's rights, increasing investment in children and strengthening governance for children.

There have been significant developments in Turkey in terms of children's rights. The decrease in infant mortality, the increase in net school enrollment rates and the decrease in official girl child marriages are important developments. However, there are problems such as lack of access to education, obstacles in accessing equal opportunities, children being bullied by peers, lack of development of the foster family system. State policies have been established to solve these problems. Within the framework of this policy, it is important that the government, municipalities and civil society organizations work in cooperation.

Legislative arrangements and studies are being carried out in the field of children's rights in Georgia. The rates regarding the exercise of the right to education are positive and deficiencies should be eliminated. Children benefiting from social assistance and preventing child marriages are positive developments. Taking legal measures on surrogate motherhood can be considered positive. There were positive developments in foster care, the care of orphaned children and their return to their families. The opening of a child support center for orphaned children within the framework of cooperation with Turkey and the right to pay benefits for children are also important.

Along with these important developments, the current situation in Georgia reveals that children's rights are often violated and children are only recognized after they have been subjected to violence or abuse. The problem of street children is growing day by day, street children are at risk and the problem is waiting

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for a solution. There is a lack of scientific studies on children's rights in Georgia. It is recommended to increase scientific studies on this issue.

Key words: European Union, Turkey, Georgia, Children's Rights

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1. Introduction

Experts have used various criteria in relation to the concept of child or childhood. They have made different definitions of children, sometimes based on age, sometimes based on puberty, and sometimes based on the crime committed (Çelik, 2005).

The word "child", which is translated as "child" in English, "kind" in German, "rebenok" in Russian, "enfant" in French, "bavşvi" in Georgian, "tıfil" in Ottoman Turkish, is translated as "child" in TDK dictionary: "1. 2. "Son or daughter in terms of lineage, offspring". 3. "Boy or girl in the development period between infancy and puberty, servant" etc... definitions are included. The concept of childhood is defined as "1. The state of being a child. 2. The period of human life between infancy and adolescence. 3. Childish behavior" (TDK, 2019)

According to the dominant view in underdeveloped countries, the child is seen as "a potential labor force that can contribute to the economic development of the family beyond the family phenomenon, and a social security tool in the later ages of the family". In later periods, it is observed that the term child has undergone a change. In developed countries, in urban areas, the child is defined as "the being who is kept away from working life while giving the family a sense of being a family and preparing for the future". Today, the beginning of childhood is said to be from the womb. Although there are some definitions about the beginning of childhood, there are no definite and clear judgments about the end of childhood (Kulaksız, 2014).

In daily life, the concept of child is used to distinguish between adults and grown-ups. In colloquial language, a child can be a boy or a girl, i.e. a son or daughter. In folk speech, the concept of "child" can sometimes be seen in the sense of immature, inexperienced. This is explained as a sign that childhood is associated with purity and cleanliness (Tezcan, 2005).

In the European Union's document 'Towards an EU Strategy on the Rights of the Child', the definition of "child" includes all individuals under the age of 18. In the UN Convention on the Rights of the Child, the concept of child is defined as "every human being is considered a child until the age of eighteen, except in cases of early majority" (Şirin, 2011).

Despite intellectual debates about the definition of childhood and cultural differences in what can be expected from children, there has always been a widely shared understanding that childhood requires a distinct and safe space. It is stated that just as the attitudes of people towards each other in social life differ in every society, the phenomenon of childhood also has a cultural aspect, and therefore a general definition to define the child cannot be made (Öktem, 2012).

Yörükoğlu (2011), while defining the child, emphasizes its ability to show rapid and surprising changes as well as its unique qualities. In another definition, while the child is defined as a being in constant development, it is also expressed as a valuable asset in terms of the continuity of culture (Altinköprü, 2003; Karadağ, 2013).

It is stated that there are debates about the concept of child or childhood in many legal texts, and that experts working in different fields of law use different criteria related to their fields and make different definitions of child depending on the age, maturity or actions of the child (Reid, 2011).

In all definitions, it is stated that the child has a different structure from the adult and therefore the behaviors and practices to be shown towards him/her should be different from those of adults (Bağlı, 2003).

According to the law, the beginning of personality and the beginning of childhood are similar. However, the end of personality and the end of childhood are not the same thing (Demirci, 2010). The concept of child has two meanings in law. 1. Child means a person descended from parents, a child, and the concept of child is used to denote the bond of descent. In the 2nd sense, a child is a non-adult human being, a "minor" who is under special protection and who is granted special rights and privileges (Taşkın, 2006). However, in different branches of law, in order to protect the physical, mental and moral integrity of children, age restrictions have also been made below the age in question (18 years). According to labor law, children under a certain age cannot be employed. In education law, age restrictions are made in terms of the child starting school and the end of the compulsory education period (Akyüz, 2001).

Child law has a long history; it is a new branch of law. In the course of historical development, the scope and form of protection of children have changed. These changes depend on factors such as economic, social and cultural development of the society (Tiryakioğlu, 2000)

Child law, in the broadest sense, is the branch of the law that protects the rights of children in child law, private law, public law, social law and international law, regulates their rights, and is specific to children. In a narrow sense, it consists of the rules regulating the rights, duties and relations between parents and children (Akyüz, 2020).

