



# Convention on the Rights of the Child

Distr.: General  
15 June 2012  
Original: English

**ADVANCE UNEDITED  
VERSION**

---

## Committee on the Rights of the Child

### Sixtieth session

29 May – 15 June 2012

## Consideration of reports submitted by States parties under article 44 of the Convention

### Concluding observations: Turkey

1. The Committee considered the combined second and third periodic report of Turkey (CRC/C/TUR/2-3) at its 1704th and 1705th meetings (see CRC/C/SR.1704 and CRC/C/SR.1705) held on 1 June 2012, and adopted, at its 1725th meeting, held on 15 June 2012, the following concluding observations.

#### I. Introduction

2. The Committee welcomes the submission of the combined second and third periodic report, albeit delayed, as well as the written replies to its list of issues (CRC/C/TUR/Q/2-3/Add.1) which allowed for a better understanding of the situation in the State party. The Committee expresses appreciation for the frank, open and constructive dialogue held with the high-level and multi-sectoral delegation of the State party, headed by the Minister of Family and Social Policies.

#### II. Follow-up measures undertaken and progress achieved by the State party

3. The Committee welcomes as positive the comprehensive human rights reform process undertaken by the State party, including numerous constitutional amendments and legislative reform packages, in particular the adoption of the following legislative measures:

- (a) Amendments to the Counter-terrorism Law (2010), providing for children to stand trial in juvenile courts and softening penalties for children under the age of 18;
- (b) Law on Child Protection (2005);
- (c) Legal Amendments concerning the Persons with Disabilities (2005), on education, rehabilitation, care and social security of children with disabilities;
- (d) Turkish Penal Code (2004), increasing the minimum age of criminal responsibility from 11 to 12;

- (e) Amendments to Article 90 of the Constitution (2004), introducing a provision that international agreements prevail over national law;
  - (f) Turkish Civil Code (2001), which came into force following the Committee's previous concluding observations.
4. The Committee also notes with appreciation the ratification or accession to:
- (a) Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, in 2004;
  - (b) Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, in 2004;
  - (c) Convention on the Rights of Persons with Disabilities, in 2009;
  - (d) Optional Protocol to the International Covenant on Civil and Political Rights, in 2006;
  - (e) Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, in 2006;
  - (f) International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, in 2004;
  - (g) International Covenant on Economic, Social and Cultural Rights, in 2003;
  - (h) International Covenant on Civil and Political Rights (ICCPR), in 2003;
  - (i) Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, in 2002;
  - (j) International Convention on the Elimination of All Forms of Racial Discrimination, in 2002;
  - (k) European Social Charter (revised), in 2007;
  - (l) Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, in 2007;
5. The Committee also welcomes and commends the adoption of policies and programmes that promote the rights and wellbeing of children, including:
- (a) National Child Rights Strategy (2012-2016);
  - (b) National Action Plan on Gender Equality (2007-2013);
  - (c) Disability Action Plan (2006-2015);
  - (d) Strategy and Action Plan for Preventing and Reducing Violence in Educational Establishments (2006);
  - (e) Action Programme on Child Labour (2004-2006);
  - (f) National Action Plan on Combating Trafficking (2003), Second National Action Plan to Combat Trafficking (2009);

### III. Main areas of concern and recommendations

#### A. General measures of implementation (arts. 4, 42 and 44, para. 6, of the Convention)

##### The Committee's previous recommendations

6. The Committee welcomes efforts by the State party to implement the Committee's concluding observations on the State party's first periodic report (CRC/C/15/Add.152, 2001). Nevertheless, the Committee notes with regret that several of these concluding observations have not been significantly addressed. The Committee also regrets the lack of information on implementation of its concluding observations on the State party's initial report under the Optional Protocol on the involvement of children in armed conflict (CRC/C/OPAC/TUR/CO/1) and on its initial report under the Optional Protocol on sale of children, child prostitution and child pornography (CRC/C/OPSC/TUR/CO/1).

7. **The Committee urges the State party to take all necessary measures to address those recommendations from the concluding observations of the initial report that have not yet been implemented or sufficiently implemented, including on such issues as the reservations to the Convention on the Rights of the Child, coordination, independent and effective monitoring mechanism, data collection, honour killings, prohibition of discrimination against children belonging to minorities not recognized under the Treaty of Lausanne of 1923, disparities affecting children living in Eastern and South-Eastern regions and in rural areas, especially with regard to their access to adequate health and education, corporal punishment, and administration of juvenile justice, including long detention periods and poor conditions in some prisons. The Committee urges the State party to provide in its next periodic report information on the measures taken to implement its concluding observations under the Optional Protocols, and to provide adequate follow-up to the recommendations contained in the present concluding observations on the combined second and third periodic report.**

##### Reservations

8. The Committee reiterates its concern about the reservations to articles 17, 29 and 30 of the Convention. It also notes that, in some cases, in particular in the fields of education, freedom of expression and the right to enjoy their own culture and use their own language, these reservations may have a negative impact on children belonging to ethnic groups which are not recognized as minorities under the Turkish Constitution and the Treaty of Lausanne of 1923, in particular children of Kurdish origin.

