



Convention on the Rights of the Child

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Committee on the Rights of the Child

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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 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 Persons with Disabilities (2005), in the area of 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) Amendment to article 90 of the Constitution (2004), introducing a provision whereby 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 of 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 well-being 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 of 2001 on the State party's initial report (CRC/C/15/Add.152). 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 the implementation of its concluding observations of 2009 on the State party's initial report under the Optional Protocol to the Convention, on the involvement of children in armed conflict (CRC/C/OPAC/TUR/CO/1) as well as those of 2006 on its initial report under the Optional Protocol to the Convention, 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 the recommendations in the concluding observations on the initial report that have not yet been implemented fully or sufficiently, including those on such issues as reservations to the Convention on the Rights of the Child, coordination, an 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 the Eastern and Southeastern 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.

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 with regard to education, freedom of expression and the right to enjoy one's own culture and use one's 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 by Turkey 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, the amendments to the Counter-terrorism Law of 2010. The Committee is also concerned about the limited human, technical and financial resources for implementing certain provisions in the legislation, such as the

establishment of child courts, child prosecutors and social workers in its juvenile justice system. Furthermore, the Committee regrets that although the Constitution states that the norms of international agreements prevail over national legislation, no information has been provided as to instances when the Convention has been 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 the necessary human, technical and financial resources to ensure the availability and efficient functioning of institutions provided for in said 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, 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 Government institutions at national, regional and local level. The Committee encourages the State party to provide adequate and specific human, technical and financial resources to the relevant newly established institutions to ensure the implementation of the Convention. The Committee further encourages the State party to strengthen and provide information on its coordination and cooperation with the 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 and adequate allocation of human, technical and financial resources 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 establishing the Ombudsman Agency and ensure that it is in full compliance with the Paris Principles relating to the status of national institutions for the promotion and protection of human rights, as well as 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 (2002) on the role of independent human rights institutions in the promotion and protection of the rights of the child, the Committee also calls on the State party to ensure that the national mechanism is 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, the Office of the United Nations High Commissioner for Human Rights (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 over the coming two years, so that all expenditure 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 take into account the recommendations from its Day of general discussion on "Resources for the rights of the child—Responsibility of States," held on 21 September 2007, and to:**

(a) **Expedite the amendment of the relevant budgeting procedures in order to ensure that readily identifiable funds are allocated to the maximum extent of available resources for the implementation of the rights recognized in the Convention, further to article 4 thereof;**

(b) **Clearly state, on an annual basis, in order to enable an evaluation of the impact and effective utilization of expenditure on children, its priorities with respect to child rights and identify the amount and proportion of the budget spent on children – especially those in situations of marginalization – at the national and local levels; provide such information in its next periodic report;**

(c) **Take measures to increase its public social expenditure to the maximum extent.**

Data collection

20. The Committee welcomes recent improvements in the State party's data collection system as well as the data provided by the State party in its report and written replies in some areas covered by Convention. However, the Committee remains concerned about the lack of regular data in areas such as child poverty and well-being, child labour, children with disabilities, injury and risk behaviour. It also regrets the lack of data disaggregated by gender, geographic location, ethnicity and socio-economic background, which would help to monitor the 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 regular and timely data, especially in areas such as child poverty and well-being, child labour, children with disabilities, injury and risk behaviour and to analyse the data collected as a basis for assessing progress achieved in the realization of child rights and for 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 of 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 and other dams, especially with regard to the negative effect on children and their families of forced evictions, resettlement and displacement, and other impacts on their cultural heritage and the environment. In that regard, the Committee shares the concern expressed by the Committee on Economic, Social and Cultural Rights (E/C.12/TUR/CO/1). The Committee also regrets the lack of information on the legal and

administrative framework for regulating the activities of companies doing business in Turkey and Turkish companies operating abroad to ensure effective responses to respect children's rights, prevent violations of child rights, and protect children from such abuses.