All legal rules that determine the legal status of the child constitute objective child law. In this sense, the scope of child law includes the rules regarding children and children's rights in the fields of private law, criminal law, social law and public law (İnan, 1968). The function of these rules is to protect and safeguard the child in the family, at school, at work, in places of entertainment, on the street, in court, in detention centers and prisons, in short, in society, taking into account his/her weakness and developmental needs (Serozan, 2005).

A right is the authority to do something or to ask others to do something or to behave in a certain way. Law protects this authority.

In terms of the law in force, children's rights consist of rights defined by the rules governing the law of the child and provided with protection by judicial bodies. These rights ensure the protection and development of the child in physical, mental, emotional, social, moral and economic aspects.

Looking at the history of the concept of children's rights, according to many philosophers, children had either no rights or limited rights. Hobbes, for example, states that children have no natural rights and are under the indifferent ownership of their parents. Conversely, but somewhat similarly, Locke states that children have natural rights, but only adults have full custody. Parents therefore have authority over children and the responsibility to guide their children towards education. Mill, on the other hand, argues that children should be kept away from freedom because they are not fully rational, but that parents have a responsibility to protect their children. All three philosophers defended the classical view against children's rights on the grounds that children lack reason (as cited in Hill and Tisdall, 1997).

Despite the opposition of philosophers such as Hobbes, Locke and Mill and their representatives, who defended the classical view, children's rights have started to be approved and given importance in the world over time. Children's rights can be defined as rights to protect children from harm and abuse; to give them the chance to grow up in an emotionally appropriate way; and to provide basic needs such as health, housing and education (Nelken, 1998).

Children's rights aim to establish a rights-based perspective in societies rather than a needs-based one. There is important difference between a needs-based approach and a rights-based approach. The needs-based approach does not carry the quality of accountability. It does not involve a legal obligation for states. Many rights are, of course, derived from needs. But the rights-based approach implies accountability and a legal and ethical obligation. In a rights-based approach, rights-holders are encouraged to acquire and defend their rights. Rights-holders are not objects of charity, as in the needs-based approach, but rather individuals claiming their legal rights (Save the Children, 2019).

A rights-based approach in the context of children's rights is characterized by a focus on children and their rights, equality and non-discrimination, transparency, participation, the best interests of the child and working with other stakeholders for common rights-based goals (Theis, 2003).

Rights cannot be protected without meeting people's material needs. Children's rights cannot be established without addressing the structural causes of child abuse and neglect. An unsafe environment and chronic poverty are the root causes of the tragic situation of the world's children (Fernando, 2001).

On the other hand, there is still a group opposed to children's rights. They have very basic reasons for their opposition. According to them, children do not have sufficient capacity to have rights. These views, which focus on children's inadequacies, particularly emphasize the following areas (Beauchamp and Childress, 2001).

- Inability to prefer or choose,
- Inability to comprehend a situation or similar situations,
- Inability to comprehend information that is not clearly expressed,
- Inability to provide a rational reason and make a reasoned judgment,

This opposition is based entirely on the fiction of the child's inadequacy.

Under the general heading of children's rights, there are four different classes. These are categorized as welfare rights, protective rights, adult rights and rights against parents (Franklin, 1993).

Children's rights, understood as welfare rights, are most clearly expressed in the United Nations Declaration on the Rights of the Child. These rights ensure that all children have access to nutrition, medical care, shelter and education.

The second, protective rights, concerns rights to protect children from inadequate care, neglect, physical or emotional abuse, or any other danger within the home.

The third class, adult rights, argues that children should have the same rights that adults alone currently enjoy.

The last class of children's rights argues that children should have more independence from their parents before they reach the age of majority.

After all, although its origins date back to the 1924 Declaration of the Rights of the Child, children's rights came to the world agenda with the United Nations Convention on the Rights of the Child (UNCRC) of 1989, and in this respect, it can be stated that it is still a very new conceptualization of rights. In international law, child rights legislation is developing day by day (Hareket and Yel, 2021, 31 et seq.).

1. HISTORICAL DEVELOPMENT OF CHILDREN'S RIGHTS

Under this heading, the historical development of children's rights in the European Union, Turkey and Georgia is discussed.

1.1. Historical Development of Children's Rights in the European Union

The history of children's rights can be defined as the adventure of transforming the child from an "object" that can be freely disposed of, transferred, abandoned and even killed, into a "subject" with rights and personality (Serozan, 2005). This adventure has gained strength through international declarations and agreements and has reached a certain point.

When we look at the history of children's rights in the world and in the European Union, important documents emerge. These are respectively (Hareket and Yel, 2021, 37 et seq.);

- 1924 Geneva Declaration of the Rights of the Child,
- 1959 United Nations Declaration of the Rights of the Child,
- 1989 United Nations Convention on the Rights of the Child.

In the European Union, children's rights are treated as a violation of human rights and an obstacle to national development. Children's rights are seen as an integral part of human rights and the rights of this vulnerable part of society are both respected at the Union level and expected to be respected at the level of Member States. Moreover, the promotion and protection of children's rights is one of the main objectives of the European Union (EU), which the Lisbon Treaty emphasizes. Article 3(3) of the Treaty on the EU explicitly promotes children's rights in the EU today. Furthermore, children's rights are also included in the Charter of Fundamental Rights of the European Union. Article 24 recognizes that children have independent and autonomous rights and all EU Member States have ratified the United Nations Convention on the Rights of the Child (UNCRC).