9. **The Committee encourages the State party to consider withdrawing its reservations to articles 17, 29 and 30 of the Convention in order to provide better protection and opportunities to all groups of children, in particular children of Kurdish origin, who are not recognized as a minority under the Turkish Constitution and the Treaty of Lausanne of 1923.**

##### Legislation

10. The Committee welcomes the extensive human rights reforms undertaken since its last report to the Committee and notes significant improvement in legislation related to the rights of the child. However, the Committee is concerned at the weak enforcement of such legislation, in particular, to the amendments to the Counter-terrorism Law of 2010. The Committee is also concerned about the limited human, technical and financial resources to implement certain provisions of the legislation, such as establishment of child courts, child prosecutors and social workers in its juvenile justice system. Furthermore, the Committee

regrets that, although according to the Constitution norms of international agreements prevail over national legislation, it lacks information on whether there have been instances when the Convention was directly invoked in local courts.

**11. The Committee recommends that the State party undertake a comprehensive review of the implementation of its new legislation on children's rights, in particular the implementation of its amendments to the Counter-terrorism Law of 2010 and allocate necessary human, technical and financial resources to ensure the availability and efficient functioning of institutions required by such legislation.**

#### **Coordination**

12. The Committee notes the recent establishment of a Monitoring and Assessment Board for the Rights of the Child designated to coordinate implementation and monitoring of the Convention. The Committee is concerned that until now coordination between the different government ministries, departments and institutions dealing with children's rights have been insufficient at national, regional and local levels. The Committee is also concerned about the lack of information on coordination between government agencies and the private sector and civil society.

**13. The Committee recommends that the State party ensures that there is a clear structure and strategy for coordination and cooperation between the government institutions at national, regional and local level. The Committee encourages the State party to provide adequate and specific human, technical and financial resources for implementing the Convention to the relevant newly established institutions. The Committee further encourages the State party to provide information on and strengthen its coordination and cooperation with private sector and civil society.**

#### **National Plan of Action**

14. The Committee welcomes the development of a National Child Rights Strategy for 2012-2016, but notes that the State party has yet to adopt a comprehensive rights-based approach to the strategy for the full and effective implementation of the Convention.

**15. The Committee recommends that the State party strengthen the strategy with a rights-based approach to include specific time-bound and measurable goals and targets to effectively implement and monitor progress in the enjoyment of all rights by all children. They should be linked to sectoral, national and municipal strategies and budgets to ensure appropriate allocation of human, technical and financial resources required for its implementation.**

#### **Independent monitoring**

16. The Committee notes the recent adoption by the Turkish Grand National Assembly of the Law on the Establishment of the Ombudsman Agency.

**17. The Committee recommends that the State party expedite the process of establishment of the Ombudsman Agency and ensure that it is in full accordance with the Principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles) and take measures to establish a separate unit within such institution or establish a separate independent institution to ensure comprehensive and systematic monitoring of children's rights. Drawing attention to its General Comment No. 2 on the role of independent human rights institutions in the promotion and protection of the rights of the child (CRC/GC/2002/2), the Committee also calls upon the State party to ensure that the national mechanism be provided with the necessary human, technical and financial resources to ensure its independence and efficacy. In this regard, the Committee**

encourages the State party to continue seeking technical assistance from, inter alia, OHCHR, UNICEF (and UNDP).

#### **Allocation of resources**

18. While noting the information provided by the State party that the Ministry of Finance is planning to adopt a functional budgeting system in the coming two years, so that all spending made on children will be more visible, the Committee is concerned about the information that the State party's public social expenditure remains relatively low.

19. **The Committee urges the State party to:**

(a) **Expedite amending relevant procedures in its budgeting process to implement article 4 of the Convention in order to ensure that funds allocated to the maximum extent of available resources for the implementation of the rights recognized in the Convention, are easily identifiable;**

(b) **clearly state on a yearly basis its priorities with respect to child rights issues and identify the amount and proportion of the budget spent on children, especially on those in situation of marginalization, at the national and local levels in order to make possible an evaluation of the impact of expenditures on children and of their effective utilization and provide such information in its next periodic report;**

(c) **take measures to increase its public social expenditure to the maximum extent;**

**In doing so, the State party should take into account the Committee's recommendations of the Day of General Discussion of 21 September 2007 devoted to "Resources for the rights of the child - responsibility of States".**

#### **Data collection**

20. The Committee welcomes recent improvements in the data collection system of the State party and data provided by the State party in its report and written replies on some areas covered under Convention. However, The Committee remains concerned about the lack of regular data in areas like child poverty and well-being, child labour, children with disabilities, injury and risk behaviour. It also regrets lack of data disaggregated by gender, geographic location, ethnicity and socio-economic background, which would help the monitoring of equal enjoyment of their rights by all children in the State party.