23. **In the light of Human Rights Council resolutions 8/7 (2008) and 17/4 (2011) welcoming and endorsing the Protect, respect and remedy framework on business and human rights and noting that the rights of the child must be considered when exploring the relationship between business and human rights, the Committee recommends that the State party:**

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

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

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

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

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 on some areas of the Convention, as well as by conducting extensive training 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 is 17 years for both boys and girls, and marriage at the age of 16 is permitted in special circumstances, with the approval of a judge. However, the Committee 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 full compliance therewith 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 the Eastern and Southeastern 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 that the State party include in its next periodic report information on measures and programmes relevant to the implementation of 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 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa in 2001, as well as the outcome document adopted at the Durban Review Conference, held in Geneva in 2009.**

Best interests of the child

30. The Committee welcomes the inclusion of the principle of the best interests of the child in the Law on Child Protection of 2005 and in the Constitutional amendments of 2010, as well as the provision 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 the lack of information on the application of this principle in cases of domestic violence and family disintegration, in respect of which the State party seems to take punitive measures, rather than provide support to the family concerned.

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 having 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 judgements and decisions should also be based on this principle, as specified in the guidance criteria. The Committee also requests the State party to provide information in its next periodic report on the 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 State party's efforts in combating gender-based violence, including "honour killings" and social pressure resulting in suicide, the Committee remains concerned that such practices continue and the significant number of victims are women, including girls. The Committee is also concerned about the insufficient number of shelters to host and protect women and children who are in danger of such practices.

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

(a) Further its legal reforms to ensure more effective deterrents to gender-based violence, including “honour killings” and social pressure resulting in suicide, among others;

(b) Ensure prompt and effective investigation into all allegations of such crimes;

(c) Implement effective preventive measures, including educating and raising awareness among law enforcement officials, the judiciary, health-service providers, social workers, community leaders and the general public;

(d) Provide a sufficient number of shelters to host and protect women and children who are in danger of “honour killings” or committing suicide due to social pressure.

The Committee also recommends that the State party introduce a comprehensive system of data collection to obtain statistics on violence against women, including 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.” However, 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 is insufficient in the family, institutions, legal and administrative proceedings and the community.

35. The Committee calls on the State party to take into account its general comment No. 12 (2009) on the right of the child to be heard and to further strengthen its efforts to realize this right, including in the family, institutions, legal and administrative proceedings and 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 birth registration rates 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 who do not have formal education.

37. **The Committee recommends that the State party strengthen its efforts to ensure complete and immediate birth registration, in particular by improving birth registration systems and providing information and raising awareness in rural areas of the Eastern regions and among mothers who do not have 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, and 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 years for forming an organizational committee for outdoor meetings, as well as extensive bureaucratic procedures for establishing an association.

39. **The Committee recommends that the State party continue its efforts to ensure full enjoyment of the freedoms of expression, association and peaceful assembly by children by amending its legislation to remove the remaining obstacles to these rights, including the minimum age for forming an organizational committee for outdoor meetings. The Committee further recommends that the State party take all measures to remove other obstacles in the 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 State party’s efforts 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 on the Internet. While the Committee appreciates the measures taken by the State party to protect children from the potential harmful effects of information and communication via the Internet, it emphasizes that such measures should ensure that the right of the child to appropriate information is not restricted. The Committee is also concerned that the State party’s reservations to article 17 of the Convention can hamper the production and dissemination of children’s books and serve as an obstacle to children’s access to appropriate information.

41. **While commending the State party for addressing the potential harmful effects of information and communication via 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 to article 17 of the Convention and facilitate easy access to children’s books.**

Torture or other cruel, inhuman or degrading treatment or punishment

42. The Committee expresses deep concern about the reports of ill-treatment and torture of 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 of children killed in the Southeastern and Eastern regions and the reported instances of suicide 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 by strictly adhering 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 of the Working Group on Arbitrary Detention (A/HRC/4/40/Add.5). The Committee recommends that the State party:

- (a) Ensure that the detention of children is regularly reviewed so as to make sure that no child is subject to any form of ill-treatment following 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 of children are held to account;
- (d) Conduct thorough investigations into killings of children and suicides, in general, and in particular, in places of detention.

Corporal punishment

44. The Committee takes note of the amendment to the Civil Code (2002) to remove parents' "right to correction of their children," as well as the amendments to the State party's criminal legislation to prohibit corporal punishment as a sentence for a 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 has, in some cases, been used in psychiatric facilities and rehabilitation centres. The Committee notes that while corporal punishment is prohibited in schools, reports indicate prevalence of the practice in addition to a continued perception among adults of its educational value, which raises grave concerns over the interpretation and implementation of the ban on corporal punishment in schools.