The EU Agenda for the Rights of the Child is exemplary in ensuring that EU influence guarantees respect for the requirements of the Instrument and the CRC with regard to the rights of children. It also focuses on a large number of concrete actions in an area where real added value can be brought, such as child-friendly justice, protecting children in vulnerable situations and combating violence against children, both inside and outside the European Union (An EU Agenda for the Rights of the Child, 2011).

It provides a solid regional framework for the promotion and protection of human rights in the context of the EU's overall human rights foreign policy, which also relates to children's rights. For years,

the EU has been taking multidimensional actions to further promote children's rights, including in particular

- Implementation of the 2003 EU Council Guidelines on Children and Armed Conflict;
- Addressing children's rights in Third Countries, particularly in the framework of political dialogue;
- Funding projects aimed at promoting and protecting children's rights, in particular through the European Instrument for Democracy and Human Rights (EIDHR);
- Monitoring progress in the promotion of children's rights throughout the enlargement process and supporting reforms on child protection in candidate and potential candidate countries;
- The EU, together with Latin American states, to lead an annual resolution at the United Nations on the "Rights of the Child" and invite states to sign, ratify and implement the Convention on the Rights of the Child and its Optional Protocols;
- Support key international and regional actors in the field of children's rights, in particular the UN Secretary-General, the UN Security Council, the bodies established under UN human rights treaties, in particular the Committee on the Rights of the Child, UN Special Procedures and mechanisms, and relevant UN organizations, in particular UNICEF, OHCHR, ILO, WHO and UNFPA, as well as regional mechanisms, in particular the Council of Europe, OSCE, the European Network of Ombudspersons for Children and civil society organizations;
- In the EU's Development Policy, the "European Consensus on Development" includes respect for children's rights among EU Member States, referring to key international frameworks on human rights and the millennium development goals.

It is also underlined that the EU finances the "European Initiative on Democracy and Human Rights" to promote human rights around the world, with a budget of €1.1 billion for the period 2007-2013. In this context, it is emphasized that the main issues addressed are "strengthening democracy, good governance and the rule of law, abolishing the death penalty, combating torture, ensuring respect for political and civil rights, combating racism and discrimination, gender equality and protecting children" (http://europa.eu/pol/rights/index_en.htm, 2019).

1.2. Historical Development of Children's Rights in Turkey

The Turkish National Commission for UNESCO was established by a law adopted by the Turkish Grand National Assembly of Turkey on 25 May 1946 to establish links between educational, scientific and cultural institutions and the parent organization and to carry out activities in accordance with a convention. In its report submitted to the second meeting of the VIIth General Assembly, the Board of Directors of the UNESCO National Commission for Turkey proposed "the preparation of a draft law on children's rights by making use of various declarations of children's rights". A text prepared

in response to this proposal, entitled "Turkish Declaration of Children's Rights", was presented to the General Assembly as Annex No. 2 (Akyüz, 2000). The rights of the Turkish child were determined in the light of the clear and precise provisions of various articles of the Constitution, the 1923 Geneva Convention, the 1948 Child Protection Agency's Year of the Child and the 1959 United Nations Declaration on the Rights of the Child. These rights were regulated by the relevant articles in the 1961 Constitution and submitted to the public vote (İnan, 1979; Merey 2017).

On February 14, 1962, the 7th National Education Council, on May 8, 1962, the 2nd Social Services Conference, on July 30, 1962, the Turkish Confederation of Teachers' Associations Assembly, and on June 26, 1963, the 7th General Assembly of UNESCO Turkey's National Public Assembly approved the Declaration of the Rights of the Child. The Turkish "Declaration of the Rights of the Child", which was inspired by both the relevant articles of the Constitution and previous declarations, was accepted as a principle to be followed by all parents and institutions. The difference of this declaration from other declarations is that it includes topics for Turkish children (Ballar, 1997; Merey, 2017).

Turkey became a party to the United Nations Convention, which it signed on September 14, 1990, pursuant to the Law No. 4058 of the Grand National Assembly of Turkey on the Ratification of the Convention dated December 9, 1994, and the Convention entered into force for Turkey on May 4, 1995, after the ratification documents were sent to the UN Secretariat. The UN Convention on the Rights of the Child is the treaty with the widest participation within the UN system. It sets global standards for the protection of children and provides a legal framework for programs aimed at improving the situation of children (Merey, 2017).

There have been new developments, to which Turkey became a party in May 1995, bringing global standards in the protection of children's rights and introducing regulations on the care and protection of children in need of special sensitivity and protection and securing their various rights. The "Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography" and the "Optional Protocol on the Involvement of Children in Armed Conflict", which were prepared as annexes to the Convention on the Rights of the Child, adopted by the United Nations General Assembly on May 25, 2000 and opened for signature. It was signed on behalf of Turkey on September 8, 2000 within the framework of the United Nations Millennium Summit held in New York in September 2000. These protocols entered into force for Turkey on September 19, 2002 and May 4, 2004 respectively (Merey, 2017).

1.3. Historical Development of Children's Rights in Georgia

In Georgia, there used to be no vision of a unified state, a systemic approach where child welfare could be achieved. However, after gaining independence, Georgia successfully joined the international

community and conventions. The main purpose of the articles and conventions on human rights in the Constitution of Georgia is to defend human rights.