21. **The Committee encourages the State party to set up a comprehensive data collection system to provide with regular and timely data, especially in areas like child poverty and well-being, child labour, children with disabilities, injury and risk behaviour, and to analyze the data collected as a basis for assessing progress achieved in the realization of child rights and designing policies and programmes to implement the Convention. The data should be disaggregated by age, sex, geographic location, ethnicity, and socio-economic background to facilitate analysis on the situation of all children.**

#### **Child rights and the business sector**

22. The Committee is concerned at the potential impact on children's rights of the construction of the Ilisu dam and other dams, especially with regard to the negative effect on children and their families of forced evictions, resettlements, and displacement, and other impact on their cultural heritage and the environment. The Committee shares in that regard the concern expressed by the Committee on Economic, Social and Cultural Rights (E/C.12/TUR/CO/1.). The Committee furthermore regrets the lack of information on the legal and administrative framework required to regulate the activities of companies doing

business in Turkey and of Turkish companies operating abroad to ensure effective responses to prevent violations of child rights, and respect and protect children from such abuses.

23. In light of the Human Rights Council Resolutions of 2008 and 2011 on the report "Protect, Respect and Remedy Framework on Business and Human Rights" and its follow-up, both of which note that the rights of the child be included when exploring the relationship between business and human rights, the Committee recommends that the State party:

(a) Investigate the negative impact on child rights of the Ilisu dam and other dam construction projects, prosecute when appropriate, and in any case ensure remedies are satisfactorily provided to those children and families affected.

(b) Examine and adapt its legislative and administrative framework to ensure the legal accountability of business entities domiciled in Turkey and their related companies operating abroad regarding abuses to human rights, especially child rights, committed in the territory of the State party or overseas and to establish monitoring mechanisms, investigation, and redress of such abuses, with a view towards improved accountability, transparency and prevention of violations;

(c) Ensure that human rights impact assessment, including child rights impact assessment, are conducted prior to the conclusion of trade agreements with a view to ensuring that measures are taken to prevent child rights violations from occurring; and

(d) Take measures to ensure that appropriate remedies, including reparations are pursued in cases of violations of child rights by business.

#### **Dissemination, awareness-raising and training**

24. The Committee notes with appreciation the State party's efforts to raise public awareness on child rights by organizing campaigns and programmes in some areas of the Convention as well as extensive training programs for professionals working with children. Nevertheless, the Committee remains concerned that the Convention is not fully integrated in the school curricula. It also regrets that there are no public discussions of its concluding observations and that the culture of child rights remains very weak.

25. The Committee recommends that the State party continue its efforts to raise awareness of the Convention and its Optional Protocols with relevant professionals in the Government institutions, as well as the general public and children, by, among others, including the Convention and the Optional Protocols in the curricula of primary schools. It also recommends that the State party together with civil society organize public discussions of the Committee's concluding observations and take all necessary measures to sensitize the public on children's rights.

### **B. Definition of the child (art. 1 of the Convention)**

26. The Committee notes that the minimum age for marriage has been established at 17 years for boys and girls, while the marriage at the age of 16 is permitted in special circumstances, if approval of a judge is obtained. The Committee, however, is concerned that the minimum age for marriage may not be observed, particularly in rural and remote areas of the State party.

27. The Committee recommends that the State party consider raising the minimum age of marriage to 18 years and ensure the full compliance with such minimum age throughout the country, including in rural and remote areas.

## **C. General principles (arts. 2, 3, 6 and 12 of the Convention)**

### **Non-discrimination**

28. The Committee reiterates its concern that the principle of non-discrimination is not fully implemented for children belonging to minorities not recognized under the Treaty of Lausanne of 1923, in particular children of Kurdish origin; children with disabilities; girls; refugee and asylum-seeking children; and children living in Eastern and South-Eastern regions and in rural areas, especially with regard to their access to adequate health and education.

29. The Committee reiterates its recommendation that the State party take appropriate measures to prevent and combat discrimination. It also recommends the collection of appropriate disaggregated data to enable monitoring of discrimination against all children, in particular those belonging to the above-mentioned vulnerable groups, with a view to developing comprehensive strategies aimed at ending all forms of discrimination. The Committee further recommends the State party to include information in its next periodic report on measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party in follow-up to the Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, as well as the outcome document adopted at the 2009 Durban Review Conference.

### **Best interests of the child**

30. The Committee welcomes the inclusion in the Law on Child Protection of 2005 and in the Constitutional amendments in 2010 of the principle of the best interests of the child and that court decisions which do not take into account the best interests of the child may be annulled by the Supreme Court. The Committee however regrets that it lacks information on the application of this principle in cases of domestic violence and family disintegration, where the State party seems to take rather punitive measures rather than give support to the family.

31. The Committee recommends that the State party continue and strengthen its efforts to ensure that the principle of the best interests of the child is appropriately integrated and consistently applied in all legislative, administrative and judicial proceedings as well as in all policies, programmes and projects relevant to and with an impact on children. In this regard, the State party is encouraged to develop procedures and criteria to provide guidance for determining the best interests of the child in every area, and to disseminate them to public or private social welfare institutions, courts of law, administrative authorities and legislative bodies. The legal reasoning of all judicial and administrative judgments and decisions should also be based on this principle, specifying the criteria as mentioned. It also recommends that in its next periodic report the State party provide information on application of the principle of the best interest of the child, in particular in cases of domestic violence and family disintegration.