45. **The Committee reiterates its concerns, as expressed in previous concluding observations (CRC/C/THA/CO/2, paras. 40 and 41) and in line with its general comments No. 13 (2011) on the right of the child to freedom from all forms of violence and No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, with respect to measures to combat all forms of violence against children, and 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 by 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 to improve the conditions of children deprived of parental care, including by adopting the Law on Child Protection (2005), and the continued process of deinstitutionalization. However, the Committee is concerned at reports of high numbers of children remaining in institutions with inadequate conditions, limited staff capacity, inadequate educational support or recreational activities.

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

(a) **Continue its efforts to improve the conditions of children deprived of parental care, in particular by providing more qualified professionals and effectively monitoring the conditions of 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 good practices and areas where adjustments 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 General Assembly resolution 64/142.**

Violence against children

48. The Committee takes note of the new Law to protect the family and prevent violence against women (8 March 2012). However, the Committee remains concerned about the high rates of violence against children and women in the home, and the lack of data about the incidence of violence as well as about the 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 the measures taken to prevent such violence;**

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

(d) **Provide information concerning its implementation of the recommendations contained in the above-mentioned study in its next periodic report, in particular the following:**

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

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

(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 people with disabilities (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, the Committee 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 programmes. 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 such support is adequate and whether the goal of integrating children with disabilities into the community is sufficiently attained.

51. The Committee recommends that the State party intensify its efforts to ensure that children with disabilities fully enjoy their rights, and provide in its next periodic report information on the extent, quality and outcome of services and programmes for children with disabilities. In the light of its general comment No. 9 (2006) on the rights of children with disabilities, the Committee also recommends that the State party further encourage inclusion and integration of children with disabilities in society and the regular educational system, respectively, 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, improving immunization coverage and children's access to treatment with the introduction of the Green Card scheme. However the Committee is concerned about the 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 breastfeeding rate for newborns 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 breastfeeding and fully enforce the International Code of Marketing of Breast-milk Substitutes.

Adolescent health

54. The Committee is concerned about the lack of a comprehensive adolescent and reproductive health policy in the State party, insufficient knowledge of reproductive health and sexually-transmitted diseases, including HIV/AIDS, and the frequent involvement in risky sexually behaviours among young people. The Committee regrets that the State party has only 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 the necessary measures to educate children on reproductive health and the measures for preventing 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 State party in order to be able to develop adequate policies and programmes. In this respect, the Committee invites the State party to consider its general comment No. 4 (2003) 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 Southeastern and Eastern regions. The Committee is concerned that the practice of “bride price” seems to be fuelled by financial incentives to early and forced marriage, and that marriage can be forced on a child by 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 marriages among poorer and less educated groups particularly in rural areas and in the Southeastern 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 this 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 the improvements in the education system since the State party’s previous report, including the extension of compulsory education, efforts to increase the attendance of girls, the increase in literacy rates, the introduction of preschool education and human rights education. The Committee recognizes in particular the positive impact of the Conditional Cash Transfer programme on the school attendance of girls. However, the Committee is concerned about:

- (a) Irregular attendance and high drop-out rates in 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 extracurricular paid tutorials;
- (f) Lack of a system for monitoring access to education by 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 and languages of recognized minorities, presenting educational disadvantages for 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 the quality of education and school attendance in rural and disadvantaged areas of the Eastern regions;**

(c) **Strengthen its focus on the enrolment of girls and their completion of school at all levels of education, monitor and address the root causes of non-attendance of school by girls;**

(d) **Strengthen its programmes on violence in schools, including strict adherence to the prohibition of corporal punishment and fostering a spirit of non-violence among children;**

(e) **Eliminate all hidden or additional fees in the school system so as to ensure that all children are able to take part in, enjoy and achieve results in school, regardless of financial status;**

(f) **Put in place a comprehensive monitoring system to evaluate access to schools by children of ethnic minorities;**

(g) **Consider means of providing education in languages other than Turkish, particularly in primary schools 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 protection to refugee children from non-European States. The Committee is further concerned at reports about numerous challenges experienced by asylum-seeking and refugee children, including with regard to receiving a residence permit – a requirement for accessing basic assistance, such as health and education, detention with adults and the lack of interpreters to communicate their 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 application of 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 the State party conduct an assessment of the challenges experienced by asylum-seeking and refugee children with regard to accessing health, education and social services, and urgently address such challenges. Also, in accordance with the Guidelines on protection and care of refugee children, issued by the Office of the United Nations High Commissioner for Refugees (UNHCR), the Committee**

recommends that the State party ensure that every effort is made to identify children who require special support on 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 UNHCR.