The Constitution of Georgia reflects articles on human rights and freedoms and the state recognizes and defends human rights. In addition to recognized human rights (with some exceptions), children's rights are included in Chapter 2 of the Constitution.

Article 30 of the Constitution on freedom of work stipulates that working conditions for minors are determined by law. According to Article 35, everyone has the right to receive education and to choose the form of education. Pre-school education is provided by the state. Primary education is compulsory and the costs of basic education are covered by the state. Everyone has the right to primary, vocational and higher education in public schools (Zambakhidze, 2000).

The Constitution of Georgia is followed by legal regulations, international conventions and agreements on children's rights. The first international document on children's rights is the "Declaration of the Rights of the Child". Adopted by the League of Nations in Geneva in 1924. In 1948, the Declaration was by the United Nations General Assembly, including children. On November 20, 1959, a new, broader Declaration was adopted by the United Nations General Assembly, including 10 fundamental principles of child defense and welfare (Patariaia, 2011).

The Universal Declaration of Human Rights, adopted by the United Nations on December 10, 1948, is an international document known as the World Constitution. Articles 25 and 26 of the Declaration (like Article 2 of the Constitution of Georgia) are related to children's rights. Article 26 recognizes and accepts that primary and general education is free (Patariaia, 2011).

The Universal Declaration of Human Rights is a ratification of the Convention on the Rights of the Child. The protection of children's rights and well-being is also a priority objective of UNICEF's UN International Children's Fund. Its activities are defined in the Children's Declaration.

The Convention on the Rights of the Child (United Nations Children's Fund, UNICEF) was adopted by the United Nations Organization on 20 November 1989. On September 2, 1990, after being signed by more than 20 countries, the Convention entered into force and was accepted by nearly all countries of the world. The Convention consists of 54 articles. The first 42 articles consist of the basic principles of the rights of the child, the responsibilities of the state and the responsibilities related to child upbringing. The Convention includes not only political and civil rights but also social and economic rights.

UNICEF's branch in Georgia was opened in Tbilisi in 1993 with the aim of finding help for people. Georgia joined this convention on April 21, 1994. Accordingly, the country became responsible for the articles of this convention (<http://www.matsne.gov.ge>).

In 2006-2010, significant steps were taken to defend the rights of children and women living in Georgia through cooperation with UNICEF. UNICEF also cooperates with the Ministry of Education. Important steps have also been taken in the field of education for children with disabilities in Georgia.

Moreover, 1995 is considered as an important date in the development of children's rights. On this date, the Eurocommission (European Union) representative office opened in Tbilisi, working on the defense of children's rights in Europe and outside Europe. <http://www.nplg.gov.ge/gwdict/index.php?a=term&d=5&t=436>).

Following the Constitution of Georgia and International Conventions are the Laws of the Georgian Bodies. A total of 17 laws on children's rights are included in these laws. The most important of these laws are as follows:

- Law on Citizenship and Child Adoption (June 22, 1999)
- Law on Advertising
- Civil Code of Georgia (June 26, 1997)
- Law on State Support for Education, Children and Youth Connections (June 22, 1999)
- Law on Health and Labor (June 28, 1973)

etc. as laws (<https://kanonebi.wordpress.com>).

Today, the objective of the program of the United Nations Children's Fund in Georgia for 2016-2020 is to support the realization and acceleration of children's rights. Priorities of the United Nations Children's Programme 2016-2020:

- Saving children,
- Development,
- Social protection,
- Participation and monitoring of children's rights (<https://www.unicef.org/georgia/>).

2. FUNDAMENTAL, ECONOMIC, SOCIAL AND CULTURAL RIGHTS OF CHILDREN

In this part of the study, the fundamental, economic, social and cultural rights of children in the European Union, Turkey and Georgia are discussed.

2.1. Fundamental, Economic, Social and Cultural Rights of Children in the European Union

The EU has no general sanctions in the area of fundamental rights, including children's rights. However, under the Treaty on European Union, the EU has an obligation to respect fundamental rights in every step it takes within its competence. This obligation implies not only a general duty to address conduct that violates rights, but also the need to take them into account wherever relevant in the implementation of its policies under the various legal foundations of the treaties

At the Amsterdam Summit, where EU heads of state and government came together in 1997, it was decided that "the Union shall respect fundamental freedoms within the framework guaranteed by the Rome European Convention for the Protection of Human Rights and Freedoms of November 4, 1950 and as deriving from the democratic traditions of the Member States and the traditions of Community law". Moreover, compliance with the European Convention on Human Rights became a written condition for full membership as a result of the Treaty of Amsterdam signed at this summit (Karlık, 2014).

The 1999 Cologne Summit resolution and the EU Charter of Fundamental Rights, which was ratified by the Nice Treaty in 2001, enabled the European Union to have its own catalog of fundamental rights apart from the ECHR (Arman2004). The Charter is the first time in the process of EU integration that the personal, political, economic and social rights of European citizens and persons residing in Europe have been collected in a single text and can be said as a political declaration that does not change the founding treaties (Taşdemir and Bağbaşlıoğlu, 2007).