### **Right to life, survival and development**

32. While noting the efforts of the State party in combatting gender based violence, including “honour killings” and suicide under social pressure, the Committee remains concerned that such practice continues and the significant number of victims are women, including girl children. The Committee is also concerned about the insufficient number of shelters to host and protect women and children who are in danger of such practice.

33. In the light of article 2, 3, 6 and 19 of the Convention and in line with the recommendations of the Special Rapporteur on violence against women (A/HRC/4/34/Add.2), the Concluding Observations by the Committee on the Elimination of Discrimination against Women (CEDAW/C/TUR/CO/6) and by the Committee against Torture (CAT/C/TUR/CO/3) the Committee strongly recommends that the State party:

(a) continue its legal reform to ensure more effective deterrents to the practices of gender-based violence, including “honor killings”, and suicide under pressure, among others;

(b) ensure prompt and effective investigations into all allegations of such crimes;

(c) implement effective preventive measures, including educational and awareness-raising measures aimed at law enforcement officials, the judiciary, health-service providers, social workers, community leaders and the general public;

(d) provide sufficient number of shelters to host and protect women and children who are in danger of “honor killings” or suicide under social pressure.

The Committee also recommends the State party to introduce a comprehensive system of data collection and statistics on violence against women, including on domestic violence and honour killings, disaggregated by sex, age, ethnicity and geographical location.

#### **Respect for the views of the child**

34. The Committee notes with appreciation the State party’s efforts to provide for the views of the child to be taken into account by establishing Provincial Children’s Rights Committees, organizing children’s fora and “child friendly cities”, but it remains concerned as to whether the views communicated by children in these fora are genuinely taken into account. The Committee regrets that the overall implementation of this right in the family, in institutions, legal and administrative proceedings, and in the community is insufficient.

35. The Committee calls upon the State party to take into account its general comment No. 12 (2009) on the right of the child to be heard to further strengthen its efforts to realize this right, including in the family, in institutions, in legal and administrative proceedings, and in the community. Furthermore, awareness-raising and educational programmes on the implementation of this right should be reinforced in order to change traditional perceptions of children as objects rather than subjects of rights.

### **D. Civil rights and freedoms (arts. 7, 8, 13-17, 19 and 37 (a) of the Convention)**

#### **Birth registration**

36. The Committee takes note of the significant progress made in improving rates of birth registration in the country. However it remains concerned that there are still a number of children who are not registered or not immediately registered, in particular in rural and disadvantaged areas of the Eastern regions as well as children of mothers without formal education.

37. The Committee recommends that the State party strengthen its efforts in ensuring complete and immediate birth registration, in particular through improving



**registrations systems and providing information and raising awareness in rural areas of the Eastern regions and of mothers without formal education.**

#### **Freedom of association and peaceful assembly**

38. The Committee takes note of the improvements in ensuring freedom of association, primarily through the Law of Association (2004), which allows children over the age of 15 “with the requisite mental maturity” to establish children’s associations with the written permission of their legal guardians, while children over the age of 12 may join children’s associations, with the written permission of their legal guardians. However, the Committee notes with concern that obstacles to children’s freedom of expression, association and peaceful assembly still exist, such as the minimum age of 19 to form an organisational committee for out-doors meetings as well as extensive bureaucratic procedures in establishing associations.

**39. The Committee recommends that the State party continue its efforts to ensure full enjoyment of the freedoms of expression, association and peaceful assembly for children through amending legislation to remove remaining obstacles to these rights, including the minimum age to form an organisational committee for out-door meetings. The Committee further recommends that the State party take all measures to remove other obstacles in procedures and facilitate the process to ensure that children are able to exercise their rights in accordance with the law.**

#### **Access to appropriate information**

40. The Committee takes note of the efforts of the State party to provide library services to children. However, the Committee notes with concern that the State party has put in place extensive restrictions on children’s access to information through the Internet. While the Committee appreciates measures taken by the State party to protect children from the potential harmful effects of information and communication through the Internet, the Committee would like to emphasize that such measures should ensure that the rights of the child to appropriate information is not restricted. The Committee is also concerned that the State party’s reservations under article 17 can hamper production and dissemination of children’s books and serve as an obstacle for children’s access to appropriate information.

**41. While commending the State party for addressing the potential harmful effects of information and communication through the Internet, the Committee encourages the State party to ensure that policies and tools such as filters to block certain information on the Internet does not have a negative effect on the child’s right to seek, receive and impart information and ideas of all kinds through any media of the child’s choice. The Committee also recommends that the State party withdraw its reservation under article 17 and provide for easy access to children’s books.**

#### **Torture or other cruel, inhuman or degrading treatment or punishment**

42. The Committee expresses its deep concern about the reports of ill-treatment and torture against children, especially Kurdish children who have been involved in political assemblies and activities, in prisons, police stations, vehicles and on the streets. It is particularly concerned about the number of allegations on children killed in the South-Eastern and Eastern regions and reported instances of suicides committed by children in detention.