Economic exploitation, including child labour

62. The Committee takes note of the substantial progress made by the State party in developing research, policies, programmes and action plans to prevent child labour and eliminate the worst forms of child labour, as well as the significant decline in child labour in the State party. It however notes that while the prevalence of child labour has declined, the large number 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 normally complete compulsory education.

63. **The Committee encourages the State party to take all measures to combat child labour and eliminate the worst forms of child labour. It recommends that the State party ensure that children are protected from social and economic exploitation, including by bringing its legislation on the minimum age of employment into conformity with the age when children normally complete compulsory education as well as with the regulation on employment of children in hazardous conditions, in compliance with International Labour Organization (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 ILO's International Programme on the Elimination of Child Labour (IPEC) in this regard. The Committee encourages the State party to ratify ILO Convention No. 189 (2011) concerning 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 centres, 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 to address the root causes, in order to prevent and reduce this phenomenon;**

(b) **Strengthen the service model by training more personnel, developing individualized 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;**

(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 the increase of the age of criminal liability from 11 to 12 years, requiring all persons under the age of 18, including those charged under the Counter-terrorism Law, to be considered in 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 free legal aid programme, due to the low compensation for lawyers;
- (c) Long duration of trials involving children, resulting in large numbers of children in pretrial detention, compared to children serving sentences;
- (d) Unduly heavy penalties against children and lack of alternative measures;
- (e) Reports that amendments to the Counter-terrorism Law 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;
- (g) Allegations of rape and torture of children in the Pozanti prison.

67. **The Committee recommends that the State party bring the juvenile justice system fully in line with the Convention on the Rights of the Child, 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. 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 to work on cases involving children;**
- (c) Expedite the investigation and trial process in cases involving children, so as to reduce the number of children in pretrial detention;**
- (d) Take immediate measures to ensure that the detention of children is used as a last resort and that alternative measures are applied for children;**
- (e) Ensure 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 Pozanti prison;**
- (g) Consider further raising the minimum age of criminal responsibility, taking into account the Committee's general comment No. 10 (2007) on children's rights in juvenile justice;**
- (h) 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/C/TUR/Q/2-3/Add.1) that a new bill has been proposed to amend the Service Law changing the age at which children may be mobilized in case of emergency from 15 to 18 years. The Committee however regrets the 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 in its concluding observations.

69. **The Committee encourages the State party to fully implement its concluding observations on the initial report under the Optional Protocol (CRC/C/OPAC/TUR/CO/1). It requests 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 to provide a definition of direct participation in hostilities. The Committee recommends that the State party ratify the Rome Statute on the International Criminal Court as well as Additional Protocols I to 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 its concluding observations on the State party's initial report under the Optional Protocol on the 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 legislation to cover all the provisions thereof. Furthermore, there is no information on how the State party addresses cybercrime and child pornography.

71. **The Committee reiterates its concluding observations to the State party's initial report under the Optional Protocol on the sale of children, child prostitution and child pornography with regard to a comprehensive national Plan of Action to address the implementation of the Optional Protocol (CRC/C/OPSC/TUR/CO/1). In addition, the Committee requests information on measures taken to strengthen legislation concerning the sale of children, child prostitution and child pornography. In this regard, the Committee requests the State party to provide 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 with regard to the implementation of the Convention both in the State party and in other European Union 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, Prime Minister, Council of Ministers, Turkish Grand National Assembly, local administrations, provincial and local human rights boards, General Directorate for Child Services, for appropriate consideration and further action.

75. The Committee further recommends that the combined second and third periodic report, the written replies submitted by the State party and the related recommendations (concluding observations) adopted by the Committee 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, the media, youth groups, professional groups and children, in order to generate debate and awareness of the Convention and its Optional Protocols and the implementation and monitoring thereof in the State party.

L. Next report

76. The Committee invites the State party to submit its combined fourth and fifth periodic report by 3 May 2017 and to include therein 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 said guidelines. In the event that a report exceeding the page limitations is submitted, the State party will be asked to review and resubmit the report in accordance with the above-mentioned 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 by 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). The treaty-specific report and the common core document together constitute the harmonized reporting obligation under the Convention.