The Charter of Fundamental Rights consists of Human dignity, freedoms, equality, solidarity, EU citizenship, justice and general provisions. It covers 54 articles in total and is also the most modern declaration of fundamental rights in the world. Article 24 of the Charter includes the Rights of the Child and states as follows:

- Children have the right to the protection and care necessary for their well-being. They can express their views freely.
- In all actions taken by public or private authorities in relation to children, priority should be given to protecting the best interests of the child.
- Every child has the right to regular personal contact and direct contact with both of his or her parents, except where this is contrary to his or her interests.

Although the rights set out in the Charter are not new rights that have not existed until today, these rights were accepted as general and written principles of EU law by the Treaty and became binding with the Lisbon Treaty (Arsava, 2003; Kaygısız, 2012).

One of the most debated issues in the preparatory work for the Charter of Fundamental Rights is the issue of economic and social rights. During the drafting process of the Charter of Fundamental

Rights, the argument that the EU does not have the competence to take positive action for the realization of social rights was put forward to prevent the acceptance of social rights general. Opponents of the inclusion of social rights in the Charter put forward basically two tools:

- Social rights are not "real rights", but rather program provisions and often remain unfulfilled promises, leading to citizen dissatisfaction.
- Financial resources are needed for the realization of social rights. As a result, financial resources exceed the sphere of political activity and in practice the courts are forced to decide on economic problems (Engels, 2000).

In contrast, the Convention has taken the view that these instruments are false and have already been debunked. Economic and social rights encompass three obligations that the state must fulfill. These are the obligation to respect, protect and fulfill.

Article 10, paragraph 3 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) on the economic and social rights of children states that "Special measures of protection and assistance shall be taken for the benefit of all children and young persons, without distinction of any kind on account of parentage or other circumstances. Children and young people should be protected from economic and social exploitation" (Worthington, 2006). In addition, in this convention (ICESCR), the right to health, the right to live in a healthy environment and the right to social security, which are among the social rights of the child, and in the context of the cultural rights of the child, the child's right to education, the child's right to information and the child's right to protection from harmful publications are also found and accepted in the EU Charter of Fundamental Rights.

According to UNICEF's report, the situation of children in the EU is as follows: A pivotal year for children in the EU (UNICEF, 2024): A new report and four policy briefs from UNICEF uncovers the prevalence of challenges faced by children living in countries across the European Union (EU), including rising poverty, deteriorating mental health, online sexual abuse, and exposure to pollution.

2024 is of tremendous importance for the children in the EU and the fulfillment of their rights. The EU, under the close watch of a newly elected Parliament, will be embarking on a new five-year Strategic Agenda to be implemented by a new College of Commissioners.

While the EU is one of the most prosperous regions in the world, the rights of far too many children within its borders are under threat or even denied. Here are some key facts from the report (UNICEF, 2024): Child poverty: Almost 1 in 4 children within the EU are at risk of poverty and social exclusion - a staggering 20 million children across 27 EU member states. Although from 2015-19 the number of children at risk of poverty or social exclusion in the EU fell from 22.2 million to 19.1 million, since 2019, the number has increased by almost one million to 20.7 million in 2022.

Mental health: It is estimated that over 11 million children and young people aged 19 and younger (13 per cent) in the EU suffer from a mental health condition. The rates increase with age from around 2 per cent of children under the age of 5 to around 19 per cent of young people aged 15 to 19. Suicide is the second most common cause of death (after traffic accidents) among young people aged 15 to 19 in the EU, accounting for approximately one in six of deaths.

The environment: Children are more vulnerable to environmental harms which can impact both their cognitive and body development. The report highlights that, in 2019, 472 deaths of children and young people under 20 were caused by air pollution. It is estimated that still almost one in 20 children in the EU are exposed to high levels of pesticide pollution, amounting to over 380,000 children.

Digital Technologies: While digital technologies can be beneficial to a child's education and development, children must be protected from online risks and harm. The report has found that in 2021 around 1/3 of children aged 10 years old living in the EU could not tell if a website was trustworthy. Moreover, a lack of access to the internet and computers at home can also put children at a disadvantage. In 2018, around 1 in 20 children (5 per cent) aged 15 living in the most disadvantaged households lacked access to the internet at home, compared to less than 1 per cent in the most advantaged households.

2.2. Fundamental, Economic, Social and Cultural Rights of Children in Turkey

In Turkey, the fundamental, economic, social and cultural rights of children are protected at the constitutional level, and international agreements have also agreed on the protection of children's rights. According to the 1982 Constitution, "Everyone has the right to life and the right to develop his/her material and spiritual existence" (Article 17). According to this article of the Constitution, it shows that the material aspect of the person, that is, the body, has the same value as the spiritual aspect of the person and that there is a legal guarantee for its protection.

The second fundamental right is that every child, from birth, has the right to a name, the right to a nationality and, as far as possible, the right to know his or her parents and to be cared for by them (CRC Art. 7). According to the Law on Population Services, "Every Turkish citizen is obliged to apply to the civil registry office at home and to the foreign representative office abroad to register himself/herself in the civil registry and to obtain an identity card" (Art. 11).