**43. The Committee urges the State party to take immediate measures to ensure that children under its care are not subjected to cruel, inhuman or degrading treatment or punishment through strict adherence to its legislation on juvenile justice taking into account the specific vulnerability of minors suspected of an offence in the light of article 37(a) of the Convention and in line with the recommendations of the**

Committee against Torture (CAT/C/TUR/CO/3) and the Working Group on Arbitrary Detention (A/HRC/4/40/Add.5). The Committee recommends that the State party:

- (a) ensure that detention of children is subject to regular review so as to make certain that no child is subject to any form of ill-treatment after arrest and during detention;
- (b) monitor the situation of children detained and arrested after demonstrations or similar events to ensure that they are immediately placed in age-appropriate facilities and provided with appropriate legal counsel;
- (c) Ensure that perpetrators of cruel, inhuman or degrading treatment or punishment against children are held to account;
- (d) Conduct thorough investigation into cases of killings and suicides of children in general and in particular, in places of detention.

#### **Corporal punishment**

44. The Committee takes note of the amendment to the Civil Code (2002) which removed the parents' "right of correction" as well as amendments to the criminal legislation which prohibit corporal punishment as a sentence for crime and as a disciplinary measure in penal institutions. The Committee however remains concerned that corporal punishment is still not explicitly prohibited in the home and in alternative care settings. The Committee is concerned at reports that corporal punishment is considered acceptable in homes and that corporal punishment has been in some cases used in psychiatric facilities and rehabilitation centres. The Committee notes that while corporal punishment is prohibited in schools, reports indicate prevalence of this practice in addition to a continued perception amongst adults of its educational value which raises grave concern over the interpretation and implementation of the ban of corporal punishment in schools.

45. The Committee reiterates its previous concerns and concluding observations (CRC/C/THA/CO/2, paras. 40 and 41), in line with its General Comment No. 13 (2011) on the right of the child to freedom from all forms of violence and its General Comment No. 8 (2006), on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment in adopting measures to combat all forms of violence against children.

The Committee recommends that the State party:

- (a) eliminate the practice of corporal punishment, including by explicitly prohibiting corporal punishment in the home and in alternative care settings;
- (b) monitor the implementation of the prohibition of corporal punishment in schools, including investigating and taking appropriate action against perpetrators;
- (c) develop measures to raise awareness on the harmful effects of corporal punishment and promote alternative forms of discipline in families.

### **E. Family environment and alternative care (arts. 5, 18 (paras. 1-2), 9-11, 19-21, 25, 27 (para. 4) and 39 of the Convention)**

#### **Children deprived of a family environment**

46. The Committee takes note of the efforts undertaken by the State party in improving conditions of children deprived of parental care, including by adopting the Law on Child Protection (2005) and the continued process of deinstitutionalization. Despite these efforts,

the Committee is concerned at reports of high numbers of children remaining in institutions with inadequate conditions, limited staff capacity, inadequacy of educational support or recreational activities.

**47. The Committee recommends that the State party:**

(a) continue its efforts to improve the conditions for children deprived of parental care, in particular by providing more qualified professionals and effective monitoring of conditions for such children;

(b) consider conducting an impartial evaluation of the child care system and the de-institutionalization process so far, with a view to identifying both good practices and areas where adjustment may be necessary. In this respect, the Committee encourages the State party to seek the cooperation of UNICEF;

(c) take into account the Guidelines for the Alternative Care of Children annexed to the United Nations General Assembly resolution 64/142 of 20 December 2009.

**Violence against children**

48. The Committee takes note of the new Law to protect the family and prevent violence against women of 8 March 2012. However, the Committee remains concerned about the high rates of violence against children and women at home and the lack of data about the incidence of violence and measures taken to prevent it.

**49. The Committee recommends that the State party:**

(a) Take immediate measures to ensure the enforcement of the Law to protect the family and prevent violence against women;

(b) Systematically collect data on the incidence of violence against children and measures taken to prevent such violence;

(c) Prioritize elimination of all forms of violence against children, including by ensuring implementation of the recommendations of the 2006 United Nations study on violence against children (A/61/299),

(d) Provide information concerning the implementation by the State party of the recommendations of the above-mentioned study in its next periodic report, particularly those highlighted by the Special Representative of the Secretary-General on violence against children, namely:

(i) The development in each State of a national comprehensive strategy to prevent and address all forms of violence against children, with due consideration to gender;

(ii) The introduction of an explicit national legal ban on all forms of violence against children in all settings; and

(iii) The consolidation of a national system of data collection, analysis and dissemination, and a research agenda on violence against children.

**F. Basic health and welfare (arts. 6, 18 (para. 3), 23, 24, 26, 27 (paras. 1-3) of the Convention)****Children with disabilities**

50. The Committee welcomes the legal amendments concerning the people with disabilities of 2005 which provides for education, rehabilitation, care and social security services for children with disabilities. Despite the State party's efforts to provide children with access to education, it is concerned that a large number of school age children with disabilities do not enjoy their rights to education and a high percentage of children with disabilities remain in special education programs. Furthermore, the Committee regrets that the State party did not provide sufficient information as to whether support for children with disabilities reaches children everywhere, whether it is adequate and whether the goal of integrating them into the community is sufficiently attained.

**51. The Committee recommends that the State party intensify its efforts to ensure the full enjoyment of the rights of children with disabilities and provide in its next periodic report information on the extent, quality and outcome of services and programs. In light of the Committee's general comment No. 9 (2006) on the rights of children with disabilities, it is also recommended that the State further encourage their inclusion in society and integration into the regular educational system, including by providing special training to teachers and by making schools more accessible.**

**Health and health services**

52. The Committee welcomes the significant progress made by the State party in reducing maternal and infant mortality rates, improvements in immunization coverage and in children's access to treatment by introducing the "green card scheme". However the Committee is concerned about significant disparities in the rates of maternal and infant mortality, malnutrition and stunting as well neonatal care between the Western regions and the socio economically least developed Eastern regions. The Committee also notes that the rate of new-borns who are exclusively breastfed during the first six months could be improved.

**53. The Committee encourages the State party to eradicate regional disparities and address maternal and infant mortality targeting the Eastern regions of the country. It also recommends that the State party continue its efforts to eradicate malnutrition, especially stunting, as well as improve neonatal care with special emphasis on the Eastern regions. The Committee further recommends that the State party continue strengthening its efforts to promote breast-feeding and fully enforce the International Code of Marketing of Breast-milk Substitutes.**

**Adolescent health**

54. The Committee is concerned about the lack of comprehensive adolescent and reproductive health policy in the State party and insufficient knowledge of reproductive health, sexually-transmitted diseases, including HIV/AIDs, and frequent involvement in sexually risky behaviours among young people. The Committee regrets that the State party has provided limited information on sexual and reproductive health, including early pregnancy and sexually transmitted diseases.

**55. The Committee recommends that the State party adopt a comprehensive adolescent and reproductive health policy and take necessary measures to educate children on reproductive health and the measures to prevent STDs and HIV/AIDS. The Committee reiterates its previous recommendation that a multidisciplinary study**

be undertaken to understand the scope of adolescent health problems in the country in order to be able to develop adequate policies and programmes. In this respect, the Committee invites the State to consider its General comment No. 4 on adolescent health and development.

#### **Harmful practices**

56. The Committee notes with concern that, although social norms are gradually changing, the prevalence of arranged early and forced marriages persists among poorer and less educated social groups particularly those living in rural areas and of rural origin, frequently in the South-Eastern and Eastern regions. The Committee is concerned that the practice of bride price seems to bring financial incentives to early and forced marriage and that marriage can be forced upon a child by using non-physical means such as intense psychological and social pressure.

57. The Committee urges the State party to intensify its efforts to combat arranged, early and forced marriage among poorer and less educated groups particularly in rural areas and South-Eastern and Eastern regions. It encourages the State party to increase its efforts to design and implement long-term strategies, as well as education and awareness raising programmes, targeting all levels of society, including rural, community and religious leaders with a view to creating an enabling environment for the elimination of harmful practice.

### **G. Education, leisure and cultural activities (arts, 28, 29 and 31 of the Convention)**

#### **Education, including vocational training and guidance**

58. The Committee welcomes improvements in the education system since the State party's previous report, including an extension of compulsory education, efforts to increase girls' attendance, increases in literacy rates, introduction of pre-school education, and introduction of human rights education. The Committee recognises in particular the positive impact of the Conditional Cash Transfer programme on girl's attendance in school. However, the Committee is concerned about:

- (a) irregular attendance and high rates of drop-out from secondary schools;
- (b) regional disparities in quality of and attendance in secondary school and beyond, whereby net secondary school enrolment rates in rural Eastern provinces are extremely low;
- (c) serious gender inequalities in secondary school, with low enrolment among girls;
- (d) widespread prevalence of violence in schools, ranging from verbal to physical violence;
- (e) hidden costs in education, such as fees for exams, and poor quality of education leading to high rates of attendance in extra paid tutoring classes;
- (f) lack of a monitoring system for access to education of all ethnic groups, including Roma children, and reports of Roma children's limited participation in formal education;
- (g) unavailability of education in languages other than Turkish, except for languages of recognized minorities, presenting educational disadvantages to children of non- recognized minorities whose mother tongue is not Turkish.

59. The Committee recommends that the State party:

- a) Continue strengthening its monitoring of school attendance and drop-out rates;
- b) Strengthen its focus on improving quality of education and attendance in rural and disadvantaged areas of Eastern regions;
- c) Strengthen its focus on the enrolment and completion of girls in all levels of education, monitor and address root-causes for girls non-attendance of schools;
- d) Strengthen its programs on violence in schools, including both strict adherence to the prohibition of corporal punishment as well as fostering a spirit of non-violence amongst children;
- e) Eliminate all hidden or additional fees in the school system to ensure all children are able to take part, enjoy and achieve results in school regardless of financial status;
- f) Put in place a comprehensive monitoring system to assess access to schools for children of ethnic minorities;
- g) Consider means of providing education in languages other than Turkish, particularly in primary school in areas where other languages, in addition to Turkish, are widely spoken.