As one of the main components of human nature, the right to think and then express one's thoughts is one of the fundamental rights and freedoms of the individual (Doğan, 2001). Regarding this issue, the 1982 Constitution states that every individual has the right to express his/her thoughts freely without discrimination. According to Erdoğan (2011), one of the fundamental rights is that children have the freedom to learn their religion and live their religion as they wish without any age restriction. Freedom of religion and conscience is also included in paragraphs 1, 2 and 3 of Article 24 of the

Constitution. In addition, some of the main rights of children are the protection of privacy and freedom of communication, equal treatment and protection from discrimination, protection of the child against all forms of violence, the child's right to form associations and peaceful assembly in the 1982 Constitution and the CRC (Meray, 2017).

Two important documents that constitute the legal basis of social rights are the "Universal Declaration of Human Rights" and the International Covenant on Economic, Social and Cultural Rights (ICESCR). There is no consensus on the concept of social rights; sometimes it is used in the sense of "social and economic rights" and sometimes it is used in the same sense as "economic, social and cultural rights". Many international documents, especially the Universal Declaration of Human Rights, emphasize "the highest standard of health" and "a life worthy of human dignity". Article 4 of the CRC states that "With regard to economic, social and cultural rights, States Parties shall, to the fullest extent of their available resources, take such measures as may be necessary within the framework of international cooperation". In this case, among social rights in Turkey, the child's right to health, the right to live in a healthy environment, the right to social security and the right to play, and among cultural rights, the child's cultural rights such as the right to life, development, protection and participation are included in many regulations. Cultural rights in these regulations are protected by regulations such as laws, provisions, conventions and declarations, which are mostly related to education and enable the child to acquire knowledge (Meray, 2017). In Turkey, Articles 56 and 58 of the 1982 Constitution include the right to health, health services and protection of the environment;

- "Everyone has the right to live in a healthy and balanced environment. It is the duty of the state and citizens to improve the environment, protect environmental health and prevent environmental pollution."
- "The State takes necessary measures to protect young people from alcohol abuse, drugs, and similar bad habits...."

Thus, the right to environment is included in Turkish positive law both as a human right and as a normative provision (Fendoğlu, 2014). However, it is stated that 3000 children and young people start smoking every day in Turkey and the age of initiation is as low as 11 (Özer, 2003).

In addition, one of the important developments in Turkey to protect the health of the child is the granting of one and a half hours of breastfeeding leave to female employees for their children under one year of age every day by the Civil Servants Law No. 657 (Art. 104) and Labor Law No. 4857 (Art. 75). In addition, the leave of the working mother has been increased for the healthy development of the child both physically and psychologically, and this issue is still up to date and proposals for improvement are still being discussed in the Grand National Assembly of Turkey. According to Akyüz (2020), there has been a significant decrease in the infant mortality rate in Turkey in recent years, and one of the leading

reasons for this is the education level of the mother. However, as a result of the research conducted in Turkey on playgrounds among social rights, it has been determined that the existing playgrounds are inadequate (design, elements, etc.) and unsafe by the users.

In Turkey, the right to education is specifically regulated in the 1982 Constitution (Art. 42) and the National Education Basic Law (METK). Article 42 of the Constitution regulates education as a right for everyone, while the National Education Basic Law sets out the basic aims and principles regarding the implementation of the right to education (Doğan, 2004).

According to the Constitution, the relevant regulations are as follows (Akyüz, 2020): No one shall be deprived of the right to education and learning.

- Primary education shall be compulsory for all citizens, male and female, and shall be free of charge in public schools.

- The principles governing private primary and secondary schools shall be regulated by law in accordance with the level to be attained by public schools.

- The State shall provide scholarships and other means of assistance to successful students who lack financial means in order to enable them to continue their education. The State shall take measures to make those in need of special education useful to society.

Compulsory education in Turkey today consists of 4+4+4 years of primary, middle and high school education. The fact that education is compulsory for all citizens, male and female, means that the right to education applies to both genders and is in line with the principle of equality. In this case, the state provides the necessary assistance through scholarships and other means for children to continue their education and training, which is one of their most basic needs. Because the fact that education is compulsory naturally requires it to be free of charge. In this sense, the necessary assistance is mostly granted to successful students, whereas it is very difficult for a child with a poor financial situation to be successful in school and in the *boarding school and scholarship exams* conducted by the state every year. Apart from the lack of financial means, there are still many problems in Turkey in terms of equality of opportunity and opportunity in education (Doğan, 2004).

Today, it cannot be said that there is still no real equality of opportunity in education due to regional differences, rural-urban differences, and educational differences arising from insufficient awareness of families. For this reason, scholarships and similar aids should be provided according to both the success of the students and the inadequacy of the financial situation of the students and the questions listed (Akyüz, 2020).

The situation of children in Turkey can be expressed as follows (TUIK, 2023):

26.5% of Turkey's population consists of children.

Turkey's child population rate was found to be higher than that of European Union member countries.

The province with the highest child population rate was Şanlıurfa.

The rate of households with at least one child in the 0-17 age group in Turkey was 44.3%.

It was seen that 29.4% of the child population in 2022 will be in the 5-9 age group.

The number of babies born alive reached 1 million 79 thousand 842 in 2021.

The most popular baby boy name is Alparslan, while the girl name is Zeynep.

Child dependency rate was 32.3% in 2022.

Net enrollment rate for five-year-old children was 81.6%.

School completion rates increased across education levels.

The rate of children aged 3-17 who brush their teeth at least once a day was 66.5%.

The proportion of children aged 5-17 who had difficulty concentrating was 1.4%.

The proportion of children aged 6-17 who feel under pressure from school lessons was 13.4%.