**H. Special protection measures (arts. 22, 30, 38, 39, 40, 37 (b)-(d), 32-36 of the Convention)**

**Asylum-seeking and refugee children**

60. The Committee notes that the Law No. 5510, enacted in 2008, includes stateless persons and asylum-seekers within the scope of the Social Insurance and Universal Health Insurance Scheme. However, the Committee reiterates its concern at the geographic limitations to the 1951 Refugee convention, under which only asylum-seekers from European countries are granted refugee status thus reducing the protection offered to refugee children from non-European States. The Committee is further concerned at reports on numerous challenges experienced by asylum-seeking and refugee children, including in receiving residence permits which is a requirement for basic assistance such as health and education, detention with adults and lack of interpreters to communicate the situation of concern.

61. The Committee reiterates its previous concluding observations (CRC/C/15/Add.152, para 58) and encourages the State party to consider withdrawing the geographical limitation on the 1951 Convention relating to the Status of Refugees and its 1967 Protocol in order to allow non-European child refugees to be granted refugee status. The Committee recommends that State party conduct an assessment of the challenges experienced by asylum-seeking and refugee children in access to health, education and social services and urgently address such challenges. Also, in accordance with the UNHCR Guidelines on Protection and Care of Refugee Children, it recommends that the State party ensure that every effort is made to identify children who require special support upon their arrival in the State party, and consider providing adequate psychological assistance to them. The Committee encourages the State party to seek technical assistance from the Office of the United Nations High Commissioner for Refugees (UNHCR).

### **Economic exploitation, including child labour**

62. The Committee takes note of the substantial progress made by the State party in developing research, policies, programs and action plan to prevent child labour and eliminate the worst forms of child labour as well as the significant decline in child labour. It, however, notes that while the prevalence of child labour has declined, the remaining large numbers of children still employed, particularly in seasonal agriculture, constitutes a significant challenge to the rights of the child, including the right to education. While noting that the minimum age for employment is 15 years and the recent changes to the law on education have increased the years of compulsory education to 12 years, the Committee is concerned that the minimum age of employment is lower than the age when children will graduate from compulsory education.

63. **The Committee encourages the State party to take all available means to combat child labour and eliminate the worst forms of child labour. The Committee recommends that the State party ensure that children are protected from social and economic exploitation, including by bringing its legislation on minimum age of employment into conformity with the age when children graduate from compulsory education as well as into conformity with the regulation of employment of children in hazardous conditions, in compliance with ILO Convention No. 182 (1999) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. The Committee recommends that the State party seek technical assistance from the International Programme on the Elimination of Child Labour of the International Labour Office (ILO-IPEC) in this regard. The Committee encourages the State party to ratify ILO Convention No. 189 (2011) on decent work for domestic workers.**

### **Children in street situations**

64. The Committee appreciates the establishment of an integrated service model in cooperation with UNICEF, including child and youth centers, to improve the situation of children living and working on the streets. However, the Committee is concerned that there is no updated information on the number of children in such situations and that the measures taken may not be sufficient.

65. **The Committee recommends that the State party:**

(a) **Develop and implement, with the active involvement of the children themselves, a comprehensive policy which should address the root causes, in order to prevent and reduce this phenomenon;**

(b) **Strengthen the service model by training more personnel , developing individualised rehabilitation programmes for reintegrating children into society, and extending the model to other provinces;**

(c) **In coordination with NGOs, provide children in street situations with the necessary protection, including a family environment, adequate health-care services, the possibility to attend school and other social services; and**

(d) **Support family reunification programmes, when that is in the best interests of the child.**

### **Administration of juvenile justice**

66. The Committee commends the State party for its extensive reforms in the area of juvenile justice, including new legislative changes resulting in increasing the age of criminal liability from 11 to 12, requiring that all persons under the age of 18, including those charged under the Counter-terrorism law, be considered by juvenile courts;

introducing reduced sentences for children and special measures for children who are pushed into crime; as well as establishing child prisons, child prosecutors and child police. However, the Committee is concerned at the following:

- a) Insufficient number of professionals working in the juvenile justice system;
- b) Poor quality of legal assistance provided to children under the programme of free legal aid, due to the low compensation for lawyers;
- c) Long duration of trials involving children amounting to large numbers of children in pre-trial detention, compared to children serving sentences;
- d) Unduly heavy penalties against children and lack of alternative measures;
- e) Reports that the amendments to the Law on Counter- Terrorism is not upheld in practice as children detained during demonstrations are initially held together with adults;
- f) Long detention periods and poor conditions in some prisons; and
- g) Allegations of rape and torture against children in the prison of Pozanti.