The proportion of children aged 6-17 who were bullied by other children was 13.8%.

The rate of children aged 13-17 who stated that they felt excluded at school was 6.8%.

The rate of children who stated that they felt happy or moderately happy was 96.7%.

The percentage of children aged 13-17 who stated that they had heard of the Convention on the Rights of the Child was 45.1%.

Official girl child marriages have decreased.

The labor force participation rate among children aged 15-17 was 18.7%.

The number of children whose fathers have passed away has reached 266,532.

The number of children provided with foster care has reached 9,011.

The rate of children whose custody was given to the mother as a result of divorce cases was 75.7%.

Children died mostly from external injuries and poisoning.

Infant mortality rate was 9.2 per thousand.

2.3. Fundamental, Economic, Social and Cultural Rights of Children in Georgia

Georgia has ratified the International Convention of 1966. The 1966 International Convention on the protection of the rights of the child contains important provisions on the fundamental, economic, social and cultural rights of the child. These include;

- Every child has the right to life and development, regardless of race, color, sex, language, religion, national or social origin, property or place of birth;
- Every child has the right to his or her name and nationality;
- The child should be registered immediately after birth;
- A child born to an unmarried person must be protected by society and the state;
- Children and young people must be protected from economic and social exploitation;
- Every child has the right to education;
- Child labor and its use in areas that may harm a child's development in terms of health or life-threatening hazards are punishable by law (UNICEF, 2000).

Following the 1966 International Convention on Human Rights, the European Social Charter protects the economic and social rights of citizens. The European Social Charter was adopted by the Council of Europe in 1961 and three new regulations were added in 1988, 1991 and 1995. The Charter and the 1988 Protocol guarantee all rights, which fall into two categories. These are;

- Working conditions include prohibition of forced labor, unemployment discrimination, trade union rights, prohibition of child labor up to 15 years of age and 15-18 years of workers' rights, equality of migrant workers, etc.
- Health, social care, medical care, social rights of the elderly and children (www.solidarnost.org.pl).

The amended version of the European Social Charter was adopted in 1996 and entered into force on July 1, 1999. This new instrument incorporates the 1988 Protocol and the 1961 Charter, which provides for the following:

- The equality of every human being;
- The State is obliged to create economic and social conditions for employment;
- Protection of workers' and children's dignity in the workplace;
- Every child has the right to fair wages and paid leave. They have the right to rational working hours and the right to work in a safe place that protects the physical and mental health of the individual;

- The state is obliged to protect children from poverty and social alienation;
- Every child has the right to healthy living conditions;
- It is imperative that the rights of every child are non-discriminatory.

The Charter has a control mechanism based on reports submitted to States Parties (1991 Protocol) and the Collective Complaints System (1995 Protocol), which allows trade unions and non-governmental organizations to lodge collective complaints. The revised version of the European Social Charter strengthens the child and youth service guarantees in relation to the guarantees contained in the 1961 Charter. According to Article 7 (1); "In order to ensure the effective protection of the rights of children and young people, Parties should undertake to recognize a minimum of 15 years to start work. Exceptions may be allowed only in the case of light work that is not harmful to the child's health, morals and education" (Pascual, 2000).

In addition, the Labour Standards Organization, the main organization established by the International Labour Organization (WTO), has long been linked to the abolition of child labour and to this end has adopted recommendations and conventions. Two of these relate to child labor in general.

- The International Labour Organization convention on the most severe forms of child labour entered into force in 2000. Early attempts to eradicate child labor failed and the overall situation for working children is still worse. Thus, the international community decided on the principle of "step by step" to completely eradicate the most difficult forms of child labor. In November 2001, 108 countries ratified this Convention.
- The International Labor Organization Convention for the Adoption of a Minimum Age (1997) is another example. Article 1 states that "all members undertake to adopt national policies for effective child repayment and to raise the minimum working age to the level corresponding to the full physical and mental development of young people" ([www.un.org/esa/socdev/youthemployment /index.html](http://www.un.org/esa/socdev/youthemployment/index.html), 2019).

Education in Georgia is free of charge and compulsory from the age of 5-6 until 17-18 years. In 1996, the gross primary enrollment rate was 88.2 percent, and the net primary enrollment rate was 87 percent; 48.8 percent are girls and 51.8 percent are boys. The constitution mandates that education is free. Related expenses that include textbooks and laptops are provided by the state free of charge; in 2001, there were 47,837 children not attending primary school (Wikipedia, 2024).

The Human Rights Measurement Initiative (HRMI) finds that Georgia is fulfilling only 94.3% of what it should be fulfilling for the right to education based on the country's level of income. HRMI breaks down the right to education by looking at the rights to both primary education and secondary education. While taking into consideration Georgia's income level, the nation is achieving 90.7% of what should be possible based on its resources (income) for primary education and 97.8% for secondary

education (Wikipedia, 2024). Georgia is a country that attaches importance to education and follows a learning process that is mostly supported by the state sector. In order to attract more students' attention to education, the Ministry of Education sets rewards. For example, middle school graduates who achieve a 100% grade performance are given a computer as a gift, and students who finish high school in the same way are presented with a gold medal. According to its economy, geography, politics and demographics, Georgia is one of the most successful countries in terms of education (Veliyeva, 2017).

According to July data of the Georgian Social Services Agency, 452,753 citizens and 126,431 families receive social assistance in the country. Of these, 154,888 are children, i.e. 34.2% of social assistance recipients are minors (Georgian News, 2024, August 13).

Legislation is in place to prevent child marriage in Georgia. Georgia became a party to the Convention on the Rights of the Child in 1994, which sets the minimum age for marriage at 18, and states require age for free and full consent to marriage. Child marriage at 18 years of age is around 14% (Girls not Brides, 2024).

In Georgia, there was a problem of surrogacy in the context of children's rights. In June 2023, a draft law was introduced to ban commercial surrogacy in Georgia and to allow the practice only on altruistic grounds, meaning no money can change hands. Crucially, no foreigners will be allowed to rent the wombs of Georgian women; hiring a surrogate will be legal only for Georgian nationals, who make up less than 5% of current prospective parents. Former Prime Minister Irakli Garibashvili said this would protect surrogate mothers from exploitation and prevent child trafficking, amid concern in government about the difficulty tracking where surrogate babies end up (Allen, 2024).

Despite the above-mentioned provisions, the current situation in Georgia reveals that children's rights are often violated. In the eyes of the Georgian Media Center, the child is recognized only after being subjected to violence or abuse.

Moreover, the difficult social situation in the country has increased the number of children at risk (street children) and their number is still not decreasing. The biggest problems for street children are drugs, theft, prostitution and begging. These children are at risk of entering the criminal world, so the issue of child upbringing should be addressed with more consideration. Most of the children on the streets are not orphans, but are often working due to poverty. Due to the difficult social situation in the country, children who have to work all the time are deprived of regular and have serious pedagogical and personal problems.

With the help of the UN Children's Fund Unicef, Georgia has embarked on a radical program of child welfare reform, closing all state orphanages and relocating the children housed in them to new homes. The campaign has seen thousands of children reunited with their biological parents or transferred

to foster families or small care homes. While there are problems, some progress is being made (Demytrie, 2014).

Turkey and Georgia cooperate in the field of children's rights. For example, according to a media report, the Turkish Cooperation and Coordination Agency (TIKA) opened a child support center for orphaned children in Batumi. In the inaugurated "Boarding and Day Home for Children" child support center of the Ialkani Association, 150 children receive education and 45 children stay in boarding (TIKA, 2021).

Another agreement is the Social Security Agreement between the Government of the Republic of Turkey and the Government of Georgia. On the determination of family benefits (Article 20);

(1) Entitlement to benefits for family members shall be determined in accordance with the legislation of the country in which the person is insured, including children living in the other Party. (2) Where entitlement to benefits for children is acquired under the legislation of both Parties, the legislation of the country of residence of the children shall apply.

Conclusion

In recent years, it is observed that the issues of children and children's rights have gained more and more attention both at national and international level. In this study, concepts such as child, childhood and children's rights are first explained and the issue of children's rights is analyzed in terms of the European Union, Turkey and Georgia. The historical process of children's rights in these countries is discussed comparatively in terms of fundamental, economic, social and cultural rights. According to the results of the study;

The European Union countries, Turkey and Georgia are rich and adequate in terms of national and international legislation on children's rights. European Union countries, Turkey and Georgia cooperate with many international institutions and organizations in the field of children's rights, especially with the UN Children's Fund UNICEF

It can be stated that European Union countries have made significant progress on children's rights. However, there are gaps in the areas of child poverty, mental health, environment and digital technologies. UNICEF's recommendations to the EU in 2024: Safeguard and strengthen recent progress made on children's rights. It's vital that its institutions and decision makers ensure children stay high on the political agenda 2024-29.

Measures to promote children's rights must be included in current and future EU funding opportunities and instruments supporting the triple transition (digital, green and social).

Strengthen governance for children. The impact on child rights and future generations should be systematically considered in all future EU policy making and legislation. This should also include their meaningful and inclusive participation (UNICEF, 2024).

There have been significant developments in Turkey in terms of children's rights. The decrease in infant mortality, the increase in net school enrollment rates, and the decrease in official girl child marriages are important developments. However, there are problems such as deficiencies in access to education, obstacles in accessing equal opportunities, children who are bullied by peers, students under school pressure, children who feel excluded, children who work, children who are dragged into crime, children who are subjected to violence, external injuries and deaths, harmony in children of divorced families, lack of playgrounds, lack of development of the foster family system. State policies have been established to solve these problems. Within the framework of this policy, it is important that the government, municipalities and civil society organizations work in cooperation.

Legislative arrangements and studies are being carried out in the field of children's rights in Georgia. The rates regarding the exercise of the right to education are positive and deficiencies should be eliminated. Children's access to social assistance is positive and should be improved. Prevention of child marriages is a positive development. Taking legal measures on surrogate motherhood can be considered positive. There were positive developments in foster care, care of orphaned children and returning them to their families. The opening of a child support center for orphaned children within the framework of cooperation with Turkey and the right to benefit payments for children are also important.

Along with these important developments, the current situation in Georgia reveals that children's rights are often violated and children are only recognized after they have been subjected to violence or abuse. The problem of street children is growing day by day, street children are at risk and the problem is waiting for a solution.

Apart from the problems revealed in the research, another problem is the lack of scientific studies on children's rights in Georgia. It can be suggested to increase scientific studies on this subject.

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