67. **The Committee recommends that the State party bring the juvenile justice system fully in line with the Convention, in particular articles 37, 39 and 40, and with other relevant standards, including the Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the Rules for the Protection of Juveniles Deprived of their Liberty (the Havana Rules), the Vienna Guidelines for Action on Children in the Criminal Justice System; and the Committee's general comment No. 10 (2007) on the rights of the child in juvenile justice (CRC/C/GC/10). In particular, the Committee urges the State party to:**

- (a) **increase the number of professionals working in the juvenile justice system;**
- (b) **take measures to provide incentives for lawyers in cases involving children;**
- (c) **expedite the investigation process and trial in cases involving children, thus reducing the number of children in pre-trial detention;**
- (d) **take immediate measures to ensure that detention of children is used as a last resort and that alternative measures are applied against children,**
- (e) **ensure the enforcement of the amendments to the Counter-Terrorism Law and ensure that children detained and charged under this law are provided with all basic legal guarantees;**
- (f) **Investigate allegations of rape and ill-treatment of children in detention, especially in the prison of Pozanti,**
- (g) **consider further increasing the minimum age of criminal responsibility and take into account the Committee's General Comment No 10 (2007);**
- (h) **if relevant, make use of the technical assistance tools developed by the United Nations Interagency Panel on Juvenile Justice and its members, including UNODC, UNICEF, OHCHR and NGOs, and seek technical assistance in the area of juvenile justice from members of the Panel;**



### **Follow up on the Optional Protocol on the involvement of children in armed conflict**

68. The Committee notes with appreciation the information in the State party's Written Replies (CRC/CTUR/Q/2-3/Add.1) that a new bill was proposed to amend the Service Law which allowed mobilization of children above 15 years of age in case of emergency changing it to 18 years of age. The Committee however regrets lack of information on the measures taken by the State party to include a provision in the Penal Code to specifically criminalize violations of the provisions of the Optional Protocol on the involvement of children in armed conflict and provide a definition of direct participation in hostilities as recommended by the Committee (CRC/C/OPAC/TUR/CO/1).

69. **The Committee encourages the State party to fully implement its Concluding observations on the initial report under the Optional protocol in 2009. The Committee encourages the State party to include in its next periodic report further information on children in armed conflict, including measures taken by the State party to introduce a provision in the Penal Code that specifically criminalizes violations of the provisions of the Optional Protocol and provide a definition of direct participation in hostilities. The Committee recommends the State party to ratify the Rome Statute on the International Criminal Court as well as Optional protocols I-III of the Geneva Conventions of 12 August 1949**

### **Follow up on the Optional Protocol on the Sale of children, child prostitution and child pornography**

70. The Committee is concerned that information on follow up to the Committee's recommendations in the concluding observations under the Optional Protocol on Sale of Children, Child Prostitution and Child Pornography has not received adequate attention. The State party has yet to establish a plan of action for implementation of the Optional Protocol and to enact legislations to cover all provisions of the Optional Protocol. Furthermore, there is no information on how the State party addresses cybercrime and child pornography.

71. **The Committee reiterates its concluding observations to the initial report under the Optional Protocol on Sale of Children, Child Prostitution and Child Pornography relating to a comprehensive National Plan of Action to address implementation of the Optional Protocol. In addition, the Committee requests information on measures taken to strengthen legislation with regard to the sale of children, child prostitution and child pornography. In this regard, the Committee recommends that the State party provide necessary relevant information in its next periodic report to the Committee.**

## **I. Ratification of international human rights instruments**

72. The Committee recommends that the State party ratify the core United Nations human rights treaties and their Optional Protocols to which it is not yet a party, namely the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, and the International Convention for the Protection of All Persons from Enforced Disappearance.

## **J. Cooperation with regional and international bodies**

### **Council of Europe**

73. The Committee recommends that the State party cooperate with the Council of Europe towards the implementation of the Convention, both in the State party and in other Council of Europe member States.

## **K. Follow-up and dissemination**

74. The Committee recommends that the State party take all appropriate measures to ensure that the present recommendations are fully implemented by, *inter alia*, transmitting them to all relevant actors including the President, the Prime Minister, the Council of Ministers, the Turkish Grand National Assembly, local administrations, provincial and local human rights boards, General Directorate of Child Services, for appropriate consideration and further action.

75. The Committee further recommends that the third and fourth periodic report and written replies by the State party and the related recommendations (concluding observations) be made widely available in the languages used in the country, including (but not exclusively) through the Internet, to the public at large, civil society organizations, media, youth groups, professional groups and children, in order to generate debate and awareness of the Convention and its Optional Protocols and of their implementation and monitoring.

## **L. Next report**

76. The Committee invites the State party to submit its next combined fourth and fifth periodic report by 3 May 2017 and to include in it information on the implementation of the present concluding observations. The Committee draws attention to its harmonized treaty-specific reporting guidelines adopted on 1 October 2010 (CRC/C/58/Rev.2 and Corr. 1) and reminds the State party that future reports should be in compliance with the guidelines and not exceed 60 pages. The Committee urges the State party to submit its report in accordance with the reporting guidelines. In the event a report exceeding the page limitations is submitted, the State party will be asked to review and eventually resubmit the report in accordance with the abovementioned guidelines. The Committee reminds the State party that if it is not in a position to review and resubmit the report, then translation of the report for purposes of examination of the treaty body cannot be guaranteed.

77. The Committee also invites the State party to submit an updated core document in accordance with the requirements of the common core document in the harmonized guidelines on reporting, approved at the fifth inter-committee meeting of the human rights treaty bodies in June 2006 (HRI/MC/2006/3).